



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 92<sup>d</sup> CONGRESS, FIRST SESSION

## HOUSE OF REPRESENTATIVES—Wednesday, March 17, 1971

The House met at 12 o'clock noon.  
The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Rejoice in the Lord, O ye righteous: for praise is comely for the upright—Psalms 33: 1.*

All praise and thanksgiving to Thee, our Father, for the coming of another day, for this assemblage of Congressmen ready for their work, and for the quiet assurance of Thy quickening presence. Grant unto us Thy gifts of peace and joy and yet a measure of dissatisfaction that we may never be satisfied while injustice exists between men, intolerance between women, and children go hungry, not only for food, but for love.

May we so use Thy gifts to us and so serve the cause of justice, that we may come to the evening hours with a clear conscience. May the spirit of our lives this day be the praise Thou dost deserve and the gratitude Thou art ever seeking: through Jesus Christ our Lord. Amen.

### THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 17. Joint resolution to establish a Joint Committee on the Environment; and  
S. Con. Res. 9. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Investigation Into Electronic Battlefield Program".

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 16, 1971.

The Honorable the SPEAKER,  
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on March 16, 1971, the Clerk received from the Secretary of the Senate today the following messages:

CVXVII—429—Part 6

That the Senate passed without amendment the following:

H.J. Res. 465. Joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes.

H. Con. Res. 97. Concurrent resolution authorizing the printing of a revised edition of the publication entitled "History of the United States House of Representatives", and for other purposes.

That the Senate agreed to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4690) entitled, "An Act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes."

Respectfully yours,

W. PAT JENNINGS, Clerk,  
U.S. House of Representatives.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Tuesday, March 16, 1971, he did on Wednesday, March 17, 1971, sign the following enrolled bill and joint resolution of the House:

H.R. 4690. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes; and

H.J. Res. 465. Joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes.

### A COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

MARCH 11, 1971.

HON. CARL ALBERT,  
The Speaker, The House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the work plans transmitted to you by Executive Communication and referred to this Committee. The work plans involved are:

WATERSHED, STATE, AND EXECUTIVE COMMUNICATIONS NUMBER

Hargis Creek, Kansas, 893, 91st Congress.  
Lovelsock Valley, Nevada, 1049, 91st Congress.

West Upper Maple River, Michigan, 2171, 91st Congress.

Sincerely yours,

W. R. POAGE,  
Chairman.

### OFF-THE-RECORD BRIEFING ON PRISONER-OF-WAR SITUATION, TUESDAY, MARCH 23

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

Mr. MONTGOMERY. Mr. Speaker, I would like to remind my colleagues of the off-the-record briefing on the prisoner-of-war situation that will be held next Tuesday, March 23. The session will last 1 hour beginning at 9 a.m. in room 334 of the Cannon Building and will be for Members only.

Representing the State Department will be Ambassador William H. Sullivan and Mr. Frank Sieverts. The Department of Defense will be represented by Mr. Armistead Selden and Rear Adm. Horace Epes, Jr. Appearing on behalf of the National League of Families will be Mr. Charles Havens. These gentlemen will only make brief remarks and the rest of the time will be for Members to ask questions. The meeting will be very beneficial in providing us the latest information on the POW/MIA situation and hope you will make your plans to attend.

### SST CONTRACTUAL LOOPHOLES MUST BE PLUGGED

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

Mr. BROOKS. Mr. Speaker, the public's investment in the SST will be over \$1 billion. We have committed hundreds of millions to this project and tomorrow will vote on an additional \$290 million.

This is an investment of public moneys, not a subsidy nor a gift to the Boeing Co. and the airlines. The public has been told that if the SST program is successful, all of the Government's \$1.3 billion investment will be returned through royalties.

Mr. Speaker, I have studied the contractual arrangement closely and it is clear that the public's investment will be recouped only if the supersonic transport meets certain specific criteria, such as titanium construction, and designed to cruise at at least mach 2.2. Any other

6807

design will not qualify for the much-publicized royalties.

The airlines and Boeing may ultimately agree to a production aircraft that does not meet these criteria. Obviously, much of the technology resulting from our investment in the SST could be used in the manufacture of a slower aircraft. In my opinion, the public should still be entitled to its share of the partnership.

A detailed statement of my position will appear in the Extensions of Remarks in today's RECORD. It outlines the loopholes through which the public may lose its entire \$1.3 billion.

Although I have up until now supported public participation in the development of the SST, I do not believe we should continue to pump funds into this project until these contractual loopholes are plugged so that this "investment" does not become a gift.

#### PERSONAL ANNOUNCEMENT

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

Mr. KYL. Mr. Speaker, about a month ago I accepted an invitation to speak in Iowa on March 18. It would greatly inconvenience the Iowa group if I altered my schedule. Further, I personally want to fill the engagement because of the important subject of the conference.

I want the record to show that I have been, and am opposed to the supersonic transport program, and that I support the constitutional amendment which will be subject to vote tomorrow.

#### FALSE ISSUES EXPOSED: TIME TO PROCEED ON SST WITH FACTS

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

Mr. PELLY. Mr. Speaker, I commend the Subcommittee on Transportation of the House Appropriations Committee and its chairman, the gentleman from California (Mr. McFALL) for the manner in which hearings on the supersonic transport were conducted. These were open hearings, exhaustively long, but the false issues that had been raised against the SST were finally and completely laid to rest. Now, Mr. Speaker, we can get down to the facts regarding the economics of this program and its necessity to our aviation future.

We are talking now of funds to construct two prototype aircraft, and it is essential to realize that we are speaking only of prototypes. Webster's dictionary defines a prototype as "an original model on which something is patterned." We are not talking about a fleet of 500 SST aircraft to be financed by the Federal Government, only two prototypes on which the production models will be patterned.

It also is important to realize that through March 31, 1971, the U.S. Government will have spent \$864 million in the SST prototype program. For a total of \$478 million, we can complete the program and have two prototypes to show for it. If we cancel the project at this time, it still will cost \$178 million

to get out from under present contracts for a total Government investment of \$1,042 billion. In other words, for only \$300 million more we get the prototypes; cancellation means we get nothing for the money that has been invested.

Mr. Speaker, there are many thousands of American jobs in practically every State, dependent upon what we do here tomorrow on the SST. I intend to vote for the SST on the basis of the facts, for American labor, and because of the absolute importance of the supersonic program to the future of U.S. aviation technology.

#### REPUBLICANS AND BLACK VOTERS

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

Mr. RIEGLE. Mr. Speaker, I take the floor as an elected Republican—to address my Republican colleagues—and Republicans across the country.

It is reported in this morning's Washington Post, and I quote:

Republican National Chairman Bob Dole is urging President Nixon to name a black spokesman with clout enough to make friends for the Administration with black voters across the country.

He was quoted as saying: "We've got to get some of the black vote."

Unfortunately, this story—and these remarks have a patronizing tone—whether intended or not—that can only serve to further alienate black Americans from the Republican Party.

What has to be understood by our party leadership—is that we will only receive black political support in direct proportion to the extent that we genuinely commit ourselves to helping meet the needs—and secure the rights—of all black Americans.

Blacks want performance and honest commitment—not token representation. It is time our party rededicated itself to the human rights philosophies and policies which were the origin of our party when it was formed over 100 years ago. And, I think our party owes that commitment to blacks—and to all Americans.

But, let us not kid ourselves about where things stand today. This administration has—

Consciously pursued a racial policy of "benign neglect."

Pursued an overt southern strategy. Tried to diffuse the Voting Rights Act, Nominated G. Harrold Carswell to the Supreme Court.

Refused to meet with the black Members of Congress for over a year.

Followed priorities that put spending for the war—ABM and SST—ahead of meeting the urgent human needs of our citizens here in America—particularly minority people.

These policies, whether intended or not, are antiblack—and are perceived as such by black citizens all across America.

Chairman DOLE is right in saying that GOP needs black votes if it is going to survive—but we would not get—or deserve—black support until this administration changes its policies.

And, the notion that token black representation in the White House makes

any real difference in winning black support to the GOP is nonsense.

The Republican Party will get black support when it earns it—and that is the way it should be.

#### SOCIAL SECURITY INCREASE NOT SUFFICIENT

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

Mr. YOUNG of Florida. Mr. Speaker, the 10-percent increase in social security benefits passed yesterday by the Congress was a step in the right direction, and I supported it.

Much, however, still remains to be done if we are to assure millions of senior Americans the full benefits they so richly deserve. The 10-percent increase is a mere drop in the bucket compared to the need that must be met. It falls far short of solving the tremendous problems facing our elderly.

They should, for example, be provided automatic increases in benefits, tied to the rising cost of living. In addition, the maximum outside earnings limitation should be raised to at least \$2,400 a year.

Both of these measures deserve our prompt attention.

For too long, our senior citizens have watched their benefits—already at the near-starvation level—being eroded by inflation. They are forced to wait patiently for Congress to act—and the performance unfortunately is too little too late for many.

At election time, candidates for high office woo our seniors for their votes; candidates vie over who can promise them most. Our seniors are caught—they know it takes an act of Congress for them to receive increases which they truly need.

To millions of Americans, their only income is their social security check. It is time to stop playing politics with them.

It is time to get the politics out of social security by guaranteeing that elderly Americans will receive benefit increases automatically as the cost-of-living rises.

#### THE LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, on October 26, 1970, the Legislative Reorganization Act of 1970 became law. In that legislation there is a provision which reads as follows and I quote:

It shall not be in order to consider the report of a committee of conference unless such report and the accompanying statement shall have been printed in the Record, at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such report by the House. Nor shall it be in order to consider any conference report unless copies of the report and accompanying statement are then available on the floor."

There are other parts of that particular provision, but those are the pertinent portions.



Mr. Speaker, yesterday we considered the conference report on the public debt limit and social security legislation. That report was not printed in the RECORD at least 3 calendar days before it was considered. A copy of the report to my best knowledge was not available on the floor of the House at the time.

Also, Mr. Speaker, in the Legislative Reorganization Act passed last year the following language is included and I quote again:

Such a motion, and any motion, rule, or order to dispose of amendments between the two Houses to any House or Senate bill or resolution (other than a motion to request or agree to a conference), shall require for adoption, on demand of any Member, a separate vote on each amendment to be disposed of if, originating in the House, such amendment would be subject to a point of order on a question of germaneness.

Mr. Speaker, the Legislative Reorganization Act also goes on to state:

3. No amendment of the Senate which would be in violation of the provisions of clause 7 of Rule XVI, if such amendment had been offered in the House, shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment.

Mr. Speaker, there was a nongermane amendment.

The SPEAKER. The time of the gentleman has expired.

For what purpose does the gentleman from Iowa rise?

(Mr. GROSS asked and was given permission to address the House for 1 minute.)

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I thank the gentleman from Iowa.

Mr. Speaker, there was a nongermane amendment on the conference report that came back to the House yesterday. We passed a Legislative Reorganization Act in the best of faith. We naturally believed that that legislation should be the rules by which we operate. On the other hand, Mr. Speaker, I fully appreciate that there are national emergencies. Mr. Speaker, I had no forewarning of any such national emergency yesterday, and I regret that as a consequence of the waiving of those two provisions in the Reorganization Act, the conference report was brought to the floor of the House, and the net result was that some 70 Members, 27 on the Republican side and 43 on the Democratic side, were not able to participate in the vote on this important legislation.

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

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

Mr. ARENDS. At this particular time I have no intention of pointing my finger at anyone or of being personally critical. However, let me state that last Thursday I was privileged to ask the majority leader what the legislative program would be for this week. He carefully informed me, after which I sent such notice to the Members on our side of the aisle, just as they did on the majority side.

Particularly noticeable was this statement:

Tuesday: Private Calendar. No bills.

At the bottom of the list there was no such statement that conference reports could be called up at any time. All Members relied on such information and accordingly 70 Members were not in attendance for one reason or another when two rollcalls were taken. Many of our Members have now called me, rather critical of the fact that we had sent this information to them and they were not here.

Accordingly, Mr. Speaker, I want to at this time do something unprecedented, very much unprecedented. I am now going to ask unanimous consent of the House of Representatives to permit any absentee yesterday, in view of the fact that they were misinformed, to cast their vote on the two bills that passed this House yesterday.

The SPEAKER. The Chair will not recognize the gentleman for that purpose.

#### THE LEGISLATIVE PROGRAM

(Mr. PICKLE asked and was given permission to address the House for 1 minute.)

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

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

Mr. BOGGS. I find myself constrained to make a statement with respect to the events on yesterday. I said on the floor of the House last Thursday that there would be no business on Monday or Tuesday of this week, and in response to a direct inquiry from the gentleman from Missouri (Mr. HALL), I specifically said that there would be no voting on Tuesday.

Mr. Speaker, as of 11:45 a.m. yesterday, the majority leader's office and the majority whip's office were advising Democratic Members that there would be no voting yesterday.

Thereupon members of the Ways and Means Committee made certain representations to the Speaker with reference to an alleged immediate emergency situation on this bill, unknown to me. As a matter of fact, I was attending Whitney Young's funeral in New York. Mr. GERALD R. FORD asked me as late as 9 a.m. on yesterday whether or not there would be a vote, and I told him there would not be. Had I any knowledge that there would be a vote, I would have returned to Washington despite my desire to attend that funeral.

I have also examined the record. I am unimpressed with the argument that the debt ceiling could not have waited 24 or 48 hours as is obviously the leader of the administration forces on the floor here, Mr. GERALD R. FORD, I feel constrained to apologize to the Members of this body on both sides of the aisle, both Republicans and Democrats, for the fact that I was unable to live up to the statement that I made here last Thursday.

#### SOCIAL SECURITY AMENDMENTS

(Mr. THOMSON of Wisconsin asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. THOMSON of Wisconsin. Mr. Speaker, conditions prevented me from being present on the floor yesterday after returning from meetings in my district in time to be recorded on H.R. 4690. Had I been present, I would have voted "aye" on the conference report to increase the public debt limit and amending the Social Security Act.

I have long been a supporter of increases in social security. I am gratified that the House has approved this report calling for a 10-percent increase in benefit levels effective January 1, 1971, with no increase in the social security tax until next year. I am pleased that the supplemental funds will be mailed as early as June.

But I am quite disappointed that the conference report did not include two important features that I have advocated for some time; namely, a provision that would automatically increase benefit levels in accordance with the rising cost of living and increases in the amount of outside earnings by recipients from \$1,680 to \$3,000. I am certain that many elderly part-time workers are distressed at this failure to approve at least an increase to \$2,400 which they were led to expect.

I urge my colleagues to support H.R. 1186 which I introduced on January 22, and which would increase to \$3,000 the amount of outside earnings permitted to recipients. I also intend to support an amendment to the social security amendments now part of H.R. 1 which would tie benefit levels to the cost of living. Both these improvements in social security are necessary and desirable.

#### SPECIAL RURAL DEVELOPMENT REVENUE SHARING BILL

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

Mr. MAYNE. Mr. Speaker, revival of communities and farms has been of great concern to me for a long period of time. The rural segment of our economy has been largely stagnant, because of problems that overwhelmed the local resources needed to cope with modern changing conditions.

We have attempted to correct inequities that prevailed between the various segments of our rural and urban economic positions by makeshift legislation. Undoubtedly the laws funding new plans at the Federal level each year accomplished some worthwhile purposes, but generally they proved inadequate.

Now we have received legislation which, if passed, can change the direction for rural America and once again make it into a dynamic leading force for development of all segments of our society.

Turning 180° to place responsibility back upon local people and their lawmakers cannot help but reverse a trend of more than a decade. States have developed ideas, along with many local communities, for improving the lot of their people and thereby holding down on the disastrous trek of too many rural

residents to the cities. But, by and large, they were unable to allot sufficient funds to implement adequate projects.

Under the special rural development revenue sharing bill now before us, we cannot only provide the money to begin meaningful starts toward a stronger America but also generate new enthusiasm for action among those people and communities directly affected. When citizens know their well-being and advancement is in their own hands the spirit of rural America can again rise to new heights.

Admittedly, this bill just offers a start in the direction we should be going, but a beginning has to be made. With passage of the measure into law, the legislatures of our 50 States can initiate actions necessary to take fullest advantage of its programs and funding. Every State will then be in a position to achieve desired ends that will be of greatest benefit to each particular area.

I heartily advocate the speedy handling of the rural development revenue sharing measure so that legislatures now in session may know what they can expect in the way of Federal money and can foster legislation that will get the job done.

#### CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. YATES. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 22]

Anderson, Ill.	Dulski	O'Neill
Annunzio	Edwards, La.	Patten
Ashley	Fascell	Pucinski
Badillo	Foley	Rangel
Baker	Frey	Rees
Belcher	Gallagher	Reid, N.Y.
Blatnik	Gibbons	Robison, N.Y.
Celler	Green, Pa.	Rooney, Pa.
Chappell	Hall	Rostenkowski
Chisholm	Hogan	Rousselot
Clark	Halpern	Ryan
Clawson, Del.	Hanley	Satterfield
Clay	Hansen, Wash.	Scott
Collins, Ill.	Hathaway	Seiberling
Conyers	Hawkins	Slack
Corman	Hicks, Mass.	Stanton
Cotter	Hogan	J. William
Coughlin	Jarman	Stanton
Crane	Landgrebe	James V.
de la Garza	Long, La.	Steele
Dellenback	McCulloch	Stokes
Dellums	Macdonald	Stuckey
Denholm	Mass.	Udall
Dennis	Martin	Watts
Dent	Metcalfe	Wiggins
Diggs	Mink	Wilson
Dowdy	Minshall	Charles H.
Drinan	O'Hara	Yatron

The SPEAKER. On this rollcall 351 Members have answered to their names, a quorum.

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

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House

the following communication from the Clerk of the House of Representatives:

MARCH 16, 1971.

The Honorable the Speaker,  
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4 p.m. on Tuesday, March 16, 1971, said to contain a Message from the President transmitting a Report and Study on Control of Hazardous Polluting Substances.

With kind regards, I am,

Sincerely,  
W. PAT JENNINGS,  
Clerk, U.S. House of Representatives.

#### CALL OF THE HOUSE

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

The SPEAKER. The Chair will count. One hundred and nineteen Members are present, not a quorum.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 23]

Addabbo	Frelinghuysen	Price, Tex.
Anderson, Ill.	Frey	Pucinski
Annunzio	Gallagher	Rallsback
Ashley	Green, Pa.	Rangel
Badillo	Griffiths	Rarick
Baker	Hagan	Rees
Baring	Hall	Robison, N.Y.
Belcher	Hanley	Rostenkowski
Blanton	Hanna	Rousselot
Carey, N.Y.	Hathaway	Ruppe
Clark	Hawkins	Ruth
Clawson, Del.	Hicks, Mass.	Ryan
Clay	Hillis	St Germain
Collins, Ill.	Hogan	Satterfield
Colmer	Hosmer	Seiberling
Conyers	Jarman	Sisk
Corman	Kyl	Smith, N.Y.
Coughlin	Landgrebe	Springer
Covey	Lent	Stanton
Davis, Ga.	Long, La.	J. William
Davis, Wis.	McCloskey	Stanton
de la Garza	McCulloch	James V.
Dellenback	Macdonald	Stokes
Dellums	Mass.	Stuckey
Denholm	Mailliard	Teague, Calif.
Dennis	Metcalfe	Teague, Tex.
Dickinson	Mikva	Terry
Diggs	Mink	Tieman
Dingell	Minshall	Udall
Dowdy	Mollohan	Veysey
Downing	Montgomery	Watts
Drinan	Moorhead	Wilson, Bob
Dulski	Morgan	Wilson
Eckhardt	O'Hara	Charles H.
Edwards, La.	O'Neill	Wright
Fisher	Patman	Yatron
Flood	Pelly	
Flowers	Pettis	
Foley	Podell	

The SPEAKER. On this rollcall 321 Members have answered to their names, a quorum.

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

#### CONTROL OF HAZARDOUS POLLUTING SUBSTANCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-70)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on

Public Works and ordered to be printed, with illustrations:

To the Congress of the United States:

I have the honor to transmit herewith for the consideration of the Congress a report on "Control of Hazardous Polluting Substances" as required by Section 12(g) of the Federal Water Pollution Control Act as amended.

The recommendations made in the enclosed report reflect the conclusions reached by the Department of Transportation in its study made at my request. Additional study, beyond that possible in the short period available for this report, may indicate a need for modifications in these recommendations. Such modifications would be incorporated in any legislation which is developed to implement the recommendations of the report.

RICHARD NIXON.  
THE WHITE HOUSE, March 16, 1971.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 16, 1971.

The Honorable the Speaker,  
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4 p.m. on Tuesday, March 16, 1971, said to contain a Message from the President transmitting the 20th Annual Report of the National Science Foundation for the fiscal year ending June 30, 1970.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS, Clerk.  
U.S. House of Representatives.

#### TWENTIETH REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-69)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics, and ordered to be printed, with illustrations:

To the Congress of the United States:

I am pleased to submit to the Congress the Twentieth Annual Report of the National Science Foundation, covering the fiscal year 1970.

The activities described in this report underscore the importance of science as a national resource and as an essential element in our Nation's progress. The scientific research supported by the Foundation reflects our continuing concern for the quality of life in the United States today and in the future.

Science has entered an era of unprecedented fruitfulness. The investment we have made in the last three decades offers us an array of opportunities in the next. This guarantees us no instant or easy answers, but it does afford us the ability to bring to bear on our national problems an array of



scientific talent and a heritage of scientific achievement unprecedented in human history.

New programs initiated by the Foundation in fiscal year 1970 are designed to promote and encourage the search for solutions to problems of the natural and social environment. Interdisciplinary work by scientists from many specialties shows promise of producing new knowledge of the earth, the oceans, and the atmosphere which will permit a better understanding of the relationship between man and his surroundings.

The programs of the National Science Foundation during fiscal year 1970 covered a broad range of activities. More than \$200 million was devoted to the pursuit of scientific research, including major interdisciplinary efforts of national and international significance. Another \$120 million was allocated to support of science education at all levels, and nearly \$45 million was invested in broad-based institutional development in our colleges and universities.

I believe it was a most productive year. I commend this report to the attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, March 16, 1971.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 16, 1971.

The Honorable the SPEAKER,  
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4 p.m. on Tuesday, March 16, 1971, said to contain a Message from the President transmitting the Annual Report of the Corporation for Public Broadcasting.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS, Clerk,  
U.S. House of Representatives.

#### ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

In accordance with Section 396(i) of the Public Broadcasting Act of 1967, as amended, I hereby transmit the Annual Report of the Corporation for Public Broadcasting covering the fiscal year July 1, 1969 to June 30, 1970.

RICHARD NIXON.

THE WHITE HOUSE, March 16, 1971.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 16, 1971.

The Honorable the SPEAKER,  
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4 p.m. on Tuesday, March 16, 1971, said to contain a Message from the President transmitting the 22nd Semiannual Report of the National Aeronautics and Space Administration.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,  
Clerk, U.S. House of Representatives.

#### THE 22D SEMIANNUAL REPORT OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-371)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed, with illustrations:

To the Congress of the United States:

I transmit herewith the Twenty-Second Semiannual Report of the National Aeronautics and Space Administration.

This Report covers the six month period ending December 31, 1969.

RICHARD NIXON.

THE WHITE HOUSE, March 16, 1971.

#### LEGISLATION TO IMPROVE INTERSTATE SHIPMENT OF SMALL QUANTITIES OF DOMESTIC FREIGHT

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I am today introducing long overdue legislation to improve the interstate shipment of small quantities of domestic freight. This measure, which is part of my CONSUMER ACTION PROGRAM of 1971 is designed to increase the viability of the regulated freight forwarder business, revitalize railroad freight activities, and benefit the small shipper, the local businessman, and, most importantly, the consuming public.

This bill grew out of a study and investigation by the Interstate Commerce Commission (ICC) of the role of the regulated freight forwarder industry. Undertaken at the direction of the House Committee on Interstate and Foreign Commerce, the study was completed early this year. The ICC report (ICC Ex Parte No. 266, January 25, 1971) recommends that freight forwarders and railroads be allowed to enter negotiated arrangements, a step which will benefit the public through expanded forwarder service and lower rates.

My bill is simple, fully supported by precedent, and economically justified and feasible. It authorizes common carrier freight forwarders, regulated under part IV of the Interstate Commerce Act, to work with railroads on the basis of contracts mutually agreed to by the forwarders and railroads and filed with the ICC.

That same basis of relationship has long been authorized and utilized between forwarders and trucklines—basically the short-haul truckers who work with forwarders in assembling and distributing small shipment freight in areas surrounding the forwarders' terminals. I propose to extend the same flexibility of arrangement to the service which forwarders and railroads jointly perform—the movement of shipments that have been consolidated into carload, trailerload, or other volume lots between the forwarders' freight terminals.

Freight forwarders, like the express agency and the Post Office, take the full responsibility for door-to-door transportation and then arrange with other carriers, primarily rail and motor, to physically move the shipments over the most direct and economical combination of routes and services available. Basically, forwarder service consists of gathering individual shipments, consolidating them into large lots, moving the numerous individual shipments for as long a distance as possible as one large unit, and deconsolidation and distribution. Trucks, working with forwarders under contracts as stated, perform most of the gathering and distribution service. Railroads are the main arteries of the consolidated hauls. For reasons that are now neither clear nor significant, forwarders compensate the railroads on the basis of rates published by the rail lines for use by shippers. Of course freight forwarders are not shippers. They are common carriers, and to treat them as shippers robs them of the flexibility which one common carrier needs in dealing with another.

The Departments of Transportation, Defense, and Justice, and the Federal Maritime Commission, are on record in support of the ICC recommendations to permit contracts between forwarders and railroads, and will support this legislation. I am hopeful that we can pass this measure this year, particularly in view of this widespread support within the Executive Branch.

In publishing its report, the ICC called for a change in the regulatory treatment of freight forwarders because it was convinced that a new approach was necessary for forwarders to remain economically healthy and able to perform their important role in the transportation of small shipments of goods.

The ICC recommendation, embodied now in my bill, would have the effect of allowing forwarders and railroads to negotiate the charges which forwarders would pay for transportation services. Forwarders, who combine small shipments into bulk cargo for interstate transportation, would thus be free to negotiate with the railroads on a competitive basis, and ultimately move freight at reduced unit costs.

In its report, the ICC said:

The freight forwarding industry should be given every opportunity to prove its continued usefulness and to demonstrate that it still has a vital role to play on the national transportation scene.

Over the years, it has become increasingly difficult for the small manufacturing concern, and the merchants he serves, to move goods in interstate com-

merce at reasonable costs. The result: higher prices at the end of the line for consumers.

Freight forwarders combine small shipments from many sources, and move them to common destinations. However, until now they have been prevented from enjoying the price advantage available to other carriers which utilize rail service, and the small shipper has suffered under increasingly difficult transportation conditions. My legislation will correct this unnecessary situation, and, with the backing of the ICC and the Executive Branch, should receive early consideration this year. I invite my colleagues to cosponsor this important legislation.

#### CERTAIN FURTHER CONTINUING APPROPRIATIONS 1971

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 300 and ask for its immediate consideration.

The Clerk read the resolution as follows:

##### H. RES. 300

*Resolved*, That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be read for amendment under the five-minute rule. No amendments shall be in order to section 1 of said joint resolution except amendments offered by direction of the Committee on Appropriations, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

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

Mr. YOUNG of Texas. Mr. Speaker, House Resolution 300 provides a modified rule with 3 hours of general debate for consideration of House Joint Resolution 468 making certain further continuing appropriations for fiscal year 1971, and for other purposes. All points of order are waived against the joint resolution because of legislation in an appropriation bill and against clause 6 of rule XXI of the Rules of the House of Representatives—the 3-day rule. No amendments may be offered to section 1 of the joint resolution except those offered at the direction of the Committee on Appropriations and such amendments shall not be subject to amendment. However, it shall be in order for amendments to be offered to sections 2 and 3 of the joint resolution.

The purpose of House Joint Resolution 468 is to supply funds to continue through June 30, 1971, those projects and activities normally provided for in the Department of Transportation and Related Agencies Appropriations Act.

The joint resolution would permit for each activity of the Department of Transportation and related agencies, except civil supersonic aircraft development, a rate of operations equal to the level provided in H.R. 17755 of the 91st Congress as it was passed by the Senate and further modified by the conference agreements ratified by the House on December 15, 1970. The rate of operations of the civil supersonic aircraft development would switch from \$210 million—the level provided for in the conference agreement passed by the House on December 15, 1970—to \$289,965,000, the budget estimate for fiscal year 1971.

Funds are currently being made available for the activities of the Department of Transportation and related agencies under Public Law 91-645, which was enacted on December 15, 1970.

Mr. Speaker, I urge the adoption of House Resolution 300 in order that House Joint Resolution 468 may be considered.

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

Mr. Speaker, I do not intend to take up a great deal of time, but this is a rather unique situation. I think it is probably the first time any of us have faced it. I know it is the first time the first-term Members have faced it, and probably it will be the only time they will ever face such a parliamentary situation as we are confronted with today.

House Resolution 300, out of the Rules Committee, provides for consideration of House Joint Resolution 468, having to do with certain further continuing appropriations. Last year there was a lot of trouble with some appropriation bills. Technically they should all be completed by June 30, because the fiscal year starts July 1, but from a time standpoint it is absolutely impossible to do that.

I do wish to commend the Appropriations Committee, because last year they came in with a schedule setting forth each and every appropriation bill, the time when they would hold hearings, the time when they intended to mark up the bills, and the time when they hoped to bring them to the floor. They kept their end of the schedule, but we had some problems when the other body dealt with the Cooper-Church amendment, which delayed the military bill and held up our military authorization bill, and thus held up the appropriation bill. We had some difficulty on the transportation bill when we had controversy on the SST. It looked as if we might not get an appropriation bill for the Department of Transportation. Actually it was not until January 2 of this year that a continuing resolution was passed taking it through until March 30, so we really will have 3 months and 1 day until completion of this fiscal year.

The intent of the joint resolution, House Joint Resolution 468, is to provide appropriations for those 3 months and 1 day.

Usually appropriation bills do not come to the Rules Committee, but there are certain instances when they do. This is one of those particular instances.

Section 1 of the joint resolution sets forth all the money for the Department of Transportation; aviation, mass transit, and all those things.

Sections 2 and 3 have primarily to do with the SST funding.

So, in order not to go back into section 1, all the other parts of the Transportation Department, we have suggested a closed rule on section 1. So no amendment can be offered, except amendments by the Committee on Appropriations.

Now, as to sections 2 and 3, for the SST, they are open, and any amendment can be offered to that particular part of House Joint Resolution 468.

There is a requirement in the rules that appropriation bills lay over for 3 days before they can be considered, which would mean tomorrow. We have waived that as a point of order, so that the joint resolution can be taken up today.

So no amendments can be offered to section 1, we have suggested closing the rule on section 1, but leave it open so far as sections 2 and 3 are concerned.

There will be 3 hours of debate, at the conclusion of which amendments can be offered by the Committee to section 1, and by any Member to sections 2 and 3.

I would hope we might conclude debate today, and possibly tomorrow we can have a vote.

A request was made of the Rules Committee by the gentleman from Illinois, (Mr. YATES) that we make a special rule providing for a separate vote, when we return to the House, on the amendment to strike out the SST, or whatever the amendment may be. We did not think that was necessary, because the rules now provide for a recorded teller vote. We had one, as Members will remember, recently. There were 391 voting, with the green boxes on the "aye" side, on the Republican side, and the red boxes on the "no" side. So a recorded vote can be held on the basis of a teller vote at the end of the debate in the Committee of the Whole House, at the time that arises for sections 2 and 3.

There is one other item. We did set a time on this of 3 hours. Normally we do not do that, because the Appropriations Committee sets its own time, but in this instance we attempted to cover all the aspects which would be necessary so that we can proceed with this bill and attempt to complete it one way or the other.

Mr. Speaker, I support the rule and I urge the adoption of the rule.

Mr. YATES. Mr. Speaker, will the gentleman yield for a question?

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

Mr. YATES. It was my impression when the distinguished chairman of the Appropriations Committee (Mr. MAHON) appeared to request the rule, that, as to points of order that were to be waived, his request was directed to section 1. I note that points of order are waived to the entire joint resolution. I just saw the rule, and I note that points of order are waived to the entire joint resolution.



I had hoped to make a point of order against the appropriation for the SST. By action of the Rules Committee now I am precluded from making a point of order against section 2. Is that the gentleman's interpretation? Why should not section 2, which relates to the SST, be omitted from the waiver of points of order?

Mr. SMITH of California. I of course do not know whether there are any points of order which would lie to sections 2 or 3, but we had an additional problem, in addition to section 1 on amendments, to making it closed and waiving points of order, from the standpoint that there is legislation in the bill, from the standpoint that the date is changed.

We did not see any reason why we should not waive all points of order, because nobody brought to our attention there was any possibility of points of order against sections 2 or 3. That was not brought to our attention.

Mr. YATES. Is it in order now to try to amend the rule to permit a point of order to be made against section 2 when the joint resolution is presented for consideration under the 5-minute rule?

Mr. SMITH of California. Well, I am not the Speaker and I am not the Parliamentarian. I can tell the gentleman, though, as he well knows, if you wish to try to vote down the previous question, and succeed you would have an opportunity to amend the rule. I certainly suggest to the gentleman, though, that you might lose a few votes when it comes to the vote on the SST if you do that.

Mr. YATES. We cannot afford to lose any votes. I think the gentleman may have merit there. The only point on that in connection with that is that it is most unfortunate that the SST section is not wide open. Those of us who oppose the program will not be permitted to make a point of order against the SST tomorrow. I think the Rules Committee never intended that and it ought not to be.

Mr. SMITH of California. We tried to do the best we could in presenting this matter to the House.

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 am glad that the gentleman from Illinois pointed out that points of order are waived on the entire resolution. It seems to me that the Committee on Rules is getting an awful early start in this session of Congress in the business of issuing rules waiving points of order and closing bills to amendment. I do not know what the exercise, which took so long in the House last year, amounted to if we are now going to set aside 3-day rules and waive points of order. It makes a hollow mockery of the so-called Reorganization Act, the so-called reform bill that was passed last year. I am sorry to see this kind of a start on legislation coming to the floor of the House with points of order waived and closed rules. I think it is a bad, bad way to legislate. I am one of those who voted against that bill last year, and I am tickled to death that I did.

I thank the gentleman for yielding.

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

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

Mr. YATES. In connection with the waiver of points of order on appropriation bills, I would hope that the Committee on Appropriations would not be compelled to seek a rule from the Committee on Rules on its appropriation bills, because there is no need for a rule in order to bring an appropriation bill to the floor. But does not the gentleman believe that if the Committee on Appropriations comes before the Committee on Rules and raises the need for a waiver of certain points of order, would it not be more appropriate for the Committee on Rules to specify in the rule which points of order are waived rather than adopting a blanket waiver of all points of order?

Mr. SMITH of California. As the gentleman will recall, we specifically did that last year.

Mr. YATES. That is right.

Mr. SMITH of California. In the last months of the session, when we decided to do that, we requested the chairmen to set forth in a letter the specific points of order that they requested and we tied them down. In the hearings yesterday on this bill there was no question about points of order being waived except on the 3 days and on the legislative language. None of the witnesses who testified before us mentioned any other points of order. This is a short bill, a page and a half in length, with only three sections, and I see no difficulty in waiving all of the points of order to the bill, because we did not have any information on it and were simply attempting to submit these things to the Members of the House for their consideration. We have only one bill up there, and we are trying to get some business before the House.

Mr. YATES. Had I had at the time I appeared before the Committee on Rules in opposition to the rule the information that I now have, which serves as a basis for making any point of order, I would have so indicated before the committee. As it happens, from the research I have been doing, this point only came to light with this later research.

Mr. SMITH of California. Mr. Speaker, I have no further requests for time.

I urge the adoption of the rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois (Mr. YATES) for the purpose of debate.

Mr. YATES. Mr. Speaker, as I indicated previously, I am opposed to closed rules on appropriation bills and particularly opposed to a closed rule on this appropriation bill.

I appeared before the Committee on Rules and submitted my arguments in opposition. I regret the committee decided to grant a rule.

One of the things I would have liked to have been able to do is to have made a point of order against the action regarding the SST appropriation. However, I have been precluded from doing so now and I shall not discuss that at the present time, because we cannot do it.

But, Mr. Speaker, one of the reasons I raised my objection to the closed rule in this particular instance is that it freezes the appropriations that were approved in the conference between the House and the Senate on the bill making appropriations for the Department of Transportation for fiscal year 1971.

Mr. Speaker, among the appropriations frozen, to the unhappiness and dismay of many Members who come from urban areas, is the freezing by the administration of much of urban mass transit appropriation. The committee had achieved a good and reasonable appropriation for the first year of the urban mass transportation program when both the House and the Senate approved an appropriation for \$600 million. However, Mr. Speaker, I have just received a letter from the commissioner on public works of the city of Chicago who points out that the Office of Management and Budget has emasculated that program by reducing the construction money for the whole country to \$269.7 million. Think of it.

The urban mass transportation funds for construction for this fiscal year are limited to \$269.7 million for the whole country.

This bill proposes to appropriate \$290 million for the SST for this fiscal year, approximately \$20 million more than in the urban mass transit appropriation for construction for the entire country. What a distortion of priorities.

How does this affect the city of Chicago? The city of Chicago has a request for \$500 million in subway construction. In addition, it has capital gains for commuter railroads and private bus lines, and other local governments in the State would increase her needs for the urban mass transit funds to over \$700 million alone.

This is what is happening through freezing these funds.

I want to make another point regarding the freezing of funds. I have been trying to help obtain from HEW an allocation of \$12 million for the Chicago Medical School in the city of Chicago. The Chicago Medical School graduates 81 students now. It seeks to expand its teaching facilities and all the plans are already approved. To do this it requires a construction grant of \$12 million from the Department of Health, Education, and Welfare.

For the first time in the history of the State of Illinois, \$6 million has been appropriated by a State legislature for a private medical school, contingent upon receiving a \$12 million appropriation from the Federal Government. HEW refuses to make available the \$12 million. They say they do not have the funds. As a result, the State appropriation will fail. If that fails it is doubtful if it can again be obtained. The expansion will fail. And, so, this new facility which would graduate another 81 doctors, which would double the number of doctors to be turned out by the school each year, is going to have to start all over. Who suffers? The people do. Yet the SST gets its full appropriation.

Mr. Speaker, these are only two examples of what is going on. Yet, Mr.

Speaker, the appropriation for the SST continues at supersonic speed. What an incredible distortion of our priorities when the administration insists upon the Congress appropriating the full amount requested for the SST and yet freezes such appropriations. Eleven billion dollars has been deposited from all appropriations in the budget.

Paradoxically, among the appropriations that are finding themselves in the deep freeze of the Office of Budget and Management is an appropriation of \$970 million for the Federal Aviation Administration.

The people of the United States want a solution to the traffic congestion which now stacks up planes in the air with their passengers or lines them up on the ground for a half hour or an hour at a time before they can take to the air.

Yet a substantial part of the money that our committee made available for air navigation equipment and for air traffic supervisors, and for additional airports, is now in the deep freeze while at the same time this ineffective, useless appropriation for the supersonic transport is approved in its full amount.

The House and the Senate met last year and decided that they did not want to appropriate the full amount. Instead of \$290 million, they said, "Well, this program can get along with \$210 million." That was overruled by our Committee on Appropriations. Instead of \$210 million they approved a budget of \$290 million, the full amount, so that the SST aircraft appropriation can go ahead at full speed.

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

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

Mr. VANIK. Mr. Speaker, I want to congratulate the gentleman in the well, the gentleman from Illinois (Mr. YATES). He has made a very important contribution. Apparently the administration by its freeze on mass transit funds is more interested in flying a few people in an SST than it is in moving the millions of Americans that have to be moved to and from their jobs in a manner that does not destroy the environment.

I would like to tell the gentleman that I sponsored a resolution with 43 other Members of the House which establishes mass transportation as a priority, and it should certainly have priority over further expenditures for the SST at this time.

Mr. YATES. The gentleman is absolutely right. Even if the SST is completed, not more than 3 percent of the people of this country who are paying for this program will use the SST in international air travel.

Mr. VANIK. I agree with the gentleman in the well, and I appreciate what the gentleman has done.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Speaker, I rise to give some perspective to the statement made by the gentleman about the freezing of mass transit funds, and the freezing of funds generally, which I would oppose as strongly as he does. I strongly oppose the action of the administration in freezing much of the money that is presently frozen. I appeared before the House Committee on Public Works this morning, and proposed the extension of the Public Works Acceleration Act, which will provide aid and jobs for people in depressed areas throughout this country.

I do not believe it is realistic to argue that just because funds are being withheld in one area that that is reason for suspending the action on the SST. One of the things that we are interested in with respect to the SST, besides the progress of building an airplane for the future, is the jobs that are involved. If you want to rub salt into the wounds of the American workingman who is out of work now, if you want to throw the baby out with the bath water, then you should say, "Well, because they are freezing money for certain projects throughout the country, we ought to freeze more money and put some more people out of work."

I do not think that is very logical. Let me tell you about the urban mass transit fund money, and then I will be very glad to yield if I have sufficient time to do so.

It is not \$269 million, as my friend, the gentleman from Illinois, has pointed out. It is \$400 million. Under the provisions of the Urban Mass Transportation Assistance Act of 1970, authority was provided to UMTA to obligate \$3.1 billion.

While this contract authority of \$3.1 billion was provided for the capital facilities, relocation and technical studies activities, under an amendment offered by the gentleman from Massachusetts (Mr. BOLAND) all direct appropriations made for research and administrative expenses are also chargeable against the \$3.1 billion.

Thus, the total availability for the urban mass transportation fund for fiscal year 1971 amounts to approximately \$3.1 billion. Under House Joint Resolution 1421 the maximum amount the Congress has allowed UMTA to obligate in fiscal year 1971 is \$600 million.

The joint resolution now being considered, House Joint Resolution 468, does not change that level but would permit the \$600 million expenditure.

The SPEAKER. The time of the gentleman has expired.

Mr. McFALL. Mr. Speaker, may I ask the gentleman from Texas to yield me an additional minute?

Mr. YOUNG of Texas. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. McFALL. The President's most recent budget—fiscal year 1972—indicates a fiscal year 1971 program level of \$400 million for the Urban Mass Transportation Administration. This would be applied to the following activities:

I have all the figures—but perhaps the

gentleman would like me to read the figures. They are as follows:

Capital facilities grants.....	\$269,700,000
Technical studies grants.....	15,000,000
Research, development, and demonstrations.....	40,300,000
University research and training.....	3,000,000
Capital facilities loans.....	57,000,000
Subtotal.....	385,000,000
Supplemental capital facilities grants.....	15,000,000
Total.....	400,000,000

Mr. YATES. Mr. Speaker, will the gentleman yield for a correction?

Mr. McFALL. I yield to the gentleman.

Mr. YATES. If the gentleman would recall my words, I said that the amount that was available for construction under the mass transit program for the entire country is \$269.7 million, and I got that figure from the clerk of our committee this morning.

Mr. McFALL. Well, you neglected to include other figures which add up to \$400 million. So you were giving the House the wrong impression. Is that not correct?

Mr. YATES. That is not correct. I gave the House the facts with respect to the most important part of that program, which is construction money. The cities which have gone through their planning are waiting for construction money. Now they are going to be limited drastically as a result of funds being placed in the administration's deep freeze.

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

Mr. McFALL. Mr. Speaker, will the gentleman from Texas yield me another minute please?

Mr. YOUNG of Texas. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. McFALL. Mr. Speaker, the point is that all of the \$400 million is chargeable against the \$3.1 billion in contract authority which was made available by the Urban Mass Transportation Assistance Act of 1970. The \$400 million represents the total UMTA effort and it includes things such as technical studies grants, research and development, university research and training, and capital facilities loans.

It should be emphasized, however, that the \$3.1 billion provided for this program is a multiyear authorization. It will be available until June 30, 1975, a period of 5 fiscal years. It was not intended that all \$3.1 billion would be obligated during the first fiscal year.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield such time to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) as he desires to use.

Mr. GERALD R. FORD. Mr. Speaker, in further response to the comments made by the gentleman from Illinois, I think it is very appropriate that the Members of the House have the benefit of the observations made by the Under Secretary of the Department of Trans-



portation, Hon. James M. Beggs, in testimony he gave before the Senate Committee on Banking and Currency regarding the urban mass transportation program level for the fiscal year 1971. This testimony was given on March 4, 1971. If I may, Mr. Speaker, I will quote from it.

Mr. Beggs said and I quote:

Firstly, it must be recognized that until January 2, 1971 the Urban Mass Transportation program level for fiscal year 1971 was \$214 million. This \$214 million was the limitation imposed by the continuing resolution then in effect, which was based on the action of the Congress in providing the Department's appropriations for fiscal year 1970 which included an advance appropriation to UMTA for fiscal year 1971. By law the UMTA program could not exceed this limitation until further action of Congress authorized a higher program level.

This action was not finally taken until January 2, 1971, with the enactment of the current Joint Resolution (P.L. 91-645, H.J. Res. 1421), which provided continuing appropriations for the Department of Transportation. It had the effect of raising the UMTA program limitation for 1971 to \$600 million. In brief, the Urban Mass Transportation program was operated for the first six months of fiscal year 1971 at the required level of \$214 million for the fiscal year.

Secondly, the Urban Mass Transportation Assistance Act of 1970 also required the Department to initiate several new major procedural steps in the approval of projects. These included, most significantly, a requirement that public hearings be held and the establishment of additional safeguards relating to environmental quality. Pending the passage of this Act, it was impossible to forecast the outcome of these various amendments and consequently there was some delay in the filing of final applications with the Administration by the State and local authorities and in the subsequent processing of these applications. The review of these applications has since been further delayed, in many instances, due to the insufficiency of the environmental data submitted.

In further justification of this problem, Mr. Speaker, he goes on to state various additional points that I shall not now take the time of the Members of the House to read. But I will put in the RECORD his full statement which, in my opinion, fully explains and justifies the situation we face today.

As a personal note I will add that I want the full \$600 million made available. I support that request. But I think the statement of the Under Secretary will justify the practical problem which we face today.

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

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. YATES. I am glad to hear the minority leader say that he supports the full \$600 million appropriation. But even assuming that Mr. Beggs' facts are true—and I accept his facts because Mr. Beggs is considered to be an outstanding public servant—but even assuming that is true, why cannot the program be accelerated during the second 6 months of this year to raise the construction money above the freeze limit of \$269 million? All the municipalities of the country are begging for funds, literally, to begin improvement of their rapid transit lines.

Mr. GERALD R. FORD. Let me make this observation: I do not believe the gentleman from Illinois wants to accelerate the program so rapidly that the Department is called upon to disregard the environmental questions and requirements that have been raised by the Congress. To accelerate too rapidly might very well undermine the environmental requirement that the Congress imposed upon the Department.

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

Mr. GERALD R. FORD. I yield to the gentleman from Washington.

Mr. ADAMS. I might state further to the gentleman that one of the problems that has been involved is that you must have a comprehensive plan in each area before the funds can be allocated. The two areas that were out in front in this respect when the legislation was passed happened to be the cities of Seattle and Atlanta. Unfortunately, what has occurred throughout the country is that the local matching funds—and this happened both in Atlanta and Seattle—the local citizens turned down the bond issues. Local funds were therefore not available. The plans failed, and the Department could not allocate any money to these cities. We stand with the gentleman on urban mass transportation, and as I think the gentleman well knows, these are some of the practical problems of trying to allocate funds immediately. It does not affect this program, which we also support.

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

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. YATES. What the gentleman has said is correct, but does not the gentleman agree with me that a ceiling of \$269 million for the whole country for the construction of mass transit facilities is woefully inadequate?

Mr. ADAMS. I do. But I talked with the Secretary of Transportation as recently as yesterday, and what the gentleman from Michigan has stated is correct. They have not placed the kind of ceiling as was stated by the gentleman. The ceiling has been \$400 million. But the other requirements of the act must be met before the money can be allocated, and that is the main problem.

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

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman has responded in a measure to the point I made with respect to urban mass transit. But the gentleman has not responded with respect to the question of providing for the funding of medical schools. Too much of that money is being put into the deep freeze by the Office of Budget and Management.

As the President has pointed out on numerous occasions, one of the national priorities that must be met in order to meet the massive health crisis—and I use the phrase he used last year when he went into the Roof Garden with Dr. Egeberg and with the Secretary of Health, Education, and Welfare—"the massive

health crisis must be met through the provision of funds to expand our medical schools so we can turn out more doctors."

Mr. GERALD R. FORD. Let me just respond, if I may.

Mr. YATES. Certainly the gentleman may.

Mr. GERALD R. FORD. In the President's health message which came to the Congress and the American people several weeks ago, he pointed out in that message to those of us in the House and Senate that they intend in fiscal year 1972 to expand aid and assistance to medical schools throughout the country. I believe that to be the view of this administration. If that is, then I think the administration should release the funds that have been made available in fiscal year 1971, and I personally would urge that.

Mr. YATES. Good, but the time is now. This program deserves higher priority than the SST.

Mr. GERALD R. FORD. But I do not believe we should interweave those problems with the issue before us, which I also support, and I wish the gentleman from Illinois would do likewise.

At this point I extend as a part of my remarks the testimony of the Honorable James M. Beggs, Under Secretary, Department of Transportation:

STATEMENT OF JAMES M. BEGGS, UNDER SECRETARY, DEPARTMENT OF TRANSPORTATION, BEFORE THE SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS OF THE SENATE COMMITTEE ON BANKING AND CURRENCY REGARDING THE URBAN MASS TRANSPORTATION PROGRAM LEVEL FOR FISCAL YEAR 1971, MARCH 4, 1971

Mr. Chairman and Members of the Committee, I appreciate this opportunity to appear before you to explain the circumstances leading to the decision to conduct the Urban Mass Transportation program at a \$400 million level in fiscal year 1971. You have indicated that many of our Nation's governors, mayors, and the general public have expressed their concerns to Congress about the funding levels for Urban Transportation programs for fiscal year 1971. It would appear that there are two causes behind this concern: one is the authorization level of \$3.1 billion set in the Urban Mass Transportation Assistance Act of 1970 passed on October 15, 1970; a second is the difference between the \$600 million program level approved by the 91st Congress shortly before adjournment and the \$400 million level for fiscal year 1971 set in the President's 1972 budget.

With regard to the \$3.1 billion obligation authority, it is important to recognize that Congress made it very clear that this amount would be applied over a five-year period commencing in fiscal year 1971 and extending through fiscal year 1975, and that these moneys would be programmed in an orderly fashion consistent with good management.

At this time I would like to discuss the three primary factors which influenced our decision to conduct this program at the level indicated in the President's 1972 budget.

Firstly, it must be recognized that until January 2, 1971 the Urban Mass Transportation program level for fiscal year 1971 was \$214 million. This \$214 million figure was the limitation imposed by the continuing resolution then in effect, which was based on the action of the Congress in providing the Department's appropriations for fiscal year 1970 which included an advance appropriation to UMTA for fiscal year 1971. By law the UMTA program could not exceed this limitation until further action of Congress authorized a higher program level.

This action was not finally taken until January 2, 1971, with the enactment of the current Joint Resolution (P.L. 91-645, H.J. Res. 1421), which provided continuing appropriations for the Department of Transportation. It had the effect of raising the UMTA program limitation for 1971 to \$600 million. In brief, the Urban Mass Transportation program was operated for the first six months of fiscal year 1971 at the required level of \$214 million for the fiscal year.

Secondly, the Urban Mass Transportation Assistance Act of 1970 also required the Department to initiate several new major procedural steps in the approval of projects. These included, most significantly, a requirement that public hearings be held and the establishment of additional safeguards relating to environmental quality. Pending the passage of this Act, it was impossible to forecast the outcome of these various amendments and consequently there was some delay in the filing of final applications with the Administration by the state and local authorities and in the subsequent processing of these applications. The review of these applications has since been further delayed, in many instances, due to the insufficiency of the environmental data submitted. In these cases, the applicant has had to gather more information, such as comments by the State governments, and in many cases has been instructed to hold public hearings. In addition, the Administration must coordinate the final application with other Federal agencies pursuant to the provision of the Urban Mass Transportation Assistance Act of 1970. It also should be noted that Federal and Departmental guidelines on the National Environmental Policy Act of 1969 were not finalized until shortly before the Urban Mass Transportation Assistance Act of 1970 became law.

In summary, the need to educate applicants, and to familiarize ourselves, on the procedural requirements of the National Environmental Policy Act and the new public hearing requirement in the amended Urban Mass Transportation Act, have slowed down the submission of applications and increased the time necessary to process them.

Finally, we must point out that personnel resources available to the Urban Mass Transportation Administration have been too few in number. The testimony of the Department before the Appropriations Committees, in connection with the 1971 budget, clearly indicated that a significant increase in staff was needed not only for the 1971 program then authorized, but also for the expanded program proposed under the Urban Mass Transportation Legislation which was under consideration by the Congress at that time. Since we have been operating under the usual form of continuing resolutions it has not been possible to obtain the staff resources requested in the 1971 budget. On January 2, 1971, enactment of P.L. 91-645 permitted the addition of staff resources needed for the \$214 million program level. The staffing problem should be alleviated through the proposed 1971 supplemental appropriation for UMTA set forth in the President's budget for 1972. Thus, the timing of the passage of the Urban Mass Transportation Assistance Act of 1970 and the lack of authority to hire a sufficient number of employees hampered our ability to properly process, review and approve applications for a program level of more than \$400 million in fiscal year 1971.

In conclusion, Mr. Chairman, it was our considered judgment that in view of the foregoing a program level of \$400 million was our best estimate of program level that could be orderly achieved during fiscal year 1971.

That concludes my prepared statement and at this time I shall be pleased to answer any questions which the Committee may have.

STATEMENT OF CASPAR W. WEINBERGER, DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, BEFORE SENATE SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, MARCH 4, 1971

Mr. Chairman and Members of the Committee, I welcome this opportunity to appear before the Committee to describe the Administration's plans for funding the housing, urban development, and mass transit programs for the remainder of fiscal year 1971. As you know, the essential figures are presented in the 1972 Budget recently submitted to the Congress, but I hope today that we will be able to explain the detailed plans for these programs to the Committee, the reasons why we have settled on the specific levels proposed in the Budget as appropriate, and resolve any other issues that you may be in doubt about concerning these programs.

Secretary Romney and Under Secretary Beggs have statements dealing with the specific programs in their respective departments. I thought it would be most helpful to the Committee if I, instead of echoing what they will say, outlined the legal authority that prompted the Administration to adopt these particular funding levels, which in some instances are below the amounts of funds actually authorized and appropriated by the Congress. Then I will briefly review the general economic circumstances of this fiscal year which make it necessary for us, relying on these authorities, to limit the funding levels for the programs in question as we have done.

#### AUTHORITIES

I believe it is important at the outset to bear in mind that there is no requirement that every dollar appropriated by the Congress be used by the Executive Branch. As President Roosevelt stated nearly 30 years ago, the mere fact that Congress had made available specified sums for various programs is "not a mandate that such funds be fully expended."

Similarly, in 1950 the House Appropriations Committee emphasized the fact that appropriations do not place a floor under Government spending. On the contrary, as the Committee stated, the appropriation of a given amount for a particular activity constitutes only a ceiling upon the amount which should be expended.

The foregoing expressions are reflected in section 3679 of the Revised Statutes—the so-called "Antideficiency Act" (31 U.S.C. 665). Since the turn of the century, this statute has required that appropriations be subdivided so as to insure that agencies would not enter into commitments in excess of the amounts appropriated. In 1950, it was strengthened by the addition of provisions for central management of appropriations of the Executive Branch. These provisions include the specific authority to establish reserves in particular circumstances to:

1. Provide for contingencies, and
2. Provide for savings when savings are made possible by (1) changes in requirements, (2) greater efficiency of operations, or (3) other developments subsequent to the date when the appropriation was made available.

At the present time, the authority which is being exercised when funds are reserved under the Antideficiency Act is the authority of the President. He has, however, delegated this authority to the Director of the Office of Management and Budget.

In addition to the specific statutory authority provided by the Antideficiency Act, authority for the President to establish reserves is derived basically from the Constitutional provisions (Article II, section 1) which vest the Executive power in the Presi-

dent. In addition to the President's general responsibility as Chief Executive there may be involved his specific functions as Commander-in-Chief, his responsibilities with respect to the conduct of foreign affairs, and the requirement that he "take care that the laws be faithfully executed."

Further, the President, in the exercise of his authority as Chief Executive, must be concerned with all the laws, not simply with those laws which appropriate funds or which authorize the making of appropriations for particular programs. The President must, for example, bear in mind that the Congress has placed a limit upon the public debt and that expenditures must be managed in such a fashion that the limit will not be exceeded. In addition, as is the case in the current fiscal year, the President may be confronted with specific limitations upon expenditures and he may from time to time be obliged to impose restrictions upon certain programs in order to insure that such limitations are not exceeded. Finally, mention should be made of the Employment Act of 1946, which declares it to be "... the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy ... to promote maximum employment, production, and purchasing power." (emphasis added.) In the past, actions have been taken to restrict Government spending in order to resist inflationary pressures. For example, President Johnson in September 1966, ordered substantial cutbacks in appropriations in an effort to stabilize the economy.

Subsequently, action taken by the Director of the Bureau of the Budget and the Secretary of Transportation—pursuant to President Johnson's September order—to reduce obligations against Federal-aid highway funds was upheld by Attorney General Clark in a published opinion of February 25, 1967.

These are the most important authorities which enable and, in many circumstances, require the President to withhold or defer the expenditure of appropriated funds.

#### RESTRICTIONS ON SPENDING IN FISCAL 1971

In the economic and fiscal environment of fiscal 1971, several situations or conditions have existed which make the reservation of some appropriations a virtual necessity.

#### Budget deficits and the debt limit

We estimate that the 1971 budget deficit will be \$18.6 billion, which will make necessary an increase in the debt limit. Though we have asked that the debt ceiling be increased, it should be recognized that the existing ceiling represents a legal constraint which must be accepted. The President has the responsibility to live within that constraint and to keep his requests for increases to a minimum. In doing this, he needs the ability to exercise spending restraint, and budgetary reserves are required as one means of helping accomplish this objective. As a result of the Congress' failure to enact Administration proposals for raising revenues, its mandated increases in spending above the President's budget, its failure to enact recommended economy measures, and general economic conditions, throughout fiscal 1971 we have been extremely close to the debt ceiling, as indicated by our two requests for increases.

#### Statutory outlay ceilings

The executive is also required to control the use of funds if he is to comply with the existing statutory ceiling on spending. The statutory ceiling on 1971 budget outlays (established in the Second Supplemental Appropriations Act for 1970, P.L. 91-305) is fixed at the February 1970 estimate of outlays adjusted by the effects of congressional



action and limited revisions in the estimates of uncontrollable payments. To determine the required for the effects of congressional action. This task is doubly difficult this fiscal year, when the Congress enacted most of the regular appropriation bills after November 1. In fact, the Congress has not completed its actions affecting 1971 outlays. The Transportation appropriation bill for fiscal year 1971 has not yet been enacted, and action must also be taken on a number of supplementals. The latter include \$4.6 billion in pay raises approved under legislation passed last session for which appropriations have not yet been made.

If the Congress decides that more of that increase should be absorbed than assumed in our estimates, then the outlay ceiling would be reduced, even though actual outlays would not necessarily change. In setting particular agency outlay ceilings and projected program levels, we must take into account such possibilities for differing congressional actions.

Another reason for providing some leeway in setting agency outlay ceilings is the wide range of uncertainty in uncontrollable programs—not all of which are covered by adjustments permitted under the existing ceiling. Estimates for such programs are highly speculative. Even for those uncontrollable programs designated in the Act, 1971 outlays are currently estimated to exceed the original ceiling by \$4.0 billion of the \$4.5 billion adjustment allowed by the law.

The 1971 outlay estimates included in the January budget fall short of the estimated outlay ceiling by only \$1.7 billion. In developing plans to live within the statutory ceiling for 1971, we considered it prudent management to provide some contingency for the uncertainty associated with outlay estimates. In our opinion, the \$1.7 billion difference between the January estimates for the outlay ceiling and total outlays represents a prudent amount when compared with the uncertainty involved.

#### *Combating inflation*

Currently, the Nation is suffering an inflation that is in large part a legacy of excessive Federal spending during fiscal years 1966 to 1968, when the economy was otherwise fully employed. It has been the responsibility of this Administration—legally, as well as a matter of sound public policy—to conduct its affairs in a manner that would help bring the inflation under control. And fiscal prudence, including, where necessary, the withholding of appropriated funds, is a necessary part of carrying out this responsibility.

Of course, a balance must be struck between bringing inflation under control and meeting other national needs. One way of doing this is by being selective in applying fiscal restraint. For this reason, most of the funds withheld—and those in which this Committee has expressed an interest—are in construction programs.

The gross national product deflator, our most comprehensive measure of prices, increased at about 1.5% per year from 1960-65, by 4% in 1968, and by 5% in 1970. The comparable rates of increase for construction costs were 3.1%, 4.8%, and 7%, respectively. These higher increases for construction, together with the threat of a continued strong rise as a result of sharply higher wage settlements—medium first-year wage increases negotiated under major collective bargaining agreements during the first 9 months of 1970 were 15.7% in the construction field—explain both the higher reserves for Federal construction programs and the President's recent action in suspending the Davis-Bacon Act.

#### *Fiscal stabilization*

The President has made the full-employment budget concept the centerfold of his economic stabilization policy. He must be allowed the reasonable powers necessary to

implement that policy. Full-employment receipts in 1971 exceed projected outlays. The 1972 margin is even thinner, being approximately in balance on a full-employment basis. Higher outlays could destroy the full-employment balance and lead the economy once again down the road to inflation. The President should—and, consistent with other national needs and the general welfare, must—have the power to try to prevent such a happening, and to see that fiscal policy is consistent with orderly, non-inflationary economic expansion.

These are the general economic considerations which prompted reserving or deferring the expenditure of funds appropriated for these programs, in accordance with the authorities I have described.

I hope that this general review has proven helpful to the Committee. Secretary Romney and Under Secretary Beggs will speak specifically about the decisions affecting housing, urban development, and mass transit funds.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. McFALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

#### *IN THE COMMITTEE OF THE WHOLE*

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution House Joint Resolution 468, with Mr. PRICE of Illinois in the Chair.

The Clerk read the title of the joint resolution.

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

The CHAIRMAN. Under the rule, the gentleman from California (Mr. McFALL) will be recognized for 1½ hours, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 1½ hours.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, the parliamentary situation leading to the consideration of this legislation by the Committee of the Whole at this time was discussed adequately under the rule, but I would like just briefly to remind the Members of that situation.

The joint resolution now being considered by the Committee is relatively straightforward. It is to supply funds to continue through June 30, 1971, those projects and activities normally provided for in the Department of Transportation and related agencies appropriations bill.

There is only one item in the resolution on which there is any controversy, and that is the supersonic transport. At the last session, as the members of the

Committee will recall, H.R. 17755, the Department of Transportation and related agencies appropriations bill for fiscal year 1971 died after the Senate tabled the conference report on the bill. In order to enable the Department of Transportation to continue its operations, House Joint Resolution 1421 was introduced and enacted. Under that resolution, all of the activities provided for in H.R. 17755 were allowed to be continued until March 30, 1971, at the conference funding levels passed by the House last December 15.

For all activities, except for the supersonic transport, the joint resolution now being considered merely continues the rate of operations approved in the House Joint Resolution 1421 from March 30 until the end of the current fiscal year. There should be no controversy on these activities. The House has already had the opportunity to act on these funding levels two times. On December 15, 1970, the conference report on H.R. 17755 was approved by a vote of 319 to 71, and on December 31, House Joint Resolution 1421, was approved by a vote of 180 to 37.

Mr. Chairman, this resolution makes no changes in the levels approved on those dates except in the case of the supersonic transport.

The resolution itself is divided into three parts. The first section which I have discussed provides for the regular appropriations for the Department of Transportation in accordance with the conference agreement ratified, as I said, on December 15, 1970.

The second section provides for the funding of the SST, specifically \$289,965,000; or, for convenience, I suppose everyone will refer to it as \$290 million.

This contrasts with the \$210 million rate provided by the 91st Congress up to March 30.

The third section provides for a limitation, for the first time, on SST funds to make certain the intent of the Congress that this development program is to produce two prototypes and is not to finance production. Production financing is a separate matter to be determined at a later date. The production of commercial SST airplanes would be after the construction and testing of the two prototypes. The only authority we intend that anyone in the Government should have is for the construction and testing of those prototypes, not for the production of any commercial airplanes.

For the information of Members, the details of the appropriation provided for in section 1 are printed in the hearings. If Members desire to look up any of the important parts of that, they will find them in the first part of the hearings.

We do mention in the report some of the larger matters acted upon. Page 3 of that report shows the commitment of this committee and the Congress to the development of other forms of transportation.

We point out the funds that we have just discussed, the \$600 million for mass transportation. Members will recall, I believe, that the House passed an authorization for 5 years for urban mass transportation, of \$3.1 billion. We in the conference committee made the initial year \$600 million.

The CHAIRMAN. The time yielded by the gentleman from California has expired.

Mr. McFALL. Mr. Chairman, I yield myself 5 additional minutes.

So we feel there has been an adequate amount of funds for urban mass transportation in accordance with the will of the House, at least, for the fiscal year 1971.

I would like to comment on the development of the testimony on the supersonic transport. We held 4 days of open hearings, where everyone had an opportunity to state his case both for and against the supersonic transport.

The most important thing about the testimony was the satisfactory answers received on the environmental question. You will notice in the debate today and tomorrow the shift in the arguments of those who oppose the continuation of the SST program from the environmental question to one of economics. Both in the minority views which are included in the report and in the hearings in the other body you will find this switch of emphasis. Summarized on page 5 is some of the pertinent information on the environmental questions. In the hearings beginning on page 594, are answers to many of the questions of how the SST will affect the environment. The most spectacular new development is the improvement in engine noise. Prior to production there will be an improved engine for the SST which will meet the FAA noise standards for the new four-engine subsonic transports. This new engine will enable the SST to meet the 108 decibel requirement, and the SST will be quieter than the present large subsonic jets.

There are still some questions to be answered, as you will notice from the testimony. Programs to develop the answers are forthcoming, and these answers will be obtained in the next 2 years while we are building the two prototype airplanes. However, most significant was the statement of one of the distinguished scientists who appeared before our committee. While it is in the report, I would like to read for emphasis. The report says:

Just as the work on the environmental problems must go forward, the committee feels that the prototype construction must also continue. As Dr. William Kellogg, Associate Director, National Center for Atmospheric Research and Chairman of the Climatic Effects Working Group for the Study of Critical Environmental Problems (SCEP) stated:

"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 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 to delay construction of the two prototype 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, which Dr. Walter Roberts and I strongly endorse, says it well: 'Let's not suppress technological advances but through research, development and ex-

perimentation make sure that those advances are obtained without undesirable side effects.'" I 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."

All of us here share the concern of the Nation to protect our environment. The majority of the full Committee on Appropriations of this House believes that the program as it is now constituted will do exactly that.

Now, the opposition has shifted to the economics, and there are distinguished economists on both sides of the question. I am sure that the gentleman from Illinois (Mr. YATES), who will follow in this discussion, will present a number of those statements, and I shall have some further statements later which will, I think, provide the other side of the argument. Many of those being quoted did not come before our subcommittee. Those arguments were made in the other body, and if they are going to be made here on the floor of the House, then we will have some statements in opposition to them.

I would like to summarize the SST funding and costs. The total Government share of the program will be \$1,342 million. Money obligated as of March 30, taxpayers' money, is \$864 million. Private spending in this partnership between the Government and the manufacturers and the airlines amounts to \$246 million to date, \$164 million by the manufacturers and \$82 million by the airlines, including some \$22 million that they have deposited with the Government which they will eventually get back if we should let go ahead with the program.

I would also point out that if the program is stopped there would be penalties in the amount of \$97 million. In addition there would be the repayment of the \$22 million to the airlines. So the cost, in a sense, would amount to \$119 million. Thus, the investment of the Federal Government to stop this program, without any results, would be close to \$1 billion. The total amount lost to the Government and to the private sector would be \$1.11 billion.

What we are considering today and tomorrow is whether to finish the program and to have two prototype SST's flying and also to answer the environmental questions.

The amount for fiscal year 1971 that we are actually considering now is \$134 million. In 1972 the level will be \$235 million and so on down the line.

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

Mr. McFALL. I am glad to yield to the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Chairman, I wish to commend the statement which the gentleman has just made. As I see it, he has presented a compelling argument for the continuation of the supersonic transport program.

It seems to me that the argument in favor of the program now is much stronger than it was last year.

The main argument against it, prior to a few weeks ago, was the environmental argument. That argument has been demolished apparently, although

there may be some questions to be answered during the prototype program.

But, Mr. Chairman, it would seem to me a great mistake, inasmuch as we have an investment already of over \$800 million in this program—it would be most unwise to cancel the program at this stage especially in view of the fact that the overall cost to us would be about \$1 billion, including cancellation costs, and then we would virtually have nothing at all to show for our investment. But if we go ahead and expend a total of about \$1.3 billion then we will have two prototypes.

I think we all to some extent have been skeptical about the future of the program. Nobody can guarantee it today. Certainly I would not propose to guarantee that the program is going to be a howling success but, regardless of that, it would seem unwise for this Nation and for this Government and for this Congress to try to chop the program off now without finding out the answers to these questions.

The gentleman from California has many other arguments in connection with the whole program on the supersonic transport, but I would feel that any Member, regardless of whether he is skeptical as to the long-range outlook for the SST, would feel compelled to agree that we should at least complete the two prototypes and know whether or not we want to go into competition with Russia, with France, and with England, in the field of the supersonic transport. It just seems to me that the arguments are compelling, and I again want to commend the gentleman for his statement, and also to commend the gentleman for the type of hearing that was conducted in connection with this legislation.

I think the only problem really before us—and I think that we should vote for the SST by a wider margin than last year—is the matter of transmitting to the Members of the House all of the facts, and all of the new developments that were brought out during the hearings on this bill.

Again I thank the gentleman for yielding.

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

Mr. McFALL. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, I agree with my chairman, the gentleman from Texas (Mr. MAHON) and I appreciate his statement.

I would say that when we consider the economics there are arguments on both sides. There are economists who will come in and say one thing and then there are economists who will come in and say another. I suppose that every Congressman and every man on the street is his own economist in a sense. Some economists will tell you one thing today, and then come in tomorrow and tell you exactly the opposite with all good grace, and a straight face. I do not doubt that that there are economic arguments, but I think that there are economic arguments on each side. They do not contain the emotion, though, that the environmental arguments do. I am glad that the chairman has pointed out the difference in the environment arguments and economics.



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

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

Mr. ADAMS. Mr. Chairman, I just want to take a minute to commend the gentleman from California who is the chairman of the subcommittee that heard this matter, as one who sat through and watched the hearings, I want to say that they were excellent open adversary hearings. I happen to know that the gentleman in the well, Mr. McFALL, made available to the opponents in this case, any time that they wanted to call witnesses, made very certain that any witnesses for the opponents whom they wanted to appear could appear, and in fact made efforts to invite opposition witnesses to be certain both sides were represented.

I would hope that during the course of the debate we would stay with the testimony that we have before the committee, because certainly both the people involved in the environment and in the economics in this case were brought before the committee on both sides, and were cross examined. Letters are far less effective than the type of committee hearings that the gentleman conducted. Since there is no cross examination and no chance to compare facts by rebuttal.

Again I compliment the gentleman for conducting these hearings in such an excellent fashion.

Mr. McFALL. I thank the gentleman. I think the hearings were good. I think what made the hearings good was that all of the members of the subcommittee were there and participating.

The gentleman from Illinois (Mr. YATES), has made a monumental contribution not only during the most recent testimony before the committee, but in the past he has been the leading critic of the supersonic transport. Perhaps we will have to say that some of the progress on the SST has come about as a result of the criticism of the gentleman from Illinois and others. Perhaps all of us, including the gentleman from Illinois, can share some of the credit for this.

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

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

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding, and I also want to thank the gentleman for his gracious comments on the part I played during the hearings on the SST.

I also want to join in the statement that was made by the gentleman from Washington (Mr. ADAMS). The gentleman in the well, the gentleman from California (Mr. McFALL), could not have been more fair, could not have been more gracious, could not have been more thorough in seeking to bring out the facts relating to the supersonic transport in our hearings.

It was a pleasure to be on the same committee with him and it is a pleasure to be serving with him on this subcommittee. I look forward to continued service and cooperation with him after this SST fight is over.

Mr. McFALL. I thank the gentleman.

Mr. Chairman, I would like to make a few comments about economic matters

that are before the House—the bread and butter arguments.

There are 13,000 direct jobs involved in this program right now and I know that those who are directly affected by those jobs will be before this body to discuss them. There can be as many as 50,000 direct jobs in the building of a successful production SST and perhaps the total employment would be 150,000 jobs over the life of the program.

Boeing has seven major airframe subcontractors throughout the country and they have 550 suppliers in 40 States. General Electric has 2,000 suppliers in 38 States.

There is a balance-of-payments consideration which will be discussed today or tomorrow. Much of the balance-of-payments argument is dependent upon whether or not we go ahead with the production of the SST, whether or not the Concorde is successful and whether or not we have a second generation Concorde.

There could be a balance-of-payment benefit from \$17 to \$22 billion and perhaps even \$30 billion if you go all the way up in the projection.

I would say, however, that this airplane we are considering is not some kind of toy. It will be a most productive airplane. It will be the most productive airplane ever considered by the American people. It will be twice as productive as the 747.

Well, I would hope that our present economic recession or malaise or whatever you refer to it as will not continue for the next 8 years. When we discuss the SST we are looking 8 years into the future transportation demands of this country and the world. By the 1980's we will need an airplane like the SST. We believe it will be productive and that it can be built with private financing. There are three banks in New York that will, they say, provide the kind of financing necessary to do the job, providing, of course, the airlines and manufacturers are healthy. The SST will be economically viable and will be a transportation asset to the world.

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

Mr. McFALL. I yield to the gentleman.

Mr. STRATTON. Mr. Chairman, I thank the gentleman for yielding. I think the gentleman has made a very good point. I think many people are under the impression that this plane is going to be available tomorrow or the day after tomorrow and they say that we do not need to fly to London in 2 hours and that it is good enough to fly over there in 6 hours. We are talking about a plane for 10 or 15 or 20 years from now. We try to provide second generation military weapons. We develop new automobiles for the future so we certainly ought to develop new aircraft for the future. Would not the gentleman agree?

Mr. McFALL. I agree with the gentleman and thank him for the observation, which I think is a good one.

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

Mr. Chairman, the question of Government funding for the SST program is one of the most difficult issues I have wrestled with in my 12 years in Congress.

The Transportation Subcommittee of the House Committee on Appropriations held 4 days of exhaustive hearings and compiled a lengthy, detailed record. As ranking minority member of that subcommittee, I was determined to cross-examine every witness and explore every issue with all the diligence and persistence I could muster. Believe me, it was a long and hard 4 days.

I wish I could say that this probing convinced me that Government support of the SST program was either absolutely right or absolutely wrong. To my mind, this is not a black and white proposition. Strong arguments have been made on both sides of this complex and controversial issue. Some of my colleagues are completely convinced of the merits of the program. Others are equally firm in their conviction that it must be stopped—and stopped immediately.

Having weighed all the arguments and all the issues, I have decided that I cannot in good conscience support further Government funding of the SST program. I, therefore, will vote no and can only recommend to my colleagues that they make up their minds about the merits of this program in this same manner: carefully examine all the issues and then vote on the basis of their innermost convictions.

As far as the environmental issue is concerned, it became perfectly clear in the hearings that building and testing the two prototypes will pose no threat to the environment. Gary Soucie of the Friends of the Earth stated as much to the committee.

Another witness, Dr. William Kellogg, of the National Center for Atmospheric Research, reported that preliminary studies regarding the climatic impact of large-scale SST operations show a negligible increase in carbon dioxide. Particles added to the stratosphere could have a small but possibly measurable effect on stratospheric temperatures during periods of low volcanic activity but little or no influence on surface temperatures. Ozone in the atmosphere could decrease by 1 or 2 percent, but, in his opinion, this would have a trivial effect on ultraviolet radiation reaching the ground.

Dr. Leo Beranek of the SST Community Noise Advisory Committee testified that there does not appear to be any technical reasons why an SST cannot be built which will meet the noise standards of the Federal Aviation Administration for subsonic planes—108 EPNdb—effective perceived noise in decibels. Sonic booms should be no problem since the Department of Transportation indicates that the SST will not be allowed to fly supersonically over land areas of the United States. As for supersonic flights over water, present evidence indicates that effects below the surface would not be significant.

On the basis of this and other testimony, I am convinced there is no environmental basis for delaying the SST program to develop two prototypes. As for large-scale operations, preliminary research indicates that such would be environmentally safe. However more research is needed and is being conducted. Clear-cut results of this research should

be available before a decision on full-scale production has to be made.

Mr. Chairman, I am casting my vote against the program because I do not believe the Federal Government should be financing the development of the SST. In my 12 years in the Congress, I have been in the forefront of many a fight against subsidies. I need only mention my efforts to limit farm subsidy payments.

As I see it, the same principle is at stake here. If the supersonic transport program has merit, it should stand on its own. If it is an economically profitable venture as its supporters claim, it should be financed by private industry—and not by the Federal Government. A basic tenet of the free enterprise system is involved here. As Princeton economics Prof. W. J. Baumol points out, the logic of the free enterprise system dictates that a new product is worth producing if its potential demand is sufficient to cover its cost and provide an attractive return to capital invested in it. Capital will pour in to take advantage of profit opportunities and Government funding becomes unnecessary. I see no reason why this analysis should not apply to the SST.

It has been said that the United States has been in the forefront of civilian aerospace technology and that we must maintain our lead. Supporters of the SST project declare that England, France, and Russia are now providing direct financial support for similar projects and that it is in our best interest to do the same thing. They declare that we must help our airline industry through its time of troubles so that it can ward off this threat that looms up against us from across the sea.

My response to this argument is two-fold. First, I believe the alleged economic threat of foreign SST's is exaggerated. I have seen the Anglo-French Concorde and I have grave doubts about its economic viability. It has a very narrow shell, only two lavatories, and no kitchen facilities. With two seats on each aisle, it is likely that the plane will be entirely first class and thus will not attract much of the tourist traveling public. Because of its seating capacity of 110 or less, it will have to fly at full capacity on every flight to operate profitably. This is an almost impossible assumption.

French National Assemblyman Jean-Jacques Servan-Schreiber has termed the plane a commercial and financial disaster. To use his words:

The European SST looks to us, on this side of the Atlantic, like an industrial Vietnam.

He pointed out that every cost analysis of the Concorde has proved to be wrong. In fact, the cost of the plane has multiplied four times above the initial evaluations. It comes as no surprise to me that not a single U.S. airline has as yet made a definite, firm commitment to purchase the Concorde.

As for the Soviet TU-144, I consider it most unlikely that any Western democratic country would purchase a Russian-made plane since its airlines would not want to be dependent for spare parts and replacement models on a totalitarian country which can turn foreign trade on and off for political reasons.

My second point is this. Assuming arguing that foreign SST's pose a threat to the already financially troubled U.S. air industry, I see no reason to single out this industry for preferential treatment by the Government.

There are industries in my district that desperately need help and money. As an example, the United States has been the leader in the heavy transformer field for years. That lead is being threatened by the dumping activities of France, England, Italy, Sweden, and Japan. To make matters worse, the TVA has purchased 95 percent of its transformers from foreign countries, rather than from domestic sources. Our domestic companies want to produce a better transformer. But they are being hurt by foreign competition. If something is not done soon, they will not be able to plow any more money into research and development. Without this necessary activity, they will not be able to keep pace with these foreign countries. Yet they are not running to the Federal Government to seek research and development funds. Is it not just as vital to maintain our heavy transformer industry as it is to maintain our air industry?

The economic problems that currently beset the air industry bring me to another consideration. I am not at all convinced that the industry will be able to secure private financing for the production phase of the SST program. Last year U.S. airlines suffered a \$170 million loss. Future passenger growth is uncertain. At the same time they are heavily committed to purchasing large numbers of new, jumbo-sized aircraft. All this leads me to conclude that there is a very real possibility that the industry will come back to us when the time comes to secure funds for large-scale production of supersonic transports. The probability that the Government will recover its investment in the program would become even more remote.

To conclude, if the SST project is an economically viable program, it should be nurtured and supported by private industry—not the Federal Government.

Thank you, Mr. Chairman.

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

Mr. CONTE. Very briefly I yield to the gentleman.

Mr. YATES. I would say this, that I would consider it a breach of duty by the members of the Civil Aeronautics Board if they permitted American airlines to buy the Concorde in view of the testimony that has been given to our committee, and other facts that the Concorde will have operating costs twice those of the 747 and will operate at a loss. The CAB should consider most seriously the objections raised in the letter from Reuben B. Robertson III to Chairman Secor Browne of the CAB, dated March 12, 1971, as follows:

MARCH 12, 1971.

HON. SECOR D. BROWNE,  
Chairman, Civil Aeronautics Board,  
Washington, D.C.

DEAR CHAIRMAN BROWNE: In the past year the U.S. airline industry suffered unprecedented losses aggregating \$155 million. Fares have risen steeply during the past two years and are under increasingly severe pressure for further increases; meanwhile traffic growth has been stultified and even reversed.

The new fleets of wide-bodied jets as well as conventional jet transports are flying half full at best, based on seating configurations far below optimum, when they are flying at all; most of the time they are standing idle in the carriers' hangars or parking areas. Interest rates on unconditionally guaranteed airline loans, secured by mortgages on their new aircraft, have risen to 11% and higher, roughly double the present prime interest rate. In the past 3 years, the airlines have paid about a billion dollars for the use of borrowed funds, roughly the cost of 45 Boeing 747's. As a result, the industry's leading companies are under a critical liquidity strain, with some of the largest carriers now reduced to a cash position of only a few million dollars.

The airlines have largely attempted to pass off the blame for these conditions onto others—for example, on consumers who are accused of not flying enough, and the CAB for not permitting enough fare increases. The facts remain, however, as a general indictment of the wisdom, prudence and competence of airline management throughout the industry. The adverse financial conditions in the industry stem directly from management policies to engage in wasteful and destructive cost competition and the exceptionally poor planning and traffic projections done prior to the introduction of Boeing 747 fleets into service by many of the carriers. In addition, some of the airlines have diverted needed funds and resources into real estate, hotels and other enterprises unrelated to aviation, many of which incurred substantial losses or little or no profit. The major airlines have also made a variety of non-refundable development contributions to the Boeing SST program which are not even to be credited toward the purchase of that aircraft, if it is ever produced, and very likely will never be regained by the carriers.

For its part, the Civil Aeronautics Board has failed to restrain or check the carriers in these policies and practices.

Now, when management and regulatory errors have already brought the industry to its financial knees, it appears that the airlines are intent upon performing a final act of corporate hari-kari. Specifically, several U.S. airlines are reportedly now preparing to bind themselves to the expenditure of more than 1.2 billion dollars, plus large but indeterminate financing costs, for the purchase of the Concorde supersonic transport which is being developed by Sud Aviation-France and British Aircraft Corporation, Ltd.

There is incredibly little to recommend the procurement of the Concorde at this time. On the contrary, it appears that this acquisition program is merely another phase of the equipment and seat war between the various major carriers which, rather than create any benefits for either consumers or the carriers, will contravene the basic policies of the Federal Aviation Act. To name a few of the specific problems:

Air fares will be increased. Not only will there be a necessary surcharge for flights on the Concorde itself, which will probably be in the range of 40% or more of present first class fares even to achieve break-even operations, but it is very likely that extreme financial demands on the airlines will increase substantially their cash flow requirements and inevitably lead to general fare increases.

Inadequate traffic projections. The problem of achieving accurate estimates of future demand for the Concorde is very serious, yet the importance of obtaining reliable projections is underscored by the experience with the untimely introduction of wide bodied jets into service. The best data available from the Department of Transportation is fraught with uncertainties. The principal demand analysis was done for the FAA in 1966 by the Institute for Defense Analysis. (The CAB did some work for this project on a subcontract basis.) This study, however, is generally regarded by economists as imprecise and unreliable due to the uncertainties in



values of various critical parameters. In 1969 the IDA study was updated for the FAA by Charles River Associates who stated in transmitting their report that "a new demand study should be performed which would provide more reliable estimates and validation (or rejection) of certain key assumptions in the IDA report. Such a study would require substantial effort, but if successful would eliminate many of the problems inherent in the IDA models." The CRA transmittal also observed that "economic analysis has generally been given short shrift for a program of the magnitude of the SST."

**Environmental concerns.** There are many unknowns in terms of how extensive SST commercial operations may affect the environment. It is clear, nevertheless, that Concorde operations may be subjected to severe restrictions due to concerns about pollution and noise, and these restrictions may make its utilization impracticable.

**Safety concerns.** There are many unknowns regarding the safety of Concorde operations. One of the world's leading technological experts on supersonic air transportation, Mr. Bo K. O. Lundberg, director general of the Aeronautical Research Institute of Sweden, has summarized some of the problems as follows:

"The only thing that can be said—with almost one hundred per cent certainty—about the safety of the SST's and their operation is that they will be appreciably less safe than contemporary long-range subsonic aircraft. The reasons for this are mainly:

"1. The multitude of radically new design features.

"2. Aerodynamic heating effects on structures and systems.

"3. The almost complete lack of relevant military experience.

"4. The 'ballistic' speed, which calls for very exact navigation and makes the crew virtually blind for collisions with 'weather' (e.g. hail or other formations of precipitation) and other aircraft.

"5. The fact that deviations from the straight course full-optimal climb and cruise flight profile will result in a much greater increase in fuel consumption, which might critically encroach upon the fuel reserve, than for subsonic jets. This may lead to situations of conflict between the pilot, responsible for keeping a safe fuel reserve, and Air Traffic Control.

"These fundamental facts cannot be changed by statements, for instance by ICAO and IATA, that the SST's 'must have a safety at least equal to that of contemporary subsonic aircraft.' Assurances that SST's will be as safe as subsonic aircraft can be nothing but wishful thinking." Lundberg, Pros and Cons of Supersonic Aviation in Relation to Gains or Losses in the Combined Time/Comfort Consideration, 68 Journal of The Royal Aeronautical Society 611, 618 (Sept. 1964).

Although the CAB may assert that safety is principally the concern of other agencies such as the FAA, the Board does have an obligation to consider any such problems as may interfere with the aircrafts' operations or passenger acceptance, or may jeopardize the financial stability of the airlines.

**Inefficiency.** As MIT economist Paul A. Samuelson recently testified before Congress, the Concorde is generally acknowledged to be a "lemon" by aerospace engineers. It is almost universally assumed to be substantially less efficient than other existing and projected commercial transports such as the wide bodied jets. The Concorde has severe and debilitating restrictions on range, and overland flight limitations will make optimal scheduling extremely difficult. The FAA has estimated that the Concorde's cost per seat mile, in the 3,000-4,000 mile distance bracket, will be about 2.80 cents, substantially above the comparative cost projections for the 747, the stretched DC-8-63 and even the Boeing SST. However, even very slight increases in

the various elements of operating cost would make the Concorde prohibitively expensive to operate. For example, classification of Concorde flight crews as radiation workers may result in substantial wage increases.

**Initial acquisition costs and terms.** The Concorde is now projected to cost approximately \$30 million per aircraft, although the final price has not yet been fixed and undoubtedly will be subject to various escalation provisions. The overall project cost has already escalated five times, from the \$400 million figure given in 1962 to the present \$2 billion projection. Recent experience with massive cost overruns in other aerospace programs such as the C5A Galaxy transport, Sidewinder missile and the RB.211 engines underscores the importance and potential magnitude of this problem.

**Financing problems.** Financing arrangements have not been made, nor is it clear that adequate sources of funds for this enormous procurement program can be found at acceptable terms. Financing burdens on the airlines arising from the Concorde procurement, could very conceivably lead to the financial collapse, forced merger or acquisition of one or more of our major carriers.

**Competitive disadvantages.** The Concorde is widely regarded as a "loser" within the airline industry, of little or negative commercial and competitive value. Bo K. O. Lundberg has recently been quoted as stating that the Concorde will not be able to compete economically with subsonic jets, due to its substantially higher purchase costs per seat and higher operating costs per seat mile. In addition, enormous costs will be incurred by various governmental units in construction of the new airport and navigational facilities that will be required to accommodate the Concorde, and these costs may well be passed along, in whole or in part, to airline consumers in general. The fare increases associated with the Concorde's introduction into commercial service may also tend to reduce traffic and significantly hamper the growth of aviation.

The airlines purchase of the Concorde today appears wholly frivolous in light of the still unanswered questions which were raised in the 1967 FAA "Economic Feasibility Report" on the United States' SST program:

"Although the study was based on the best information and judgement available at this time, the large number of variables and areas of uncertainty involved in the analysis should be noted. Despite military experience with high-speed, high-performance aircraft, the development and production costs and thus the price of a commercial SST are major uncertainties. In addition, it has not yet been determined whether the aircraft will be permitted to fly at supersonic speeds over populated areas. Other major uncertainties include the preference of the traveler for speed as opposed to fare savings, in the event the SST's operating costs should require higher fares than for competing aircraft, and the general economic growth rate on which the air passenger traffic is based. Any significant changes in data relating to these areas could have a profound effect on the economic performance of the SST." (p. II-2)

The Civil Aeronautics Board has clear and direct regulatory responsibilities in the surveillance of such massive and critical contractual commitments by U.S. air carriers. As Chairman of the CAB, you have only recently returned from an urgent mission to England necessitated by the financial collapse of Rolls-Royce in the midst of the RB.211 production program under subcontract in the Lockheed L-1011 Tristar project. You would seem to be acutely aware of the direct and critical impact that equipment acquisition has upon the financial health of the carriers themselves. You noted at that time that:

"United States air carriers have more than \$200 million invested in this airplane [L-1011] and its proposed engines at a time when their economic outlook is not considered at its best.

"The failure of Rolls-Royce to deliver on its contract with Lockheed has widespread importance and far reaching consequences for the economics of the industry as well as a wide segment of the public outside the industry. The information I seek will be of great benefit to the Board as we perform our job."

The fact of the matter is that the CAB should have carefully reviewed the airline industry's investments in the L-1011's long before Rolls-Royce imperiled the program and their financial viability by declaring bankruptcy. The case for review is even stronger in the Concorde procurement which will entail commitments of six times the amount for the Tristar or more, and which involves enormously more complicated and more critical economic and operating projections.

For the foregoing reasons, I urge you and the Civil Aeronautics Board to initiate an immediate investigation into the management of the airlines and specifically into all aspects of the proposed commitments and expenditures in connection with the Concorde. The carriers should be directed forthwith to file with the Board all such agreements and proposed agreements for the Concorde and other procurements of similar magnitude, together with such economic and traffic data as they may have which purportedly justifies their participation. The CAB staff and the public should be given ample opportunity to evaluate and comment upon any such agreements or data, and the Board itself should make every effort to have full information regarding the merits and disadvantages of the program before reaching a final decision. Pending completion of this investigation, of course, the Board should place a moratorium on any commitments binding the airlines to further expenditures for the Concorde acquisition program.

The Board clearly has ample authority under the Federal Aviation Act to undertake any such investigation and to issue such orders as may be necessary and appropriate. See, e.g., 49 U.S.C. secs. 1377, 1378, 1382 and 1385. This action is not only required to protect the interests of the airlines and their stockholders, but the interests of consumers and the general public as well. Cf., *Moss v. CAB*, 430 F. 2d 891 (D.C. Cir. 1970).

Thank you very much for your consideration.

Sincerely,

REUBEN B. ROBERTSON III.

Mr. CONTE. I thank the gentleman.

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

Mr. CONTE. I yield to my friend from California.

Mr. McFALL. I wish to compliment the gentleman from Massachusetts on his statement. While we do not entirely agree, like most Members of the House, we nearly agree.

I did want to offer my compliments to the gentleman from Massachusetts, the ranking minority member of the subcommittee, who has cooperated in all these hearings on the SST. I believe his cooperation and that of all the members of the subcommittee has brought the kind of information before the country which is necessary in order to understand and to resolve this matter.

I thank the gentleman for his cooperation.

Mr. CONTE. I thank the gentleman from California.

I wish to point out to the Committee of the Whole House that the gentleman from California recently assumed the chairmanship of the subcommittee, and has taken the gavel over from my colleague from the Second Congressional

District of Massachusetts (Mr. BOLAND) who was an excellent chairman of the subcommittee. In the short time the gentleman from California (Mr. McFALL) has been the chairman of the subcommittee, he has done an outstanding job. He has been fair with all of us on the committee. He has been extremely fair with the witnesses.

I must say that almost en bloc, Mr. Chairman, after the hearings were over, the proponents of the SST and the opponents of the SST came up and said, "Those were some of the best hearings we have ever witnessed here on Capitol Hill."

A good share of the credit goes to the gentleman from California. I am proud to be able to serve with him. I know we have a slight disagreement here, but I know we will pull as a team in the future on many important issues facing this Nation.

Mr. McFALL. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I thank the distinguished gentleman from California for yielding me this time.

Mr. Chairman, I have indicated before one of the reasons why I thought we should not use Government funds for the SST. I consider it an incredible distortion of our national priorities. At the same time this country faces a huge financial deficit which has resulted in the administration placing in the deep freeze programs that are vital to the men and women of this country, the SST has been launched by the Appropriations Committee and is flying at full-funding level on its flight.

The SST, Mr. Chairman, seems to me to stand really for super sock the taxpayer. He is going to have to pay through the nose, as he has done in the past, to build the prototype and probably the production version of the plane as well.

It is ironic that he will not ride in it, assuming that it flies. Oh, yes, he can ride in it if he is ready to pay the fare, which is higher than the first-class fare for a subsonic plane. How many of them will do that? Less than 10 percent of the American people now fly in international travel, and the SST is dedicated to international flight. Of that 10 percent who fly in international travel only 3 percent fly in first-class accommodations. I suppose that of those who fly first class you will find some who will be paying the super fare for the SST flight and charging it off as a business expense. However, the average American who flies from here to Europe or to other parts of the world is going to be doing exactly what he does at the present time; namely, to fly where he can save a dollar and not where he can save 2 hours. He is going to fly economy class or charter or else he will fly in a class that will permit him to save a certain amount of money. The SST will not permit him to do that.

Mr. Chairman, there is a strange elusive quality about the arguments of my friends on the other side of this issue. On the one hand they assure us that the Federal contribution to the program will be held down to a mere \$1.5 billion in connection with the financing of two prototype aircraft. Yet on the other hand you go into the Speaker's lobby and

you see those roseate pictures of what is going to happen in the wake of the SST. There will be 150,000 jobs and billions of dollars in our balance of payments accruing to the Treasury as a result of this. There will be a \$1 billion profit through the sale of 500 SST's. But what my friends on the other side fail to point out is the huge financing gap, the gap between the completion of the prototype and the production version of the plane. The prototype is said to be costing in the neighborhood of \$1.5 billion. The total cost, according to Mr. Magruder's own testimony, is \$4 billion to \$4.5 billion, which make the production version of the plane cost in the neighborhood of \$3 billion to \$4 billion. Mr. Magruder conceded that by the time the first SST is turned out the cost of the program will have escalated through inflation so that it will be costing between \$5.2 billion and \$5.5 billion for this program.

Who is going to pay for that? A section has been put into this bill in which proponents of the SST pledge that no money in this bill will go for payment of the production version of the plane. Why, of course it will not. There is no money in this bill for the production version. There is no money in the next bill for the production version, either. We will not be ready to finance the production version of the SST until 1973, when the prototype is scheduled to fly. At that time, in 2 years, where are they going to come up with a financing program which will permit the country to know that private industry is assuming the payment of those billions of dollars that will be needed for that part of the program?

My friend, the chairman of the committee, Mr. MAHON of Texas, says we have invested so much already, why do we not invest several hundred million more dollars so that we will know what the prototypes will be like; we will have two prototypes. But, Mr. Chairman, who will have the prototypes? The Federal Government will not own them. This is a continuing process, Mr. Chairman, from the beginning through the commercial version of the plane. All that we can hope for is that Government financing stops at the completion of the prototypes. The prototypes will be owned by the Boeing Aircraft Co.

So it can at best only be described as a sweetheart deal. The Federal Government is putting up 90 percent of the funds for the prototype version of the plane. Based upon putting up 90 percent of those funds, the Federal Government is going to draw royalties at such time as the prototype version is through, in the event that private industry can come up with \$3 billion to \$4 billion which will be necessary for the production version of the plane.

I seriously doubt that, as I have pointed out in my separate views which I have written that when 300 planes are sold, mind you, 300 planes, a rather large number are sold, what happens? The Government gets its money back if 500 planes are sold. The Government gets a \$1 billion profit. But, Mr. Chairman, if 500 planes are sold, how much does Boeing get?

According to a study that has been put into the CONGRESSIONAL RECORD, Boeing will make a profit of something in the

sum of \$6 billion in the event 500 planes are sold.

Mr. BOW. Mr. Chairman, will the gentleman yield at that point?

Mr. YATES. I would be glad to yield to the gentleman from Ohio.

Mr. BOW. Is it not a fact that if Boeing could make a profit of \$6 billion, 50 percent of that would come into the Federal Treasury in the form of taxes?

Mr. YATES. I will say to the gentleman from Ohio that the gentleman and I do not know Boeing's accounting. I am sure the gentleman will concede that many corporations have depreciation standards and have other kinds of tax gimmicks that may very well prevent 50 percent of the profits from coming into the General Treasury.

Mr. BOW. The gentleman has said, and it is in the record, that Boeing would make a profit.

Mr. YATES. I am not opposed to a profit.

Mr. BOW. I am not either. However, if there is a profit about 50 percent would come into the Federal Treasury in the form of corporate taxes and if this number of planes is sold that would be \$3 billion that would come into the Treasury. So you have a \$4 billion profit.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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

Mr. LONG of Maryland. I wonder if the gentleman from Ohio would justify all the expenditures and subsidies that we pay out from the Government on the ground that no matter to whom you throw it away some of it comes back as taxes?

Mr. YATES. Of course, that is true. All of the subsidies that go into the creation of wealth in this country results presumably in profits.

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

Mr. YATES. I shall be glad to yield further to the gentleman from Ohio in a moment.

Mr. BOW. I will take my own time and I hope the gentleman from Maryland (Mr. LONG) will be here at that time.

Mr. YATES. The gentleman from Ohio receives no subsidy and yet he pays taxes to the Federal Government I assume without a subsidy. I do not know why he puts Boeing in this glorious position of paying taxes as the result of a profit. It just does not make sense to me, that kind of argument.

Any kind of a "sweetheart deal" would result in the payment of profits, but that does not justify what at best could be described as a most favorable contract for the contractor. The one who suffers is the taxpayer because he is going to have to finance the whole program.

My friend, the gentleman from California (Mr. McFALL), the distinguished chairman of the subcommittee, has indicated that you can get economists to speak on both sides of this program.

However, what is very interesting, Mr. Chairman, is that the only economists who have been brought forward to testify on this program are those who have opposed it.

There has been placed in the RECORD, at page 6668, statements by some of the leading economists in the country, all of



whom are opposed to the SST, and I read some of their names: Prof. Kenneth J. Arrow, Harvard University; William M. Capron, of Harvard University; Prof. Milton Friedman who, incidentally, is usually on the administration's side, professor of economics, is opposed to the program; Walter Heller, professor of economics, University of Minnesota; Wassily Leontief, professor of economics at Harvard; Richard R. Nelson, professor of economics at Yale University; Arthur M. Okun, formerly Chairman of the Council of Economic Advisers; Paul Samuelson, professor of economics at MIT and a Nobel Prize winner. The only one who in every way supports the SST program is Henry Wallich, professor of economics at Yale, and he is the only one who is supporting it, and he says the only reason he is supporting it is because France and England have got the Concorde flying, and he considers that to be a threat, and we have to get into it like all the rest. But he is the only one the administration has brought forward of all the economists who said he was for the subsidization by the Government of this program.

No economist of standing is in favor of it.

Oh, yes; oh, yes; there is a letter in the RECORD by Paul McCracken, who is Chairman of the Council on Economic Advisers, and I suggest that the Members ought to read it in order to see how lamely he strives to justify the intervention of the Government, and how reticent he is to be summoned to this duty. He is the only one that they can point to.

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

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

Mr. McFALL. Mr. Chairman, since the gentleman is talking of numbers here—

Mr. YATES. Yes.

Mr. McFALL (continuing). I have got a long list of numbers and names.

Mr. YATES. Those are scientists that I think the gentleman has.

Mr. McFALL. These are people who are for the program.

Mr. YATES. I thought those were the scientists who are referred to in Dr. David's letter.

Mr. McFALL. Since we are talking about numbers and names, I also have a number of names.

Mr. YATES. Are we talking about economists?

Mr. McFALL. We are talking about economists. Just to read a few: Buford Brandis, Ph. D., an industrial economist, and Grant Davis, a Ph. D. from Auburn University.

Mr. YATES. I think the gentleman ought to put his economists into the RECORD because they are not in the RECORD as yet. I think the gentleman is trying to minimize the impact of the arguments made by these economists, because they are devastating arguments. And the list of names the gentleman has I am sure does not contain any arguments of the stature of those presented by these people.

Mr. McFALL. What I am saying to the gentleman is that the gentleman can put in his list, and I can put in my list, but

what we are interested in are the arguments.

Mr. YATES. Right.

Mr. McFALL. So if you wish to make those arguments then I will counter those arguments with the statements that I have.

Mr. YATES. But these arguments are in the RECORD.

Mr. McFALL. The number of economists on either side is really irrelevant.

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

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

Mr. GIAIMO. Mr. Chairman, I would like to make the comment that in listening to the colloquy between the gentleman from Illinois and the gentleman from California, it seems to prove and demonstrate that in all of these issues with which we have been confronted in the United States that we have usually found scientists, engineers, and economists, on both sides on any given position at any given time.

So that the list of eminent economists the gentleman has waved before us this afternoon, many of whom are from my own city of New Haven, where Yale is located, does not convince many of us, one way or the other. We in Congress must still make the decision. Quite frankly, neither does a list of experts impress many of us too much, because we can get an equal number of economists to take a different position. I think that we ought to get down to the merits of the arguments rather than waving lists of economists about.

Mr. YATES. Well, if the gentleman will permit me to reply to him before he leaves—

Mr. GIAIMO. I am not leaving.

Mr. YATES. I thank the gentleman. I suggest to the gentleman that he read the arguments that have been advanced.

Mr. GIAIMO. The gentleman should not assume that we have not read them. I have read the arguments and the testimony.

Mr. YATES. Well, I would suggest that if the gentleman has read the arguments of these economists that I am surprised that he still continues to adhere to his position in support of the SST.

Mr. GIAIMO. May I say that I adhere very strongly to that position.

Mr. YATES. Continuing on, Mr. Chairman, the able gentleman from Massachusetts, Mr. CONTE, has pointed out some of the defects of the Concorde. Secretary Volpe of the Department of Transportation appeared before our committee, and testified, and he said:

I would remind you that the Russians, the British and the French are breathing down our necks. The British-French Concorde is flying. A second generation Concorde may already be on the drawing boards. The Russian TU-144 is flying . . . I assure you they mean business. They intend to sell these planes in the world market and so do the British and French with their Concorde.

And I asked an economist who appeared before us as to why he really was so frightened of the Russians. I said, "How many planes have the Russians sold to the free world?"

He said that he did not know how many planes they had sold, but he said

that when he was in North Africa there was a Russian Iluyshin he saw flying down there.

Of course, the Russians have not been able to sell planes outside of the block countries.

I am surprised that the Secretary of Transportation would advance that seriously as an argument.

Insofar as the French and the British and their Concorde is concerned, only a few days ago the press reported a statement by a BOAC official—a Government official, in other words, because BOAC is owned by the Government—a Government official who very sadly stated that the operating costs for the Concorde were twice those of the 747. The press reported a few days later a statement in which it was said that the representatives of the Concorde from Britain and France were going to meet on March 29 to determine whether or not to stop work on the Concorde.

There is total dissatisfaction with the operation of the Concorde. If those people are not enough—and if my good friend, the gentleman from New Haven, is not satisfied with the thrust of the economic argument, let me present an argument of a very practical economist, president Robert Six of Continental Airlines who testified before the Magnuson subcommittee on the Senate side in response to Senator INOUYE's question as to whether or not the airline industry would be forced to purchase the Concorde and he replied this way to Senator INOUYE. He said:

Technically, I think the Concorde is a good airplane. I think the economics of it are poor at the present time. It escalated in price from \$13 million to a price unknown today, somewhere between \$20 and \$25 or even more millions.

The economics are poor. Based upon present requirements you can only fly over water in the case of Continental. It would cut the time about in half but you would have in the Concorde roughly 120 passengers on all first class superfare and I don't think we have that kind of a market in the Hawaiian market to stand that kind of a fare structure.

That is president Robert Six of the Continental Airlines.

I would have thought that a flight from Hawaii over here to the west coast of the United States would have been a natural for a supersonic aircraft—but not for President Six of the Continental Airlines—he said, "This is no good. It will not work."

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

Mr. YATES. I am delighted to yield to the gentleman from Connecticut.

Mr. GIAIMO. I think that gentleman, Mr. Six, if I remember correct, is president of Continental Airlines.

Mr. YATES. Yes.

Mr. GIAIMO. I think, if I remember correctly, Mr. Six indicated it would not be economically wise if they were to use this in a flight to Hawaii.

Mr. YATES. That is right.

Mr. GIAIMO. But he also indicated that the Concorde was a very fine airplane.

Mr. YATES. No; he did not say that. Just a second—let me say what he did say. He said that the Concorde will fly and will be a very good airplane.

Mr. GIAIMO. Yes; then I will correct my statement that instead of him saying that it was a fine airplane, he said that it was a very good airplane.

Mr. YATES. Mr. Six is not engaged in the business of flying airplanes; he is engaged in the business of making money, and he is not going to be making any money with the Concorde, and that is the point.

Now I want to make two other points. The distinguished gentleman from California pointed out that we have not emphasized the environmental arguments to the same extent we have in the past. The point is—the proponents of the aircraft very suddenly have shifted their emphasis to the prototypes and they have limited in their arguments exclusively their commitment to the prototypes.

The point I want to make is this—nobody has any objection to the prototype or the amount of pollution that the prototype will produce. But I will say this—we are still concerned about what fleets of SST's will do to the environment and the fact that the prototype's flight has never been a source of worry or concern to us. On the research on the environment I voted for the appropriation for the research on the upper atmosphere to attempt to determine what the fleets of SST's and what they would do to that atmosphere. I will say to the gentleman before I yield to him that Dr. McDonald, before our committee, was concerned about it. I will say to the gentleman that Dr. Kelly, whose name he used, I believe, in his direct presentation as an environmental expert, said in response to my question that he was still concerned about what the fleets of SST's would do to the environment and he looked forward to what the research would show.

Mr. McFALL. We will agree that the testimony showed no one is concerned about what the two prototypes would do.

Mr. YATES. Correct.

Mr. McFALL. The testimony went to what a fleet of 500 airplanes would do.

Mr. YATES. Correct.

Mr. McFALL. The scientists before us agreed that there were some problems that could be and should be resolved in the next 2 years, but they believed that at the end of those 2 years over 99 percent of those problems would be resolved. Dr. Singer said that 95 percent of the problems have been resolved, and by the end of 2 years 99-and-a-fraction percent of the problems would be resolved. The biggest problem, which is noise, will be resolved.

Mr. YATES. There you are. We talk about the strange, elusive arguments of the proponents of the aircraft. Now we have the gentleman talking about noise pollution, and that that will be resolved. All we have is the testimony of Dr. Beranek, an expert on noise, who appeared before our committee and said that they now have on the drafting table a plan which, by changing the diameter of the engine and by removing the afterburner, should bring about an engine that will reduce the noise produced by the SST to 108 EPNdb following the FAA regulations. That is the testimony of Dr. Beranek.

Mr. McFALL. You will agree that the testimony showed without contradiction

that this motor will do the job as designed, will you not?

Mr. YATES. I will agree that the testimony of Dr. Beranek is to the effect that they have in the drafting stage a motor which conceivably may reduce the noise of the engine. But I suggest to the chairman that there is many a slip between the drafting table and the time that the motor gets on the wing of a plane, and I suggest to him that the cost which is presently indicated at an extra \$50 to \$60 million for that motor may very well escalate as the Concorde costs has escalated.

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

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

Mr. McFALL. The testimony was that it is on the drawing boards. Every expert who has examined this motor feels that it will do the job. There is no controversy at this time about the motor being able to meet the noise requirement.

Mr. YATES. I suggest that you and I could argue that point, but I am telling you what Dr. Beranek's answer was to my question. That is in the hearings, and those who want to take sides can read the hearings.

I want to make one further point in connection with the environmental question. All witnesses, without exception, the environmentalists—and Dr. Beranek himself—stated that you do not need the prototypes, you do not need to complete the prototypes in order to get the results of the research on environmental pollution. You do not need the prototypes in order to find out about noise-producing engines. So the answer to the question about whether or not you will be polluting the atmosphere or whether or not you will be polluting the atmosphere through knowledge does not necessarily come from the prototypes. It is not necessary to build them for those reasons.

My good friend from Massachusetts (Mr. Conte) is willing to accept the administration's position on sonic boom. The administration has stated that it will not fly supersonically over land at speeds which create a sonic boom. I am not as optimistic as my friend is about that, for reasons I expressed in my minority views in the report, and I urge Members of the House to read that. There is testimony to the effect that the economic liability of the SST will be hurt in the event it is not permitted to fly over land supersonically, and I suggest that with the passage of time, if the SST is built, and if the Concorde flies over the Atlantic and wants to fly over the country and some of our airlines do buy the Concorde—which I do not think they ought to do—I suggest that the pressures will build up in future years on the ground in support of the view that this is just part of the knowledge in improvement in transportation. I suggest that the pressures will build up to the point where they will be permitted to fly supersonically over land as well.

As a matter of fact, Gen. Jewell Maxwell, the predecessor of Dr. Magruder, appeared before our committee 2 years ago and stated in response to my question about sonic booms:

I believe that the people of America will come to accept the noise of sonic booms in the same way as they have accepted the noise inherent in other advances in transportation.

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

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

Mr. CONTE. Mr. Chairman, I know I questioned Mr. Volpe and others about allowing the plane to fly over land supersonically, and whether they would support legislation that would prohibit the SST or other commercial planes from flying supersonically over land, Mr. Volpe and others said they would support such legislation.

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

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

Mr. McFALL. I believe the FAA and the Department of Transportation have said they will support legislation which will provide that no supersonic flights over the United States would be permitted.

Mr. YATES. I would suspect the FAA would come forward with that kind of legislation. I would suspect the FAA would do anything it could to try to get the legislation for the SST at this time.

I had not intended to go into this until later, but as the gentleman knows, I requested a report from the present Advisory Science Panel be made available to the committee, and I say if that report were favorable to the SST, that report would have been made available to the committee, so the only conclusion I can come to is that the report is not favorable to the SST. The administration has brought forth every argument, advertisement, and report in support of the SST. It refuses to make that particular report available.

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

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

Mr. ADAMS. Mr. Chairman, I might report that a bill is pending in the Senate, which I anticipate will be passed before the end of the week, on the sonic boom to prohibit supersonic flight over the United States. This gentleman is sponsoring such a bill in the House.

We have the problem, if the gentleman is not aware, that the Russians have requested that there be bilateral discussions on landing of their fleet here. So from the point of view of supersonic flights over land, we will have the problem whether with this airplane or whether with other foreign airplanes. I hope the gentleman from Illinois will support us in our efforts.

Mr. YATES. Mr. Chairman, I will tell the gentleman I was one who pressed for elimination of the supersonic boom.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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

Mr. LONG of Maryland. Mr. Chairman, would the gentleman agree that we can technically reduce both the sideways noise and the sonic boom, but we can only do it by increasing the cost and therefore further reducing the economic viability of it?



It will fly over the seas supersonically, and God help anybody out on the ocean when one of those things flies over. I feel sorry for anyone in that position.

Mr. YATES. Mr. Chairman, I will close by saying that every public opinion poll in the country—and if this is not correct, I hope someone in the House will tell me so—shows the American people are opposed to the SST without exception. The distinguished gentleman from Iowa (Mr. Gross) told me a few days ago that in his home State of Iowa the Wallace poll, which he says is quite reliable, indicates the farmers of Iowa are 66 percent opposed to the SST.

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

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

Mr. ANDREWS of Alabama. Mr. Chairman, did I understand the gentleman to say there would be promulgated laws or regulations to prohibit this plane from flying over land?

Mr. YATES. At speeds which generate the sonic boom, yes.

Mr. ANDREWS of Alabama. So it can fly only over water?

Mr. YATES. Yes. And its economic viability would depend on that.

Mr. ANDREWS of Alabama. I just happened to think of an old poem I heard years ago:

The little girl said,  
"Mother dear, may I go out to swim?"  
"Yes, my darling daughter;  
Hang your clothes on a hickory limb,  
But don't go near the water."

So, as I see this plane, we should say: You cannot go near the land.

Mr. YATES. I thank the gentleman. Mr. Chairman, at any rate for all these reasons, I oppose the SST appropriation, and I urge the House to vote it down.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, with as much hot air on the subject as the farmers from Iowa and throughout the country have been exposed to in the last few months on the SST, it is of small wonder they are confused.

Mr. GROSS. Wait a minute. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I am talking about the people all over the country. I will yield in just a moment. Let me finish my statement.

Mr. GROSS. Let me tell the gentleman that they are not confused.

Mr. KUYKENDALL. Mr. Chairman, several years ago during the Kennedy administration the idea of whether the American SST was going to be built with private funds or whether it was going to be built with Government funds was debated on this floor. This debate followed shortly after a debate in which it was determined whether or not the Comsat, communications satellites, were to be built with private funds or public funds. Some will recall that in the other body there was a filibuster against Comsat being built with private funds, because they did not like the idea of a "giveaway." Thank goodness they were defeated.

A great many gentlemen in this body, including Mr. Bow, were strongly oppos-

ed to the American SST being built with public funds, but the die was cast, the will of the Congress was expressed, and it was decided that is the direction it would go, and so be it.

Very little has been said about the fact that if we withdraw from this contract, yes, then there will be an opportunity for a group of business concerns to really make a bonanza. First, it will cost the taxpayers \$178 million of new money for us to withdraw, so everyone who votes "no" should remember he is voting an appropriation of \$178 million to withdraw.

And then what will the Secretary of Transportation have on his hands? He will have an engine. He will have a finished simulator. He will have a finished skin technology. He will have a finished mockup. And he will have a no-value price on it. Without any new legislation—in fact, it would take legislation to prevent it—he may auction off the whole package to the highest bidder for one dollar. And whoever buys it will not owe the Federal Government one penny. There will not be any payback, not any royalty, not any payback of the billion dollars invested. Not one penny will they owe.

That is one little effect of a "no" vote on this appropriation that has not been discussed.

The gentleman from Illinois has said that nobody wants to discuss the effects of the entire SST fleet. Well, I am happy to discuss the effects of the entire SST fleet.

Mr. YATES. I did not say that.

Mr. KUYKENDALL. I am talking about the proponents of the SST.

Mr. YATES. I never said that.

Mr. KUYKENDALL. The gentleman said everyone was perfectly happy to discuss the effects of the two prototypes but everyone was avoiding discussion of the entire SST fleet. I believe those are his words; if not, I am sorry.

In my rather short public service career there has been no issue in which there have been so many deliberate and nondeliberate half truths and fabrications as have been told by many of the foes of the SST. This holds true particularly in the field of ecology. So I have taken this opportunity to bring into focus the greatest example of a tempest in a teapot or a drop of water in the ocean that I have ever seen.

I will share with you for the next few minutes some facts about the SST engines and pollution. First, let me make this clear. What I shall tell you is not conjecture based on some theory. One or more of the SST engines have been on the test blocks for over 3 years. We know exactly what their present performance is as regards pollution and noise, and what it will be. Aerodynamically, we can only project what this plane will do. But as far as pollution and ecology is concerned—we know exactly.

It has been said, and with absolute proof, that this is the cleanest mode of hauling people ever devised by man. But let me be more specific. The entire American SST fleet projected to 1985 is 500 airplanes or 2,000 separate engines. The total emission of pollutants from these 2,000 engines is equivalent to 1,800—get that now—only 1,800 brandnew 1971

model automobiles, fully equipped with Government-approved emission control devices. How many cars is 1,800?

And remember, I am speaking of worldwide. Well, let us bring it closer to home. There are approximately 4,100 inside parking places on the House of Representatives side of Capitol Hill. This means that the entire American SST fleet—worldwide by 1985—would project less than half the pollution per hour as the cars driven by the U.S. Congress and their staffs.

To those of you that live on the west coast this pollution is the equivalent to the number of cars that pass over the Golden Gate Bridge every 28½ minutes 24 hours per day. To those of you who live in New York that is the amount of pollution produced by the cars that pass through the Holland Tunnel every 46 minutes 24 hours per day. And to you from New Jersey, this is the amount of pollution produced by the cars that pass down the New Jersey Turnpike every 49 minutes 24 hours every day.

So what I am saying here is this. When you consider the total effect of the emissions that only 1,800 new automobiles would have on the ecology of the entire world it is too ridiculous to even be an issue. Yet it is an issue because too many people have believed so much absolute unmitigated hogwash over the past few months.

Now, concerning water in the outer atmosphere. When I first heard this charge many months ago, I thought how ridiculous can it be. Since I am a pilot and I have known meteorology, I know that particularly in all the warmer climates thunderstorms rise about 60,000 feet every day. So I asked a meteorologist to make some estimate of the moisture content in the stratosphere of a typical thunderstorm and they were able to arrive at an estimate that one typical thunderstorm rising to 60,000 feet would introduce as much moisture into the outer atmosphere as the entire SST fleet of 500 airplanes and that there are 1,600 such thunderstorms reported in the world every day.

Mr. Chairman, these two points that I have made only cover a part of the barrage of unbelievable propaganda that has been placed upon the American people. But it has always been my belief that if you are able to discredit part of the so-called learned comments then people should look seriously at all parts. I think practically all of the anti-SST propaganda has had about as much basis in fact as the two parts that I have mentioned.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. KEATING).

Mr. YATES. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. KEATING. I will be glad to.

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

Mr. HELSTOSKI. Mr. Chairman, I rise in support of the gentleman from Illinois (Mr. YATES) in his endeavor to delete funds for the SST, and hope that enough Members of this body will join

him in stopping the expenditure of funds to build this unnecessary supertransport.

The proponents of the SST claim that these fast flying planes will fly principally over water and the sonic booms created by this aircraft will not affect land areas. I cannot accept this theory and idea that it will be a sole over water endeavor and I can foresee the clamor of the general public pressure will be such that the plane will not be allowed to fly over land anywhere in the world. If that be the case, we are encumbered with a plane of limited function.

The environmental significance of the SST is so obvious that it does not need to be outlined in detail.

Recently a National Academy of Sciences panel on atmospheric warned that large scale deployment of the SST's might increase the incidence of skin cancer if exhaust from the planes thins the protective layer of ozone that shields the earth from the full force of the sun's rays.

The Chairman of President Nixon's own Council of Environmental Quality, Mr. Russell E. Train, has urged that the effects of the SST's on the atmosphere "should be thoroughly understood before any country proceeds with a massive introduction of supersonic transports."

Meteorologists Dr. Reginald Newell of MIT, and Dr. James E. McDonald of the University of Arizona, testified that water vapor emissions from the projected 500 SST's pose a significant hazard by reducing the stratosphere ozone. Boeing Co. scientist H. Harrison predicts a decrease of about 4 percent of the ozone from SST vapor emissions. Ozone absorbs potentially lethal ultraviolet radiation, preventing it from reaching the earth's surface in harmful quantity. Dr. Newell testified that this would lead, for example, to an 11-percent increase in ultraviolet at the latitude of Miami in summer. Dr. McDonald indicated a potential increase in the incidence of skin cancer as a result.

Dr. Newell also testified that increased cloudiness could be expected in the northern latitudes, with unknown effects on the climate.

Mr. Chairman, I am sure that there are other environmental problems that we could discuss with the construction and flying of the SST, but I shall not beleaguer this House with known statements made by respected members in the scientific world.

Mr. Chairman, what is the price tag for this supersonic transport? The Department of Transportation figures show that already—1962 through March 30, 1971—the Government has spent \$864 million on this project and, it is estimated that it will cost the taxpayer another \$478 million by 1974 when the prototype testing is completed. I do not favor this Government financing of private programs and these private supporters of the SST should carry the complete burden of this endeavor.

The expenditure of hundreds of millions of dollars of public money in support of this ill-conceived venture is economically unsound and contrary to our national interests.

Millions of American travelers now make their trips by bus or private cars

because of air fare increases. Only 4 years ago a one-way flight from New York to Boston could be had for \$13—now that same flight costs \$26. And when our airlines lose money because of empty seats and rising costs, research and development efforts to provide for a somewhat faster transportation over the ocean for a few thousand well-heeled travelers at still a higher cost make no sense whatsoever.

I feel that a redirection of the bulk of public SST funds to higher priority uses should be our prime consideration. We should pursue such projects as the abatement of air and water pollution, the building of new cities, and the solving of mass—not class—transit problems.

According to recent newspaper accounts, the BOAC does not consider that they can operate the Anglo-French supersonic airliner Concorde economically. If this story is true, it is hardly a good predictor for U.S. success with our proposed SST. We should not be taken in by assurances that if, upon completion of the prototype, the SST is economically unjustified or environmentally unsuitable, the entire program will be terminated. Let us not put any more funds into a program which runs into the probability that it will be entirely wasted.

In our work as Representatives of the citizens of the United States, we must make many difficult decisions. The SST is not one of those decisions. The only difficult part now is how to disengage the Federal Government's involvement as rapidly and as efficiently as possible.

The SST is not a high priority program for which Federal funds have to be allocated to serve vital national interests. The Nation has urgent priorities and urgent needs that need Federal action—the SST is not one of them.

We must not continue down the path of the administration proposal to continue this program. If we open the door for further funding, we may find ourselves that we have given up our last chance to devote a higher proportion of funds to slum clearance, education, mass transit, and other high priority domestic programs.

Mr. Chairman, I respectfully urge this House to vote down appropriations for further research and development of the SST.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

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

Mr. KEATING. Yes. I will be glad to yield to the gentleman.

Mr. CHAMBERLAIN. Mr. Chairman, I take this time to inquire of the gentleman from Tennessee (Mr. KUYKENDALL), if he can advise us where these statistics he just recited originated.

Mr. KUYKENDALL. These statistics originated in the latest form from the Department of Transportation. Statistics on the traffic across the different freeways and bridges came from the Department of Commerce and the Department of Transportation as of yesterday. Ecologists and scientists with the Department of Transportation and Boeing and an outside agency that was employed by Boeing were asked by me to put these figures together as early as 3 months ago.

Mr. CHAMBERLAIN. I thank the gentleman for yielding.

Mr. KEATING. Mr. Chairman, I have not a prepared text from which to give my opinion on the SST. I have listened to some of the arguments presented from this well this afternoon, and I would like to make my comments as to some of them.

With respect to the American people being overwhelmingly opposed to the SST, I would like to make a couple of comments about my own personal experience in my district. Originally, my mail, as most others, was opposed to the SST and the development of the two prototypes.

Since I support the development of the SST through the prototype stage, I decided that I would go to the people in my district and give them my reasons for supporting this program. I did this. The response from my constituency was most gratifying in that it completely reverses itself. I feel the people now understand the problems involved in the development of the SST and the arguments pro and con. My mail is running approximately 2½ to 1, in support of the development of the SST through the prototype stage. You may take your polls and listen to the returns in your own district but I say that as I stand here today, the people in my district are supporting it because they have been given the facts.

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

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

Mr. PELL. I would like to say to the gentleman that I wrote an article for the American Legion magazine in favor of the SST and a Member of the other body wrote one opposed to the SST. Then the American Legion members had a coupon which they sent in expressing whether they were opposed to or in favor of the development of the SST. The returns were overwhelmingly in favor of it. They overwhelmingly supported it.

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

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

Mr. YATES. Where is the gentleman's district located?

Mr. KEATING. In Cincinnati, Ohio, the First Congressional District.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, is that where they are manufacturing the General Electric engines for the SST?

Mr. KEATING. Yes, that is correct, this is where they are manufacturing the engines. It is also the place where they have overcome the sideline noise problems in the development of this engine. I would also like to point out that as in many other districts, people are concerned with the effect of the SST on the environment. I have met with the representatives of these various groups and discussed the effect of the SST upon the environment. The attitude of many of the representatives changed when presented with the arguments concerning the environment.

Mr. Chairman, I support the SST and I believe the people in my district support the SST because we have understood the facts. I believe the people across



the country will support it as soon as they have received the complete facts on the subject.

Mr. Chairman, with reference to the environmental question it is interesting to note that most of the reasons advanced for opposing the SST and its development was the adverse effect upon the environment. However, as we have moved along in the process of developing the aircraft and the process of debating the environmental issue these questions on that issue have pretty well dissipated to the point where the arguments center primarily around the economies and priority issues.

We have talked about a lot of statistics this afternoon and I shall not belabor that any longer. However, I would like to make one comment on the development of the SST in other parts of the world. I am convinced, as are many others; that there will be an SST; that an SST will fly; that the British-French Concorde will fly commercially; that the Russian plane will fly commercially. We know that the Russians today are advertising in our magazines and developing brochures for the sale of the Russian version of the SST.

There have been indications that the U.S. airlines want to purchase some of the Concorde.

I am convinced that if we do not develop the SST in this country that the airlines of the United States will be buying these airplanes and they will be landing on our shores and they will be transporting people between the continents. Purchase of these foreign planes by U.S. airlines will adversely affect our balance of trade.

Mr. Chairman, there is not any question in my mind on that fact. I think we ought to continue to have our mastery and our superiority in the aerospace industry. We can do a better job. If we had not progressed in the aerospace industry over the years and had not developed larger and faster aircraft, our skies today would be completely littered with small aircraft transporting people across this country. The productivity of the SST is three times that of the 747. I am convinced our environment is not going to suffer from the prototype development of the SST.

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

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

Mr. YATES. Does not the gentleman believe that commercial aircraft should be developed by private industry other than the Government?

Mr. KEATING. I would have to answer that question in this fashion. Throughout the history of the aircraft industry the military has done a great job in developing techniques and technology—technological progress—in the air industry and private industry has benefited from that development. I do not see any distinction in this particular instance. In fact, the U.S. Government has been financing the research and development of aircraft for many years. All major work in this area has been done on military aircraft and then the knowledge has been applied to civilian aircraft. This is the first time that civil-

ian needs have run ahead of military requirements.

Mr. McFALL. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, and Members of the Committee, I would just like to say in response to a question that was posed concerning Government subsidization that when it came to building the railroads throughout this country that the Federal Government had to subsidize and build the railroad industry. When it came to developing a merchant marine it was only with the help of the American Government that a merchant marine could be developed.

I think in the whole history of transportation it has been the Federal Government that has had to take the initiative in developing these several forms of transportation.

And may I say perhaps as a matter of some little interest that the great hue and cry about the sonic booms, every time we have a thunderstorm you have a sonic boom created in the same way the sonic boom from a plane takes place, and I do not know that any of us have had our brains particularly addled by these thunderstorms.

Mr. McFALL. Mr. Chairman, I yield 6 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, Congress is under deafening assault to pour more hundreds of millions into the SST. Scientists question whether the technical problems of noise and damage to the atmosphere have in fact been licked. Regardless of the threat to the environment, however, we would still not be justified on economic grounds to further subsidize the SST in view of more worthwhile ways to spend our money.

Economic arguments for the SST have been, to say the least, misleading.

Claim: The SST would create 150,000 jobs.

Fact: Only a few thousand jobs would be created for the near future. The 150,000 figure is a planner's speculation for 10 years hence. By that time we might have a labor shortage rather than the present unemployment problem. We need jobs now. Almost any other way of spending this money, such as housing, education, health programs, and combating pollution to name a few, would yield more jobs at this time.

You know, the ancient Egyptians are said to have built pyramids to provide jobs but, as a job producer, this flying pyramid would be a flop.

Claim: The SST will generate new tax moneys.

Fact: So would any other industrial investment. Unfortunately, the SST will also cost tax moneys. And for most States, more tax money would flow out than would flow in from the SST. As a matter of fact, a recent check on this showed that only six States would obtain more tax money than they would have to pay out, and those, interestingly enough, happen to be the State represented by the gentlemen from Ohio, the gentleman from California, the gentlemen from Washington, and the gentlemen from Connecticut. For all of these I have enor-

mous admiration, and I have been puzzled as to how such intelligent men could be so wrong on this issue in supporting the SST. Now that I have learned about the increased tax benefits for their States I can understand. But I also have to represent my own constituents. Maryland is one of the 44 States that would not be benefited.

Claim: The SST is necessary to head off capture of the world airways by the British-French Concorde.

Fact: The French-British Concorde is in deep trouble. As Mr. CONTE pointed out, its manufacturing costs have already been multiplied four times. Maintenance cost estimates have doubled. Estimated to carry 134 passengers to be competitive, tests now show it will carry only 110. A parliamentary report in France warns, "we are throwing away billions with no hope whatsoever of any future commercial returns."

The British Aircraft Corporation admits:

There is no prospect for many years to come that any supersonic transport will be able to rival the operating costs achieved by the large, wide-bodied jets.

Claim: The SST is the most productive airplane the world has ever seen.

Fact: The SST proponents have defined productivity in a most unusual way as seat-miles per hour, omitting cost and fuel consumption. By the definition of seat-miles, our moon rockets would only have to carry 30 people at 17,500 m.p.h. to be equally productive to the SST—but try to make a profit on it.

Claim: The SST would improve our balance of payments.

Fact: This prognosis is derived from adding the most optimistic forecast of foreign sales to the most fanciful estimate of purchases by American airlines—all for years in the future, and omitting that tourist dollars spent abroad would offset SST income.

Claim: The American people would benefit from the SST.

Fact: At the higher fares, relatively few Americans could ever afford to ride this plane. Much of the traffic would be tax-deductible expense-account flying, putting still greater burden on the middle income taxpayer who would pay higher taxes to make up for these tax deductions but could not ride in luxury planes.

Claim: \$500 million in additional funding will end the Government's financial contribution.

Fact: In 1963, President Kennedy assured us that in no event would it exceed \$750 million. We have already spent \$864 million and are being asked for \$500 million more. It has been admitted that we might have to put another \$1 billion to \$5 billion.

In sum, the SST would not provide any significant number of jobs now, when the jobs are needed, or as many jobs as the same money spent on remedying pollution or providing adequate health care. It would cost most States more tax money than it would bring in. Claims that the SST will be a profitmaker are based on long-range forecasts and assumptions similar to those which in Britain and France have already been acknowledged to be a keen disappointment. The SST

offers as much prospect of hurting, as of helping, our balance of payments. Most Americans would never ride in it but would nevertheless bear the burden of the subsidies. No limit on the U.S. subsidy is in sight. And the enormous sums that we will be asked for in the near and distant future will divert from vital needs now being starved for funds as the President impounds billions of dollars appropriated by Congress for education, water and sewers, naval vessels, military housing, public works projects, Appalachia, and health care.

Mr. CONTE. Mr. Chairman, I yield to my friend the gentleman from Ohio (Mr. Bow) such time as he may consume.

Mr. BOW. Mr. Chairman, I shall not take much time in this debate today. Dr. Long has just made a very fine statement of rumor and facts or whatever he called them. I just wonder whether some of the facts are as much rumor as the questions he raised—or where the facts come from. But I would question many of the facts that were given by the good doctor.

I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Which fact do you want to question?

Mr. BOW. I can only answer that the gentleman has so many unusual facts that I would question a good many of them.

Mr. LONG of Maryland. The gentleman must have one in mind.

Mr. BOW. I will do that tomorrow after I have had a chance to read them.

Mr. LONG of Maryland. I just wonder if the gentleman had anything in mind or whether he was just speculating about anything.

Mr. BOW. The gentleman says or mentions speculation by those who are opposed to the SST. I should think the gentleman out of generosity would give some of us a chance to speculate a little bit, too—along with the hard facts that we are going on why the SST should be built.

Mr. Chairman, on this question of the balance of payments, I know that Dr. Long and many others have been at airports all over the world. Well, I will not say all over the world but in certain areas of the world. As you look out over these airports, you see practically nothing but American aircraft used by the airlines of other countries. The fact of the matter is that between 80 percent and 85 percent of all aircraft now being flown in international traffic were built in the United States. If we lose our prominence in this field, it will seriously affect the balance of payments. There can be no question about that—that is a fact.

If they build an SST-type plane, the Concorde or the Russian plane, they will capture the market, and we will lose our position in world trade in the building of aircraft. I think that is a very important consideration.

I wish to go into another question that was raised, and that is the question of financing. The gentleman from Tennessee (Mr. Kuykendall) said that I was opposed to Government financing of prototypes, and that is true. I did oppose it. I had introduced a bill in several Congresses known as H.R. 15, in which I had proposed that there be private financing

of the entire construction of the prototypes in the building of the SST. I tried my best to get hearings on those bills before the Interstate and Foreign Commerce Committee in order to submit the facts. The matter was debated on the floor in the House on an amendment, but I do not believe it was sufficient. It should have been heard by a committee of the Congress so all the facts could have been presented. We could have done it at that time.

I had talked to bankers, brokers, and people who were in Comsat and others. They said at that time it could be done, because interest rates were lower and money was freer. It could have been done.

But the decision was made by the Congress not to do it that way, but to do it in the manner in which we are now building the plane. But I have said at all times, even when I was opposed to Government financing and I supported private financing, that I felt an SST should be built in order to enable us to maintain our position in the aviation world.

Therefore, I am supporting the joint resolution today providing that we build the SST, in order not to bring about a cost that has been estimated might go over \$1 billion if we should cancel the contract today by not supporting the appropriation. The cost of canceling today or voting against the joint resolution could cost the taxpayers of this country at least \$1 billion or more. Then what would we have? We would have nothing.

But if we build the prototypes, we will then have an opportunity to determine whether all the charges made against the SST are true or not. If these claims that the gentleman from Illinois and others are making should be proven to be true, then we should not fly the SST. But until we have the prototypes—and I know the gentleman from Illinois said we did not need a prototype to prove these things, and that is about what he was going to tell me right now, so I will yield to the gentleman so he can get it in at this point.

Mr. YATES. To the contrary, I have already put it in the record, and it has been testified to in the hearings by experts.

Mr. BOW. The statement is also in the record by witnesses that the building of a prototype will lead to the final decision on whether or not the airplane will do those things. That statement is in the record. You can read this record and you can get almost anything you want out of it.

I sat through most of the hearings, and I have never seen a better case made for the building of the SST than we had this year. I thought the witnesses who came up from the administration, from the Government, and those on the outside made an excellent case. I admit some of the witnesses on the other side made an excellent case. I am reminded that one of them had a long, long statement about how the ozone was going to be affected, and I think the gentleman from Tennessee took pretty good care of that point. The witness delivered a long statement to the effect that we were all going to get skin cancer if the SST were produced and flown. I do not want to be a party

to such a thing. Therefore, I was interested in what this gentleman had to say.

It developed later that this is the same gentleman—the one who said that we were all going to get skin cancer—who talked about the brownout in New England and the cause of the brownout in New England. He said it was caused by unidentified flying objects from outer space, that they were manned unidentified flying objects from outer space, and that they were down here to spy on us, and they caused the brownout up in New England and New York.

And they caused the blackouts in New England and New York. Now I cannot give much credence to the testimony of that expert on skin cancer and ozone.

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

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

Mr. YATES. Mr. Chairman, I think the gentleman goes further than the testimony before our committee when he says Professor McDonald said that Professor McDonald said that might have happened. He did not say it did happen.

I might say the other administration witnesses, including Dr. Singer and Dr. Kellogg, said Dr. McDonald, of whom the gentleman speaks, has the very highest qualifications as an atmospheric scientist.

Mr. BOW. I think he has some qualifications, and certainly more than I have on that subject. He has more letters and Ph. D.'s behind his name than the colleagues of mine who spoke a few minutes ago on that sort of thing, but I do not think he is much of an expert when he talks about what caused the blackouts in New England. Maybe he does know something about the ozone, but not about the blackouts in New England.

Let me say this. I look around the Chamber and I see all the young people are here.

Mr. GROSS. Wait a minute.

Mr. BOW. Yes; I see one older man back there. He is still younger than I, but I am older than most of the Members here. I heard last November about how old and feeble and senile I was, so let an old, senile gentleman make a statement. I can remember the day when the farmers in Iowa—no; let us make it Ohio, because I know more about Ohio than I do about Iowa—would go out along the highway with a shotgun to try to stop the automobile from coming by because of what it was going to do not only to their stock, but to the ecology.

I can remember riding in a horse and buggy with my family. We had a survey—no fringe on top, but it was a survey—and we would be going along the road. Father would see an automobile coming along. Under the law of Ohio at that time, if the driver of a horse and buggy held up his hand, the automobile had to stop. I think father at that time was thinking the same as opponents of the SST today—that if he put up his hand, he was going to stop the automobile.

We can go back to the steamboat. They were not going to have the steamboat because of pollution. Look at all the progress we have made in this country. Somebody sometime has used the same scarecrows we are hearing today.



I can remember one thing. In my city of Canton, Ohio, we had the Sun Vapor Light Co. there. The Sun Vapor Light Co. made the mantles and the standards for the gaslight on the streets of the cities. They were good. But when Mr. Edison invented the electric light bulb, and his wife had come from Canton, Ohio, he went, or his representatives went, to the Sun Vapor Light Co. to try to sell them his electric light bulbs for some of their lamps. The directors of the Sun Vapor Light Co. said:

Oh, no. The electric lamp will never take the place of our fine gas mantles.

So any time we get a question of development and of progress and advancement in the sciences, somebody is bound to raise the questions and raise the same scarecrows, but let us find out. Let us build the prototype. Let us actually find out.

I wonder if the gentleman from Maryland wants to discuss taxes any further? Does the gentleman from Maryland (Mr. Long) want to discuss taxes any further?

Mr. YATES. Mr. Chairman, I wonder if the gentleman will permit me to ask him some questions. The gentleman said we would get taxes back from subsidizing Boeing.

Mr. BOW. The gentleman is putting words in my mouth. I did not say we would get taxes by subsidizing Boeing. The gentleman from Illinois said if we would build 500 planes, the Government would get \$1 billion, and Boeing would get more.

Mr. YATES. Boeing would get a profit of \$6 billion.

Mr. BOW. The gentleman said Boeing would get a profit of \$6 billion. My question then was if they get a profit of \$6 billion, would not about half of that or \$3 billion come back into the Treasury? Set the record straight.

Mr. YATES. Yes; I will accept the gentleman's version of the record.

I think that same argument would hold for the Government subsidizing all of us for the reason that we all pay in taxes to the Treasury.

Mr. BOW. I just wonder if the Government is not subsidizing us. That question was raised, as to whether I was not getting a Government subsidy. I get a Government subsidy up to \$42,500 a year, and I pay taxes on it.

Mr. YATES. I suggest to the gentleman that he works a little for it, so it is not a true subsidy.

Mr. BOW. I suggest to the gentleman that if they build the SST and if it makes a profit of \$6 billion somebody is going to have to work pretty hard to make that profit.

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

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

Mr. McFALL. Just so that the record can be clear about the profit estimate, though I do not know whether we can estimate profits, the estimated production profit under a 500 SST program shows an accumulated profit after taxes of \$1,346 million.

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

Mr. BOW. I am glad to yield to the gentleman from Illinois.

Mr. YATES. Does the gentleman mean that the Government and Boeing are making the same profit for the sale?

Mr. McFALL. What I am saying is that the information given me by the Department of Transportation concerning the estimates made by Boeing on the profit from the sale of 500 SST's is \$1,346 million after taxes.

Mr. YATES. I believe that figure certainly ought to be examined, because I certainly believe it is not accurate.

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

Mr. BOW. I am glad to yield to my friend from Iowa.

Mr. GROSS. I thank my friend from Ohio for yielding.

In those days of transition from the horse and buggy to the automobile, I, too, was there. I do not recall, at any time, hearing that the Federal Government subsidized to the tune of millions and billions of dollars the automobile industry.

Mr. BOW. I believe the gentleman is quite right. Oh, there is no question about that. I wish we had not subsidized this one. The gentleman knows I fought pretty hard not to have this one subsidized.

I believe we have to have the advancement. The Congress decided it should be done. The gentleman and I did not decide to do it this way, but since Congress has decided, then we must support it.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman's analogy about a subsidy for himself of \$42,500 makes me wonder whether the gentleman knows what a subsidy is. In fact, the gentleman sounds as if he were running against himself.

To me a subsidy is when one pays out money and is not getting value received, because he wants this vehicle or project which cannot stand on its own merits.

I happen to know the gentleman. I have served with him on the committee. I believe he is a gentleman who is worth far more than \$42,500 a year over the years. I wish we had more Congressmen like him. I would not regard that as a subsidy.

I do believe that what we are doing here in the case of the SST is throwing money into a proposition that is not commercially viable or will not yield back to the country anything like what it is going to cost us, even counting taxes from companies which might earn some profits.

After viewing what happened to the Lockheed Co., in Georgia we are entitled to wonder whether firms are going to make profits despite the projections.

Mr. BOW. I thank the gentleman. I respect his views. I know he is sincere in what he believes, that it may not work out. I am just as sincere in believing it will.

I do not believe his definition of a subsidy is exactly right, because if it is something we subsidize knowing it is going to be a failure, that we are not getting anything out of it, then we have been making a lot of mistakes in subsidizing many things, such as farm programs and the merchant marine.

Mr. GROSS. Just a minute.

Mr. BOW. I am just answering his "subsidy" question for a minute. If the gentleman will just wait, we will get to that. I believe the definition of a subsidy is a little bit wrong. I just cannot buy that definition of "subsidy."

I yield to the gentleman from Iowa.

Mr. GROSS. Without the Federal Government backing the farm program and the farmers to some extent, the gentleman would be paying about 25 percent more for his food. The gentleman and his constituents in Ohio have gotten plenty of benefits from it.

Mr. BOW. Just 1 minute. The gentleman should check the record a little bit. I have supported the farm subsidies.

This is one of the problems.

The gentleman from Massachusetts has a problem. He has not, and he does not believe there should be subsidies for this kind of program, and although he has heard all this testimony and found a lot of mistakes in what has happened he cannot support this program because he has been against this subsidy.

But I agree with the gentleman that what we have done for the farmer is beneficial to the Nation. I think if we build the SST and get the profits from it, it will be of advantage to the Nation.

Mr. CONTE. I thank the gentleman.

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

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

Mr. WALDIE. I am one of a number of Members of the present Congress who were not present when the initial decision to advance this venture from taxpayer funds was made. Had I been here, I would have been on the side of the gentleman in the well at that time. It does seem to me now the opportunity to correct what seems to me to have been an error and at the time seemed to the gentleman to have been an error presents itself. If the decision made in the Kennedy administration was a bad decision and if the amount of taxpayer funds invested thus far indicates that the decision then made is bad now, then it seems to me it might be on the side of wisdom to back out and let private enterprise in this capitalist system take advantage of the public funds that have been invested thus far and proceed with it as a private venture, and then we can seek to recoup our investment by the increased taxes that would come about as a result of a successful venture on the part of private economy.

What is wrong with that argument?

Mr. BOW. I must yield the floor shortly, but I would like to answer, if I may.

Mr. WALDIE. Yes.

Mr. BOW. What would be wrong with that would be if you discontinued the funds now, it means that you have to shut down these plants.

Mr. WALDIE. Why would not private enterprise—

Mr. BOW. Because it means you have to set up bonding procedures and get into the money market—

Mr. WALDIE. But private enterprise—

Mr. BOW. Let me finish my answer, please.

Mr. WALDIE. I am sorry.

Mr. BOW. Then you run into the situation of suspending the building of the plane, which would be a very costly thing at this time. If we started that way, we would have been all right, but we cannot stop now and set up the whole procedure without a great loss in time and dollars under this program, in my opinion.

I thank the gentleman.

I yield back the balance of my time.

Mr. CONTE. I thank the gentleman from Ohio.

I yield to the gentleman from Ohio (Mr. CLANCY), as much time as he may consume.

Mr. CLANCY. Mr. Chairman, I rise in support of House Journal Resolution 468.

The supersonic transport has been attacked from all sides and so far, reason has always prevailed, and work has gone ahead to build two U.S. prototypes. The Congress of the United States has considered all attacks. It has balanced the issues and always found that the United States should build this aeronautical marvel which can mean so much in this world in these fast paced times. When man so often finds he must be in two places at once, the SST offers the greatest promise to approaching that impossibility. With the SST, 200 men can be set down anywhere else in the world within 12 hours.

To date, we have agreed that the SST should be built; not only because it will provide the most modern transportation system in history, but because it will generate 150,000 jobs, produce tax revenues up to \$10 billion, induce between \$22 billion and \$50 billion in our balance-of-trade payments from 1978 to 1990, and return a conceivable profit to our Government of \$1 billion.

Now, we must consider the latest attack. Many who are opposed to development of the SST have appealed to the Nation's anxiety about pollution as a means of curtailing production of the first two SST's. They have said the noise of its engines and sonic booms would be devastating to anyone unfortunate enough to be close by or in the path of an SST. They have said its exhaust emissions will throw a shadow over all the earth.

Most recently, one professor testified that fleets of 800 SST's might cause skin cancer. His testimony has evolved into the most damaging indictment aimed at the SST's development.

Incidentally, this same gentleman has suggested that unidentified flying objects may be related to power failures in the United States. He said there should be an investigation of the correlation of UFO's to the power failures in New York during the 1960's—although engineers have since blamed those power failures on overloaded generator systems.

This person said the water vapors from vast fleets of SST's would eat up the ozone in the stratosphere and allow great quantities of ultraviolet rays from the sun to strike humans and cause skin cancer.

It should be pointed out—and the professor admits this—there is no evidence to support the case.

I really got interested in Dr. James McDonald's testimony—and this is notable today, St. Patrick's Day—because he

said that blue-eyed Irishmen particularly were susceptible to sunburns and skin cancer. He said Irishmen especially should stay out of Arizona because the sun there is most harmful to them. The professor should know better than to try to tell an Irishman where he should or should not go.

We are considering here only to build two prototypes.

Eventually, we see the possibility of 300 or more supersonic planes flying around the world but that fleet will be produced over several years. Certainly, any harmful effects will be observed as the fleet grows and can be corrected before any effects become damaging. There will be no rapid pileup of pollution to plague the earth.

In these times, when Congress is so concerned about the environment in which we live, there is no likelihood that we will allow the production of an uncontrollable monster. And, remember, through the measure we consider today, we hold firm control of the SST and its future.

I noticed one other apparent contradiction in Dr. McDonald's testimony. At one place, he emphasized that water vapor from the SST's would eat up the stratosphere's ozone. But, at another place, he said the vapor trails would be so slight that people on the ground would be unaware of SST's flying overhead. There usually would be no contrails.

I prefer to believe that there would be little relative water vapor. Dr. William W. Kellogg, Associate Director of the National Center for Atmospheric Research, said 500 SST's operating 7 hours daily would increase the stratospheric water vapor from 3 parts per million around the world to 3.2 parts per million. Relying on recent calculations at the University of Colorado, he said the increased water vapor would decrease the ozone by only 1 or 2 percent in the stratosphere.

The prospect of noise pollution still bothers a lot of people. But changes in design of the SST engine by General Electric and in the aircraft structure by Boeing Co., will lower the sounds emanating from the SST to below that of jet airliners now taking off from our airports.

Dr. Leo L. Beranek, chairman of the SST Community Noise Advisory Committee, has concluded that commercial supersonic transports can be built which will be acceptable with regard to noise. In other words, modern science and engineering can safeguard our lives and environment at the same time as we are keeping up with the demands of our fast paced times.

We are deciding here if we shall give \$134 million more to develop the Nation's SST. If we do not pass this measure, the Federal Government will have to pay \$119 million to companies for breaking contracts. We have the controls. We have a choice and it narrows down to this:

We fulfill our commitments and contracts and produce two prototypes for \$1.342 billion, or we spend almost a billion dollars and have nothing to show for it. There will be a supersonic transport. It should be ours.

My colleagues, let me make this final point. There are those who say the favorable benefits a U.S. supersonic transport

will have on our balance of trade is a myth. They contend that any favorable effects derived from the export of U.S. SST's will be offset by money American tourists, traveling in these planes, will spend overseas.

I ask: Are the favorable benefits U.S. subsonic transports have had on our balance of trade a myth? Have the favorable effects derived from the export of U.S. subsonic jets been offset by money spent by American tourists overseas? Let us look at the record.

Airplanes are one product we still export competitively. More than four-fifths of all the jet airliners flying the non-Communist world are built in the United States. Our aircraft exports have been running at about one and a quarter billion dollars a year.

To say that these exports have not had a favorable effect on our balance of trade is to pretend that American tourists would not have left the country if there had been no U.S. subsonic jets. What, may I ask, was to keep these tourists from traveling in British built VC-10's and Comets instead of American built 707's and DC-8's? And what would our balance of trade situation have been then? Let me tell you. It would have been a lot worse than it is today.

The British and French know this, and so do the Russians. That is what the Concorde and the TU-144 are all about. The British and French would much rather build a competitive new airliner at home, instead of continuing to buy them from us, and then do some exporting of their own. Already more than half of the 74 Concordes on order are slated to go to U.S. airlines.

In meeting this challenge with a bigger, faster, and more economical SST, the United States expects to sell at least 500 airplanes. More than half, 270 would go to overseas carriers. However, the Concorde manufacturers already have plans to produce a second generation, advanced Concorde that would be competitive with the U.S. SST. Delay in offering an American-built SST would provide the opening for a go-ahead on the larger Concorde. Moreover, a European consortium is starting the development and production of a two-engine airbus to fill a gap in the line of advanced transports. Production and sale of a family of transports to foreign carriers that previously were supplied by U.S. manufacturers would do irreparable damage to the export market for both SST's and subsonic jets with its unfavorable effect on our balance of trade.

It seems to me that our friends across the ocean—the benefactors of an immense American tourist trade—are after our airplane trade as well. I, for one, think it would be a shame to give it away.

Mr. CONTE. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, the issue before us today bears vitally upon a fundamental question about the Nation's future: Do we wish to continue to invest even more of our resources and money in meeting demands for better transportation and more services? Or should we concentrate our energies and resources on improving the quality of existing methods?



Every day, in this country alone, an average of almost 10,000 babies are born, about 5,000 persons die, and over 1,000 more persons enter the country than leave. This adds up to a net increase in total population of about 6,000 a day or over 2 million persons a year.

By the year 1980, when the SST's could be rolling down our commercial runways in large numbers, we will have increased our population by at least 20 million. At the end of this decade, not even considering the potential foreign market, the citizens of this country will demand, if it is not available, better international transportation and service.

For that reason, Mr. Chairman, I rise in support of the SST.

I realize that many, though they see the problems ahead, dare not recommend the obvious solution. Why should this be the case? Dr. S. Fred Singer, Chairman, SST Environmental Advisory Committee has a theory about these objections. Dr. Singer was the first Director of the National Environmental Satellite Center and subsequently was dean of the School of Environmental Sciences at the University of Miami. His scientific interests include atmospheric physics, space physics and oceanography. He has authored and edited a recent book entitled "Global Effects of Environmental Pollution." He is currently chairman of the American Geophysical Union's Committee on Environmental Quality.

He declares that—

I think the answer is complex, but perhaps one of the important reasons is that the SST has become a symbol. In my view, we are witnessing here a general reaction against all technological progress, and against basic science itself, on the part of a coalition of people which—paradoxically—includes scientists.

The environmentalists overlook the important fact that the chief reason the SST is attractive to the world's airline companies also promises a beneficial effect upon the environment. Namely, that the SST would be twice as productive as the most productive subsonic jet, the Boeing 747. As a result, it would take half as many SST's as 747's to handle the international traffic, with the real expectation that the SST can be made quieter and cleaner than the 747.

"The environmental arguments against the supersonic transport (SST) are now in tatters," according to the objective correspondent, Jude Wanniski. Writing in the March 8, 1971 issue of the National Observer, he summarizes the demise of the environmental argument:

Of all the horrifying charges raised by the environmental lobby against the SST, not one has survived a barrage of intense scientific scrutiny.

Mr. Chairman, though I rise in support of the SST today, I must admit that I am not 100 percent sure that we have the economically viable, airport compatible, transport. Proof of that will come in the development of the prototype. However, Mr. Chairman, I think it would be wrong to default the program and for me to vote against the SST on the basis of a 5-percent anxiety factor. Even Dr. Singer testified he is only "95 percent sure" about the SST, but he hastened to add, within 2 years, before the United States would

have to decide whether or not to go from prototype to production of SST's, he believes he can be "99.9 percent sure."

Mr. Chairman, I intend to be open and completely honest about my emotions concerning the future of the SST and I think it is important to point out that we have a great deal of flexibility in our commitment. This joint resolution before us today is simply to supply funds to continue through June 30, 1971, those projects and activities normally provided for in the Department of Transportation and Related Agencies appropriations which includes funding for the SST as authorized in 1958.

Mr. Chairman, if this resolution is passed and we have a continuing appropriation for the SST—this is not the end. Even yet this year we will have before the Congress the fiscal year 1972 appropriations for the Department of Transportation which, of course, will include SST funding. If, what I call my "anxiety factor" has increased, I might very well vote to end SST funding.

No one has positive proof on all issues of the SST and it is unfortunate that claims, currently undecipherable, have been made on both sides. As James Reston pointed out in the March 17, 1971, New York Times:

For this has been one of the most vicious and misleading debates of the year and most of the time, the national interest has been lost in the turmoil.

As I pointed out in my opening statement, Mr. Speaker, I am concerned about the national interest 10 years from now, but I am not unaware of the current potential for a favorable economic impact. There are 13,000 people employed directly on the SST at this time. It would be serious enough to lay off these individuals, but 10 years from now, if some country is flying a successful, commercial SST and we are not in the field—the total industry would experience an employment trauma.

Mr. Chairman, I am also aware that the interest rate of return on this loan to industry to develop the SST points up the fact that we are voting risk capital to keep our aircraft industry not only No. 1 in the world, but also a significant factor in our economy.

We all become acutely aware of this when the Russians have made it clear that they intend to enter the air transport field and have recently run two-page ads in Aviation Week and Space Technology, an American magazine, urging aerospace executives to buy the Soviet TU-144 SST. They also announced that their plane will go into regular passenger service in October.

But it would be nonsense to put good money after bad in order to seek prestige or leadership for their sake alone. A proponent of the SST made a flat statement in the hearings:

I said very clearly the taxpayers will get all of their investment back. When the 500th airplane is sold they will get a billion dollar profit. The taxpayers will get \$6 to \$10 billion in tax revenue.

Even though I am not a member of the distinguished Transportation Appropriations Subcommittee, whose studious members evaluated the testimony, I cannot honestly say there is in my mind, an

absolute certainty that the loan will produce profits. I do know that seven out of nine very able and distinguished members of the subcommittee, on a bipartisan basis, recommend that the joint resolution be passed.

It is interesting to note that some say the SST should not be developed because other problem areas are underfinanced. What the SST opponents do not acknowledge, but what must constantly concern us in Congress, is where the funds are to come from to assure that social needs are not underfinanced.

Without a healthy aviation industry, yielding 2 to 2½ billion export dollars a year, plus other billions in personal and corporate income taxes, your taxes and mine might well be higher.

Delay now would be exceedingly costly—perhaps costing the United States the market to foreign competitors. Should that happen, the United States would be denied the \$22 billion in trade benefits forecast, the \$6 to \$10 billion in tax revenues, and perhaps 150,000 jobs; we would also lose the \$1 billion already invested—money contractually repayable to the Government, plus a good chance for a billion-dollar profit, from SST sales.

Mr. Chairman, the purpose of the prototype program is to resolve uncertainties. Some people talk about a list of priorities. But those who say there are more important priorities cannot be intellectually honest for how can we measure uncertainties not to mention an impact that will not be felt for at least a decade.

By asking Congress to withhold appropriations until uncertainties are resolved, is, Mr. Chairman, recommending action that is not only impractical but, in my opinion, fiscally irresponsible.

Mr. SCHEUER. Mr. Chairman, will my colleague yield to me at this point?

Mr. KEMP. I shall be glad to yield to the gentleman from New York.

Mr. SCHEUER. I am a great believer in the free enterprise system, but I know nothing in the free enterprise system that indicates that the Government is supposed to contribute risk capital.

How does the gentleman justify the Government providing taxpayers' money as risk capital? Is not that the task, the challenge, and the function of the private entrepreneur, of whom I am proud to classify myself?

Mr. KEMP. I do also.

Mr. SCHEUER. Mr. Chairman, if the gentleman will yield further, is not this the role of private industry which is supposed to have the guts, supposed to have the talent and which moves and puts it in the marketplace and does its thing?

Mr. KEMP. I believe there are extenuating circumstances in view of the world situation which involves the complete funding of the Anglo-French Concorde and the TU-144.

Mr. SCHEUER. If supersonic travel is commercially advisable—and I assume some day it will be—why can we not go to the private money market for its development?

Mr. KEMP. I believe I have covered that in my general statement.

Mr. McFALL. Mr. Chairman, I yield

5 minutes to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in opposition to the SST program, and I support the position taken by the distinguished gentleman from Illinois (Mr. YATES), who has outlined an excellent case against the SST.

Mr. Chairman, I think I am well enough known to the Members of this House that they would agree with me when I say that I am not by nature a crusader or a man who espouses one new cause after another. When I made the decision last December to vote with Congressman YATES on his amendment to delete further funding of the SST from the transportation appropriations for fiscal year 1971, I did so only after considerable reflection and consultation. I also did so after reading carefully the hundreds of letters which were then pouring into my office from my constituents, nearly all of which urged me to vote against further funding of the controversial SST. Since that vote, in which I was in the minority as things turned out, nothing has happened to change my mind. In fact, the volume of mail has increased and again has been nearly unanimous in urging me to continue to vote against further funding of the supersonic project.

In all of this, I think that I am correct in saying my voting record on matters affecting the interests of organized labor has been as close to 100 percent as is humanly possible. It, therefore, was an agonizing decision last December, as it is today, to find myself opposing some of my labor union friends on this issue. I would never want to vote in such a way as to cause unemployment. The last thing this Nation needs today is more unemployment. I have satisfied my conscience on this matter to the point where I am convinced that if the funds requested for the SST were spent on other worthwhile projects, there would be plenty of work to go around.

And that is why I find myself about to vote against further funding for this supersonic plane. I am convinced that there are other worthwhile projects—too many other worthwhile projects which need attention immediately—for me to vote for this experiment, and that is what it is. The most positive statement on the matter seems to be to continue the funding so that prototype models can be tested to determine whether it is, in fact, a feasible proposition both scientifically, economically, and ecologically to mass produce the SST. In other words, the funds which we are requested to appropriate today will, at best, complete two prototype models. Only if the tests are successful and some 300 planes are sold will the Nation have recouped its investment in this plane. My friends, I feel that there are too many higher national priorities which are competing for the limited funds available with the SST. We know that the expenditure of this amount of money will revitalize the ground transportation system in this country beyond belief. An expenditure of this amount of money would considerably alleviate the congestion and difficulties in getting in and out of our Nation's major air terminals. Instead of over \$1 billion being spent on a proto-

type model, that kind of money, it seems to me, is urgently needed to tackle some of the major problems confronting the elderly and the disadvantaged citizens of our Nation.

Again, if I were convinced that this Nation's balance-of-payments position would suffer irreparable damage because of my vote today, I would hesitate to vote this way. But I am not convinced that the development of a prototype SST will have that much effect on the balance of payments. Given the generally critical reception accorded the British-French venture in this area, the limitations of overwater routes and reduced power and thrust, I just do not see the market for this plane that the supporters claim for it. As a matter of fact, if the market itself saw the need for such a plane, then, as has happened so many times in the past, private enterprise in this country would have done the job before the Federal Government. Bankers would have been interested. As it is, the Federal Government has spent millions on this project and what we are being told today is that if funds are not continued by the Federal Government, then the experiment is hopelessly doomed. It seems to me the market does not have a very hopeful view of the future prospects of this plane. To those who have told me that this will be the first time the United States will bow out of competition involving a major innovation and let other nations win it by default, I can only say that in the past, private enterprise has always felt it necessary to compete. In this area, apparently the risk is too great. The fact is that our airlines which have invested so much in the 747 have fallen on hard times and have found it increasingly difficult to secure bank credit. Bankers all over the country have indicated their skepticism about yet another multibillion-dollar investment by the Nation's airlines. The race to get somewhere in half the time might prove to be the straw that breaks the backs of our Nation's airlines. The few jetsetters that would benefit from the results and the high costs they would have to pay for their travel just does not strike me as a compelling argument for changing my position.

In short, having weighed all the facts, considered all the priorities facing this Congress, I have been lead to the conclusion unemotionally and even unenthusiastically that the course of reason in this matter is to join with Congressman YATES in voting for an amendment when the House dissolves itself into the Committee of the Whole to delete funds for the continued development of the SST provided in the transportation appropriations for fiscal year 1971 as reported by the Appropriations Committee.

Mr. MCFALL. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, as one member of the Committee on Appropriations who voted against the appropriation of this money, I would like to commend the gentleman from Illinois (Mr. YATES) for his tenacious devotion to the cause that is before us here today, and

I would like to urge a vote against the resolution.

I think it ought to be abundantly clear that merely building and flying two prototypes for 100 hours, at an expense of \$1.3 billion to the Federal Government, would not tell us a thing about the economic or the environmental aspects of SST flight.

In fact, going that far in my judgment would only open the door to what the administration concedes is a three- to five-billion-dollar no man's land between prototype and production. It offers no plan for private financing of those production costs, nor can it guarantee that the Federal Government will not be asked to pick up some of that giant tab, or all of it, when the time comes.

We have been exposed these past few months to the hard sell on the theme that "we are too far into the prototype development to quit now, that we should spend millions more to underwrite the \$800 million in public funds already spent." Simply, what bothers me about this whole affair is that if that argument has any force at all today it would be virtually nonstopable once those prototypes rolled out of the hangar, and I think the Government could be asked for millions, and even billions more than we are being asked to fund in this resolution today.

To support their case for full speed ahead, boosters of the SST keep insisting that the age of supersonic transport is here. As evidence, they cite the existence of the Anglo-French Concorde and the Soviet TU-144, implying that these foreign aircraft represent a competitive threat to the American aviation industry.

Actually, the Concorde and TU-144 prototypes demonstrate only that the combination of aluminum technology and prodigious government spending can produce flight-testable aircraft. It has absolutely not been shown that either can operate profitably in civil aviation, or indeed that the aircraft can even be sold.

The Federal Government is being implored to develop and build two SST prototypes at a time when private industry is either unwilling or unable to do so. And what of the prohibitively expensive stages between prototype and certified production model?

Last December, after a meeting in New York, a number of top airline presidents met in New York and expressed their belief that the United States should proceed with the prototype program. In a statement on behalf of those present, Najeeb Halaby, president of Pan American World Airways, posed the question, "Are we able to pay for our part of the program," and answered:

We believe that the government and the aerospace industry and the airlines will be able to arrange for each to pay its part in the time period 1976 to 1980.

That sounds like a flatout expectation that the taxpayer will be footing at least some of the SST bill years after the prototype development and construction phase.

As a sign of support for the program, the statement noted that 26 airlines had put up \$81 million—"money we could have used otherwise," Mr. Halaby said, "but which we paid into the U.S. Treas-



ury 5 years ago as our evidence of faith in the program."

Unlike the Government subsidy, the airlines' money has not all been spent, since \$22.4 million of the \$81 million was put in escrow to reserve delivery positions for aircraft and is totally refundable.

Second, the remaining \$59 million was not all outgo. As the Wall Street Journal has noted, the Internal Revenue Service ruled the money deductible as research and development expense. At corporate tax rates, the airlines' "evidence of faith" in the program dwindles by about half.

Mr. Speaker, there is no reason why this Congress should gamble additional public funds to develop and build two SST prototypes that will not prove out either the economic or environmental aspects of supersonic transportation.

Mr. McFALL. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, article I of the Constitution gives Congress the power to lay and collect taxes to provide for the general welfare of the United States.

Whenever anyone comes to Congress asking for the taxpayers' money, therefore, the first question we should ask is: Is it for the general welfare? If the proposed expenditure will only benefit a few people, if it promises no real public benefits, if it is the kind of thing which can and should be provided by the marketplace without Government subsidy, then the Government should not get involved. It is not for the general welfare.

Using this test, the SST clearly is not a general welfare program.

Who is it going to benefit? It is a high-priced plane for people in a hurry, people whose time is so important to them that they will be willing to pay higher fares to get to Europe a couple of hours faster.

The Transportation Department has labored mightily trying to prove that there are a lot of people like this. The best they have been able to do, however, is to come up with projections showing that 10 percent of the American people will be flying internationally by 1985. But only a small fraction of these people will be flying on SST's, even using the Transportation Department's own figures. According to those figures SST's will make up only about 25 percent of the international jet fleet in 1985, so unless all the subsonic jets are going to be flying empty. Only 2 or 3 percent of the population will be flying on SST's. That is not very many people.

But, it is said, the SST will provide jobs for thousands of persons and be of great help in solving our balance-of-payments problems.

These two arguments—jobs and balance of payments—have been rejected and even ridiculed by the most eminent economists in the country.

Dr. Milton Friedman has said it is disgraceful for knowledgeable Government officials to use these arguments, and calls them demonstrable fallacies.

Arthur Okun, Chairman of the Council of Economic Advisers in the Johnson administration, calls the jobs argument palpable nonsense and says the balance-of-payments calculations are numerical science fiction.

Other economists have called these arguments specious, irrelevant, and economic hyperbole.

The principal and obvious defect in the jobs argument is that the expenditure of a billion dollars of the Government's money on anything—be it SST's, or mass transit, or housing, or whatever—will provide a billion dollars' worth of jobs. The choice is not between jobs or no jobs—it is a choice between jobs building the SST or jobs building something else.

Walter Heller, Chairman of the Council of Economic Advisers in the Kennedy administration, has called the SST "an enormously costly way to create jobs." He said:

It can't begin to match the job-creating power of a public service jobs program, or a housing program, or even a carefully selected program of consumer stimulus.

Arthur Okun, Dr. Heller's counterpart in the Johnson administration, has said much the same thing:

There is simply no evidence that expenditure of federal funds on SST will create more jobs or better jobs than expenditures for manpower programs or health or urban renewal.

Milton Friedman, who agrees with these gentlemen on little else, agrees with them on this:

The so-called employment effects involve a fallacy of composition. . . . Extra employment on the SST will be offset by smaller employment elsewhere. Our objective should not be jobs but productive jobs and that objective is best achieved by the test of the market, not by government subsidization of leaf-raking jobs.

As for the balance-of-payments benefits from the SST, these are so conjectural and so far in the future that no reputable independent economist thinks they should be given any weight at all.

Dr. C. P. Kindleberger, of MIT, the leading authority in the country on international trade and the balance of payments, has said:

There is very little validity to these estimates of the balance of payments losses from not building the SST, but . . . this is a faulty basis for deciding the question in the first place.

Milton Friedman has called the balance-of-payments argument "a complete red herring."

Paul Samuelson has testified that the effects of the SST on the balance of payments "can as well be unfavorable as favorable."

The issue is summed up by Dr. Kenneth Arrow of Harvard:

- (1) The balance of payments is not currently a significant economic problem for the United States and may not be in the future;
- (2) If it were a problem, it should be handled by general fiscal and monetary tools, not by expansion of one industry at the possible complication of increased readjustment problems in the future;
- (3) Short-run problems should not in any case be handled by long-run solutions; the problem may simply be turned into its opposite at some future time.

In contrast to the SST, virtually every other Federal subsidy program has been, at least initially, a general welfare program. They have added to our national defense, like the merchant marine program; or provided frequent benefits to large numbers of people, like the high-

way program and urban mass transit systems; or opened up new parts of the country to settlement, like the railroads, or benefited the economy of large geographic areas, like the TVA, inland canals, and the St. Lawrence Seaway.

There is no such public benefit from the SST. It will benefit a few well-to-do airline travelers, but if they want to they should pay for it. There is no reason for the Federal Government to interfere with the decision of the marketplace. If investment bankers, aircraft manufacturers, and the airlines do not think the SST is worth paying for, there is no reason why the taxpayers should pay for it.

Earlier this month, Deputy Budget Director Weinberger admitted before a Senate subcommittee that the administration is withholding \$8 billion in funds Congress has already appropriated for a variety of domestic programs in this fiscal year. The funds being withheld include \$200 million for water and sewer facilities grants, \$200 million for urban renewal, \$350 million in housing assistance, and \$200 million for urban mass transit.

All of these programs would create jobs, and they are all general welfare programs that would benefit great numbers of people. But to spend money on them would be inflationary, the administration says, although spending \$290 million for the SST presumably is not.

If we are to have Federal subsidies, let them be subsidies like these that will do people some good. Let there be an end to this business of subsidizing luxury transportation for the few.

Finally, I would like to include in the Record at this point two letters I have received from former presidential science advisers giving their views on the SST. The first is from Dr. George B. Kistiakowsky of Harvard, who served as President Dwight Eisenhower's science adviser from 1959 to 1960. The second is from Dr. Donald F. Hornig, now president of Brown University, who served as science adviser to President Lyndon Johnson from 1964 to 1968:

FEBRUARY 11, 1971.

DEAR MR. REUSS: In response to your enquiry here are my views regarding the desirability of continuing the public financing of the SST project.

I should begin by noting that I am not an expert in the domain of supersonic flight, in the sense that I have not made any scholarly or engineering contributions to parts of this domain. I have had however considerable personal research experience with combustion and shock waves (the "sonic boom") in the laboratory and I know something about the design of jet engines.

My first contact with supersonic flight as a civilian public issue goes back slightly more than ten years when CAA (predecessor to FAA) proposed to the White House Office, where I then served, to develop a supersonic air transport and President Eisenhower decided against the inclusion of this project in his budget.

On balance I am definitely opposed to massive public financing of the SST project for the following reasons.

Since we already have more than one type of operational aircraft capable of about Mach 3 flight, our international prestige, regardless of the Concorde and the similar USSR plane, is hardly an issue. The argument that we must spend large additional public moneys just to demonstrate the

American technology of supersonic flight is not tenable even though the current project will most likely be successful in a narrow technical sense, that is the prototypes will be capable of sustained supersonic flight. Thereupon, as usual, the pressures for continuing public support into the operational phase of the aircraft will become irresistible. Because of this it is not appropriate to consider separately the desirability of developmental models of SST and of a fleet of operational SST. I am convinced that the latter is definitely not desirable. I am basing this conclusion on the level of perceived noise they will generate near airports on landing and take-off; the problems of stacking them over airports for longer time intervals in bad weather because of high fuel consumption in subsonic flight; or pollution of the stratosphere while they are in supersonic flight.

While I am not qualified to form independent judgement of SST's economic importance, I give more weight to the judgement of such distinguished independent economists as Paul Samuelson (Nobel Prize in Economics, 1970) who discount the economic importance of SST to United States, even though the Concorde may become commercially available.

Finally, I have grave misgivings about spending the resources of very many Americans—the taxpayers—to provide a small elite with prestige transportation on a few over-water routes that will actually save only a small fraction of travel time when computed on a door-to-door basis.

While, thus, my opinion on the present SST project is firmly negative, I believe that vigorous efforts to advance the "state of the art" of supersonic flight should be continued. Improvements in propulsion, including reduction of noise and chemical pollution, perhaps some engineering break-throughs in the design of swing-wing aircraft, etc. may make a civilian supersonic air transport a very desirable undertaking some years hence.

Sincerely yours,

G. B. KISTIAKOWSKY,

Harvard University, Department of Chemistry.

BROWN UNIVERSITY,

Providence, R.I., March 12, 1971.

HON. HENRY S. REUSS,  
Rayburn House Office Building,  
Washington, D.C.

DEAR HENRY: I am happy to respond to your question concerning my attitude on the SST prototype development. As you know, I studied this question with the aid of very able consultants during all of my years as President Johnson's Science Adviser. I sat with the President's Committee on the SST during its deliberations. Since then I have followed the debate with lively interest, although I have not had access to any information not publicly available.

My opposition to the program is, principally, that it is so unlikely to succeed as to make it a very poor risk. The tests of response to the sonic boom conducted at Oklahoma City as well as those conducted at my instigation at Edwards Air Force Base and elsewhere make it certain that it will not be acceptable for operation over populated areas. You will recall the finding that the sonic boom is as annoying to people as a 70<sup>th</sup> jet under full takeoff power directly overhead at altitudes less than a thousand feet. Moreover, the causes of the sonic boom are so fundamental that there is no prospect of significantly diminishing it.

Aside from the unacceptable sonic boom, the payload of the projected aircraft is so small a part of its total weight that it would be an economic disaster—particularly if it grows in weight as it is made safe and reliable as has happened with most, if not all, previous aircraft. Moreover, the economic prospects are diminished if the number produced is reduced to those required for routes over the oceans or unpopulated areas.

At present I understand that the engines are too noisy to be tolerable at major jet airports. In this respect it may have been improved and may be improved further but only at the cost of a further loss of efficiency, making the economic prospects still worse.

As to the various environmental effects, other than noise and sonic boom, which have been suggested, they are speculative and I have no comment.

Finally, there is no question that this development would contribute to the technological advance which is so essential to maintaining the U.S. position in the world. Nonetheless, I believe that this development program is too expensive for that purpose alone and much of the technology will be developed for military aircraft which are already operating at the speed of the SST.

In sum, this is a high risk development which would benefit only the small number of people who can afford first-class trans-oceanic travel and even then would operate at a loss.

It makes no sense to me to carry it even to the prototype stage since the prototypes will answer no basic questions that we can't answer now.

Sincerely,

DONALD F. HORNIG.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I thank the gentleman from Massachusetts, and I want to compliment him and his colleagues on the other side of the aisle for the very detailed attention which they have given to this question in the recent hearings, and for the extraordinarily fine caliber of debate that has taken place here on the floor of the House today.

Mr. Chairman, the SST was the big issue in my last election. It lends itself beautifully to a political campaign. Television producers can create a clever, visible, and audible image of a vast pollution machine, endangering the health and tranquility of one's constituents.

Tens of thousands of dollars were spent in the campaign against me on this issue alone—a TV viewer heard the plane and saw the smoke and was sure that ecological disaster was around the corner. I am delighted today that the ecological disaster which was forecast by my opponents has been shown to be fictitious by the discussion that has taken place on both sides of the aisle this afternoon.

The economics of the issue reminds me somewhat of the salty seafaring economy that flourished in southeastern Massachusetts in mid-1800. In the 1860's we had clipper ships that sailed the seas and we dominated world trade on the oceans.

During the Civil War, distracted by the military effort, we lost our leadership on the seas as the British subsidized a ship known as the packet and took away our lead in that field. From then on our merchant marine has literally gone down the drain until today, less than 4 percent of ocean travel is in American bottoms.

In order to recapture our lead in this area, the Congress authorized a \$10 billion merchant marine program just last fall. We did this in an effort to catch up with the Russians, Japanese, and the others who have been building merchant ships and plying the oceans of the world

with crews from countries other than our own.

Wealth comes only from production. It is very well to say that other programs have higher priorities. We all want to improve our ecology and our economy. But you cannot do it without revenues. The purpose of this plane is to generate such revenues by maintaining our worldwide lead in aerospace.

All over the world, in war and peace, you see American commercial aircraft—and 85 percent of these planes are manufactured in this country. The Russians, the British, and the French economists recognized that the next generation of aircraft is going to be supersonic and they decided to capture the lead—in the same way that the British did in the era of clipper ships.

Unless we respond as called for in this resolution we cannot compete with the state subsidized SST efforts of other nations of the world. We have lost our shoe industry. We have lost our textiles. We have lost our television manufacturing. I tried to buy a domestic television set the other day and got one from Sylvania. As I was installing the antenna, I noticed that it said on the back of the set "Made in Taiwan."

Much of what we use today comes from abroad. Aerospace is the only industry in which we are still the unrivaled leader. That, too, can go the way shoes, textiles, and our television industry have gone unless we do something about it.

Now, Mr. Chairman, my support of this program does not mean that the SST is desirable at any and all locations. Even though the atmospheric and noise pollution problems may be resolved, success with these aspects of its development does not mean it will or should use existing airports. It is evident that in the new air transport system, new backup communities and facilities may be, and probably are, necessary. On the other hand, my district in Massachusetts, and particularly Cape Cod, is not that community nor does it have the facilities.

During the last campaign, Mr. Chairman, my opponents tried to convince the people of Cape Cod that this plane would land in their backyard. They tried to convince these intelligent people that their fragile and precious environment would be the nest for ear-shattering, pollution-bearing supersonic transports. But these people, my constituents and friends, remembered. They remembered 10 years ago, when the Cape Cod National Seashore was established through my vigorous support, that we made some judgments that have a parallel today. The national seashore could have been developed like a Jones Beach, or a Coney Island. But we decided then that the cape could not survive that kind of development. It could not absorb that reckless abandon that comes with big projects that devastate our resources, could turn our pine lands into concrete, or litter our quiet leisure with blaring music and blustering neon.

Cape Cod must remain as we know it, as our neighbors know it, and as our visitors from all over the world know it. To conceive of the cape as a potential receptacle for a jetport city, with 60,000 people to service it, with massive requirements for ground or supplemental



air transportation, is, to say the least, absurd. We cannot, and will not, remove an asset from the Massachusetts economy and from the Nation's inventory of national parks that is enjoyed by so many people, for so many reasons. As strong as my support is for the development of the SST, my opposition is even stronger to any thought of its operation in southeastern Massachusetts.

To put this question further into perspective, I would venture to say that a Cape jetport is both environmentally and economically absurd. The centers of population and commerce which such a jetport would be intended to serve—Greater Boston, Providence, Worcester, the Merrimack Valley, and perhaps Hartford—are simply too remote from Cape Cod for a proposed jetport to attract sufficient passengers and cargo to be economically viable.

Finally, I believe that the Federal statutes dealing with environmental policy, which require a thorough evaluation of the ecological impact of such federally funded projects as airport development, would restrain the Commonwealth from establishing a commercial jetport in such an environmentally delicate area as the Cape. And I know, since any plan of this magnitude and impact would have to be approved by the Governor, the Honorable Francis W. Sargent, who is a former Commissioner of Natural Resources, and who served as the executive head of a committee on national conservation and recreation resources, will unequivocally oppose any such project.

In conclusion, Mr. Chairman, because of my many contacts with constituents on this matter and because of my concern and fight for the preservation and conservation of our natural resources and the environment, I would like to add to the RECORD four letters which provide more detail and more insight on the subject. These letters, two to Mr. Henry Beetle Hough, editor of the Vineyard Gazette, and Mr. Thomas Hale of Vineyard Haven, and Mrs. Phyllis S. Garvey of North Abington, will be of interest to many of the concerned residents of the 12th District of Massachusetts:

FEBRUARY 19, 1971.

THE VINEYARD GAZETTE,  
Edgartown, Mass.

TO THE EDITOR:

The Vineyard Gazette, along with a number of other newspapers in Southeastern Massachusetts, has taken strong exception to my support for the SST development project. I would like the opportunity to respond to some of the arguments being made against the SST, particularly those contained in your editorial of February 5th.

The discussion surrounding the SST, I regret to say, has generated more myths and misunderstandings than any other public policy debate in my memory. The most important of these myths, insofar as Southeastern Massachusetts is concerned, is that which holds that the question of developing an SST prototype is somehow directly linked to the question of establishing a jetport at Otis Air Force Base.

At present the proposed Cape jetport is nothing more than a gleam in the eye of Mr. Crocker Snow. In the past few years he has tried and failed to win acceptance of commercial aviation at the South Weymouth Naval Air Station; I expect and trust that he will be no more successful as far as the Cape and Otis are concerned

for the odds against a commercial jetport there remain quite long. The Air Force currently occupies the property in question and has assured me that its ongoing plans call for no phase-out of the mission at Otis. Further, the Governor and the Massport Authority, in response to urgings by interested citizens, including me, have stated that they oppose the establishment of a jetport in our area. Without the support of these key officials, with the continued presence of the Air Force at Otis, and in the face of spirited opposition on the part of an aroused citizenry on the Cape, how can Mr. Crocker Snow fulfill his dream of establishing a jetport there?

To put this question further into perspective, I would venture to say that a Cape jetport is economically and environmentally absurd. The centers of population and commerce which such a jetport would be intended to serve (Greater Boston, Providence, Worcester, and the Merrimack Valley) are simply too remote from Cape Cod for the proposed jetport to attract sufficient passengers and cargo to be economically viable. The lack of adequate surface transportation linking the Cape with the rest of Massachusetts is another nail in the coffin of the jetport scheme.

Finally, I believe that the Federal Environmental Policy Act, which requires a thorough evaluation of the ecological impact of such federally funded projects as airport development, would restrain the Commonwealth from establishing a commercial jetport in such an environmentally delicate area as the Cape.

So, how does all of this relate to the SST? Not at all, in my view. Assuming, for the sake of argument, that Mr. Crocker Snow overcomes the forces arrayed against him and establishes the Cape jetport, SSTs landing at Otis would be no more annoying to nearby residents, including those on the Vineyard, than would existing jets. Indeed, they may be even less annoying.

First of all, the FAA is currently developing a rule to prohibit jets from flying at such speeds over land as to cause a sonic boom to reach the ground. In effect, the sonic boom will occur only well out to sea where, according to studies of flights by military supersonic aircraft, the impact of the boom on the marine ecology is negligible.

Secondly, due to current and projected technological developments aimed at quieting the SST's engines, the "sideline" noise of the Supersonic Transport, as it rolls down the runway will be well within the maximum guidelines set by the FAA for new subsonic jets. Finally, the SST will take off on such a steep angle of ascent that by the time it is over populated areas adjacent to the airport, the engine noise heard at ground level would be considerably less than that created by current four engine subsonic jets which do not climb so rapidly. And, by the time an SST taking off in the direction of Martha's Vineyard passed over that island, the noise heard at ground level would be about equivalent to the existing noise level on Main Street in Edgartown on a busy Saturday afternoon in summer.

In any case, even if the American SST program were scuttled tomorrow, the British-French Concorde, which gives every indication of being a viable supersonic aircraft, will be flown to and from the United States. Thus, a vote for or against the development of an American SST prototype has no direct relationship to the presence or absence of SSTs at Otis.

Regrettably, the American press in general has failed to provide its readers with anything approaching objectivity or accuracy in its treatment of the SST question. No aspect of the SST debate has been more distorted or subject to more unfounded, emotional generalities than the question of the SST's possible impact on the environment. Some

charge that the SST will bring on a new ice age; others say that a melting of the polar ice caps will result. To put it charitably, such allegations are pure fantasy.

As I noted above, noise pollution, whether supersonic or subsonic, will be no greater than that associated with aircraft already in use. And what will the SST's impact on the upper atmosphere be? Last summer the report of the MIT Summer Study of Critical Environmental Problems received considerable national attention as it related to the SST's effect on the stratosphere. Despite innuendos in the press to the contrary, the study in no way saw any reason for delaying or ending the American SST program.

Indeed, in reply to irresponsible allegations supposedly based on the MIT-Williamstown report, Dr. Will Kellogg, Chairman of the Work Group on Climatic Effects and Associate Director of the National Center for Atmospheric Research, issued the following statement:

"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. SSTs."

I regret that time and space prevent me from further commenting on the speciousness of many of the arguments being used against the SST. Allow me in closing, however, to say that the SST is no doomsday machine or otherwise a threat to man or his environment. All ecological questions will have to be answered satisfactorily during testing of the prototypes before production of an SST fleet is allowed.

In conclusion, I would like to restate briefly some of the reasons for the SST. First of all, advances overseas in SST technology, particularly in the development of the Concorde, indicate that, as the next generation of aircraft is produced, the American lead in aviation markets, in the absence of a competitive SST, will be seriously eroded. In this regard, studies show that the SST's beneficial impact on our balance of payments over a 12 year period can range from \$17 billion to over \$45 billion. In contrast, a serious trade deficit could occur as foreign and domestic airlines, for lack of an American SST to buy, shift their aircraft purchases overseas.

Further, the SST will create 150,000 jobs in, and related to, the aerospace industry and will generate some \$10 billion in state, local and federal tax revenues. Lastly, the federal government, after the projected market of 500 SSTs has been sold, will recover its full investment, plus royalties of \$1 billion.

No one can predict for certain that the SST will be an economic success—though, as of now, the data does point toward that conclusion. So it is an economic gamble to be sure. But the economic and social gains which promise to result from development of this new aviation technology far outweigh the small investment which the government is required to make.

Sincerely,

HASTINGS KEITH,  
Member of Congress.

MARCH 3, 1971.

MR. HENRY BEETLE HOUGH,  
Editor, The Vineyard Gazette,  
Edgartown, Mass.

DEAR HENRY: Thank you for yours of February 27th. I'm sorry you detected "anti-intellectualism" in my letter to the Editor of a few weeks ago. I thought the letter was an intellectually honest, rational,

and logical rebuttal to many of the charges being made about the SST's impact on the environment and its threat to the tranquility of Southeastern Massachusetts. And, my contact with the professional lobbyists for the SST has been quite limited. Last August I talked about the SST's environmental effects with several officials of GE; about a month ago, at my request, William Magruder of the SST Development Office in the Transportation Department came over to be quizzed for several hours about a broad range of questions surrounding the controversial aircraft. Apart from these visits I can't recall being lobbied by the interests.

I can understand your concern about the press being maligned by the politicians. However, the press certainly feels no restraints with respect to criticizing the politicians so I think that the politicians should be accorded some First Amendment rights when the situation calls for it. And, I still believe that the American people are receiving a good deal of misinformation on the SST via the press. For example, I recall an editorial in the Boston Globe last year which advised its readers that an SST taking off would make the noise of 50 subsonic jets. Had the Globe taken the trouble to check its facts a little further, it would have learned that this was a half-truth; to an observer at the side of the runway, the perceived noise level would be more like four jets. Obviously, even this is an unacceptable noise level and would have to be reduced before the SST could go into production. A further check of the facts would have revealed to the Globe the existence of efforts at modifications of the SST's engines to bring noise levels within acceptable bounds. And, these modifications have proceeded to the point where the Noise Advisory Committee on the SST reported a few weeks ago that the technology now exists to bring the SST's noise down to the level of new, four-engine, subsonic jets.

All of this is simply to say that the press, like any other human institution, is not infallible. And, I don't think it improper or unfair for me to point out areas which I believe the press has exhibited some poor judgment or lack of objectivity. Heaven knows, I've been crucified regularly on numerous editorial pages for my alleged poor judgment in voting for the SST appropriations.

With respect to Mr. Shaffer's remarks, I'm sure that the airlines will do their best to fly SST's as profitably as possible; however, I've been in politics long enough to know that the Congress and an aroused citizenry from coast to coast will not let the FAA get away with relaxing the proposed ban on cross-country supersonic flights by the SST. In early 1969 the hue and cry about the ABM in cities like Boston, Chicago and Seattle resulted in a quick transformation of the Sentinel into the Safeguard, with the missile sites removed from urban areas to rural locations. I expect that the outcry about sonic booms would be considerably greater. And, I'm sure that the FAA and the airlines know this.

Perhaps, as you and Mr. Lewis noted, the British would be happy to have an excuse to drop Concorde financing. On the other hand, they might be just as happy to see the Americans drop our SST project so that Concorde could dominate the market.

In any case, regardless of what the Boeing and BAC people said at the press conference Lewis was reporting on, I don't share the view that the earth should be paved over for airstrips. Nor should it be paved over for super-highways. We should instead seek to diversify our modes of transportation and encourage those which cause a minimum of pollution and congestion. It was for this reason that I voted last summer against cutting a mass transit authorization bill from \$5 billion to \$3 billion. It was for this reason also that I strongly supported the Railpax proposal both in Committee and on the Floor. And, I'm

now looking into the possibility of promoting experimental helicopter shuttle service in the Northeast Corridor so as to reduce congestion at major airports.

Finally, I would like to try to put the SST appropriations into some kind of financial perspective. The amount in question this fiscal year was \$290 million. A large amount to be sure; however, the space budget was \$3.4 billion for this period. The farm budget was \$7.9 billion. I have consistently voted against both of these programs. Obviously, only a small reduction in these expenditures would fully cover the annual cost of the SST. This is not to say that we should spend our federal moneys on worthless projects because they are relatively inexpensive; it is to say that the SST, whether a wise or foolish investment, represents a small expenditure when compared with the cost of moon shots and farm subsidies. And, it is an investment which I believe will be fully repaid.

With best regards,

Sincerely,

HASTINGS KEITH,  
Member of Congress.

MARCH 17, 1971.

Mr. THOMAS HALE,  
Hine's Point,  
Vineyard Haven, Mass.

DEAR TOM: Thanks very much for your recent letter replying to mine which had been published in the Vineyard Gazette.

To reply to your comments, point by point, I would first say that I agree that airplane development should be relatively low on our scale of national priorities. And, I believe that if the funds for the SST are seen in perspective, this is the case. For example, the Urban Mass Transportation Assistance Act of 1970 expressed a federal commitment of spending \$10 billion on mass transit over the next 12 years. (For the next five years the authorization is \$3 billion, an amount which I had voted to raise to \$5 billion.) And, for Fiscal Year 1970 federal education appropriations amounted to \$4.4 billion. SST appropriations for the same fiscal year were (or will be) 290 million dollars and the amount required to be appropriated will be substantially reduced over the next few years. I could continue citing large appropriations for social programs. The point I want to make however, is that the government is devoting many more billions to education, mass transit etc. than it is to the SST. Further, once the SST fleet is produced, up to \$10 billion in additional revenues for state, local and federal social programs will be generated.

With respect to the current airport-airways system, I agree that great improvements are needed. It was for this reason that I supported in Committee and on the floor the Airport/Airways Development Act of 1969. Largely through the levy of user taxes this legislation will raise \$5 billion over the next ten years for airport and airways modernization.

Again, I agree with you that we shouldn't be in a constant race with the Russians simply for the sake of being in a race. This philosophy prompted me over the years to oppose appropriations for NASA. If we want to begin reallocating priorities the NASA budget of \$3.4 billion might be a good place for Congress to begin cutting. I would point out that this is well over ten times the amount appropriated this fiscal year for the SST.

The problem of foreign competition becomes critical, in my view, when balance of payments problems are considered. I am not quite ready to write the Concorde off as a failure and would point to BOAC's reaffirmation of a few weeks ago of its intention to proceed with Concorde purchases. Once these craft appear in the world's airways, I believe, competitive pressures will force American and other airlines to purchase SST's. In the long run our balance of trade position

could be seriously eroded if we fail to compete.

One final word on the environmental questions associated with the SST. This afternoon on the floor of the House, Congressman Silvio Conte of Massachusetts, who is opposed to the SST and who sits on the Appropriations Subcommittee which recently held hearings on it, stated in effect: There are no environmental reasons for delaying SST prototype development. Conte and most other SST opponents in the House have now shifted the basis of their arguments against the plane from ecology to economics.

Thanks again for writing and best regards,  
Sincerely,

HASTINGS KEITH,  
Member of Congress.

MARCH 17, 1971.

Mrs. PHYLLIS S. GARVEY,  
North Abington, Mass.

DEAR Mrs. GARVEY: Thanks very much for your recent letter in opposition to further development of the SST prototypes. To explain my views on a number of critical questions surrounding the SST, particularly those concerning its environmental impact, I'm enclosing a copy of a letter which I sent last month to the Editor of the Vineyard Gazette.

With respect to the specific points which you raised, I believe that the Massachusetts legislature would be overreaching its authority if it were to ban SSTs from the Commonwealth. Unless Massachusetts has sound public health or safety reasons for banning SST it would be engaged in an interference with Interstate and Foreign commerce which is the exclusive province of the Congress to regulate. Since, as my letter to the Vineyard Gazette points out, the noise pollution associated with the SST will be less than that created by current four engine jets, I do not believe Massachusetts will have any reasonable grounds for banning this new aircraft.

I fully share your belief that the government should devote more resources to developing a good ground transportation system. It was for this reason that I voted last year for a five-year, \$5 billion federal mass transit assistance act. (The authorization was finally cut to \$3.1 billion, a move which I opposed.) And, I participated in Committee and on the floor in the creation of the Railpax Corporation which promises to save passenger trains in the United States. Further, I strongly support federal participation in the development of new types of rail transportation such as the Metroliner and the Turbotrain. If you examine the expenditures for such program, I believe you'll find that they greatly outweigh the funds for the SST.

Finally, I would call your attention to the fact that after the SST fleet has been sold, the government will recover its full investment, plus royalties of \$1 billion. Further, sales of the airplane, taxes on wages etc. will generate up to \$10 billion in revenues which, in turn, can be invested by the government in a broad range of social programs.

Sincerely,

HASTINGS KEITH,  
Member of Congress.

Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, many of us came prepared originally to this debate with an immense amount of environmental material. We have measurements of ozone, measurements on cubic miles of air, and so on. But I think the chairman has pointed out, the hearings have established, and Mr. CONTE I think put it very well in saying that the ecological bubble burst during the course of the hearings, so we are talking about economics now.



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

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

Mr. YATES. I will tell the gentleman that the ecological problem and the environmental quandary that the SST would place us in has not burst. It is still a matter of great concern, and I would suggest to the gentleman since the question is still to be considered by the Senate, he had better put his ecological studies into the RECORD.

Mr. ADAMS. I had put the facts in before, but I will check the RECORD to be certain it is covered.

The reason I rise to speak today is because I am a member of the Transportation and Aeronautics Subcommittee of the Committee on Interstate and Foreign Commerce and I want to talk about the matter of priorities. Many of my colleagues have said to me, "Why is it you can support this program? We know you have people in your district who are out of work, but we think there are other and better ways that you can do something for them."

During the course of the past 2 years those of us in the transportation field have spent a great part of our time and effort on every mode of transportation. The SST is one small part of a very big transportation problem. For example we have studied and passed legislation on barges. As I pointed out to my good friend from Illinois—and he is my good friend from Illinois—we have worked together and done everything we can to push forward the mass transportation program, and we will continue to do so.

I stood in the well of this House during the fall of last year for my friends from New York, from Massachusetts, and from Rhode Island arguing—and we had one awful fight—trying to keep their trains, and I will be here again later this year trying to see to it that the trains run in the so-called Golden Triangle of the United States. We are all national legislators and, yes, it is probably going to cost the Federal Government some money in each of these fields. For example, did you know what we did with our trains? We let them go out of business. We lost our technological capacity to move people on the ground efficiently. I will be before this House again, and I hope some of you will be here, too, to put some money into the high-speed ground transportation research which is now going on in Colorado. We must have that as well as this air transportation research.

I will say to you gentlemen—and I have looked at the railroad systems in the world—we do not have a system that we can point to any place in the United States today which will move large numbers of people efficiently. Yes, we will have to put some Federal money into developing such a system, because it cannot be developed in private industry. Why not? Because we have let the railroads collapse, technically, and they have collapsed financially.

I will also be here trying to do something for the Penn Central Railroad service. In another field I have supported the bill which will try to bring back the

merchant marine. Yes, Government does have to be involved in these things. We regret that, but it is true. We are trying to establish our national priorities, and a viable transportation system is part of that.

Again, I, like some of my friends, have been here in the well of the House supporting domestic and social programs to help the poor and the needy. Yes, we will try to undertake such programs, but we have to decide how much we can put into each program, and this SST program, one small part of transportation which, in turn, is part of our whole system of Federal spending.

To give you some idea of the problems involved in trying to move more and more people, if we were still flying the DC-3, to move the number of people we are moving today with 3,000 jets, it would take us 50,000 DC-3 airplanes. Think of the amount of pollution that would be caused by that number of planes flying to say nothing of the congestion that would occur.

Members will also have some idea of the pollution that would be caused if we were to continue DC-3's into 1990 when we would have needed 250,000 DC-3's.

We are going to try to put together all parts of this transportation system. Last year 6 million Americans were flying in the international trade. It is estimated by the year 1990—and that is what we are looking at with this airplane—we will have 26 million Americans traveling in international trade.

The problem with economics and making economic projections—and I think this is what causes the concern of my friend the gentleman from Illinois is worried about. He is saying that if this depression continues and the airlines stay flat on their backs and the money remains tight, this thing cannot succeed. I might say to the gentleman, if all those things continue as he suggested, then very few things in America can succeed. We have to have a little optimism and we have to have it in the mass transportation system too.

Mr. YATES. Mr. Chairman, if the gentleman will yield, the gentleman was right in expressing my concern, but he was wrong in coming to the conclusion he did. I would not say it would not succeed. I would say instead of there being private financing of the production plane, I would say it would have to be financed by the Government, as I think it will have to be done, and because of the fact that Boeing has not enough funds with which to go to the private market to get production backing for the plane. I do not think the private financing market would support the production phase of the plane, and that would have to be done in 2 years. The airlines are not in a position to do that.

Mr. ADAMS. This is the precise point brought out about this project. This airplane cannot possibly be certified within 4 years and probably not before 1978. Remember, this gentleman has never said to the Members that the Concorde and the TU-144 are competitors to the 2700-300 series, but the follow-on airplane will be, and that is the airplane they will be building, and that is the air-

plane we are competing against in the late 1970's. That is what we are trying to develop.

The reason this Member has put in a bill on sonic boom is that we know there is going to be supersonic flight starting in October of 1971 with the Moscow-to-Delhi flight of the TU-144. We know the British will request to come over here with their Concorde. We do have to deal with these factors. We are trying to develop what to do in 1974.

In 1829 this is what Martin VanBuren wrote to President Andrew Jackson with regard to the railroads:

As you well know, Mr. President, railroad carriages are pulled at the enormous speed of 15 miles per hour by engines which in addition to endangering life and limb of passengers, roar and snort their way through the countryside, setting fire to the crops, scaring the livestock, and frightening women and children. The Almighty never intended that people should travel at such breakneck speed.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, I think the gentleman did not really intend to leave the impression with the House that further financing of the production version and certification of the plane will take place in 4 to 8 years. As a matter of fact, the production financing must be made immediately during the prototype testing phases of it, and we cannot go into a production phase of the plane until there is money with which to do it.

Mr. ADAMS. The gentleman will remember the testimony of Mr. Magruder on that was very specific, that the size of the industry as it increases during the next 2 or 3 years and the airlines, if and as their business comes back—if it does not, there will not be much financing any place—but these factors are provided. They have three banks they say the project can be financed through. They finance two or three planes a month and not 300 of them at one time.

Mr. YATES. If the gentleman will yield further, I called the Chase Manhattan Bank, which was one of the banks suggested by Mr. Magruder, and their expert said it would be very difficult to finance that kind of program.

Mr. ADAMS. All I have is what the gentleman said.

Mr. YATES. But Mr. Magruder invited me to call the banks and I took him at his word, and I found the banks really reluctant.

Mr. ADAMS. I talked to the gentleman yesterday, and the gentleman said his testimony stands.

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, there is much misinformation concerning the Government's current and proposed role in development of the supersonic transport—SST—particularly with regard to its alleged environmental impact.

This Nation proposes to build two prototype aircraft and to test the concept—nothing more—of supersonic flight. These two planes will not be a menace to the environment. But they will provide some valuable answers concerning the future of aviation.

I have been involved actively in aviation since 1942. In fact, I still fly my own plane each week whenever possible to and from my home in Cape May, N.J.

Mr. Chairman, I am confident that the country that was able to place a man on the moon is also able to build the world's finest supersonic transportation in such a way that it will be economically beneficial and that it will have no detrimental effects whatever on the environment.

My record in fighting air and water pollution during the 15 years I have held elected office at the State and Federal levels is a strong one. Currently before both Houses of Congress is my bill to regulate and eventually eliminate ocean dumping of wastes. With the support of the President and the vast majority of the general public, I am confident this type of environmental protection will be enacted this session.

Concerning the issue of SST sonic booms, both the President and Secretary of Transportation Voipe have stated flatly to my satisfaction that commercial SST's will not be permitted to fly at speeds causing sonic booms or excessive noise to reach the ground in the United States.

Many questions have been raised concerning possible adverse effects of large numbers of SST's upon the world's climate. Again, I have been assured that absolutely no full-scale production of this aircraft will be allowed unless it is proven, beyond any doubt, that no damage to the natural world will result.

Mr. Chairman, it is clear that the SST can only be developed in prototype by the Federal Government. The borrowing capacity of the five largest airlines all combined cannot support the financing of the prototype. However, once the plan is put into production, the entire enterprise can be self-liquidating and profitable.

Currently, over 50,000 jobs are at stake in the development of the two prototypes. In the production program, some 200,000 jobs will be affected, directly and indirectly.

I have attended every possible briefing on the SST project during the last 5 years. I have met with authorities and interested parties on both sides of the issue and have weighed each argument carefully.

The arguments against our continuing the development of the SST have about the same substance as those arguments once advanced against this Nation's purchase of the Louisiana Territory or Alaska.

Similar arguments were used against the building of the Suez Canal, against America's space program, and against about every other major job that we have ever undertaken.

Mr. Chairman, I will not stand by to allow the United States to take a back seat to any nation in this field.

My vote in support of continued development of the SST is a very conscientious one. I am convinced the program will benefit the Nation, our people, and our economy without harming the environment.

I include as part of my remarks a concise and factual point-by-point report on how the SST will benefit all Americans:

#### THE SUPERSONIC TRANSPORT: A PROGRAM TO BENEFIT ALL AMERICANS

##### THE SUPERSONIC AGE IS HERE

Military supersonic airplanes have been in use throughout the world for more than 20 years.

Russia, France, and Britain not only have prototype supersonic transports in flight test, but have made production commitments, challenging the leadership in aviation long held by the United States. Their aviation industry is on the upswing, while aerospace jobs are declining in the U.S.

With 9 years and \$864 million already invested, the U.S. SST development program is two-thirds complete. The prototype preserves for the U.S. the option to compete for the supersonic air market of the future.

##### WHY DO WE NEED AN SST?

To meet the need for rapid, efficient, economical international air transportation in the 1980s and beyond.

Because of its speed, the SST can do the work of about two 747s and do it economically. The SST can also make more trips per day, affording more flexible scheduling to reduce airport congestion.

International air traffic is forecast to increase six fold over today's traffic by the mid-1980s. The SST can do the work of two to three subsonic jets and is needed to keep the number of airplanes in the free world's commercial fleet to a manageable level.

##### WHO WILL BENEFIT FROM THE SST PROGRAM? THE PEOPLE

International travelers — approximately 10% of the adult population in 1985 — will have fast, efficient transportation at reasonable fares.

National benefits from a successful SST program include thousands of jobs, more than \$6 billion in tax revenues, \$1 billion royalty return on Government investment, and at least \$22 billion in a favorable balance of trade.

The nation needs profit-making programs like the SST to strengthen the tax base, undergird the economy and thereby provide the funds necessary to support the many social reform programs that consume revenues but do not generate them. The United States needs to foster products which can be produced at our higher wage scales and still compete with foreign products.

At present, 14,000 jobs are directly involved in the SST program; 40,000 persons in 44 states are providing services. In the production program, 50,000 jobs will be directly affected; 150,000 jobs indirectly.

##### THE AIRCRAFT INDUSTRY

The SST represents a major advancement in aeronautical technology. Advanced technology has sustained the American aircraft industry in the position of world leadership for over 25 years. To stop the SST now and relinquish this leadership to other nations would seriously affect the future of an industry important to our economy and our security.

##### THE AIRLINES

The airlines need improved productivity to meet the market demand in the 1980s. Forecasts indicate that as many people will be flying on SSTs in 1985 as are now flying on the total, free-world scheduled airlines today.

If the U.S. does not build an SST, the airlines will buy SSTs from foreign countries. They may buy new subsonics as well from the growing family of aircraft available on the foreign market. The European supersonic transports are 100% subsidized with no pay-back provisions.

##### WILL THE SST ADVERSELY AFFECT THE ENVIRONMENT?

Russell Train, Chairman of the Council on Environmental Quality, acknowledges that the prototype program poses no danger to the environment.

Last summer's Study of Critical Environmental Problems, sponsored by MIT, resolved of ameliorated many of the rumors about the SST's supposed effects.

Production SST aircraft noise levels have been greatly exaggerated. The SST will generate less noise over the community, where virtually all noise complaints originate, than the four-engine jets of today.

Prior to production commitments, the capability of the commercial SST to achieve noise levels consistent with those required for the certification of four-engine, intercontinental subsonic jets will be demonstrated.

The SST will not be allowed to fly over land at speeds that would produce a sonic boom.

##### CONCLUSION

The SST program is a calculated investment in a field where U.S. competence is proven, earning for the United States 85% of the free world civil aircraft market. By extending that leadership, we can further nourish the economy of our nation, providing the means to a better America for all the people.

Mr. McFALL. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, supporters of Government expenditure for the supersonic transport airplane have argued that the project will provide badly needed jobs for many people left unemployed by our sick economy. They are correct. But they fail to observe that we could provide the jobs without building the SST, and maybe get something for our money besides a lot of noise and a polluted stratosphere. As Paul Samuelson, the Nobel Prize winning economist said in a recent discussion of the SST:

Any way that the U.S. government or anyone else spends a billion dollars on goods will make a billion dollars worth of jobs.

In the current debate over the appropriation for the SST I am not concentrating on the environmental effect of the airplane alone, no matter how severe I believe that to be. I think, rather, we have to consider why the administration wishes to create a billion dollars worth of jobs by constructing an airplane to save a few wealthy people 3 hours of trans-Atlantic flight time, instead of creating a billion dollars worth of jobs by repairing slum housing, feeding hungry children, improving the Nation's health care, providing mass transit, or cleaning up the environment. In my district we are fighting very hard just for a decent subway.

Indeed, those workers who might be hired for an SST program could be the object of a cruel hoax. If, as many economists have predicted, no one buys the useless airplane, the workers will again be laid off their jobs to face the same hardships over again. Meanwhile the corporations involved, having risked little of their own capital, will be counting the profits earned at the taxpayers' expense.

The administration's push for the SST represents the same kind of government by vested interest that allows the Pentagon to spend billions of dollars each year on useless armaments. Unsatiated by the profits they earn in the conventional marketplace, certain corporations resort to stimulating business with campaign contributions and lobbying expenses. It



is a time-tested technique. We thus witness the spectacle of administration officials and some Members of Congress behaving as though they represented Boeing or General Electric instead of the people in their districts or the people of this country.

There are a lot of arguments against the SST, and I do not intend to repeat them now. But there is only one real argument for it: Profits for a very few people. While we debate such false issues as the SST's effect on the balance of payments or the dangers of Russia or England or France producing the first "White Elephants," children in this country suffer from not having enough food to eat. That the Congress should even consider financing this venture invalidates the responsibility of this body. How long must the working people of this country watch their taxes spent, not for anything that might benefit them or their fellow human beings, but for useless pieces of metal that make some rich people richer?

We must vote against the SST. But we should do more than state that we do it because we do not like sonic booms and increased stratosphere pollution. We must declare that we consider the needs of the people of this country to be more important than the profits of the corporations.

Mr. McFALL. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Chairman, let me say at the outset that I, like many of my colleagues, have been besieged by those who favor the SST as well as those who oppose development of the plane. First, let me point out that I am certainly not against the development or production of the SST, and I am not persuaded that the plane will be ecologically disastrous to our environment. In fact, I firmly believe that, at a time when we have lost our lead in the electronics industry to Japan and textiles to the Middle East, we must not permit our lead in the aerospace industry to backslide. Yet, in the development of the SST, we are years behind the British and the French, who themselves are years behind the Russians.

But what does bother me is that this plane is being built with \$1.3 billion in public Federal funds under the guise of a loan.

In the 1950's, when the British led the United States in developing the first commercial jet, the aerospace industry came to the Congress and asked for subsidies for the American counterpart—the 707. There were dire predictions then that we would fall behind in aerospace technology. The Congress did not approve such subsidies and today we have 85 percent of the world aviation market. Nor were there any Government subsidies of the 747 which is now considered one of the most sought after commercial planes in the world. These planes were financed by private sources. So why cannot or why will not these private sources finance the SST instead of letting the taxpayer handle the 80- to 90-percent subsidy.

My contention is that, if the project is worth while economically, then the

private sector would be more than eager to jump in. Supporting me is W. J. Baumol, professor of economics at Princeton University:

The logic of the free enterprise system is that a new product is worth producing if its potential demand is sufficient to cover its costs and provide an attractive return to the capital invested in it. When private investors are convinced that there will be a sufficient demand for the item, capital will pour in to take advantage of the profit opportunities, and government funding then is simply unnecessary. The SST has clearly failed this market test.

And so why does not private industry at least take it from here since the Federal Government already has shelled out, in my opinion, more than its share, totaling \$864 million?

The taxpayers do not want to pay for this rich man's toy. Their money should be targeted toward the benefit of the majority of the people, not just the privileged few who can afford to whiz across the Atlantic. It appalls me that it takes me virtually as long to travel the 15 miles from my home in Brooklyn to Kennedy Airport as it would take me to cross the Atlantic on the supersonic jet.

In other words, we need the ways and means simply to get to the airports. I should also add that it often takes as long to get from downtown Washington to downtown New York as it would to fly the length of the 3,000-mile ocean.

That the project will create employment in our currently hard-pressed economy, there is no doubt. But these public funds could be better used for other much-needed projects, as I mentioned earlier. Other pressing social problems deserve higher priority for these public funds, and work on them could certainly contribute to a fuller employment. We can ill afford to ignore the welfare of millions to benefit a few. We cannot afford to spend a billion dollars in public funds on this project and ignore the problems of the majority. Mr. Chairman, let us redirect these funds so the taxpayers may benefit.

Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman and Members of the House, at the outset I would like to make some admissions. Perhaps that is not the best way to begin, but I would like to make the admission that I represent the Second Congressional District of Washington, which has a very substantial Boeing component in it. We build there the 747 aircraft. Perhaps I should not be supporting this program, because if it turns out to be as good as they say it will, it may take business away from the 747 and thereby cause unemployment in my district. That is admission No. 1.

Second, I am considered probably in this House as a liberal. That is to say, I support programs for education, programs against poverty, and programs mainly relating to human values and changes in priorities within our system.

The third admission is, I think, I can be considered a conservationist. I am the prime sponsor in this House of the North Cascades National Park legislation and

a cosponsor of the National Trails legislation and the National Scenic Rivers legislation. I voted for and worked for every piece of water and air pollution legislation that has gone through this House in the 6 years that I have been here.

The fourth admission I have to make is, I am no expert in technical matters. As a matter of fact, I had a little trouble passing chemistry and physics in high school. So I cannot stand here and say that I know for sure what the effects on the environment are going to be. As a matter of fact, I do not think anyone else can, either. I do not know what the effect of water vapor will be. My experts tell me it will not be very much. Some experts say it is going to be substantial. I do not know what the absolute effect of carbon emission is going to be. I do not know what the absolute effect of the noise factor is going to be. I do not know what the effect of radiation exposure is going to be, for sure. I can tell you what some experts say and I can tell you what other experts say.

But it seems to me that we are here considering a prototype aircraft or two prototypes, to be exact, and that we ought to get along with the business of building them and testing a lot of these theories out. A lot of them have been tested, but the gentleman from Illinois said earlier today that there are lots of slips between the drawing board and the wing and the engine of the aircraft, and then he turned around and said that we do not need to build prototypes in order to test these theories out. I submit to you that we do need to build them. In fact, we probably know more about the engines than anything else. We really have to build these prototypes to find out the truth about many of the theories that the experts are throwing around here. I suggest that we ought to go ahead with that.

I said earlier that I am a liberal. I want to see the untrained trained, the hungry fed, our uneducated and undereducated educated, and I do want to see the promise of America fulfilled.

But I submit to you that before this can be done or when this is done, we must have a healthy, vibrant economy. We need jobs to have a healthy vibrant economy.

Mr. Chairman, I am not saying that this SST prototype program will stand on its own as a producer of jobs. Obviously, it will not. That is just one of the factors. But if we build this prototype and if the SST becomes a viable tool, then we stand to produce from 300 to 500 of those aircraft and then we get back into the Federal coffers every cent we have put out, and if we produce 500, an additional \$1 billion.

If we build this and if it is a viable economic implement, then we can forget the \$17 billion balance of payments outflow that we are talking about and turn it to a credit. Speaking about credits, we need credits very badly in this country. One SST is the equivalent of the importation of 20,000 Volkswagens. If we sell one SST we can offset the importation of 20,000 Volkswagens, and we are going to import them.

Mr. Chairman, we need, in addition to our computer software another good arrangement with reference to the balance of trade. I submit that the SST will be that.

There are many, many more advantages. Many of the advantages are theories. Many of the so-called disadvantages are theories. But I submit to you that it is going to cost us within \$300 million as much to cancel this program as it is to go through with it and complete it and check out all of these theories which a number of us have talked about when we take the well of this House and discuss the problem of the further development of the SST. Let us go through the prototype development and find out.

Mr. McFALL. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, under the circumstances of the recent assertion by the President of the right to cancel by himself, without consulting Congress, duly authorized and appropriated—for projects, we have no assurance that the President will not end this program when, after we have spent billions of dollars on it, he may find it to be unattractive to him ecologically or politically. This is what he did relative to the Cross Florida Barge Canal.

About \$50 million has been spent on this canal, first, which the Joint Chiefs of Staff supported to provide "an additional and shorter line of communication between the Gulf Coast and the East Coast" that would "reduce exposure of shipping to submarine attack," and second, which several independent studies found to be justified and beneficial for economic and job-producing reasons, and third, which many ecologists, and all congressional public hearings, open to all points of view, gave a clean bill of health to on ecological grounds.

Yet, the President canceled the canal without notice to the public or to Congress. If he has the power to do this, what is to protect the billions of dollars contemplated for the SST should he conclude at a later date, it was a mistake to go forward? Why allow him to waste those hard-to-come-by Federal funds?

Mr. McFALL. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I am not one of those who opposes the SST at this time because it is a new form of jet-set transportation. I hope that sometime we will have private enterprise producing an SST. I think it could be a great thing.

I am sure that those who deride the SST because it may be used only as jet-set transportation will find the contrary to be true. I hope that we will have economical, environmentally sound jet transportation available to secretaries and laborers as well as the wealthy.

As I understand it, Mr. Chairman, since remote time, when the first cave man put tree trunks between two wheels, and since the chap developed the Stanley Steamer and then the first internal combustion engine, they have been accused of building some kind of a jet-set transportation, but yet we very quickly built them for the masses. So in principle

I am in favor of the SST, and I hope I can enjoy the benefits of it in my remaining active or declining years. However, this is not the time to do it, and I can express several good reasons why this is not the time.

First of all, because of the many varied, complicated, esoteric, and confusing environmental questions that have been raised, the final answers to which are not yet in, we cannot proceed with the SST. The administration has admitted as much in saying that they do not want to proceed with the construction of these prototypes until they have satisfactory independent surveys and reports on the environmental problems that had been raised. I would like to see those answers. I would like Congress to discuss and analyze those answers and reports before we act. When the SST is developed the economic pressures for going immediately into mass production will be such that any remaining environmental questions for which there appear to be no satisfactory answers will be ignored. These environmental risks will be part of the price we will pay because of the pressure to get on with the production of the aircraft.

Second, I believe that when New York City is about to fire 12,000 teachers, when the cities of our country are so financially hard pressed, when our public services are being dismantled, when the quality of urban life is being degraded and demeaned, when every American is denied the freedom to walk the streets safely, we should apply our resources to the concerns of life here on earth.

I would like to see the aeronautical sciences that are so heavily involved with the SST applied to make our cities safe, to improve the quality of our criminal justice system, to create an effective mass surface transportation system and to benefit directly all 200 million Americans and their myriad unmet needs.

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

Mr. CONTE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I was sorry to hear the gentleman from Florida state that he was going to vote against the SST, because the President of the United States saw fit to close the cross-Florida barge canal. There are plenty of good reasons for voting against this program but I do not think this is one of them. As a conservationist and one who has visited and fished in the Oklawaha River many, many times, I want to commend the President of the United States in his decision to close the cross-Florida barge canal project and thus protect this beautiful waterway.

Mr. SHRIVER. Mr. Chairman, I rise in support of this continuing appropriations resolution which includes funding for fiscal 1971 for the Department of Transportation and related agencies, and approximately \$290 million for the civil supersonic aircraft development.

I want to commend the Subcommittee on Transportation Appropriations on the excellent hearings on the entire scope of the SST issue ranging from environmental questions to the economic impact upon employment and the balance of payments.

This is a moment of decision for the SST program and, in a larger sense, for our Nation's entire attitude toward the advancement of technology.

This country's aviation leadership is at stake here. Because of the superiority of American jet transports, 85 percent of all such aircraft throughout the free world today are built in the United States. Today, we must ask ourselves whether or not we are going to abdicate American leadership in aviation to the British, French, and Russians who already are years ahead in supersonic transport development.

We are not asked to obligate a single Federal dollar today in commercial production of the SST. We are considering only the completion of building and testing two experimental planes. These two prototype aircraft will help find answers to many questions about civil supersonic flight. They will put performance and economic objectives to the test. They will enable us to replace emotional fears with facts concerning the impact of supersonic flight upon man's environment.

Significantly, the Administrator of the Environmental Protection Agency, William Ruckelshaus, testifying before the transportation subcommittee emphasized that the administration is committed to getting answers to all of the environmental questions regarding noise, sonic boom, radiation effects from the possible reduction of zone, cosmic radiation effects on passengers and crew, and so forth, before commercial production proceeds on the SST.

How else do you solve the problems of supersonic flight unless you pursue solutions through such an experimental or prototype program?

There is nothing new or novel in providing Government financial assistance to the SST. Most commercial air transport advancements were based on some type of Government financing. The one thing different with the SST is that the investment will be returned to the taxpayers with interest.

There are 13,000 jobs which depend immediately upon our decision—and as many as 150,000 jobs are at stake in the years ahead.

In recent months we have witnessed a sharp downturn in employment in the aerospace industry. I am deeply concerned over an unemployment rate ranging between 9 and 11 percent in Wichita, Kans., in my congressional district, where the Boeing Co. maintains a division. In Seattle, Wash., the unemployment rate is even higher.

The go-ahead on the prototype program will mean jobs for 2,000 men and women in Wichita, Kans. The failure to move ahead will unquestionably mean further layoffs.

Earlier today, I testified before the Special Economic Development Subcommittee on Public Works in support of an accelerated public works bill, costing approximately \$950 million over 1 year, designed to assist high unemployment areas. In this continuing resolution we are asked to provide \$290 million, which eventually will be returned to the U.S. Treasury with interest and it will guarantee immediately the jobs of 13,000 people and eventually create 150,000 jobs,



as well as inaugurate a new era for the U.S. aviation industry.

In addition to the impact upon employment, an American-made SST will have a favorable impact on our balance of payments amounting to over \$22 billion.

Mr. Chairman, we are already well along in the construction of two SST prototypes. This is not a new program. It is 10 years along the way. The first funds for research were voted in 1961, during the first year of President Kennedy's administration, and a national program to develop a U.S. SST was established in June 1963.

The Federal Government has invested more than \$860 million out of a total investment of \$1.3 billion. Private industry, including contractors and airlines, presently has invested more than \$246 million out of its committed total investment of \$403 million.

We have gone too far, invested too much, and are too near our goal to let this all go down the drain with no tangible returns.

The SST is a logical next step in the state of the art. It now rests with the Congress to determine whether or not there will be an American SST 7 or 8 years from now to assure a position of continued technological leadership for the United States in aviation.

I strongly urge the House to approve this resolution.

Mr. BADILLO. Mr. Chairman, it should surprise no one that as the Member of Congress whose district includes LaGuardia Airport, whose constituents in the Borough of Queens are plagued day and night with the screech and roar and pollution of jet aircraft and who worry not about getting to London or Paris in less than 6 hours but about getting to and from their jobs with safety and convenience, I am unalterably opposed to continue public subsidy of the supersonic transport. My only regret is that I did not serve in earlier Congresses with the opportunity to lend my voice and my vote to colleagues like the gentleman from Illinois (Mr. YATES) who have been waging a valiant fight against a project that clearly has no place in our national priorities.

The SST debate, both last year and this year, has been long and involved. Both sides have been given ample opportunity to state their cases. I believe the following issues have generated the most concern:

First, is the SST necessary to maintain the competitive position of the U.S. aircraft industry? I do not believe it is, particularly in view of the difficulties being experienced by the Concorde. But even assuming that the SST was necessary in this regard, why should all American taxpayers foot the bill? If the project really had merit, it would seem logical that private financing would be readily available, particularly in view of the profits the banking community has made in recent years. The obvious reluctance of the banking community to make commitments on the SST should be warning enough.

Second, is not the SST necessary to protect and stimulate thousands of jobs in the already-impacted aerospace in-

dustry? It seems to me that this is like asking if the war in Vietnam is not necessary to safeguard jobs in the Pentagon and profits of defense contractors. Several eminent economists have pointed out, correctly in my view, that the SST will generate no more jobs than the amount of money it represents would generate in any other endeavor. The fact of the matter is that about 13,000 people are now employed on the SST program. This figure is expected to hit about 20,000 later this year as work on the prototypes advances and then decline sharply in the next 2 or 3 years. Should the SST actually go into production—a stage at least 8 years away—about 50,000 more jobs would be generated but this depends on a decision to go into production and a worldwide demand for 500 SST's.

It seems to me that there are really urgent needs in our society that must be met now and which require even greater manpower commitments than even the most optimistic SST proponents envision. When our cities are crumbling, our transit systems stalled, our housing goals unmet, and our air and water increasingly poisoned, what sense does it make to divert manpower to a short-term program that will benefit only the international jet set?

I am as concerned as any Member of Congress about the unemployment crisis in our Nation. But I feel that we would do far better to move speedily on the public-service employment bill and other measures than to pour more millions down this particular rat-hole.

Finally, Mr. Chairman, I am gravely concerned about the environmental issues raised by the SST program and which simply have not been resolved to the point where further public subsidy would be justified.

We do not need construction of SST prototypes to resolve the issues and this point has been backed up by the administration's own environmental experts—Mr. William Ruckelshaus, Administrator of the Environmental Protection Agency and Interior Under Secretary Russell Train.

What is needed is the kind of independent, comprehensive research program which to date has not been undertaken by the Federal Government but which must be launched regardless of whether this SST program proceeds.

If we have learned anything about our environment in these past few years of growing national awareness, it is that playing catch-up is costly and frequently impossible. We have learned that we do not live at the large end of an environmental cornucopia that has no limit. Our resources are finite and they are precious. The possible effects of a fleet of SST's on the ozone in the upper atmosphere are frightening. The obvious effects closer to the ground are particularly alarming at a time when noise has become more than a nuisance—it is now a serious health hazard.

The American taxpayer has already footed an \$864 million bill for the SST. It is time to call a halt to this wasteful exploitation and to restore some sanity to our spending priorities.

Mr. LENT. Mr. Chairman, for months a national debate has raged over the

question of whether this Nation should continue to finance the development of a commercial supersonic transport. In the Halls of Congress and in all of the national media both sides of this issue have been discussed at length and with varying degrees of passion.

Tomorrow, we in the House will be called upon to make the decision: shall we appropriate funds for the SST, or not?

As a new Member of Congress, Mr. Chairman, I have listened with interest to the arguments on both sides of this question. I have heard all the arguments for continuing the Government-supported development of the SST. I have heard that we want this plane because it will provide employment. I have heard that we want this plane because we have already invested \$1 billion in it and all that is required now is another \$290 million. I have heard that we want this plane because it would help the balance of payments, or because we fear the economic competition of Britain and France, Japan, or Russia.

But not once have I heard that we want this plane because the people of this Nation want and need a supersonic airplane. On the basis of that consideration, I shall vote "no" on the continuing appropriation for the SST.

There are many compelling arguments against the SST—ecological dangers, accelerated depletion of our fuel oil resources, the impact of sonic boom, landing and takeoff noise, technical difficulties with the aircraft design, as well as grave economic risks in an unproven market.

These and similar arguments have been flowing forth in a steady stream from many of our Nation's economists, sociologists, investors, and environmentalists. They comprise an impressive document, and I need not recount them here.

Even when we scrutinize the statements in support of the SST, we do not find any assurance that these arguments are without merit. Indeed, the testimony of SST proponents at hearings of the Senate Appropriations Transportation Subcommittee, on August 27, 1970, leave my own pessimism unrelieved.

For example, on the question of employment that supposedly would be generated by this program, the Secretary of Labor, the Honorable J. D. Hodgson, told that subcommittee:

Considering the planned further war-time to peace-time conversion activity, it cannot be contended that additional jobs would be created by the SST Program.

And the Chairman of the Council of Economic Advisers, Dr. Paul W. McCracken, pointed out:

It should be stated, incidentally, that continuing the SST should not be supported as a means to assure reasonable full employment.

Another unresolved question is that of the potential environmental and sociological problems of sonic boom, airport noise, hazards to passengers and crew, and effects of water vapor in the stratosphere. Secretary Elliot Richardson of Health, Education, and Welfare based his support of the SST on "the understanding that some additional data is now

available on some of these problems," but advised that "continuous study and research, aimed at finding real solutions, will be required."

Carrying Secretary Richardson's thought one step further, the then-Secretary of the Interior, Walter J. Hickel, stated:

I believe it is important that the horse be kept in front of the cart and that we insure that satisfactory solutions to these environmental problems actually exist before a major commitment is made for commercial production.

In support of the program, the Chairman of the Council on Environmental Quality, Russell E. Train, stated:

The concerns and uncertainties which this Council has identified relate solely to the possible future operation of a fleet of commercial SST's.

But his statement yields small comfort when the Executive Secretary of the National Aeronautics and Space Council, William A. Anders, observed almost simultaneously that—

The government stands to regain the entire \$1.3 billion investment when the three hundredth airplane is sold.

Apparently, by committing ourselves to further development of SST prototypes, we may be forced to underwrite commercial production of a fleet of SST's in order to recover our investment, regardless of the detriment to our environment or budgetary considerations.

On the question of the costs of continuing the SST program, the Deputy Director of the Office of Management and Budget, Caspar W. Weinberger said:

I am concerned about further Federal financial support beyond the prototype development phase of this program. The cost of certification and initial production could run as high as \$4 billion.

Interestingly, Mr. Weinberger went on to make another telling point against the very program in favor of which he spoke.

In my opinion—

He stated:

the true test of the SST prototype should be in the free marketplace. If investment bankers, air carriers and aircraft manufacturers have confidence that the SST will be economically viable, they will finance the program.

As yet, we have no assurances that the incentive for private financial support of this program exists. Henry Kearns, president and chairman of the Export-Import Bank of the United States, has stated:

As the SST will not be available for sale until the late 1970's, we cannot point to any such proven demand [for the SST in the world markets].

What we have in the foregoing testimony in support of the SST program is faith overlaid with qualifications and contradictory statements based on irreconcilable points of view, not statements of fact.

The evidence against the SST, however, is substantial. One projection of potential SST subcontracts going to the States indicates that 44 States will actually lose money when the tax investment they would make to the program is measured against the value of the subcontracts they might gain. Most alarm-

ing to me is that New York State, expected to contribute \$245.7 million to the SST program, may be expected to bring in only \$55.2 million in contracts and subcontracts—a net loss to the taxpayers of New York of some \$190.5 million.

New York State ranks first on the list of losers, exceeding the predictable loss of the second State, Illinois, by some \$108 million. The economic benefits of prototype production to New York's industries and aerospace labor market will be significantly diminished by the overall tax support New Yorkers will contribute to the SST. Indeed, some of the States whose financial plight is presently most critical—New York, Illinois, Pennsylvania, New Jersey, Massachusetts—even California, home of the giants of the aircraft industry—stand to suffer net losses when their tax contribution to this program is measured against the promised production windfall of a single industry.

Another important factor: for me, living on Nassau County's South Shore abutting John F. Kennedy International Airport, the noise argument does not exist merely on a test-engineer's chart or a scientist's memorandum. Noise from jets landing and taking off is a constant phenomenon, relentlessly assaulting the eardrums of the residents of what we call "jet alley" in my district. As past chairman of the New York State Senate Committee on Health, I have consistently fought for limitations on sustained noise over 85 decibels. And yet, SST proponents point with pride to the clearly insufficient reduction of SST noise from 124 to 108 decibels. It is estimated that 10 to 20 million people in the United States suffer hearing impairment, in most instances caused by overexposure to excessive noise. Its contribution to nervous fatigue and cardio-vascular disorders is incalculable.

We hear assurances that noise levels will be further reduced. But can we be sure? Do we recall that the Federal Aviation Administration, in considering imposing noise level standards, includes as a factor the economic and structural feasibility of the aircraft to meet that standard? And do we really believe that the pressures to allow overland flights could be resisted for long if that meant the difference between success and failure of the commercial SST?

The SST prototype program is clearly fraught with risks to our economy, our environment, our people's health, and its own success. In other areas in which the Government has invested, there has traditionally been a broad public benefit based on a broad public need. There is, in my opinion, no demonstrated public need for the SST.

Today, less than 4 percent of the U.S. population holds passports for international travel. These are the only people who would benefit at all from the SST. Yet daily, we in the cities and suburbs are witness to the spectacle of millions of Americans attempting to get to and from work by automobile or by using largely inadequate public transit systems. The state of urban-suburban mass transit in the United States is a national disgrace, yet even now there is a move afoot to reduce the already insufficient Federal funds for this pressing need.

New York's Nassau and Suffolk Counties alone count one-quarter million people who daily ride the Long Island Railroad. And yet, until only recently LIRR equipment production and procurement practices consisted of an off-the-shelf philosophy, with no plan for technological development: just a "holding operation" to keep the line—and its equipment—from falling apart.

Almost 40 percent of this Nation's people live in suburban areas. Many of them spend half their working days on jammed highways and obsolete trains, trying to get to work and back to their families with some dignity intact. Automobile commuters in Los Angeles spend hours on freeways to move a few miles. A few years ago, Boston was ensnared in a 6-hour traffic jam that paralyzed the city. Airport parking facilities and traffic conditions on the roads that lead to them make air travel more discouraging with each coming year. And yet we are today discussing the continuation of a \$1.3 billion program to enable a handful of wealthy businessmen, tourists and jet-setters to fly to London in 2 hours instead of 4.

At a time in our history when we talk about commitment to domestic priorities, it is ironic that we should consider a major public expenditure that will benefit very few. We should instead be talking about the kind of world we want to live in on the ground. The \$290 million could buy a lot: engineering and technological talent to start developing mass ground transportation programs equal to the needs of the last quarter of the 20th century, or to start developing new cities to help relieve urban pressures. We could apply these funds to our efforts to upgrade preventative health programs and rebuild our health delivery system; to improve the lot of our elderly and our physically and mentally handicapped; to expand educational and vocational programs; to train and retrain qualified personnel to help find technological solutions to the problems of mass transportation, health science, recycling solid and liquid wastes and cleaning up our polluted air and waterways. We should not spend taxpayer's money on a risky program that threatens to create more problems than it solves.

Our Nation's greatness lies, in part, in the skill and enthusiasm with which we mobilize our resources to meet the challenges before us. Let us utilize those resources by creating unified programs in vital areas to provide employment, economic and physical health, and technological excellence to millions of Americans instead of frittering away still more millions on the dubious SST venture.

Mr. FRENZEL. Mr. Chairman, I am opposed to further Federal funding of the commercial supersonic transport airplane. I wish the issue were as simple as the respective spokesmen would have us believe, but it is not.

Some would have us believe that failure to continue Federal financing of this project need result in either massive unemployment or cause a serious decline in America's technological superiority. I remain unconvinced.

Nor am I persuaded by the arguments of those who prophesy an ecological disaster should the Congress, despite my



best efforts, vote to continue Federal participation in the development of the SST. This form of argumentation reminds me of chicken little. An acorn's worth of evidence is interpreted to mean the sky is falling. I am satisfied that neither the Congress nor the Secretary of Transportation would ever permit the SST to go into production should future testing demonstrate that these planes would produce unacceptable environmental damage or discomfort.

But there are other and better arguments which led me to the conclusion that the Federal Government should stop funding this commercial venture. The fundamental issue before us today revolves around the question of priorities. We have heard much rhetoric recently about the need for the Federal Government to reorder its priorities. If there ever was a clear-cut case of old versus new priorities, SST is that case.

There are simply far too many other legitimate but unmet demands which should receive our priority attention. Low- and moderate-income housing, urban mass transit, welfare reform, health care, education, and pollution control—each of these areas is underfunded. Even the authors of the basically sympathetic study of the SST commissioned by the Library of Congress acknowledge that ground transportation and not air transportation is the most underdeveloped mode of transit. Yet, at a time when we are spending at an annual rate of only \$75 million for the development of new urban transit technology which would benefit a majority of Americans, we are today being asked to vote an additional \$290 million for an aircraft which will benefit only a relative few.

We are also told that we cannot afford to stop now. The Federal Government is in too deep. By March 31 we will have spent \$864 million, and if we are to stop now, the proponents lead us to believe that these funds would have been wasted. This curious line of reasoning, of course, assumes that the private sector would abandon the SST in the event the Federal Government withholds further funding. Yet, these same proponents are also arguing that the SST will be a huge commercial success. Now we cannot have it both ways. If it is going to be a money-maker for the Government, it should also be a bonanza for private financial backers who could pick up the slack in the absence of Federal support. But if it is only a make-work plan, I believe we can devise better alternatives.

For these reasons, I intend to vote against the SST.

Mr. MOORHEAD. Mr. Chairman, the supersonic transport program was begun a few short years ago when we in this country were living in a different age. A decade or so ago this country was startled and chagrined when the Soviet Union launched the first sputnik. We read into the launching of the Russian satellite, signs that this country's technology was flagging and falling behind. We responded by initiating a number of space and aviation program in hell-bent-for-election fashion. The SST was one of these programs.

In the decade since, we have become more aware of the nature of the many

deep problems facing the Nation—social problems, environmental problems and economic problems. And as part of this increasing awareness, we are beginning to realize that ungoverned technology, can just as easily create blight as progress. This reordering of the country's priorities is bringing with it the dawning realization that programs such as the SST pale next to our domestic needs.

Regardless of any of the arguments raised by the proponents of the SST program, I am firmly convinced that the billions of dollars that will be sought for the continuation of this program could be spent far better in other areas.

The administration has made very elaborate analyses to support its contention that an SST is an absolute necessity. Yet, I have seen no cost-benefit analysis which showed the relative merits of an SST as opposed to the same amount being spent on additional housing for low income families. Or the benefits of the SST versus ameliorating the seemingly interminable delays in ground transportation to and from airports of our obsolescent air traffic control system. Have these analyses been made or are we merely continuing to travel a path of post-sputnik reaction, totally oblivious to the needs of the citizens we represent?

There are a spate of arguments raised by the proponents of the SST—balance of payments; the Europeans are going to get ahead of us; employment benefits; scientific advancements; national prestige; and so on. These arguments are tired and old. Those arguments that center around "the Europeans are going to get ahead of us" and "we need the SST for national prestige" are composed largely of common, garden soil nutrients. The Europeans are having definite second thoughts on the economic feasibility of the Concorde. And as for national prestige—when are we ever going to stop this continual fretting over how we superficially appear to the other nations of the world? In this respect we have become somewhat like an aging movie queen—continually preening in front of a mirror, applying another coat of paint and plaster, draping another bauble around the neck—all the while failing to notice the fat derriere and the varicose veins. Perhaps this Nation can endure and even get healthier without the sort of national prestige that derives from technological baubles.

No, it is not national prestige that we are debating here today. The question here is primarily one of economics and employment. The proponents of this program cite the fact that thousands of jobs would be created. Everyone, save perhaps the administration, readily admits that this country is facing a severe unemployment problem. The SST program, then, would appear to have benefit in alleviating unemployment in much the same way that building the pyramids centuries ago kept the Egyptians off the streets. Unfortunately, however, the SST is not a pyramid. You just cannot stack enough people in or about an SST to truly ameliorate the current unemployment problem. The Boeing Co., prime contractor on the SST, employs only 20,000 people on the SST during its current development stage. It will not be

until the production phase of the program in the mid 1970's that significantly greater numbers of people will be employed. I realize that by not funding the continuation of the SST we will be aggravating what is already a serious unemployment problem for the folk in the Seattle area. However, there are other means and other less expensive Federal programs for mitigating unemployment in urban areas. Thus far, according to the mayor of Seattle, the administration has studiously avoided the Seattle area in its economic aid programs. This is a fact which I think is terrible. Indirect subsidy through the Boeing Co. is not, in my estimation, the best way to assure the long-term economic health of the Seattle area. For years, the Seattle area has experienced a boom-or-bust economy. Following World War II the area was economically desolate and it was not until the B-52 and other military programs of the early 1950's and the natural growth of commercial aviation that the area was nurtured back to health. The reason for this is quite simple—the Boeing Co. continues to have an economic stranglehold on the Seattle area.

I for one have great respect for the Boeing Co. They are prudent businessmen—unlike some within the industry who wander about teary-eyed and bleating about the well-being of their employees, and how the company would rather die than let its loyal workers go. Some companies perhaps—but not Boeing. For did you notice that in the midst of this economic calamity, Boeing has been making the best of a bad situation? It had an amazingly profitable year last year while most companies were having trouble just breaking even. I think that that is admirable. So let us not worry about the Boeing Co., it can take care of itself.

If the administration is truly concerned about unemployment in the Seattle area let it come forward with plans and programs that tend to diversify the Seattle area in order to put an end to the boom-and-bust cycle once and for all. Let us not play games with ourselves and pretend that the SST will greatly affect employment on a national scale or provide a real cure to the problems that have plagued the State of Washington for many years.

I might interject here that unemployment is not unique to the State of Washington. We also have a severe problem in Pennsylvania. Yet, we derive little benefit from this program. It only costs us more. The same is true of about 45 States in the Union.

Another aspect of the SST program is the economics of projected sales, balance of payments, and so forth. To listen to the more ardent supporters of the SST we have only to wait for a time and then watch the dollars come rolling back into our coffers. Well, first off—even if the most glowing expectations prove correct, we the citizens of the country, will get our money back plus 6 percent interest. Now that is not such a good investment when you stop to think about it. What is worse, however, is that we will probably never see the money again or at least not all of it. If the Boeing Co. is able to peddle 500 of these conveyances

then perhaps we will break even—you, me and the Boeing Co. But what happens if they cannot hustle enough of them—and more importantly, what is the likelihood of not selling sufficient to break even? I might be introducing a somewhat sobering thought by reminding you that the people making these rosy sales predictions are substantially the same ones that have been giving us the low cost estimates which led to \$4 billion overrun on the Minuteman and the currently troubled SRAM.

Any figures will do I guess as long as they end up portraying the program in a favorable light. Instead of accepting these figures on faith, look for a moment at the buyers of this work of technological virtuosity—the airlines. General Quesada, a director of American Airlines, has stated he wished the SST would go away. The airlines are currently in a soft state. They are trying to swallow and digest the current generation of jumbo jets such as the 747 and the DC-10; and that is not proving to be easy. With their heavy financial commitments to the jumbo jets along with a decrease in passenger travel resulting from the sagging economy, the airlines are not going to be in any condition to assimilate an SST for a number of years. Oh, I guess we could hold their feet to the fire and make them buy SST's, but I would be willing to venture that we would have to end up subsidizing the airlines to an even greater extent in order for them to afford these speedy contrivances. The operating costs of the SST are bound to be considerably higher than those of the 747 and DC-10 generation of jets. So I suppose we may have to end up paying people to ride on the things. Either that or those poor passengers who have to ride an old-fashioned 747 will be paying a portion of the costs of those lucky few who are zipping to Europe or Asia in an SST. Quite frankly, this program is economic folly.

But even if one were to accept the financial fantasy and the underlying economic ramifications, there are other serious issues at stake.

The SST, if pursued, is bound to affect our environment to some extent. There are those who warn of polluting the stratosphere and its potential effects upon climatic conditions. Proponents argue that the amount of pollutants is negligible when compared to the rather messy volcanoes we have here on earth. I am not a scientist and I do not know which side is right. And I am not convinced that the scientists really know, either. Yet if we err, I believe we should err on the side of caution when it comes to our environment and the environment of other countries of the world. For if stratospheric pollution will in fact constitute a serious environmental problem, I am not sure when the time comes that we will possess either the technological genius or the money to build a monstrous vacuum cleaner to sweep up all the garbage that we have left up there.

There is another environmental question on which I feel somewhat more qualified to speak. And that is noise. I have two ears that have become somewhat tired of being assaulted at every

turn. Neither of them particularly relishes the idea that they will be forced to learn to live with yet another attacker. I am not sure at what decibel level they will rebel and fight back or at what increase in pressure they, along with plate glass windows and ancient Greek ruins, will shatter. My ears do not care about the bland assuagements of the scientists that the noise and sonic booms will not be unbearable. They have heard only one thing—the promise of a better quality to our lives. And they fervently hope that this better quality can be accomplished without the staccato accompaniment of sonic booms as a continual reminder that this so-called better quality of life has arrived.

Mr. Chairman, the SST program is nothing more than part of a national ego trip to use the argot of the young. It is fiscal lunacy in the guise of an employment panacea. And it is yet another attack upon the environmental quality of our lives. It deserves to be defeated.

Mr. DORN. Mr. Chairman, it is a pleasure for me enthusiastically to endorse this bill and the inclusion of funds to help finance prototypes for an American SST. There is no question of SST's being built; in fact the Soviet version will soon be ready for commercial service. The real question is whether the traditional American supremacy in the field of commercial aviation will be lost by forfeit. I support the development of the American SST, and believe any such refusal to continue this initial development would be tragic. It would be interpreted by some as a decision to fight progress, and a decision by our Nation to abdicate our role as the technological leader of the world. For economic reasons, for balance-of-payment reasons, for military reasons and for national prestige, we should continue development of an American SST.

Mr. VANIK. Mr. Chairman, my vote will be cast against further funding of the supersonic transport. The time is long past due to call a halt to this economically unsound and environmentally dangerous project. The last several weeks has seen a strong and well organized lobbying effort on behalf of the SST. A multitude of facts and figures have been thrown at the Congress in an effort to prove that the SST will not threaten the environment and that it is worth funding. In my mind, these facts have not been convincing and the case has not been made for continuing this program. Because of the confusion which has been created in the public mind by this lobbying effort, I would like to state at this time my reasons for continued opposition to the SST.

First, I would like to discuss some of the economic arguments.

It is said that 150,000 jobs would be lost if the SST is not continued. In this time of high unemployment, it is vital that the Government encourage job creation. I do not believe, however, that the SST is the best or most efficient method of providing workers with paychecks. For one thing, the 150,000 figure associated with the SST is highly inflated. At the current time there are only 13,000 workers involved with the SST.

Even if funding is continued and some 500 of these aircraft are ordered—which is highly speculative—then only 50,000 workers would be employed on the assembly lines in about 6 or 8 years from now. Only by considering the multiplier effect can anywhere near a figure of 150,000 jobs be claimed for the SST.

But as Paul Samuelson, America's only Nobel Prize winning economist, stated Thursday, the same number of jobs could be created by the Federal Government's expenditure of \$1.3 billion—no matter what it was spent for. I would much prefer the money to be spent immediately on emergency public employment which could employ 300,000 immediately in vitally needed public service jobs. Another alternative would be support for the accelerated public works bill, H.R. 4400, of which I am a cosponsor. This legislation would provide immediate assistance to economically hard-hit regions.

Another alternative, which exists in the bill before us today, would be to strike SST funding and increase urban mass transit funds. This would put thousands upon thousands of Americans to work constructing rapid rail coaches and buses and thousands of others constructing the needed transit lines. This would have the immediate effect of increasing employment and the long-range effect of making our cities more habitable. The need for these rapid transit lines is one that is felt in nearly every American city. In my city of Cleveland alone, the modernization needs in this decade amount to \$46 million and the cost of needed, new transit lines is put at \$235 million. Throughout the Nation rapid transit modernization and expansion is put at about \$17.7 billion. It is my belief that our land transportation systems for millions of Americans need improvement before we proceed with a 1,800-mile-per-hour airplane to be used by a very small percentage of the population.

I might add, Mr. Chairman, that the employment picture will be even worse if we proceed with construction of the SST and then have to cease work because of the environmental problems raised by the aircraft.

Another argument put forward on behalf of the SST is that the Government will recoup a profit on the plane of approximately \$1 billion. This claim is also highly questionable. First, it assumes that some 500 of these planes will be sold. Yet some economists have estimated that as few as 139 of these planes will be purchased. If this happens, the Government will lose \$1.2 billion on the project—but the private corporations will make \$150 million profit. This is hardly a fair share of the profits when one considers that the Federal Government puts up 90 percent of the risk capital and private investors put up only 10 percent. Even if all 500 planes were sold, it has been figured that the Government would receive a return of only 4.3 percent on money—money which the Government has been borrowing at 6 percent or more in the money markets. For the Government to finance a deal like this, some might call it state socialism, but it is closer to robbery of the Treasury for the private gain of a special few. No wonder Dr. Samuelson called the SST



"the biggest lemon ever devised" in Washington.

Another economic argument used by proponents of the SST is that it is a more productive aircraft than existing planes. It is argued that the SST has two-thirds of the seats that a 747 has but that it flies 3 times as fast and is therefore twice as productive. This calculation ignores the fact that the plane will cost twice what a 747 costs, its range is 1,000 miles shorter than the 747, and it consumes more fuel. In addition, the SST cannot fly over land masses without creating an unbearable sonic boom problem; as a result, it must fly at the same speed as the 747 over much of the world. As a result of all this, operating cost per seat-mile may well be twice that of 747's. Thus, the entire productivity argument is highly questionable.

And there is the argument that it we do not build the SST the world market will go to the Concorde or the Soviet TU-144. This too is a questionable argument. With the Concorde costing twice as much per seat-mile as the 747, most airlines will not be rushing into the showrooms to buy Concorde's. The Soviets have never sold aircraft in the West before and there is reluctance to use these aircraft because of a lack of experience with them and the difficulty of obtaining spare parts. One African nation which was virtually given an air-fleet from the Soviet Union ended up returning it as unusable.

I believe that we can—and should—wait until the problems accompanying supersonic transports are resolved. In the meantime we can continue our world leadership on air buses and other jumbo jets. It would be good policy for the United States to work for world regulation of supersonic transports at the upcoming U.N. Conference on the World Environment to be held in Stockholm next year. Rather than encouraging world competition of these environmentally dangerous aircraft, we should take the lead in controlling them.

There are two remaining economic arguments. First, that an increasing number of people will be flying and the SST will be needed for that market. It is true that increasing number of people will be using airplanes and taking vacations in foreign countries—but these people want economy flights. But the SST will be a premium fare aircraft. This means that the ticket on an SST, which will shave a few hours off a flight, will be about one-third above current first-class tickets. If there is anything that the current overcapacity on today's aircraft indicates, it is the fact that rising air fares have driven people to other forms of transportation—particularly the car where five can still travel for the price of one. People are not interested in "lumber seats" "imported liqueurs," "23-inch-wide seats," and a choice between John Wayne and Jerry Lewis "classic" movies—they want a cheap and safe way to travel. The 747 and Air Bus provide that cheap way of traveling. Only a very, very small percentage of the population—international businessmen and couriers—are interested in the rapid, expensive travel that

will be provided by a SST. To tax all the people to pay for this plane that will benefit only a few is unfair and unsound.

The last economic argument states that since we have spent so much money on the project we ought to follow through with the rest. Yet we are really being asked to follow through with an undetermined and potentially very large sum. By the end of this month we will have spent \$864 million on the SST. The absolute minimum Department of Transportation estimate of the Federal Government's cost of developing two prototypes is \$1.342 billion. This does not allow for cost overruns, inflation, or adjustments to the final models. If private financing fails to develop, the Federal Government will probably be asked to make an additional \$1 billion or more in loan guarantees. Gen. Elwood Quesada, former head of the Federal Aviation Administration estimates that the final cost of the SST to the taxpayer could amount to \$3 or \$5 billion.

Despite the persuasiveness of the economic arguments against the SST, the environmental arguments are even more convincing. The main argument here centers on the effect of the SST on the upper atmosphere.

On a flight from New York to Paris, a 747 would put out about 1.1 million pounds of combustion products such as carbon dioxide and water into the regular atmosphere. The SST, making the same flight, would put out about 1.36 million pounds. But the major problem is that the SST would release these products in the quiet, still stratosphere at 65,000 feet. These emissions would stay in the stratosphere for months—some say years—and react chemically with the substances that are present there. The major substance at this altitude is ozone which is absolutely invaluable to life on earth since it absorbs the sun's lethal ultraviolet rays and keeps them from reaching the earth's surface. But the water vapor released from SST's—and the promoters of the plane are talking about 500 of them flying in the stratosphere—would deplete part of the ozone present there. Officials have estimated that this ozone depletion could range from between 7 and 4 percent thereby increasing ultraviolet radiation by a significant amount. By introducing these aircraft into the stratosphere we may well be upsetting a balance worked out by nature since the start of the earth billions of years ago. We are willing to play with the temperature of the earth and the ultraviolet rays reaching its surface simply to cut a few hours of traveltime. This has to be a form of insanity, of national and world suicide.

The Administrator of the Environmental Protection Agency has indicated that through testing methods which we now have available the question of environmental damage from SST's can be determined without the construction of even two prototype planes.

Another environmental problem which has been given very little consideration is the impact of the sonic booms created by up to 500 SST's. It is said that the SST will not fly at supersonic speeds

over land masses. Let us assume that this resolve is maintained. But what about sonic booms over the oceans? On March 3, 1971, 175 leading oceanographers and marine scientists sent a letter to Senator GAYLORD NELSON protesting supersonic flights over the oceans. Since this letter has not received the attention that it is due by the House in consideration of the SST, I would like to enter it in the RECORD at the conclusion of my remarks.

In summary, Mr. Chairman, I would like to say that for the reasons which I have enumerated—both economic and environmental—I will vote against further funding of the SST.

CITIZENS LEAGUE AGAINST

THE SONIC BOOM,

Cambridge, Mass., March 3, 1971.

Senator GAYLORD NELSON,

Senate Office Building,  
Washington, D.C.

DEAR SENATOR NELSON: In recent weeks 175 oceanographers and marine scientists from the leading oceanographic and marine research institutes throughout the United States have gone on record as having serious concern for the marine life of the North Atlantic Ocean—if hundreds of supersonic planes (SSTs) inflict sonic booms on this ocean night and day for decades.

As you know, just 50 SSTs in routine operation over the North Atlantic would blanket more than 50% of that area with sonic booms of an intensity 2 to 4 pounds per square foot, as often as every half-hour (see map and text released by this League on Nov. 30, 1970).

Forty oceanographers from Woods Hole Oceanographic Institute and Marine Biological Laboratory signed letters of protest in December 1970. Since then they have been joined by more than 130 other oceanographers from many well-known institutes. Many have sent, in addition, personal letters explaining the grounds for their very deep concern.

The signed protests read as follows:

TO WHOM IT MAY CONCERN

As one who has been concerned with the oceans and ocean ecology for many years, I wish to protest the assumption by aviation administrators and airline officials that it is permissible to inflict SSTs' sonic booms on a considerable fraction of the North Atlantic, day and night, year after year, for decades. At present no adequate answers are available to questions as to the possible harm of such booms, known to be startling to men and animals, to life above and below the surface of the ocean.

The names of the signers are indicated on the attached list. Included are many of the world's ranking experts on oceanography, ocean ecology, marine biology, animal physiology, etc.

Sincerely,

WILLIAM A. SHURCLIFF,

Director.

P.S.—Clearly, the issue is not just the immediate annoyance of sonic booms, but the long-term effects of repeated booms, day and night, for decades. SST proponents claim that two prototype SSTs are needed "to test" the environmental threats posed by the SSTs; but it is obvious that two prototypes would, in fact, resolve none of the environmental issues.

Mr. BROOMFIELD. Mr. Chairman, in the last 2 years I have followed carefully the growth of congressional opposition to the SST; first, on the basis of its questionable priority, then on purely economic grounds, and finally in terms

of certain serious environmental questions.

In all fairness, I must admit that the most serious pollution problems have to a large extent been resolved; those which have not been met by the builders, have been discredited as trivial by research. I applaud these most recent findings.

Still, the question of priorities, the one upon which I originally opposed the SST, remains unanswered: Is the SST of sufficient social and economic value to the American public to justify its continued subsidization by the Federal Government? That question is, I believe of historic consequence, for our answer will influence technological development in the United States for the rest of this decade and, perhaps, for the rest of the 20th century.

The most primitive argument against the SST was founded philosophically on the belief that the Government should not finance a purely commercial venture. In the past most subsidies have been granted to assist the development of aircraft that would ultimately be purchased by the Government; the subsidy, therefore, ostensibly served the public interest, usually by strengthening national security.

The SST, however, was and is to be sold exclusively to private airlines, so that whatever value it had to the American public would be indirect. The opposition suggested that such an indirect value, no matter how great, did not justify Federal funding.

I am convinced today that this is a shortsighted, inflexible, and overly restrictive philosophy. The Government should be available to encourage technological progress which will benefit the public—even if the benefits are not direct and even when they are not immediate. Naturally, this form of support must be limited to activities of transcendent concern to the public.

Granted, then, the principle of Government subsidization, we must apply the criteria of public usefulness to the SST. What value would it have, social or economic, to the public at large?

The SST is designed to cut transatlantic flight times by 3 hours. On a social level, therefore, it would be of great value to the 4 percent of our people who fly regularly to Europe; to the rest of us, none at all. I doubt that one more luxury for our privileged few justifies Government financing of such enormous proportions.

In economic terms, the issue is much more complex. Proponents of the SST argue, first, that it will create 150,000 jobs in the depressed aerospace industry and, second, that it will erase our balance of payments deficit. Both, of course, hinge on the marketability of the plane, of which, even now, considerable doubt persists. But let us assume that the plane actually is worth buying when it is completed, that it will create all those jobs and that it will ease our balance of payments crisis. No one would then deny its public usefulness nor the justification for its Federal subsidization.

Yet, there are many more projects that could accomplish just these economic aims; projects that could meet several of our more critical social needs as well.

The SST cannot stand up to comparison with these, simply because it is of purely economic benefit to the Nation. A public service jobs program, for example, would surely increase employment of those hit hardest by the Government's anti-inflation policy, while, at the same time, greatly assisting our mayors in their effort to clean up our cities. This is the form of dual-benefit program with which the SST must be contrasted.

If the health of the aircraft industry demands some form of Government subsidy, then I suggest that it diversify its operations to meet those problems which truly concern the entire American public; mass transit, for one. The development of a high speed railway system to serve our cities would create employment for millions of people in technical fields as well as improve the quality of American life. Moreover, the fruits of that advance could certainly be marketed in Europe to the relief of our balance-of-payments situation. This, not the SST, is the type of project which deserves Federal financing.

The Government can and should encourage diversification of our technical industries. With a little imagination we will find an incredible number of areas that could well use the managerial and technological skills of the aircraft industry.

It has been said that those who oppose the SST would oppose any technological advance. That accusation is patently false: it is, rather, those who confine one of our most gifted industries to a narrow area of development who most hamper technological progress. By calling for the aircraft industry to turn its expertise to other areas I express confidence in, not opposition to, the uses of technology.

I believe in progress through technology, Mr. Chairman, but I believe we can advance best by applying it to those problems which have not seen its benefits. Diversification has been delayed too long; it must begin now—for the good of the aircraft industry and the good of the American Nation.

This is why I stated earlier, Mr. Speaker, that the SST debate is of historic consequence. By opposing the SST we oppose Government subsidy of a project that can little improve American life; by opposing the SST we encourage technological progress, we encourage full employment in the technical industries, and we demand a new set of priorities for our Nation.

I will not deny that the SST could conceivably have certain real economic benefits for the American public. But surely it must stand far down on any list of national priorities, behind projects of immense economic and social value that have long had prior claim on our attention. When cancer is cured, when our urban areas are equally accessible to all, when our cities are free of smog and crime, then let us consider the SST.

Progress must be subject to the law of supply and demand, Mr. Chairman, just as any marketable product. At this time, we can subsidize progress in areas where the demand of the American public far outweighs their need for a supersonic transport plane. I urge that this project be defeated.

Mr. HALPERN. Mr. Chairman, as representative of the sixth district in the great city of New York, which lies between John F. Kennedy and LaGuardia Airports, I take special interest in opposing further SST funding. My reasons are fivefold:

First, the SST poses an environmental danger of unknown dimensions. Its effects on the upper atmosphere could be significant. Further study of environmental issues related to the SST should be conducted to determine the magnitude of the problem. Such studies could be undertaken on the basis of present flights by military planes. We do not need two prototype SST's to conduct it.

Second, sideline noise due to the SST engine during takeoff will produce a high-level noise in a radius of at least 1 mile beyond the airport and into residential areas.

Current plans to retrofit the SST, thereby reducing its noise output during takeoff are technologically questionable. This process is extremely costly, and it is being considered as the only alternative to gain public acceptance of the SST.

To reduce the noise factor resulting from takeoffs and sonic booms, the SST must be restricted to over water routes and to a reduction in engine power and thrust. These changes would sharply limit the SST's effectiveness.

Third, there is little escape from sonic boom. Not only is this noise unpleasant, but it can be physically harmful to people as well. Subsequent bans of SST flight over densely populated areas would still subject thousands of people on the seas to the psychological and nuisance aspects of sonic boom. Every SST flight across the North Atlantic would affect many people on the ocean. The booms would be most intense just off the coast where there is a large concentration of passenger ships, freighters, tankers, fishing, and pleasure vessels.

Fourth, the Federal Government is contributing most of the funds for the SST project. To date, Government spending has totaled about \$900 million as compared to the industry's contribution of only approximately \$200 million.

Further development of prototypes and eventually large-scale production for use by commercial airlines is economically unsound. Current evidence suggests that the Government and the airlines are headed for tremendous losses. Since the risk is so great for the Government and for the industry, how can the SST project be expected to attract private capital?

As one French statesman recently noted in his transatlantic warning, the Concorde has become the financial Vietnam for his country. I strongly urge that we do not permit such a fiasco to occur here.

Fifth, abandonment of the present SST project would not have an adverse effect upon the current balance-of-payments deficit as claimed by SST supporters. This problem would best be solved by committing our resources to their most efficient uses and not to projects which require enormous expenditures before they become operative. I can see us returning to this chamber in years to come, arguing once again for more and more



money to put into this project. Just as with the huge cost overrides we have seen in defense contracts, I foresee this project costing millions, perhaps billions, more than we are now told. Once SST development has passed the prototype stage the Federal Government and the airlines will find themselves committed to a program "beyond the point of no return."

In conclusion, the SST has failed the test of the marketplace—the smart money from private financial institutions has refused to touch this project with a 10-foot pole; its economic consequences are purely speculative; there is a possibility of adverse environmental effects; and reduction of noise will impair engine efficiency. Deployment of the SST at anything less than its maximum effectiveness would be an unwise and uneconomical move. It could well become another financial Vietnam.

The CHAIRMAN. Under the rule, the joint resolution will be read for amendment under the 5-minute rule.

The Clerk read as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1970 (Public Law 91-294, as amended by Public Laws 91-370, 91-454, and 91-645), is hereby further amended by striking out "March 30, 1971" and inserting in lieu thereof "June 30, 1971":* *Provided, That projects and activities (other than those financed under the appropriation "Civil Supersonic Aircraft Development") provided for in the Department of Transportation and Related Agencies Appropriation Act, 1971 (H.R. 17755, Ninety-first Congress), may be conducted at a rate for operations, and to the extent and in the manner, provided for in such Act as modified by the House of Representatives on December 15, 1970.*

The CHAIRMAN. Under the rule, no amendments shall be in order to section 1 of the joint resolution except amendments offered by direction of the Committee on Appropriations. Are there any committee amendments?

Mr. McFALL. Mr. Chairman, there are no committee amendments. I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes, had come to no resolution thereon.

#### GENERAL LEAVE

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and to include pertinent extraneous material.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 223, LOWERING THE VOTING AGE TO 18

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 299 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 299

*Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 223) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens eighteen years of age or older. After general debate, which shall be confined to the joint resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.J. Res. 223, it shall be in order to take from the Speaker's table the Senate joint resolution (S.J. Res. 7) and to consider the said Senate joint resolution in the House.*

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume. Mr. Speaker, House Resolution 299 provides an open rule with 2 hours of general debate for consideration of House Joint Resolution 223 to lower the voting age to 18. After passage of House Joint Resolution 223 it shall be in order to take Senate Joint Resolution 7 from the Speaker's table and consider the same in the House.

The purpose of House Joint Resolution 223 is to amend the Constitution of the United States so as to prohibit the United States or any State from denying or abridging the right of citizens of the United States to vote because of age if such citizens are 18 years of age or older.

Thereafter, on December 21, 1970, the U.S. Supreme Court rendered a decision which upheld the provisions of title III of the act lowering the minimum voting age for Federal elections but invalidated the provisions of the Federal law which lowered the minimum age to 18 in State and local elections.

Therefore, in order to lower the voting age to 18 in all elections, House Joint Resolution 223 was introduced in order for the voting age to be lowered in State and local elections by constitutional amendment.

It is felt that, since the legislation is being considered at such an early date in this Congress, it will be ratified prior to the 1972 presidential election.

Mr. Speaker, I urge the adoption of

House Resolution 299 in order that House Joint Resolution 223 may be considered.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. SMITH).

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

Mr. Speaker, I concur in the remarks made by the distinguished gentleman from Massachusetts (Mr. O'NEILL) with reference to House Resolution 299 which I am pleased to say is a completely open rule.

I think there will be an amendment possibly offered to the joint resolution which would extend these rights to all other civil rights of a person who is 18 years of age. So we should have a rather interesting debate on that, I am certain.

Mr. Speaker, I am pleased that this matter is being brought up. For the last year we have considered it in a rather unique fashion. As you recall, Mr. Speaker, the House passed H.R. 4249, which had to do with the voting rights act of 1965. The other body added a non-germane amendment to it to permit 18-year-old voting. It applied not only to Federal elections but all State elections. When it was returned to the House, the leadership apparently decided to accept the Senate amendment rather than to go to conference. I objected to this procedure.

However after considerable discussion, debate, meetings, and the like, the Rules Committee did bring down House Resolution 914. After 1 hour's debate, we approved House Resolution 914 which took H.R. 4249 from the Speakers table and agreed to the Senate amendment which permitted 18-year-old citizens to vote. Many of us thought it was unconstitutional for the Federal Government to interfere with State voting rights. I voted against House Resolution 914.

As anticipated, it went before the Supreme Court of the United States, and they have upheld the right of those 18 years of age to vote so far as Federal elections are concerned.

This is where we should have been in May or June of last year, to let the people indicate their will as to whether they wished citizens of their State who were 18 years of age to be of voting age.

So this will give the States 7 years in which to get 38 of them to ratify the measure if they wish to do so. If they do not, they may turn it down.

Mr. Speaker, I urge adoption of the rule. I have no further requests for time.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 223) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older.

The SPEAKER. The question is on

the motion offered by the gentleman from New York.

For what purpose does the gentleman from Iowa rise?

#### PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Is it proposed to take up this joint resolution at this hour?

The SPEAKER. For general debate only.

Mr. GROSS. Mr. Speaker, I intend to make a point of order that a quorum is not present.

Mr. CELLER. Mr. Speaker, I withdraw the motion.

Mr. GROSS. Mr. Speaker, does that not require unanimous consent?

The SPEAKER. The gentleman has the authority of withdrawing his motion before it is acted upon by the House.

The gentleman has withdrawn his motion.

#### HOOR OF MEETING TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

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

There was no objection.

#### PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE CERTAIN REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on House Administration have permission until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore (Mr. ADAMS). Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, I do so only for the purpose of trying to ascertain here and now whether we are to follow the custom of no business of the House being transacted after embarking on special orders. That has been the custom in the past, and I should like to have some assurance from the Speaker or the distinguished majority whip that we can rely upon the custom that has been in practice for a long time, that no business will be transacted after special orders are begun.

Mr. O'NEILL. I would be happy to answer the gentleman from Iowa.

Mr. GROSS. I would be glad to have the answer.

Mr. O'NEILL. When I want to the minority leader and explained to him what had happened, that this notification did not come to me until we went into special orders, the gentleman heard the colloquy. I went to the Speaker of the House, and the Speaker has assured us that it is unprecedented and it will not happen again during the session.

Mr. GROSS. I thank the gentleman for that assurance.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

#### LT. GEORGE C. BASS, U.S. ARMY

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

Mr. GONZALEZ. Mr. Speaker, 1st Lt. George C. Bass was killed in Vietnam on March 6; he was not quite 24 years old.

George Bass was a soldier; he was a graduate of West Point, and I had the honor to nominate him to the Military Academy.

He was a soldier when he died. His father was a soldier before him, and George grew up on Army posts. He wanted to be a soldier all his life. He knew the risks, but he was an eager and a brave man.

I attended the funeral for George Bass, and listened to his father deliver the eulogy.

No one wants to die, and no one wants to see his son die. But George was a soldier, and understood what it meant. His father was a soldier, and understood it, too.

It is fitting that we should remember men like George Bass. He brought honor upon himself, and served in the best tradition of the U.S. Army. He was a brave and good man, of whom his father was proud. He is a hero at a time when it is hard to be one.

Mr. Speaker, I enter into the Record the words of this man's father. Here is George Bass, lieutenant, U.S. Army, as his father remembers him:

EULOGY FOR 1ST LT. GEORGE C. BASS DELIVERED BY HIS FATHER, LT. COL. KOY M. BASS, JR., RETIRED

In December 1943 I was wounded near San Pietro. Sitting here today is Bob Trevino who was with me at the time. My parents were notified and were permitted to send me a telegram which was limited to 5 words. The words my father sent me were, "Matthew Seventeen Five."

This Scripture I now read.

"He was still speaking, when lo, a bright cloud overshadowed them, and a voice from the cloud said, 'This is my beloved son with whom I am well pleased, listen to him.'"

Lord God of Hosts, this is my beloved son with whom I am well pleased.

Lord God of Hosts, accept the gallant spirit of my beloved son with whom I am well pleased.

1st Lt. George C. Bass was born on March 8, 1947 in San Antonio, Texas.

He was killed in action in the Republic of Vietnam on March 6, 1971. At the time of his death he was commanding B Company of the 2d Battalion, Seventh Cavalry, on a military mission against an armed and dangerous enemy of free men.

George was a gallant and competent professional soldier. He was a tender lover. He was literate, a reader and writer of poetry. He was a fierce and eager competitor. He died an early death, but a wonderful thing happened to him. His childhood dreams came true.

He was born into the Army, he lived all his life in the Army, and he died in the Army. George grew up on Army posts in Germany and the United States. He grew

up to the sound of bugles and cadence counted by clear voiced drill sergeants. He heard the sounds of rifle fire on ranges and blank rounds fired in the training areas. He and his younger brother Koy were constant companions. Together as toddlers they stood retreat, heard the cannon, lifted their short and pudgy arms in salute and watched the slow descent of their nation's flag.

They were frequently adopted by soldiers and became accustomed to the rough talk of barracks. They loved to hear the exaggerated tales of the old sergeants and the good natured banter of young lieutenants. George grew to love soldiers and he began to build a dream of being one and of leading men in battle.

As a boy he frequently visited his paternal grandparents in San Antonio. Each visit he begged to be taken to the Alamo and asked to be retold the story of the siege. He died 135 years to the day after the fall of the Alamo.

At the age of 10 he arrived at Fort Benning where we were assigned to the 15th Infantry. I see here one of my comrades-in-arms of the 15th, Col. Paul Casper. On visiting the trophy room of the 15th Infantry, George read a poem by some anonymous soldier. He was struck by the poem and this may have been the beginning of his interest in poetry.

The motto of the 15th Infantry is the Pidgeon English phrase "Can Do". This is the poem.

It's Naught but "Pidgeon English"

Emblazoned on a rag,  
Above the clutching eagle  
... The whole to make a flag.  
It asks no humble homage,  
No boasting claim it flaunts.  
It tells of a spirit,  
A spirit nothing daunts.

It tells of living soldiers,  
It tells of honored dead,  
Of men who went down smiling  
At the banner overhead.  
It claims but God as partner,  
It boasts not of its might.  
The men beneath is spokesmen  
And he owns no goal but right.

It has no earthly equal  
And it holds within its span  
The spirit of an army,  
And the honor of a man.  
Yet, it's naught but "Pidgeon English"  
Emblazoned on a rag,  
Above the clutching eagle  
... The whole to make a flag.

George's high school years were spent at Fort Leavenworth, Kansas. In his junior and senior years he started on both offense and defense of championship football teams. In his senior year his team mates elected him co-captain. On graduating in 1965 he won an academic scholarship to the University of Kansas and an appointment to the United States Military Academy by the Honorable Henry B. Gonzales.

During high school his interest in poetry deepened. He was fond of the romantic and Victorian poets and he loved martial poetry.

He loved Kipling. He frequently prayed "Lord God of Hosts, be with us yet." from "Recessional." His favorite Kipling poem was "If".

He read Alan Seegar. George was ready for his "rendevous with death at some disputed barricade" or "in some flaming town." And when spring came round this year, George did not fall that rendevous.

He loved the poetry of A. E. Houseman. Time permits only a few fragments from his favorites.

From "1887":  
God save the Queen, we living sing,  
From height to height 'tis heard  
And with the rest your voices ring,  
Lads of the Fifty Third.



Oh, God will save her, fear you not.  
Be you the men you've been,  
Get you the sons your fathers got  
And God will save the Queen.

From "The Recruit";  
And you will list the bugle  
That blows in land of morn,  
And makes the foes of England  
Be sorry you were born.

I have abridged "Day of Battle" by House-  
man:

For I hear the bugle blow  
To call me where I would not go  
And the guns begin their song  
Soldier, fly or stay for long.

Comrad if to turn and fly  
Made a soldier never die,  
Fly I would for who would not  
Tis sure no pleasure to be shot.

But yet the man that runs away  
Lives to die another day  
Therefore though the best is bad  
Stand and do the best, my lad.

Finally, from an unnamed piece by House-  
man about men dying young but well. The  
poem comforts me. The last two lines are,

They carry back bright to the coiner the  
mintage of man  
The lads that will die in their glory and  
never be old.

George also loved a poem by General Buck  
Brooke who fell in France in World War I.  
George's favorite was "The Great Lover". "I  
have been so great a lover" and George was  
a great lover.

George also loved a poem by General Bul-  
khan. This poem is little known outside  
the military service. It is called "Soldier  
Poem". I quote the last quatrain.

I see these things and still I'm slave

When banners flaunt and bugles blow  
Content to fill a soldiers grave,

For reasons I shall never know.

George also wrote poetry during his high  
school years. On the death of President Ken-  
nedy he wrote,

The country mourns the loss of a chief  
It cannot console a widow in grief.  
In the afternoon air a volley rings loud  
For a casket adorned with a flag for a shroud,  
She took the flag and lit the flame  
That would mark a grave with a President's  
name.

Now he's gone, no more can be said  
But the nation must go where he would have  
led.

At West Point George distinguished him-  
self primarily by graduating. There are two  
century clubs at West Point. There is one  
for cadets who spent over a hundred hours  
walking the area for punishment and there  
is one for cadets who spent over a hun-  
dred hours in confinement. George belonged  
to both. I asked why he was not pictured  
with the century clubs in the year book  
and he replied "I was on confinement when  
the picture was taken."

George played 150 lb. football until he lit-  
erally outgrew it and then took up Karate.  
He boxed intramurally and was heavyweight  
champion of his regiment.

On leave from the academy he loved to  
visit the coast. He loved salt water fishing  
and swimming in the surf. He wrote this  
poem he called "The Sea."

Listen to the sea, it roars like thunder  
Casts its foam on the land down under  
Eats away at sandy beaches  
Stretches on in endless reaches  
Heralds the sun by turning gold  
Metes out death to young and old.  
Moves in tides pulled by the moon  
Tosses in throes of a dead typhoon.

Lies acalmed like a great blue bowl  
Breeds its children in swarming shoal.  
Glimmers and glints with hidden treasure  
Wimpers in pain, sighs in pleasure.  
Comes alive with swarming life.  
Dooms its spawn to endless strife.  
Climbs in waves eighty feet tall  
Listen to the sea and heed its call.

George's best friend and classmate at the  
Academy, Lt. Jeff Donaldson, wrote this about  
George in the yearbook. I abridge Jeff's words  
slightly.

"If ever there was a born infantry leader,  
it is George. George never has shown the  
academic departments the slightest mercy.  
Unfortunately worn out shoe leather is not a  
criterion for cadet rank, otherwise he would  
be a member of the brigade staff. But if loy-  
alty, integrity and common sense are the  
criteria by which successful professional sol-  
diers are measured George will be the first in  
our class to wear stars."

After graduation in 1969, George served at  
Fort Benning and Fort Bragg before going  
to Vietnam. In the basic course at Benning  
he was known to his classmates as "Sarge"  
because of his skill in the fundamental and  
practical aspects of soldiering.

George was a man of violence and he knew  
that violence is the essence of warfare. George  
was a violent warrior. He killed by rifle and  
he killed by knife. He did not apologize for  
killing. He was not ashamed of killing his  
enemies, my enemies, your enemies and the  
enemies of all who think that self determi-  
nation is a wonderful thing.

George was also a tender lover. He loved  
his family, his sweetheart, his nation, his  
comrades-in-arms, and he loved the United  
States Army.

In 1969 he wrote the following letter to  
his sister on her 17th birthday.

DEAR LAURIE: Congratulations on having  
acquired the exalted status of seventeen,  
a truly gold age about which poems are  
written and magazines named. Albeit my  
paltry pen lacks power to praise as is de-  
served, let me add a few feeble phrases to  
the legion of truly magnificent odes that  
adorn the vision of beauty, calm and couth  
which is your hair. I think that ears have  
yet to hear a sweeter symphony that floats  
naturally off your lips. Nor can heart have  
felt a gentler warmth than that which be-  
speaks itself in the manner of your loving,  
for you love with the openness of one much  
younger than your seventeen, and with the  
intensity of one much older.

A thoughtful gesture, a friendly smile, a  
considerate action, open arms, homeward  
turning lover—all these and more you are.

Therefore, my sister, while I have breath  
to speak or heart to give, let me pledge my-  
self.

With Eternal Love.

Your Brother

GEORGE.

George fell in love with Isabel Gibbons  
and planned to marry her on his return  
from the war. He wrote this poem to her. It  
is called "To Isabel."

When your tender arms surround me,  
When your lovely lips meet mine,  
When your laughter rings out clearly,  
Like a glow lamp lit, I shine.

For we have touched the stars my love  
And danced in the light of their fire,  
In dizzying dreams of colored night  
We've swum the heights of desire.

Too we've loved on summer Sundays  
When sea gulls wheeled the blue,  
The warm baked earth reached up its arms  
And joined in the love we knew.

Yes, we have sung the sky, my love  
And laughed with the sea and wind.  
For our love were all these lovely  
And now all these must end.

God know it were far better

To spend my days with you  
But I serve a sterner mistress  
To whom I will be true.

Oh, the Queen of battles beckons,  
And I must heed her call  
To the land of flaming midnight  
I go to fight and fall.

The war did not brutalize George. No one  
was ever brutalized by defending his coun-  
try who was not a brute to begin with. After  
distinguishing himself in combat George  
was wounded in October 1970 and was briefly  
hospitalized at Long Binh. This is part of a  
letter dated October 25th.

"I have a new friend. His name is Jason  
Cleft. He is about 1½ years old. A doctor  
took him out of a C.I.D.G. hospital. Jason is  
going to be operated on to close his cleft  
palate. Right now he is sitting between my  
legs sound asleep. I'm teaching him to smile.  
I guess at the orphanage he doesn't have  
much of an opportunity to learn. I take  
him for walks and everyone smiles. Jason  
hasn't smiled yet but I have my hopes. He  
doesn't have any toys. I got some blocks from  
a board game at the red cross and strung  
them together. Someone blew up a rubber  
glove and tied it with a string. It's just as  
good as a balloon. I went to the PX but  
couldn't find any toys. I did buy him a  
Christmas ornament shaped like a cloth bear  
beating a drum. It's his favorite thing."

Present today are two of George's com-  
rades-in-arms. Capt. Charles Gillespie and  
1st Lt. Charley Armstrong. George served  
under Capt. Gillespie in B Co. of the 2d  
Battalion, 7th Cavalry and succeeded him as  
company commander, until wounded. Lt.  
Armstrong commanded the 3d platoon of B  
company. The love that develops between  
men who fight shoulder to shoulder and  
bravely and who suffer together is almost  
too personal to mention. One of the greatest  
rewards of combat is to look into the eyes  
of a man you think is valiant, competent and  
unselfish, and know as he looks back he  
thinks of you as valiant, competent and un-  
selfish. One of George's favorite plays was  
Shakespeare's Henry V. Shakespeare has the  
King say on the eve of battle, "We few, we  
happy few, we band of brothers, for he today  
that sheds his blood with me shall be my  
brother."

And those who shed their blood with  
George shall always be my son.

George was a skilled and competent leader  
of men in battle. Prior to his death he had  
been decorated with the silver star for gal-  
lant in action, twice with the bronze star  
for valor, the Army Commendation Medal  
for valor and two Purple Hearts. I am told  
that he has been recommended for many  
other awards. In each engagement George  
and his unit held or captured the disputed  
ground and thus owned the field at the  
battle's close.

He was ready to spend the lives of his sub-  
ordinates but never needlessly. In November  
his first subordinate was killed in action.  
Sgt. Freddie Dacus was killed in a fierce  
action at Fire Support Base Pershing. George  
and his reinforced platoon, the 2d platoon  
of B Co. inflicted a major defeat on a North  
Vietnamese Army unit. In this action the  
members of George's platoon were awarded 9  
silver stars, 2 bronze stars for valor, and 10  
army commendation medals for valor.

On the 15th of November, 2 days after the  
action, George wrote about Freddie Dacus  
that which could now be written about  
George Bass. I quote from a letter from  
George: "We held a memorial service for  
Sgt. Dacus today. I quoted Thomas Paine  
"The tree of liberty must from time to time  
be refreshed with the blood of patriots." I  
said "Let none of us forget that our per-  
sonal liberty and the liberty of free men

everywhere was bought in part with the blood of Sgt. Freddie Dacus." Say a prayer for him, he may have saved my life and yours.  
Love,

GEORGE.

George was a gallant and competent professional soldier. He was a tender lover. He was literate, a reader and writer of poetry. He was a fierce and eager competitor. He died an early death, but a wonderful thing happened to him. His childhood dreams came true. He led men in battle and showed himself worthy of the comradeship of the noblest.

#### PRAYER FOR A GALLANT SON

Lord God of Hosts, accept the gallant spirit Of my beloved son with whom I am well pleased.

Induct him in the ghostly ranks of heroes Who fought and fell in other wars in other years.

Oh, let him be at one with minutemen and Patriots who fought in Washington's command.

Let him assemble with the brave defenders Who fought at San Jacinto and the Alamo.

Oh, let him know the spirits of the fallen Of Chateau Thierry, the Second Battle of the Marne,

Salerno, San Pietro, The Rapido, Velletri, Montelimar, the village of Bastogne,

Pusan's perimeter and Wonsan's harbor, And many unnamed hills and valleys of Vietnam.

This fallen hero honored memories of These valiant men and now is worthy of their honor.

Like them he felt the growing pains of hunger.

He heard his body shriek for sleep, but made his rounds.

Aggressively, he did not shrink from contact. He always held the ground disputed by his foes.

Lord God of Hosts, accept the gallant spirit Of my beloved son with whom I am well pleased.

#### THE NEED TO REORDER NATIONAL TRANSPORTATION PRIORITIES

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

Mr. VANIK. Mr. Speaker, my colleague from Ohio (Mr. MOSHER) and I have joined together in sending a letter to the Members of the House requesting their cosponsorship on a House Resolution entitled "Mass Transit—A National Priority."

In the short time that has been available for Members to respond, I am most pleased with the number who are cosponsoring. Yesterday, I introduced one resolution with 20 Members. Today another is being introduced with 21 signers.

The resolution is being introduced at this time as a response to the up-coming debate on the supersonic transport. It is an indication that we are concerned about jobs for American workers, that we believe that increased appropriations for systems such as mass transportation could create at least as many jobs as would be created by the SST while making our communities cleaner and more habitable for all concerned, and that it is a misplacement of our national priorities to proceed with the SST at this time.

I would like to enter in the RECORD at this point, Mr. Speaker, a copy of the resolution and a list of the cosponsors:

#### H. RES. 324

Whereas adequate mass transportation facilities are sorely needed in every major metropolitan area in America to transport people efficiently and economically, and

Whereas such mass transportation facilities cannot now be funded adequately because of lack of commitment of federal resources and technical capabilities, and

Whereas the decision will soon be made on continued federal funding for the development of supersonic transports and a decision in favor of further funding would not reflect a balanced allocation of the nation's human and economic resources, and

Whereas commitment of funds equal to those now being contemplated for the SST program would produce jobs in the number equal to or greater than those predicted in the SST program, and

Whereas the appropriation level for the Urban Mass Transportation Administration in the Department of Transportation for FY 1971 was \$600 million and the budgetary allocation for this program was only \$400 million, and

Whereas it is the strong sense of this Congress that a shift of allocation of these resources to the development of efficient and economical mass transit systems would better serve the national interest by solving a crisis in transportation which more critically affects a clear majority of the country's population, therefore

Be it resolved by the House of Representatives that it is the sense of the Congress that the Executive Branch re-examine its budgetary commitments toward the end of developing a re-constituted transportation policy which emphasizes mass transportation, and

Be it further resolved by the House of Representatives that it is the sense of the Congress that a suspension of the supersonic transportation program would be in order until the development of a rational urban mass transportation program can be implemented.

#### LIST OF COSPONSORS

Mr. Vanik, Mr. Mosher, Mr. Abourezk, Mrs. Abzug, Mr. Ashley, Mr. Badillo, Mr. Bergland, Mr. Bingham.

Mr. Carey, Mrs. Chisholm, Mr. Conyers, Mr. Dingell, Mr. Drinan, Mrs. Dwyer, Mr. Forsthe.

Mr. Fraser, Mr. Frenzel, Mr. Fulton of Tennessee, Mr. Gallagher, Mrs. Grasso, Mr. Green of Pennsylvania.

Mr. Harrington, Mr. Hechler, Mr. Helstoski, Mr. Koch, Mr. Lent, Mr. McCloskey, Mr. Metcalfe.

Mrs. Mink, Mr. Mikva, Mr. Morse, Mr. Moss, Mr. Podell, Mr. Riegle, Mr. Roybal.

Mr. Ryan, Mr. St Germain, Mr. Scheuer, Mr. James V. Stanton, Mrs. Sullivan, Mr. Tiernan.

#### THE INTERNATIONAL BRIDGE ACT OF 1971

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

Mr. FASCELL. Mr. Speaker, I am today introducing legislation which would give the consent of the Congress to the construction of certain international bridges. The enactment of this legislation would make unnecessary, for the most part, separate authorizations for individual international bridges.

In this respect, the legislation which I am introducing follows the philosophy of the General Bridge Act of 1946 by which the Congress granted consent for the construction, maintenance, and op-

erations of bridges and approaches thereto over the domestic navigable waters of the United States.

I should like to note at this point that similar legislation was considered previously both in the U.S. House of Representatives and in the other body.

In the 88th Congress, for example, both Houses of the Congress passed general legislation on this subject, but the official papers did not reach the Senate for action before adjournment.

During the 89th Congress, separate bills on this subject were passed by both Houses and sent to conference. Unfortunately, the conferees did not meet.

In the 90th and 91st Congresses, legislation dealing with the construction of international bridges was introduced and given some further consideration in the other body.

Mr. Speaker, I am hopeful that the Subcommittee on Inter-American Affairs, which I have the honor to chair, will act on this proposed legislation during the early part of this session, thereby enabling the Committee on Foreign Affairs and the House to exercise their will with respect thereto.

The text of the proposed legislation follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Bridge Act of 1971."*

SEC. 2. The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches thereto, which will connect the United States with any foreign country (hereinafter referred to as an "international bridge"), and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be subject to (1) the approval of the proper authorities in the foreign country concerned; (2) commitment by the State in which the bridge would be located to review the detailed plans and specifications for the bridge with respect to structural soundness and to inspect the bridge on completion and periodically thereafter; and (3) the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906 (33 U.S.C. 491-498), except for section 6 (33 U.S.C. 496), and (4) the provisions of this Act which follow hereafter.

SEC. 3. No bridge may be constructed, maintained, and operated pursuant to section 2 unless the President has first given his approval thereto. In the course of determining whether to grant such approval, the President shall secure the advice and recommendations of (1) the International Boundary and Water Commission, United States and Mexico, in the case of a bridge connecting the United States and Mexico, (2) the Governor of the State in which the bridge would be located, and (3) the heads of such departments and agencies of the Federal Government as he deems appropriate.

SEC. 4. The approval of the Secretary of the Army, as required by section 1 of the Act of March 23, 1906 (33 U.S.C. 491) shall only be given subsequent to the President's approval, as provided for in section 3 of this Act, and shall be null and void unless the actual construction of the bridge is commenced within two years and completed within five years from the date of the Secretary's approval: *Provided, however, That the Secretary may, for good cause shown, extend for a reasonable time either or both of the time limits herein provided.*

SEC. 5. If tolls are charged for the use of an international bridge constructed under this



Act, the following provisions shall apply, so far as the United States has jurisdiction—

(a) in the case of a bridge constructed or taken over or acquired by a private individual, company, or other private entity, tolls may be collected for a period not to exceed sixty-six years from the date of completion of such bridge, and at the end of such sixty-six years, such bridge and approaches thereto, if not previously transferred to a public agency pursuant to section 6, shall become the property of the State wherein the United States portion of such bridge is located, and no further compensation shall be deemed to be due such individual, company, or entity; or

(b) in the case of a bridge constructed or taken over or acquired by a State or States or by any municipality or other political subdivision or public agency thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period not to exceed forty years from the date of completing or acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, any such bridge shall thereafter be maintained and operated free of tolls.

An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Sec. 6. Nothing in this Act shall be deemed to prevent the individual, corporation, or other entity to which, pursuant to this Act, authorization has been given to construct, operate, and maintain an international bridge and the approaches thereto, from selling, assigning, or transferring the rights, powers, and privileges conferred by this Act to any public agency and any such successor agency is authorized to exercise the rights, powers, and privileges acquired under this section in the same manner as if such rights, powers, and privileges had been granted by this Act directly to such agency: *Provided, however,* That with respect to the collection of tolls the provisions of section 5(b) shall apply.

Sec. 7. The provisions of this Act shall apply only to international bridges the construction of which is approved under such provisions.

Sec. 8. Nothing in this Act shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States over or in regard to any navigable waters or any interstate or foreign commerce.

Sec. 9. The Secretary of the Army shall, at the end of each calendar year, transmit to the Congress a report of all approvals pursuant to this Act during such year.

Sec. 10. The right to alter, amend, or repeal this Act is expressly reserved.

#### CURBING AMPHETAMINE ABUSE

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

Mr. PODELL. Mr. Speaker, today I am introducing a bill that would alter the classification of amphetamine and amphetamine-like substance for the purpose of controlling their production and their distribution. Such substances are more commonly known by names as

pep pills, diet pills, and speed, but all have one important characteristic in common—they have a stimulant effect on the central nervous system. They are presently classified under schedule III of the Controlled Substances Act passed last session by Congress as part of a larger bill dealing with drug abuse. I am proposing today that this category of drugs be moved up to schedule II.

Why is such a change in classification necessary? Because the abuse of these drugs has grown to the extent that it now constitutes a crisis situation. Eight billion doses of amphetamines are produced each year in this country. Translated into other terms, this means that enough is being produced to provide every man, woman, and child in this Nation with approximately 40 doses per year. I believe that greater control over the production and the distribution of these drugs is vital. Changing their classification would establish such controls.

Except for the treatment of both narcolepsy—a rare disease similar to sleeping sickness—and hyperkinetic children, the recognized medical uses for amphetamines are extremely limited.

Perhaps the most serious and well-known case of amphetamine abuse occurs when a derivative of amphetamines—methamphetamine—or speed is injected directly into the veins. We tend to think of this type of use as directly associated with the drug culture and as an extreme type of amphetamine abuse.

Most commonly, amphetamines are taken by people to avoid sleep or to aid in weight reduction. The users of these pills would not consider them to be in any way associated with a substance like speed. Yet these pills can be and are often abused. They are easy to obtain, and the large quantities available have led to over half their number finding their way into illegal channels. Some of the more ordinary forms are also known to be diluted and injected in the same manner as speed.

There is even greater cause for alarm after we examine the testimony of Dr. John D. Griffith, assistant professor of psychiatry at Vanderbilt University School of Medicine presented before the House Select Committee on Crime in November 1969. Dr. Griffith said:

Addiction to amphetamines also occurs. The older medical literature suggested that this was not so; however, direct observation of amphetamine addicts now make it clear that amphetamine addiction is more widespread, more incapacitating, more dangerous, and socially disrupting than narcotic addiction. Intravenous use of amphetamine is common, and this abuse is often indistinguishable from cocaine availability of amphetamine and barbiturate combinations.

The psychological and physical penalties for amphetamine abuse are severe. Individuals who abuse the drug have great difficulties following occupational, domestic, or social pursuits. These risk damage to body organs, and they may risk severe mental illness. The drug may cause a psychosis in normal individuals.

Amphetamines can also elevate blood pressure, have direct action on the heart, and cause brain damage.

This is chilling testimony, especially since we know that the abuse of such drugs continues to increase.

I strongly believe that one thing help-

ing to promote this increased abuse is the easy availability of amphetamines. I hope that my bill, changing the classification, will bring an end to such abuse.

A specific drug is classified on the basis of its rating on the following criteria:

Its potential for abuse;

Whether or not it has an accepted medical use; and

Whether abuse may lead to severe psychological and physical dependence.

These criteria are used to classify or schedule drugs into five different categories. For each, a set of penalties for abuse have been set down. For example, the penalties for the abuse of a drug in schedule II, for the first offense, are up to 15 years and \$25,000 fine. The first offense for the abuse of a drug in schedule III calls for up to 5 years and \$15,000 fine. In addition, the distribution of the drugs placed within schedule II is illegal without a written order issued by the Attorney General; there is a quota imposed on their manufacture; they can be dispensed only with a doctor's written prescription; and it would be illegal to import these substances unless the Attorney General found it necessary for medical or other legitimate purposes.

By placing amphetamines in schedule II, these restrictions would become applicable. For those who require the drug for medical purposes, there would be legitimate means for obtaining it. But by cutting down on the amount of the drug produced yearly, and by requiring a doctor's prescription for the drug, I believe that we can significantly decrease the amount of abuse that has come to be associated with amphetamines.

Delay on the part of this Congress can lead only to worsening abuse and tragedy within our own population. I am therefore urging immediate and positive action on this bill as another indication of our Government's commitment to protecting its citizens from dangerous drugs.

#### TO AMEND THE PUBLIC WORKS ACCELERATION ACT

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

Mr. BOGGS. Mr. Speaker, I take this time to call to the attention of the House the fact that hearings have begun today on the Randolph-McFall accelerated public works bill, which I hope the Committee on Public Works will report out expeditiously in view of the fact that it deals with the problem of acute unemployment through worthwhile public works projects.

Mr. Speaker, it was my pleasure to join with my good friend and colleague, JOHN McFALL, in cosponsoring the Randolph-McFall accelerated public works bill, and I want to commend the Speaker and the chairman of the Public Works Committee for assigning high priority to the consideration of this proposal.

This is a program that is greatly needed, and needed now.

The Nation is haunted by the specters of unemployment and the fear of unemployment. Nearly 5½ million Americans who want to work are unable to find

work. Many others have given up the job hunt in despair. Their names are not recorded on the unemployment rolls and their numbers are not reflected in the official statistics issued monthly by the Bureau of Labor Statistics. But we know of their existence, and we know of their hopelessness.

It is the obligation of this Congress to restore hope to these people, and to restore their faith in the processes of government.

They are the innocent victims of the administration's misguided economic policies. They are paying the price of the Nixon administration's efforts to control inflation, which have produced a stagnating economy characterized by an alarming decline in national productivity and an equally alarming increase in the jobless rate.

We Democrats have always placed human values above dollar values. We have always looked upon full employment as the basic element of a healthy economy.

When this administration took office, it inherited from the Democratic administration that preceded it an unemployment rate of 3.3 percent. In less than 2 years, we saw that rate spiral to 6 percent as a result of Republican policies. In some areas, the rate is nearly double the national average.

Month after month, we hear the optimistic forecasts of the administration's spokesmen who promise an economic upturn just around the next corner. Month after month, the statistics on unemployment and productivity belie those optimistic forecasts. The picture continues to be one of a sick economy.

We must relieve the symptoms of this sick economy in the most direct and expeditious manner possible. The Congress cannot wait, and the victims of unemployment cannot wait, for the rosy predictions of administration economists to come true.

We cannot offer instant relief to all these victims, but we can act promptly to create new jobs in areas that have suffered the most from persistent and long-term unemployment.

I urge prompt and favorable action on the Randolph-McFall accelerated public works bill because I am convinced that it offers the most direct and immediate remedy to those who are in greatest need.

In every area of acute unemployment, there are public works projects that have been delayed for lack of local revenues—projects that need to be expedited in the interests of the communities and for the protection of the environment. The Randolph-McFall bill would enable the launching of these projects with Federal subsidies. It would take workers off the unemployment rolls and the welfare rolls and put them on payrolls. It would stimulate economic recovery in poverty pockets and help to reverse the trend of increasing and persistent unemployment.

#### ST. PATRICK'S DAY

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

Mr. BURKE of Massachusetts. Mr. Speaker, I am sure that it does not have

to be called to your attention either that today is March 17 or that it is St. Patrick's Day. Nor does anyone need reminding at this late date that it is once again a great day for the Irish—so tradition has it. But I would like to break with tradition today, on St. Patrick's Day, March 17, 1971, to the extent that I shall not indulge the Members' patience by turning backward in time and traveling east across the seas to Ireland, that Emerald Isle, that land of saints and scholars, the blessed realm—that on 1 day each year comes close to being inundated with a veritable flood of worldwide oratory, bathos, and nostalgia.

Ireland's relevance today, though rooted in history and that fabled piece of earth called Ireland, is not limited to the distant past nor to far-off shores. Ireland's true and continuing relevance is not a matter of looking back or looking across the sea. Ireland's relevance is all around us for all to see. Far too often St. Patrick's Day is devoted to attempts to trace one's ancestral tree back to the land of the shamrocks. Too often it ends up in a painful longing to return to a quiet land with rolling hills, thatched roof cottages, pleasant country lanes, plenty of good conservation and time to really live. It is easy to understand the difficulty to resist the temptation.

But the incredible phenomenon that is the Irish people goes far beyond this. Today there are fewer Irish living in that small island called Ireland than other lands. England, Australia, Canada, this country, and even Argentina, is where most of the Irish live, work, shed their tears, tell their stories, raise their families, and achieve their fame. From one small land, one small island, millions have departed. There is no point now in chasing after old myths, reopening old wounds, engaging in bitter recollections as to why these millions had to leave or wanted to leave; nor is this the time or place to recall the hardships that were their lot when they arrived in the lands of promise in other continents. That would be looking back and, as I said at the outset, that is not the point of my rising here today on this St. Patrick's Day. Suffice it to say that in a comparatively short while, the Irish people have succeeded in establishing themselves, in integrating themselves, and ingratiating themselves into the social fabric and innermost being of their new found homelands. If, in fact, most of the Irish were still in Ireland, if, in fact, most of the well-known men with Irish blood in their veins achieved their greatness in a land called Ireland, then, in fact, St. Patrick's Day would hardly be noticed before it had passed. The reason St. Patrick's Day is participated in by so many people around the world, whether they be of Irish descent or not, is that there are so many sons of St. Patrick throughout the far corners of this earth. It is the hyphenated Irish—the American-Irish, the Canadian-Irish, the Australian-Irish, the Scotch-Irish, the Liverpool-Irish, who are in the majority. The Irish-Irish are in the distinct minority.

So that if there is any truth to the whole idea of ethnic characteristics and national traits, then whatever it is the Irish have, this country and many others

besides Ireland possess in abundance too. If the stereo-typed Irishman is endowed with the gift of the gab, a low boiling point, the humor of the Leprechaun, the charm of the diplomat without the striped pants—if any of this is true, then we have a lot of people walking the streets of New York, Boston, Chicago, and Philadelphia, to mention but a few, who prove or disprove this bit of folklore every day of the week. If these qualities surface in and give color to the writing of an Irishman, then the place to look is really the volumes published over the years in such unlikely places as London and New York rather than the Gaelic tomes devoured by the Celtic few in Dublin. If there is an Irish style or recognizable Irish quirks, then one might as well start by reading the works of men as separate in time and style as Jonathan Swift, Oliver Goldsmith, Richard Sheridan, William Congreve, John Synge, Oscar Wilde, George Bernard Shaw, James Joyce, William Butler Yeates, Samuel Beckett, Eugene O'Neill, and Sean O'Casey. If it is the touch of a poet, an indomitable wit, a glimpse of the true Irish rebel, one is after, one does not have to turn back to the troubles, the Easter rebellion, to De Valera O'Connell, Sir Roger Casement or the Plunketts. You only have to look at men like the Fitzgeralds, the Kennedys, the Curleys, or the McCarthys.

I think my point is made and hopefully well taken: That if it is a little bit of Irish you are after, you need look no further than your own city or town, and despite the distance imposed by generations and thousands of miles, you will, in all likelihood, find fellow Americans in whom you can detect all the sense of outrage and rebellion which come from years of foreign domination and oppression; A highly developed wit which comes from lifetimes spent in pleasant conversation over a glass of Guinness in front of a roaring peat fire, or in a quiet country lane, or on a crowded O'Connell street; a sense of humor which comes from centuries of smiling at misfortune and looking at the brighter side of things; a sense of fierce, clannish loyalty and togetherness that comes from living for years in the same village, walking the same bogs, climbing the same hills. And while there may be some who might deny that a nation which has reservoirs of such qualities in its citizens is better off for it, there is no denying that that nation is not a much more interesting place for it.

#### ON PRIVATE EYES

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

Mr. SYMINGTON. Mr. Speaker, proud as we are of the traditions of our military, we would hope that the application of its proven capacity for "reconnaissance," "pacification," and "protective reaction," to say nothing of "search and destroy," would be restricted as presidentially and congressionally authorized, to other parts of the world than the continental United States, at least for the foreseeable future. Although the "I want



you" poster does not offer training in domestic counterintelligence it may be that our large draft calls over the past few years have interrupted so many promising careers, in the field that a program was devised to make their military obligation more meaningful.

One could, however, suggest that sufficient scope for the application of these skills would appear to exist in the post exchange problems and other in-house phenomena which seem at the moment to be taking the valuable time of such overburdened panels of inquiry as the Permanent Investigations Subcommittee of the U.S. Senate. A proper division of labor here would, I think, provide a relevant service experience to a specialized group, and do so without giving the public undo cause for alarm. Although somewhat more serious in tone, Mr. Speaker, I feel the March 5 editorial in the Kansas City Star merits the consideration of the House, and would respectfully request that it be inserted in the RECORD at this point.

#### NO PLACE FOR THE MILITARY

The Department of Defense, in effect, has now said that it is sorry military personnel spied on civilians and that it won't happen again. In fact the department has destroyed numerous files in a fit of remorse and it will be impossible to say for sure whether information was kept on Sen. Adlai Stevenson III and Rep. Abner Mikva, Democrats of Illinois.

Nobody is sure, and an assistant secretary of defense says he thinks there were no such files and if there were, they were just old newspaper clippings.

But the assistant secretary misses the main points of the whole sorry episode and apparently doesn't understand the tremors of alarm it has inspired. If surveillance of civilians was undertaken in the late 1960s on an unprecedented scale because of fears of civil disorders and demonstrations, that is understandable. But it was not a job for the Army. Citizens do not pay taxes for the maintenance of a fighting force with the understanding that this force will be used against them. Nor does a gestapo apparatus have any place in the U. S. military establishment no matter what the excuse.

Whether files on Stevenson and Mikva and others were only newspaper clippings is not the primary concern. The existence of the files is what matters. It is the sort of information that, made public, could destroy an individual. If a man's name is on record at police headquarters because his dog once bit somebody that is one thing. If his enemies can say he has a "police record" then that is something else. The parallel would be in whispering that agents responsible for internal security have a dossier on Stevenson or Mikva.

What may have seemed like a good idea to the Army in 1968 does not come over very well now. It is not the duty of the military to keep files on "persons and organizations who conceivably might contribute to . . . civil disturbances," or on "persons or organizations who were believed to have a potential for assisting in preventing or ending civil disturbances." The military simply is not qualified to make judgments in such matters and it has no business meddling in them. Any heavy-footed tramping through the civil sector of dissent and politics is bound to be destructive.

The assistant secretary who testified before a Senate subcommittee said the Army was very reluctant to become involved in the intelligence operation directed against civilians. It is said that it all began at the suggestion of Cyrus W. Vance, a Defense department official at the time, and a civilian. But once the reluctance was overcome there

were instances of overzealous activity. It is not unusual for orders to become amplified as they trickle down from general to lieutenant.

If and when military power is needed to control civil disturbances, the Army no doubt will be ready and perform efficiently. Little Rock in the 1950s and Detroit in the 1960s are examples. But the military cannot be an accessory before the fact without posing grave dangers to the system it is supposed to protect.

#### CAMPAIGN SPENDING SHOULD HAVE REALISTIC AND ENFORCEABLE LIMIT

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

Mr. CABELL. Mr. Speaker, the spiraling cost of running for office in the last few years has properly been characterized as a scandal and some action must be taken before the 1972 election process is underway. Last year the Congress passed a bill limiting sums to be spent during campaigns for the broadcasting industry. I contend that no one segment of a campaign should be limited. No one industry or medium should be singled out and limited. I believe that the whole cost of a campaign, and I mean the whole cost, should have a realistic and enforceable limit put on it.

This limit needs to be set and needs to be understood and must be enforced.

The Founding Fathers are trotted out regularly to prove and disprove all kinds of beliefs and ideas of government. However, it is inconceivable to me that they intended that public office should go to the highest bidder. Further, whether the Founding Fathers intended it or not, I do not believe that the present-day American public wants its officials elected on the basis of how much money they can spend. I do not believe that the American public is going to stand for the Congress not taking some positive action in this area.

Today I am introducing a bill which I hope will be given consideration and study by the Congress.

This proposed legislation is to apply only to campaigns for election to the U.S. Senate and House of Representatives. It regulates activities with respect to general or special elections but does not apply to primary or runoff elections or to party nominations. These are under the control of the States and should remain so.

The key and main thrust of my proposal is that any person is prohibited from making any campaign expenditure without the written authorization of the candidate on whose behalf or in whose support the expenditure is made. If this section were written into law and everyone understood that what was said was really meant, many of our problems would be over in this whole field.

Any candidate for the Senate or House would be limited to spending an amount equal to the amount obtained by multiplying 5 cents by the total number of individuals residing in the State or congressional district. It would seem to me that, say, in the case of my own State of Texas, a creditable statewide campaign could be adequately financed for about

\$600,000 and a congressional campaign would be adequately financed for about \$25,000. These sums may sound large, but certainly in many races in our country many millions have been spent. This ought to be as unacceptable to the Members of Congress as it is to the American people.

Each candidate would be required to file a statement containing a complete itemized account of each expenditure made. And as a check on these reports, every newspaper, radio station, television station, printing shop, advertising agency, and telephone company, and all other similar businesses which received campaign expenditures would be required to file an itemized list of all expenditures received. This section of the bill would apply to all persons who received \$100 or more in campaign expenditures.

Any candidate who violates this act would be guilty of a felony and be fined not more than \$5,000. Any other person in violation would be deemed guilty of a misdemeanor and be fined not more than \$1,000.

The Secretary of the Senate and the Clerk of the House would receive these required reports and would certify to the House or Senate that a violation had been determined and that such violation had been the subject of a conviction. When the presiding officer of either body would be so informed, he would request that such body refuse to seat the violator or expel the violator, whichever would be appropriate.

I have not attempted to touch in this legislation, the question of campaign contributions. I firmly believe that once a reasonable and workable solution is found to the question of limitation on total expenditures that great sums of money will not be freely given out to candidates by any special interest or group of persons. There have certainly been abuses in this area of campaign financing. However, once a limitation is set, there will be no point in great sums of money being given in behalf of any candidate.

Mr. Speaker, there are many problems in this whole field of legislation. I am not being so naive as to think that there are not. I do maintain, though, that it is our duty as public officials to face up to these problems and try to iron out an equitable solution that will keep the Congress responsive to the will of the people which is the premise for and the only safeguard of our Federal Government.

I know that many proposals are being recommended. However, I believe that the bill which I am introducing provides a positive and effective method of policing major campaign expenditures.

#### GENERAL REVENUE SHARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 1 hour.

Mr. CONABLE. Mr. Speaker, the subject of my special order is general revenue sharing, and I am grateful for this opportunity to continue a debate already well advanced in the House of Repre-

sentatives and which I think is one of the most significant debates that the 92d Congress can consider during its tenure here in Washington.

We have had, of course, a great deal of controversy surrounding this proposal, and I have been somewhat bemused by the reaction of many of my colleagues to what I think is a very significant initiative by the President and the administration. My colleagues' reactions remind me more than anything else of a group of doctors who have agreed that the patient is critically ill, but then put aside treatment to argue about the best remedy.

The patient in this case, of course, is local government—not State government and not the Federal Government, although goodness knows we have enough problems also. Local government is in crisis in this country, suffering from a very severe fiscal illness in improvisation to any other level of government. Those who think the State government is the issue in revenue sharing fail to understand that in most cases the State can easily pass the buck to local government by reducing many of the aid programs which are traditional between State and local government such as aid to schools on per capita aid.

Local government, in other words, is in extremis at this point, a very ill patient. We all agree on the diagnosis. Beyond diagnosis we are engrossed, however, here in Congress in advancing our own nostrums and calling the other fellow a quack. Meanwhile, the patient has been forgotten and is sinking. He needs a transfusion in the worst way. General revenue sharing, I am convinced, is the answer.

The Federal income tax system, the graduated progressive Federal income tax is the best medical delivery system for this victim. I think we are foolish if we fail to use this system. We know that lack of life-giving blood has made the patient sick, and I am dismayed to see some of the present consultants suggesting that further leeching would help his condition. Local government has already had too much blood leached from its fiscal system by the endless categorical grants which have required matching federally mandated funds. We need to rebuild strength with transfusions, rather than further reducing available local resources through matching-fund categorical grants controlled in Washington.

I notice that it has been reported recently that hearings are to be scheduled on general revenue sharing in late April or early May.

I am pleased to hear this, Mr. Speaker. I think it is desirable to get at this vital business. But I am somewhat dismayed to find that the people who are calling the hearings say the purpose is to kill revenue sharing. In other words, they are proposing to scrap the remedy rather than apply it.

In this respect I would have to say that the committee doctors are being sanguinary rather than sanguine, and that

there is little reason for optimism on the local level.

I hope, before we get through here, my colleagues in the House will place the patient's interest above professional pride before the condition of local government is beyond repair.

I know, Mr. Speaker, that there are many philosophical objections to revenue sharing. I can understand many of these objections. I believe the condition of local government, though, has put us beyond the point where we can afford to nitpick, to quibble or to suggest that perhaps some other type of remedy more complicated in application would be more systematic in Federal philosophy. Without unique transfusions, we are going to have a considerable reduction in the services local governments can perform.

That is the issue. Local government is not going to go bankrupt in the traditional sense. There is still going to be money coming in. They are still going to be performing services. But they are going to have to abandon many of the traditional services that we like to think our Federal system is able to deliver on the local level. These traditional services are, for the most part, based on personnel like policemen and teachers, or like public works departments. Roughly 50 to 80 percent of the cost of local government goes in salaries. That being the case, it seems to me once cutbacks occur, once we have local government personnel being laid off.

If these services are abandoned on the local level because of the failure of local tax resources, inevitably the result will be increased pressure for picking up of these services on some other level of government. That is one thing I think most of us who believe in the Federal system do not want to see happen. What we are hoping instead is that some mechanism similar to the general revenue sharing proposed by the administration can be devised to preserve the services on the local level, that is, on the level where the people can have some control over them and where we will see democracy functioning at its best.

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

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

Mr. KUYKENDALL. The distinguished Governor of the State of New York spoke at a breakfast recently on the question of picking up of the garbage. I think this may be uttered tongue in cheek, but it might get to that, and I would like to share with you an experience that I would like to ask every Member who reads this record to see if he does not find that similar experiences have happened in his city or district, because I consider this to be a classic example of the costs and complications which attend the Federal system on the categorical grants.

The city of Memphis, Tenn., in my congressional district, has a grant from the Office of Renewal Assistance of the Department of Housing and Urban Development. This comes under the interim

assistance program. The objective of this categorical grant program is:

To assist localities to plan and carry out programs to alleviate harmful conditions in slum and blighted areas which are planned for urban renewal in the near future but in which some immediate public action is needed until permanent action can be undertaken.

That is a direct quote from the law. It is hard enough, really, to read the law. Recently, some officials of the city of Memphis contacted me because the Department of Housing and Urban Development in Atlanta informed them that the major portion of this grant would be canceled effective February 28 due to the fact that activities being conducted by the city in this portion of the grant were now ineligible. The officials of the city of Memphis emphasized—and remember the grant originally was to have run until June 30—emphasized that they were upset because at the time this grant was applied for and originally approved by HUD the actions were fully explained and approved. The city's budget and operational plans in this area had been built around funds that were to be provided by the Department of Housing and Urban Development's grant.

As a result of proceedings initiated by my office, this was straightened out, and it was decided that the city could continue under the original terms of the grant for the remainder of the current fiscal year. But this problem need never have occurred if the Nixon administration's special revenue-sharing program had been in force. Under the special revenue-sharing program the States would get lump sums or urban community development funds, and presumably this misunderstanding would never have occurred. There is another example I would like to share with the gentleman. Recently, when I first obtained for the State of Tennessee and my community the list of the counties and cities that would receive funds under the general revenue-sharing program, I noticed that the city of Nashville, which has a metro government encompassing the whole county, received a larger amount than Memphis, which is half again as large. Well, I was immediately upset and checked up on it. Then I looked at the county which the city of Memphis is in. I found that a large part of the city revenue is collected by the county and is returned intact to the city. Therefore, the county got the credit for it. So last week, on March 10, on page 5884, when the gentleman from California (Mr. DANIELSON), spoke during the special order of the gentleman from California (Mr. HOLIFIELD) he stated:

I further point out in the county of Los Angeles the average per capita allocation is \$9.10, that is, \$9.10 for every resident of the unincorporated territory of Los Angeles.

Well, I had the notion that the gentleman from California (Mr. DANIELSON) had run into the same misunderstanding that I had run into.

So, I immediately found out that in the city and county of Los Angeles the



county collects all real estate taxes for the entire county, whether it is in the city or not, and that all welfare funds even in the city are paid by the county and that all health services even in the cities are paid by the county.

Now, I am not being critical of the gentleman from California for his misinterpretation because I did the same thing. I just did not put it in the record. But the point I am making is that this points out the need of revenue sharing, because no Member of Congress is capable of keeping up with every detail of local and State government. Certainly, a Member of Congress is not necessarily obligated to know that the city of Los Angeles does not have a real estate tax; it is collected by the county. I happened to learn this only by accident. So, this is an example here as to why a congressman is not capable of governing a local community.

Mr. CONABLE. I thank the distinguished gentleman from Tennessee for his contribution.

I think we all have reason to be grateful for the research which he is doing on this subject and I know he will continue his interest and make further contributions before we are ready to bring this whole effort to fruition.

It seems to me remarkable that many of our distinguished colleagues in facing the crisis of local government are in effect advocating the very thing that brought local government close to ruin; that is, the extension of the categorical grant programs with the siren song of easy Federal money sopping up ultimately all of our local decisionmaking power.

Mr. KUYKENDALL. Mr. Speaker, if the gentleman will yield further, I would like to ask that every Member, if he has not already done so, check the fiscal condition of his own city and his own State, and if he is in a large city particularly to find out how much of their financial plight is the result of matching Federal grants which will not continue under President Nixon's revenue-sharing plan. The fact that the siren call of so-called free money wooed a bunch of legislators and city councils into appropriating money on long-term matching grants, does not the gentleman agree that this is part and parcel of a lot of the crises?

Mr. CONABLE. That is correct. I would say that matching Federal grants do continue under President Nixon's plan, but 30 percent of the total categorical grant program would be folded, assuming full implementation by the Congress, into bloc grants without local matching, which I think would make a great deal more sense ultimately for the localities and give back to them some of the flexibility they have lost as a result of the categorical Federal grant program.

Mr. Speaker, I view this whole issue in part at least as a continuation of tax reform begun in 1969 with the Tax Reform Act of that year.

As a member of the Committee on Ways and Means I have been interested in the issue of progressivity of our Fed-

eral income tax. In fact, those who have studied it know that at least prior to 1969, as economic income went up the percentage tax paid by the taxpayer did not automatically go up at the same rate, and very wealthy people who invested their money in special ways enjoyed a tax preference with the result that the effective rate of tax could fall off quite sharply.

Mr. Speaker, we need a major effort to try to improve the credibility of our graduated income tax system. The reason was not simply because we wanted to soak the rich; it was because a part of the American tradition is that taxes should be based upon the ability to pay. A graduated income tax harnessed this tradition. But the tax resources available to the localities, and for the most part to the States as well, are generally regressive taxes such as the real estate property tax or the sales tax.

The cost of local government, based on salaries to the extent it is, has been going up sharply with living costs. It has been going up considerably more sharply than the costs of the Federal Government. Therefore it is not surprising that, as part of the Tax Reform Act of 1969, we did cut back somewhat on our Federal income tax. The other recent major step taken with respect to the Federal income tax came in 1963, when there was an actual tax reduction as a stimulus to business. In short, the graduated part of our tax system, the Federal Government's part, has been cut back constantly since 1952 as a proportion of the total tax burden of the country. Local taxes, on the other hand, have increased in almost geometric proportion, and since they are not based on the ability to pay, the hardship implicit in this increase is a major burden for the American people to carry.

What I am saying, in effect, is that it does not make sense to increase the progressivity of our Federal income taxes by continuing reform if we are going to put less and less percentage of the country's total tax burden on the Federal income tax. It does make sense in these terms to consider some way to siphon to the local government, which is carrying such a heavy burden of regressive taxes, a portion of our progressive income tax through such a scheme as the President has advanced.

Mr. Speaker, I hear a great deal of pessimism about revenue sharing. There are many people, to return to the original simile with which I started, many of the consultants, the doctors consulting on this issue here in the Congress, who are in effect burying revenue sharing prematurely. I think they are premature because the circumstances of local government make it inevitable that this particular idea is an idea whose time has come. The alternative, the abandonment of major local services by our local government, is unthinkable in terms of the viability of our democracy. In one way or another, we are going to have to find a way to return some of the progressive tax revenue gathered at the Federal level to the States and localities.

The President's initiative in this respect, as I see it, is an ingenious formula which avoids many of the abuses implicit in earlier suggestions, and which fits in very well with the special revenue sharing part of the program which itself will, I think, impart an added flexibility to local government.

I know that other people will come forward with other suggestions for ways in which we can meet the crises of our localities. I hope that if these are constructive ideas they will be considered constructively. I personally am grateful that we are going to have hearings, for whatever purpose, and the sooner the better. I am afraid, unless we move quickly to find some solution rather than quibbling about its details, that we will find the patient—local government—in grave condition before any benefits flow to him from the inevitable solutions we will achieve.

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

#### THE IRISH AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOWARD) is recognized for 30 minutes.

Mr. HOWARD. Mr. Speaker, who are we, anyway, what are we, the American Irish? What makes us different from other Americans, what did not get simmered away in the melting pot that we hold so dearly and treasure so highly?

Or is there anything?

Of course, no one really understands the Irish, least of all the Irish themselves. Over the years, we have produced writers and poets out of all proportion to our numbers, all of them trying to explain the mysterious mix of melancholy and mirth, gaiety and gloom, gentle heart and battling spirit, that make up the Irish character and the Irish temperament. And none of them has ever succeeded to the satisfaction of the others.

So I do not pretend to have any special powers of analysis or insight. My only qualifications for the task are all spelled out in my County Carlow and County Roscommon background.

But I do wonder why we feel such an affection for, and have such pride in, a land that most of us have never seen, or as the American-born Irish writer John McNulty called it, "Back home where I never came from."

Joseph Kennedy, the former Ambassador and the father of the late President, once complained, after a Boston newspaper referred to him as an Irishman:

I was born here. My children were born here. What the hell do I have to do to be called an American?

And yet, our joy over the election of his son, our grief at his passing, were not untinted by the fact that, in our minds, John Kennedy was Irish—Irish American, American Irish. John Kennedy, who at the very least, was one of the brightest shooting stars in the firmament of mankind was Irish, as we are Irish. And if,

through the lens of history, his light is perceived to have permanently lit the heavens, and become the beacon for a new, and nobler age, I am sure there will still be other Americans around to point with pride, and tell their children: "He was Irish—like us."

The certain cruelty of fate—it looms large in the Irish consciousness. It is the heritage of centuries of struggle in a harsh and oppressed land; and we accept it, just as we always carry with us, deep in our bones, the knowledge that to be born is to face certain death.

But throughout the stormy history of the Gaelic strain, that is never been for the caring now. When it comes, it comes, and we have been too long with the world not to know that protest is a pointless epilog to life—and a demanding one at that.

So, while we relish life and revel in it, our soul's eye is always on the clock, and we always know where midnight is.

There is no doubt but that these wide swings in the Irish outlook on life have their roots deep in history, and in the land itself.

Take a people who, after St. Patrick, knew 500 years of unparalleled intellectual and spiritual achievement; a proud people whose land became renowned as the citadel of civilization during the darkest age of the Western World, the home of saints and scholars; and then enslave them for 700 years.

For seven centuries beat them down at every opportunity, steal their lands, strip them of every human right—and you have a race that sees all too clearly the high comedy of all man's vain pretensions, set as they are against the inescapable background of blind chance and brute mortality.

And you have a race that sees, too, both the wonder and the tragedy of human possibility, the capacity for accomplishment that ends so often with "what might have been."

But you also have a hard-headed, realistic people with an unshakable faith that tells them that both the comedy and the tragedy will always be resolved in the triumph of immortality.

It is this that sustained them as a nation and kept their spirit alive. And it is this that is the gift of the man we remember today—St. Patrick—and whose memory we celebrate with good reason.

This then, is the nature of the Irish in you and the Irish in me, passed along to us from all the Gaels who ever inhabited that wet and wintry little isle, whose loveliness, when it breaks through, seems almost like an illusion.

This is the imprint of the blood conferred on us by all the O'Flahertys and Flynns who battled with life and its oppressors there, who starved and laughed and loved in Kilkenny and Cork and who, when they left, left not because they ever gave up the fight, but because they wanted to get on with it.

And when they boarded the ships for America during the famine of the 1840's, they left behind them only their rela-

tives and the millions of dead, and they brought with them everything else they had—namely, themselves.

They brought, in themselves, a certain wildness of spirit that matched the untamed Irish countryside and the angry ocean that surrounds it; and they brought a countryman's sense of awe at the mystery of things.

They brought a love of life and a love of fancy, and neither the long voyage over nor the long years since have done anything to diminish the conflict that still rages between the two.

They brought with them a gay, off-hand courage, and a fierce, unbridled lust for freedom that is as vital to an Irishman as the air he breathes.

And they lost not a bit of their deep capacity for affection and warmth—for the Irishman off his guard is as open-hearted as he is wild, and as warm as the heat of his temper.

I am not denying that the Irishman can be a cantankerous creature. He loves a fight, there is no doubt about that. G. K. Chesterton, who called Ireland "the land of broken hearts and broken heads," wrote of the Irish that "all of their wars are merry, all their songs are sad."

Meaning, I would guess, that a good donnybrook is as good a way as any to put some spice into life—and it does not much matter whether the other fellow is Irish, too. Samuel Johnson, the eminent doctor of English letters, once said:

The Irish are a fair people, they never speak well of one another.

Or, as another student of Irish ire expressed it:

If you put an Irishman on a spit, you'll never have much trouble finding another one to baste him.

But the Irishman's combative spirit served him well in the New World, and it served his adopted country well, too.

The Irish have distinguished themselves in every American war, including the Revolution.

All told, there were no less than 695 Kellys on the rolls of the Revolutionary army, more than any other name, including Smith—which gives you some indication of the Irish contribution to the cause of American freedom.

Probably the most famous single corps in Washington's army was the formidable "Pennsylvania Line," and it was so solidly Hibernian that Light Horse Harry Lee renamed it "the Line to Ireland."

The Irish helped fire the spirit of Independence, too, as well as muskets. Four signers of the Declaration of Independence were born in Ireland, and 5 others had Irish parents or grandparents.

It is no wonder that when the surrender of Cornwallis at Yorktown was announced to the British parliament, one Lord Mountjoy groaned:

England has lost America through the exertions of Irish immigrants.

At Fredericksburg 1,200 men of the storied Irish Brigade stormed the Confederate held heights, green sprigs in their hats to take the place of their

Irish banners too tattered to carry; 282 survived.

"Never," said General Robert E. Lee, "were men so brave."

In World War I and World War II, the Irish continued to add chapters to the book of valor—and names to the muster of the dead.

But the Irish did more than fight for this country. They helped to build it.

They pitched the dirt for the canals that extended the early life lines of the Nation's commerce, and when the railroads came, it was the Irish who laid the track and hammered the ties, for peasant's wages and a bribe of whiskey.

It was in the labor movement that the Irish found a natural battleground. In a sense, they were made for each other. The majority of Irish in the late 1800's were laborers, and the majority of laborers were oppressed. The result was a traditional spontaneous combustion of the freedom-loving Irish spirit, and if excesses were committed in the name of social justice, they can perhaps be forgiven in the light of the conditions that inspired them.

In the big cities, the name of oppression was discrimination, and the struggle was for acceptance. Signs that read, "No Irish or dogs allowed," and "No Irish need apply," were a constant slap in the face. But they were also a constant challenge, a chip on the shoulder of the upper and middle classes that the pugnacious Irish were only too happy to keep knocking off.

The Irish had learned a bit about outwitting a ruling class under the domination of the English, and the lessons were put to good use in the cities.

It did not take them long to realize that the best way to fight the "powers that be" was to become a power themselves. So, while they played a respectful footsy with the society that stereotyped them as pig-owning street brawlers, and while they lathered its leaders with blarney in the interests of survival, they gradually gathered up the reins of social control through the one means open to them—politics.

It was the Irishman who made politics a profession. Unfortunately, some of them also turned it into a business, with fine distinctions to be drawn between honest graft and dishonest graft. But even they served a vital function in consolidating Irish influence.

Moreover, the Irish political boss, with his finely tooled vote-getting machine, paid generous dividends to his supporters by filling a social void and tending social sores that a callous society ignored until Franklin Roosevelt and the welfare and social security legislation of the New Deal.

Politics was the real foot in the golden door for the Irish. As much as anything else, it gave them the economic base they needed to batter down the barriers to opportunity. And in relatively short order, Irish cops and hod carriers were looking forward to the graduation of their sons from college, and Irish names began to appear on the shingles of the professions.



Today, the Dictionary of American Biography lists almost 500 distinguished Americans who were born in Ireland, and literally thousands of Irish descent.

That, I think is a good beginning. But only if it is a beginning, only if it is the first few chapters of the story of the Irish in America.

We have come a long way from the days of the shanties and lace-curtain anxieties, and the time when the term "Fighting Irish" was meant as a reproach rather than a compliment.

We have come a long way, and I would hope that like the Irish who fled the famine, the only thing we have left behind is our sorrows. I would hope that we are still as Irish as they were then.

I would hope that creature comforts and social status have not led us to believe that all is so well with the world that there is no need for Irish dreaming of better things to come, or Irish compassion for those less fortunate than ourselves.

I hope we have not forgotten those ironies of existence that have always provided ballast for the Irish spirit. I hope we have not forgotten how to experience the joy of gratitude that keeps a man in touch with his God.

We have got a lot to be grateful for, and it puts a burden on us—the burden of giving as much as we have gotten. There never was an Irishman who could not do that in a fight, and that is what we have got on our hands today—the unfinished fight to fulfill the promise of the American dream for those millions among us for whom the golden door has slammed shut; the unfinished fight to insure that no one goes hungry; that no one is denied the opportunity to make the best of himself, for his sake and ours, so that everyone can share in and contribute to the well-being of the Nation, so that everyone can experience the self-wonder of human dignity, rather than merely hear about it.

And there is the fight to keep open the golden door to the future.

Our cities, the traditional home of the Irish in this country, are undergoing social and economic convulsions. Our air and our streams are polluted.

Our countryside is blighted. Our educational facilities are woefully inadequate, and every new birth is an indictment of our delay in improving them.

Hate, it has been said, is not the most vicious human emotion. Indifference is.

You have often heard it said, "God save us from perfection." And He did, especially when He made the Irish. But the beauty of it is, the Irish have always been aware of it, and it is this awareness that is the essence of the Gaelic spirit.

St. Patrick gave us a glimpse of heaven. And then we had our noses ground into the dirt for a thousand years. It made us dreamers, and it made us realists, and I think that the love of a fight that is in us is caused by the lure of the dream.

One hundred years ago, to the Irish whose pride we are, the goals of modern America would have sounded like a dream, a wonderful alluring dream. And they would have embraced it.

Today, with the technological capacity and the social and economic tools we have on hand, ready for the using, the dream is no longer a dream but a reality within our grasp.

Al Smith, at the beginning of his career, was given some very sound advice by an old Irish politician. "Never make a promise," he said, "unless you are absolutely sure you can deliver on it."

Let us make a promise today, a promise to our children and to their children, and let us deliver on it. A better America for all.

#### INSTALLATION OF AN ATOMIC WASTE DUMP IN KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, on yesterday, March 16, I appeared before the Joint Committee on Atomic Energy to testify in opposition to the installation of an atomic waste dump in my State of Kansas. I include the text of my statement before the committee, together with supporting reports from a number of Kansas authorities and the Department of the Interior in the CONGRESSIONAL RECORD.

STATEMENT OF HON. JOE SKUBITZ, BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY, MARCH 16, 1971

Mr. Chairman, Members of the Committee: For the record, I am Joe Skubitz, Congressman from the Fifth District of Kansas. I would like to thank the committee for its graciousness in permitting my attendance. I am here, as the Committee knows, to testify on Project 72-3-b in H.R. 5522, an Atomic Energy Commission proposal for an authorization of \$25 million, to purchase lands and begin work on the construction of a repository for nuclear wastes, in and about Lyons, Kansas.

Let me say first that I am not a physicist, nor a chemist, nor do I have any special scientific learning. I am certainly not in a position to discuss nuclear theory or radiation nor do I intend to do so in my statement to you. I am here rather as a layman, a citizen of Kansas and of the United States who is concerned with the ecology of our land and the protection of its environment.

More importantly, Mr. Chairman, I am here because I am worried about the health and the lives of Kansas citizens and before you for consideration is a project that jeopardizes the life of Kansas people, and indeed a great many other people in other states.

I am here, Mr. Chairman, as a lawyer speaking for a client, for people in Kansas whose lives, and the lives of their children yet unborn, are involved. I come here as a Congressman elected by some of those people whom I represent in this House. I come also in behalf of certain members of the State Legislature of Kansas. I come as a lawyer appealing to a jury of my peers, since twelve Members of this Committee are lawyers.

As I see it, two separate but closely related issues must be considered and settled before a nuclear-waste depository should be built at Lyons, Kansas.

The first concerns the right of a state itself, the responsibility of its people to make intelligent and informed judgments and decisions. These are legal, social, economic and political questions.

The second involves the state of the art,

the so-called safety factors; whether high-level atomic wastes can be handled reasonably safely, buried for hundreds of thousands of years without danger to mankind and his environment.

I propose to deal with both issues.

My State, Kansas, has been selected for the dubious honor of being the first laboratory experiment for burial of lethal wastes in salt.

As the Members of this Committee may assume, not everyone in Kansas is entirely happy about this proposed guinea-pig status. Every newspaper in the State that I know anything about, excepting only one, has either urged a halt until additional facts are in or opposed the project outright. Some editors have strongly condemned it. The project has become a hot issue in the State legislature, now in session. Forty-eight members of the House and nine senators have sponsored bills that call upon the Governor, the Congress, and the President to reject the project in its present frame of reference.

(I submit copies of the bills for inclusion as part of my statement.)

Since salt beds are the currently preferred medium for atomic-waste disposal, the people of most states may not face the problem of whether or not they want a nuclear-waste depository in their area. But there are some 400,000 square miles of salt beds in this country, and some day citizens of other states and their representatives in Congress will have to face the issue. Of course, if the constituency of one of the Members of this Committee welcomed such a waste depository, you would be faced with an easier position than that in which I find myself.

For the people of Kansas, as indeed for the people of any state facing such an issue, the waste depository brings up questions that go beyond its safety. What will such a project mean to the industrial development of a state that now ranks forty-third in that field. Will it deter commercial expansion and population increase? What are the state's responsibilities to out-of-state nuclear-power plants to become their wastes' depository? What direct economic benefits will accrue to the state and its citizens from the operation of the facility? What will be the effect of the waste facility on property values, adjacent to, near, and even far removed from the site?

No one needs to teach me a law course about the right of eminent domain. I sit on the Interior Committee and have some knowledge of the power of our Federal Government. But if the people of Kansas either by law or resolution in their legislature or by statewide referendum oppose a nuclear-waste dump, I seriously doubt that even the AEC would insist on the Lyons site. I am even more sure that the Attorney General of the United States would not undertake an eminent domain proceeding in those circumstances.

The decision to install a waste facility is not one for the AEC to make unilaterally. It is not one for the Governor, or for me, or for the Members of the Kansas Delegation in Congress. Indeed, in the final analysis it is not one for a group of scientists, whether they are employed by the AEC or by the State of Kansas; it is not one for a group of environmentalists; it is not one for a group of industrialists. It is a decision that belongs properly in the hands of the people of Kansas.

They are entitled to have the facts, all the facts, before such a decision is reached. In my small way, I am trying to make some of the pertinent facts available to them.

But if this Committee authorizes the funds and permits the AEC to purchase the ground, it will have effectively denied Kansas people any choice in this vital issue. The

Committee will by its action have allowed a Government agency, which admittedly seeks to install a facility for the benefit of private entrepreneurs to make the decision for Kansas. And that decision will have been premised on the single issue of safety—as AEC interprets safety.

This Committee and the AEC can be certain that the issue will be resolved intelligently and equitably if the people of Kansas are permitted to make the ultimate decision. If the AEC can and will prove to Kansas scientists and the Kansas Advisory Council on Ecology that the Lyons salt beds are geologically and physically safe; if AEC can demonstrate safe means of transport and effective, in-being means of retrieval; if AEC can show more effectively than by current rhetoric that Kansas and its people would be performing a national service and just not a convenience for privately-owned facilities; if AEC can show that Kansas industrial expansion will be enhanced or at least not hindered; if these things can and will be shown, I have no doubt that the people of Kansas, acting through their legislature or other suitable means, will endorse and approve the nuclear-waste depository.

That, Members of the Committee, is one side of the issue.

I turn now to the other issue—the so-called safety issue. This involves scientific questions, and I intend to bring in scientific evidence.

As lawyers, you will agree I am sure, that the Atomic Energy Commission must lay before this Committee overwhelming evidence that its existing—I want to emphasize that word—that its existing plans for installing an atomic-waste repository is safe now and will be safe for the hundreds of thousands of years during which these wastes will remain lethal.

It will not be enough, in my judgment, that what the AEC lays before you is simply a preponderance of the evidence. That might meet the requirements for an irrigation or reclamation project.

But here we are talking about peoples' lives. The AEC is playing God. I suggest that the Committee therefore must be convinced beyond a reasonable doubt that the waste project in its present stage and frame of reference is safe for mankind.

If the Committee will rely on that rule of law, it will shortly be clear that the AEC evidence before you will not support authorization now. The facts adduced by and presented by the AEC itself, and the questions raised by the United States Department of the Interior, the Kansas State Geological Survey, and the professors and scientists from Kansas State University and the University of Kansas in their comments to the Kansas Advisory Council on Ecology—questions I must remind the committee that remain largely unanswered—clearly show that further intensive investigations and studies must be pursued before actual construction of a reasonably safe depository can begin.

That is all I ask—that study go forward before a Government agency be permitted to endanger life. Indeed, because of the language of Sec. 103 of the bill which would permit the AEC to perform actual design services whenever "such construction project has been included in a proposed authorization bill transmitted to the Congress..." I earnestly request that the Committee delete Project 72-3b and increase funds as necessary for Project 72-1-e, which is limited to "improvements in radioactive-waste management and supporting facilities, multiple sites, \$5,000,000."

The Committee should know that I am not a Johnny-come-lately to the problem of disposal of nuclear wastes. Some seventeen years ago when I was the Administrative Assistant to the late Sen. Andrew Schoepfel, the AEC first proposed burying its then very

limited amounts of atomic wastes in Kansas salt beds.

As I recall, the AEC proposed then that a huge vault, resembling in shape a laboratory flask, be excavated in the salt beds. Into this salt flask would be poured the high temperature, lethal wastes in liquid form. A tube-arrangement would be made to carry the gases to the surface for cooling and return to the cavern, operating like a moonshiner's still. Need I point out that Senator Schoepfel, and indeed all of the Members of the Kansas Delegation, were aghast.

Even though they knew no more than I do now about nuclear matters and atomic physics, they were convinced that the waste-disposal project as then proposed was not only half-brained, but of the utmost danger to mankind in that area, and indeed through whatever area the wastes had to be transported to be brought to Kansas.

Obviously, the AEC would not propose any such project now. It knows a lot more and it has more sophisticated ideas now. I am suggesting that given time and funds and the willingness to regard nuclear-waste disposal as something that acutely and directly affects all of us, the AEC can and will come up with a waste disposal process and plans for a depository that would be acceptable to reasonable people.

The AEC must change its outlook on waste disposal. Its view is currently colored by its client relationship with private companies operating nuclear-power plants and the rapid proliferation of breeder reactors by these companies. In its zeal to promote peaceful uses of the atom, AEC has spent billions on research and development. It has all but ignored the waste problem. Burying it, getting it out of sight is the AEC's current solution for this grave situation.

I doubt that I can put it better than did Dr. Lloyd C. Hulbert, Associate Professor of Biology at Kansas State University in his report<sup>1</sup> to Governor Docking, and I quote: "... I am aware that the AEC is trying to plan well." "However," he added, "there can be honest mistakes, and also it is possible for the AEC to become a promoter of nuclear power with a zeal or method that causes carelessness or oversight."

Let me make clear that the AEC deserves commendation for its investigation of the waste-disposal problem. It has engaged the services of experts in every relevant field in addition to its own Oak Ridge experts. It has commissioned independent studies by qualified experts in Kansas. It is apparently continuing this program of research. My concern, the obvious concern of every independent expert who has studied the AEC's Environment statement, is that the AEC hasn't gone far enough, hasn't completed its research.

AEC proposes to go ahead on a conditional basis with acquiring land and beginning burial while it continues studies and investigation. Such a procedure was originally suggested by a Committee on Radioactive Waste Management of the National Academy of Science.<sup>2</sup> However this NAS Committee added this caveat:

"If these studies and investigations reveal problems or conditions that would jeopardize the safety and integrity of the storage site, the project should be reconsidered."

I submit, Mr. Chairman, the people of Kansas can't afford the AEC policy, they can't live with it. They insist that the studies and investigations precede the jeopardy

<sup>1</sup> Hulbert, Lloyd C., Asso. Prof. of Biology, Kansas State University. Letter to Dale E. Saffels, Chairman, Advisory Council on Ecology, February 2, 1971

<sup>2</sup> "Disposal of Solid Radioactive Wastes in Bedded Salt Deposits." Report by the Committee on Radioactive Waste Management, National Academy of Sciences, Washington, D.C. Nov. 1970.

stage, that the horse come before the cart instead of the other way around.

Let me turn now to official reports and documentation of facts. The expert witnesses I will cite direct their comments and questions to material contained in two reports that I assume the AEC has supplied to the Committee.

One is the AEC's November, 1970, Draft Environmental Statement on the Radioactive Waste Repository<sup>3</sup> to which I have previously alluded. The other is a study commissioned by the AEC and carried out by the Committee on Radioactive Waste Management of the National Academy of Sciences, also dated November, 1970.

The AEC sent its 57-page Environmental Statement to the Kansas State Geological Survey and requested comments. The AEC also sent its Environmental Statement to the Department of the Interior and to the Kansas Advisory Council on Ecology and requested their respective comments.

The AEC may not have made available to the Committee the texts of these answers to its Environmental Statement. These responses by experts form in large part my reference points. I shall be quoting liberally from them. If the Committee desires, I shall be pleased to furnish copies of each report for inclusion in the record as I refer to them.

The Committee will want to bear in mind that the AEC's environmental statement is a 38-page memorandum with a 17-page appendix that refers to important aspects of the proposed repository. It deals, for example, with the environmental impact, the thermal problems, radiological and physiological effects, geophysical, ecological, and sociological effects, transportation and a number of other items. It did not deal, for example, with retrieval, a subject that Dr. Seaborg found it expedient subsequently to comment upon. The point is that the AEC invited critical evaluation from a number of sources on what it included and what it failed to include. I trust the Committee will give appropriate consideration to these invited evaluations.

Since the initial investigations and studies dealt with geology and hydrology of the site, we should turn first to the work done and reports submitted by Dr. William W. Hambleton, State Geologist and Director of the State Geological Survey. His initial 15-page report, dated July 7, 1970, records briefly some historic data. He tells of an Oak Ridge Laboratory scientist calling on him in January of that year and a subsequent meeting in March between representatives from Oak Ridge and Governor Docking and other State officials. Dr. Hambleton records that AEC's interest in the Lyons area had been dormant for some years, and was now suddenly revived by a request for all available geologic data, earth movements, hydrology, and similar information. He reported that "Governor Docking was assured by the AEC officials of the safety of the site and the need for a public relations program concerned with safety ... which might arise from such a facility."

Pointing out that under Kansas law (48-1604(h)) the State Geological Survey is charged with responsibility of continuing investigations on the geologic effects of storing atomic wastes in subterranean areas, Dr. Hambleton's report says that he wrote Governor Docking on April 17, 1970, expressing concern about the selection of Lyons as a site for storage of high-level, radioactive waste. His letter dealt with, he explained:

"The inadequacy of detailed geologic information and expressed strong recommendation that final selection should be deferred until the integrity of the site could be demonstrated."

<sup>3</sup> "Draft Environmental Statement on the Radioactive Waste Repository Lyons, Kansas," United States Atomic Energy Commission, Washington, D.C. R. E. Hollingsworth, General Manager—November 1970.



I ask the Committee to remember this concern by the State Geologist expressed to the Governor because as his subsequent reports will demonstrate, his concerns have not yet been satisfied.

Let me now quote further from Dr. Hambleton's July 1970, report:

"In general, studies related to the Lyons site have been developed from a simplistic view of the geology . . . The local geology at Lyons may introduce complexities of a serious nature."

Dr. Hambleton went on to say:

"The long term possibility of the salt being subject to solution activity, erosion, or other stresses cannot be ignored . . . Significant base-line information on water quantity and quality in near-surface rocks and rocks above and below the salt is not available . . . The geology of the area is not known in sufficient detail with respect to structural or stratigraphic characteristics . . . Uniformity of the salt in the un-mined part of the Lyons site has not been demonstrated."

It is not my intention to bore the Committee. I simply want this jury to understand that a case has been made by scientists, not by me, to stop, look and listen. I intend to cite chapter and verse, if I may.

Further in the report, Dr. Hambleton continues:

" . . . there is evidence of a westward migration of this dissolving salt front, a condition which could destroy the integrity of the disposal site."

After calling attention to the problem of disposing of an average of 320,000 tons of salt a year that would be brought to the surface by excavation of the disposal site and emphasizing that projected suggestions fall far short of a satisfactory solution, Dr. Hambleton makes twelve specific recommendations to be carried out by the AEC.

We come now to Dr. Hambleton's second report<sup>4</sup> of December 2, 1970. He begins this six-page survey by describing that in August of 1970 his agency together with the U.S. Geological Survey, the U.S. Corps of Engineers, the State Department of Health, and a privately employed drilling company "initiated a detailed study of the surface geology, ground water hydrology, and subsurface geology of a nine-square-mile area centered on Lyons. . . ."

He explains that the studies and the work have been supported by funds totaling about \$100,000 supplied by the Oak Ridge Laboratory and Union Carbide.

A number of oil and gas exploratory test holes drilled earlier had yielded little geological information, he says. So AEC contracted with the Corps of Engineers to drill a six-inch core through to the 1300 foot level at one corner of the site and thereafter a second hole at another corner, although not cored. Some 40 additional shallow holes have been drilled and studies are continuing on rock outcroppings.

I quote these facts in some detail to emphasize that a great deal of geologic work has been done and that more is probable and that again the AEC deserves praise for the investigations it has commissioned.

Dr. Hambleton's six-page report continues with a survey of the water supply, pointing out that ground water is the principal source for municipal, industrial, irrigation, stock and domestic use in the area, coming from large wells yielding 300 to 1000 gallons per minute. He discusses the salt thickness, geologic formations, fractures, etc. Then he turns to the subject of heat transfer. And what does he say? I quote,

"Problems relating to heat flow and surface subsidence remain largely unsolved."

Listen to his paragraph of conclusions on heat transfer:

"Oak Ridge National Laboratory and AEC staff have exhibited remarkably little interest in the heat flow problem, and have not demonstrated capability for solving three-dimensional problems involving a complex laminated section. The interaction of subsidence, thermal expansion, and heat flow could be responsible for breaking the seal of overlying rocks, and permitting entry of surface or subsurface waters. The State Geological Survey regards solution of this problem as crucial to the safety of the repository site."

Following an extensive discussion of the storage of energy within the salt itself due to radiation damage of the salt, a topic of considerable importance, I might add, Dr. Hambleton concludes this point with the following significant observation:

"Staff of Oak Ridge National Laboratory and the Atomic Energy Commission have exhibited remarkably little interest in studies of radiation damage. The State Geological Survey regards this problem as extremely critical to safe storage of radioactive waste at the Lyons site."

The December Geological Survey report ends with an observation on transportation and retrieval of radioactive waste, a subject on which I will have something to say presently. Dr. Hambleton observes that although his Geological Survey has not direct responsibility for transport and retrieval, he would be remiss (that's his word, not mine) if he did not call attention to these critical factors and reinforce the concern of other state agencies that are involved in them.

"We judge," he concludes, "that plans for safe transportation of these radioactive materials are completely inadequate and that no contingency plans for retrieval of waste exists at all. We conclude that these two elements are critical and crucial to the safe storage of radioactive materials at the Lyons Site."

Subsequent reports from Dr. Hambleton, the Advisory Committee on Ecology, and the Department of the Interior make this same point. Is it any wonder, Mr. Chairman, that some of us in Kansas shudder at the prospect that confronts great numbers of people, not only Kansas living near the waste site but people all long the transportation routes from the Atlantic and the Pacific into Kansas.

We come now to Dr. Hambleton's latest report,<sup>5</sup> a six-page memorandum dated January 15 of this year to the Chairman of the Kansas Advisory Council on Ecology. Incidentally, Dr. Hambleton's memorandum is one of three scientific papers that form the basis of the Ecology Council's Report to the Governor on the AEC Environmental Statement.

On February 22, 1971, Governor Docking submitted the Council's report with a covering letter directly to John A. Erlewine of the AEC. I will deal subsequently with the Council's full report and the Governor's letter.

May I remind the Committee that Dr. Hambleton is the State's most informed official on the geologic integrity of the Lyons site and that he was brought into the planning at the very earliest stage. He worked with AEC officials, Oak Ridge experts and outside contractors employed by AEC. He has sat on panels of the National Academy of Science on the disposal of radioactive wastes. He has been consulted by all concerned parties. He has contributed heavily of his

time and energy on the project. Most important of all, and I cannot stress this too strongly, Dr. Hambleton does not oppose creation of the facility, nor does he cringe at the possibility that the Lyons salt beds might be the eventual site.

In light of these facts, let me now quote from Dr. Hambleton's latest report to the Governor:

"I am pleased to have the opportunity to comment on these reports because I have been widely quoted in the newspapers as stating that I wrote the National Academy report, that the report endorses the Lyons site for radioactive disposal, and that I thereby express my approval and endorsement of the project. These statements are not correct."

He continues:

"Actually, I served on the Panel on Disposal in Salt Mines of the Committee on Radioactive Waste Management, and I did make major contributions to the Panel report, which subsequently was reviewed and changed by the parent Committee. For the most part, I agree with the National Academy report," which he points out "does not give unqualified endorsement of the Lyons site, and contains many constraining statements. For example, under Summary and Conclusions, the Committee states that disposal in bedded salt is the safest choice now available, provided the wastes are in an appropriate form and the salt beds meet the necessary design and geological criteria. The Committee states that the site near Lyons, Kansas, is satisfactory, subject to the development of certain additional confirmatory data and evaluation. The recommendations of the Committee for additional studies and investigations are the same recommendations of the Kansas Geological Survey, and I acknowledge responsibility for making sure that they were a part of the report."

" . . . I am disturbed to note an Appendix to the Committee report," he notes in referring to the NAS report on waste handling, "which was not a part of the original report. Seemingly, the statements in the Appendix were added gratuitously in an attempt to refute some of the concerns of the Committee."

Dr. Hambleton then turns to the AEC's Environmental Statement and says:

"I find many parts of it to be general, meaningless, and a public relations effort designed to relieve the fears of critics. Throughout the report, conclusions are based upon results derived from studies using simplified models or naive assumptions. The assumption is made that the impermeability of the salt bed will protect against release of radioactive material to underground water resources, and that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale."

Dr. Hambleton then recites a number of assumptions made by the AEC on mine subsidence, retrieval and transportation, all of which he warns "should be scrutinized carefully."

Referring to the geological integrity of the site, he reports:

"In general, it is true that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale. However, these rocks never have been subjected to the thermal or radiological stresses that are assumed. Furthermore, we have reason to judge that the assumed stresses may be in error."

Let me quote a brief extract from what Dr. Hambleton says about thermal and radiological stresses.

"The project," he says, "has been designed without a clear understanding of heat diffusion problems. Models used for solution of the complex heat-flow problem have been based upon a rock section consisting of units of pure salt and pure shale. The actual rock

<sup>4</sup> "Preliminary Report on Studies of the Radioactive Waste Disposal Site at Lyons, Kansas," The Kansas Geological Survey. Dr. William W. Hambleton, Director. December 2, 1970.

<sup>5</sup> Hambleton, William W. Director, The State Geological Survey of Kansas. Letter to Dale E. Saffels, Chairman, Advisory Council on Ecology, January 15, 1971.

section consists of laminated salt and shale, and analytical results may be very erroneous. . . . Our own trial calculations, based on introduction of 10 and 20 foot shale layers, 15 and 55 feet above the mine, indicate a 34 percent rise in the peak temperature of the mine as compared with a peak temperature in pure salt."

Then he continues:

"The Oak Ridge National Laboratory and AEC staff have exhibited remarkably little interest in a proper study of the heat flow problem, and have not demonstrated capability for solving three-dimensional problems involving a complex laminated section."

Dr. Hambleton, the Kansas State Geologist, next discusses the irradiation of salt. And what does he have to say about the AEC research in this field. I now quote two brief paragraphs:

"The effects of radiation damage to salt have not been adequately examined. Samples of salt obtained from the Salt Vault site at Hutchinson show energy storage of approximately 10 to 50 calories per gram from gamma radiation. Samples of salt irradiated with protons from the Van de Graaff Accelerator show energy storage as high as 80 calories per gram. Thus an additional thermal problem arises from the potential capacity of the salt to undergo rapid thermal excursion through sudden release of the stored energy. The release of 80 calories per gram would cause temperatures in the affected region to rise from 300 degrees C. to 620 degrees C. These high temperatures could result in greater flowage of salt around the containers and could cause an explosive affect due to the sudden thermal expansion. Thus, thermal and radiological stresses interacting with the stresses caused by consolidation and recrystallization of the salt could produce shear in overlying rocks, and subsidence of some magnitude.

"Accordingly, the seal of overlying rocks could be broken, creating vertical permeability and permitting entry of surface or subsurface waters. Our investigation of the sandstones of the Kiowa Formation reveal that water in them may be under artesian pressure. It is imperative that studies be continued to determine whether this underflow exists and whether it could feed a system of fractures. One can state with some certainty that access of water to the salt, at calculated or higher than calculated temperatures, would create a thermal convection and circulation system. Most certainly, solution of the salt would take place and the integrity of the storage site could no longer be maintained."

He concludes:

"The State Geological Survey regards solution of these problems as crucial to the safety of the repository site, and urges most strongly that studies be undertaken immediately."

As the Committee may know, a major problem with the most serious implications has developed in planning for safe transportation of the wastes and their retrieval in case of accident.

In the earlier stages, in fact as recently as ten months ago, the AEC wasn't very concerned about either problem or at least it didn't so indicate publicly. Its general manager, Mr. Erlewine, told me that the wastes would be buried permanently, that I should not worry about any possibility of accident that might require retrieval. AEC's reports acknowledged that a transportation problem existed but, they said, it was being studied. They had no doubt that given time they would come up with procedures that would conform to national safety standards.

Mr. Chairman, existing standards aren't good enough. Nobody has yet moved this kind of material. Presumably the same standards that apply to transporting fuel elements would be followed. Those movements to power plants are limited in size and scope.

We are talking here about a project that will involve the movement of hundreds and hundreds of encapsulated solids, radiating lethal rays. Specially built freight cars will have to be designed, tested, and then built. But as matters now stand, we are asked to be satisfied with AEC assurances that in good time all this will be done.

I have pointed out that retrieval was not seriously contemplated by AEC until very recently. But when I began asking questions and when a newspaper in Kansas asked a specific question on retrieval, Dr. Seaborg for the first time publicly admitted that there was, of course, always the possibility of an accident and that the AEC was working on retrieval plans.

I hesitate to differ with an eminent Nobel Prize winner, but I must in good conscience point out that it is this attitude of "leave it to us; we're great scientists" that most affronts a layman. The AEC acts as if your concern and mine should be limited to acknowledging their superior intellect and following their dicta. Of course, they don't say so but the inference is—it's going to be a long time, maybe a hundred years, maybe a thousand years before that salt might have to be moved and by that time our successors will have figured out an effective, safe way to take it out.

Let me read to you Dr. Hambleton's analysis why retrieval may be more than a vague possibility sometime earlier than the distant future:

"As long as the waste containers maintain their integrity", he points out, "only small quantities of salt would be subject to high-energy, heavy-particle radiation. However release might occur once or twice a year for about three years and melting or explosion could cause containers to migrate to lower depths, possibly to shale layers, and faults could develop in overlying rocks because of explosions. In addition, the metal containers are expected to begin to deteriorate within six months, and the ceramic material containing the radioactive wastes is expected to deteriorate within several years. Accordingly, radioactive particles could migrate through the salt. If the particles are heavy, downward migration might occur due to localized melting; if they are light they might migrate upward. Water is available in the salt, and the waste particles could be suspended by turbulent boiling. Furthermore, the solid particles would expose the salt to significantly higher radiation doses. The ceramic material also can store energy, and gamma radiation can cause chemical breakdown of salt. Radiolysis could result in formation of new chlorine compounds that are capable of leaching plutonium. Thus, statements," (he means AEC statements) "that burial locations for each container will be accurately surveyed and recorded so that precise location of the wastes will be known are relatively meaningless. Furthermore, the recovery of these dispersed wastes in a hostile environment at high temperature and radiation levels is scarcely a trivial problem. Although the staff of Oak Ridge National Laboratory and the AEC have stated that the technology for such recovery is available, no design concept has been revealed."

That bears repeating, Mr. Chairman. No design concepts have been revealed, says Dr. Hambleton. Not even to him who is AEC's contractor and has worked intimately with them. Yet when I noted that the AEC either hasn't gotten very far with transportation and retrieval plans or were keeping such plans secret, Dr. Seaborg retorted that "there has been no secrecy about this project . . . the general public as well as the officials of Kansas have been given extensive information on all aspects of the project." Obviously if Dr. Seaborg's statement is to be taken at face value, it confirms my point that the AEC just doesn't have advanced plans for retrieval and transportation.

I bring Dr. Hambleton forward again with a final word on transportation. He says:

"Although not really within the competence of the staff of the Geological Survey, our views concerning transportation are stated here in order to reinforce the expressed concerns of competent staff in other state agencies. If statements that the surface temperatures of transportation casks will be approximately 350 degrees C. are correct, most certainly these containers will not be in conformance with AEC and Department of Transportation regulations. Furthermore, railroad roadbeds in Kansas are judged by authorities to be in exceedingly poor condition. Adequate designs for a transportation system have not been revealed, and to the best of our knowledge the proposed National Academy of Science Committee on Transportation has not yet been appointed."

As I previously noted, the AEC's environmental statement was also submitted to the United States Department of the Interior for evaluation and comment. Last month, on February 3, Hollis Dole, assistant secretary speaking for the Department, formally replied to the AEC with a six-page letter-memorandum.<sup>6</sup> If the AEC has not submitted the Department of the Interior's response to the Committee, I will be pleased to supply a copy for the record.

I most urgently recommend that the Department's findings and recommendations be carefully read. As much as I would like to, because it helps make my case, I dare not burden this Committee now with more than selected extracts. The Department of the Interior's report deals with geologic factors, possible effect on ground and sub-surface waters, thermal effect on subsurface rocks, and numerous environmental factors.

Noting that of the currently available choices, salt beds seem safest as waste depositories, Interior interposes:

"... we believe that additional significant studies and confirmatory data concerning the geology and hydrology of the salt deposits and overlying rocks at and near Lyons, Kansas, and the effects of construction of the waste-disposal facility will be necessary to demonstrate, conclusively, that these deposits are indeed suitable for the 'final repository' . . . Our concerns are based partly on the statements . . . that, although retrieval of the wastes is conceptually possible, the emplacement of the wastes in the salt formation at Lyons would, actually, be regarded as 'permanent storage.' Such a permanent commitment of the wastes requires a very strong and scientifically convincing demonstration that the wastes will remain in a geologically relatively undisturbed and hydrologically isolated position for the several thousand years required for the decay of the high-level fuel-reprocessing wastes, and the several hundred thousand years required for the decay of the other 'alpha-emitting' solid wastes (which contain long-lived isotopes such as plutonium). Such a scientific and engineering demonstration does not appear to be impossible at all, but it will require a more thorough and better-documented approach than is presented in the draft environmental statement."

Discussing environmental factors, Interior says:

"Although the . . . statement indicates in summary that no significant impact on the environment is anticipated from the construction or operation of the repository, it does not present sufficient information to evaluate the potential impact of all aspects of the facility. Therefore, an endorsement of the establishment of the repository cannot

<sup>6</sup>Dole, Hollis M., Assistant Secretary of the Department of the Interior. Letter to John A. Erlewine, Asst. Gen. Manager for Operations, AEC. February 3, 1971.



be given on the basis of the environmental statement, or the included report by the NAS-NRC Committee. The NAS-NRC Committee, of course, has given only a qualified endorsement; has pointed out special management problems; and has prescribed continuing studies and development programs to be carried out before waste-disposal operations begin. Most of these problems and investigation have a strong bearing on final decisions as to whether the project is feasible."

The Department of the Interior continues: "We believe that there are inadequacies in the presentation of specific items in the draft statement . . . It is noted that the statement does not provide an adequate specific description or analysis of the contemplated design of its 'high-level mine' from which the effects of mining subsidence can be evaluated, even in a general, qualitative manner. For example, if multilevel mining is contemplated, such a process in a small area might produce entirely different effects in terms of subsidence and possible fracturing of overlying rocks (including possible ground-surface rupturing) than would mining at one level over a large area. Such unspecified effects could be critical to the location and safe operation of surface facilities; to the long-term integrity of the stored wastes; and to possible environmental changes at the land surface, such as stream-drainage changes, ponding, and poor soil drainage."

The Department of the Interior report then discusses earth movements and says: "A brief analysis of earthquake hazards is presented . . . Nevertheless, since earthquakes have occurred at many places in the Kansas-Nebraska region, they can be expected to occur in the future."

I interject, Mr. Chairman, to observe that we experienced an earthquake in Kansas less than 100 miles from the Lyons site as recently as 1968. The Department statement continues:

"Therefore, the statement should derive and specify the expected earthquake; the expected vibrational or other ground effects at the site; and a definition of the potential hazard to mines or surface structures."

" . . . Nevertheless, in view of the above-stated concern related to the lack of data on the 'high-level mine,' it should be pointed out that further analyses of thermal and other stresses on the heterogeneous rocks in the Hutchinson Salt Member at the site are warranted. These stresses (prolonged heating and exposure to radiation, and subsidence and deformation associated with the mining and flow of salt) could result in fracturing of the rocks above the salt. If the system of induced fractures extends upward through the 500-foot-thick section of shales between the Hutchinson salt and the Stone Corral dolomite, which is a freshwater aquifer, ground water might move down to the salt . . . Convective water circulation through fractures, induced by heat from the radioactive wastes, could result in a long-term cycle of dissolution of the salt and the eventual aqueous transport of radioactive wastes to the surface. In view of the fact that the 'high-level' and 'alpha-emitting' wastes will not have decayed to innocuous levels of activity for thousands of years (in the case of plutonium, hundreds of thousands of years), there would be adequate time for this circulation system to transport radioactive wastes to shallow aquifers or to the surface."

The Department of the Interior concludes its report with a catalogue of eleven criteria, operational procedures, and studies that it recommends the AEC adopt. It assumes that the AEC certainly must be aware of them in planning the depository but it emphasizes that they are vital to the safe long-term operation of the facility.

We turn now to environment problems, to ecology of the area and how the nuclear

waste depository might affect the land, the water, the air, plant life, game, fish, and domestic animals. These are matters of concern to all the people in Kansas—to hunters and fishermen, to farmers and cattlemen. These people have rights too that are as important to them and as valuable to our country as is the reaction of a Lyons banker or the town's mayor.

Governor Docking very appropriately turned to professors in the Division of Biology of Kansas State University for expert opinion in this field, for their professional comments on the AEC's environmental statement. Their responses were attached to the Governor's official report to the AEC and are summarized in it.

Dr. Lloyd C. Hulbert, Associate Professor of Biology, and Dr. R. J. Robel, vice chairman of the Kansas Ecology Council, responded in early February to the Governor's request. I submit for inclusion in the record full texts of both letters since I will excerpt only brief quotations from each.

Dr. Robel, commenting on the AEC statement, says that the statement, I quote:

" . . . devotes less than one page to the effects of the proposed project on the ecosystem. What is stressed is that 'In general, no significant effect on wildlife populations is anticipated either in regards to numbers or in species composition.' One might question," he asks, "what is 'significant' to AEC, likewise, what do they mean by 'anticipated.' Few plans are ever foolproof as exemplified by the accident at the Idaho Falls plant in 1961, the accident at Windscale Works in England (400 square miles contaminated), the nerve gas accident in Skull Canyon, the escape of radioactive materials from recent underground nuclear blasts in Nevada, the high level releases of strontium 90 from the Nuclear Fuel Services plant in New York, etc. None of these were anticipated, but they did happen as have many, many more such unanticipated events which we term accidents."

Dr. Robel then recommends two major studies broken down into ten parts, as an absolute minimum to provide the answers that have been posed by ecologists. He then concludes:

"Many issues have not even been mentioned in AEC's environmental statement, including the increased cost of road and residence maintenance due to subsidence in the area, increased costs for the Lyons citizenry to cool drinking water taken from warm aquifers, etc. Until we have answers to many of the above questions . . . I strongly recommend that the Advisory Council of Ecology advise Governor Docking not to accept, as adequate, the November 1970 environmental statement . . . I would recommend further that the Advisory Council on Ecology make its reactions known, via the Governor of the State of Kansas, to the Environmental Protection Agency and the President's Council on Environmental Quality."

Dr. Hulbert deals also with a problem to which very little attention has been paid by the AEC, a problem I touched upon briefly earlier. It is what is to be one with the vast quantities of salt that would be excavated. The AEC, somewhat casually I believe, suggested it could be converted to brine and then injected underground into what is known as the Arbuckle Formation. Dr. Hulbert says there is a great lack of knowledge as to the possible effects of such injection. He points to the detrimental effects of material injection near Denver and observes that the brine could move into fresh water aquifers.

Surely environmentalists would have a

<sup>7</sup> Hulbert, op. cit. Robel, R. J. Asso. Prof. of Biology, Kansas State University. Letter to Dale E. Saffels, Chairman, Advisory Council on Ecology, February 9, 1971.

valid objection to storing salt in huge piles above ground. Members of the Committee who have seen the ravages of strip mines have some idea of the moon-scape that would be created by thousands of tons of salt. Dr. Hulbert suggests that it could, of course, be trucked to the coast and dumped into the ocean or possibly buried in other salt mines. The problem is yet to be solved, and I submit, Mr. Chairman, it is not one that ought to be airily dismissed as of little consequence.

We come now to the February 22 eight-page Report by the Kansas Council on Ecology\* to Governor Docking and the Governor's transmittal letter to the AEC.<sup>8</sup> I ask that both be made a part of the hearing record. I shall limit myself to the very briefest of extracts since the Council's report is largely a summary of the individual reports prepared by the Kansas scientists I have heretofore cited.

The Kansas Advisory Council initially points out that it distributed the AEC's environmental statement to its own members, to the Kansas Nuclear Energy Council, Kansas Academy of Science, Kansas Department of Health, Kansas Geological Survey, and to knowledgeable citizens for comment. Its report, it says, was compiled from the responses from these sources.

The Council recommends:

"That the AEC document the additional data and evaluations which . . . are required to assure the safety of the project. Without this information, and the plans which AEC has to obtain the information, the Environmental Statement is little more than a review of existing knowledge."

Summarizing the ecological memoranda, it says:

"The ecology section of the Environmental Statement is inadequate. Despite the tremendous potential for ecological problems which the project presents, less than one page is devoted to this subject."

Discussing meteorological effects, the Council observes:

"The climatological and meteorological section presented a very light overview of the wind patterns and velocities. An assessment of the potential problems related to the spread of escaped radioactive particulates or gases, and an adequate monitoring system to detect accidental releases to the atmosphere must be included. In view of some of the recent accidental releases of radioactive material, it is imperative that this problem receive further consideration, especially with respect to potential for carrying radioactive material downward over populated areas."

The Committee should be aware that the Chairman of the Advisory Council on Ecology is Dale E. Saffels, who in his capacity as Chairman of the Kansas State Corporation Commission is a qualified authority on rail and truck transportation. It is significant, therefore, to report the Council's comment on transportation of the wastes.

"The transportation problems are a major concern," the Council says. "The Atomic Energy Commission has apparently planned to utilize only railroad shipping for waste transport. The design plans for the unloading points include railroad transfer stations without provision for truck or air shipments. This decision has been made although the suitability of railroad beds to take the loadings associated with the large shipments and heavy shielded railroad cars is not mentioned."

\* "Report on the Atomic Energy Commission's Environmental Statement," Advisory Council on Ecology. Dale Saffels, Chairman. February 22, 1971.

<sup>8</sup> Docking, Robert B. Governor of the State of Kansas. Letter to John A. Eriewine, Asst. Gen. Mgr. for Operations, AEC. February 22, 1971.

"If statements that the surface temperature of the high-level shipping casks will be approximately 350 degrees C. is correct, then the containers will not be in conformance with the AEC or Department of Transportation regulations. If the casks are to approach this temperature, and no cooling system is included, then the railroad cars will constitute a hazard to railroad employees."

Now, let us hear how the Council summarizes the retrieval problem. It minces no words. It says:

"A primary concern with regard to the high level mine is related to the retrieval of the stored wastes. The (AEC) Statement on page 18-19 implies that because the storage site will be permanent, and because the circumstances requiring recovery are not obvious at the present time, no effort will be expended to plan or demonstrate a system which would allow recovery. This type of negative attitude could endanger the health and welfare of the citizens of the State of Kansas."

"The facility must be designed to facilitate retrieval. The portion of the paragraph beginning on line 23 of page 18 of the Environmental Statement is misleading. Not only is there insufficient data available to demonstrate that the capsules can be relocated with precision after they have been buried for ten or more years, but the remote mining equipment which is necessary to accomplish this is not available to us."

The Council's Report then turns to an analysis of the proposed waste containers with some incisive language. It says:

"The report implies that the high level waste residues are to be encapsulated in high integrity containers. This concept is misleading if the capsules used by Oak Ridge National Laboratory during the Salt Vault tests are selected."

Finally, we come to a conclusionary paragraph by the Council. I quote:

"The Description of the high level waste facility is vague. The facility will supposedly consist of a waste receiving building, a newly mined area underground, and miscellaneous surface support facilities. The miscellaneous surface support facilities should be described in detail as should the monitoring system for exhaust gases. Emergency plans for mine shutdown in the event of a power failure, accident, or other unforeseen problems must be discussed also."

Do you wonder, Mr. Chairman, that I have insisted that the AEC's plans are incomplete, inconclusive, and do not warrant funding for the actual construction of a waste disposal facility?

Do you wonder why I urge that the AEC be granted whatever funds it requires to continue investigations, and studies, to hire expert and knowledgeable outside contractors in specific fields of endeavor and that it especially pursue studies designed to make the nuclear wastes safer to handle.

Governor Docking's transmittal letter of February 22 accompanying the Ecology Council report also makes clear that the major problems not yet dealt with adequately are transportation, geological and site integrity, surveillance and monitoring, and retrievability.

The Governor emphasizes that it is the Kansas scientists who tell him this, it is the Kansas experts who recommend that. It is as if he is a bit chary of backing them up. I am not. But in a closing paragraph he comes around and tells the AEC that:

"I am concerned that the future of Kansas be protected and feel that the investigations recommended in the attached report must be undertaken promptly. The final draft of the Environmental Statement should indicate this intent."

I applaud the Governor for that comment. We, he and I, apparently are not far apart. He seems to be saying that if and when the AEC writes another version of its Environ-

mental Statement and deals with all of the questions raised and acknowledges all of the recommendations made, all will be well with the world.

My view is that it is not enough that the AEC should issue another statement, however it may be written. My view is that the AEC must undertake the studies and investigations that have been recommended and complete them, and report on them in their completed and usable state before construction work is begun on the site.

I do not want to be unreasonable, Mr. Chairman. I recognize that the nuclear age is with us. I recognize that peaceful uses of the atom will not only expand but that they must do so if our country is to maintain its position in the world. I realize that until fusion processes have been developed for effective, safe peaceful uses, dangerous, high-level wastes will continue to be produced. I recognize that a way must be found to store them. I ask only that a safe way be found to store them. I ask only that a safe way be found before we experiment with current, untried, unsure methods. I repeat that if the Pentagon found it expedient to accommodate the people of Okinawa by transporting mustard gas away from that island to Johnston Island, the AEC might, just might conceivably, find a way to neutralize this dangerous waste, or a better place, a safer place than within the continental United States for its nuclear wastes.

How ironic it is for a Member of Congress to find it necessary to stand here and plead that an agency of Government not pollute the environment while at the same time the Congress will be asked to consider the expenditure of billions of dollars to clean up the pollution that already exists.

How ironic it is to be required to make a case against a new kind of pollution, so hazardous and so lethal, that all existing pollutions seem almost inconsequential.

The President's message on the urgent need to begin to deal with the contamination that we have visited on our land says plainly that preventive measures are as important as remedial measures. He says that the enormous task we have and the enormous sums we require to return the land and the water to some semblance of what they were a quarter century ago is meaningless if we do not promptly halt further pollution.

Is it not evident that this Committee has been asked to approve a project that at this stage of its development and in its present frame of reference would result in pollution of the gravest kind?

I submit, Mr. Chairman, and Members of this Committee, the facts before you can lead to only one conclusion. They say loudly—this depository problem must be studied in greater depth; let the experts come up with something more than "design concepts" for safe transportation and for retrieval in case of accident. They say you must demand further study on processes that just maybe could reduce, or modify, or better contain the lethal effect of the radioactive wastes.

That, Mr. Chairman, concludes my analysis of the so-called safety question. The AEC has in its correspondence and discussions with me relied exclusively on its own scientifically-based assurances that it has, or will have the answers.

I submit, however, that the AEC has no competence in the legal, social, economic and political fields which I raised earlier in my statement to the Committee. Whenever I sought to make this point with the AEC and its eminent chairman, Dr. Seaborg, the responses dealt with assurances on the scientific level with less than subtle hints that Federal rights were superior to Kansas rights, that AEC has chosen Kansas and that was that.

May I repeat, Mr. Chairman, that Kansas citizens will be on the front lines, and that

they should not be subject to a propaganda blitz that denies them the facts and the time to understand and assay them. I simply desire to emphasize that resolution of the safety issues does not and will not settle the problem. Kansas has rights too and I ask that they be carefully considered.

I respectfully request, therefore, that this Committee delete the authorization for the acquisition of lands and site work at Lyons, Kansas. I request that Section 103 of the bill be amended to make certain that the AEC shall not have authority to undertake construction design services for the Lyons depository simply because AEC included such a request in its transmission to Congress of a proposed authorization bill.

At the same time I strongly recommend that this Committee authorize whatever additional sums it deems appropriate to carry out further intensive studies and investigations aimed at safer handling and burial of high-level nuclear wastes.

I thank you, Mr. Chairman, and Members of the Committee for your patience and courtesy.

#### BIBLIOGRAPHY

"Disposal of Solid Radioactive Wastes in Bedded Salt Deposits." Report by the Committee on Radioactive Waste Management, National Academy of Sciences, Washington, D.C. (November 1970).

Docking, Robert B. Governor of the State of Kansas. Letter to John A. Erlewine, Assistant General Manager for Operations, Atomic Energy Commission. (February 22, 1971).

Dole, Hollis M. Assistant Secretary of the Department of Interior. Letter to John A. Erlewine, Assistant General Manager for Operations, Atomic Energy Commission. (February 3, 1971).

"Draft Environmental Statement Radioactive Waste Repository Lyons, Kansas." United States Atomic Energy Commission, Washington, D.C. R. E. Hollingsworth, General Manager. (November 1970).

Hambleton, William W. Director, The State Geological Survey of Kansas. Letter to Dale E. Saffels, Chairman, Advisory Council on Ecology. State of Kansas. (January 15, 1971).

Hulbert, Lloyd C. Associate Professor of Biology, Kansas State University. Letter to Dale E. Saffels, Chairman, Advisory Council on Ecology. State of Kansas. (February 2, 1971).

"Interim Report of the Kansas Geological Survey on Storage of Radioactive Waste in Salt at Lyons, Kansas." The State Geological Survey of Kansas, William W. Hambleton, Director. (July 7, 1970).

Meyer, Walter. Professor of Nuclear Engineering, Kansas State University. "An Argument for a Recoverable High Level Waste Container." (December 3, 1970).

"Preliminary Report on Studies of the Radioactive Waste Disposal Site at Lyons, Kansas." The State Geological Survey of Kansas, William W. Hambleton, Director. (December 2, 1970).

Robel, R. J. Associate Professor of Biology, Kansas State University. Letter to Dale E. Saffels, Chairman, Advisory Council on Ecology. State of Kansas. (February 9, 1971).

"Report on the Atomic Energy Commission's Environmental Statement." Advisory Council on Ecology. State of Kansas. Dale E. Saffels, Chairman. (February 22, 1971).

#### EXHIBIT 1

##### SENATE CONCURRENT RESOLUTION 38

A concurrent resolution opposing a proposed atomic energy commission authorization to acquire acreage in the state of Kansas for the establishment of a permanent nuclear waste storage facility

Whereas, The atomic energy commission has requested from congress an authorization of \$3,500,000 to acquire land in and about Lyons for the purpose of establishing



a permanent storage facility for the commercial nuclear high-level wastes of the entire United States, and have done so unilaterally without public consent of the people of the state of Kansas; and

Whereas, The said commission following such acquisition will make estimated annual shipments of casks containing cylinders of solid high-level radioactive waste increasing from about three in 1976 to about 500 in the year 2000, the cylinders having an axial temperature of 1,800 degrees Fahrenheit and an initial outside temperature of 650 degrees Fahrenheit, and approximately 700 shipments per year of low-level wastes; and

Whereas, Such atomic wastes will remain a questionable environmental hazard for thousands of years and radioactively dangerous for as much as a half million years with consequent danger of contamination of air, ground, and water sources due to geological faults, cracks or shifts, and the United States department of commerce has designated the area in which the proposed facility would be located near the designated zone two earthquake area; and

Whereas, Additional shipments of such atomic wastes will require eventually additional acreage and result in greater relative contamination; and

Whereas, Research and development plans and procedures for safe, permanent burial of such atomic wastes has not yet reached the point where the atomic energy commission is certain that retrieval of the wastes will not become necessary, thereby further endangering surface areas and all living things, and the environmental statement filed by the atomic energy commission was on February 3, 1971, rejected in its present form by the United States department of interior; and

Whereas, The state of Kansas has not had definitive responses from the atomic energy commission to all questions dealing with problems flowing from the presence of vast amounts of highly radioactive wastes at high temperatures over a long span of years; and

Whereas, The necessity of transporting highly radioactive wastes over long distances from the nuclear-power sites into the Lyons area arises the likelihood of accidents from derailments and collisions and similar accidents at the repository site itself with the attendant probability of grievous harm to Kansas residents; and

Whereas, The proposed atomic waste repository facility will be of no economic benefit to the state of Kansas or to its citizens and may on the contrary deter and frighten off potential industrial enterprises; and

Whereas, Efforts to locate similar atomic waste repositories in other states have been firmly rejected and it remains questionable whether such wastes should be permanently located within the fifty states; and

Whereas, It is now clear that the statement made, at the time of the announcement of the project by the atomic energy commission, that the project is of benefit to Kansas is not borne out by the report of the state geological survey, or the United States department of interior's rejection of the atomic energy commission's environmental statement. Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the state of Kansas, through its governor, reject the proposal of the atomic energy commission to create, establish, and operate a depository for the containment of atomic wastes from nuclear power plants in or about Lyons, Kansas.

*Be it further resolved:* That a duly attested copy of this resolution be immediately transmitted by the secretary of state to the Honorable Richard Nixon, President of the United States, to the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, to each member from Kansas in the Congress of the United States, and to the Governor of the state of Kansas.

*Be it further resolved:* That a duly attested

copy of this resolution together with a covering letter noting that the state of Kansas officially opposes the proposed authorization for funds for the acquisition of the Lyons site and any construction work thereon, be immediately transmitted by the secretary of state to the Honorable John O. Pastore, Chairman of the Joint Committee on Atomic Energy of the United States Congress.

*Be it further resolved:* That if in his judgment he deems it desirable the Governor or his duly designated representative is authorized to appear in person at the hearing before the Joint Committee on Atomic Energy in Washington for the purpose of officially opposing the proposed authorization that has for its purpose the acquisition of land in the Lyons, Kansas, area to create and construct a depository for atomic wastes.

#### HOUSE CONCURRENT RESOLUTION No. 1043

A concurrent resolution opposing a proposed atomic energy commission authorization to acquire acreage in the state of Kansas for the establishment of a permanent nuclear waste storage facility.

Whereas, the atomic energy commission has requested from congress an authorization of \$3,500,000 to acquire land in and about Lyons for the purpose of establishing a permanent storage facility for the commercial nuclear high-level wastes of the entire United States, and have done so unilaterally without public consent of the people of the state of Kansas; and

Whereas, The said commission following such acquisition will make estimated annual shipments of casks containing cylinders of solid high-level radioactive waste increasing from about three in 1976 to about 500 in the year 2000, the cylinders having an axial temperature of 1,800 degrees Fahrenheit and an initial outside temperature of 650 degrees Fahrenheit, and approximately 700 shipments per year of low-level wastes; and

Whereas, Such atomic wastes will remain a questionable environmental hazard for thousands of years and radioactively dangerous for as much as a half million years with consequent danger of contamination of air, ground, and water sources due to geological faults, cracks or shifts, and the United States department of commerce has designated the area in which the proposed facility would be located near the designated zone two earthquake area; and

Whereas, Additional shipments of such atomic wastes will require eventually additional acreage and result in greater relative contamination; and

Whereas, Research and development plans and procedures for safe, permanent burial of such atomic wastes has not yet reached the point where the atomic energy commission is certain that retrieval of the wastes will not become necessary, thereby further endangering surface areas and all living things, and the environmental statement filed by the atomic energy commission was on February 3, 1971, rejected in its present form by the United States department of interior; and

Whereas, The state of Kansas has not had definitive responses from the atomic energy commission to all questions dealing with problems flowing from the presence of vast amounts of highly radioactive wastes at high temperatures over a long span of years; and

Whereas, The necessity of transporting highly radioactive wastes over long distances from the nuclear-power sites into the Lyons area raises the likelihood of accidents from derailments and collisions and similar accidents at the repository site itself with the attendant probability of grievous harm to Kansas residents; and

Whereas, The proposed atomic waste repository facility will be of no economic benefit to the state of Kansas or to its citizens and may on the contrary deter and frighten off potential industrial enterprises; and

Whereas, Efforts to locate similar atomic waste repositories in other states have been

firmly rejected and it remains questionable whether such wastes should be permanently located within the fifty states; and

Whereas, It is now clear that the statement made at the time of the announcement of the project by the atomic energy commission, that the project is of benefit to Kansas is not borne out by the report of the state geological survey, or the United States department of interior's rejection of the atomic energy commission's environmental statement. Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the state of Kansas, through its governor, reject the proposal of the atomic energy commission to create, establish, and operate a depository for the containment of atomic wastes from nuclear power plants in or about Lyons, Kansas.

*Be it further resolved:* That a duly attested copy of this resolution be immediately transmitted by the secretary of state to the Honorable Richard Nixon, President of the United States, to the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, to each member from Kansas in the Congress of the United States, and to the Governor of the state of Kansas.

*Be it further resolved:* That a duly attested copy of this resolution together with a covering letter noting that the state of Kansas officially opposes the proposed authorization for funds for the acquisition of the Lyons site and any construction work thereon, be immediately transmitted by the secretary of state to the Honorable John O. Pastore, Chairman of the Joint Committee on Atomic Energy of the United States Congress.

*Be it further resolved:* That if in his judgment he deems it desirable the Governor or his duly designated representative is authorized to appear in person at the hearing before the Joint Committee on Atomic Energy in Washington for the purpose of officially opposing any legislative authorization that has for its purpose the acquisition of land in the Lyons, Kansas, area to create and construct a depository for atomic wastes.

#### EXHIBIT 2

#### KANSAS STATE GEOLOGICAL SURVEY COMMENTS ON AEC REPORT

THE UNIVERSITY OF KANSAS,  
STATE GEOLOGICAL SURVEY,  
Laurence, Kans., January 15, 1971.

Mr. DALE E. SAFFELS,  
Chairman, Advisory Council on Ecology,  
State Corporation Commission, State  
Office Building, Topeka, Kans.

DEAR MR. SAFFELS: I am responding to a letter from Governor Robert Docking, dated December 29, 1970, asking me to forward comments to you regarding a draft copy of Environmental Statement, Radioactive Waste Repository, Lyons, Kansas from the Atomic Energy Commission under covering letter from John A. Erlewine, and a report entitled Disposal of Solid Radioactive Wastes in Bedded Salt Deposits by the Committee on Radioactive Waste Management of the National Academy of Sciences.

I am pleased to have opportunity to comment on these reports because I have been widely quoted in the newspapers as stating that I wrote the National Academy report, that the report endorses the Lyons site for radioactive disposal, and that I thereby express my approval and endorsement of the project. These statements are not correct. Actually, I served on the Panel on Disposal in Salt Mines of the Committee on Radioactive Waste Management, and I did make major contributions to the Panel report, which subsequently was reviewed and changed by the parent Committee.

For the most part, I agree with the National Academy report, which does not give unqualified endorsement of the Lyons site,

and contains many constraining statements. For example, under Summary and Conclusions, the Committee states that disposal in bedded salt is the safest choice now available, provided the wastes are in an appropriate form and the salt beds meet the necessary design and geological criteria. The Committee states that the site near Lyons, Kansas is satisfactory, subject to the development of certain additional confirmatory data and evaluation.

The recommendations of the Committee for additional studies and investigations are the same recommendations of the Kansas Geological Survey, and I acknowledge responsibility for making sure that they were a part of the report. Included in the recommendations are geological and hydrological studies, including cored and logged drill holes; study of subsidence of the mine, studies of radiation damage affects, further information on the thermal and mechanical properties of the salt beds and other key stratigraphic units, theoretical and experimental work using cored material to determine the possibility of thermally initiated flow patterns, additional information on thermal conductivity, thermal diffusion, thermal expansion and phase changes, and a waste retrieval plan.

I am disturbed to note an Appendix to the Committee report which was not a part of the original report. Seemingly, the statements in the Appendix were added gratuitously in an attempt to refute some of the concerns of the Committee.

As to the Environmental Statement, I find many parts of it to be general, meaningless, and a public relations effort designed to relieve the fears of critics. Throughout the report, conclusions are based upon results derived from studies using simplified models or naive assumptions. The assumption is made that the impermeability of the salt bed will protect against release of radioactive material to underground water resources, and that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale. Temperatures at the surface, in water bearing rocks, and in the salt are considered to be of relatively little significance. The report concludes that closure of the mine, caused by consolidation and recrystallization of crushed salt backfilled into rooms, will eventually find expression in very shallow subsidence at the surface. These movements are judged to be so slow and gradual that the surface and all intervening rocks will adjust to this deformation without deleterious affects, and any fractures which might develop will be readily healed by plastic deformation of the salt.

The report states that once radioactive wastes are emplaced in the salt repository they will be regarded as in permanent storage. Retrieval would only be considered in light of an objective safety problem under circumstances which to date have not been postulated. However, the facility will be designed so as not to preclude retrieval. The burial locations for each container will be accurately surveyed and recorded so that retrieval by use of remotely controlled automatic mining equipment would thus be possible. With regard to transportation, solid wastes will be shipped in a special container by rail during initial years of operation, and wastes will be packaged and shipped in conformance with A.E.C. and Department of Transportation regulations. All of these statements should be scrutinized carefully.

#### GEOLOGICAL INTEGRITY OF THE SITE

In general, it is true that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale. However, these rocks never have been subjected to the thermal or radiological stresses that are as-

sumed. Furthermore, we have reason to judge that the assumed stresses may be an error. Even so, some structural deformation is evident from our geological studies. The salt thins over structural highs, the Harper Sandstone exhibits numerous high-angle fractures which appear to be open, and high-angle fractures, which do not appear to be open, occur in the overlying Kiowa Formation.

#### THERMAL AND RADIOLOGICAL STRESSES

The project has been designed without a clear understanding of heat diffusion problems. Models used for solution of the complex heat-flow problem have been based upon a rock section consisting of units of pure salt and pure shale. The actual rock section consists of laminated salt and shale, and analytical results may be very erroneous. The analytical solutions for heat flow and temperature distribution assume homogeneous and isotropic media in two dimensions only for steady and unsteady conditions, and are based on constant rock properties. Furthermore, heat flow per canister is an assumed value, and actual values have not yet been determined. Our own trial calculations, based on introduction of 10 and 20 foot shale layers, 15 and 55 feet above the mine, indicate a 34 percent rise in the peak temperature of the mine as compared with a peak temperature in pure salt. Physical properties of rocks do change with temperature, and the physical properties of salt especially are susceptible to temperature change. Some of these property changes range from the fourth to the tenth power of the temperature. In addition, we have no measure of pore pressures that may develop in fluid-bearing shales.

The Oak Ridge National Laboratory and A.E.C. staff have exhibited remarkably little interest in a proper study of the heat flow problem, and have not demonstrated capability for solving three-dimensional problems involving a complex laminated section.

The affects of radiation damage to salt have not been adequately examined. Samples of salt obtained from the Salt Vault site at Hutchinson show energy storage of approximately 10 to 50 calories per gram from gamma radiation. Samples of salt irradiated with protons from the Van de Graaff Accelerator show energy storage as high as 80 calories per gram. Thus, an additional thermal problem arises from the potential capacity of the salt to undergo rapid thermal excursion through sudden release of the stored energy. The release of 80 calories per gram would cause temperatures in the affected region to rise from 300° C. to 620° C. These high temperatures could result in greater flowage of salt around the containers and could cause an explosive effect due to the sudden thermal expansion. Thus, thermal and radiological stresses interacting with the stresses caused by consolidation and recrystallization of the salt could produce shear in overlying rocks, and subsidence of some magnitude.

Accordingly, the seal of overlying rocks could be broken, creating vertical permeability and permitting entry of surface or subsurface waters. Our investigations of the sandstones of the Kiowa Formation reveal that water in them may be under artesian pressure. It is imperative that studies be continued to determine whether this underflow exists and whether it could feed a system of fractures. One can state with some certainty that access of water to the salt, at calculated or higher than calculated temperatures, would create a thermal convection and circulation system. Most certainly, solution of the salt would take place and the integrity of the storage site could no longer be maintained. The State Geological Survey regards solution of these problems as crucial to the safety of the repository site, and urges most strongly that studies be undertaken immediately.

#### RETRIEVAL PROBLEMS

As long as the waste containers maintain their integrity, only small quantities of salt would be subject to high-energy, heavy-particle radiation. However release might occur once or twice a year for about three years and melting or explosion could cause containers to migrate to lower depths, possibly to shale layers, and faults could develop in overlying rocks because of explosions. In addition, the metal containers are expected to begin to deteriorate within six months, and the ceramic material containing the radioactive wastes is expected to deteriorate within several years. Accordingly, radioactive particles could migrate through the salt. If the particles are heavy, downward migration might occur due to localized melting; if they are light they might migrate upward. Water is available in the salt, and the waste particles could be suspended by turbulent boiling. Furthermore, the solid particles would expose the salt to significantly higher radiation doses.

The ceramic material also can store energy, and gamma radiation can cause chemical breakdown of salt. Radiolysis could result in formation of new chlorine compounds that are capable of leaching plutonium. Thus, statements that burial locations for each container will be accurately surveyed and recorded so that precise location of the wastes will be known are relatively meaningless. Furthermore, the recovery of these dispersed wastes in a hostile environment at high temperature and radiation levels is scarcely a trivial problem. Although the staff of Oak Ridge National Laboratory and the A.E.C. have stated that the technology for such recovery is available, no design concept has been revealed.

#### TRANSPORTATION

Although not really within the competence of the staff of the Geological Survey, our views concerning transportation are stated here in order to reinforce the expressed concerns of competent staff in other state agencies. If statements that the surface temperatures of transportation casks will be approximately 350° C. are correct, most certainly these containers will not be in conformance with A.E.C. and Department of Transportation regulations. Furthermore, railroad roadbeds in Kansas are judged by authorities to be in exceedingly poor condition. Areqate designs for a transportation system have not been revealed, and to the best of our knowledge the proposed National Academy of Sciences Committee on Transportation has not yet been appointed.

I hope that these comments will be useful to you in assembling comments for the development of a statement by Governor Docking, and I enclose an additional copy of our preliminary report dated December 2, 1970 for your possible use.

Sincerely yours,

WILLIAM W. HAMBLETON,  
Director.

#### EXHIBIT 3

#### MEMORANDUM FROM U.S. DEPARTMENT OF THE INTERIOR

FEBRUARY 3, 1971.

Mr. JOHN A. ERLEWINE,  
Assistant General Manager for Operations,  
U.S. Atomic Energy Commission, Washington, D.C.

DEAR MR. ERLEWINE: This is in response to your letter of November 30, 1970, requesting our comments on the draft environmental statement on the Atomic Energy Commission's proposed radioactive-waste repository near Lyons, Kansas. This draft environmental statement, and the included report on "Disposal of Solid Radioactive Wastes in Bedded Salt Deposits" by the Committee on Radioactive Waste Management of the National Academy of Sciences-National Research Council, have been reviewed by the



several Bureaus within this Department that have special expertise with respect to the environmental impact of the project.

We believe that the proposal of the Atomic Energy Commission to establish a thoroughly investigated, underground, national repository in relatively impermeable rocks for solid, radioactive wastes on federally owned property is a major, positive step in isolating radioactive wastes from man's environment, and in eliminating the problem of proliferating the disposal sites of radioactive wastes in environmental situations whereby the products might reach water or other resources valuable to man. The research efforts of the AEC, and the utilization of various fields of scientific and engineering expertise over the past decade, to develop methods whereby highly radioactive wastes can be reduced to small volumes of encapsulated, relatively insoluble waste that can be transported safely from various fuel-element reprocessing plants to areas of ultimate disposal in relatively impermeable rocks, are commendable.

We agree with the general conceptual conclusions of the NAS-NRC Committee on Radioactive Waste Management, as expressed in their reviewed report (p. 1-2), that the use of bedded salt deposits for the disposal of radioactive wastes in bedded salt is the safest choice now available, provided that the wastes are in an appropriate form and that the salt beds meet necessary engineering-design and geological criteria. However, we believe that additional significant studies and confirmatory data concerning the geology and hydrology of the salt deposits and overlying rocks at and near Lyons, Kansas, and the effects of construction of the waste-disposal facility will be necessary to demonstrate, conclusively, that these deposits are indeed suitable for the "final repository" mentioned (on p. 2) in the draft environmental statement. Our concerns are based partly on the statements in the draft environmental statement (p. 18) that, although retrieval of the wastes is conceptually possible, the emplacement of the wastes in the salt formation at Lyons would, actually, be regarded as "permanent storage." Such a permanent commitment of the wastes requires a very strong and scientifically convincing demonstration that the wastes will remain in a geologically relatively undisturbed and hydrologically isolated position for the several thousand years required for the decay of the high-level fuel-reprocessing wastes, and the several hundred thousand years required for the decay of the other "alpha-emitting" solid wastes (which contain long-lived isotopes such as plutonium). Such a scientific and engineering demonstration does not appear to be impossible at all, but it will require a more thorough and better-documented approach than is presented in the draft environmental statement. Our views concerning the Lyons, Kansas, site are generally similar to those of the NAS-NRC report which recommends (p. 7, item 4) that "additional studies and investigations, described below, be undertaken concurrently with planning and site acquisition. If these studies and investigations reveal problems or conditions that would jeopardize the safety and integrity of the storage site, the project should be reconsidered. However, based on research and development performed to date, the Committee does not anticipate any insurmountable problem."

Our specific comments on the draft environmental statement are provided below.

Although the subject environmental statement in summary (p. 2) that no significant impact on the environment is anticipated from the construction or operation of the repository, it does not present sufficient information to evaluate the potential impact of all aspects of the facility. Therefore, an endorsement of the establishment of the repository cannot be given on the basis of the

environmental statement, or the included report by the NAS-NRC Committee. The NAS-NRC Committee, of course, has given only a qualified endorsement (p. 6-7); has pointed out (p. 7-9) special management problems; and has prescribed (p. 9-16) continuing studies and development programs to be carried out before waste-disposal operations begin. Most of these problems and investigations have a strong bearing on final decisions as to whether the project is feasible.

We believe that there are inadequacies in the presentation of specific items in the draft statement that the Commission may wish to consider in preparing its final statement. It is noted that the statement (p. 18-19) does not provide an adequate specific description or analysis of the contemplated design of its "high-level mine" from which the effects of mining subsidence (p. 35-36) can be evaluated, even in a general, qualitative manner. For example, if multilevel mining is contemplated, such a process in a small area might produce entirely different effects in terms of subsidence and possible fracturing of overlying rocks (including possible ground-surface rupturing) than would mining at one level over a large area. Such unspecified effects could be critical to the location and safe operation of surface facilities; to the long-term integrity of the stored wastes; and to possible environmental changes at the land surface, such as stream-drainage changes, ponding, and poor soil drainage. Additionally, it would be advisable to describe in more detail how the mined salt will be processed and utilized to increase its density for backfill to reduce subsidence in both the existing mine and the "high-level mine", and to specify the scheduling for backfilling operations. Criteria for backfilling in the areas of disposal of "alpha-emitting" solid wastes are especially desirable, since salt flowage and other deformations are presently occurring in the Carey Salt Mine.

A brief analysis of earthquake hazards is presented on pages 24-27 of the draft environmental statement. This analysis points out that, during the relatively brief historic record of the central stable region of the United States, earthquake activity has been relatively low, but that the earthquakes in this region have ranged up to intensity VI (Modified Mercalli). The geologic history of the region indicates tectonic stability for a very long period of time. Nevertheless, since earthquakes have occurred at many places in the Kansas-Nebraska region, they can be expected to occur in the future. Therefore, the statement should derive and specify the expected earthquake; the expected vibrational or other ground effects at the site; and a definition of the potential hazard to mines or surface structures. Presumably, the degree of conservatism in seismic design criteria should be based on an analysis of the potential radioactivity hazard presented by failure of man-made structures and their components at the site.

The environmental statement (p. 9) indicates that one of the most important features of salt deposits is that they are free of circulating ground water and are isolated from aquifers by essentially impermeable shale. The geologic history of these deposits indicates that such conditions have obtained for a very long period of time. However, we must stress that the conditions referred to apply only to the rocks in their natural state, undisturbed by man. Also, the tendency of fractures in salt to heal by plastic flow applies primarily to relatively pure salt, whereas the Hutchinson Salt Member of the Wellington Formation at the Lyons, Kansas, site contains a significant number of interbedded layers of shale. In a 1966 report, the National Academy of Sciences-National Research Council, Committee on Geologic Aspects of Radioactive Waste Disposal, included the suggestion that a study be made of, "the behavior of shale interbeds that will be sub-

jected to long periods of elevated temperatures and radiation, in order to anticipate possible changes in wall, ceiling, and floor conformation (of the mine) additional to those caused by creep and flow of salt." Following the recommendations of the NAS-NRC, the AEC sponsored intensive investigations by Oak Ridge National Laboratory on these topics. The results of these investigations are reported to be generally favorable in the existing mine workings. Nevertheless, in view of the above-stated concern related to the lack of data on the "high-level mine," it should be pointed out that further analyses of thermal and other stresses on the heterogeneous rocks in the Hutchinson Salt Member at the site are warranted. These stresses (prolonged heating and exposure to radiation, and subsidence and deformation associated with the mining and flow of salt) could result in fracturing of the rocks above the salt. If the system of induced fractures extends upward through the 500-foot-thick section of shales between the Hutchinson salt and the Stone Corral dolomite, which is a fresh-water aquifer, ground water might move down to the salt. Sandstones of Cretaceous age, about 100 feet above the Stone Corral dolomite, are another source of fresh water which might be involved. Convective water circulation through fractures, induced by heat from the radioactive wastes, could result in a long-term cycle of dissolution of the salt and the eventual aqueous transport of radioactive wastes to the surface. In view of the fact that the "high-level" and "alpha-emitting" wastes will not have decayed to innocuous levels of activity for thousands of years (in the case of plutonium, hundreds of thousands of years), there would be adequate time for this circulation system to transport radioactive wastes to shallow aquifers or to the surface. These problems are not overwhelming, but they are legitimate areas for further analysis and documentation.

The discussion of natural, ground-water leaching of rock salt deposits (p. 34) states that the salt deposit ends abruptly about 25 miles east of the site and a series of subsidence ponds and salt-water springs overlie the present stratigraphic position of the salt member. The environmental statement indicates that, based on the "precise dating of subsidence features," the salt front has retreated westward five miles in the last one million years in Saline County, an 13 and 12 miles, respectively, in about five million years in McPherson and Harvey Counties. It is impossible to evaluate these rates of subsurface solution of the salt formation without specific and detailed information on the regional paleogeology and inferred paleohydrology, and on the methods used to date the subsidence features. Such information, presumably, will be developed by investigations in progress, such as those discussed under "Long-term research and development" on pages 14-16 of the NAS-NRC report.

The following design criteria, operational procedures, and studies that the Commission must have certainly considered while planning the repository are believed to be vital to the safe long-term operation of the proposed facility and therefore should be presented in the final detailed statement:

1. Studies to determine the deterioration rate of the stainless steel and high carbon steel canisters to be used for storing radioactive wastes in the salt environment of the mine;
2. Studies to determine the rupture strength of these canisters from internal gas and temperature build-up during the decay of the contained radioactive materials;
3. Provisions for continuous air monitoring to detect dangerous levels of radioactive gases and airborne particulate matter within the mine and at the mine ventilation exhaust port, both before and after filtration;
4. Provisions for rapid and automatic sealing of all mine openings in the event of a

radiation accident, atmospheric contamination, destruction of support facilities (receiving buildings and hoisting), and loss of power (ventilation and monitoring);

5. Provisions for removal, storage, and treatment of water that may accidentally enter storage areas in the mine and become contaminated;

6. Provisions for drilling and instrumenting deep wells about the perimeter of the disposal site to monitor temperature and radiation levels in the Hutchinson and adjacent formations, and overlying aquifers;

7. Construction and posting of a personnel barricade around the perimeter of the repository;

8. Continuous ecological and other environmental monitoring within and immediately surrounding the site;

9. Provision for strategically located mine safety areas and/or shelters to which personnel could retreat in the event of a caving or radiation accident, and from which they can be rescued without bringing radioactive contaminants to the surface;

10. Provisions for installing radiation monitoring equipment and/or sealing of all existing oil, gas, and water wells within or surrounding the repository site;

11. Planned means for cleaning up radioactive waste spillage within the mine, receiving facilities, and along principal access routes.

Regardless of possible industrial or other uses, the area should be revegetated to the natural state as soon as possible in order to maintain the actual ecological niche of the general area.

The waste handling procedures and emplacement of wastes into the mine should be further described. The terms used for waste containers (casks, waste packages, high-level waste containers, etc.) should be defined to give a better perspective of the operation. It should be pointed out if there is any limit on container size or the amount of activity per container of high-level waste. If not, spacing of holes for thermal control in the floor of the mine may need to be determined for each container. Additionally, the containers should not be placed next to beds of shale or anhydrite that contain gypsum because shale and gypsum when heated can yield moisture and corrode the metal containers. Comments in these regards should be embodied in the Statement.

Hydrologic studies being made should also determine the need to control man's activities on the surface from new agriculture development and industrial installations that may precipitate unintentional changes in the ground-water regimen above the salt beds. Over several decades this could adversely effect salt storage areas.

A problem area that is still under investigation by the Committee on Radioactive Waste Management is the disposal of salt excavated from the repository. Since this could affect the water quality of surface or ground-water in the site vicinity if incorrectly conducted, further mention should be included in the Statement.

The possibility of induced movement of water in the aquifers resulting from increased temperatures caused by nuclear wastes further emphasizes our previous comments on the need to sample ground-water and analyze the samples for radioactive components.

We hope that our comments will be helpful in the development of a final environmental statement that gives full consideration to the areas of concern expressed above, and we note that the Geological Survey of this Department is participating, at the request of the Atomic Energy Commission, with the Kansas Geological Survey in evaluation of the geologic, hydrologic, and geophysical factors relevant to establishing a national repository for radioactive wastes

in salt deposits near Lyons, Kansas. Accordingly, we look forward to the opportunity of reviewing the revised environmental statement.

Sincerely yours,

HOLLIS M. DOLE,  
Secretary of the Interior.

#### EXHIBIT 4

BIOLOGY LETTER FROM MESSRS. HULBERT AND ROBEL, KANSAS STATE UNIVERSITY  
KANSAS STATE UNIVERSITY,  
Manhattan, Kans., February 9, 1971.

Mr. DALE E. SAFFELS,  
Chairman, Advisory Council on Ecology,  
Kansas Corporation Commission, State  
Office Building, Topeka, Kans.

DEAR DALE: This letter is being drafted in response to the November 1970 Environmental Statement on the proposed Radioactive Waste Repository compiled by the United States Atomic Energy Commission. My comments will be slanted toward the potential effects of this project on the plant-animal community since you and Dr. Hambleton will treat the transportation and geological portions respectively.

The statement by AEC that "No significant impact on the environment resulting from either the construction or operation of the proposed repository is anticipated" is well and good. However, there are no plans to monitor the environment to detect changes if they do occur. Without continual monitoring of this "experimental project", no scientist can say in 25 years that there were no adverse effects . . . similarly in 25 years, AEC could not defend itself against charges of adverse effects if no monitoring takes place. I have great confidence in AEC's engineering capabilities, however if their interpretation of environmental relationships is actually as naive as their report seems to indicate, then I feel even more strongly that we must have independent (state) controls on this project. The AEC report devotes less than one page to the effects of the proposed project on the ecosystem. What is stressed is that (page 37) "In general, no significant effect on wildlife populations is anticipated either in regards to numbers or in species composition." One might question what is "significant" to AEC, likewise, what do they mean by "anticipated." Few plans are ever foolproof as exemplified by the accident at the Idaho Falls plant in 1961, the accident at the Windscale Works in England (400 square miles contaminated), the nerve gas accident in Skull Canyon, the escape of radioactive materials from recent underground nuclear blasts in Nevada, the high level releases of strontium 90 from the Nuclear Fuel Services plant in New York, etc. None of these were anticipated, but they did happen as have many many more such unanticipated events which we term accidents.

In an attempt to obtain some ecological information on the proposed repository site, AEC contracted seven ecologists at Kansas State University (via the Oak Ridge National Laboratory) to conduct surveys of the area and to then recommend precautionary measures to insure the protection of the environment at the Lyons site. These seven reports were submitted to AEC in September and October of 1970 and constituted over 130 pages of material. None of these data is mentioned in AEC's environmental statement nor are any of the recommendations mentioned in AEC's statement. All seven of the ecologists in Kansas recommended independently that continuous studies must be conducted on the site to detect changes if they occur. No such plans are mentioned in the November 1970 environmental statement prepared by AEC. If AEC does not plan to do this, then the State of Kansas must conduct them for its own protection. The continuous studies proposed by the Kansas State ecologists would

essentially monitor the effects of the repository site on the plant-animal ecosystem. These studies would require acquisition of at least two (four would be more ideal) 160-acre tracts of land on which to conduct research. The data collected on these control sites would then be compared to similar data collected from the repository site. These studies must be initiated prior to the development of the repository site if they are to be of any value in monitoring the effects of the operations on the site.

Recommended studies included, but were not limited to, the following areas.

1. An evaluation of the potential effects of chronic and accidental releases of radioactive wastes into the environment.

a. Pathways and flow rates of <sup>90</sup>Sr, <sup>137</sup>Cs, <sup>244</sup>Cm, <sup>241</sup>Am, and Pu through the terrestrial ecosystem.

b. Pathways and flow rates of <sup>90</sup>Sr, <sup>137</sup>Cs, <sup>244</sup>Cm, <sup>241</sup>Am, and Pu through the aquatic ecosystem.

c. Potential dispersal of radioactive contamination to humans in the 40 to 60-mile area surrounding the Lyons site via terrestrial animals.

d. Potential dispersal of radioactive contamination to humans in the Arkansas River Drainage via aquatic organisms (this includes Hutchinson, Wichita, and Arkansas City in Kansas).

e. Changes in species composition of the flora and fauna on the Lyons site; most critical in this area are the natural balances in the ecosystems, i.e., populations of ectoparasites are known to increase rapidly in response to very small changes in radioactive contamination and ectoparasites are known to transmit many diseases to humans, livestock, and plants.

2. Potential effects of temperature changes on the ecology of the site.

a. Effects of a 10-14° F temperature increase on the deep (60-70 ft) root systems of trees on the area . . . including those in Lyons itself.

b. Effects of a 3 to 5° temperature increase on the deep (3 to 15 ft) root systems of perennial grasses and herbs.

c. Effects of 1° F or more temperature increase on the biota of soil, especially the incubation time of eggs of economically important insects and the reproductive potential of pathogenic bacteria.

d. Changes in soil-water interactions due to changes in soil temperatures, primarily those affecting soil fertility and decomposition action of bacteria.

e. Potential effects on Cow Creek of temperature increases in the subsurface and surface runoff water from the site.

The above are but a few of the types of unanswered questions posed by ecologists. Funds and manpower are needed to answer them. Many issues have not even been mentioned in AEC's environmental statement, including the increased cost of road and residence maintenance due to subsidence on the area, increased costs for the Lyons citizenry to cool drinking water taken from warm aquifers, etc. Until we have answers to many of the above questions or at least are assured that these questions will be given serious consideration, I strongly recommend that the Advisory Council on Ecology advise Governor Docking not to accept, as adequate, the November 1970 environmental statement prepared by the United States Atomic Energy Commission. I would recommend further that the Advisory Council on Ecology make its reactions known, via the Governor of the State of Kansas, to the Environmental Protection Agency and the President's Council on Environmental Quality.

Sincerely,

R. J. ROBEL,  
Vice Chairman,  
Advisory Council on Ecology.



KANSAS STATE UNIVERSITY,  
 Manhattan, Kans., February 2, 1971.  
 Mr. DALE E. SAFFELS,  
 Chairman, Advisory Council on Ecology,  
 State Corporation Commission,  
 State Office Building,  
 Topeka, Kans.

DEAR MR. SAFFELS: In response to the letter from Governor Docking of December 29, I am sending the following comments concerning the detailed environmental statement on the proposed Radioactive Waste Repository at Lyons, Kansas. My first comment is in the subject area in which I have the most competence. The others are more general comments.

1. The statement assumes, on the basis of planning, that there will be no change sufficient to affect the biota, including man, either from the heat produced or from radioactive wastes in the environment. I am willing to accept that this is probably so, but this is an experimental undertaking and we cannot guarantee that it is so. The escape of radioactivity from the recent underground nuclear test in Nevada, which planners said would not occur, and the problems encountered in the lunar space craft, where extreme care is used to assure success, both attest to the fact that perfection is not assured. Perhaps equally important, even if no adverse effects do arise, it will be important that we be able to establish that no effects did occur. It will be likely that someone in the area around the repository who gets sick, or who has livestock or plants that get sick, will accuse the repository for causing the malady. Without constant surveillance and study, we will not be able to know whether such accusations are true or false. In addition, in any experimental facility we need to check on all possibilities in order to learn as much as possible from the experiment and to detect unintended effects. For these reasons I consider it essential that we in Kansas require that the policy statement include the following:

a. Studies must be conducted before, during, and after the active storage of radioactive wastes, on the composition of the vegetation, populations of invertebrate and vertebrate animals, decomposers, and of the radionuclide concentrations in important members of each trophic level in the area. Such studies must be made both on the repository site and on control sites with as similar soils and vegetation as it is possible to find. The control areas should be about five miles away, preferably to the east or west.

It is likely that the heat in the soil will alter the moisture relations and the biota to some extent. Even though the change in the biota may well be acceptable to us, it is of great importance to know what the change is. Less likely is the possibility of radionuclide concentrations in the biota becoming hazardous, but we must know whether these levels are high or low, and we must know the source and rate of increase if they occur. For all these changes it is essential that control areas a few miles away be established for comparison studies, preferably one east and one west. The control areas need to be far enough away to have radionuclide concentrations that might come from the repository at a level low in comparison to the repository site, yet the areas should be close enough to make comparative studies easy and to keep weather variations low.

b. Monitoring of radionuclide concentrations must be carried on in the atmosphere, stream, groundwater, and soil of the repository area, the control areas, and of selected other sites in Rice or adjoining counties.

c. Meteorological records must be collected before, during, and after storage of radioactive wastes, both on the repository site and on the control areas.

2. The statement on p. 36 says that there is only one low-producing oil well on the repository site and that other information from the area indicates that no significant mineral resources underlay the repository site. A petroleum geologist at Saline, O. S. Fent, recently told me that he understands that one new producing well was drilled on the area, and that more drilling is in progress. It would appear that the statement needs to be modified in light of this. It also seems pertinent to have competent personnel see if this affects the plans for the site. Finally, it emphasizes the fact that judgments given in the statement can be incorrect.

3. On the basis of what I know, I urge that we in Kansas require that the excess salt be disposed of preferably by sale or storage in another mine, or if these are not possible, by shipment to the ocean, although this latter possibility is not desirable ecologically. I believe it would be unwise to convert the excess salt to a brine and inject it into the Arbuckle Formation, because we lack sufficient knowledge of possible effects of such injection. For example, the argument that such disposal by petroleum industry has worked well does not seem valid, as they remove more than they inject. The injections of material near Denver are suspected of having some detrimental effects in that area. If the brine were to later move into a fresh-water aquifer, the economic effect would be considered.

4. It seems to me wise to have the State of Kansas receive some financial remuneration for the storage of radioactive wastes in the state. The method is not my concern, but might be a certain amount per cask of waste shipped to Lyons. The reason I suggest this is that we are the ones to most suffer if something does not work out as planned at the facility, and one way to reduce the chance of this is to have the State, or a reliable independent laboratory selected by the state, conduct surveillance, in addition to surveillance conducted by the AEC. I am aware that the AEC is trying to plan well, and is concerned with safety. However, there can be honest mistakes, and also it is possible for the AEC to become a promoter of nuclear power with a zeal or method that causes carelessness or oversight. If the state also is keeping watch, the chance of wrong procedures continuing long unnoticed are diminished. Surveillance by the state will cost money, and it certainly seems right that the cost be a part of the cost of power production, and not come from the general tax sources of Kansas.

It is not clear to me what the steps are in developing the Lyons Project, so I am not sure if all of the above comments are meant to be covered by the environmental statement of AEC. However, the lack of understanding of steps can be one of the ways that mistakes are made, so it seems wise for us to ask about these points and to follow up on them until we are sure they are satisfactorily resolved. I will be glad to amplify on any of my statements expressed herein.

Sincerely,

LYNN C. HULBERT,  
 Associate Professor.

#### EXHIBIT 5

AEC ENVIRONMENTAL STATEMENT AND GOVERNOR'S TRANSMITTAL LETTER TO AEC  
 REPORT ON THE ATOMIC ENERGY COMMISSION'S ENVIRONMENTAL STATEMENT TO GOV. ROBERT B. DOCKING BY THE ADVISORY COUNCIL ON ECOLOGY, FEBRUARY 22, 1971

In December of 1970, the Atomic Energy Commission forwarded a *Draft of the Environmental Statement, Radioactive Waste Repository, Lyons, Kansas*, to the Governor of Kansas for review and comment. Governor Docking transmitted the Draft to the

Advisory Council on Ecology for preparation of a statement to the Atomic Energy Commission.

The Advisory Council on Ecology distributed the *Environmental Statement* to its members and members of the Kansas Nuclear Energy Council, Kansas Academy of Science, Kansas Department of Health, Kansas Geological Survey, and knowledgeable citizens for comment. This report has been compiled by the Advisory Council on Ecology from the responses received.

#### GENERAL COMMENTS

The *Environmental Statement* does not include a documentation that permits evaluation of all aspects of the facility, a description and degree of implementation of continuing studies and development programs prescribed in the qualified endorsement of NAS-NAC Committee, and it is recommended that this be included in the revised draft.

A better organization of the Statement, use of standard language, and the inclusion of a bibliography would allow scientists and those with a legitimate interest to have a better knowledge of the proposal.

Adequate designs for the transportation system and receiving facilities are not yet available. The proposed National Academy of Science Committee on Transportation, which is to aid in the development of these designs, should be appointed as soon as possible and charged with examining the possibilities for a safe transport system, which would include alternate modes of transportation.

The report of the National Academy of Science's Committee on Radioactive Waste Management is cited as concluding that the bedded salt use for disposal of radioactive waste is "satisfactory pending additional confirmatory data and evaluation."

It is recommended that the A.E.C. document the additional data and evaluations which the Committee indicated are required to assure the safety of the project. Without this information, and the plans which the A.E.C. has to obtain the information, the *Environmental Statement* is little more than a review of existing incomplete knowledge.

#### ENVIRONMENTAL IMPACT

The impact of the disposal of waste on the geological environment needs additional consideration because of several factors.

**Heat.**—The thermal impact of the project cannot be adequately estimated because the project has been designed without a clear understanding of heat diffusion problems. Models used for solution of the complex heat-flow problem have been based upon a rock section consisting of units of pure salt and pure shale. The actual rock section consists of laminated salt and shale, and analytical results may be very erroneous. The analytical solutions for heat flow and temperature distribution assume homogeneous and isotropic media in two dimensions only for steady and unsteady conditions, and are based on constant rock properties. Furthermore, heat flow per cannister is an assumed value, and actual values have not yet been determined. The Kansas Geological Survey calculations, based on introduction of 10 and 20 foot shale layers, 15 and 55 feet above the mine, indicate a 34 percent rise in the peak temperature of the mine as compared with a peak temperature in pure salt. Physical properties of rocks do change with temperature, and the physical properties of salt especially are susceptible to temperature change. Some of these property changes range from the fourth to the tenth power of the temperature. In addition, we have no measure of pore pressures that may develop in fluid-bearing shales.

**Radiation Damage.**—As long as the waste containers maintain their integrity, only small quantities of salt would be subject to high-energy, heavy-particle radiation. How-

ever, release might occur once or twice a year for about three years by rapid melting or explosion. This could cause the containers to migrate to lower depths, possibly to shale layers, and faults could develop in overlying rocks because of explosions. However, the metal containers as designed are expected to begin to deteriorate within six months, and the ceramic material containing the radioactive wastes is expected to deteriorate within several years. As a result, radioactive particles could migrate through the salt. If the particles are heavy, downward migration might occur due to localized melting; if they are light they might migrate upward. Water is available in the salt, and the waste particles could be suspended by turbulent boiling. Furthermore, the solid particles would expose the salt to significantly higher radiation doses. The ceramic material in the containers also can store energy. Gamma radiation can cause chemical breakdown of salt and radiolysis could result in formation of new chlorine compounds that are capable of leaching plutonium. Thus, statements that burial locations for each container will be accurately surveyed and recorded so that precise location of the wastes will be known are incorrect. The recovery of dispersed wastes in a hostile environment at high temperature and radiation levels is also difficult. Although the staff of Oak Ridge National Laboratory and the A.E.C. have stated that the technology for such recovery is available, no design concept has been submitted for review.

The effects of radiation damage to salt have not been adequately examined. Samples of salt obtained from the Salt Vault site at Hutchinson show energy storage of approximately 10 to 50 calories per gram from gamma radiation. Samples of salt irradiated with protons from the Van de Graaff Accelerator show energy storage as high as 80 calories per gram. A problem arises from the potential capacity of the salt to undergo rapid thermal excursion through sudden release of the stored energy. The release of 80 calories per gram would cause temperatures in the affected region to rise from 300° C. to 620° C. These high temperatures could result in greater flowage of salt around the containers and could cause an explosive effect due to sudden thermal expansion.

**Geologic Integrity**—The geophysical impact of the project is based on the assumption that the impermeability of the salt bed will protect against release of radioactive material to underground water resources, and that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale. Temperatures at the surface, in water bearing rocks, and in the salt are considered to be of relatively little significance. The report concludes that closure of the mine, caused by consolidation and recrystallization of crushed salt back-filled into rooms, will eventually find expression in very shallow subsidence at the surface. These movements are judged to be so slow and gradual that the surface and all intervening rocks will adjust to this deformation without deleterious effects, and any fractures which might develop will be readily healed by plastic deformation of the salt.

In general, it is true that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale. However, these rocks never have been subjected to the thermal or radiological stresses that are assumed. Furthermore, there is reason to judge that the assumed stresses may be in error. Even so, some structural deformation is evident from our geological studies. The salt thins over structural highs, the Harper Sandstone exhibits numerous high-angle fractures which appear to be open, and the overlying Kiowa Formation exhibits high-angle

fractures which do not appear to be open. Thermal and radiological stresses interacting with the stresses caused by consolidation and recrystallization of the salt could produce shear in overlying rocks, and subsidence of some magnitude.

Accordingly, the seal of overlying rocks could be broken, creating vertical permeability and permitting entry of surface or subsurface waters. Our investigations of the sandstones of the Kiowa Formation reveal that water in them may be under artesian pressure. It is imperative that studies be continued to determine whether this underflow exists and whether it could feed a system of fractures. One can state with some certainty that access of water to the salt, at calculated or higher than calculated temperatures, would create a thermal convection and circulation system. Most certainly, solution of the salt would take place and the integrity of the storage site could no longer be maintained. The solution of these problems are crucial to the safety of the repository site.

The precise number of oil and gas wells on the site and the plan for sealing them should be included in the Environmental Statement. This is a vital consideration to the integrity of the bedded rock and must be completed before the operation of the repository is authorized.

The enclosed letter from Dr. Hambleton of the Kansas Geological Survey contains an orderly discussion of the thermal, geophysical, and radiological problems.

#### ECOLOGICAL IMPACT

The ecology section of the Environmental Statement is inadequate. Despite the tremendous potential for ecological problems which the project presents, less than one page is devoted to this subject.

**Radiological and Physiological Effects**—Page 37 in the Statement concludes, "In general, no significant effect on wildlife populations is anticipated either in regards to numbers or in species composition."

The descriptions of the site ecology should include more than the bare mention of the vertebrate components. A statement of the functional relationships between all known components of the ecosystem is essential, along with a description of the required research.

Ecologists at Kansas State University conducted surveys and reported on various aspects of the site ecology. In the fall of 1970, they submitted extensive reports with recommendations. These scientists state that the determination of what is "significant effect" on the ecology is important and cannot be detected unless continual monitoring of the environment is instituted immediately.

**Meteorological Effects**—The climatological and meteorological section presented a very light overview of the wind patterns and velocities. An assessment of the potential problems related to the spread of escaped radioactive particulates or gases, and an adequate monitoring system to detect accidental releases to the atmosphere must be included. In view of some of the recent accidental releases of radioactive material, it is imperative that this problem receive further consideration, especially with respect to potential for carrying radioactive material downward over populated areas.

**Surveillance and Monitoring**—The need for monitoring to detect changes if they occur is essential. The continuous studies proposed by the Kansas State ecologists would monitor the effects of the repository site on the plant-animal ecosystem. These studies require acquisition of at least two (four would be more ideal) 160-acre tracts of land for purposes of establishing controls. Studies must be initiated prior to the development of the repository site if they are to be of any value in monitoring the effects of the operations on the site.

A surveillance and monitoring system for all aspects of the project should include the following:

(a) Studies must be conducted before, during, and after the active storage of radioactive wastes, on the composition of the vegetation, populations of invertebrate and vertebrate animals, decomposers, and the radionuclide concentrations in important members of each trophic level in the area. Such studies must be made both on the repository site and on control sites with as similar soils and vegetation as it is possible to find. The control areas should be about five miles away, preferably to the east and west.

It is likely that the heat in the soil will alter the moisture relations and the biota to some extent. Even though change in the biota may well be acceptable, the extent of change must be determined, and we must know the source and rate of increase if they occur. The control areas must be far enough away from the repository site so as to preclude radionuclide contamination, yet the areas should be close enough to determine normal radionuclide concentrations and to make comparative studies possible and to keep weather variations low.

(b) Monitoring of radionuclide concentrations and thermal levels must be carried on in the atmosphere, stream, groundwater, and soil of the repository area, the control areas, and of selected other sites in Rice or adjoining counties. Such a plan should be included in the *Environmental Statement*.

(c) Meteorological records must be collected before, during, and after storage of radioactive wastes, both on the repository site and on the control areas.

The enclosed letters from Dr. Robel and Dr. Hulbert contain more specific information on the proposed monitoring and surveillance programs which need to be initiated.

#### TRANSPORTATION

The transportation problems are a major concern. The Atomic Energy Commission has apparently planned to utilize only railroad shipping for waste transport. The design plans for the unloading points include railhead transfer stations without provision for truck or air shipments. This decision has been made although the suitability of railroad beds to take the loadings associated with the large shipments and heavy shielded railroad cars is not mentioned.

If the statements that the surface temperature of the high-level shipping casks will be approximately 350° C is correct, then the containers will not be in conformance with the A.E.C. or Department of Transportation regulations. If the casks are to approach this temperature, and no cooling system is included, then the railroad cars will constitute a hazard to railroad employees.

#### UTILITIES

Provision of adequate utilities is also important. Although the *Environmental Statement* suggests that ample electric capacity is available, recent communications indicate that the provision of service to the high level mine is dependent upon construction of a new substation by Kansas Power and Light Company. It is recommended that an emergency power supply be available in addition to the planned surface utility supply.

#### RETRIEVAL

A primary concern with regard to the high level mine is related to the retrieval of the stored wastes. The Statement on P. 18-19 implies that because the storage site will be permanent, and because the circumstances requiring recovery are not obvious at the present time, no effort will be expended to plan or demonstrate a system which would allow recovery. This type of negative attitude could endanger the health and welfare of the citizens of the state of Kansas.



The facility must be designed to facilitate retrieval. The portion of the paragraph beginning on line 23 of page 18 of the *Environmental Statement* is misleading. Not only is there insufficient data available to demonstrate that the capsules can be relocated with precision after they have been buried for ten or more years, but the remote mining equipment which is necessary to accomplish this is not available.

#### WASTE CONTAINERS

The report implies that the high level waste residues are to be encapsulated in high integrity containers. This concept is misleading if the capsules used by Oak Ridge National Laboratory during the Salt Vault tests are selected. The tested containers were light walled (0.125 inch) stainless steel containers which are well-suited to the operations involved in encapsulating the waste, but not suited for long-term integrity if the container is subjected to mechanical shock, internal pressure or the corrosive environment of the salt bed. In order to protect the safety of the working area and the surrounding environment, it is important that these containers be properly engineered for high integrity.

Waste packages of alpha wastes should be required to be sealed containers in standard sizes for handling and storage operations. The waste should be non-toxic, non-flammable solids with the same stipulation for the containers. In addition, the containers should be of sufficient structural integrity to sustain handling, stacking, and crushed salt backfilling operations. The returnable containers should not be restricted to rail car transport as discussed under transportation.

Waste-storage canister design should include consideration of canister structural integrity in bedded salt environments for reasonably long periods of time, concurrent with the design to facilitate retrieval of stored waste material. (Concrete compression members between concrete liners are a possibility.) This is important because the spacing of containers to preclude radioactive decay from heat creating excessive temperatures in the salt cannot be assured if the waste containers lose their integrity and are free to migrate in the salt.

#### SITE AND FACILITIES

The Site Selection section of the report should include water as a valuable resource for the State of Kansas. The description of the site and requirements should include a stipulation for permanent bomb-resistant markers located at the corners of the site to serve as warning monuments to future generations. The peripheral surface area of the storage vaults should be dimensionally defined and marked. The sub-surface salt and mineral rights should also be acquired prior to authorization for the project with contingencies for expansion planned in order to provide a thermal cushion area. All planning for future repositories or expansion of the present site should be completed before the project is undertaken.

The alpha waste facility should mention the surveillance and control procedures to prevent fissionable material from being introduced into the waste storage area. A receiving inventory checking system, either in the surface facilities or in the mine, should be provided to assure control of strategic fissionable material or sabotage attempts. The A.E.C. should have plans, procedures, facilities and personnel for this surveillance system included in the *Environmental Statement*.

The description of the high level waste facility is vague. The facility will supposedly consist of a waste receiving building, a newly mined area underground, and miscellaneous surface support facilities. The miscellaneous

surface support facilities should be described in detail as should the monitoring system for exhaust gases. Emergency plans for mine shutdown in the event of a power failure, accident, or other unforeseen problems must be discussed also.

There is no discussion regarding a surface holding area (swimming pool). Such a holding area is required and must be capable of accommodating a receipt backlog created by one or more of the following conditions: (a) mining disruptions, (b) storage cavity drilling flow times associated with matching spacing requirements and radiation levels of waste containers, (c) uncoordinated surges in receipt of waste material, and (d) high rejection rates from repository inspection of waste containers. These eventualities must be planned for and accommodated by the surface facilities.

#### EXCESS SALT DISPOSAL

The discussion of the mine operation indicates that most of the salt will remain below the surface. This will be very difficult to accomplish as the rates of storage increase during the later years of operation. The mining operation will generate ever increasing quantities of salt and will become a sizeable aspect of the repository operation. Space requirements for the mined salt indicate that disposal will become a critical problem. When this problem arises, it is recommended that the salt be sold to commercial outlets or deposited in other nearby salt mines as stated \* \* \*.

TOPEKA, KANS.,  
February 22, 1971.

Mr. JOHN A. ERLEWINE,  
Assistant General Manager for Operations,  
U.S. Atomic Energy Commission, Wash-  
ington, D.C.

DEAR Mr. ERLEWINE: I am pleased to submit the recommendations and concerns of the appropriate state agencies and citizens of Kansas with respect to the November 1970 draft of the *Environmental Statement, Radioactive Waste Repository, Lyons, Kansas*. We advise the recommendations in the attached Report be included in the final draft of the *Environmental Statement*.

The concept of isolating radioactive wastes from the natural environment to protect the health and welfare of our citizens is a positive step toward the goals of the National Environmental Policy Act. The efforts of the Atomic Energy Commission to develop methods of reducing the waste volume and permanently disposing of them in impermeable rocks are necessary and commendable.

Because bedded salt deposits presently offer one of the more satisfactory methods for disposal of radioactive waste and a site near Lyons, Kansas, has been chosen as the repository location by the Atomic Energy Commission, the State of Kansas is responsible to its citizens for assuring the safety of the project over thousands of years. Despite the fact that we cannot conceive of all problems which may arise, investigation must be undertaken with respect to those problems which are foreseeable and which are here-with recommended.

The major problems not covered adequately by the *Environmental Statement* fall into the categories of transportation, geological and site integrity, surveillance and monitoring, and retrievability. These problems are reviewed in considerable detail in the enclosed Report.

The Atomic Energy Commission has limited itself initially to a discussion of only rail transportation. Some of the railroad beds and tracks in Kansas over which these loads would necessarily traverse to reach Lyons are in questionable condition and further investigation is necessary to assure the safety

of delivering shipments to the site. In addition, adequate designs of the transportation system have not been presented despite reassurances from the Atomic Energy Commission that they will conform to the specifications set by the Department of Transportation and the Atomic Energy Commission. The handling procedures to prevent sabotage or loss of fissionable material are not described. In addition, the container problems need to be treated in greater depth for a variety of reasons.

Monitoring and surveillance is not adequately considered in the *Environmental Statement*. The Atomic Energy Commission contracted with Kansas scientists to make a preliminary site evaluation and their recommendations that the site to be monitored before, during, and after its use as a repository have not been acknowledged. The surveillance of the ecological, meteorological, hydrological, geological, radiological, and thermal factors must also be instituted as soon as possible to allow the detection of any serious alteration in the environment of this site.

According to our Kansas scientists, the planning and implementing necessary to assure retrievability of the high level wastes are not provided. The only provision cited which allows recovery is the documentation of the location of casks. This is inadequate because the wastes are presently scheduled to be encapsulated in casks which will lose their integrity within a few years after burial. When the casks disintegrate, the solid particles of radioactive waste will then be free to migrate according to their heat and radioactive material content.

The Kansas scientists are concerned with the effects of heat, radiation damage and subsidence as it relates to the integrity of the site. They suggest that the evaluation in the *Environmental Statement* is based on a homogeneous bed of salt rather than the layered salt and shale which actually exists, and that therefore this evaluation may not be realistic.

I am concerned that the future of Kansas be protected and feel that the investigations recommended in the attached report must be undertaken promptly. The final draft of the *Environmental Statement* should indicate this intent.

On behalf of the people of Kansas, I would like to thank you for the opportunity of reviewing and commenting on the *Environmental Statement*. Our objectives are similar—to assure the safety and welfare of the people while disposing of a hazardous waste in a permanent and safe location. I feel sure that the Atomic Energy Commission wishes to provide a truly safe national repository.

With every good wish,

Very truly yours,  
ROBERT DOCKING,  
Governor of Kansas.

#### TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The American people have the greatest access to information than any other nation in the world. In January 1969, 95 percent of all American households had at least one television set. Of those hav-

ing a TV receiver, 32 percent were color sets. Twenty-nine percent of the American households having television at that time had two TV sets.

#### TEXTILE QUOTA LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise at this time to call the attention of my distinguished colleagues to a development that should have a great impact on our deliberations over proposed textile quota legislation.

The U.S. Tariff Commission informed me yesterday that former employees of the now-idle Arista Mills Co. in Winston-Salem, N.C., are eligible to apply for Government assistance provided to workers who lose their jobs as a result of U.S. trade agreements with foreign countries.

A similar ruling was issued in November, stating that the company itself was eligible for Government assistance, but the new ruling extends eligibility to workers as well.

The significance of this action—and we should attach very great significance to this action—is that there is now official cognizance of the fact that the high rate of textile imports from Asian competitors has been directly responsible for the loss of textile jobs in the United States.

Three former workers at Arista Mills filed a petition in January to determine if they were eligible to apply for assistance provided under the Trade Expansion Act of 1962.

The Tariff Commission ruled yesterday that the workers were eligible to apply for assistance, which could include retraining, relocation, or a supplement to unemployment insurance, but the Department of Labor will have final determination of whether such assistance will be awarded, and in what cases.

The Tariff Commission ruling stated that—

As a result, in major part, of concessions granted under trade agreements, articles like or directly competitive with the fabrics formerly produced at the Arista Mills Company are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers.

Mr. Speaker, I doubt that this will be the last such ruling made by the Tariff Commission. I am convinced that more industries will become insolvent and more workers will become unemployed unless the flood of textile imports is stopped.

The Tariff Commission, by ruling in favor of the former Arista workers, has set a precedent that, though extremely well merited, could result in astronomical costs for retraining workers, for relocating them, and for paying them cash subsidies to unemployment compensation.

How long must this go on, Mr. Speaker, before we can all realize that to effectively cope with this problem, we must go to its source. And the source is none other

than the low-wage Asian textile producers who are flooding our domestic markets.

The major source is a trading partner that meets serious negotiating efforts with either intransigence or approval of a proposal that is completely unacceptable, by any reasonable standards.

These developments, Mr. Speaker, serve better than any rhetoric or any set of statistics to prove that we desperately need effective textile quota legislation to protect American textile industries and American textile jobs, and we need it now.

I urge my colleagues, as fervently and as sincerely as I possibly can, to support the textile quota bill which I introduced on Tuesday, and to join with me in voting for its passage.

Arista Mills is only one example of the lethal effect unrestricted importation can have on our domestic textile industry. How many more companies must be shut down, and how many more men and women must lose their jobs, before we at last see the right course of action, and follow it?

#### WISE DECISION ON MILK SUPPORT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. FINDLEY), is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, I was pleased, as I know many of my colleagues in the House were, to learn that Secretary of Agriculture Clifford M. Hardin has decided to hold the line on dairy price supports at \$4.66 per hundredweight for the marketing year beginning April 1, 1971.

In his announcement Friday, Secretary Hardin pointed out that a year ago the price support was increased by 38 cents per hundredweight. At that point, total milk production in the Nation was declining. Since that time, however, the decline has not only been halted, but reversed and now farmers are producing slightly more milk than they were a year ago—and Government surpluses are climbing again.

The wise and thoroughly considered decision by Secretary Hardin should be applauded by all who are interested in the long-range future of the dairy industry. Dairy farmers need only look to the past record of soybean sales and farmer prices as an indication of what can happen when the Government-established floor under the price is too high.

The dramatic recovery of the soybean industry since Secretary Hardin made his most statesmanlike decision to reduce the soybean support level 2 years ago is an excellent example of what can happen when Government supports are used as Congress meant them to be—a floor under the price, not the price-setting mechanism. The market is the best vehicle for determining price. Dairy interests should express appreciation to Secretary Hardin for making a constructive

decision to retain dairy price supports at their present level.

A copy of my letter of March 10 to Secretary Hardin follows:

DEAR MR. SECRETARY: Certain dairy interests are seeking an increase in support level from 85 to 90 percent of parity.

I'm writing in opposition to an increase at this stage. I do so in what I believe to be the interest of the dairy industry and our position in world trade.

The February 1, 1971, Cold Storage Report of the U.S.D.A. indicates total U.S. butter stocks are 95 million pounds above a year ago and government-owned butter is 40 million pounds more than in 1970. This shows an unfortunate position contrasted with that prevailing prior to last year's increase of five percent in the support rate.

While many farmers need and deserve higher net income, an increase in dairy support level to 90 percent of parity may well have the reverse effect on their income. A representative of the dairy industry told me recently that the price he was receiving for milk on his farm was well above the current level and was even above the proposed 90 percent of parity level. It seems to me dairy-men would do well to examine the record of soybean sales and prices since your statesmanlike approach to the loan level for that crop two years ago. The dairy industry spokesman who visited my office privately conceded that an increased support level was actually not in the best interest of the dairy industry.

In addition to the problems higher support levels could bring directly to our domestic dairy industry, the potential effect on world trade is important. Recent visits I've had with representatives of EEC governments present potential international trade problems for the United States if our dairy support level is increased.

When I suggested to a Dutch Cabinet Minister recently that American agriculture is working out its agricultural income problems without going the way of trade barriers, he cited the increase in the dairy support price of a year ago as an exception.

At a critical period in world trade, a delicate balance between demand and supply for dairy products, and when the dairy industry's profits are not depressed, I hope you will decide to maintain U.S. dairy support level for the next year at not more than 85 percent of parity level.

Sincerely yours,

PAUL FINDLEY,  
Member of Congress.

In addition to the information already on record concerning dairy price supports, it should be noted that several dairy organizations have not been seeking the higher support level.

Included among them is Land O' Lakes Creameries, Inc., Minneapolis, Minn., one of the most successful dairy cooperatives in the Nation and one which has an outstanding record of butter sales. It is significant to note that Land O' Lakes has recorded increased butter sales each year while nationally butter consumption continues to decline.

In a recent memo this leading dairy cooperative clearly outlined its reasons for not seeking increased dairy supports. The substance of that memo is printed with these remarks.

In addition, one of the more successful independent dairy cooperatives in Wisconsin has questioned the wisdom of increased support prices. In a story taken from the Appleton Post-Crescent



of Appleton, Wis., on January 28, 1971, the general manager of Consolidated Badger Cooperative of Shawano, Wis., questions the wisdom of higher price supports. A copy of that newspaper account is also attached to these remarks.

A story taken from the New York Journal of Commerce of March 9, 1971, reporting the increases in dairy surpluses since the support price was increased a year ago.

From these illustrations it should be clear that responsible voices in agriculture and some of the leading spokesmen in the dairy industry do not favor higher dairy price supports. I urge all who are considering sponsorship of a proposal to raise, by statute, the dairy price floor, to consider thoroughly the hardships to soybean growers caused by the former administration when it pegged loan rates at a higher level than the market would bear.

Examine, too, the outstanding record of growth in both sales and farmer prices for soybeans in the 2 years since Secretary Hardin took a most statesmanlike approach to the problem and lowered the soybean loan rate. Dairy men need to ponder well the problems they face as individual farmers and what pricing farm goods too high for the market has done to cotton, as well as soybeans.

No agricultural commodity, with the possible exception of cotton, has been more adversely affected by substitutes than has milk. Dairy men who have seen per capita consumption of their product decline for the past several years should ask themselves what higher prices for their milk and milk products will do to total milk sales and prices.

The Land O' Lakes memorandum follows:

#### REVIEW OF THE DAIRY SITUATION

Several important factors are emerging in the dairy industry which need to be recognized in establishing the dairy price support for 1971. They also point up the need for a review and "overhaul" of our basic dairy policies. Several comparisons are made between 1965 and 1970 so we can note the trends taking place.

1. Consumption of milk and dairy products have declined 11 percent per capita (whole milk equivalent basis) since 1965—refer to Table 1.

2. The price of all milk at wholesale has increased 34 percent, manufacturing milk is up 41 percent and bottling milk price is up 29 percent since 1965 as price support for manufacturing grade milk has been raised to keep pace with parity. Refer to Table 2.

It should be noted that these increases are fairly well in line with increases in per capita income. Had demand remained constant per capita consumption should not have declined.

3. Tony Mathis, who writes the Dairy Situation for the Department of Agriculture predicts the decline in per capita civilian consumption in 1971 may be slightly greater than the 6 pound milk equivalent decline of 1970. This prediction is based on the assumption of no change in price supports.

If we have no change in price supports this year (current level of \$4.66 is about 79 percent of parity) the support level will fall close to 75 percent of parity if not below by April 1 of 1972, and producers net return will suffer accordingly. If price supports are

raised this year, the decline in per capita consumption will be greater, but more important—

(a) Price support increases since 1965 have forced butter prices up 18 percent and cheese 44 percent, while nonfat dry milk has gone up a whopping 86 percent. Refer to Table 3.

The table also shows the percent increase in price of the various dairy items since 1965. Cheese has rode these price increases up very nicely as noted in the increase in per capita consumption, but could it have taken an 86 percent increase?

If price supports are raised in 1971, I expect nonfat dry milk will carry most of the burden compared to any butter price increase.

TABLE 1.—MILK AND DAIRY PRODUCT SALES (DOMESTIC DISAPPEARANCE, COMMERCIAL SOURCES) TOTAL AND PER CAPITA, UNITED STATES, 1965-70<sup>1</sup>

Product	Pounds per capita		Percent change
	1965	1970	
Fluid milk and cream (whole milk equivalent)...	294.0	258.0	-12
Butter.....	5.8	4.4	-24
American cheese.....	5.7	6.8	+19
Other hard cheese.....	3.4	4.4	+29
Cottage cheese.....	4.6	5.1	+11
Evaporated and condensed.....	15.8	11.8	-25
Ice cream.....	18.8	17.9	-5
Ice milk.....	6.6	7.5	+14
Nonfat dry milk.....	4.8	5.0	+4
Aggregate (whole milk equivalent).....	563.0	506.0	-11
Whey solids.....	.6	.8	+33

<sup>1</sup> Excludes milk used on farms where produced and distribution from USDA supplies; includes sales to the Armed Services for use in the United States.

<sup>2</sup> Includes full skim American.

TABLE 2.—INCREASE IN PRICES PAID FOR MILK SINCE 1965

Product	1965	1970	Percent change
Dollars per hundredweight average test:			
All milk at wholesale.....	\$4.23	\$5.69	+34
Manufacturing grade milk.....	3.34	4.70	+41
Bottling milk.....	5.39	6.94	+29
Blend price.....	4.63	6.07	+31
Changes in per capita income (dollars per person):			
Per capita disposable income.....	2,432	3,292	35.3
Deflated to 1958 basis.....	2,213	2,464	11.3

(b) As cheese production increases so does whey production. We are currently using only 160 million lbs. of whey solids for human food out of a total of something over 1,300 million lbs. New large automated cheese plants now coming into production and on the drawing boards, combined with the pollution problem of many of the existing cheese plants, will cause a rapid increase in whey solids utilized for human food in the period ahead. Thus, a serious competitive problem for nonfat dry milk is looming on the horizon. The 30 percent increase in OCC purchases occurring in 1970-71 may prove modest compared to this year or next depending on when supports are increased. The net government expenditures of dairy price supports excluding school milk was \$284 million in the year ending April 1, 1970. It is estimated that the cost will be \$400 million this year. Increased quantities of butter, powder and cheese purchases resulting from increased milk production, decreased consumption and larger imports of dairy products combined with higher support prices have caused this 40 percent increase in government costs this year.

(c) Current estimates are that there remains about 30 billion lbs. of manufacturing

grade milk which means that more than half of manufactured dairy products are made from Grade A surplus milk.

When we are dealing with, "what level of price supports", we must keep the total picture in focus—more than 55 percent of the milk sold from farms is made into manufactured dairy products and less than 45 percent is used as fluid milk (in Class I).

TABLE 3.—AVERAGE RETAIL PRICE CHANGE OF DAIRY PRODUCTS SINCE 1965

Product	1965	1970	Percent change
B.L.S. 1957-59=100:			
All dairy products.....	105.0	130.5	+24
Fluid milk (store price).....	102.8	127.0	+24
Butter.....	103.6	121.1	+17
Process cheese.....	116.6	157.5	+35
Ice cream.....	94.4	103.8	+10
Evaporated.....	105.3	131.4	+25
Colored margarine.....	101.9	111.1	+9
Change in price-supported items (cents per pound):			
Butter.....	58.96	69.7	+18.1
Nonfat dry milk.....	14.6	27.2	+86.3
Cheese.....	36.1	52.0	+44.0

(d) Originally, the Federal Order program and dairy price supports were two separate phenomena. This is no longer true as price supports basically determines the Minnesota-Wisconsin series on which Federal Order prices are established.

This gives us the interesting situation where, if an organization with a lot of grade A milk can do anything to enhance the Minnesota-Wisconsin series price, he benefits directly on all his grade A sales.

At the same time an increase in price supports automatically puts a floor under the Minnesota-Wisconsin price series which enhances the grade A price for the whole next year.

We have a concern that some of the predominantly fluid or grade A organizations that have some manufacturing operations in Minnesota or Wisconsin, and thus can influence the Minnesota-Wisconsin series price may overlook the impact of an inflated Minnesota-Wisconsin series price or a price support level that adversely affects sales of milk and dairy products.

Tables 4 and 5 indicate the Minnesota-Wisconsin series price leaves a minus margin quite frequently. Table 6 perhaps provides one clue to the minuses on the manufacturing side. When the pay price is below the announced blend, this may provide some cushion to overpay on manufacturing milk, and thus increase the Minnesota-Wisconsin series price which in turn increases the Class I price under the federal milk orders.

(e) We have urged the Secretary of Agriculture to convene a committee representing all sectors of the dairy industry to study and develop a proposed set of dairy policies appropriate to the current and developing status of the dairy industry and national economy.

That status includes:

(1) 75 percent of all milk is grade A—27 states are 100 percent grade A.

(2) Large regional coops operate in several federal market orders and process manufactured products as well as sell fluid milk.

(3) Federal orders are no longer single market oriented.

(4) Land O'Lakes position on price support level:

(a) Our policy is always to pay the producer the highest price possible, compatible with good business practices and without impairing a sound financial position.

(b) We believe the present level of supports (\$4.66 per cwt. for average test) is the most sound for 1971 because—

TABLE 4.—PRICES OF MANUFACTURED MILK MADE INTO BUTTER AND POWDER COMPARED TO MINNESOTA-WISCONSIN SERIES PRICES BY MONTHS, 1970-71

Month	Average price		Gross value <sup>1</sup>	Can afford to pay <sup>1</sup>	M-W series	Difference	Month	Average price		Gross value <sup>1</sup>	Can afford to pay <sup>1</sup>	M-W series	Difference
	Chicago 92 score	Nonfat dry milk (Chicago)						Chicago 92 score	Nonfat dry milk (Chicago)				
January.....	.6761	.2300	\$4.85	\$4.23	\$4.67	—\$.44	August.....	.6938	.2685	\$5.23	\$4.61	\$4.61	\$ .00
February.....	.6760	.2315	4.86	4.24	4.63	— .39	September.....	.7052	.2686	5.29	4.67	4.66	.01
March.....	.6795	.2318	4.88	4.26	4.58	— .32	October.....	.7012	.2685	5.27	4.65	4.77	— .12
April.....	.6983	.2596	5.18	4.56	4.60	— .04	November.....	.6988	.2682	5.25	4.63	4.82	— .19
May.....	.6985	.2684	5.25	4.63	4.58	.05	December.....	.7040	.2690	5.29	4.67	4.83	— .16
June.....	.6981	.2677	5.25	4.63	4.61	.02	January 1971.....	.6977	.2691	5.25	4.63	4.79	— .16
July.....	.6980	.2702	5.27	4.65	4.60	.05							

<sup>1</sup> Gross value minus a 62 cent make cost gives the "Can Afford to Pay" price.

Note: L.O.L. pay prices are for bulk and they demonstrate a 17 cents bulk-can differential at the beginning of the period and a 10 cents differential at the end.

Example: 100 pounds of 3.5 percent milk gives:

	Yield (pounds)	Price (in dollars)	Gross value (in dollars)
Butter.....	4.3	.6977	=3.00
Powder.....	8.1	.2691	=2.17
Buttermilk.....	.32	.2390	=.08
Total gross value.....			5.25
Minus make cost.....			— .62
Left to pay producers.....			4.63
Minus L.O.L. pay price.....			—4.83
Difference.....			— .20

TABLE 5.—PRICE OF MANUFACTURED MILK MADE INTO CHEESE COMPARED TO MINNESOTA-WISCONSIN SERIES PRICES BY MONTHS, 1970-71

Month	Cheese exchange average price	Gross value <sup>1</sup>	Can afford to pay—	MW series	Difference (dollar)	Month	Cheese exchange average price	Gross value <sup>1</sup>	Can afford to pay—	MW series	Difference (dollar)
January.....	54.87	\$5.49	\$4.71	\$4.67	.04	August.....	52.25	\$5.24	\$4.46	\$4.61	— .15
February.....	53.12	5.32	4.54	4.63	— .09	September.....	52.81	5.30	4.52	4.66	— .14
March.....	53.00	5.32	4.54	4.58	— .04	October.....	55.25	5.52	4.74	4.77	— .03
April.....	52.18	5.23	4.45	4.60	— .15	November.....	55.50	5.55	4.77	4.82	— .05
May.....	52.16	5.24	4.46	4.58	— .12	December.....	55.50	5.55	4.77	4.83	— .05
June.....	52.25	5.24	4.46	4.61	— .15	January 1971.....	54.00	5.41	4.63	4.79	— .16
July.....	52.25	5.24	4.46	4.60	— .14						

<sup>1</sup> The gross value is based upon a 9.45 lb. yield for cheese and further adjustments for whey and whey cream. The "Can afford to pay price" is computed by deducting a 78 cents make cost from the gross value. (See example.)

	Yield (pounds) X price (dollars)	Gross value (dollars)
Example: 100 lbs. 3.5 percent milk:		
Cheese.....	9.45 X .5437 =	.4138
Whey cream.....	.35 X .7140 =	.2500
Whey solids.....		— .056
Total gross value.....		5.444
Minus make cost.....		— .78
Left to pay producers.....		4.664
Minnesota-Wisconsin series price.....		—4.79
Difference.....		— .13

TABLE 6.—GRADE A MILK PRICES IN 1970-71

(In dollars)

	M-W series	Order 68 Cl. I	Super-pool premium	Percent Cl. I	An-nounced blend	Mid-Am. blend (Mpls.)	LO'L blend (Mpls.)		M-W series	Order 68 Cl. I	Super-pool premium	Percent Cl. I	An-nounced blend	Mid-Am. blend (Mpls.)	LO'L blend (Mpls.)
January.....	4.67	5.69	0.30	48	5.27	5.01	5.02	August.....	4.61	5.66	.49	44	5.16	5.09	5.10
February.....	4.63	5.73	.30	42	5.18	4.93	4.96	September.....	4.66	5.67	.48	57	5.32	5.15	5.16
March.....	4.58	5.69	.46	39	5.08	4.93	4.95	October.....	4.77	5.72	.43	53	5.34	5.20	5.21
April.....	4.60	5.64	.51	39	5.08	5.00	5.00	November.....	4.82	5.83	.32	52	5.41	5.20	5.21
May.....	4.58	5.66	.49	35	5.03	5.00	5.00	December.....	4.83	5.88	.27	45	5.37	5.25	5.26
June.....	4.61	5.64	.51	33	5.03	5.05	5.03	January 1971.....	4.79	5.89	.26				
July.....	4.60	5.67	.48	39	5.09	5.09	5.08								

<sup>1</sup> Price paid at St. Michael, Minn. was \$0.06 less from January to September which reflects the location differential. LO'L did not have a Mpls. price until October 1970.

(1) Higher price support would increase production still further (Our 1971 forecast is 118.5 billion).

(2) Sales of dairy products will decline even more rapidly.

(3) When consumers substitute consumer packages of instant nonfat dry milk for either fluid whole milk or fluid skim milk the pro-

ducer loses \$2.08 per cwt. (In 1970 skim milk in the bottle averaged \$3.86 per cwt. while skim milk in manufacturing milk averaged \$1.78 per cwt.—a different of \$2.08). Instant nonfat consumer package sales increased 14 percent in 1969 over 1968 sales—strong evidence that substitution is taking place, with a loss to producers.

(4) If supports are raised to 85 percent of parity, the cost to government would increase as follows in our opinion:

	Million
1969.....	\$284
1970.....	400
1971.....	550



5. We may be nearing the point where the Bureau of the Budget, Congress, or city consumers may force expenditures for dairy supports to be reduced as occurred in the early 1960's.

6. Dairy farmers in the midwest are relatively better off currently than the livestock or grain farmer. He needs more money, but we should get it for him by adopting new dairy policies that will allow his income to keep pace with the rest of the economy without seriously disrupting market sales of dairy products.

7. The argument used last year and again this year is that the Secretary can establish support price at the current market level and not increase cost to the government or the consumer. This is not true because both the price level and government costs increased last year and would increase again this year.

8. We are deeply concerned with the present apparent price manipulation which obviously is being done to influence the M-W price series, currently, in the hopes that this will in turn influence the price support level. Refer to the following exhibit material which was given to the Secretary of Agriculture last week.

9. Rumors persist that a "deal" has been made that price support would be established at the level of M-W series price existing in March.

If a "deal" has in fact been made evidence of manipulation should cancel it.

#### CHEESE EXCHANGE ACTIVITIES

1. The cheese market has shown greater strength than butter or powder with the result that the price is above support levels more than is butter, especially during the Fall and Winter months.

2. Section 709 purchases added strength to the cheese market in October-January period of 1969-1970.

3. During the past two winters cheese operations have purchased substantial quantities of milk from butter-powder operations and produced to capacity. Three things happened in January and early February of 1971.

(a) On January 15 the price of forty-pound blocks and barrels dropped two cents.

(b) Large merchandisers of cheese cut off unneeded sources of supplies in late January and transfers of milk from butter-powder plants tapered off.

(c) Borden sold forty cars of processed American five-pound loaf to the government the week of February 5 for delivery before March 31, 1971.

These three actions indicate supplies of cheese are plentiful and price declines to price support level were anticipated by the trade.

4. Cheese exchange activities beginning February 5, 1971 have not been normal.

(a) AMPI purchased five cars of forty-pound blocks on February 5, 1971—market was up  $\frac{3}{4}$  cent. One of these cars was previously sold by AMPI to the dealer who sold it back to AMPI at the higher price on the exchange.

(b) This exchange activity was publicized in the Wisconsin State Journal.

(c) AMPI purchased six cars of forty-pound blocks on February 12, 1971—market rose  $\frac{1}{4}$  cent.

(d) AMPI purchased six cars of forty-pound blocks on February 19, 1971—market closed  $1\frac{1}{2}$  cents higher.

(e) At the same time AMPI has been buying on the Exchange, they have continued to sell cheese to various cheese concerns.

(f) On February 19, 1971 Central purchased ten cars of barrels—market rose  $\frac{1}{2}$  cent. The government had accepted bids for five-pound loaf American processed cheese at  $\frac{1}{2}$  cent higher level on February 15.

(g) The spread between barrels and forty-pound blocks has been  $2\frac{1}{2}$  cents for several months—now it is  $4\frac{1}{2}$  cents.

TABLE 7.—BLOCK CHEESE PRICES AT WISCONSIN CHEESE EXCHANGE, 1969-71

Month	Average prices for 40 lb. blocks [In cents]		
	1969	1970	1971
January.....	47.35	54.9	54.0
February.....	47.38	53.1	( <sup>2</sup> )
March.....	48.94	53.0	
April.....	49.88	52.2	( <sup>3</sup> )
	(49.5)	(53.5)	
May.....	50.30	52.2	
June.....	50.75	52.2	
July.....	50.50	52.2	
August.....	50.50	52.2	
September.....	51.56	52.8	
October.....	52.75	55.2	
November.....	53.50	55.5	
December.....	54.13	55.5	

<sup>1</sup> Wisconsin Cheese Exchange prices plus  $1\frac{1}{2}$  cents assembly charge.

<sup>2</sup> Actual Wisconsin Cheese Exchange prices, i.e., no assembly charge. 52 $\frac{3}{4}$  cents, Feb. 5; 53 cents, Feb. 12; 54 $\frac{1}{2}$  cents, Feb. 19, 55 $\frac{3}{4}$  cents, Feb. 26.

<sup>3</sup> Support price announcements plus  $1\frac{1}{2}$  cents assembly charge.

#### SUMMARY

1. Why this apparent manipulation of prices at this time?

(a) To raise the Minnesota-Wisconsin series price which automatically raises the Class I price. For example: under the contract just negotiated in Chicago, if the Minnesota-Wisconsin series reaches \$4.92 for February the super pool price goes up 15 cents, raising the Class I price to handlers from \$6.39 to \$6.54.

(b) AMPI expects the dairy support price to be announced at the level of the Minnesota-Wisconsin series established in March. We do not believe the market situation justifies a price support increase at this time.

(a) A year ago, when you set supports, we felt you were sold a bill of goods based on maintaining the existing price level and the argument it wouldn't cost the government any more. This proved to be erroneous as we understand costs will be up from \$284 million to about \$400 million.

(b) Milk production increased 1.1 billion pounds in 1970. Most of this was in fluid milk oriented states and by Grade A producers.

(c) The government bought the increased production as per capita consumption based on commercial sales (on a whole milk equivalent basis) continued to decline. Undoubtedly, commercial dairy sales were helped some through the expansion of the use of food stamps.

(d) Reports in the Midwest are fairly general that the dairy farmer fared relatively well in 1970 compared to other farmers.

(e) Are we justified in further jeopardizing dairy product sales and, particularly, the projected loss in commercial sales of nonfat dry milk that maintaining 85 percent of parity would cause?

[From the Appleton Post-Crescent, Jan. 28, 1971]

#### HIGH DAIRY PRICES COULD HURT FARMERS

WITTENBERG.—Higher federal prices for dairy products could hurt farmers, according to Nell McBeath, general manager of Consolidated Badger Cooperative, Shawano.

Consumer backlash could cause changes in federal price support programs hurting farmers next year if producers successfully press for an increase in parity prices, he said here at a Mid-Winter Delegate meeting.

At the present time milk price supports are \$4.68 per hundredweight. At 90 per cent of parity, which is the legal limit, milk would bring an estimated \$5.25, said McBeath. Parity prices are established by a

formula based on prices received by farmers from 1910 to 1914. The 1971 prices must be announced by April 1.

"We can see a violent reaction from the Administration a year from now (if prices rise)," he said. Such a reaction could result in drastic revisions of parity pricing.

#### PRICED OFF MARKET

Some dairy products could virtually be priced out of the market. Skim milk powder manufactured from surplus milk now is marketed at 27.2 cents per pound and has sustained serious losses in domestic markets. At maximum levels skim milk powder would hit a 33 cent rate. "There would be practically only one buyer and that would be CCC (Commodity Credit Corporation)," he said.

McBeath also warned dairymen against anticipating large gains in milk checks from a 50-cent per hundredweight super-pool price announced recently for Class I (bottling) milk sold by Central Milk Producers Cooperative in Chicago.

#### WITHHOLD MILK

Administrative costs and promotion efforts will eat much of the premium, he explained.

Consolidated Badger Cooperative is one of 16 members of the organization which markets a majority of the Class I milk sold in Chicago. The 50-cent hike in price would be effective Feb. 15.

[From the Journal of Commerce, Mar. 9, 1971]

#### U.S. DAIRY SURPLUSES SEEN RISING

WASHINGTON, March 8.—Dairy surpluses which rose by 29 per cent last year will increase again in 1971, Agriculture Department economists predict.

The forecast came in a summary of a forthcoming "Dairy Situation" report prepared by the department's economic research service.

The report noted that government purchases of surplus dairy products under price support and other programs in 1970 reached the equivalent of 5.8 billion pounds of milk, up 29 per cent from the 4.5 billion pounds removed from the commercial market in 1969.

Removals in 1971 "likely will exceed" the 1970 total, the summary released here noted.

#### "MODEST INCREASE"

The report also predicted that total milk production in 1971 would probably show a "modest" increase from last year's total of 117.4 billion pounds. Economists said that if government dairy price supports are left at current rates, farm-level milk prices will continue above 1970 averages. But the gain will be smaller than both last year's 3.5 per cent rise and the 3 per cent gain posted in the first quarter of 1971, the report said.

Gross income for dairy farmers may rise some \$200 million to \$6.7 billion this year, but rising costs will limit gains in net income, the report added.

Economists noted that domestic per capita milk consumption last year fell to 561 pounds from 568 in 1969. But they said the expanded food stamp program and more aggressive industry promotion could strengthen sales and slow the potential 1 or 2 per cent decline in per capita consumption this year. In spite of last year's drop in per capita sales, total commercial milk sales rose last year because of population gains, the report added.

#### GAO DISCLOSURE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GUBSER) is recognized for 15 minutes.

Mr. GUBSER. Mr. Speaker, on March 15, 1971, I made a special effort to focus

attention upon the policy under which GAO operates with respect to public disclosure of its reports. On that day I raised the question as to whether this policy serves to make GAO a personal publicity agency for individual Members of Congress. In this connection, I made reference to the fact that when I asked GAO to provide me a report on independent research and development, which was to be provided to a Member of the other body, I was told I would have to go and get the permission of the Senator.

Next thing I knew, the report was discussed in the Washington papers, and I still had no copy. As you may recall, the subject of I.R. & D. has been a special interest to me over the last 2 years and has been of interest to Congress in general because of related legislation passed on this subject. The House and Senate Armed Services Committees studied it, the GAO studied it, DOD studied it, and NASA studied it. After all of this studying, we passed legislation which was considered an appropriate solution to certain weaknesses in the system.

But, on March 15, 1971, the press informed me, as it did others, that "the Pentagon is opposed to efforts within Congress to provide visibility and accountability for this program," and the evidence was found in the GAO report that I could not have. Frankly, this stunned me because I had been closely following the progress of the implementation of the recent legislation and had no indication whatever that such opposition existed.

After the press release had been published that morning, a GAO representative delivered a report to my office. Upon a cursory examination of the report, I found that the reference to the alleged "cover up" had no foundation. All DOD was saying was, "let us get the facts before a report is made to anyone." And the critique on Pentagon advice on page 6662 then proceeds to recommend the very action suggested by the Pentagon. It asks the General Accounting Office to make a new study of I.R. & D. Thus we have the anomaly of criticising advice as a "cover up" and in the next sentence recommending that the advice be followed.

I am glad to see that after my expression of concern on Monday, that on Tuesday on page 6662, the full GAO report was inserted in the CONGRESSIONAL RECORD. Everyone can now determine for himself just what the report stated. It is interesting to note that the Comptroller General did not comment on any effort to cover up information and, furthermore, he suggested that no further legislative controls be imposed. This latter suggestion was not mentioned at all in the paper. Extravagance and boondoggling were the theme of this press release.

Despite all of our efforts over the past 2 years, the many pages of testimony and evidence received in hearings, the extensive reviews by GAO, and others, a Member of the other body wants yet another study of I.R. & D. The justification

appears to be malignant neglect, the attempt of the Pentagon to suppress, and serious abuses.

I would like to recount just a few facts concerning I.R. & D. and the results of the studies readily available to all. These facts will point up the absurdity of making still another study to file with those already completed.

The General Accounting Office performed a 2-year study which involved a review at 10 Government agencies and nine plant locations of seven major contractors. Certain weaknesses were noted during this study which needed attention and the House subcommittee duly noted these and recommended remedies. The weaknesses were not significant enough to warrant scrapping the present system of management and starting over. Nor, in the opinion of those examining the facts, was stringent legislation, such as the line item approach, a practical solution.

With respect to the GAO reports dated February 16, 1970, and March 8, 1971, I wish to point out that the GAO comments on the results of its studies draw no conclusions of "malignant neglect, coverup, or serious abuses." Furthermore, none of the evidence accumulated by our subcommittee established such cases. Why, then, is there a call for another study using the same old tired and unsubstantiated allegations as the reason?

Mr. Speaker, I suggest that we re-examine the use of GAO's services by individual Members. I cannot but feel that this circumstance I bring before you represents a personal hoarding of congressional services to the exclusion of other Members. GAO was established to serve all of the membership. Moreover, when any member publicly charges neglect, coverup, and abuse, particularly after the subject matter has been studied almost to death, I believe the Member has the obligation to provide some semblance of evidence backing up that charge. If there are details on abuses and neglects in the I.R. & D. management, these details ought to be forwarded as a requisite to the initiation of any further GAO study and the results should be a matter of record provided to each Member at the same time—not after they have read it in the press.

#### ASSURING FOOD SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, I have cosponsored a measure providing that packaged perishable foods be taken off the market when they are no longer fresh.

This legislation would include within its jurisdiction such foods as meat, poultry, fish, dairy products, eggs, fruit, vegetables, bread, and other foods. Such a measure is necessary to insure that food that was initially pronounced safe and healthful for public consumption does

not become unsafe with the passage of time.

The bill is intended to dovetail with legislation that I introduced earlier in the session to prevent inadequately tested food additives from being used in foods.

Food additives, which are substances added to foods for a variety of reasons such as taste, preservation, and color, are generally regulated under Federal law. However, a specific group of food additives is specifically exempted from such control; these are known and generally recognized as safe food substances. I have long questioned the soundness of a list that would permit food additives to be widely sold and used without conclusive proof of their safety. Many food substances on the so-called GRAS list have never been proven safe; moreover, standards for their usage in safe quantity have never been established.

There are an estimated 680 substances accepted by the Food and Drug Administration as generally safe, although many have never been adequately tested. Cyclamates were on the list until their recall from the market.

In October 1969 I contacted then HEW Secretary Robert Finch requesting a ban on the sale of cyclamates until further testing had proved them safe and free from cancer-producing agents. Cyclamates at that time were on the GRAS list and were to be found in a multitude of foods, including children's vitamins. Shortly thereafter, the HEW Secretary did indeed act to restrict the sale of cyclamates. This action was possible because there was a question of carcinogenic of cancer-producing agents in cyclamates. Had there been a question of genetic damage, or blood deterioration or liver destruction or a host of other possible organic damage from repeated usage of a food substance, the Food and Drug Administration would not have been able to act so rapidly. Only in cases where a substance is suspected of containing cancer-producing agents can it be swiftly taken off the market. In other circumstances, the FDA would merely have set an "interim tolerance level," with no change in status for the food additive in question until it has been evaluated. And the public would continue to ingest it in food.

There is another disturbing aspect of underregulated food substances. Take monosodium glutamate—MSG—for example, which had been used in baby foods although tests conclusively demonstrated that it whetted only the appetite of the mother. In 1969 I also communicated with the HEW Secretary concerning the inclusion of MSG in baby foods, since that particular food substance had caused some disturbing effects on laboratory animals in their infancy. That matter was never fully settled. The manufacturers agreed to discontinue the usage of MSG in baby foods before the FDA formally investigated the matter. Monosodium glutamate is still an acceptable food substance on the GRAS list. Although it was voluntarily removed by the food industry from baby foods, it is



nonetheless contained in other foods available to young children.

After considering the matter, I prepared and introduced legislation in November of 1969 to review food additives on the GRAS list. A little over a month after that, the Food Safety Committee of the White House Conference on Food, Nutrition, and Health decided that food additives presently unregulated by the FDA be reviewed. I, thereupon, wrote to the President, asking that these recommendations be implemented. In April of last year, the Food and Drug Administration notified me that it was working to establish a priority for GRAS list substances review. This review may be completed by the end of 1971.

While I am gratified that GRAS list substances will be reviewed, I am still dissatisfied. Although the FDA plans to review all available evidence about the GRAS substances in order to conclude that there is no risk of harm, the Center for Responsive Law has pointed out that this would place reliance solely on evidence already available to the FDA—and in some cases would rely on lack of evidence.

This is an unsound basis for insuring food safety.

Therefore, in spite of the ongoing FDA review of GRAS list substances, I have this session of Congress sponsored legislation to provide that extensive evidence concerning the safety of any food substance must be furnished by the food industry before the FDA can permit its inclusion in foods. If the evidence is inconclusive or inadequate, the substance in question could not be added to food.

This measure, in concert with the bill I have recently introduced prohibiting the sale of stale or spoiled food, would go far to improve food safety.

I am committed to the principle that foods must be proven safe before they can be made available to the public. Moreover, even though they may be harmless when they initially go on sale, there must be adequate follow-up to insure they are safe at the time of sale.

We cannot assume foods are safe. We must assure it.

#### DEMOCRATS TO PUSH BANK PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, we are well aware of the drastic need of our communities for help to build vitally needed facilities. I conducted studies at the Joint Economic Committee a few years ago which showed a tremendous unmet need in the communities of the United States for funds to build schools, hospitals, and other necessary facilities. I have urged, as you know, a federally supported credit institution which would provide financial support to meet the high priority borrowing needs of our communities, as well as for our low-cost housing and other basic needs that are not now well served by our private banking system. Mr. Speaker,

the proposal for a National Development Bank, introduced by Senator SPARKMAN in the Senate, S. 350, and my bill, H.R. 3550, would meet these needs. It is the Sparkman-Patman bill.

It would assure an adequate source of loan funds at reasonable interest rates to State and municipal governments; small- and medium-size commercial and industrial entities, and public agencies and private nonprofit groups, for the construction of low- and moderate-income family housing projects.

In view of the great urgency of this need, I was delighted to see that the House Democratic leaders, spearheaded by our great Speaker of the House, CARL ALBERT, intend to push legislation to make low-interest Federal loans to cities and States as an alternative to President Nixon's revenue-sharing proposals.

According to an article by Mr. Thomas J. Foley in the Los Angeles Times under date of Monday, March 15, our distinguished majority leader, the Honorable HALE BOGGS, of Louisiana, has made the point that an urban bank is one of the institutions being devised by congressional Democrats to answer the President's legislative proposal.

Mr. Boggs has been a colleague of mine for many years on the Joint Economic Committee and we have been deeply concerned with this problem for some time. I know that his advocacy is going to provide a tremendous asset in getting this measure through the Congress and into actual operation. I can think of no more crucial requirement at the present time.

I want to take this opportunity to commend our Speaker and our majority leader for the strong leadership that they are providing, particularly in trying to get our economy back on the track toward full employment and prosperity. They have been consistent and constructive critics of the administration for the many deficiencies in their economic program and they have been articulate proponents of measures that will move this country back to the high production that we should have.

#### URBAN BANK PLAN TO BE PUSHED BY DEMOCRATS

(By Thomas J. Foley)

WASHINGTON.—House Democratic leaders will push legislation to make low-interest federal loans to cities and states as an alternative to President Nixon's revenue-sharing proposals.

According to House Majority Leader Hale Boggs (D-La.), the idea of setting up an urban bank is one of several being devised by congressional Democrats to answer the President's major legislative proposal.

The President's revenue-sharing proposal calls for the federal government to grant states and cities \$5 billion beginning Oct. 1 and more in succeeding years.

"Whether Mr. Nixon really wants to pass revenue sharing is a horse of a different color," Boggs told a group of newsmen recently. "My own feeling is that he thinks it's a good political issue."

#### LOAN, NOT GIFT

The urban bank idea is similar to revenue sharing but would loan money to states and cities rather than give it to them. It was first

proposed early this month by freshman Rep. Herman Badillo (D-N.Y.) who suggested it as a short-term solution to municipalities experiencing severe fiscal problems because of declining revenues.

Badillo proposed \$10 billion in interest-free loans for each of the next two fiscal years while Congress works on longer-range solutions. States and cities could use the money any way they wished but could not cut local tax rates. The proposal includes a nondiscrimination provision. The loans would be paid back over a 50-year period.

Badillo said New York state would receive \$1.068 billion each year under his proposal with New York City getting \$378,614,000 of this. California would get \$1,180,439,000 and Los Angeles \$69,443,000.

Badillo discussed his proposal several times with Ways and Means Committee chairman Wilbur D. Mills (D-Ark.) whose opposition to revenue sharing has all but buried Mr. Nixon's proposal.

Boggs made clear that while the Democratic leaders supported the loan plan, they believed cities and states should pay at least a nominal interest rate for use of the money.

Boggs conceded that revenue sharing was Mr. Nixon's best political issue against the Democrats but said he believed the party could develop alternatives to neutralize its effect.

#### NO MATCHING FUNDS

Besides the urban loans, these include a proposal to eliminate the matching formula for federal grant programs and urging Mr. Nixon to release \$600 million already appropriated by Congress for various programs but withheld by the Administration.

Boggs, while saying he believed Mr. Nixon had done an "outstanding job" on handling foreign affairs, called the President's domestic record "a miserable failure."

He said he didn't believe any President could have done any better in getting a disengagement in Vietnam.

#### OIL COMPANY HOLDINGS OF COAL LEASES ON PUBLIC LANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, because of my concern regarding the extensive holdings oil companies have and are continuing to acquire in the coal and uranium industries, I introduced H.R. 4731 to amend the Clayton Act to make it unlawful for any oil company to purchase any coal or uranium assets and to require the divestiture by oil companies of all coal and uranium assets.

Among the Nation's top 50 coal producers, 29 are subsidiaries of oil companies, accounting for 28 percent of the national coal production. The concentration of ownership control over coal supplies extends also to nuclear fuel for many of the same companies which are increasing their influence over coal also are extending their control over uranium supply and processing. Petroleum corporations account for one-sixth of the national uranium production, hold about 45 percent of all known uranium reserves and make more than half of the new discoveries each year.

I recently obtained some preliminary statistics regarding the holders of coal leases on our public lands which reveals

the extent to which oil companies, the traditional competitors of coal, are tightening their grip on the Nation's coal reserves. Of an initial survey of 479,553.54 acres of public lands containing proven coal reserves, oil companies hold leases on 144,973.54 acres or approximately 30 percent of the total acreage. It could be possible that these figures could be higher if one could cut through the maze of corporate structures to determine whether certain lessees were, in fact, subsidiaries or street names of firms with oil interests. A table showing the lessee, the amount of acres held and the effective date of the lease follows:

State and lessee	Acres	Lease date
<b>MONTANA</b>		
Concho Petroleum Co.....	540.85	July 1, 1965
Kerr McGee Corp.....	2,033.71	Nov. 1, 1967
<b>NEW MEXICO</b>		
Consolidation Coal Co. (Continental Oil Co.).....	1,998.14	July 1, 1967
Do.....	2,432.94	Do.
Do.....	2,505.47	Do.
Do.....	2,206.04	Dec. 1, 1964
Gulf Oil Corp.....	540.49	Nov. 1, 1964
Kerr McGee Corp.....	4,352.92	Sept. 1, 1969
Do.....	3,400.00	Do.
North American Resources Corp.....	3,342.43	Sept. 1, 1967
Do.....	2,927.45	May 1, 1968
Do.....	2,839.86	Do.
Seneca Oil Co.....	6,336.12	Sept. 1, 1967
<b>UTAH</b>		
Consolidation Coal Co. (Continental Oil).....	2,540.64	May 1, 1967
Do.....	2,537.69	Do.
Do.....	2,542.84	Do.
Do.....	2,560.00	Jan. 1, 1969
Do.....	2,560.00	Sept. 1, 1967
Do.....	2,557.36	Do.
Do.....	2,560.00	Do.
Do.....	2,554.88	Do.
Do.....	2,560.00	Do.
Do.....	2,560.00	May 1, 1967
Consolidated Coal Co. et al (Continental Oil).....	720.00	July 1, 1970
Do.....	2,496.00	Nov. 1, 1962
Heiner Coal Co., c/o Island Creek Coal Co. (Occidental Petroleum Co.).....	680.00	Dec. 1, 1962
Do.....	2,212.00	Sept. 1, 1968
Do.....	480.00	July 1, 1962
Heiner Coal Co. et al, c/o Island Creek Coal Co. (Occidental Petroleum Co.).....	160.00	Mar. 1, 1962
Do.....	480.00	Do.
Hiko Bell Mining & Oil Co.....	1,920.00	Nov. 1, 1965
Do.....	1,920.00	Nov. 1, 1965
Do.....	2,560.00	Dec. 1, 1965
<b>WYOMING</b>		
Atlantic Richfield Co.....	5,844.31	Dec. 1, 1966
Do.....	40.00	Do.
Do.....	5,800.07	Nov. 1, 1967
Belco Petroleum Corp.....	640.00	Jan. 1, 1971
Do.....	4,551.46	Jan. 1, 1970
Carter Oil Co.....	5,251.44	Dec. 1, 1967
Do.....	4,781.59	Do.
Do.....	5,457.47	Do.
Concho Petroleum Co., et al.....	1,571.19	Mar. 1, 1965
Do.....	195.32	Do.
Do.....	2,550.98	June 1, 1963
Do.....	1,620.07	Sept. 1, 1963
Do.....	756.01	Mar. 1, 1965
Do.....	440.00	Dec. 1, 1964
Do.....	480.00	Do.
Do.....	360.00	Do.
Do.....	80.00	Do.
Kerr McGee Corp.....	4,191.84	Sept. 1, 1970
Do.....	160.00	Do.
Do.....	1,263.35	Jan. 1, 1970
Do.....	880.00	July 5, 1965
Do.....	2,560.00	Oct. 1, 1965
Do.....	2,200.00	Do.
Mobil Oil Corp.....	4,000.00	Feb. 1, 1971
Sun Oil Co.....	14,679.98	July 1, 1968

#### PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Illinois (Mr. METCALFE) is recognized for 10 minutes.

Mr. METCALFE. Mr. Speaker, yesterday on rollcall No. 20, on the conference report on H.R. 4690, public debt limit—social security benefits, I was in New York City attending funeral services for the late Whitney Young, executive director of the National Urban League.

In making plans to attend this great leader's funeral, it was my understanding there would be no record votes in the House yesterday. Therefore, I would ask, Mr. Speaker, that the record show that had I been present I would have voted "yea."

#### THE LOSS OF WHITNEY YOUNG

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, I join with thousands in mourning the loss of Whitney Young.

His death leaves a void which is uniquely felt because his was a unique figure against an oftentimes confused, cacophonous and occasionally stridently angry background of voices exploiting the appeal of ruthless militancy. Had he chosen merely to play to the gallery there is no doubt, given his matchless talent, he might have achieved the quick notoriety of many another comet which has flashed its brief moment against the sky, all too soon to be as quickly extinguished. He chose, to the good fortune of us all, the harder path to enduring fame in the pantheon of great civil rights leaders.

It is as if he had heard "the sound of a different drummer" or the injunction of Goethe's Faust to "win your effects by honest means; eschew the cap and bells of the fool."

His reasoned arguments were no less effective for their quietly impassioned and eloquent tone. His dedication to the great cause of equal rights for all were no less effective for his stoical and heroic forbearance. Whatever vindictiveness he harbored was directed at his lifelong enemy—injustice.

A more fitting eulogy could not be found than his own words, spoken in testimony before the Education and Labor Committee in the early sixties. I was moved by his eloquence then, and moved all the more now in recalling them at this moment as we observe his tragic loss to the Nation:

We will either provide money for rehabilitation and prevention or we will automatically spend more money on welfare and for crime....

"Now I think Negro citizens, in the face of the years of provocation; in the face of the historic abuse, have shown an amazing restraint and an amazing loyalty. I give you only last year as an example. Last year you saw the March on Washington (1963) with its quiet dignity and its fervent pleading. Last year you saw Negro parents, Negro citizens, after children were bombed in a Sunday School, remain calm and cool and continue to pray; last year you saw in Jack-

son, Mississippi, Negro people in a church after their leader had been slain; and after the widow of their slain leader addressed a meeting, a woman who had every right to hate, stood there and said, "You must not hate, you must love." And we saw thousands of people in that audience who had every reason to be incensed, stand up and sing spontaneously without anybody announcing it, "My Country 'Tis of Thee, Sweet Land of Liberty." Now I don't know what more simple element of testimony of faith in a system you need on the part of the people who have so little reason to have this kind of faith, who have all the provocation, the abuse, the murders, the years of want, poor housing and rats biting their children.

"They have said to America, I believe in you. It seems to me it is time for America through its elected representatives here in Washington, to say to the Negro citizen, "We, too, believe in you."

"We must have a coalition of private and public agencies working together. Finally, let me say that what we are really trying to do here is to ask you to work and provide hope for Negro parents who themselves have no real illusion that they can change overnight from functional illiterates to skilled technicians, but who desperately are looking for the kind of action that says *this* will not be the destiny of their children."

Those 1964 words are meaningful today, also. They serve as a fitting epitaph for a courageous and compassionate man of rare vision and patience, challenging us to rise above the commonness of everyday human struggle and strife and to examine anew the possibilities latent in the human heart and consciousness.

#### CONGRESSMAN SEYMOUR HALPERN'S TRIBUTE TO WHITNEY YOUNG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, today, a great American is being laid to rest. May he rest in peace.

The tragic loss of Whitney Young will be deeply felt by us all.

In a time when frustrated young people, many angry, disillusioned, and spurred by preachers of volume, could have turned this Nation's racial conflict into a bloodbath, it was the natural role of this great statesman to temper these conflicts with reason and to govern their solutions with pragmatism.

Whitney Young's masterful ability to view the intrinsic nature of these problems and put them in proper perspective made him an invaluable adviser to three Presidents and a great asset to seven presidential commissions. He believed with all his heart that the only just solution to our black-white conflicts could be reached when all segments of our society worked together for the common good of all. His stand, at a time when others were calling for separatism and more radical solutions, singles out Whitney Young as the arbiter and proponent of moderation.

But although he was moderate of speech and temperament, Whitney Young had a burning fire in his heart—a fire



that often reflected in his eyes—to reach the goals of justice for all America, indeed, the world. As a most accomplished diplomat for race relations, he came to the leaders of our country and sought justice for the deprived of all races and ethnic origins. He was an accomplished bargainer, who persuaded some of the most powerful legislators and public leaders of this century to listen. As a vital force in the movement for equality, Whitney Young's sudden departure from the scene leaves a void that will never be filled.

One national newsmagazine has appropriately called Mr. Young, "an effective voice of the voiceless and an effective hope of the hopeless." On this day of his burial, I would call on all people, in all walks of life, to look upon the enormous effect and tremendous impact this one man has had upon our Nation.

Whitney Young once stated:

Your monuments will be people helped in moments of distress, people given hope when they had every reason to feel despair.

If so, few men have more and greater monuments than he. Let us dedicate ourselves to the goals espoused by this great American. On this day when the Nation that owes him so much reclaims him, let us complete the monuments he sought to build. This is the only meaningful and lasting testimonial to a man who stood for the highest ideals of mankind.

I am sure that I reflect the feelings of countless Americans when I express my deepest sorrow to Mrs. Young and the family, separated so so sadly, so untimely from their husband and father.

#### LONGVIEW CREDIT UNIONS SHOW SAVINGS INCREASE OF 800 PERCENT IN PAST 10 YEARS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the February 7 edition of the Longview Morning Journal, one of the outstanding papers in the country, reports a banner year for the six major credit unions in Longview which include areas represented by me in the First Congressional District. The paper reports that the six credit unions have not only made substantial gains in 1970 over 1969, but in the past 10 years have increased their loans more than 400 percent and their savings almost 800 percent.

These are indeed impressive figures and they show why more than 22 million Americans are members of credit unions, with more joining every day and new credit unions opening at a near record rate. In an area of record interest rates for borrowers, credit unions still charge 1 percent or a fraction of 1 percent a month on the declining balance, with many credit unions charging less than that figure and which average out about 6½ percent a year.

There are credit unions in every congressional district in this country, and I

think Members would profit greatly from finding out how well the credit unions in their districts are doing, not only in providing low cost loans for their members, but also in providing a safe and profitable place to save money.

I am including in my remarks the article in the Longview Morning Journal.

#### CREDIT UNIONS BOOMING HERE

Loans and savings in Longview's six major credit unions made substantial leaps from 1969 to 1970, while in the past 10 years loans have increased more than 400 per cent, and savings almost 800 per cent.

All but one of Longview's credit unions showed increases in both loans and savings in the past year as compared to 1969 figures. One credit union showed a slight decrease in the amount of money loaned in 1970 from 1969 loans, but reported substantial savings increases.

Credit unions operating in the city include East Texas Teachers Credit Union, 1516 Judson Road, East Texas Telco Credit Union, 501 N. Green Street, Humble Credit Union, South 16th Street, Sweetex Credit Union, 606 E. Methvin Street, TP Longview Federal Credit Union, 606 E. Methvin Street, and Teachers Alliance Federal Credit Union, 1014 Young Street.

Loan in the six credit unions collectively increased some \$6,890,260, from \$2,827,808 to \$9,718,068, from 1960 to 1970, while increasing some \$785,783, or from \$8,932,285 to \$9,718,068, over 1969.

Savings (on record as of December 31 each year) increased \$7,077,353, or from \$1,843,652 to \$7,077,353, from 1969 to 1970, and some \$1,431,712, or from \$7,489,293 to \$8,921,006, from 1969 to 1970.

#### CALIFORNIA CREDIT UNION SEEKS TO HELP POOR CREDIT RISKS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, when a financial institution goes after someone who is overburdened with a long list of debts, his home is in foreclosure, his car is being repossessed, a garnishment is pending, and he is on the verge of bankruptcy, it is usually to try to collect money owed the financial institution.

But that is not the case with the Hughes Aircraft Employees Federal Credit Union. The Los Angeles credit union instituted a family money management service in 1968 to help people who desperately needed another financial chance. The credit union has taken the worst possible financial risks and turned them into financially sound citizens. In the past 3 years, the program, operated by Gil Richards, has worked with more than 500 persons, lending nearly \$1 million. Since that time, nearly one-fourth of the money has been repaid and there has been only one writeoff for \$762.45. In addition, these credit union members who were once on the brink of financial disaster have built up savings of more than \$87,000.

Mr. Speaker, I have said on many occasions that next to the church credit unions do more good than any other institution. Certainly the efforts of the

Hughes Aircraft Employees Credit Union back up my statement.

I am including in my remarks an article about the family money management service of the Hughes Aircraft Federal Credit Union in the March issue of the credit union's magazine. It shows that those who are down and out should never really consider the door as being closed if there is a credit union that they can look to.

#### ONE LAST CHANCE

HUGHES CREDIT UNION HAS A PROGRAM TO HELP THE "HOPELESS" PULL THEMSELVES TOGETHER

There isn't a member that Hughes Aircraft Employees Federal Credit Union can't help—if he's really sincere about solving his problems.

This may sound extreme, but the Los Angeles-based credit union has committed four full-time staff members—two loan counselors and two clerical assistants—to work with the type of members credit committees turn down.

The loan counselor's primary reason for existence is to help members in deep financial trouble build a solid financial base. And this isn't easy when someone owes a dozen or more different creditors, has fallen behind on his house and car payments, is on the verge of divorce—and who knows what else.

But in the past three years Gil Richards has worked with more than 500 persons who had these problems and more. Under his guidance nearly \$1 million has been lent to them, with more than a fourth of it repaid and only one write-off—that for \$762.45.

The Family Money Management Service (FMMS) began operating in February, 1968, but it was in the making long before that. Once the board had decided to commit the credit union to this type of counseling program, it laid the groundwork very carefully.

When Gil Richards was finally selected to head the service, he spent eight months getting acquainted with the credit union's branch operation and working out details of the program before the first member was interviewed. It was important that he gain the confidence of the branch managers because, as Richards asks, "Would a branch manager tell a member to take off from work and drive 70 miles to the main office if he didn't think I could help him?"

The time spent in setting up FMMS was evidently well spent. As a result, the credit union has had to make no major revisions in the program. The biggest changes have been to keep up with its growth.

The board originally set a \$250,000 limit for Richards' consolidation loans. "We hit that right away," general manager R. N. Pacheco said. "The board raised it to half a million. Now we're up to \$750,000, and we're going to have to raise it again."

Nearly \$700,000 is out on loan to almost 300 members (1 per cent of the credit union's total membership) with less than a half dozen delinquencies. At 1 per cent a month, these loans produce a fair amount of income and the program is certainly designed to minimize loss.

Each consolidation loan is fully secured by co-maker or collateral. Payments on debts being pro-rated to other creditors are made only from the member's share account. No checks are sent out unless there are sufficient funds in shares and the credit union has the member's bills.

Because losses are so low—lower than the credit union's other loans—the program is paying its own way and operating in the black.

Average maturity of these FMMS loans is 37 months. The 293 borrowers also have built up \$87,753 in shares. Thirty-eight of these

loans are with members no longer employed by Hughes, "but these are paying like clock-work," said assistant manager John Sieberg.

The income from these loans is certainly a small part of a credit union with \$46 million in assets, but the program is helping the credit union's over-all operation in a number of tangible and not so tangible ways.

"You'd be surprised in how many of these cases we would have had to sustain a loss if it weren't for Gil's program," Pacheco explained. "It has helped us with our delinquency, and he's taken over some of the loans that might have gone to our collection department."

FMMS has also made the lot of the credit committee easier, reports Sieberg, who serves as its chairman. "We were concerned about whether the program would be successful because its success depends on having someone managing the accounts who's firm in his decision making. Gil makes decisions and stands on them."

Now, when the credit committee turns down a loan because of a member's adverse financial condition, it knows there is still an avenue of help open to him.

The branch managers are also sold on the program.

"There's a big enough load in this branch office just serving the members with good credit ratings," said Charles H. Scott, who heads the credit union's Culver City office. "We don't have the time to sit down and counsel in depth—and it does take time."

More than 8,000 members are served from Scott's office, with anywhere from 100 to 150 loan applications a week. About one a week is turned over to Richards.

"This takes quite a burden off the branch so we can serve the other members," Scott explained, referring to the initial work and continual follow up involved in helping the over-extended debtor.

Naturally, the credit union continues to stress prevention outside FMMS, both through branch office staff and programs of the education department.

The credit union has always been looked upon with favor by Hughes Aircraft Co. management, but now more than ever.

The company's industrial relations managers and employee counselors pass out the FMMS pamphlets. In other instances, company personnel have sent employees to Richards for advice and help. And Richards himself is called upon regularly for information and assistance by the company's Equal Opportunity Section and on-the-job training program for hardcore unemployed.

"This program has enhanced the image of the credit union more than anything we've done in many, many years," Pacheco said.

But even more important, "We have returned to financial—and in many cases social—responsibility 477 people, virtually all of whom were condemned to financial ruin in a credit-oriented society."

The tangible results are easily documented with figures: The number of people helped; the number of loans made; the amount repaid; the amount of debts pro-rated; and the amount saved in shares.

But how do you put a price tag on a marriage that is saved, or a wholesome atmosphere that is created for the children in a home? Richards asks rhetorically.

Certainly Hughes Aircraft Employees Federal Credit Union has proved that a program of this kind, with professional direction and guidelines, can be operated successfully without exposing the members' assets to undue risk.

Gil Richards is looking for someone.

That someone has been turned down by the credit committee. He's overburdened with a long list of debts. His home is in foreclosure and his car is being repossessed. A garnishment is pending. He's on the verge of bankruptcy. He really needs and wants budgeting assistance.

Admittedly, such people are not the cream of the creditor's crop. But who needs help more than they? More importantly, though, who is willing to help them?

Sometimes it takes them quite awhile to realize that. They may pull away after the first telephone call to Richards' office because it sounds tough, only to return a month or so later, deeper in trouble but ready to go through the ordeal. And for most it is an ordeal—including Richards.

Setting up a Family Money Management Service such as that at Hughes Aircraft Employees Federal Credit Union in Los Angeles, is no easy matter. Having a guy like Gil Richards in it, though, does help.

By background and temperament, Richards is ideally suited for the counseling role. He knows the finance industry and he knows people. He has been a collector for a finance company and assistant vice-president of a bank. He's a good listener, he's compassionate, and he is capable of empathy. But he is also tough enough to say "no" when he has to.

Here is how Richards works:

#### INITIAL INTERVIEW

Once a member contacts Richards or is referred to him by a branch manager, he is sent an application and financial data form, which he must complete before making an appointment.

During the initial interview, Richards obtains the full names and addresses of all creditors and amounts owed, and a detailed budget list of living expenses.

"I start in a friendly way, talking about the job, trying to relax him. Then I lead into it: 'Well, you must have a problem or you wouldn't be way over here.' You begin to get an idea of the depth of the problem when you see a grown man start to cry. I listen with compassion to their stories, but they always start out giving only part of the story. Eventually it all comes out, though. This initial interview takes a couple of hours. I'm tapped out after that."

#### AFTER THE INTERVIEW

Following the interview, Richards reviews and verifies the application. A check with various sources reveals whether the member omitted information, especially any he might consider derogatory. He also verifies the person's employment status and checks with the supervisor on the member's reliability and whether there are disciplinary problems. If possible, Richards also personally appraises real estate, household goods, cars, and other collateral offered for the loan.

"I take the information home with me to get ideas on what to do. I know what they want me to do: Put it into one big, unmanageable package. I don't always do what they want."

#### FINAL INTERVIEW

Both the member and spouse must come to the credit union's general office for the final interview. At this time, Richards questions the couple closely to determine the reasons for their financial problems and any future emergencies and plans, such as marriage, child support, divorce, college bills, dental and medical bills. He also extracts a verbal and written promise to avoid using credit cards and further credit of any kind.

Using the family's own budget—the one they filled out on a budget form provided by the credit union in preparation for the interview—Richards shows them what is happening to their finances now. He also presents at least three alternate solutions, and insists that they take plenty of time to think over the possibilities, pointing out the hardships of living on a fixed budget with very restricted income.

"I never sugar-coat it. I try to impress upon the couple that they will face tough sledding. Unless they accept this at the outset, they are certain to duck the responsibility

further on down the road. And I lay it on the line: 'You've been incurring debt everywhere. You've had your chance to work your way out and it failed. Now we are going to put together a workable solution, but it's up to you to make it work. Study it because you must stay on it and have it reviewed by me every three months.' Then I cut up all their credit cards for them right in front of them."

#### POSSIBLE SOLUTIONS

The solutions are based on pro-rata arrangements with the family's creditors, a consolidation loan, or both. The credit union makes no charges for the service itself, of course. Income from the program comes only from the interest on loans.

In all cases, though, all salary or wages in excess of the set amount for living expenses go via payroll deduction to the credit union to be applied to the loan or the share account. The share account, meanwhile, has been transferred to the main office and coded to prevent withdrawal of shares without approval. Information and service, then, are available only by contacting FMMS directly.

"This gives me control and saves the member valuable time. It also helps us be of more service to the member. Everything they do in this program has to be cleared through one of the counselors. This is no popularity contest. I'm firm with the people. I have to be. That way they're constantly trying to prove themselves to me. Some of them can hardly wait to get out from under the tight restrictions. But in the end, if the person is to succeed, he must learn to accept and impose discipline on his spending."

#### CONSOLIDATION LOANS

Any advance of funds by the credit union must be fully secured by collateral, and all loans are at the 12 per cent annual rate.

"The member understands he must provide me with co-makers, titles, stocks, acreage, furniture, or whatever. We did turn down a \$2,000 diamond ring, though, because of the responsibility and problems of protecting it."

#### PRO RATA ACCOUNTS

When the member owes a number of creditors, Richards may set up a repayment schedule calling for monthly payments usually—but not always—in lesser amounts than called for in the contracts. Once Richards determines the amount the member can pay, he advises the creditors either by phone or letter, carefully outlining the member's general credit situation.

"I call and talk to the credit managers to explain the situation and schedule the repayment. I've grown up in the credit business, and have 25 years in Southern California. So it's seldom I don't find someone I know in the company I'm calling. And I've got the Hughes name behind me. I haven't had a turnaround from a creditor yet."

When the member's payroll deduction has been set up to cover the repayment schedule agreed upon, Carole Moser—Richards' assistant—sets up a pro-rata ledger card listing payroll number and member's name; name of creditor, complete address, account number, and amount owed; amount to be deducted each month from payroll deduction; and the date it's to be mailed to the creditor.

At present, 248 members are in the pro-rata program, and Mrs. Moser is writing 397 checks totaling \$16,917 each month to creditors.

"We pay the collection companies and high-interest rate lenders first, then the bank charge-cards, and department stores. Where there is no security—such as banks, finance companies, department stores, oil credit cards—the member repays out of current earnings, disbursed each month from his share account by FMMS. To ensure our program being a success, we usually don't go in unless we take and handle the house payment, too. The person is, usually in arrears



with that payment, too, and the member shouldn't lose his home."

#### THOSE IN NEED

People of all ages and income levels, from the well-schooled to those who never finished high school have made the journey to Richards' office. Surprisingly, less than half of the people he works with are compulsive spenders. Most are financially distressed because of domestic problems, family illness, and unforeseen emergencies with which they are unable to cope.

"Most of my people are the younger people. They're recently out of college, earning lots of money for the first time in their lives. They have many problems. They're assuming new responsibilities, getting married, buying houses, buying cars. And then there is the easy use of credit—credit cards, check credit—coupled with the unforeseen emergency or occurrence."

Richards averages two or three interviews a day. Not all of them wind up in the pro-rata card box, though. Some can straighten themselves out with a little help and advice. Many come in just for the budgeting materials now that they know he has them.

Those that come, though, bring a wide range of problems. Among those seeking his assistance:

A man whose son was facing murder charges in Vietnam wanted to testify on his son's behalf.

A male member married three years being sued for paternity by another woman. (The couple is now reconciled, and they have a baby of their own.)

A family about to lose a very substantial equity in a large house because they had moved to another location to be able to send their children to a religious school.

A childless couple who wished to adopt a child but could not pass the financial requirements. (They now have both an adopted and a natural child.)

The woman who wished to become a nun. (She owned a recent model Jaguar at the time her first interview, had a teen-aged son, and a substantial debt.)

A custodian with 13 children, holding two jobs, who needed a car.

A highly paid department assistant with an alcoholic problem whose employment was terminated in a cutback of his department. (He has now completed graduate school and is doing well in a high school teaching position.)

The senior computer programmer who couldn't set up a workable budget. (Once relieved of his tensions, he could concentrate again on his job and as a result came up with an idea that saved the company \$8,000. This earned him a Certificate of Merit and a monetary reward.)

"We have 30,000 members. That's like a small city. And anything that happens in a small city can happen here. When they bring their problems to me I try to understand them and find solutions. True counseling is to find the solution to the problem without increasing the financial burden. These are solutions that are really meaningful because you don't get them further in debt."

#### IMMEDIATE SUCCESS OF BANK HOLDING COMPANY LEGISLATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on last Thursday, March 11, 1971, the Wall Street Journal carried a lengthy and very interesting article concerning the immediate impact on banking of the passage of the Bank Holding Company Act Amendments of 1970.

This act finally became law last December after 2 long years of consideration and controversy in the Congress. While much of the attention given to this legislation in the press concerned the complicated substantive issue of what constituted a bank-related activity, there were those of us who were also seriously concerned about seeing to it that holding companies which were clearly mixing banking and nonbanking activities be prohibited from continuing this practice. After all, this was one of the basic purposes of this act.

While most students of the subject agree that the legislation passed last year was a successful effort to separate the business of banking from nonbanking businesses, a few have contended otherwise.

The Wall Street Journal article I am inserting in the Record today clearly indicates in a very practical sense that this legislation is having a substantial and immediate impact in separating the banking business from nonbanking activities. As the article points out, there are approximately 70 conglomerates owning banks which are either in the process of disposing of those banks because of the 1970 act, or are seriously considering doing so. A number of others, the article points out, will probably eventually follow the same route. In some cases both large banks or a large corporation controlling a bank are involved.

Aside from the long-range impact of this most important economic legislation, which I am confident will have a favorable effect in increasing competition and reducing the concentration of economic power in this country, it is heartening that the public will almost immediately be able to feel the favorable impact of this legislation.

I insert the Wall Street Journal article of March 11, 1971, at this point in the Record:

**BIG, DIVERSIFIED CONCERNS THAT OWN BANKS WILL HAVE TO UNLOAD THEM UNDER A NEW LAW**

(By Edward P. Foldessy)

NEW YORK.—J. C. Penney Co., the giant retailer that has sold an almost endless variety of merchandise, may soon offer to sell a full-scale commercial bank.

Penney controls one bank. And that's one too many—because of changes last year in federal banking laws. As a result of these changes, specialists say, Penney and most of the 70 or so other commercial concerns that control banks will have to divest themselves of these interests.

Such a situation might conjure up visions of wholesale disposals of banks at distressed prices. But experts say the transition probably will be orderly and will be carried out over many years. For the companies involved, however, the selling process is expected to involve headache-producing decisions and cumbersome paper work—and possibly costly legal battles.

Basically, the 1970 amendments to the Bank Holding Company Act of 1956 brought so-called one bank holding companies under the same restrictions as multibank holding companies. The original act had provided a loophole exempting those companies controlling only one bank.

Under the amendments, enacted in December, a concern controlling a single bank will have to register with the Federal Reserve Board by June 29 as a bank holding company. As such, the company essentially

is forbidden to engage in activities that aren't related to banking.

There are about 1,100 one-bank holding companies in existence, but the ax hits hardest at the approximately 70 whose banking business is only a sideline to a conglomeration of other activities. (The remaining 1,000 or so concerns haven't any significant operations outside banking.)

#### GRANDFATHER COMPANIES

The amendments essentially divide the one-bank holding companies into two categories—the so-called grandfather companies, formed before June 30, 1968, and those formed after that date. Under present plans, the grandfather companies can keep their long-established non-banking activities. Within 10 years, however, bank holding companies formed after the cut-off date must either pull out of banking or cease their nonbanking operations.

For many of these latter companies, like Penney, the decision won't be difficult; their banking interests amount to only a small fraction of their commercial and industrial operations. Penney owns about 97% of Citizens National Bank of Dallas, a small bank with assets of approximately \$20 million. It obtained the interest through the acquisition of Great American Reserve Corp. at the end of last year.

Other companies that, like Penney, have a clear-cut choice of industry or banking include such well-known concerns as Sperry & Hutchinson Co., General American Transportation Corp., Archer-Daniels-Midland Co., National Lead Co. and Kinney National Services Inc. These companies all acquired their banks after the cutoff date.

It isn't known how many companies fall into this category, but most of those contacted indicate they will eventually dispose of their banking interests. Sperry & Hutchinson, the trading-stamp concern that also makes carpeting and furniture, says its decision would be "quite obvious. . . . It's a choice of keeping a small part of the corporation or the rest." Thus, it is likely that S&H's State National Bank of Connecticut will go. The bank has about \$400 million in assets.

#### LITTLE COMFORT FROM "GRANDFATHER"

Even companies that do fall under the grandfather clause say the privilege isn't very comforting. The clause allows those companies to remain in activities they continuously operated since June 30, 1968.

But bankers say this provision might be meaningless. For one thing, the Federal Reserve Board has the discretion to withhold the grandfather privileges. And under the law, the board is required within two years to make a decision on each company whose bank has more than \$60 million in assets. The act says the privilege must be revoked in any instance where the board finds "undue concentration of resources, decreased or unfair competition, conflicts of interest or unsound banking practices."

Even if a company comes through the board test unscathed, it must face some harsh realities. The amendments, in effect, freeze a company into those nonbanking activities in which it was engaged on June 30, 1968. Any new venture would have to be related to banking. Moreover, a Reserve Board source states that such a company could expand its grandfathered nonbanking activities only by internal means and not through acquisitions. There are, however, "hardship" exemptions to this rule.

Among the giants that will have to face the Reserve Board's grandfather test are Gulf & Western Industries Inc., Marcor Inc., D. H. Baldwin Co., World Airways Inc. and C.I.T. Financial Corp.

#### C.I.T. IS OPTIMISTIC

C.I.T. controls by far the biggest bank in this group, National Bank of North America,

which has assets of \$2 billion. But Walter S. Holmes Jr., C.I.T. president, doesn't see "any significant changes in our corporate posture." He adds, "We have no reservations on our ability to comply fully with the amended" act.

Unlike most of the other companies, C.I.T. derives the bulk of its earnings from financial activities, such as financing, factoring, leasing and insurance. It does have small operations in such fields as greeting cards and X-ray equipment.

Other companies aren't as optimistic. Marcor, which owns Montgomery Ward & Co. and Container Corp. of America, says the law's restrictions could force disposal of its Pioneer Trust & Savings Bank, a \$250 million Chicago institution. It's quite clear, says Gordon Worley, financial vice president, that "at some point Marcor will have to decide whether to continue as a one-bank holding company" even if it passes the Reserve Board test.

World Airways would very much like to keep First Western Bank & Trust Co., Los Angeles, which it acquired in June 1968 for \$63 million. The \$1 billion bank provides the lion's share of the company's earnings. "We are fortunately covered by the grandfather clause," states Samuel L. Teitler, general counsel. "Our operations as they are now will in no way be affected."

That, of course, assumes World Airways will pass the Reserve Board test and won't want to expand in nonbanking fields.

Continuing as a bank holding company would "put a clamp on the possibility of expanding into other fields," Mr. Teitler, concedes, but he adds that "we have no present intention of expanding into any field that wouldn't be functionally related to banking."

#### WOULD THE PRICE BE RIGHT?

Most companies say that if they were required to divest themselves of their banking interests, the action would cause little, if any, hardship on the concerns or their stockholders. Chiefly, they say that the time given for divestiture is long enough for an orderly transition and that banking is a lucrative property on the auction block.

Some companies believe they could make out well on a sale, but not all are exuberant. An official of one holding company fears that "on a forced sale, you might not be able to get what the bank's worth."

But holding companies have an almost endless number of ways to dispose of their banking interests. Besides an outright sale to another concern or investment group, they could, for example, spin the bank stock off to their shareholders (much in the same way as a stock dividend) or offer the stock for sale through a public offering.

Another tactic could be simply to dispose of enough shares in the bank so that the corporation no longer controls the bank. At least one company is considering merging its bank with a large one so that it would wind up owning a smaller, noncontrolling interest in the bigger bank.

#### COMPLICATIONS ON CONTROL

Reduction of ownership, however, might be a tricky matter. Under the original act of 1956, ownership of at least 25% of a bank indicated control, whereas anything under 25% was assumed a noncontrolling interest. The new amendments retain the 25% figure. But they also authorize the Reserve Board to determine whether a controlling situation does indeed exist where a company owns 5% to 25% of a bank's stock.

A decision in this area could affect Tenneco Inc.'s interest in Houston National Bank, which has about \$350 million in assets. The company has a 12% voting interest in the bank but a combined 40% voting and non-voting interest. Tenneco got into the banking business in 1961 through the acquisition of a small Texas bank that was later merged into Houston National.

"If we were classified" as a bank holding company, a Tenneco spokesman says, "we would be forced to divest ourselves" of the bank. He explains that "we couldn't be put into the position of having the Federal Reserve regulate us at every turn."

#### WHO OWNS WHAT BANKS? BIG FIRMS ARE ON LIST

What industrial companies own interests in banks? Here's a partial list:

Archer-Daniels-Midland Co. (National City Bank, Minneapolis); D. H. Baldwin Co. (Central Bank & Trust Co., Denver); CNA Financial Corp. (Garden City Trust Co., Newton, Mass.); CPC International Inc. (Argo State Bank, Summit, Ill.); Gamble-Skogmo Inc. (Gambles Continental State Bank, St. Paul); General American Transportation Corp. (LaSalle National Bank, Chicago).

Goodyear Tire & Rubber Co. (Goodyear Bank, Akron); Keystone Consolidated Industries Inc. (Jefferson Trust & Savings Bank, Peoria); Kinney National Service Inc. (Garden State National Bank, Hackensack, N.J.); Marcor Inc. (Pioneer Trust & Savings Bank, Chicago); National Lead Co. (Lake View Trust & Savings Bank, Chicago); J. C. Penney Co. (Citizens National Bank of Dallas); Sperry & Hutchinson Co. (State National Bank of Connecticut).

Tenneco Inc. (Houston National Bank); Universal Telephone Inc. (Continental Bank & Trust Co., Milwaukee); Wilshire Oil Co. of Texas (Trust Co. of New Jersey); World Airways Inc. (First Western Bank & Trust Co., Los Angeles); and Vanguard International Inc. (First State Bank of San Leandro, Calif.)

#### A RESOLUTION BY AMERICANS OF LITHUANIAN DESCENT

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to associate myself with the following resolution which was adopted by the Americans of Lithuanian descent at a meeting held on February 21, 1971, Brockton, Mass.:

#### RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we, the representatives of the Lithuanian ethnic community of Brockton, Mass., assembled here on February 21st, in Brockton to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought in 1812, 1831, 1863, 1905, 1941 and in the partisan War of 1944-1952 to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918-1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trampled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the

Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskis, as well as in Simas Kudirka's heroic attempt at defection.

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the representatives of the Lithuanian ethnic community of Brockton, Mass.

Do hereby protest Soviet Russian aggression and perpetration of the following crimes in occupied Lithuania:

1. the murder and deportations of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor;

2. the yearly systematic deportations, under various guises, of Lithuanian youths to forced labor in Soviet Russia and their unlawful conscription into the Soviet Russian army;

3. the colonization of Lithuania by Russians, most of whom are Communists and undesirables and who receive various privileges at the expense of the Lithuanian people;

4. the pauperization of the Lithuanian people, conversion of once free farmers into serfs or kolchozes and sovkhoses, as well as the exploitation of workers;

5. the persecution of the faithful, the restriction of religious practices, the closing of houses of worship;

6. the distortion of Lithuanian culture by efforts at incorporating it into a Soviet-Russian culture and the continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives/Congressmen to make use of every opportunity to urge that President Nixon once again publicly reiterates long standing United States position of the non-recognition of the incorporation of the Baltic States into the Soviet Union.

The Government of U.S. to raise the issue of Lithuanian in the United Nations and at various international conferences as well as to support our just requests for the condemnation of Soviet aggression against Lithuania and for the abolition of Soviet colonial rule in that country.

#### ON CONTINUATION OF THE PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I am still vitally interested in two House concurrent resolutions on the continuation of the Public Health Service hospitals and outpatient clinics currently being considered by your subcommittee. I am convinced that if it had not been for the filing of resolutions such as 108 and 151, both of which I was proud to cosponsor, a decision might have been made to close the hospitals by now. Quite honestly, I feel that the administration did not expect the outpouring of concern from Congress which followed the December announcement that the Department of Health, Education and Welfare was reviewing the continuation of the Public Health Service hospitals around the country.



In the months that followed, I have been deluged with expressions of concern for the future of the hospitals from organizations and individuals throughout the Commonwealth of Massachusetts. They all wrote with one aim in mind—a plea that medical facilities which have provided such excellent service as the Public Health Service hospitals over the years not be closed down. They also expressed bewilderment at how an administration which was publicly announcing its commitment to providing better health service to the country at more reasonable costs could consider—I repeat, even consider—closing down what are perhaps the only hospitals in the country which have traditionally surpassed both stated objectives of the administration. Every one of the constituents who have written to me expressed complete satisfaction with the quality of service that they have been in the habit of receiving from Public Health Service hospitals. Not one of the constituents welcomed the prospect of having to shift to the already overburdened Veterans' Administration hospitals in the area.

HEW has tried to make out a very strong case that the remaining Public Health Service hospitals in this country have been inefficient and too expensive to operate in this day and age. They have tried to describe them as outmoded and out of date. Mr. Speaker, this just does not square with the opinion of people who are getting service from these hospitals. They are not complaining about dilapidated buildings. They are not writing demanding more up-to-date appliances and technological innovations. The Government workers, the Coast Guard men, and the fishing-merchant marine industry in my State over the years have found the hospitals able to provide immediate, highly professional and somewhat personal service in times of growing lines and depersonalization of service at other Government hospitals.

The fact is that to even contemplate turning over the workload of the Public Health Service hospitals to existing Veterans' Administration hospitals is totally inconsistent with the stated aim of HEW and would cost untold millions to the Government in order to accomplish it. The VA hospitals are already overburdened and just cannot deliver the same quality of medical attention to the communities serviced at present by the Public Health Service hospitals at anywhere near the same low cost.

Mr. Speaker, I have said from the outset that one of the beneficial byproducts of having the Public Health Service hospitals in my community over the years is that they have always provided an example of excellent medical service at the lowest possible cost in the area. The existence of such a low-cost alternative has offered incalculable benefits to those entrusted with the responsibility of determining reasonable medical costs. The Public Health Service hospital has traditionally served as an example of what could be done at less cost to, other more expensive medical institutions in the area. In this respect, I was happy to read in yesterday's papers that what

some of us have known for some time now, that the Brighton Public Health Service Hospital operated at less cost per patient than other Boston area hospitals in 1970. The per diem cost at Brighton was \$60 compared with \$130 at Peter Brent Brigham, \$108 at Massachusetts General, and \$70 at the average suburban hospital. What many of us have known to be true for some time has apparently finally been brought to the attention of the Secretary of Health, Education, and Welfare in a confidential report.

Recent indications are that the administration is backing down on its original plans to dismantle these hospitals. Recent reports are that they will be kept open and their role expanded. They will be given, in all likelihood, not fewer responsibilities, but entrusted with additional responsibilities for the handling of the local communities around them. It seems to me that in times of shortage of good health service, an administration that was at all serious about its responsibilities for providing health protection to the citizens of this Nation, would be thinking about expanding existing medical facilities which have already proven themselves over the years rather than talking idly of closing them down.

Mr. Speaker, I do not want to take up any more of the House's time. Let me say in closing that the strong expressions of congressional concern over the past weeks have accomplished much. A comparison of the statements made by Secretary Richardson last December 30 with that made on March 5 readily confirms this. The March 5 statement is a much more positive statement and one which can be interpreted as committing the administration to expanding the role of the Public Health Service hospitals in the years ahead. The one of December, in sharp contrast, read more like a cost analysis prepared by some backroom efficiency expert concerned with eliminating the expenditure of a few dollars at one point in the budget, without any consideration being given to the extra costs which would appear elsewhere as a result of any decision to close the hospitals. I am convinced we have made progress and would only recommend that we do not stop now, but continue our pressure. Right now the best way to do this would be to pass the concurrent resolutions now under consideration by the Subcommittee on Health and Public Welfare of the Interstate and Foreign Commerce Committee.

#### MINERAL LEASING REVISION ACT OF 1971

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, in mountainous south-central Idaho, 25 miles north of Sun Valley, a small range of spectacular peaks, turquoise lakes, and green, flower-sprinkled basins bear the poetic name White Clouds. According to legend, the Indians so named them because of the white limestone mountains and cliffs. I have visited these mountains

and I can tell you they are among the most beautiful in the country, if not the world. They are populated by deer, elk, bighorn sheep, and Rocky Mountain goats. There are California golden trout in some of the lakes; rainbows, brook trout, cut-throats, and Dolly Vardens in others.

The environment of the White Clouds is threatened. In 1968, the American Smelting & Refining Co.—ASARCO—began prospecting in the area for molybdenum, a mineral used to toughen and harden steel. To date ASARCO's activities have had a limited impact on the White Clouds, but future plans are ambitious and potentially disastrous. If ASARCO's findings justify it, their plans call for at least one open pit mine from which 20,000 tons of rock would be removed per day, and a mill to process the low-grade ore on the spot. The operation would leave large areas of the White Clouds permanently scarred and could have an adverse impact on the Salmon River drainage system, the most important spawning area for salmon and other anadromous fish in the entire Columbia River complex.

A similar situation to the White Clouds is now occurring in the Pike National Forest, Colo. Mining dolomitic limestone by open pit method has scarred the beauty of parts of the front range of the Rocky Mountains. A huge, unsightly scar can be seen from a wide area including the Garden of the Gods Park and it spoils the once picturesque view of Pike's Peak.

The world's worst examples of strip mining are found in the East. Anyone who has flown over the coalfields of Pennsylvania, Ohio, West Virginia, and Kentucky, can only be appalled by the devastation of whole sections of once beautiful forest lands. No war, no holocaust, could wreak such havoc as that which the strip miners have left in the once beautiful rolling green hills of Appalachia.

Destruction of the land is occurring all over the country. In the West, open pit copper mines dot the landscape. In parts of the Midwest, iron ore miners have had a similar effect. In Wyoming, developers of jade deposits have left huge scars on the land.

In my home State of Arizona, there are a number of examples of this phenomena:

Above Tucson, there is a scar on the side of the Santa Rita Mountains visible from anywhere in the valley below. Home-Stake Production Co., of Tulsa, is preparing to open a \$1.5 million limestone quarry and plant. According to Dennis K. Pickens, senior vice president of Home-Stake:

Our plant is a very small one. It's nothing compared to what the larger companies will do once they start operating in the area. It's not a legal matter, nor an ethical one. That whole mountain will come down if we can sell enough limestone over the coming years.

On the backside of the Santa Ritas, a Chicago-based firm, Continental Materials Corp., has announced a "significant copper deposit" in a recreational area

of 600 to 1,000 acres of beautiful mountain country.

In the Patagonia Mountains, southeast of Tucson, prospectors, using explosives and bulldozers, have destroyed natural drainage channels, dammed creeks and destroyed mountaintops in Three R Canyon.

In the Huachuca Mountains, Ash Canyon has been stripped of live oak and manzanita, and has suffered clogged and silted drainage channels. A former jeep trail has also been opened up to accommodate 100-ton ore trucks.

In the Tucson Mountains, a recreational area is now the subject of mineral production. Where hikers used to tread, ore trucks ply an old trail. The air is full of dust, smoke, noise, and the smell of burning oil which detracts from the remaining land still available for recreational use.

I do not cite these facts to malign the mining industry. Mineral development is vital to our society. Without copper, zinc, lead, silver, and many other minerals very little of our complex industrialization would be possible. In much of the West the mining industry is vital to economic health. Arizona copper production is reaching the billion-dollar-per-year level. Five mining industries in the Tucson area alone reported paying \$53.7 million to 63,000 employees and two construction firms paid \$29.2 million to more than 2,000 workers on mine construction and expansion.

Arizona's mines also have national importance. Copper is a strategic material and approximately 50 percent of the Nation's copper is produced in Arizona. Production of U.S. copper takes on increased importance when considered in the context of a movement by some foreign countries to nationalize American and other foreign mineral holdings. Chile is a case in point. Obviously mineral production must continue in Arizona and the Nation.

The question is not whether the mining companies should be allowed to operate, the question is how and where they should operate. The question is whether mining operations should be allowed to continue in areas like the White Clouds no matter what other value that wilderness may have to our urban society. Obviously disputes over competing values must be solved on a case-by-case basis. The problem is that under present law the result will always be in favor of the developers, and in many instances I believe this to be a mistake.

Much of this country's mineral production comes from the public lands. At the present the Federal Government owns close to 50 percent of the land in seven western lands, which comprise 90 percent of all federally owned land. The percentage of mineral production from these Western States includes 90 percent of copper, 95 percent of mercury and silver, 100 percent of nickel, molybdenum, and potash, and 50 percent of lead. Obviously, the structure of our Federal laws is of vital importance to the mineral industry. It is also of vital importance to agricultural, grazing, water, recreational, and scenic resources since much of the Nation's undeveloped land is in the West.

The law that governs development of mineral resources on the public lands is the mining law of 1872. Under it mineral prospectors are allowed to enter the public domain, unless otherwise withdrawn or reserved by act of Congress or by Executive order, to hunt for "hard-rock" minerals in any way that is desired. The discoverer of a valuable deposit can establish a legal claim to it merely by marking the boundaries of the claim and if State law requires, recording the location in the county office.

No more is required. There is no provision for notifying the Federal Government of the existence, position, or size of the claim or of the fact that minerals are being extracted. Having staked his claim, the miner may continue indefinitely to enjoy what amounts to almost total ownership of the property, mining it or not as he wishes in any manner that he desires with no revenue flowing into Federal coffers. His only obligation is to make \$100 worth of improvements on his location each year, or risk being dispossessed by another claimant. If the developer wishes, he can file proof of his valuable discovery with the Department of the Interior and obtain fee simple title to the land at a nominal per-acre price.

The Mining Law of 1872 places the miner in a unique position. He has all the rights of ownership but none of the responsibilities. There is no practical way that the Federal Government can prevent a miner from using destructive techniques in prospecting, mining the mineral deposits and then moving on, leaving behind his broken machinery, trash and a scarred and desecrated landscape.

What I propose today, Mr. Speaker, is a basic change in the present system of hardrock mineral prospecting and development on the public lands. The Mineral Leasing Revision Act of 1971, would apply a leasing system to hardrock minerals similar to that now used by the Federal Government for fuel minerals such as oil. The basic idea behind my proposal is to change the present self-executing nature of the mining law. I propose to give the Department of the Interior greater control over what portion of the public domain is to be explored, how it is explored and how the mineral development proceeds.

The legislation would accomplish this in the following way:

**Land Subject to Exploration:** All Federal land not otherwise reserved or withdrawn would still be subject to the mining laws, but there would be a vital difference. Under the proposed leasing system, the mineral laws could not be triggered by a citizen's entering the public domain for the purpose of mineral exploration. The Secretary of the Interior would be given discretion to make land available for exploration by competitive lease as he sees fit. This means that in areas where there are more important values at stake than mineral production the Secretary could refuse to open the land to mineral exploration or could carefully limit the same.

The Secretary's discretion would be controlled in this situation and prospective developers would have the right of judicial review in cases of gross abuse of

discretion. Values that the Secretary might look to in making a determination would include environmental considerations—That is, Is it a wilderness area that has not been afforded protection by Congress?—competing demands for the same land such as agricultural, the likelihood of a marketable mineral deposit, the present supply of the mineral sought after and long term national needs for the mineral.

Conditions imposed on the mineral developer: Both prospecting and production leases shall include provisions for protection and restoration of the lands covered by the lease and for the protection of environmental and recreational values for the same land and surrounding lands. The developer would be protected from unreasonable changes in lease conditions and would have a right of judicial review for gross abuse of discretion.

Revenue generated for the Federal Government: Bidding for prospecting permits is by competitive bidding, with the permittee having the right to a production lease upon proof of a valuable mineral deposit. In cases where no prospecting permits are outstanding on lands known to contain workable deposits, production leases will go to the highest qualified bidder under a competitive bidding situation.

Each productive lease shall be conditioned upon payment of a royalty of not less than 5 percent of the gross value of production—provided that the operation remains profitable after payment of the royalty—and a minimum annual rental of \$5 per acre.

In awarding bids, the Secretary may consider both the initial cash bonus offered by a prospector and royalty payments offered above the 5-percent minimum.

The Mining Law of 1872 was one of the hotly contested subjects that the Public Land Law Review Commission considered, Mr. Speaker, and I know from my experience on that Commission that many in the mineral industry object to the leasing system that I propose. But defects in the present mineral law are by and large admitted even by those people involved in mineral development on the public lands and the majority position of the Commission in large part recognized the need for change my only criticism of the Commission's position is that it did not go far enough.

The Commission did recommend that a prospector file notice of his claim with the Federal Government and that failure to diligently explore the parcel be ground for termination of a required exploration permit. The Commission also recommended that the land administrator be given limited authority to impose exploration and development restrictions on the claimant and that henceforth reasonable royalties should be paid to the Federal Government for mineral production.

But the Commission's recommendations leave a major fault in the present system intact; if adopted, the mining laws would still be self-executing. The land administrator would have no control over what lands are explored and



where development occurs. Thus multiple-use land management would still be hindered.

In the other body Senator JACKSON of Washington has introduced the National Land Use Policy Act. Here in the House Chairman ASPINALL has introduced legislation designed to bring more consistency to land use planning; I intend to do the same in the very near future. In the President's state of the environment address he called for a national land use policy and Secretary of the Interior MORTON has voiced his desire to see more orderly development of this country's land resources. There are few people who would disagree with this worthwhile goal, but the fact is that until we can reform the antiquated Mining Law of 1872 sound land use planning on a national basis can never be realized.

If a land administrator determines that an area is particularly suited for grazing cattle and acts accordingly, that decision can be overruled by a mineral prospector. If that same administrator recognizes that an area is crucial for the water supply of a metropolitan area some distance away and acts to conserve water resources, his act can be negated by a mineral prospector. If Federal land is needed to grow crops to feed people, a mineral prospector can act unilaterally to block agricultural use of that Federal land. If the citizens of Tucson want to use the Santa Rita Mountains as a recreational area, their wishes can be ignored by one small mining company that wants to bring the Santa Ritas down.

We simply must find a way to balance competing interests on the public lands, and to balance them in a way that will allow for development of the land in a manner consistent with a sound environment. Reform of the Mining Law of 1872 will not do this for us in a single stroke, Mr. Speaker, but unless we have reform our chances of planning for future use of the land will be that much less.

#### MISSED VOTE ON SOCIAL SECURITY INCREASE

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I deeply regret that the conference report providing for a 10-percent increase in social security benefits was brought up without warning yesterday morning, immediately after the opening of the session. I was forced to miss this vote because, along with many other Members of the Senate and House and several Cabinet members, I attended the funeral services at Riverside Church in New York City for a great American, Whitney Young, Jr.

If we had known that a vote on the social security increases was anticipated, we surely would have asked that the vote be deferred as a matter of courtesy, until those Members attending the funeral services could get back from New York. This has, as you know, often been done in the past in similar circumstances.

Obviously, I would have voted in favor

of the conference report had I been present. While a 10-percent increase in my judgment is far from sufficient, and while a further increase and other improvements in the social security laws are sorely needed and will remain a matter of high priority, the 10-percent increase, added to the 15-percent increase enacted in 1969 by the 90th Congress, is at least a small step in the right direction.

#### REPRESENTATIVE HANSEN OF IDAHO INTRODUCES LEGISLATION TO AMEND THE RAIL PASSENGER SERVICE ACT OF 1970

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing H.R. 6278 to expand the basic national rail passenger system to include passenger service to all of the contiguous 48 States.

As each of us knows, on January 23, 1971, the Department of Transportation issued its final report on the basic national rail passenger system. Many of us were deeply disappointed to discover that five States were eliminated from the projected Railpax network. These States are South Dakota, Vermont, New Hampshire, Maine, and Idaho.

The exclusion of these States from Railpax will result in a severe hardship for thousands who rely on train service. Each of these States frequently experience severe winters, and at times, train service may be the only feasible means of travel. Many of our senior citizens, who have come to rely on rail service for transportation, will suffer great hardship with the termination of this service. Equally important, I believe that the decision to eliminate these States tacitly violates the Congressional mandate that the Secretary of Transportation's recommendation must take into account the need for rail passenger service between "all regions of the continental United States" and that he should look to the provision of "service to more centers of population."

For these reasons, prompt action on this bill is necessary. I welcome as co-sponsors of this legislation Representatives McClure, STAFFORD, HATHAWAY, WYMAN, and ABOUREZK. As you can see, Mr. Speaker, there is general agreement among Representatives of each of these five States that the 3½ million people of these States must not be deprived of rail passenger service.

My own State of Idaho is currently served by two viable rail passenger lines, running in both a north-south and east-west direction. Members of Idaho's delegation have long fought for retention of trains Nos. 35 and 36, which run from Butte, Mont., to Salt Lake City, Utah, and which serve many communities in southern Idaho. "Clearly the service provided by these trains meets a significant public need. The use of the trains for purposes of going to hospitals or to receive medical care, for example, is impressive. The area served relies to a considerable degree on these trains for its economic and social well-being."

This statement of the importance of trains Nos. 35 and 36 is not my own, Mr. Speaker, but that of an ICC examiner, who only a few months ago denied the application of Union Pacific to discontinue service.

I find it slightly incredible that the public convenience and necessity which dictated that this service be continued before passage of the Rail Passenger Act of 1970 can now allow the service to disappear after passage of an act which ostensibly was designed to preserve passenger service.

Even more vital to the people of Idaho is the east-west line which currently serves several major population centers in Idaho.

Mr. Speaker, I include H.R. 6278 as a part of my remarks.

#### H.R. 6278

A bill to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system to provide service to certain States

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title II of the Rail Passenger Service Act of 1970 is amended by inserting at the end thereof a new section as follows:

#### "SEC. 203. EXTENSIONS OF BASIC SYSTEM AFTER INITIAL DESIGNATION

"The Secretary shall, within sixty days after the effective date of this section, designate an extension of the basic system to provide adequate intercity rail passenger service to a major population area of each of the contiguous forty-eight States which did not have any large population area provided with intercity rail passenger service by the basic system designated pursuant to section 201. Extensions pursuant to this section shall be part of the basic system for all purposes of this Act and the designation of such extensions shall not be reviewable in any court."

#### PROTECT OUR HERITAGE—AND PROFIT BY IT

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, now is the time to preserve and protect our historic heritage.

With the bicentennial of our Nation just a few years away, Americans should take a fresh look at the older parts of their cities and towns. We should ask ourselves, "What are the features of my town that have character and charm and historic meaning? Is there an old home whose gardens were once the pride of the town? Is there a worthwhile structure connected with a legend or an incident in history? Is there an old building that could be an attractive restaurant or inn?"

In preserving and protecting these features we can show our young people their roots in American traditions. Our older people will also profit, knowing that not everything that is old and comfortable is due to be demolished, to be torn down because it is unappreciated.

Our cities and businesses can profit, too. The preservation of a historic structure can give new vitality to the area around it and create a new appreciation of the central city. Restoration can make

central neighborhoods exciting and rewarding places to live. And this can boost business in the centers of towns and increase the tax base of the town itself.

This is well described in an editorial in the Annapolis Evening Capital:

**ANNAPOLIS IS DOING SOMETHING RIGHT**

No one needs to thoroughly digest the grim prose or attentively listen to the cassandrian lectures of learned urbanologists to conclude that downtown areas of many American cities are in wretched condition. To be fully convinced of the nightmarish realities of urban blight, all that is required is a trip through the inner city section of the nearest municipality. Ultimately the instinctive questions are: Did this have to happen? Can it be prevented in the future?

And for answers, one might start by looking at what is going on in Annapolis. Our city has not found all the solutions or even an ample fraction of them. But Annapolis is taking a constructive approach and there is impressive evidence that this is working.

While local preservationists were engaged in their long, relentless campaign on behalf of the historic district ordinance, they constantly and effectively contended that their aims were consistent with the goal of revitalizing commercial activity in the city.

The logic of the argument is quite simple: attractive downtown residential neighborhoods encourage and inspire businessmen to maintain their property in a manner befitting the local environment. Or, put another way, pride is contagious.

Annapolis has discovered that, in terms of urban improvement, community pride must be generated by a cooperative venture; it is absolutely essential that citizens, public officials and merchants work in harmony in order to build and maintain a compatible and enriching atmosphere.

Mayor Roger W. Moyer emphatically indicated the other day that the results of a cooperative, constructive approach to urban revitalization are already being demonstrated in Annapolis. At a hearing before the Maryland Senate Finance Committee, Mayor Moyer said New York bond merchants recently told him Annapolis is one of the few cities where downtown property values have risen in recent years. Bond merchants are not inclined towards puffery; they are cold-eyed, hard-nosed businessmen. The Mayor largely credits Annapolis' reversal of a nationwide trend to the successful preservation efforts in the city.

Moyer noted that Annapolis' assessable base has been increasing \$8 million to \$10 million a year. Mrs. J. M. P. Wright, of Historic Annapolis, Inc., told the committee that the city's assessable base has soared 112 per cent in seven years.

Mayor Moyer and Mrs. Wright appeared before the committee in support of a proposed \$150,000 state grant in the governor's supplemental budget for beautification funds for the city. Because the city has been doing a commendable job on preservation and beautification and because Annapolis is the state capital in which every citizen of Maryland has a stake, we feel this would be a worthwhile expenditure of state funds.

We would not even begin to pretend that Annapolis has performed miracles of urban revitalization. We also fully recognize that portions of the city, West Street in particular, require considerable rehabilitation. But we do know that this city is doing something right by taking the approach that preservation is good for tourism, good for business and good for the community as a whole.

It is also apparent that in its colonial charm and quaintness, Annapolis has unique characteristics to utilize as a foundation for urban rehabilitation that other cities do not have. However, each city has its own individual characteristics that can be devel-

oped through imagination and cooperation. These cities, after studying the remarkable rise in Annapolis' assessable base, may profit by the example that has been established here.

Along this line, associate professor of architecture John Wiebenson, of the University of Maryland, has made an interesting proposal for providing substance and vitality to the area of 12th Street and Pennsylvania Avenue NW., here, through use, or "reuse," of the handsome Old Post Office Building, whose tower is a landmark and whose unusual architecture saves the Federal Triangle from the dullness of uniformity:

There is an area on Pennsylvania Avenue in Washington D.C. which is common to the Federal Government, to tourists, to the District Government, and to local citizens. This is the area surrounding the Old Post Office Building at 12th and Pennsylvania Avenue, N.W. Each of these governments and each of these peoples have interests and activities there: They come together there. This coming together happens now, even with this street in its present deteriorated state. The WMATA subway (now under construction) will increase the potential for this coming together, and rebuilding the Avenue will give it elegance. However, current planning runs a grave risk of providing little more than elegant offices on an elegant avenue. Current planning also calls for the demolition of the Old Post Office Building, the very structure which could naturally, through re-use, provide substance and vitality to this area.

Any proposal regarding Washington must, of course, respond to this City's dual role as a home to thousands of people and as a national capitol. There are many problem areas in which such proposals are being made—and should be made. Some involve housing, some involve transportation, or commerce, or any number of areas that help to make up this City. That this proposal would affect a portion of planning for Pennsylvania Avenue does not mean that there are not many other proposals of vital importance to this City. Rather, this proposal is stated with the hope that we can solve many problems at this time, including that of the relationship of Pennsylvania Avenue and the Old Post Office.

Pennsylvania Avenue is a sort of "Main Street" for the City and for the Nation. As such, it indeed should *look better*: Places where people work or where they tour should have dignity. But, it is also vital that this "Main Street" should *serve better*: People need numerous facilities in their public places. They need facilities for eating, for shopping and for discovering. They need new resources, but they also need ties to their past.

The Old Post Office Building, located as it is in the center of this important area, offers a fine means for meeting these many needs of these many groups. It is a noble looking structure (even for a "modern" architect). It is in the basically sound condition that would permit its re-use to serve this area. Its many floors, although now dim and dismal, wrap around a high central court capable of being brilliantly sun-lit, hung with plants and banners, rich with people exploring its by-ways. People could eat and shop here, drink and rest, listen to music and look at displays (the Smithsonian might lend flags, or even airplanes, for the court). This could be a natural setting for an elegant, vital, cheerful coming together of people from near-by or from far away, a natural setting for a rich mixing of cultural and commercial services.

This is not a new suggestion, as it has been made before by the architectural critic, Wolf Von Eckhardt. He suggested that Washington could emulate San Francisco's fine

Ghirardelli Square and Cannery projects, which are cultural and commercial facilities of elegance, vitality and cheerfulness. They are located where people work, and where local people and tourists come to see historic attractions. Moreover, these projects saved old buildings for re-use, rather than as empty, dead mementos of the past.

Current planning for Washington's Pennsylvania Avenue provides solutions for a number of problems. But, it is important that other needs be met, too. The Old Post Office Building might be demolished as part of the development of the area. Or, it might be demolished except for only its tower: In either case a rare and important opportunity would be lost. San Francisco is a better, richer, more responsive city because of its projects of similar intent. Such opportunities should not be missed here.

It must be recognized that many problems stand between this proposal and its realization. Current plans must be changed so that this old building is not demolished. Designs must be made for re-using this building at its fullest potential, and an organization must be formed for implementation and operation. However, it can also be recognized that there could be many rewards to the city, its people and its visitors, if these problems are met and solved. The immediate task, of course, is to save the building. If this is to happen, all those who can help, must help. This proposal includes a request for that help.

**THE KELLEMS' ADVERTISEMENT FOR THE SINGLE TAXPAYER**

(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 92d Congress should strike a gold medal for Miss Vivien Kellems of East Haddam, Conn., for her courage, tenacity, and public-spiritedness. Because she has the courage of her convictions, the tenacity to fight Big Brother, and because she cares about the 26 million other taxpayers in a bind such as hers, Miss Kellems was willing to spend approximately \$8,000 of her money to publicize her battle with the Internal Revenue Service.

The issues in the battle are of great magnitude; in brief, can the Government force her to pay more in income taxes simply because she is single? Miss Kellems rightly points out that the Constitution does not authorize such a tax policy. Miss Kellems does not argue with the basis of the income tax, rather, with the patently discriminatory aspects of it.

To her eternal credit, Miss Kellems has been willing to fight the Government on the issue. However, to the eternal discredit of the bumbling bureaucrats of the IRS, the issue has not been resolved. Miss Kellems is asking the Government to go to court and substantiate its position but the bureaucracy is afraid of her and the issue. It is refreshing to see the minions of our Orwellian Federal Establishment trembling before a single, female, golden-age, crusader. Unfortunately, these same faceless paper-pushers have the power not to face the issue.

To get the issue into the public forum, Miss Kellems wrote an open letter to Secretary of the Treasury Connally and reproduced it in the form of an advertisement in this morning's Washington Post.



I would be doing Miss Kellems an injustice were I to attempt to excerpt her marvelous letter so I have asked that the advertisement be appended in my remarks.

Her battle, and the battle for tax justice of all single taxpayers, has been taken up in the Congress by myself and 75 cosponsors of a bill to end tax discrimination against unmarried individuals. I am sure all the cosponsors of H.R. 851 hope the advertisement will prompt more sponsors. The time for tax justice for singles is long overdue. Based on the actions, inaction, and misaction of the IRS relative to Miss Kellems, I am convinced that the only hope for her and similar taxpayers is via the legislative route. As one of the leaders of the 1969-70 battle to increase the personal exemption amount, I can testify to the effectiveness of sustained pressure from our colleagues to effect a reform in the tax system. It can be done again with regard to the single taxpayer. It must be done.

The advertisement follows:

EAST HADDAM, CONN.,  
March 11, 1971.

Secretary JOHN B. CONNALLY,  
U.S. Treasury,  
Washington, D.C.

MY DEAR MR. SECRETARY: Today I have signed Form 1040 for 1970, and mailed it to the Internal Revenue Service, Andover, Massachusetts. I have not filled in the Form, nor have I sent any money. And I am not going to pay any more income tax until you refund to me \$48,572.91, taxes taken from me illegally over the past twenty years plus 6% interest, or a total of \$76,323.40. An itemized statement is attached.

This is the third time I have had to suspend payment of taxes. Since you may not be familiar with this situation, a short resume follows:

There is no law that says I must pay a penalty because I have no husband. The Constitution does not authorize such a tax and Congress has never had the unmitigated gall to pass such a law. Every member of Congress knows that if he voted for it, he would never be reelected. This foul deed was done with a snide, backhanded trick called the "Community Property Law" in 1948, which wasn't a Community Property Law at all since not one dollar changed hands under this law. It was a cheap gimmick to saddle the single people of this country with the highest taxes in our history, which they paid from that date right down to 1964. And these are the people least able to bear this heavy burden.

I will no longer submit to this tyranny, nor can I fill out the form and sign it because I would be signing a lie; this penalty tax is illegal and I will not admit its validity by filling out your Form 1040.

The Government is a machine. Push a button and it starts. It cannot think and it cannot deviate from a set pattern. It operates precisely as it is designed and built to operate.

The human factor is never considered. Had the machine asked I could have explained that my action was a very deliberate and thoughtful one. Any citizen, doubting the constitutionality of a tax based upon marital status which penalizes 25,000,000 helpless citizens, has the right to refuse to pay and ask that the question be submitted to the Court.

But no. "That crazy, old woman in Connecticut refuses to pay her income tax. Press the IRS button. IRS machine, go to work. Mow 'er down!" The wheels whirled, the ponderous, creaky machine moved into action, exactly as it is programmed.

"First scrutinize her tax returns as far back as you can go. Oh, here is something—medical expense for 1965! Never mind that two doctors have testified that Miss Kellems is allergic to pesticides, they make her deathly sick, and she has to have fruit and vegetables flown to Connecticut from California. Never mind that this expense has been allowed as a proper medical deduction for years. Throw it out, assess a deficiency tax of \$813.30 for 1965."

That was stupid, but then of course the machine is stupid. I have a brilliant tax lawyer in Washington, Mr. David R. Shelton. We had been trying to get the IRS to sue me to test the constitutionality of this tax, but the IRS machine wouldn't do so. I didn't know, and the average citizen wouldn't know, that I could bring suit in the Tax Court for a deficiency, even though I had not yet paid it. But Mr. Shelton knew. And in we went! "You say I owe you \$813.30 for 1965? Well you owe me \$2,939.13, because that is what you penalized me that year for being single." This provided the test case. (Docket No. 427-70)

Mr. Secretary, that suit was filed in the Tax Court in Washington, January 21, 1970, and we are not yet in Court. Your lawyers fiddle-faddle, stall and rake up every excuse in the book of instructions, to keep from trying this case. Why? Is it because they can't face a decision?

Instead, push another button. "Machine get her books and papers for 1966, 1967 and 1968." Again the machine went into action. Subpoenas were served upon me and upon my accountants. "Bring in all your documents, no matter how personal, pertaining to your income taxes for these three years."

On October 7, 1969, I met two of your nice, young men, small Cogs in the IRS machine, in Middletown, Connecticut. The following is the gist of our conversation, taken from the transcript of that meeting:

Cog. Do you intend to produce the documents and records cited in the subpoenas?

Miss K. Why do you want these documents?

Cog. To audit your tax returns.

Miss K. Why do you want to audit my tax returns?

Cog. I don't think we will answer that question. You're here to answer the summons and to produce the records cited therein. I don't think we have to discuss that right now.

Miss K. Oh yes we do. By issuing this summons you are accusing me of cheating on my income tax. If my tax were satisfactory, you wouldn't ask for these documents. Isn't that true?

Cog. No that is not true.

Miss K. Well then, why do you want them?

Cog. For verification of certain items contained in your returns. You are here in answer to the summons and you will or will not produce the records cited therein.

Miss K. By what authority do you ask for these records?

Cog. I won't answer that question.

Miss K. Very well then, I'll make a statement. I am not going to produce the records. I am standing on my constitutional rights under the 4th, 5th and 16th Amendments. Will you give me permission to read these Amendments?

Cog. Yes.

Miss K. 4th Amendment: "The right of people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrant shall issue but upon probable cause, supported by oath or affirmation and particularly describing the places or things to be seized."

The 16th Amendment did not nullify my rights under the 4th Amendment, nor is it possible for Congress to pass any law which can take these rights away from me. The only way you can get these documents is to

get a Court Order. In this case, I wish you to explain in detail exactly what documents you wish. If you want cancelled checks, I want the dates, the amounts and the person to whom issued. Every single document must be described in detail because you have no power, nor does the IRS have any power whatsoever, to take these documents away from me. They're my personal property and the Constitution says my right to my property shall not be violated.

Now the 5th Amendment: "No person . . . shall be compelled, in any case, to be a witness against himself, nor be deprived of life, liberty or property without due process of law . . ."

You are accusing me of being a thief and a liar. You are demanding my property to make me incriminate myself and to prove that I am dishonest. I refuse to give them to you.

This whole thing is illegal. You are getting me here to collect an illegal tax because I have refused to pay a penalty for not having a husband. Now I present to you an itemized statement of the money you owe me. The full amount is \$48,572.91, plus interest of \$24,836.12, a total of \$73,409.03.

If the IRS wants to come into Court, or into a proceeding such as this, they should come in with clean hands. You owe me money. I don't owe you one penny. You can't prove that I do unless you take my documents away from me.

Cog. Then you refuse at this time, to submit the records cited in the summons, or to comply in any way with it.

Miss K. I refuse. If you want these records get a court order. I shall not produce them otherwise.

Cog. That concludes the interview.

This upset the machine. It wobbled a bit.

One week later the Cogs were in my accountant's office in New York, demanding my books and papers. Mr. Shelton had told these men that my papers did not belong to them, and I had warned that if they parted with one document, I would fire them, loudly. With this stiffening of the spine, they said they wished to do the right thing, but since the matter would undoubtedly go to Court, they preferred to let the Judge decide. All very nice and polite and deferential, as most accountants are with the IRS machine, that is, if they know on which side their bread is buttered.

The machine was now on its well defined track.

On December 16, 1969, I stood before Judge Cannella, in the United States District Court, in New York City, an accountant on either side. Your little Cog lawyer got up and gave the Judge a graphic description of this horrible defendant. "She is a meddlesome, old woman. She refuses to pay her income tax. She causes the IRS machine in Hartford endless trouble and most heinous, she refuses to surrender her books and papers so we can prove she is a liar and a cheat."

Judge. Do you wish to make a statement?

Miss K. Yes, Your Honor. Any books, papers or other documents which I have given to these accountants belong to me. And please tell the IRS if they want these documents to come to Connecticut and sue me.

Judge. I know all about it. They (the IRS) can have them.

The entire proceeding did not take five minutes and no record was kept of this so-called trial. When later I asked for a transcript, there was none.

Maybe Moscow can top it!

Your little Cog walked out of that Courtroom, jubilant. "This'll show her!"

But I was quite calm. You see, Mr. Secretary, I never permit my documents out of my possession. And when your IRS machine got nothing except some work papers, the machine broke down. The wheels spun, and it came to a dead stop.

I did not appeal the case. While important, this was a side issue. I was in a hostile court and an appeal would be expensive. But Mr. Secretary, this question must ultimately be answered. Who owns private papers entrusted to an accountant?

Maybe we'll get back to this after we settle these other matters.

Now what to do? There was another button to push but the machine wouldn't respond. It was on dead center. No amount of pushing could get it going again.

Then Mr. Shelton filed my suit in the Tax Court and they lost their cool. This was a shocker, totally unexpected. Someone poured adrenalin into the gas tank and the machine tore into New Haven in exactly 2 days and filed a lawsuit demanding my books and papers in exactly two days. They'd had it ready for over two months but couldn't get up the courage to serve me.

On February 25, 1970, I stood before Judge Zampano, in the United States District Court in New Haven. Despite the Judge's concern that I could not properly represent myself, I chose to do so. The machine was well represented. There were three Cogs from Hartford, a handsome, young lawyer Cog from Washington and a not-so-handsome big-shot Cog from New York.

Mr. Secretary, we are a small, unpretentious State and, of course, honored by all this attention, but we do have any number of excellent lawyers, some of them quite famous. As a matter-of-fact, the Yale Law School is right across the Village Green from the Courthouse. You may have heard of it.

Your Cogs contended that this was just an ordinary audit. I said no, the presence of such important Cogs was proof that this was no ordinary audit; it was a punitive action dictated by Washington. Our able District Attorney would have handled an ordinary audit, and if I may say so, much better too.

But again let the record speak:

JUDGE. I am concerned that you present to me your feelings and your legal position. Assume the lawsuit is punitive. It may be mortally right, but is it legally wrong? Are you claiming that to turn over these books and papers would violate your rights under the 4th and 5th Amendments?

Miss K. Quite right.

JUDGE. Including the right of self-incrimination?

Miss K. And unreasonable searches and seizures and forcing me to testify against myself.

JUDGE. Let me ask Mr. Cog this: What do you have to say on the ground of the 4th and 5th Amendments? Doesn't she have the right to say, "I refuse to turn over my books and papers on the grounds of the 4th and 5th Amendments?"

Cog. Is that what she is saying?

JUDGE. She is claiming the 4th and 5th Amendments on the grounds that it may tend to incriminate her. What is the Government's position on that?

Cog. I frankly was not aware that this was her defense. Its the first time I have heard about self-incrimination. I don't think Miss Kellems wishes to raise the self-incrimination issue. Do you?

Miss K. I certainly do.

Cog. As I understand self-incrimination, there has to be some explanation.

JUDGE. What is your authority for that?

Cog. Just what I read. I have not researched that particular thing.

JUDGE. The self-incrimination argument is, of course, one of which I have some knowledge, and maybe we should work on that point first because it is a legal issue. I don't need any testimony on it. I am very interested in the claim made by Miss Kellems, which apparently catches the Government somewhat by surprise.

I would like the Government's position on that.

Cog. The Government's position relative to self-incrimination is: Should Miss Kellems wish to take the stand under oath and plead that to produce the various records as requested by the summonses, would incriminate her in terms of filing false and fraudulent returns with the intent to evade and defeat the payment of the tax involved, and this Court uphold her plea in camera, let the order be so stated.

JUDGE. Do you have authority for this? In other words, do you have any authority that when someone pleads the 5th Amendment, the Court must in camera decide whether the plea is based on a bona fide set of facts?

Cog. I do not have the citation.

JUDGE. This is just why, perhaps, you shouldn't be too hasty. Take your time, I will give you time to get me a brief.

Cog. I don't believe, Sir, that Miss Kellems wishes to do this. I don't believe that is why she is here in Court.

JUDGE. She has said at least four times that she does wish to do it. You asked her directly, and she answered voluntarily, that's exactly what she is claiming.

Miss K. There is no reason why Mr. Cog should have been caught by surprise. They know perfectly well in Hartford what my position is. The whole thing is in the transcript of the Middletown meeting. There is no reason why Mr. Cog shouldn't have been informed.

It isn't necessary for me to make a detailed statement to Mr. Cog. I can go on the stand and say I refuse to answer on the grounds that it might tend to incriminate me.

JUDGE. Before we go any further I would like to rule on this point. I am going to suspend and declare this hearing in recess until I decide the 5th Amendment issue. If I decide that issue against you, then we will resume the hearing and I will hear your other points. If I decide the issue in your favor, the application will not be granted and you will have gained as much as you could possibly gain and there will be no need for further hearings.

Cog. Your Honor, might I ask only that Miss Kellems take the stand and take the 5th Amendment so that we have an issue framed. We have no issue framed now.

JUDGE. I would have to have authority on that, I have had this situation come up in other circumstances. If a lawyer refused to produce documents on the grounds that it might incriminate his client, I don't recall that I ever demanded that the client be brought in and put on the stand.

Miss K. Your Honor, I am perfectly willing to make a statement.

JUDGE. Very well, if you are willing to do it. There is no necessity for bringing her to the stand, do it right from there.

Miss K. A tax proceeding of this kind is the only one in our whole legal process where a person is dragged into court, guilty, and must prove his innocence. Everywhere else a person is innocent and it is up to the petitioner to prove he is guilty. I come in here accused and guilty before I ever open my mouth.

Cog. There is no question of guilt or innocence in this proceeding. We are trying to secure some records.

Miss K. Why do you want the records? To prove the position you have already taken.

JUDGE. Would you feel a little better if she says it in open court?

Cog. Yes, frankly, I would feel better about it.

Miss K. I refuse to answer any questions under the protection afforded me by the 4th and 5th Amendments, on the grounds that this is an unreasonable search and seizure and that answering their questions would tend to incriminate me.

JUDGE. I suppose to produce the documents and records would also do the same thing?

Miss K. Yes, Your Honor, quite right.

JUDGE. Are you satisfied with that?

Cog. Yes, Sir.

While not complete, I have, nevertheless, given this testimony in some detail as it is important in two respects, the right of the taxpayer to the protection of the 4th and 5th Amendments, and the tricky, underhanded, sneaky methods used by your lawyers. Here I am, in Court, claiming protection against self-incrimination and your Cog brazenly trying to make me swear that I had filed false and fraudulent returns. Three times he admitted that he had no authority for making such outrageous demands.

What kind of funny business is this, Mr. Secretary? And these tactics are used by your Cogs against decent, respectable taxpayers all over this country. I've had ten thousand letters. Read them and find out what is going on in this "land of the free."

The Judge gave us three weeks in which to file briefs. I painstakingly wrote mine, citing decision after decision, supporting my right to the 5th Amendment. The Government never wrote one word.

Instead the lawyer Cog in Washington called the Judge behind my back and requested permission to withdraw the suit against me. More tricky stuff!

And then one of your biggest lawyer Cogs in the Department of Justice, no less than Assistant Attorney General, Tax Division, wrote the following letter to the Judge:

Re: United States v. Vivien Kellems No. 23,665.

Mr. Lawyer Cog "of this office, handling the above-styled case has informed me that he had a short conversation with you on March 31st, 1970. As you know, it is the wish of this office, having studied the transcript of the hearing, to withdraw our request for enforcement of the three summonses at issue. We are of the opinion that Miss Kellems has properly pleaded the Fifth Amendment privilege against self incrimination as to her personal records. We have prepared the enclosed order for your signature."

Over my protest the Judge signed the order. There are no words to describe such a cowardly action. Why did they back down? Because they would have had to appeal a decision and take it to the Supreme Court and that they did not dare do.

I issued a statement to the press: "This is a tremendous victory. It proves that the average, decent American is entitled to the same protection of the 5th Amendment as thousands of murderers, rapists, robbers, dope pushers and hoodlums roaming the streets of our big cities. It will definitely curb the IRS which has arrogated unto itself awesome power. No longer can it demand a taxpayer's books and papers."

Your Cog in Washington replied: "It wasn't a victory for Miss Kellems. It was a constitutional right which everybody in this country has, and she was accorded it."

At which I wrote the Master Button Pusher in Washington, "If this is my right, then why have I been dragged through endless meetings and two expensive lawsuits? Why have I been singled out for harassment and abuse? After all these months of persecution and expense, I ask one question. Mr. Secretary, who has my books and papers? Do you, or do I? As you know they are safely in my possession and there they are going to remain."

But your Cog boasted, "Oh, she'll produce her books and papers, all right. We're going to throw the book at her."

This stymied the machine. It blew a gasket and unhinged all the buttons. No amount of pushing could get it started again. That was April 13th and it wasn't until December 27th that I again met with your Cogs in Hartford. It took that long for the "book throwing" to materialize.

It was the book all right; \$43,346.10 for 1966 and \$6,507.95 for 1967, almost \$50,000.00 for those two years.



But there was something peculiar about those deficiencies.

They were based on the sale of two properties. In each case, the IRS machine gave the selling price but listed the acquisition price as zero. Since this made the selling price almost all profit no wonder they could levy such a big deficiency. That button was only half-hinged, or they assumed God must have given me those two buildings.

I didn't even consider it. I wouldn't demean myself by discussing such ridiculous figures.

But here we were in Hartford and this time, two intelligent and eminently fair Cogs, handicapped a bit, as we were again favored with another lawyer Cog from New York. As I said, Mr. Secretary, we simple, Connecticut Yankees are flattered with such attention but we really do have many fine lawyers, some right in the IRS in Hartford.

The young, lawyer Cog carefully explained to me all of my constitutional rights but it was really time wasted. I told him that it wasn't necessary. I knew both of these men, in fact, one of them had audited my account at various times over the past twenty years, and neither would do anything to hurt me.

And they were both familiar with the 4th Amendment, about which your New York Cog was hazy. I had to read it to him.

But down to business:

Coc. Miss Kellems, we are here to discuss deficiencies for 1966 and 1967. Did you bring your books and papers?

Miss K. Why no, of course I didn't bring any books and papers.

Coc. Why not?

Miss K. Because your high lawyer Cog in Washington said I didn't have to produce my books and papers, that I am entitled to the protection of the 5th Amendment. Haven't you seen this?

With which I gave him a copy of the letter to the Judge. He asked, "May I keep this?" I replied in amazement, "Why, yes, of course. But do you mean to say you haven't seen it?" Apparently it was in the file, but as you can imagine by now the file must be voluminous.

Coc. (Almost pleading) Why didn't you bring the papers?

Miss K. You have dragged me through two expensive lawsuits to force me to surrender those papers. If I wouldn't produce them under subpoena, what makes you think I would bring them here today?

Coc. But this is voluntary.

Miss K. Voluntary! (Mr. Secretary, with a gun at my head.)

Now it is possible I could make a mistake of \$500 in two years, it's possible I could make a mistake of \$5,000, although I have excellent accountants whom you know. But never could I make a mistake of \$50,000.

You are not here to justify a deficiency. You are here making criminal charges against me. When you say I owe you \$50,000, you are accusing me of lying and cheating on my income tax, you are accusing me of embezzling the funds of the Government. I demand that you take me to Court and prove these charges.

And don't you take me to that Tax Court. You take me to a proper Court where I can have a jury of my peers. That Tax Court is a rigged deal set up to cheat the taxpayer out of a jury trial. It was spawned by the IRS and is staffed by so-called Judges who have come up through the IRS. Its a heads-I-win, tails-you-lose Court, and I haven't a prayer. But let them decide against me on the constitutional question of the penalty tax on singles. Then I can appeal and take it to the Supreme Court where it belongs.

Coc. I believe you want to go to Court.

Miss K. What else is there to do? The 16th Amendment says: "The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states,

and without regard to any census or enumeration."

I do not question the 16th Amendment. It was passed by Congress and ratified by three-quarters of the States. It is a part of our Constitution. I do not question the power of Congress to levy an income tax. Nor do I question your power, as an agent of the government to collect the tax. But where in the 16th Amendment does it say I have to help you collect that tax?

That is your job. You are paid for it. So go right ahead and collect—I am not going to help you.

Mr. Secretary, again the poor, old machine is bogged down. I await your next move. Better push another button.

Respectfully yours,

VIVIAN KELLEMS.

A woman's last word: I understand you have a charming and beautiful wife. If you should lose your wife or she should divorce you, can you tell me why your taxes should go up? That is what has happened to millions of other Americans.

(Note.—This advertisement paid for by Vivian Kellems, East Haddam, Connecticut, 06423.)

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HAGAN (at the request of Mr. Boggs), for today, on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOWARD, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. FRENZEL), to revise and extend their remarks, and to include extraneous matter:)

Mr. SKUBITZ, on March 17, for 5 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. MIZELL, today, for 5 minutes.

Mr. FINDLEY, today, for 5 minutes.

Mr. GUBSER, today, for 15 minutes.

Mr. HALPERN, today, for 5 minutes.

(The following Members (at the request of Mr. BERGLAND), to revise and extend their remarks, and to include extraneous matter:)

Mr. MINISH, today, for 10 minutes.

Mr. PATMAN, today, for 10 minutes.

Mr. KASTENMEIER, today, for 10 minutes.

Mr. METCALFE, today, for 10 minutes.

Mr. MIKVA, on March 18, for 30 minutes.

Mr. PRYOR of Arkansas, on March 24, for 60 minutes.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDMONDSON in three instances and to include extraneous matter.

Mr. YATES, in the Committee of the Whole today, and to include extraneous material.

Mr. KEATING (at the request of Mr. CONTE), his remarks during general de-

bate on the SST in the Committee of the Whole today.

Mr. GERALD R. FORD, to revise and extend his remarks made earlier in the day, and to include the testimony of the Under Secretary of Labor before the House Committee on Banking and Currency.

(The following Members (at the request of Mr. FRENZEL) and to include extraneous matter:)

Mr. SCHMITZ in three instances.

Mr. PELLY.

Mr. KEMP in two instances.

Mr. SPENCE.

Mr. MCCOLLISTER.

Mr. WYMAN in two instances.

Mr. FISH.

Mr. LATTI.

Mr. DEVINE.

Mr. HORTON.

Mr. LENT in two instances.

Mr. STEIGER of Arizona.

Mr. ERLBORN.

Mr. MYERS.

Mr. GERALD R. FORD.

Mr. SHOUP.

Mr. McDONALD of Michigan.

Mr. STEIGER of Wisconsin.

Mr. VEYSEY.

Mr. SEBELIUS.

Mr. SHRIVER.

Mr. ASHBROOK in two instances.

Mr. WYDLER.

Mr. MICHEL in two instances.

Mr. ROUSSELOT in two instances.

Mr. DERWINSKI in three instances.

Mr. SCHWENGEL.

Mr. ANDERSON of Illinois in two instances.

Mr. BLACKBURN.

Mr. HOSMER.

Mr. HASTINGS.

Mr. MCCLORY.

(The following Members (at the request of Mr. BERGLAND) and to include extraneous matter:)

Mr. BRADEN in six instances.

Mr. WILLIAM D. FORD in two instances.

Mr. JAMES V. STANTON in two instances.

Mr. DRINAN.

Mr. CARNEY.

Mrs. GRASSO in 10 instances.

Mr. CELLER.

Mr. ROONEY of New York.

Mr. RYAN in three instances.

Mr. ASHLEY in two instances.

Mr. ABOUREZK in two instances.

Mr. NIX.

Mr. RODINO in two instances.

Mr. GALLAGHER.

Mr. SCHUEY in two instances.

Mr. MINISH.

Mr. CORMAN.

Mr. RARICK in three instances.

Mr. KARTH.

Mr. KLUCZYNSKI.

Mr. FOUNTAIN in two instances.

Mr. PATTEN.

Mr. GIBBONS in two instances.

Mr. FULTON of Tennessee in two instances.

Mr. PURCELL in two instances.

Mr. WALDIE in two instances.

Mr. BINGHAM in two instances.

Mr. BOLAND.

Mr. MONAGAN.

Mr. ROONEY of Pennsylvania in five instances.

Mr. ASPIN.

Mr. DOWNING in two instances.

Mr. BENNETT in two instances.  
 Mr. GIAMMO in 10 instances.  
 Mr. MACDONALD of Massachusetts in two instances.  
 Mr. HENDERSON in four instances.  
 Mr. WRIGHT in two instances.  
 Mr. EDWARDS of California.  
 Mr. JOHNSON of California in three instances.  
 Mr. JACOBS.

#### SENATE JOINT AND CONCURRENT RESOLUTION REFERRED

A joint and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 17. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

S. Con. Res. 9. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Investigation Into Electronic Battlefield Program"; to the Committee on House Administration.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4690. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes; and

H.J. Res. 465. Joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes.

#### BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.J. Res. 465. A joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes.

H.R. 4690. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes; and

#### ADJOURNMENT

Mr. BERGLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 18, 1971, at 11 o'clock a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

426. A letter from the Administrator, Environmental Protection Agency, transmitting

the environmental impact statement on the draft of proposed legislation submitted February 17, 1971, to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; to the Committee on Agriculture.

427. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report for the second quarter of fiscal year 1971 of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, pursuant to 10 U.S.C. 2665; to the Committee on Appropriations.

428. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

429. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of the Determination of the President numbered 71-8 authorizing certain military grant assistance, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

430. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a report on the disposal of certain foreign excess property, pursuant to 40 U.S.C. 514; to the Committee on Government Operations.

431. A letter from the Administrator Environmental Protection Agency, transmitting the environmental statement on the draft of proposed legislation submitted February 17, 1971, to amend the Federal Hazardous Substances Act, as amended, and for other purposes, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; to the Committee on Interstate and Foreign Commerce.

432. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

433. A letter from the Adjutant General, Military Order of the Purple Heart, transmitting the audit of the Order for fiscal year 1970, pursuant to section 14b of Public Law 85-761; to the Committee on the Judiciary.

434. A letter from the Administrator, Environmental Agency, transmitting the environmental impact statement on the draft of proposed legislation submitted February 17, 1971, to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; to the Committee on Merchant Marine and Fisheries.

435. A letter from the Secretary of Transportation, transmitting a report on oil pollution liability and financial responsibility, pursuant to the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

436. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 5688 of the Internal Revenue Code to provide for the sale of forfeited distilled spirits, wines and beer; to the Committee on Ways and Means.

#### RECEIVED FROM THE COMPTROLLER GENERAL

437. A letter from the Comptroller General of the United States, transmitting a report

on a defense industry profit study made pursuant to Public Law 91-121; to the Committee on Armed Services.

#### 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. THOMPSON of New Jersey: Committee on House Administration. House Resolution 149. Resolution to provide funds for the expenses of the investigation and study authorized by H. Res. 20; with amendments (Rept. No. 92-45). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 202. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services pursuant to H. Res. 201; with amendment (Rept. No. 92-47). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 175. Resolution to provide funds for the Committee on the Judiciary; with amendments (Rept. No. 92-46). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 210. Resolution providing funds for the Committee on Rules; with amendment (Rept. No. 92-48). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 218. Resolution to provide funds for the expenses of the investigations and study authorized by H. Res. 21; with amendment (Rept. No. 92-49). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 225. Resolution to provide funds for the expenses of the investigations and studies by the Committee on Ways and Means (Rept. No. 92-50). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 226. Resolution to provide funds for the expenses of the studies, investigations, and inquiries authorized by H. Res. 114; with amendment (Rept. No. 92-51). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 236. Resolution providing funds for the expenses of the Committee on Standards of Official Conduct (Rept. No. 92-52). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 253. Resolution to provide funds for the expenses of the investigation and study authorized by H. Res. (Rept. No. 92-93). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 272. Resolution providing for the expenses incurred pursuant to H. Res. 213; with amendment (Rept. No. 92-54). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 279. Resolution to provide funds for the expenses of the investigation and study authorized by H. Res. 217 (Rept. No. 92-55). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 285. Resolution to provide funds for the expenses of the investigations and studies authorized by H. Res. 18 (Rept. No. 92-56). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution



290. Resolution to provide funds for the expenses of the investigation and study authorized by H. Res. 170 (Rept. No. 92-57). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 301. Resolution to provide funds for the expenses of the investigations and studies by the Committee on House Administration (Rept. No. 92-58). 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:

H.R. 6217. A bill to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938; to the Committee on Agriculture.

By Mr. ABOUREZK:

H.R. 6218. A bill to provide for the conveyance of certain real property of the United States to the Yankton Sioux Tribe; to the Committee on Government Operations.

H.R. 6219. A bill to provide for the establishment of a national cemetery near the Fort Randall Dam, S. Dak.; to the Committee on Veterans' Affairs.

By Mr. ASHBROOK:

H.R. 6220. A bill to protect the safety and welfare of American workers by providing for a uniform system of identification for all receptacles containing compressed gas; to the Committee on Interstate and Foreign Commerce.

H.R. 6221. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 6222. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mr. ADDABO, Mr. BERGLAND, Mr. BYRON, Mr. CAREY of New York, Mr. REES, Mr. ROYBAL, and Mr. UDALL):

H.R. 6223. A bill to create a new National Service Agency to fill military manpower requirements, to create a voluntary civilian service as an alternative to military service, and for other purposes; to the Committee on Armed Services.

By Mr. CABELL:

H.R. 6224. A bill to provide for realistic limits on the amount of money spent on political campaigns by candidates for the Senate and House of Representatives; to the Committee on House Administration.

By Mr. CELLER (for himself and Mr. McCULLOCH):

H.R. 6225. A bill to implement article I, section 7, of the Constitution; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 6226. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6227. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 6228. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the

Committee on Post Office and Civil Service.

By Mr. DINGELL:

H.R. 6229. A bill to provide for a gradual reduction in the membership of the Interstate Commerce Commission from 11 members to five members; to the Committee on Interstate and Foreign Commerce.

H.R. 6230. A bill to provide for the issuance of a commemorative postal stamp in honor of the 50th anniversary of the first Constitution of Ireland; to the Committee on Post Office and Civil Service.

H.R. 6231. A bill to amend the River and Harbor Act of March 3, 1899; to the Committee on Public Works.

By Mr. DINGELL (for himself, Mr. ANDERSON of California, Mr. LEGGETT, Mr. McCLOSKEY, Mr. MOSS, and Mr. VAN DERLIN):

H.R. 6232. A bill to authorize the control of marine traffic in the ports of the United States and certain other waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. ERLNBORN (for himself, Mr. ABOUREZK, Mr. ANDERSON of Illinois, Mr. BELL, Mr. BUCHANAN, Mr. DON H. CLAUSEN, Mr. COLLIER, Mr. CORDOVA, Mr. DAVIS of Georgia, Mr. DELLENBACK, Mr. DENT, Mr. DULSKI, Mr. DUNCAN, Mrs. DWYER, Mr. ESCH, Mr. FINDLEY, Mr. FORSYTHE, Mr. FRELINGHUYSEN, Mr. FRENZEL, Mr. HALPERN, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HATHAWAY, and Mr. HAWKINS):

H.R. 6233. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. ERLNBORN (for himself, Mr. HELSTOSKI, Mr. HOSMER, Mr. JOHNSON of Pennsylvania, Mr. KEMP, Mr. McDADE, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MORSE, Mr. PEPPER, Mr. PERKINS, Mr. PEYSER, Mr. POWELL, Mr. PRICE of Illinois, Mr. QUIE, Mr. REID of New York, Mr. RHODES, Mr. RUTH, Mr. SMITH of New York, Mr. STEIGER of Wisconsin, Mr. TALCOTT, Mr. THOMSON of Wisconsin, Mr. THONE, Mr. WYDLER, and Mr. BEGICH):

H.R. 6234. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. FOLEY:

H.R. 6235. A bill to provide for regulation of public exposure to sonic booms, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 6236. A bill to amend title 38, United States Code, to make nonservice-connected disability pension benefits payable from the time the cause of the disability occurs if application for benefits is made within 1 year of the date of such occurrence, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GUDE:

H.R. 6237. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. GUDE (for himself, Mr. HOGAN, and Mr. BROYHILL of Virginia):

H.R. 6238. A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. LEGGETT (for himself, Mr. PELLY, Mr. DELLENBACK, and Mrs. GREEN of Oregon):

H.R. 6239. A bill to amend the maritime lien provisions of the Ship Mortgage Act of

1920; to the Committee on Merchant Marine and Fisheries.

By Mr. McFALL:

H.R. 6240. A bill to amend the Civil Service Retirement Act to increase to 2½ percent the multiplication factor for determining annuities for certain Federal employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL:

H.R. 6241. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York:

H.R. 6242. A bill to amend section 409 of part IV of the Interstate Commerce Act, as amended, to authorize contracts between freight forwarders and railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. OBEY (for himself, Mr. FULTON of Tennessee, Mr. GIALMO, Mr. BINGHAM, and Mr. DELLUMS):

H.R. 6243. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 6244. A bill to amend section 5 of the Service Contract Act of 1965; to the Committee on Education and Labor.

By Mr. THOMPSON of New Jersey:

H.R. 6245. A bill to amend section 5 of the Service Contract Act of 1965; to the Committee on Education and Labor.

By Mr. PATTEN:

H.R. 6246. A bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges; to the Committee on Education and Labor.

By Mr. PUCINSKI:

H.R. 6247. A bill to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 for 5 years; to the Committee on Education and Labor.

By Mr. RONCALIO:

H.R. 6248. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971-72 to the Committee on Agriculture.

By Mr. SMITH of Iowa (for himself, Mr. POAGE, Mr. PATMAN, Mr. SISK, Mr. OBEY, Mr. SIKES, Mr. STEED, Mr. CULVER, Mr. KYL, Mr. BERGLAND, Mr. ABBITT, Mr. ABOUREZK, Mr. KASTENMEIER, Mr. FASCELL, and Mr. BROYHILL of North Carolina):

H.R. 6249. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971-72; to the Committee on Agriculture.

By Mr. SMITH of Iowa (for himself, Mr. CASEY of Texas, Mrs. HANSEN of Washington, Mr. SHRIVER, Mr. PICKLE, Mr. PRYOR of Arkansas, Mr. BLANTON, Mr. FLOWERS, Mr. FULTON of Tennessee, Mr. HAMMERSCHMIDT, Mr. WRIGHT, Mr. ASPIN, Mr. THONE, Mr. DANIEL of Virginia, Mr. DORN, Mr. FISHER, and Mr. EDWARDS of Louisiana):

H.R. 6250. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971-72; to the Committee on Agriculture.

By Mr. STEELE:

H.R. 6251. A bill to amend title II of the Social Security Act to eliminate the provisions which presently prevent an individual

from receiving more than one benefit at the same time, and to provide that the marriage or remarriage of a beneficiary shall not terminate his or her entitlement to benefits or reduce the amount thereof; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 6252. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. UDALL:

H.R. 6253. A bill to amend the Mineral Leasing Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 6254. A bill to amend section 218 of the Social Security Act to provide that a policeman or fireman who has social security coverage pursuant to State agreement as an individual employee and not as a member of a State or local retirement system may elect to terminate such coverage if he is subsequently required to become a member of such a retirement system; to the Committee on Ways and Means.

By Mr. VIGORITO (for himself and Mr. ICHORD):

H.R. 6255. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 6256. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

By Mr. BENNETT (for himself, Mr. HANNA, Mr. PEPPER, Mr. DON H. CLAUSEN, Mr. JOHNSON of Pennsylvania, Mr. HUNGATE, Mr. DUNCAN, Mr. HELSTOSKI, Mr. MEEDS, Mrs. MINK, Mr. DELLENBACK, Mr. HAMMERSCHMIDT, Mr. KUYKENDALL, Mr. SCHERLE, Mr. MCCLOSKEY, Mr. BURLISON of Missouri, Mr. CHAPPELL, Mr. COUGHLIN, Mr. HANSEN of Idaho, Mr. MANN, Mr. WHITEHURST, Mr. MELCHER, Mr. HARRINGTON, Mr. ABOUREZK, and Mrs. GRASSO):

H.R. 6257. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. SIKES, Mr. FISHER, Mr. BYRNES of Wisconsin, Mr. MILLER of California, Mr. SAYLOR, Mr. EDMONDSON, Mr. FRELINGHUYSEN, Mr. HOSMER, Mr. MOSS, Mr. FASCELL, Mr. COLLIER, Mr. CASEY of Texas, Mr. DOWNING, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. JOHNSON of California, Mr. KASTENMEIER, Mr. ADDABBO, Mr. PIKE, Mr. ST GERMAIN, Mr. UDALL, Mr. NEDZI, Mr. ROBERTS, and Mr. CLEVELAND):

H.R. 6258. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself and Mr. FOLEY):

H.R. 6259. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BERGLAND:

H.R. 6260. A bill to declare that certain federally owned lands within the White

Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6261. A bill to amend the Internal Revenue Code of 1954 to provide for an investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 6262. A bill to set standards of ethics and financial disclosure in campaigns for election to Federal office; to the Committee on House Administration.

By Mr. BURKE of Massachusetts:

H.R. 6263. A bill to provide that the Federal Government will collect State and local individual income taxes which are a percentage of Federal tax liability or are based on a percentage of Federal taxable income; to the Committee on Ways and Means.

By Mr. CABELL:

H.R. 6264. A bill to authorize the Government of the District of Columbia to fix certain fees; to the Committee on the District of Columbia.

H.R. 6265. A bill to amend the District of Columbia Alcoholic Beverage Control Act, and for other purposes; to the Committee on the District of Columbia.

By Mr. CORMAN:

H.R. 6266. A bill to provide for a national program of disaster insurance; to the Committee on Banking and Currency.

H.R. 6267. A bill to provide for a national program of earthquake insurance; to the Committee on Banking and Currency.

H.R. 6268. A bill relating to the Federal income tax treatment of losses sustained as the result of the 1971 Los Angeles, Calif., earthquakes; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. ANDERSON of California, Mr. BELL, Mr. DON H. CLAUSEN, Mr. DANIELSON, Mr. DELLUMS, Mr. GOLDWATER, Mr. GUBSER, Mr. HAWKINS, Mr. JOHNSON of California, Mr. LEGGETT, Mr. McDONALD of Michigan, Mr. MILLER of California, Mr. PETTIS, Mr. PUCINSKI, Mr. REES, Mr. ROYBAL, Mr. SISK, Mr. SMITH of California, Mr. TALCOTT, Mr. VAN DEERLIN, Mr. WIGGINS and Mr. CHARLES H. WILSON):

H.R. 6269. A bill to provide for contributions by the Federal Government to repair, restore, reconstruct, or replace nonprofit hospitals under the provisions of the Disaster Relief Act of 1970; to the Committee on Public Works.

By Mr. CORMAN:

H.R. 6270. A bill to amend section 235 of the National Housing Act to make periodic assistance payments thereunder available to families whose homes are destroyed or damaged by natural disasters; to the Committee on Banking and Currency.

By Mr. DERWINSKI (for himself, Mr. BUCHANAN, Mr. VANDER JAGT, and Mr. WOLFF):

H.R. 6271. A bill to limit the period of time during which appropriations are authorized to carry out the purposes of the U.S. Information and Educational Exchange Act of 1948; to the Committee on Foreign Affairs.

By Mr. DRINAN:

H.R. 6272. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. ERLBORN (for himself and Mr. ROE):

H.R. 6273. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 6274. A bill to give the consent of Congress to the construction of certain international bridges; to the Committee on Foreign Affairs.

By Mr. FISHER:

H.R. 6275. A bill to establish the Amistad National Recreation Area in the State of Texas; to the Committee on Interior and Insular Affairs.

By Mr. FOLEY:

H.R. 6276. A bill to amend the act of June 27, 1960 (74 Stat. 220) relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 6277. A bill to establish a grant-in-aid program to encourage the licensing by the States of motor vehicle mechanics; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho (for himself, Mr. ABOUREZK, Mr. KYROS, Mr. HATHAWAY, Mr. McCLEURE, Mr. STAFFORD, and Mr. WYMAN):

H.R. 6278. A bill to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system to provide service to certain States; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA (for himself, Mr. GROVER, Mr. CLEVELAND, Mr. DON H. CLAUSEN, Mr. TERRY, and Mr. SCHWENGLER):

H.R. 6279. A bill to amend the Public Works and Economic Development Act of 1965, to extend the authorization for titles I through V through fiscal year 1972; to the Committee on Public Works.

By Mr. HARSHA:

H.R. 6280. A bill to amend section 37 of the Internal Revenue Code of 1954 to increase the credit against tax for retirement income and to coordinate it with the maximum yearly social security retirement benefit; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 6281. A bill to establish a Department of Peace, and for other purposes; to the Committee on Government Operations.

H.R. 6282. A bill to provide educational assistance to children of civilian employees of the United States killed abroad as a result of war, insurgency, mob violence, or similar hostile action; to the Committee on Post Office and Civil Service.

By Mr. HOLFIELD (for himself, Mrs. DWYER, Mr. GARMATZ, Mr. HORTON, Mr. ROSENTHAL, Mr. ERLBORN, Mr. WRIGHT, Mr. WYDLER, Mr. ST GERMAIN, Mr. BROWN of Ohio, Mr. FUQUA, and Mr. MOORHEAD):

H.R. 6283. A bill to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes; to the Committee on Government Operations.

By Mr. LONG of Maryland:

H.R. 6284. A bill: The Southeast Asia Disengagement Act; to the Committee on Foreign Affairs.

By Mr. MATSUNAGA (for himself, Mr. STEELE, and Mr. STEIGER of Wisconsin):

H.R. 6285. A bill 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; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 6286. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement.



ment by activities which affect interstate commerce; and to establish the right of all citizens to the protection, preservation, and enhancement of the environment; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 6287. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. NEDZI:

H.R. 6288. A bill to amend titles 10 and 32 of the United States Code; to the Committee on Armed Services.

By Mr. O'KONSKI:

H.R. 6289. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971-72; to the Committee on Agriculture.

By Mr. PATMAN:

H.R. 6290. A bill to provide for an audit of the Federal Reserve System by the Comptroller General; to the Committee on Banking and Currency.

By Mr. PELLY (by request):

H.R. 6291. A bill to provide for the disposition of funds arising from judgments in Indian claims commission dockets numbered 178 and 179, in favor of the Confederated Tribes of the Colville Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER (for himself, Mr. BYRNE of Pennsylvania, Mr. COLLINS of Illinois, Mr. MANN, Mr. MURPHY of New York, Mr. ROONEY of Pennsylvania, and Mr. YATRON):

H.R. 6292. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft anti-hijacking detection systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 6293. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS (for himself and Mr. KOCH):

H.R. 6294. A bill to amend the Housing Act of 1949 to provide that owners of a farm may receive grants and special loans to make certain repairs or improvements on farm dwellings occupied by the family of the operating tenant, lessee, sharecropper, or migrant worker, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROE:

H.R. 6295. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

H.R. 6296. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

H.R. 6297. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

H.R. 6298. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

H.R. 6299. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 6300. A bill to amend section 401(e) of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall have authority to regulate the type of service performed by an air carrier under the

terms of any certificate issued under that act; to the Committee on Interstate and Foreign Commerce.

H.R. 6301. A bill to provide for a comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

H.R. 6302. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 6303. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 6304. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 6305. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

H.R. 6306. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the disposition of waste materials in the waters of the New York Bight, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 6307. A bill to require the establishment of marine sanctuaries and to prohibit the depositing of any harmful materials therein; to the Committee on Merchant Marine and Fisheries.

H.R. 6308. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

H.R. 6309. 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.

H.R. 6310. A bill to reorganize the functions of the executive branch of the Government which relate to the regulation of commercial uses of nuclear power, except those which relate to source materials, by transferring such functions from the Atomic Energy Commission to the Secretary of Health, Education, and Welfare to be administered through the Public Health Service subject (in certain cases) to disapproval by the Federal Power Commission or the Secretary of the Interior; to the Joint Committee on Atomic Energy.

By Mr. RUPPE:

H.R. 6311. A bill to extend title V of the Public Works and Economic Development Act of 1965 for 2 additional years; to the Committee on Public Works.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 6312. A bill to amend the first section of the Federal Power Act; to the Committee on Interstate and Foreign Commerce.

H.R. 6313. A bill to amend the Federal Trade Commission Act; to the Committee on Interstate and Foreign Commerce.

H.R. 6314. A bill to provide increased warranty protection for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6315. A bill to provide increased protection for consumers, prevent consumer fraud, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6316. A bill to amend the Federal Hazardous Substances Act, as amended, and

for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL:

H.R. 6317. A bill to provide needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 6318. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oreg., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHITE:

H.R. 6319. A bill to amend the Railroad Retirement Act of 1937 to provide that actual entitlement to a social security benefit shall not have the effect of reducing an individual's railroad retirement annuity by depriving such individual of the full advantage of the so-called social security guarantee formula in the computation of his or her annuity; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY of Texas:

H.J. Res. 474. Joint resolution to authorize and request the President to proclaim the week of June 20, 1971, through June 26, 1971, as "National Royal Ranger Week"; to the Committee on the Judiciary.

By Mr. FOLEY:

H.J. Res. 475. 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; to the Committee on the Judiciary.

By Mr. RARICK:

H.J. Res. 476. Joint resolution proposing an amendment to the Constitution of the United States to extend the right to vote to persons 18 years of age and older and to require that they be treated as adults for the purposes of all law; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 477. Joint resolution to provide for a study by the Secretary of Transportation of the feasibility of Government acquisition, operation, and maintenance of railroad tracks, rights-of-way, signal systems, and other fixed facilities (as a separate activity or as a part of a coordinated Federal transportation program); to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.J. Res. 478. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H. Con. Res. 207. Concurrent resolution relating to an Atlantic Union Delegation; to the Committee on Foreign Affairs.

By Mr. EILBERG:

H. Con. Res. 208. Concurrent resolution expressing the sense of the Congress with respect to the establishment of permanent Peace Ambassadors by the United Nations; to the Committee on Foreign Affairs.

By Mr. ROE:

H. Con. Res. 209. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

H. Con. Res. 210. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H. Res. 310. Resolution; Mass transit—A national priority; to the Committee on Interstate and Foreign Commerce.

By Mrs. CHISHOLM:

H. Res. 311. Resolution to abolish the House Committee on Un-American Activities and enlarge the jurisdiction of the House Committee on the Judiciary; to the Committee on Rules.

By Mr. EVINS of Tennessee:

H. Res. 312. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 5 and House Resolution 19; to the Committee on House Administration.

By Mr. FULTON of Pennsylvania:

H. Res. 313. Resolution expressing the sense of the House of Representatives with respect to the establishment and staffing of a permanent position of Science Attaché in Canada; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania (for himself and Mr. TEAGUE of Texas):

H. Res. 314. Resolution expressing the commendation and gratitude of the House to the men and women of the national space program in connection with the Apollo 12 mission; to the Committee on Science and Astronautics.

H. Res. 315. Resolution expressing the commendation and gratitude of the House to the men and women of the national space program in connection with the Apollo 13 mission; to the Committee on Science and Astronautics.

H. Res. 316. Resolution expressing the commendation and gratitude of the House to the men and women of the national space program in connection with the Apollo 14 mission; to the Committee on Science and Astronautics.

By Mr. HAYS (for himself and Mr. KLUCZYNSKI):

H. Res. 317. Resolution creating a select committee to be known as the Select Committee on the House Restaurant, and for other purposes; to the Committee on Rules.

By Mr. HUNGATE:

H. Res. 318. Resolution expressing the sense of the Congress to place more emphasis on mass and rapid transportation, and suspend our commitment to the SST until a more rational national transportation program can be implemented; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS:

H. Res. 319. Resolution on U.S. withdrawal from Vietnam; to the Committee on Foreign Affairs.

By Mr. PATMAN (for himself, Mr. EVINS of Tennessee, Mr. WIDNALL, and Mr. CONTE):

H. Res. 320. Resolution transferring jurisdiction of the Subcommittee on Foundations of the Select Committee on Small Business to the Committee on Banking and Currency; to the Committee on Rules.

By Mr. ROE:

H. Res. 321. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

H. Res. 322. Resolution to create a Select Committee on the Investigation of Pornographic Enterprises; to the Committee on Rules.

By Mr. RYAN:

H. Res. 323. Resolution creating a select committee to conduct an investigation and study of the files retained by the Committee on Internal Security; to the Committee on Rules.

By Mr. VANIK (for himself, Mr. MOSHER, Mrs. ABZUG, Mr. ABOWEZEK, Mr. ASHLEY, Mr. BERGLAND, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. CONYERS, Mr. DINGELL, Mr. DRYNAN, Mr. FORSYTHE, Mr. FRASER, Mr.

FRENZEL, Mr. GALLAGHER, Mr. GREEN of Pennsylvania, Mr. HELSTOSKI, Mr. MCCLOSKEY, Mr. METCALFE, Mr. MIKVA, Mr. MORSE, Mr. ROYBAL, Mr. ST GERMAIN, Mr. EVINS of Tennessee, and Mr. MAZZOLI):

H. Res. 324. Resolution: Mass transportation—A national priority; to the Committee on Interstate and Foreign Commerce.

## MEMORIALS

Under clause 4 of rule XXII,

72. By Mr. BARING: Memorial of the Senate and Assembly of the State of Nevada, jointly, that the U.S. Forest Service is respectfully requested not to grant requests heretofore made to increase the maximum number of gallons of sewer effluent now authorized and allowed by it to be discharged into the "Cinder Cone" area of the Truckee River Basin near Tahoe City, Calif., nor to extend the termination date set for discontinuance of the use of the "Cinder Cone" as a locale for sewer effluent discharge until such time as the States of Nevada and California and agencies of the Federal Government concerned with water quality are satisfied that such requested actions are not detrimental to the domestic water supply of the inhabitants of the Reno-Sparks area and the fish, wildlife and recreational facilities and potentials of the Truckee River, Pyramid Lake and Lahontan Valley; and be it further

Resolved, That the U.S. Forest Service, through its appropriate officers, provide the Legislature of the State of Nevada with copies of current reports concerning the use of the "Cinder Cone" area as a dumping ground for sewer effluent originating in the Lake Tahoe Basin; to the Committee on Agriculture.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 6320. A bill for the relief of Carmine Aletto; to the Committee on the Judiciary.

H.R. 6321. A bill for the relief of Anna Gioia Bosco and daughter, Francesca Bosco; to the Committee on the Judiciary.

H.R. 6322. A bill for the relief of Shiela Joy Brown; to the Committee on the Judiciary.

H.R. 6323. A bill for the relief of Filippo and Lilla Galletta and minor child, Antonina Galletta; to the Committee on the Judiciary.

H.R. 6324. A bill for the relief of Antonio and Maria Sferazza and minor child, Giovanna Maria Sferazza; to the Committee on the Judiciary.

H.R. 6325. A bill for the relief of Francesco Sorce; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 6326. A bill for the relief of Giuseppe Ancona, Maria Ancona, and their daughter, Maria Ancona; to the Committee on the Judiciary.

H.R. 6327. A bill for the relief of Ferruccio Bertulli; to the Committee on the Judiciary.

H.R. 6328. A bill for the relief of Mrs. Calogera Carollo and Miss Raffaella Carollo; to the Committee on the Judiciary.

H.R. 6329. A bill for the relief of Leonard and Giuseppa Patti; to the Committee on the Judiciary.

H.R. 6330. A bill for the relief of Angelo, Antonina, and Nunzia Brigida Zuzze; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 6331. A bill for the relief of Mrs. II Sun Ko (Balk); to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H.R. 6332. A bill for the relief of Emilio

D'Adamo, Anamaria D'Adamo, Aldo D'Adamo, and Dora D'Adamo; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 6333. A bill for the relief of Socorro Cruz; to the Committee on the Judiciary.

H.R. 6334. A bill for the relief of Angelo Ferrante and his wife, Maria Ferrante, and their son, Daniel Ferrante; to the Committee on the Judiciary.

H.R. 6335. A bill for the relief of Pietro Ferrantelli; to the Committee on the Judiciary.

H.R. 6336. A bill for the relief of Catalina Chien Hsia; to the Committee on the Judiciary.

H.R. 6337. A bill for the relief of Melbourne Murray; to the Committee on the Judiciary.

H.R. 6338. A bill for the relief of Mrs. Santa Buffa Pagano; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 6339. A bill for the relief of Leslie Gerard Paul; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 6340. A bill for the relief of Adolfo Lopez Sanabria; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 6341. A bill for the relief of Guadalupe Lily Tai Liu; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 6342. A bill for the relief of Carmen Maria Pena-Garcano; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 6343. A bill for the relief of Capt. Charles A. Aycock; to the Committee on the Judiciary.

H.R. 6344. A bill for the relief of Donald L. Tyndall, Bruce Edward Tyndall, Kimberly Fay Tyndall, Lisa Michele Tyndall, and the estate of Elizabeth M. Tyndall, deceased; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.R. 6345. A bill to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors; to the Committee on Armed Services.

By Mr. MINISH:

H.R. 6346. A bill for the relief of Laura Colubig and her daughter, Barbara Colubig; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 6347. A bill for the relief of Olive R. Lawrence; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 6348. A bill for the relief of Domenico DeBellis; to the Committee on the Judiciary.

H.R. 6349. A bill for the relief of Pietro Palazzo; to the Committee on the Judiciary.

H.R. 6350. A bill for the relief of Mr. and Mrs. Paola Pesce; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 6351. A bill for the relief of Paz I. Cruz; to the Committee on the Judiciary.

H.R. 6352. A bill for the relief of Miss Bettina Woon Sum Yau; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 6353. A bill for the relief of Ola Belle Meredith; to the Committee on the Judiciary.

By Mr. VIGORITO:

H.R. 6354. A bill for the relief of Teresa Martelletti; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 6355. A bill for the relief of Michiko Unoki Gonzalez; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 6356. A bill for the relief of Thalia Simos; to the Committee on the Judiciary.