ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, the the conclusion of the period for the transaction of routine morning business, the Chair lay before the Senate the unfinished business, S. 31.

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

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that committees may be authorized to submit committee reports during the adjournment over to Thursday next at 10 a.m.

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

LEGISLATIVE PROGRAM

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

The Senate will convene at 10 a.m., following the adjournment.

Immediately following the recognition of the majority and minority leaders under the standing order, the able Senator from Tennessee (Mr. BROCK) will be recognized for 15 minutes, followed by the distinguished Senator from Oregon (Mr. PACKWOOD) for not to exceed 15 minutes, followed by the able assistant Republican leader (Mr. GRIFFIN) for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

Following the conclusion of routine morning business, the Senate will resume its consideration of S. 31, a bill providing for programs of public service employment for unemployed persons, which will by virtue of the adjournment, become the unfinished business.

On Thursday, there will possibly be rollcalls. There will undoubtedly be a rollcall on passage of S. 31; and if the Senate does not complete action on S. 31 on Thursday, it is hoped that action will be completed thereon on Friday.

If action on S. 31 is completed on Thursday or Friday, the Senate will, on Monday next, proceed to the consideration of the export-import bill, S. 581, and permission has already been granted to the committee to submit its report thereon during the adjournment.

An agreement has already been entered into with respect to S. 581 on Monday next, under which there will be 3 hours of debate on the bill, equally divided and controlled by the majority and the minority leaders or their designees; there will be 1 hour on each amendment, motion, or appeal, except a motion to lay on the table, to be equally divided between the mover of such amendment or motion and the manager of the bill; and, under the usual form of such agreement, those Senators in control of time on passage of the bill may allot from such time under their control additional time to any Senator during the consideration of any amendment, motion, or appeal.

Also, of course, under the usual form, no amendments not germane to the bill may be received.

There will undoubtedly be one or more rollcall votes on S. 581.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. Is my understanding correct that this unanimous-consent agreement, which has been obtained and which the Senator is now outlining, applies to the bill (S. 581) only at the conclusion of action on S. 31, whether that hapepns to be on Friday or a week from Friday?

Mr. BYRD of West Virginia. The Senator is correct. Let us hope it will not be a week from Friday, because that would be Good Friday.

Mr. DOMINICK. Correct. That would be a good time.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I commend the distinguished majority whip not only for the excellent presentation he has made today concerning the schedule for Thursday, Friday, and Monday, but for the way he does it every day the Senate is in session. It is precise and exact, and very helpful to Senators on both sides of the aisle, who have to schedule their own time and like to know as closely as possible what is going to happen in the Senate.

The distinguished majority whip will be interested to know that when I suggested to the staff on our side that this information be conveyed and made available to Senators by way of tape recording, they told me this is already being done on our side, through the cloakroom, so that the information is available immediately after the Senate adjourns each day, which is very helpful.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished assistant Republican leader. I hope that the summary of the program which I am attempting to make each day for the following day on which the Senate is in session will be helpful to the staff on each side in their transmitting such information to the various offices of Senators, and hope it is helpful to Senators themselves.

May I say further, Mr. President, that in view of what the able minority whip has just stated, I shall be encouraged even to do a better job in the future in my summing up of the program at the close of each day.

BABY GIRL BORN TO SENATOR AND MRS. THURMOND

Mr. GRIFFIN. Mr. President, now, if I may have another moment or two for even a happier note, I have received word that the distinguished Senator from South Carolina (Mr. THURMOND) and his wife are now the proud parents of a 7-pound, 11-ounce baby girl. I know that this is welcome news to his many colleagues and his many friends in South Carolina and around the country, and we congratulate Senator and Mrs. Thurmond.

ORDER FOR ADJOURNMENT TO 10 A.M., THURSDAY, APRIL 1, 1971

Mr. BYRD of West Virginia. Mr. President, in view of the very happy note concerning the glad event which has just been brought to the attention of the Senate by the distinguished assistant Republican leader, I think the Senate ought to proceed now to adjourn forthwith. I therefore move that, in accordance with the previous order, the Senate stand in adjournment until 10 a.m. on Thursday next.

The motion was agreed to; and (at 2 o'clock and 51 minutes p.m.) the Senate adjourned until Thursday, April 1, 1971, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 30, 1971*

The House met at 12 o'clock noon.

Rev. Everett G. Miller, Sr., Dundalk Methodist Church, Dundalk, Md., offered the following prayer:

O Lord, our Heavenly Father, whose glory is in all the world: Most heartily we beseech Thee, with Thy favor to behold and bless Thy servants, the Members and agents of our House of Representatives. Grant that as they legislate for us they may be of one mind to establish justice and promote the welfare of all our people.

Endow all Members of Congress with a right understanding, pure purposes, and sound speech. Enable them to rise above all self-seeking and party zeal to the nobler concerns of public good and human brotherhood.

Cleanse our public life of every evil; subdue in our Nation all that is harmful; and make us a disciplined and devoted people. We ask all this that we may do Thy will on earth; even 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 bill of the following title, in which the concurrence of the House is requested:

S. 789. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 70) entitled "An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. ELLENDER, Mr. MCGOVERN, Mr. ALLEN, Mr. MILLER, Mr. AIKEN, and Mr. DOLE to be the conferees on the part of the Senate.

RESIGNATION FROM COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER laid before the House the following resignation from a committee:

WASHINGTON, D.C., *March 30, 1971.*

Hon. CARL ALBERT,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It is with great sadness that I write this letter to you. As you know I have not attended several of the Veterans' Affairs Committee meetings because I have been attending the hearings of the Education and Labor Committee of which I am now a member. I thought at first that I could fulfill my responsibilities to both committees, but it is impossible to accomplish and thus, regretfully, I had to make a decision to relinquish one of my committee assignments. As you know, my first choice of committee assignments has always been the Education and Labor Committee, and I therefore respectfully request to resign from my position on the House Veterans' Affairs Committee.

Sincerely,

SHIRLEY CHISHOLM,
Congresswoman.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

JOINT ECONOMIC COMMITTEE REPORT OF ITS FINDINGS AND RECOMMENDATIONS ON THE ECONOMY

Mr. PATMAN. Mr. Speaker, the Employment Act of 1946 requires the Joint Economic Committee to file the report of its findings and recommendations on the economy on or before March 1 of each year. This year the Congress authorized us, in Public Law 92–2, to extend our normal period and file on or before April 1.

As vice chairman of the Joint Economic Committee, I am pleased to present to the House the 1971 report of the committee and ask unanimous consent that the report may be printed together with the statement of committee agreement, minority, and supplementary views.

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

There was no objection.

THE REVEREND EVERETT G. MILLER

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

Mr. LONG of Maryland. Mr. Speaker, we have just listened with reverence to the opening prayer by the Reverend Everett George Miller of the Dundalk, Md., Memorial Methodist Church.

Reverend Miller graduated cum laude from Wesley Theological Seminary, and did graduate work at the University of Maryland. Reverend Miller, who is married to the former Eleanor Mae Shaeffer, has served my constituents in Dundalk since my first year in Congress. He is highly respected in the community and has compiled a most impressive list of religious and civic activities, including publishing articles and teaching at Essex Community College and the University of Baltimore. Last December, Reverend Miller was chairman of my Academy Advisory Committee.

Mr. Speaker, I am honored to welcome Reverend Miller to the U.S. House of Representatives.

JOINT COMMITTEE ON IMPOUNDMENT OF FUNDS

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

Mr. BENNETT. Mr. Speaker, today I am introducing legislation to establish a Joint Committee on Impoundment of Funds. Senator SAM J. ERVIN, of North Carolina is also introducing the bill in the Senate.

The committee would conduct a continuing comprehensive study and review of the President's constitutional power to terminate authorized Federal projects for which appropriations have been made or to withhold funds from programs.

Senator ERVIN's Judiciary Committee's Subcommittee on Separation of Powers has recently held hearings on impoundment of funds, but only to a limited degree. It was my privilege to testify at those hearings.

In my testimony I called on the committee to look into the President's recent decision to halt construction of the Cross-Florida Barge Canal, which is one-third completed and for which $60 million has been appropriated by the Congress.

It is my feeling that the President destroyed the delicate balance between the Federal Government and the State government by cavalierly breaking a contract between the U.S. Government and the State of Florida, and he also dictatorially repealed an authorized law of Congress by permanently halting the Cross-Florida Barge Canal. He did not even give notice to the public or to Congress that he was going to do it, much less allow any objective presentation of views on the subject.

Mr. Speaker there is a need for a special committee to look into the matter of the executive branch of Government failing to carry out the lawful directions of the Congress.

PRIDE IN OUR AMERICAN WORKMEN

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

Mr. DENT. Mr. Speaker, and Members of the House, it is not often that a person gets a chance to say something about a subject matter that has been rather touchy. In the last decade there has been little if any condemnation concerning the kind or quality of foreign products.

For the last decade I have been listening to all kinds of condemnations about the American enterprise system, the American workingman, his skills, and his lack of ability, and also about the kind of products he puts out.

So for a long time we have been condemning our American workingmen. It was therefore refreshing to find out that Ford's latest imported product, the Pinto, completely foreign made, are now being all recalled because they are blowing up like firecrackers on Chinese New Years.

LIEUTENANT CALLEY—POW

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

Mr. RARICK. Mr. Speaker, yesterday our people were shocked by one of the most morbid events in our Nation's history. Lieutenant Calley, a young Army officer, was convicted of premeditated murder of unnamed and unidentified people while serving our country in combat.

If there are any Americans who are not saddened by this tragic occurrence, it can only be that they do not understand the significance of the conviction.

In my district, public indignation at this affront to our fightingmen is hostile. Mothers and fathers are calling my offices stating that they will never allow their sons to serve in the military forces of a country which abandons its fightingmen. Veterans, highly enraged, are calling to say that if they were in Vietnam they would lay down their guns and come home.

The Commander in Chief and our top military brass may be proud of their accomplishment in giving world public opinion a sacrificial lamb. The members of the court-martial, like Lieutenant Calley, did their duty. Could it be that they did not realize that they more than Lieutenant Calley were destroying the U.S. military forces?

Now we Americans have two classes of POW's—those in Communist prisons and Lieutenant Calley in a U.S. POW camp.

THE CONVICTION OF LT. WILLIAM CALLEY

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

Mr. WAGGONNER. Mr. Speaker, Lt. William Calley was convicted yesterday for criminal responsibility in the death of 22 of the Vietcong enemy, the enemy which has, so far, murdered more than 40,000 American servicemen and wounded hundreds of thousands of others. For carrying out the specific orders repeated-

ly given him by his superior officers, Lieutenant Calley faces life imprisonment or death by execution.

Less than 2 weeks ago, 52 American servicemen refused to obey the specific orders of their commanding officers in that same war zone and for this desertion in the face of the enemy they have not nor will they ever receive so much as a slap on the wrist.

Alice in Wonderland would have understood this, for in that cloud cuckoo land, up was down, large was small and black was white. But I do not understand it. As an American citizen, I do not agree. As a former serviceman who served in two wars, I am revolted by the double standard of these two incidents. As a Member of Congress, I am beginning to understand what many of our youths are saying about the inconsistency of American justice. If these two incidents are representative of what military justice is in this country today, those of us who have unreservedly supported the military in the past are left with pitiful arguments today.

In spite of the fact that charges have been filed against both officers and enlisted men in spite of the fact that many of these same charges against both officers and enlisted men have been dropped, in spite of the fact that all others who have been tried to this point have been acquitted.

Lieutenant Calley has been made a scapegoat and there is no honor in that course. The Army does not know what it is doing. I protest the verdict and I urge others to join me.

LAW IS AN UNEQUAL DISTRIBUTION OF JUSTICE

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

Mr. ANDREWS of Alabama. Mr. Speaker, a law student was in the class about half drunk, and the professor asked him, What is law? The student said, "Law is an unequal distribution of justice."

Last night I was sickened and sad when I heard about that poor little fellow who went down to Fort Benning to enter OCS. He had barely graduated from high school. He was taught to kill. He had volunteered. He had offered his life for his country. He was sent to Vietnam, and he wound up back at Fort Benning where he was indicted and convicted for murder in the first degree for carrying out orders.

I also thought about another young man about his age, one Cassius Clay, alias Muhammad Ali who several years ago defied the U.S. Government, thumbed his nose at the flag, and is still walking the streets making millions of dollars fighting for pay, not for his country.

So I think that half-drunk was right when he said that law is an unequal distribution of justice.

Where on earth is the Justice Department in this country? Why on earth is not that man Cassius Clay in the penitentiary where he should be?

THE CALLEY TRIAL

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

Mr. FLYNT. Mr. Speaker, the Calley court-martial trial and the verdict in that trial constitute a very dangerous step toward the destruction of morale in the Army and the destruction of the Army as an effective instrument of U.S. foreign policy. The result of this verdict could be that in the future, no officer or noncommissioned officer can give any order with reasonable assurance that such order will be obeyed.

Lieutenant Calley was carrying out an assigned search-and-destroy mission which was the official policy of the Army at that time from the Pentagon on down. It is asinine to assess criminal responsibility on a lieutenant for carrying out an order, even if misunderstood, which originated at the very top of the chain of command. The search-and-destroy policy may have been changed since then but it was in effect on March 16, 1968.

In my opinion, the conviction of this young man destroys any possibility for an all-volunteer army. It makes the extension of the Selective Service Act more unpopular among Members of Congress and among the general public who have heretofore wholeheartedly supported it.

PROPOSED AMENDMENT TO H.R. 6531 TO LIMIT DRAFT INDUCTION AUTHORITY TO 1 YEAR

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

Mr. WHALEN. Mr. Speaker, pursuant to section 119 of the Legislative Reorganization Act of 1970, I take this time to advise the House that during consideration of H.R. 6531, I will offer an amendment to limit the draft induction authority to 1 year, that is, until July 1, 1972. The amendment will read as follows:

On page 11, line 22, after the word "thereof" strike "July 1, 1973" and insert "July 1, 1972".

ECUADOR USES U.S. VESSEL TO SEIZE U.S. FISHING BOAT

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

Mr. PELLY. Mr. Speaker, the Ecuadorean Navy continues to harass and seize American fishing vessels on the high seas off her coast. Last Saturday's incident involving the U.S. fishing boat *Caribbean* is the 26th illegal seizure this year and it brings the total fines against our fishing fleet during this period to more than $1.3 million.

The American Navy cargo vessel *Calicuchima*, which has been on loan to the Ecuadoreans since 1964, was used to nab the American fishermen who were 40 miles offshore. Subsequently, the *Caribbean* was taken into port and fined $74,160.

Mr. Speaker, once more a U.S. vessel on loan to Ecuador is used against Americans. Meanwhile, the State Department, contrary to the provisions of the Fishermen's Protective Act, refuses to deduct the amount of these fines from our foreign aid to Ecuador as provided by law. In addition, Assistant Secretary of State Crimmins testified before the House Fish and Wildlife Subcommittee there is no plan to stop these seizures.

The Congress has passed laws which could be used to deter the Ecuadoreans, but instead of heeding these laws, our State Department follows a policy which encourages these seizures.

This is a shocking and disgraceful situation, Mr. Speaker.

AMENDMENTS TO BE OFFERED DURING CONSIDERATION OF DRAFT EXTENSION

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

Mr. DENNIS. Mr. Speaker, I take this opportunity to advise the Members of the House that at the proper time under the 5-minute rule in considering H.R. 6531, the Military Service Act amendments, the bill to extend the draft, I shall offer two amendments.

One amendment will be to delete what I regard as a punitive provision in the committee bill providing for an additional or a third year of alternate service in the case of a man who has been classified by law as a conscientious objector. I would restore the past and present law which gives 2 years of alternate service as it gives 2 years of military service.

The second amendment will provide that in the case of a college student who is ordered for induction, he may in accordance with the present law, have the induction—I am not talking about deferment—postponed to the end of the academic year rather than to the end of the semester.

Mr. Speaker, I include with my remarks the two amendments:

Amendments offered by Mr. DENNIS, of Indiana:

Page 5, line 3, strike out the word "three" in said line and substitute therefor the word "two".

Page 5, line 4, insert a "period" after the word "service" in said line and strike out the balance of line 4.

Page 5, line 5, strike out the words "the reserve obligation required of military inductees" where they appear in line 5.

Page 5, line 15, strike out all of said line 15 after the "semicolon" which follows the word "title" in said line—words to be stricken being words "or who after he has reported".

Strike out all of lines 16, 17, 18, 19, and 20 on said page 5. Renumber lines and pages accordingly.

Page 6, lines 1 and 2, strike out the words "term, or" at the end of line 1; strike out the words "in the case of his last academic year" in line 2.

PRESIDENT'S PROPOSAL TO REORGANIZE EXECUTIVE BRANCH

(Mr. CONABLE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CONABLE. Mr. Speaker, the President has submitted for our consideration a bold proposal for the creation of four new executive branch departments to replace seven now dealing with domestic policy. I am especially interested in reorganizing departments so they effectively serve rather than frustrate the public.

I have long felt that the Federal bureaucracy worked ineptly at helping local communities and people solve their problems. In many cases taxpayers, or the Government's shareholders, are quite unaware of the Federal programs available to them through various offices.

Even though detailed lists of program purposes and funds are available, they are too complex to be readily understood by the general public. Often programs are very similar in nature, but administered by different departments or separate local organizations.

Programs in different departments will sometimes pay for different portions of the same project, or else money will be available for identical efforts through different offices.

One metropolitan area recently spent many months developing a water treatment plan and sewer system. The total cost was $14.4 million. The city applied for and received 50 percent of the funds from one agency, while another agency approved 30 percent of the funds. No interagency review took place. Naturally, this duplication of funding would please any city, but it is unfair to taxpayers.

If programs like this slip through bureaucratic cracks, some way must be found to coordinate the various agencies handling similar projects. Although 850 interagency coordinating councils exist on paper, we have little feedback indicating they actually cooperate on resolving conflicts satisfactorily.

The money we spend belongs to the taxpayers. Government exists, not of itself, but to serve them. By perpetuating interagency conflicts and rivalries at both the local and the national level we waste money. Is it not time we earned the taxpayer's good faith by organizing his Government to operate efficiently?

TAX RELIEF FOR SENIOR CITIZENS

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

Mr. HUNT. Mr. Speaker, my colleague, the gentleman from New Jersey (Mr. FORSYTHE), who previously spoke today in support of tax relief for senior citizens, echoed my sentiments thoroughly.

For a number of years I have been advocating this. Since I have been here, for 4 years, I have consistently advocated and supported all measures for senior citizens.

Today visiting in the Capitol, in addition to those persons who came from the district of my colleague, Mr. FORSYTHE, there is a sizable representation from the First Congressional District of the State of New Jersey. They are the ones I am vitally interested in, in addition to all senior citizens of the United States of America.

I want to tell you sincerely I shall continue to press for legislation that will assist senior citizens in the twilight of their lives the same as I have in the past. There will be no deviation from this policy.

I am only sorry I could not greet them all individually this morning, but I will try to meet them a little later on the steps and talk to those I have not seen.

A CALL FOR A PRESIDENTIAL PARDON FOR LIEUTENANT CALLEY

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

Mr. DICKINSON. Mr. Speaker, for approximately 9 months it was my duty and obligation to serve on the special investigating subcommittee on the My Lai incident.

It is not my intention today to comment on the finding of the military trial court, nor do I intend to do so in the future, but I do believe one thing needs to be emphasized and underscored.

Mr. Speaker, it was the finding and report of our committee that this be the case: It is not justice, and the law should certainly be changed, that would permit one person to be brought to trial because he is a professional soldier dedicated to the defense of this country while another person who stood side by side with him and did the same act, whether it be a felonious act or not, cannot be brought to trial simply because he was a short-termer now wearing civilian clothes. There is no equity in it. There is no justice in it.

Mr. Speaker, because of this—and I am not commenting on the finding of the trial court—I am today sending a telegram to the President asking for a presidential pardon for Lt. William Calley.

AMENDMENT TO BE PROPOSED TO H.R. 6531

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, under the Legislative Reorganization Act I wish to notify the House and the Speaker that in connection the consideration of the bill, H.R. 6531, I intend to offer an amendment which will read:

Page 1, strike out line 3 and all that follows thereafter down through line 22 on page 11 and insert the following: "That effective January 1, 1972, the Military Selective Service Act of 1967 is repealed and the President shall take such action as may be necessary before such date to insure an orderly winding up of the affairs of the Selective Service System."

THE VERDICT OF THE CALLEY CASE

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

Mr. BLACKBURN. Mr. Speaker, the verdict in the case involving Lt. William Calley finds me with a bewildering mixture of emotions and views.

First, I find myself deeply concerned for Lieutenant Calley whose service to this country has brought him to this tragic point in his life.

Second, I find myself baffled that this matter proceeded through the ordeal of a public trial which has only brought comfort to those persons, both foreign and domestic, who have opposed our involvement in Vietnam. While giving comfort to the enemies of American policy, the trial has created great distress among all Americans from all walks of life. No benefit to this country has so far appeared as the result of this trial.

Finally, I am deeply disturbed at the long-term implications that this trial and conviction hold for the morale of our men serving in Vietnam and for the future morale and discipline of any citizen who may find himself serving in the Armed Forces of our country.

The killing of fellow humans is a deplorable affair, whether such humans be civilian or military. A nation which sets about pursuing a policy involving the destruction of human beings cannot expect to apply the rules of conduct which govern our affairs in times of peace. Our Nation has never fought under circumstances as difficult and frustrating as those which have constantly faced our men in Vietnam. It was the decision of this Nation to set about to destroy those Vietnamese who opposed our policies in that country. If unconscionable acts have occurred in carrying out that policy, the blot is upon the Nation's record, and no one man should be singled out for special punishment.

Questions of legitimacy can now be raised as to the actions of our aviators during World War II whose bombs destroyed whole cities. Anyone who has served in time of combat and has observed the destruction from his weapons must now reassure himself, when thinking of Lieutenant Calley's plight, with the thought, "There, but for the grace of God, go I." The leaders of North Vietnam, since the beginning of our involvement in that struggle, have maintained that the American servicemen whom they hold as captives, under the most inhumane conditions, are actually war criminals and thus not entitled to the treatment normally accorded prisoners of war. To what extent have we confirmed their charges?

The trial and the conviction of Lieutenant Calley have created far more questions than have been laid to rest.

AMENDING THE MILITARY SELECTIVE SERVICE ACT OF 1967

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 350 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 350

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d) of rule XI 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 bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 350 provides an open rule with 4 hours of general debate for consideration of H.R. 6531 to amend the military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for 1972; and for other purposes. Since the report on the bill was filed by the Committee on Armed Services on March 25, the resolution waives points of order against the 3-day rule—clause 27d of rule XI, as provided by the Legislative Reorganization Act of 1970.

H.R. 6531 would achieve the following major objectives:

It would extend the draft authority for a period of 2 years, from July 1, 1971, to July 1, 1973.

It would increase basic pay and allowances for members of the uniformed services by $2.7 billion for fiscal year 1972 with 64 percent of the dollar increase going to servicemen of less than 2 years' service.

It would authorize an average active duty strength for fiscal year 1972 of 2.6 million.

It would provide for the suspension of the State and local quota system and establish a national draft call by the lottery system.

It would provide the President discretionary authority to end undergraduate student deferments.

It would repeal the existing statutory exemption provided divinity students.

It would extend the alternative service requirement for conscientious objectors from 2 years to 3.

Congressman HÉBERT, the able chairman of the Committee on Armed Services, when he presented the bill before the Committee on Rules, stated:

I suspect that not a single member of the committee would agree with every action taken in this bill. Nonetheless, it represents a very democratic and very sound resolution by the overwhelming majority of the committee on every one of these complex issues.

Further, the bill was ordered reported by the Armed Services Committee by a vote of 36 to 4.

Mr. Speaker, I urge the adoption of House Resolution 350 in order that H.R. 6531 may be considered.

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

Mr. Speaker, as stated by the distinguished gentleman from New York (Mr. DELANEY), House Resolution 350 does provide for 4 hours of general debate under an open rule for the consideration of H.R. 6531 amending the Military Selective Service Act of 1967.

Points of order have been waived on the 3-day rule insofar as the report thereon being available. It was filed Friday and today is Tuesday. I think it has been filed for the required 3 days and in my opinion it would be technically correct to take it up in any event. However, points of order have been waived.

Mr. Speaker, the distinguished chairman of the Committee on Armed Services, the gentleman from Louisiana (Mr. HÉBERT), presented a very able and detailed statement to the Rules Committee which I assume he will be presenting to the membership very shortly and which in my opinion is a very fine explanation of this bill.

The report is very, very complete. Further than that, the gentleman from Louisiana (Mr. HÉBERT) stated that he would permit everyone under the 5-minute rule to have as much time as necessary, even if we had to go into next week in order to complete the consideration of the bill. However, it was with caution from our committee that we felt that we do not want a lot of dilatory tactics. However, he has assured us that everyone will have an opportunity to offer amendments and to discuss them. I anticipate that there will be a number of amendments offered because everyone has different ideas on the bill. Probably some amendments will be offered on the ministerial portion of the bill, college deferments, and others.

I was interested to note that today several Members, under the Reorganization Act, introduced into the RECORD some amendments which they plan to offer. Those amendments will be printed in today's RECORD. Then, tomorrow when taking up their amendments, no matter what the time element is, they shall not be shut off but will have an opportunity to discuss all aspects pertaining thereto. But, anyway, they will be guaranteed 5 minutes to discuss their amendment. This will be the first time a bill has been considered under the Reorganization Act as passed last year providing for this procedure.

The purpose of the bill is to extend the authority to draft persons for 2 years, to increase pay and allowances for members of the armed services, to provide the President with authority to end college deferments, to improve local draft boards, and to set authorized personnel strength limits for the Armed Forces for fiscal 1972.

This bill combines many separate features. It includes as its base, four Presidential proposals tied to military personnel matters, committee amendments to these proposals, and additional legislation believed by the committee to be desirable.

As its major feature the bill continues the present authority of the draft for 2 additional years—through June 30, 1973—together with concurrent authority to draft members of the medical and allied professions as the need demands.

With respect to the authority to draft, the bill gives the President power to abolish all college deferments, as well as those for divinity students and for persons enrolled in technical or vocational schools. The President has indicated that he will exercise this authority. As programed, those students who are called will be permitted to complete their current semester or term, or their final school year if it has begun.

The bill also abolishes the system of State quotas of draftees and will enable the President to institute a national call up system, utilizing the present lottery method of birthdate.

Finally, with respect to the draft system, the bill contains a number of changes in the operation and makeup of local draft boards. Revised upper limits on the age of board members and length of service are instituted which will have the effect of retiring older members. Other amendments seek to insure that a draft board accurately reflect the population mix, socially and economically, of the area it represents.

The bill deals with the conscientious objector. It does not amend the definition of that term but it does require that anyone claiming such status must serve for 3 years in a program of civilian public service as an alternative to military service.

The bill also includes a number of provisions aimed at improving the life and surroundings of members of the Armed Forces; several of these features go well beyond similar provisions as recommended by the President for fiscal 1972.

Basic pay allowances are greatly increased, with most of the increase—86 percent—going to enlisted personnel and junior officers with less than 2 years of service. The bill provides pay increases totaling $1,825,400,000 and will increase the pay of draftees and other enlisted personnel with less than 2 years of service by an average of 68 percent over pay levels effective on January 1, 1971. Approximately 50,000 officers and 1,400,000 enlisted men on active duty will receive pay increases. The same rates of pay will also be extended to some 6,500 officers and 518,000 men in National Guard and Reserve units.

Also increased are the payments of quarters allowances under the Dependents Assistance Act. This is a very major item of compensation for most enlisted men with families. The bill provides $824,200,000 in fiscal 1972 for increased payments for quarters allowances.

Further, the bill provides for an increase of $37,800,000 in subsistence allowances for members of the Armed Forces. These pay and allowance increases total $2,687,400,000 in fiscal 1972; almost two-thirds of this is earmarked for draftees and other personnel who have served less than 2 years and are in the lower pay and allowance categories.

The bill provides that actual costs incurred by military personnel in recruitment activities shall be reimbursed to those personnel who incurred such incidental expenses. The Department of Defense estimates that such costs average out to about $20 to $25 per recruiter.

For fiscal 1972, the estimated cost is $2,940,540, and over a 5-year period, some $15,000,000.

The bill sets active duty strengths for all service branches for fiscal 1972 as follows:

Army	1,024,309
Navy	616,619
Marine Corps	209,846
Air Force	758,635
Total	2,609,409

This is a "ceiling" figure and cannot be exceeded unless the President finds that national security interests require additional personnel, and he must so inform the Congress. This total represents a reduction of about 200,000 men during the fiscal year.

Fiscal 1972 costs, authorized by the bill, are estimated at $2,710,800,000. The 5-year cost projection shows that in fiscal 1976, this figure will have fallen to $2,493,400,000, due primarily to a continuing reduction in total active duty force strengths.

Mr. Speaker, I urge adoption of the rule.

Mr. DELANEY. 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. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6531, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Louisiana (Mr. HÉBERT), will be recognized for 2 hours, and the gentleman from Illinois (Mr. ARENDS), will be recognized for 2 hours.

The Chair recognizes the gentleman from Louisiana (Mr. HÉBERT).

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

Mr. Chairman, as I did before the Committee on Rules yesterday, I shall depart from the usual procedure of mine of not reading a paper, and today I shall do the same thing. Instead of speaking extemporaneously I want to have every word understood as I present it, and for that reason I am reading my statement.

Also, Mr. Chairman, I would ask that I not be interrupted until I finish the complete statement. I will not yield. However, at the end of the statement I will be glad to yield to anybody who has a question to raise.

I also want to stress the fact that the Committee on Armed Services will do everything it can to expedite this important bill.

Mr. Chairman, I bring before the House today on behalf of the Committee on Armed Services perhaps the most important bill that we will consider this year. It will be difficult to think of a piece of legislation that will have a more far-reaching effect on the American people—from a moral, economic or natonal security standpoint—than the bill which I now present to the House of Representatives.

I am going to depart from the past custom of the chairman taking the better part of an hour to explain in great detail the various sections of the legislation. I should like simply to outline the major features of the legislation very briefly.

An enormous amount of material is available to Members to acquaint themselves with the legislation. Our committee's extensive report and our copious hearings have been available to all Members. These hearings cover 1,112 printed pages. In addition, there has been available to all those interested the hearings of our subcommittee which reviewed the operation of the draft in 1970. That hearing, House Armed Services Committee Document No. 91–80, covers 421 pages and has been available to all Members of the House since December of last year.

In short, Mr. Chairman, the facts are there for those who want to read them.

It is my wish, therefore, to use as little time as possible in my own remarks so that I may have as much time as possible to yield to other Members.

This is a crucial national issue with profound moral implications for the country. Many Members want to be heard, and I think they should be heard. I want to say right now that at no time in the course of this debate will any motions to cut off debate come from me. I shall be here at the pleasure of the House as long as need be to assure that the House works its will on this legislation.

This bill, H.R. 6531, accomplishes three major functions:

It extends the induction authority under the Selective Service Act for another 2 years—to July 1, 1973.

It provides increases in pay and quarters allowances for military personnel costing $2,687,400,000.

It authorizes the active-duty strength of the Armed Forces for the fiscal year beginning July 1, as follows: Army, 1,024,309; Navy, 616,619; Marine Corps, 209,846; and Air Force, 758,635.

Each of these major actions was approved by substantial majorities in the committee after the most searching inquiry and the most thorough discussion of various alternatives.

Before explaining the reasons for the committee's actions a little more fully, let me say how extremely proud I am of the members of the Committee on Armed Services for the quantity and the quality of the work they produced on this legislation. The attendance and the diligence of members during our long hearings, morning and afternoon, was an inspiration to me. The bill before you today is the result of a committee functioning the way the Founding Fathers intended. The committee did not simply approve or disapprove executive branch proposals; the committee legislated. All of the members of the committee contributed, and on some sections of the bill the committee went over the language again and again, and debated numerous small changes, to be sure that we had the best law that could be produced.

Voting on this bill did not follow any of the neat and inadequate categories by which people love to identify members. There was no pattern of party-line voting, liberal or conservative voting, junior or senior member voting, or voting by regional interest.

Voting was a matter of individual conscience.

I should like now to briefly discuss what the committee did—and did not do—on the draft law.

In extending the induction authority for 2 years, we improved the draft law in the following ways:

We provided clear authority for the President to phase out undergraduate student deferments.

We repealed the existing exemption for divinity students.

We provided authority for the President to suspend the State and local quota system so that he could institute a uniform national call while the lottery system is in effect. The uniform national call is designed simply to insure that men with the same lottery number will have the same liability throughout the country.

We provided a 3-year period of alternate civilian service for conscientious objectors, with the Director of Selective Service charged with monitoring the performance of this civilian service. The committee's bill specifically provides that the third year of the conscientious objector's service is to be as a substitute for the Reserve obligation incurred by those who are inducted.

We continued the doctor draft. Quite simply, the health needs of the members of the Armed Forces could not be adequately provided for without the extension of this authority. We also continued the authority in law to provide special pay for physicians, dentists, and veterinarians and for the first time extend special provisions to optometrists. This was a simple matter of equity; optometrists are the only medical specialists subject to the so-called doctor draft who do not receive special pay. The special pay for optometrists in the committee's bill would be: $50 per month for second lieutenants, first lieutenants, and captains; $150 per month for majors and lieutenant colonels; and $200 per month for colonels and above.

We tried to make draft boards more responsive by reducing the present age limit from 75 to 65 years; by reducing the maximum years of service from 25 to 15; by assuring that anyone over the age of 18, if otherwise qualified, could be appointed—regulations presently set a 30-year age minimum—and by recommending that local boards, to the extent practicable, accurately represent the eco-

nomic and sociological background of the community.

We gave the Director of Selective Service authority to prevent State directors from serving concurrently in other State offices.

We extended the period before which the statute of limitations begins to run in order to permit prosecution of draft evaders until age 31.

Now, let me mention some things we did not do:

We did not approve an all-volunteer force right now. I think Members of the House should keep very clearly in mind that the President did not recommend an immediate attempt to create an all-volunteer force.

What the President asked for was a 2-year extension of the induction authority and the vehicle with which to be in a position to move to an all-volunteer force in 1973.

Many witnesses expressed great belief in the idea of an all-volunteer force and in the power of adequate pay to procure such a force. However, belief is not factual assurance. And no witness presented sufficient evidence to satisfy the committee that the needed strength of our Armed Forces could be maintained if the draft was ended as early as July 1 of this year.

The committee, therefore, in good conscience, determined that national security required an extension of the induction authority.

The vote in committee was 28 to 7 against adopting H.R. 4450, which would have terminated the draft on July 1 of this year.

The vote was 30 to 9 against a motion to have only a 1-year extension of the draft.

The committee vote in favor of the 2-year extension was 32 to 4.

But while the committee did not vote for an all-volunteer force immediately, it did vote to give the President the tools to do the job. We did this by giving him in the present bill an increase in pay and allowances totaling $2,687,400,000 a year. This additional money falls into two broad areas: substantial increases in basic pay for men with less than 2 years of service and increases in quarters allowances for all personnel.

Eighty-six percent of the basic pay increases go to draftees and other men with less than 2 years of service, including junior officers. The majority of witnesses before our committee, both those for an all-volunteer force and those opposed, agreed that entry-level pay for men in the Armed Forces is disgracefully low. For enlisted personnel with less than 2 years of service our bill provides an average 68.6-percent increase in basic pay. Quarters allowances for military personnel have not been increased in 8 years. Our bill brings them to a realistic level.

I think it can be truly said that this bill will provide for the first time a level of military compensation which will make military pay truly competitive at all levels with pay in the civilian economy.

It is on the matter of pay that the committee disagreed with the administration. But there was no disagreement that the pay rates in our bill are equitable and are the level of pay needed to eventually move to an all-volunteer force. The administration, however, had asked for only part of these compensation increases in fiscal 1972—a recommended increase costing $987 million. Defense spokesmen could give only one reason for not moving immediately to the pay levels which their studies had determined were required as a matter of equity.

That reason was "budgetary constraints."

The committee believes, as witnesses of all stripes believed, that if constraints are to be placed in the budget, they are not to be placed there at the expense of young men who are drafted into the service of their country.

During fiscal 1971 the Armed Forces are being reduced by 367,000. The number of men and women in the Armed Forces at the end of fiscal year 1972—2,505,000—will be below the pre-Vietnam figure of 2,687,000 at the end of fiscal year 1964 and will be the lowest year-end strength level since fiscal year 1961.

From the beginning of fiscal year 1969 to the end of fiscal year 1972 the total reduction in active military personnel will be about 30 percent—over 1 million men.

In conclusion, Mr. Chairman, I think the committee has brought to the floor of the House the best bill that could be drafted to deal with these complex and trying issues.

I think our bill is justified on the only two grounds on which, ultimately, it can be justified: the requirements of national security and equity toward the men and women in our Armed Forces. On that basis and on that basis alone, I present it to the House. Whether you believe or do not believe in an all-volunteer force, the bill compels your support on the grounds of equity alone.

But if an all-volunteer force is feasible, the bill does all that we could do legislatively to move, over a reasonable period of time, toward that objective.

I would remind you that our capacity as legislators is limited, that the ingredient that we cannot supply in any bill or resolution is the image that rests in the hearts of the American people. And I would close with a quotation from the committee's report:

> Without a recognition by all Americans that a military career is an honorable profession, the goal of an all-volunteer force will be but a hollow dream.

The CHAIRMAN. The gentleman from Louisiana has consumed 23 minutes. Does the gentleman from Louisiana desire to yield time?

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

Mr. PIKE. Mr. Chairman, before discussing the merits of this legislation I would like to take this opportunity to say publicly that which I have been saying privately for a couple of months; that is, that under our new chairman there has been a rebirth of intellectual objectivity in the House Armed Services Committee which will in the long run serve the Nation and our military well. I would like to make it crystal clear that my views on this subject are my own alone and probably do not represent the views of the majority of the committee, most of whom have been completely satisfied with the operations of the committee in the past. I was not satisfied with these operations and have never made any bones about saying so. Therefore, it seems only fair that our new chairman should get some credit for the things which he has done, which represent an almost revolutionary change within the framework of our system.

First of all, he has presided over the committee with absolute fairness, and perhaps most important, with unfailing good humor. In the process of drafting this legislation and in the posture hearings which we have already commenced as a background for our procurement bill, some unprecedented things have happened. Without having kept any statistical data on the matter, I believe I can say with some assurance that the doors of our committee have been open to the public for our hearings more than at any time within my memory. Every possible shade of political opinion and philosophy was brought before our committee on the subject of the draft, from Members of Congress, from church, student, youth and educational groups. While some of the testimony was abhorrent to some of the members—imagine the Armed Services Committee having to listen to testimony to the effect that the draft should be ended—it might just be considered a mind-expanding experience with none of the harmful side effects of LSD. We are conducting our hearings expeditiously, in my own judgment, too expeditiously, but I fully understand the pressures under which our chairman operates, and the demands made on him both by the leadership and our natural interest in getting the job done. Our chairman, this bastion of southern conservatism, has gone even further than the Democratic caucus in abolishing the rule of seniority. We are not recognized for our measly 5 minutes in the order of our seniority, but in the order in which we show up for the meetings. While this may seem like a small thing, the obvious result has been that when the meeting is supposed to start there is usually a quorum present. So we do not waste time.

I referred a few seconds ago to our 5-minute rule. There is no other way that a committee the size of ours can operate expeditiously, and there is no reasonable alternative to such a rule which anyone has proposed. Our chairman has the authority to waive it, and this year he has done so just once. Our chairman is a master of the rules of the House and of the committee, and has introduced some flourishes all of his own. For example, instead of having the members of the Joint Chiefs of Staff appear before the committee separately, they appeared en bloc, which means that the 5-minute rule becomes a rule of 1 minute and 15 seconds per Chief. We all know that with the possible exception of the Commandant of the Marine Corps, no one who aspires to the high honor of being a member of the Joint Chiefs of Staff can

ever be caught answering a question in less than a minute and a quarter, and most of them from the Secretary of Defense on down are masters of the 5-minute answer to the 10-second question.

While all of this sounds critical, the criticism is directed perhaps as much to the cumbersomeness of our system as to anything else. It is not, above all, directed at our chairman, who simply could not have been much better than he has been since the 92d Congress convened.

In the past we have all too frequently conducted our hearings as if they were merely a necessary procedural evil in order to reach a foreordained conclusion. This year we have conducted our hearings as if we were willing to listen to ideas and to opposing views and to participate in a truly creative legislative process. For this I pay tribute to the gentleman from Louisiana. From such hearings, conducted in such a manner, the legislation before you has come, and I am pleased to be able to rise in support of it. Four years ago I supported the extension of the draft for 4 years in the House with misgivings, felt that the conference report included the worst of both the House and Senate versions, and voted against it. My reason for voting against the final version 4 years ago was very simple. The legislation was unjust; it was unjust to our poor who could not afford to go to college; it was unjust to our most highly motivated who had to work their way through college, but because of the necessity of holding down full-time jobs could not be full-time students, so they got drafted. It was unjust to those who for reasons of either heredity or environment did not have the mental capacity to get admitted to college. It was unjust because draft boards throughout the Nation were composed to a very large extent of very old men who had no capacity whatsoever for understanding the problems, the lives, the fears, and frustrations of the people whose lives they so drastically affected.

The bill which is brought to the House floor today does not remove injustice. Theoretically, there are two ways in which injustice can be removed. One way is to draft nobody; the other way is to draft everybody. We cannot draft everybody because a large number of our people is neither physically nor mentally qualified to serve. Nor is there need for such a number. We cannot draft nobody because there is a need for some number. So, in any system whereby some men are drafted and some men are not, there must be that built-in injustice. Some will have to serve, and some will not, so this bill does not eliminate injustice.

What it does do is assure that the chances of serving are spread as equally around our population as they can possibly be spread. One of the greatest injustices in the past has been that of student deferments. Perhaps even greater is the fact that two young men similarly situated have been treated differently simply because their cases were handled by different draft boards. We cannot totally eliminate this problem. As long as there are to be hardship deferments and hardship discharges, there has to be discretion at some level, and this discretion remains in the hands of local draft boards.

We have, however, expressed in this legislation for the first time the intent of Congress that local draft boards shall accurately represent the economic and sociological background of the population which they serve. At a time when present regulations require that a member of a draft board be 30 years of age, we are reducing that age to 18. We have limited the age of members of draft boards to 65, and their service on such boards to 15 years. These changes cannot help but make the draft boards fairer, more understanding, and more responsive.

We are going to a uniform national call instead of State quotas, which means that people with the same draft lottery number are going to be called at the same time wherever they are situated in our Nation. The President has wisely and properly by Executive order abolished occupational deferments. To the extent that a draft bill can be made just, this draft bill is just.

I will support some amendments to it. If no one else does, I shall offer an amendment to it because I believe that the pay raise which we have authorized in an effort to attract a volunteer army goes far beyond the realm of fiscal responsibility. The administration requested $987 million in pay raises; the committee provided $2,687,000,000 in pay raises—$1,700,000,000 over the President's budget. We have accepted the proposition that if a bottle of wine is good, a case of wine is even better. We are doing this at a time when the disposition of our forces around the world is such that much of the benefit of this pay raise will go to help the economy of foreign nations when our own economy needs it so badly.

I shall support the amendment to be offered by the gentleman from Ohio (Mr. WHALEN) to limit the draft extension to 1 year, but whether his amendment passes, or my amendment passes, or any other amendments pass which do not affect the basic thrust of this bill, I shall have no difficulty supporting it, for it is as fair a draft bill as a committee could come up with.

Mr. ARENDS. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, under our Constitution it is the Congress which has responsibility to decide upon the size and nature of our Armed Forces; it is Congress which determines how our Armed Forces are to be raised and how they are to be maintained. The bill that we bring before the House today from the Committee on Armed Services, H.R. 6531, carries out all these constitutional responsibilities.

It extends the draft for 2 years as recommended by President Nixon and allows the President the wherewithal to set a goal of eliminating conscription in 2 years.

It provides for substantial raises in pay and quarters allowance for military personnel—I believe the largest pay bill ever brought to the floor of the House.

It authorizes the average annual active-duty strength of the Armed Forces for the year beginning July 1—taking into account the substantial reductions in manpower that President Nixon has made in the last 2 years and is continuing to make.

The first question before the committee was how the military manpower needs for our national security were to be met. After the most searching deliberation on any bill before the committee in my memory—and that is a long memory—the committee determined that the draft would have to be continued for 2 years. All of us would like to end the draft, but to do so without being sure that sufficient volunteers would be available would be taking grave risks with our national security.

We have heard many pleas for going to an all-volunteer force immediately. For understandable reasons many people passionately desire an end to conscription. All of us want to see an end of conscription. Some predict that a raise in pay would immediately produce a sufficient number of volunteers. But we cannot be sure. I have noticed that many of those who are so certain in their prediction that we can get the volunteers by simply raising the pay are the very ones who under no circumstances would volunteer themselves.

I would point out that though the induction authority is extended for 2 years, there is nothing to prevent the termination of inductions prior to that time if sufficient volunteers are forthcoming. The induction authority is permissive with the President. Obviously, President Nixon wants to achieve a zero draft as early as possible; and he has initiated an all-out program to improve the Armed Forces and attract volunteers. As the number of volunteers increase, the number of draft calls will decrease and the draft can be phased out.

The pay rates included in this bill—it is interesting to note—are as high as those recommended by any group which proposes the immediate termination of the draft. Therefore, even though the induction authority is continued, there will be an opportunity for their theories to be proved as quickly as possible.

Recognizing that the draft had to be continued for a period of 2 years, the committee determined that inequities and deficiencies in the existing draft law should be removed to the maximum extent possible. Therefore, the bill which we present to you today, H.R. 6531, has nine major amendments to the Selective Service Act. Let me just cover these briefly: First, it gives the President discretionary authority to end undergraduate student deferments. Virtually all witnesses agreed that the time has come to end undergraduate deferments; and from what I can determine, almost all undergraduate students agree. The President has indicated his intention to terminate all student deferments after April 23, 1970—the date of the message to Congress in which he asked for such authority. Deferments in effect prior to April 23, 1970, would be continued.

Second, it repeals the existing statutory exemption provided divinity students. The committee believed that terminating these exemptions was consistent with the authority to terminate stu-

dent deferments. The administration has informed the committee that it intends to allow continued exemption for those divinity students who were enrolled prior to January 27, 1971.

Third, it provides authority the President requested to suspend State and local quotas to enable the President to establish a uniform national call. This is consistent with the move to a lottery system and will provide that all men with the same lottery number will be called at the same time nationwide.

Fourth, it provides for a 3-year period of alternate civilian service for conscientious objectors, with the third year being a substitute for the reserve obligation incurred by the regular draftee. In view of the fact that conscientious objectors do not take on any reserve obligation and do not have liability to the dangers of combat, the committee believes that this 3-year provision is fair. We provided that the monitoring of service by conscientious objectors should be under the supervision of the Director of Selective Service, as this is one area where there was weakness in administration in the past.

Fifth, it revises the upper age limit of local draft board members from 75 down to 65 and lowers the maximum years of service on a draft board from 25 to 15.

Sixth, it provides, to the extent practicable, membership of local draft boards shall accurately reflect the economic and sociological background of the population served. The purpose of this amendment, like the previous one, is to make the local draft board more reflective of the local population and more responsive in those areas where it might not have been so in the past. I think it should be stressed that we provided in the law that "no induction shall be declared invalid on the grounds that any board failed to conform to any particular quota as to race, economics, religion, sex, or age."

Seventh, it provides that people over age 18, if otherwise qualified, cannot be prohibited by regulation from serving on draft boards. Present regulations set minimum age at 30. This will allow younger people an opportunity to serve on local boards.

Eighth, it prohibits the State director of Selective Service from serving concurrently in another elected or appointed State or local government position without the approval of the Director of Selective Service. The purpose of this is to allow the Director of Selective Service to phase out the practice of State directors serving as adjutants general or in other State offices.

Ninth, it extends the period before which the statute of limitations begins to run on draft dodgers. Under the presently applicable court decision the 5-year statute of limitations only runs till 5 days after the registrant is 23. This is because the court interpreted the law to limit the time for prosecuting a man who failed to register to 5 years and 5 days after his 18th birthday. The committee's amendment provides that the statute of limitations does not begin to run until the day before he attains age 26. This will allow prosecution for 5 years after the man's 26th birthday—or up to age 31. This is consistent with the intent of the law since a man is liable for registration from age 18 to age 26.

Our committee struggled with the difficult question of determining equitable pay scales for our servicemen, keeping in mind President Nixon's goal of establishing an all-volunteer force. We had to determine to what extent and in what way military compensation could be made comparable to civilian pay. We had to do this in such a way as to encourage qualified young men to volunteer for military service and to consider military service as a career.

The bill reported by our committee authorizes a pay increase at an annual cost of $2,687,400,000.

There are two things that should be understood about this increase:

Eighty-six percent of the basic pay increases go to draftees and other men with less than 2 years' service. The purpose of the pay increase is to make up the great gap that has existed in the entry pay levels of military service. I might say that virtually all of our witnesses, those for the all-volunteer force and those opposed, recognized that pay of draftees and junior officers was unjustly low and supported the idea of substantial increases. The only pay raises other than those for under 2-year men are to assure a sufficient differential between longevity steps in the pay scales—for the most part in the pay scales of middle- and lower-grade enlisted personnel.

The second factor in the pay bill is an increase in quarters allowances both for the career forces and for the men with less than 2 years of service. Quarters allowances have not been increased since 1963, they are inadequate by any measure, and under any circumstances we would probably have had to consider an increase this year or next year.

Now let me say frankly that the matter of total pay for this coming fiscal year is the one area where I parted company with my committee on this bill.

President Nixon had proposed a two-step approach to the problem with a $987 million pay increase this year and the remaining $1,700,000,000 increase in fiscal year 1973. This, it seems to me, would have been a more responsible way to proceed. In view of the enormous pressure on the budget and the considerable cost involved, it would have been wiser, in my opinion, to have moved toward an all-volunteer force in two steps rather than one giant leap.

Following the President's program would have allowed us to make a judgment at the end of the first year as to how well the effort was progressing and would have allowed changes in the manner of approach if deemed advisable.

This year, for the first time, our committee was required by law to authorize the average annual active-duty strength of the Armed Forces. The committee's bill authorizes an average strength of 2,600,000. This is a ceiling that is the average strength for the entire fiscal year. Let me stress that by the end of the fiscal year actual strength will be down to 2,500,000.

The Secretary of Defense provided extensive material in our hearings to justify the need for these manpower requirements and to clearly show that further cuts at this time could lead to unacceptable risks for our national security. The Secretary provided us with a 46-page explanation of the basis on which these manpower recommendations are made. The record is there for all to see.

I think we should take note of, and I think we should commend the President for, the fact that at the end of fiscal year 1972 the strength of the Armed Forces will be 1 million men below what it was when President Nixon took office.

The average strength that we are authorizing for fiscal year 1972 will be more than 250,000 below the average strength of the present fiscal year and will be below the average strength for fiscal year 1964, the last pre-Vietnam year.

It will be the lowest military strength that we have attained in over 10 years.

In summary, while one might not agree with every aspect of the reported bill, I believe the committee did a credible job. As I said at the outset, I can think of no bill that has received more thorough and searching study by our committee.

I can think of no bill which is more important to our national security and I think the committee has done its job well in making sure that the needs of national security will be met.

It is an expensive bill because people are the largest single cost element in the Armed Forces and will be more so with an all-volunteer force. Today, personnel costs account for more than 50 percent of our defense budget.

People are our most expensive product.

The 1-million-man reduction that President Nixon has made in the Armed Forces over a 3-year period allows greater reductions in defense expenditures than we could achieve by cutting out a half dozen of the big weapons programs that opponents of defense spending love to attack. So if you want an all-volunteer force, you have to be ready to pay for it. I think the President is doing everything he can to bring about an all-volunteer force and I think the committee's bill will go a long way to help him realize that goal. I hope all of the Members of the House will support it.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

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

Mr. GERALD R. FORD. The pay increases that are given in the lower ranks are substantial and do go beyond what the administration recommended. I look upon this as an added incentive for a volunteer military force.

But there is another question that bothers me. As we increase the pay substantially in the lower categories, human nature being what it is, almost inevitably is going to produce pressure for corresponding or related increases on up through the top. Did the committee take that matter into consideration? What was their reaction?

Let me put the question another way: Because action has been taken in relation to the pay of those in the lower grades, there is no promise that there will be corresponding increases at higher levels?

Mr. ARENDS. There is a table in the

report which shows the approximate amount of quarters allowance increase that goes to the higher grades. It is not comparable to what we do in the lower grades. I think I said it is 86 percent of the increase which goes to the men in the first 2 years of service. We set the basic pay at a certain level. Beyond that, with the housing allowance increase, we reach a figure for the low man in the service—the entering private—of approximately $4,991 per annum, which is certainly comparable to the civilian pay.

This is the way we approached the problem, with the hope that we might attract new people into the service, so we can make it attractive enough with the fringe benefits for them to say, "Here is a possibility of a real career for me if I go in."

There is the additional fact that in the armed services, without making any contribution whatsoever, a man can come into a good retirement pay schedule, which I think we ought to emphasize more as we continue to discuss this matter.

But we do provide substantial increases in quarters allowances for career people—and these are tax free.

Mr. GERALD R. FORD. Was there any change in the reenlistment bonus incentive in this legislation?

Mr. ARENDS. No; there was not. They do have an attractive reenlistment bonus program now. An additional first enlistment bonus was proposed but the language was very loosely drafted and the committee rejected it.

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

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

Mr. GROSS. But the committee did increase the direct benefits in the upper levels of the various services?

Mr. ARENDS. We did increase them somewhat in quarters allowance; yes.

Mr. GROSS. Not a pay increase, but the direct benefits to them?

Mr. ARENDS. Yes, but we were trying so hard to do something about these first 2-year men. The really substantial increases are for them, and I think they average almost 68 percent more than what they have now.

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

Mr. STRATTON. Mr. Chairman, I want to echo what my colleague, the gentleman from New York (Mr. PIKE) said about the manner in which our new chairman, the gentleman from Louisiana (Mr. HÉBERT) has been conducting our meetings. He certainly has been eminently fair, and with all of the attention that has been focused in this 92d Congress on eliminating the seniority system, I would like to repeat what the gentleman from New York (Mr. PIKE) has already said, but which I do not think entirely registered with the Members of Congress. In our committee the gentleman from Louisiana has abolished the seniority system and replaced it with the punctuality system—and that, as all of us are well aware, is a sweeping revolution.

I suppose it would be too much, Mr. Chairman, to expect that any bill to extend the draft could ever come before this body without any opposition at all, but I would say that insofar as it is possible humanly to head off that opposition, the bill which is before this committee today and which came out of our committee does just that. We have come as close, I think, to eliminating the opposition to this kind of legislation as any committee could come.

Basically our bill does three things which I think most people at least would recognize are important and need to be done.

First, this bill eliminates, in my judgment, the last remaining provisions of inequitability in the operation of the draft. As my colleague, the gentleman from New York said a moment ago, as long as we have a draft system where one man is drafted, and another man is not, that system is not completely fair, and equitable—at least not in the mind of the one who is drafted. But outside of abolishing the draft completely, I think we have gone just about as far as it is humanly possible to go.

Second, the bill does furnish the tools, as our chairman, the gentleman from Louisiana, said, to move in the direction of an all-volunteer army. We have been talking a great deal about that. Well, here is an opportunity for us to do something about it. The volunteer Army is in this bill. I think it merits the very serious consideration of Members.

Third, this bill also provides that while we are going through the procedures of trying to see how an all-volunteer army works, we shall be certain to maintain the mechanism necessary to provide the continued strength of American Armed Forces during that next 2-year period. That is a fair and reasonable time to give the all-volunteer service a chance to work, and it is a period of time when we are certainly going to need to maintain our strength without any doubts and questions—as we withdraw from Vietnam, for example, as we maintain our shield in NATO, and as we hopefully continue to deter Communist aggression in the Middle East.

Mr. Chairman, let me just dwell in a bit more detail on each of these three points.

First is eliminating any remaining inequities in the draft. We put through a change last year—incidentally, I am proud to have had something to do with initiating it—of combining a draft lottery with a 1-year vulnerability feature. Together those two things removed a lot of existing objections to the draft as inequitable.

But there was one difficulty with that combination. It still left a fairly large segment of our draft-eligible population with a deferment and thus not directly affected by the lottery; namely, the college students. And the draft calls also continued to work on a local board quota basis, so that a young man could never be quite sure, if he had number 195, let us say, whether he was going to be called by his draft board or not. It could depend on upon whether that draft board was in Oshkosh or in Albany.

Well, we have eliminated both those objections in this bill. We have eliminated the student draft deferment entirely, so that everybody is on the same basis now. As a practical matter, since one does not get actually inducted until about the age of 20, it means that a fellow who wants to go to college can go there for 2 years before he runs the risk of being drafted; and then he can come back after his military service and complete his college course under the GI bill of rights.

Second, this bill authorizes a national call in place of individual draft quotas set for local draft boards. Actually, the administration put a national call into effect by Executive fiat last year, so that nobody above 195 did get drafted, wherever his board might have been located. But that procedure was not in the law. Now we have it in this bill, a provision that means that when one gets his draft lottery number he knows that this number will apply regardless of where his draft board may be located, regardless of the number of men called to duty from his local board.

The second point with regard to this new bill concerns the volunteer force. There are a lot of reasons for refusing to volunteer for military service, I am sure, but the only concrete proposal that has come from anybody to encourage voluntary enlistment is the one that came from the Gates Commission, and then later on also came from the administration, to try to move us toward an all-volunteer force—and that, of course, was money. If we will put enough money in, so the proposal goes, then we can get an all-volunteer force.

That is just what this bill does. The administration suggested we put the necessary extra money in two steps. Secretary Gates headed a volunteer army commission a couple of years ago, and his commission recommended the kind of increase they believe we must have to get an all-volunteer force. What the Nixon administration did, was that in general they went along with that Gates Commission proposal but said, "Let us give part of that increase this year and let us give the rest of it another year."

This is not the kind of an area where you can operate on a half a loaf. You cannot give a girl a half an engagement ring and expect her to march down the aisle with you. You have to give her a full ring or none at all.

So our committee decided that if we are really serious about trying to get an all-volunteer force we must put the entire military pay increase into one package. That is what we have done. Of course, it will cost about $2.7 billion.

I get letters, and I am sure other Members of the House get letters, from people who say they are for an all-volunteer force and they are also for reducing the Defense budget. But you cannot do both at the same time.

We are trying seriously in this bill to move toward an all-volunteer force. And it is going to cost us $2.7 billion.

Our committee believes that we ought to make the effort toward a volunteer force seriously and not cut it into two little pieces, neither one of which would be big enough to do the job.

And finally, the third and last major

thing which this bill will do is to make it possible for us to maintain our forces for the 2 years during which we are going to try to move toward this volunteer army concept. This will be a dangerous and difficult 2 years. We are going to be withdrawing from Vietnam for another year and a half, and we are going to have to make sure that our position over there, throughout this time, is safe enough to protect those who are being withdrawn. And we are going to have a commitment in the Middle East, to try to prevent Israel from being driven into the sea. That does not require ground troops, but it does require the naval forces of the U.S. 6th Fleet, which have so far successfully deterred the Russians and the Egyptians from launching an all-out attack on Israel. Of course, the Navy is a volunteer force; but the testimony presented to our committee showed that at the present time many of those who volunteer for the Navy, or the Air Force, do so only because they are in danger of being drafted into the Army. So, by ending the draft too abruptly we could possibly endanger the size of our 6th Fleet in the Mediterranean.

Our experts have told us, for example, that the hardcore, true volunteers in our forces, year after year, have only been 270,000 men, and that we are going to need 607,000 men in fiscal year 1971 and 458,000 men in fiscal year 1972. So we do need to continue this protection to guarantee that we do not have chaos in our armed services and so that our commitments abroad are not jeopardized unduly, while we are in the process of shifting to the all-volunteer force.

I think this is a fair bill, Mr. Chairman. I think it is a sound bill, and I think it is a bill that moves in the direction that everybody in this House sincerely wants to move in. I believe it deserves the full support of this House.

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

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

Mr. FINDLEY. Some Members have advanced a proposed 1-year extension. I wonder if the gentleman from New York will comment on how a 1-year extension of this authority will affect the three factors that he enumerated.

Mr. STRATTON. I am glad the gentleman raised that point. I think an extension of just 1 year would simply mean we would not have a fair enough opportunity to test out the concept of the volunteer force. It will take a little time before these new volunteer ideas get across, with all the increases we have provided in this bill, to enable them to percolate down so that people generally will understand there is a new Army, Navy, and Air Force. I do think we ought to have a 2-year opportunity to put this volunteer idea across. That is what the administration wanted. As I have indicated, our committee has given the whole pay loaf at the start precisely so that we could have a full opportunity over 2 full years. But if we limit the time to move to an all-volunteer force to just 1 year, we could well jeopardize the whole volunteer Army before it gets a fair trial.

Mr. PIRNIE. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the legislation which we debate today is designed to meet the security manpower needs of this Nation during the next 2 years in the most equitable and efficient manner possible. Likewise, the concept of a volunteer army will be permitted to function. However, it is recognized that despite the winding down of the war in Southeast Asia and the contraction of other forces abroad, the level of requirements will during this period be in excess of normal. It is for this reason that the standby support of the draft is imperative.

We have had extensive hearings on all phases of draft legislation. Testimony has been given by people desirous of modifying particular clauses, others have urged abolition of deferment and some have demonstrated that they have no interest in the solution of our problem. These people seek the end of the draft but feel no responsibility for the manpower needs. Some suggest the new pay scale if adopted will spur enlistments so that the needs will be met on a volunteer basis. I can only say that should this be so, the draft call will be zero. Should they be in error, the draft will only supply such deficiencies as actually exist. What could be more reasonable and responsible.

Mr. Chairman, this is the day that we bite the bullet and vote to extend the draft for another 2 years. I am sorry that this is necessary. All during our hearings I kept listening for sound arguments that would assure me that we could abolish the draft and yet maintain our national strength. But while I heard some statistical optimism, I heard nothing to give us assurance that our strength would not be drastically impaired if we permitted the draft authority to expire.

We simply cannot legislate on hope. The national security of this country is our primary obligation and we must do that which is required to maintain it.

The President has recognized certain inequities of the draft and the desirability of maximizing the freedom of the individual. He is the first President since 1948 to recommend doing away with the draft and returning to the traditional way of raising Armed Forces. However, he has recognized—and has had the courage to say it—that in all likelihood you cannot accomplish this desired objective before July 1, 1973.

A 2-year extension of the draft will put great pressure on the Defense Department and other agencies to take every step they can to increase the number of volunteers and to learn to live without the draft after July 1, 1973. It should be noted that there is nothing to prevent the Defense Department from attaining the goal of zero draft earlier than 1973 if it can possibly do so. I am sure the President will be working constantly toward that objective.

Some people recommend cutting military strength below what the President proposed as a means of eliminating the draft. It is hard to follow the logic of that approach. The military strength authorized by this bill for fiscal year 1972 will be at the lowest level of military manpower we have had in 10 years—since fiscal year 1961. The active duty strength called for in fiscal year 1972—2,505,000—will be more than 300,000 below the present military strength.

However, even with the reduced strength called for in 1972, over 500,000 new entrants will be required. Past experience has demonstrated that number cannot be met by volunteers alone. A goodly number of present volunteers are draft motivated and we have to gather some experience as to how young men will respond in the absence of the draft before we can do away with the induction authority.

I might also mention that the strength of the Reserves would suffer greatly with an immediate termination of the draft.

With the reduction in manpower that is taking place, increased reliance on the Reserves will be a necessity. It will be basic to strengthen the Reserves and improve their readiness. The President's policies call for the use of the Reserves in future emergencies prior to reliance on the draft. Therefore, we must be mindful of the effect on the Reserves of any action we take on induction authority.

In summary, I think a 2-year extension is an entirely reasonable approach. It is brief enough to put great pressure on the administration to achieve a zero draft. It will give sufficient time to make a judgment on the program we have authorized before doing away with the induction authority entirely. Through the pay increases recommended in the committee's bill, the President will have the means to achieve a volunteer force that we can give him legislatively. And if it is possible to end reliance on the induction authority in a shorter period of time, there are many reasons why the President will do so.

This is sound legislation and I urge all Members of the House to support it. Our national interests will be properly served.

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, the committee report on H.R. 6531 points out, very properly that the total cost of the pay allowance increases in this bill, amounting to $2,687,400,000 is within $20 million of the cost of the increase in regular military compensation recommended in H.R. 4450, the bill which incorporates the Gates Commission proposal for necessary pay increases to attain an all-volunteer force.

Stated another way, it would, therefore, appear that there is little difference between the two pay proposals since the dollar expenditure is approximately the same. However, that is not the case.

The Gates Commission recommendation would place the entire increase in basic pay—$2.667 billion; while the committee's recommendations would place a portion of the increase in basic pay—$1.825 billion—together with a small change in subsistence allowances—$37.8 million—and the balance—$824.2 million—in a substantial increase in quarters allowances.

Thus, the Gates Commission proposal would simply increase basic pay, while the committee's proposal will not only increase basic pay but also quarters and subsistence allowances.

Since allowances are tax free, the amounts provided in increased allowances result in a larger dollar benefit than is apparent on the surface, and certainly a larger dollar benefit than if these increases were in basic pay, since basic pay is taxable. To illustrate the advantages of this approach, I call the attention of the Members of the House to the table on page 27 of the committee report, entitled "Disposable Income."

That table reflects the fact that under almost every circumstance married and single personnel will fare as well, or better, under the provisions of H.R. 6531 than they would under the pay allocations proposed in H.R. 4450.

For example, an E–2 with under 2 years of service and one dependent, would receive $4,693 of disposable income under H.R. 4450, while under the provisions of H.R. 6531, the committee's bill, he would have a disposable income of $5,050.

Similarly, an unmarried E–2 with under 2 years of service would receive $4,558 under the provisions of H.R. 4450, and $4,566 under H.R. 6531.

Thus, I believe it is abundantly evident that on balance, personnel with under 2 years of service in the armed services will fare better under the committee's proposal than under the Gates Commission recommendations.

A persuasive justification for the committee's course of action is the impact the legislation will have on the so-called career force.

Under the committee proposal, the career force along with the under 2 personnel, will receive a very substantial increase in quarters allowances. The increase in quarters allowances for personnel with more than 2 years of service will average 62.8 percent while that for the under 2 group will average 45.6 percent. Despite this very substantial increase in quarters allowances, it is by no means extravagant. The new housing allowances which have been proposed in this bill are reflected on page 23 of the committee report, and will provide an equitable and realistic level of quarters allowances for the various military grades and ranks. The level established is based upon FHA median housing surveys for comparable income groups nationwide.

The action of the committee in providing a quarters allowance increase is, therefore, very important, particularly since this is the only source of a substantial compensation increase in either bill for the career force. These allowances have not been increased since 1963 despite the fact that there have, in the interim, been very substantial inflationary increases in the actual cost of housing.

It makes little sense to provide a very attractive level of pay for entrants into the Armed Forces and then effectively ignore the need for retaining these same personnel after they have achieved a level of training and experience which makes them obviously more productive than a new entrant into service. Also, the failure to compensate these men properly will inevitably result in our failure to retain them with a consequent increase in higher training costs and continued reliance on the draft.

I may also say that if you pass the legislation with the Gates Commission provisions in H.R. 4450 without making adjustment for these allowances, we would undoubtedly have to do so in the near future since the equity of these allowances in apparent.

It is for these reasons that I have no hesitancy in supporting the committee bill, and I, therefore urge every Member of the House to join us in approving this bill unanimously. This does not mean that there might, or might not, be amendments that I would support here and there as they may occur in the debate. But as the bill now stands, I believe it to be an excellent piece of legislation deserving the support of each of us.

Mr. PIRNIE. Mr. Chairman, I yield 8 minutes to the gentleman from Vermont (Mr. STAFFORD).

Mr. STAFFORD. Mr. Chairman, I want to express my support of H.R. 6531 as reported by the House Armed Services Committee. This bill is Congress's first major effort toward creating an all-volunteer armed force in modern times. Intensive study over the last several years has clearly shown that moving to a volunteer system of manpower procurement is in the best interests of our citizens.

This Nation has been forced to resort to a conscripted army in but 34 of our nearly 200 year history. The feasibility of the volunteer system has been proven to us; we must make every effort to manage our defense without reliance on conscription.

This Nation was born in a spirit of freedom from conscription and we cannot violate that principle while a satisfactory alternative for providing our defense is available.

Estimates as to when we will no longer need the draft vary, of course. The President's Commission on an All-Volunteer Armed Force suggested that 1 year from the enactment of appropriate pay increases would be sufficient.

The President, upon the advice of the Department of Defense has suggested at least a 2-year extension of the President's authority to induct. Some Members of Congress believe that we can repeal the draft now, without jeopardizing national security.

It is my belief that having the issue before Congress again next year would give us an opportunity to keep maximum pressure on the Department of Defense in its efforts, to measure our progress to zero draft, and to consider new steps of working toward that goal if necessary. I support then, extension of the draft for 1 year, until June 30, 1972.

Regardless of which is the most accurate prediction, we should provide the Department of Defense with every tool it needs to reduce draft calls to zero at the earliest possible time.

Mr. Chairman, the legislation we are considering today is important for reasons beyond the achievement of a volunteer force. Equity alone calls for the full pay raises embodied in this measure we are considering today.

Since 1948, military pay scales under the draft unnecessarily depressed the compensation given to those with under 2 years of service. While pay for enlisted men with 2 or more years of service has risen 111 percent, that for under 2 has risen only 60 percent. Wages for these same enlisted men are now roughly 60 percent of comparable civilian pay scales.

The British experience with an all-volunteer force indicates we can look forward to significant savings because of the greater efficiency of volunteers.

Mr. Chairman, it is my experience that those who study carefully and thoroughly the concept of an all-volunteer armed force become its most ardent advocates.

In early 1967, I joined with four of my colleagues in just such a study. The result was the publication of "How To End the Draft"—a 31-point program designed to reduce draft calls to zero.

At that time we noted that military pay has been an obstacle to those wishing to enlist; that steps could be taken to reduce reliance on the draft, and that reform of manpower policies in combination with increases in pay could reduce draft calls to zero in 2 to 5 years.

The recommendations included reform of recruitment practices, reexamination of enlistment standards, improvements in the life of the serviceman, and a reconsideration of the number of men in uniform needed for an effective military force.

I am proud to say that President Nixon specifically endorsed this study in the fall of 1967 and made the volunteer army one of his campaign pledges. In the 89th and 90th Congress, I filed legislation which would increase the pay of members of the armed services.

Following the President's creation of his Commission on an All-Volunteer Armed Force, I supported a resolution which would have declared that the sense of Congress supports the President's efforts in working toward an end to the draft. Following this report, I joined with several Members in the House in urging passage of legislation which would have embodied the recommendations of the President's Commission.

Now, in the 91st Congress, the first major steps toward reducing draft calls to zero are becoming a reality. I have worked for the development of a volunteer force; I support the efforts before the House today; and I urge my colleagues to support these long overdue steps as well.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, this is a good bill. It does not provide for a voluntary military but it does provide the means for achieving an all-volunteer force, it assures that we will have adequate strength until we are at a point where we can guarantee sufficient volunteers, and it provides the minimum strength required by our Armed Forces for the coming fiscal year.

One part of this bill which has been subject to some criticism and misunderstanding is that of exemptions for divinity students.

A continuation of divinity student exemptions when other students are de-

nied deferment is inconsistent and impossible to justify.

Since the first amendment of the Constitution denies us the right to pass legislation which would establish a religion, if divinity students alone are given an exemption, it would have to be on the basis that national security would be served.

Let us keep in mind that we are not discussing the need for the clergy as such. Ministry of religion continues to be exempt. We are only discussing students of theology. The truth of the matter is that many theology school graduates are not going into the ministry. Theology schools are graduating more students than the ministry requires. It would be impossible to argue, therefore, that exemption of divinity school students is required because of national security.

It is also argued that the course of a registrant's life would be unfairly affected in the case of one who intends to enter the ministry.

This is a subjective judgment. Many chaplains served in the Armed Forces prior to entering the ministry. All of us have heard of many veterans who turn to the ministry as a result of their military experiences.

There are many roads which lead to the cloth, and any young man so predisposed will not find serving his country a distraction.

In some instances, of course, those disposed to the ministry will have conscientious objections to military service. They will be able to continue to claim their conscientious objector status.

I think it can be argued that ending divinity exemptions will strengthen the position of theology schools. In the future the sole attraction will be the personal call of the individual. Divinity school graduates will be able to enjoy unquestioned recognition of their dedication to the ministerial life. There is no question that some young men now seek divinity school exemptions to avoid military service, and while undoubtedly their number is small compared to the total number of divinity students, they cast a cloud unfairly over all who seek this exemption. In fact, divinity exemptions are harmful to the cause of religion. There are people who are entering the ministry, not for the primary purpose of advancing the cause of God but for the purpose of avoiding military service. This is a tragedy for the individual and cannot possibly serve the cause of organized religion.

I also do not believe that ending these exemptions will adversely affect divinity school enrollments to any significant degree. The rate of draft calls are so small in relation to the draft pool that the future enrollments of sincere divinity school students will be virtually unaffected. I think it is interesting to note that in its meeting on March 17, the General Commission on Chaplains and Armed Forces Personnel adopted a resolution urging that seminarians and seminary enrollees be subject equally with others to the risk of selection for military service.

These are the people most concerned and they are in favor of the revisions in the present bill.

In summary, the arguments in favor of ending divinity school exemptions are persuasive, and I urge all Members of the House to support this provision along with the other provisions of the committee's bill.

Mr. Chairman, I include at this point the resolution passed by the General Commission on Chaplains and Armed Forces Personnel:

RESOLUTIONS PASSED BY THE GENERAL COMMISSION ON CHAPLAINS AND ARMED FORCES PERSONNEL AT ITS PLENARY MEETING, MARCH 17, 1971

ALL VOLUNTEER ARMED FORCE

(1) ALL VOLUNTEER ARMED FORCE

"We . . . believe that the nation's interests will be better served by an all-volunteer force, supported by an effective standby draft, than by a mixed force of volunteers and conscripts; that steps should be taken promptly to move in this direction; and that the first indispensable step is to remove the present inequity in the pay of the men serving their first term in the armed forces."

Citing the above quotation from the Gates Report as a Preamble the General Commission on Chaplains and Armed Forces Personnel passed the following resolution:

Resolved: That the General Commission on Chaplains and Armed Forces Personnel record itself publicly as favoring the creation of an All-Volunteer Armed Force.

(2) IV D EXEMPTIONS FOR SEMINARIANS

Resolved: That the General Commission on Chaplains and Armed Forces Personnel urge that seminarians and seminary enrollees be subject equally with others to the risk of selection for military service, and that it request its member denominations to give attention to issues posed by the present IV D exemption for said seminarians and enrollees.

Resolution number one was approved by 39 delegates with one abstention. Resolution number two was approved by 30 delegates with ten abstentions. Most abstentions are due to lack of instructions from delegates' parent bodies regarding the subjects being voted upon.

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

The CHAIRMAN. Evidently a quorum is not present.

The Clerk will call the roll.

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

[Roll No. 35]

Anderson, Tenn.	Evans, Colo.	Poage
Ashley	Evins, Tenn.	Price, Tex.
Aspin	Gaydos	Pucinski
Barrett	Gettys	Rangel
Blanton	Goldwater	Rees
Broomfield	Gray	Reid, N.Y.
Camp	Green, Oreg.	Robison, N.Y.
Chisholm	Green, Pa.	Rodino
Clark	Hall	Rooney, Pa.
Clawson, Del	Hammer-schmidt	Rostenkowski
Clay	Hanna	Ruth
Collins, Ill.	Hawkins	Sandman
Conable	Hays	Smith, Calif.
Corbett	Jarman	Steed
Davis, Ga.	King	Stuckey
Dellums	Koch	Udall
Diggs	Long, La.	Vanik
Dulski	McCulloch	Wilson, Charles H.
Edmondson	Martin	Young, Fla.
Edwards, La.	Mathias, Calif.	
Esch	Moorhead	

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill H.R. 6531, and finding itself without a quorum, he had directed the roll to be called, when 371 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The committee resumed its sitting.

The CHAIRMAN. When the committee rose, the gentleman from Illinois (Mr. ARENDS) had 1 hour and 30 minutes remaining, and the gentleman from Louisiana (Mr. HÉBERT) had 1 hour and 5 minutes remaining.

The Chair recognizes the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, I rise in support of the bill.

There is one aspect of the bill which has not been given too much attention in previous statements, but I would like to take a moment of the House's time to discuss it because it is an important part of the drive to achieve an all-volunteer force.

This is the matter of improving recruiting throughout the Armed Forces.

The committee bill, in section 7, provides the authority for the secretaries of the military departments to reimburse members of the Armed Forces on recruiting duty for necessary and actual expenses. This relates to such out-of-pocket expenses as luncheons, snacks, parking fees, and so forth. Recruiters have many such expenses in their contacts with potential enlistees and, frankly, they are nickeled and dimed to death.

It is estimated that the reimbursement under the committee's bill would average $20 to $25 per month per recruiter. The annual estimated cost is slightly under $3 million. That is not much in terms of the total cost of this bill, but it is something that will mean an awful lot to the individual recruiter. Nobody likes to have to spend his own money to do a better job.

The authority in the bill is just one of the things that is planned to improve the recruiting effort.

The Department of Defense has proposed a major investment in the improvement of the recruiting organizations of the military services. For many years now, the threat of the draft has been a "silent recruiter," inducing men to volunteer for the Army, Navy, Marine Corps, and the Air Force. Now that we are approving programs which hopefully reduce and then eliminate draft calls, we must concurrently expand the capability of the military recruiting organizations.

The Department of Defense has proposed a program that includes:

Increasing the recruiters force by 5,800.

Expanded advertising.

Opening new recruiting offices.

Refurbishing recruiting offices and modernizing their equipment, and

Raising the living standards of the recruiter in the field.

Army will naturally receive the major portion of the 5,800 new recruiters. It will mean a doubling of the number of

the Army's nationwide sales force. The Navy, Marine Corps, and Air Force will also increase their field canvassers during the year.

We must make the youth of the Nation and their parents aware of the advantages of a military career. The services are increasing their use of advertising as a part of the campaign.

As additional recruiters are placed in the field, hundreds of new offices will be opened and equipped. Some of the older stations will be refurbished. The Department of Defense has requested $12.5 million for the facilities and equipment needed to support the expanded recruiting force, but those funds come out of operation and maintenance money and do not require authorization in the present bill.

Today, when the uniform is either scorned or ignored by many of our citizens, the recuiter's job is difficult. I am pleased to see that the Defense Department is requesting funds which eliminate some of the financial penalties of recruiting duty. We in Congress can help by speaking out in behalf of military careers as an honorable profession.

Starting last January all of the military services began paying recruiters $50 a month proficiency pay. This move was long overdue. Many were earning proficiency pay before being assigned to recruiting duty.

The recruiter is usually cut off from military housing. He must rent an apartment or a house. The cost of suitable rental housing far exceeds his quarters allowance. The Department of Defense is requesting funds to lease about 2,800 housing units for recruiters in high rental areas.

There is one more point I would like to make which I think is very important for the long-range results of this effort to improve recruiting. That is the fact which we refer to in our committee report on page 37 as "recruiter truthfullness."

Too often Members of Congress have heard complaints from constituents whose sons have enlisted in service, because of a promise made by a recruiter or implied by a recruiter which the recruiter had no authority to make. Such false promises are never kept and leave in their wake a bitterness on the part of the enlistee and his family. These practices must cease. The services must make sure that recruiters are truthful with young men and that young men are clearly given to understand that the only promise that can be made to them is what is provided in writing in their enlistment contract. Quite frankly, I would be in favor of presenting each potential enlistee with a card stating that no oral promises can be made to him, and that he is not to expect anything which is not in his enlistment contract.

With these improvements in the method and image of the recruiter, the recruiting establishment can go a long way to help us achieve an all-volunteer force.

In conjunction with that, I want to say that the minority on the Armed Services Committee is serving notice on the Defense Department that we expect them likewise to add improvements, and to explain to each enlistee and to each recruit coming in for service, the additional fringe benefits which go with the armed services. Too many men in the armed services are totally ignorant of the actual fringe benefits which accrue to them if they so desire. We want the Defense Department and the services to make crystal clear to the recruit coming in what he will get in the line of fringe benefits.

I should like to address myself for a few moments to the amendment which is to be offered to reduce this bill's effectiveness from a 2-year draft extension to a 1-year draft extension. I oppose the amendment for 1 year, and I am for the 2-year extension, for the reason that if at any time during the 2-year period of the extended draft the volunteer army becomes an actuality, if we obtain enough recruits to fill the slots, then the draft will be null and void.

The general objective for us to look at is the all-volunteer army. At the time when it begins to fulfill what we expect it will, then the draft will stop, whether it be 6 months, 9 months, 15 months, or 12 months.

So I am strongly in favor of the 2-year extension of the bill, which I expect and hope can be cut down to a zero draft call long before the 2 years come to a termination.

Only by the use of good recruiting methods, only by obtaining good recruiters, only by telling the recruits the actual truth, along with an increase in the pay scale for the recruit, can we come up with an all-volunteer army.

But one more episode like this Calley trial and we will never get a volunteer army. This is a most ridiculous thing. We have had a man tried by virtue of the indictment by Life magazine, and no one can deny it.

It is about time the people in this country begin to stand up and realize that in a war zone men follow orders. If that man is guilty then the man who issued the order is guilty. Why not try them all?

I served my time in combat. Let those who are without sin cast the first stone. They cannot afford to, because they live in a greenhouse of glass. They dare not do this.

The thing which stands out in my mind is that many of us in this House conscientiously try to do what we think is right. No one should be critical of the other man's vote, if he has a valid reason to do so, nor should we be critical of his dissent. That is his prerogative.

I find it takes us a little bit more time to do those things that are difficult and not quite so long sometimes to do those things that are impossible.

They say it is impossible to have a volunteer army. I do not believe it is. I believe with an esprit de corps and with specially designated divisions and outstanding regiments, such as the 82d Airborne, the Princess Pat Regiment, the Cold Stream Guard, the Black Watch, and the First Marine Division—with such outstanding divisions and regiments, we can come up with a volunteer spirit. With sensible remuneration and pay, with sensible recruiting, and without any false promises, we can have what we seek here; namely, a good volunteer Army which will eventually lead to the ending of the draft. Then we will not have to worry about whether it is 1 year or 2 years.

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

Mr. HUNT. I yield to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, the chairman of the committee has explained the bill in detail, and I will not take more than a few moments of the House's time.

I want to address myself briefly to one aspect of military pay—the question of military families being on welfare—because I think this issue has been misstated and should be looked at in perspective.

FAMILIES ON WELFARE

Since January 1, there have been an estimated 4,275 families of members of the Armed Forces eligible for family assistance under the President's proposed family assistance plan. The benefit levels of that plan are slightly higher than those of the Office of Economic Opportunity. In all cases the 4,275 families presently eligible are the families of men in the lowest four enlisted grades, E–1, E–2, E–3, and E–4, with three or more members in the family.

Under the committee's bill, H.R. 6531, only 95 families would still be eligible for family assistance aid and it is estimated they would be eligible for a benefit of less than $10 per year. More important, all 95 would be families of E–1's, that is, private—with a family of six or more people.

I think we all clearly understand that if one is a private with six children, one's career has not been normal in its progression. I think we also all understand that no matter what level you set as a welfare level or poverty level, people with unusually large families are likely to show up below that level.

But essentially the committee's bill wipes out the possibility of military families being on welfare.

However, the fact that they are not eligible for welfare is not an excuse for saying that their pay is adequate. There are two other indicators of the fact that pay for military personnel—particularly for junior enlisted personnel—is inordinately low. Let me just address these briefly.

WORKING WIVES

In December 1969, the Department of Defense conducted its fiscal year 1970 DoD-wide personnel survey which included questions pertaining to supplemental income for military personnel. At that time there were approximately 1,450,000 enlisted personnel on active duty with less than 2 years of service. The following information was discovered from this survey:

Among the 1,450,000 enlisted personnel with less than 2 years of service, approximately 330,000—23 percent—were married. Over one-third of the wives—117,000—worked full time. An additional 15 percent—49,000—held part-time or temporary jobs. Collectively, slightly more than half of all the wives of en-

listed personnel with less than 2 years of service held some sort of paying job.

MOONLIGHTING

Approximately 9 percent—134,000—of all servicemen with less than 2 years of service held part-time jobs during their off-duty hours. The typical off-duty worker spends 19 hours a week at his off-duty job for an average weekly pay check of $33. Two-thirds of these off-duty workers stated that they were working to pay debts, household expenses, or to improve their standard of living.

It is intolerable that we require our servicemen and dependents to take outside jobs in order to make ends meet.

In summary, we should not overstate the issue or make too much of the idea that some military families may be eligible for welfare. But we do have evidence that pay is unfairly low for our draftees and our young enlistees and whether or not we agree in principle with an all-volunteer force, consideration of equity compels us to support the pay levels in the committee's bill. I hope all Members of the House will vote in favor of the bill.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL of Virginia. Mr. Chairman, the purpose of our foreign policy is to advance and protect the U.S. interest in world affairs.

The purpose of our Defense Establishment is to provide the muscle to insure that interest in the event that diplomacy fails.

Therefore, I desire to address my remarks to manpower authorization, the force levels under this bill.

Last year, by passage of Public Law 91–441, the Congress provided that, beginning with fiscal year 1972, no funds could be appropriated for active-duty personnel unless the average personnel strengths had been authorized by law.

Section 13 of H.R. 6531 implements Public Law 91–441. The average active-duty strengths authorized were justified in detail to the Armed Services Committee. These are the minimum strengths necessary to assure the national security of our country in fiscal year 1972.

The administration has already made cuts in our defense manpower. It has recommended even further reductions in fiscal year 1972. The authorizations in H.R. 6531 will provide an average strength for fiscal year 1972 of 2,609,000 for the Department of Defense. As stated in the President's budget, by June 30, 1972, a strength of 2,505,000 will be reached. This figure is over a million less than we had 3 years ago; about one-third of a million less than we have in uniform today; and almost 200,000 less than we had in 1964 before sizable troop formations moved into Vietnam.

Not since the demobilizations which followed World War II and Korea have we seen reductions in military manpower of this magnitude. I see nothing that exists in this world today that would justify further reductions below the authorizations provided by our bill. In making your judgment on this portion of the bill please be mindful of these considerations:

The continued momentum of the Soviet Union in strategic missiles, in aircraft, and in naval forces;

The continued growth of the conventional forces of the Soviet Union and other nations of the Warsaw Pact;

The developing capabilities of Communist China; and

The unstable and dangerous conditions in the Middle East.

Certain assumptions underlie these reduced active-duty manpower levels contained in this bill. These are:

First. Vietnamization will continue successfully.

Second. The National Guard and Reserve will be used to augment our active-duty forces should the need arise.

Third. Our allies will take on a greater share of the responsibility for international security.

Fourth. There will be no major armed conflict affecting the vital interests of our country in 1972.

To reduce the authorizations further would serve our national security interest.

I urge support of the strength authorizations provided as well as other provisions of the committee's fine bill.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Thank you, Mr. Chairman.

Mr. Chairman, H.R. 6531 has a great deal with which to recommend it.

First of all it provides for a pay increase of $2.687 billion which certainly is much needed in terms of our military forces. Actually, what this does is to put servicemen on the same pay scale as those with equivalent skills receive from private enterprise.

Also, in my opinion this bill goes a long way toward correcting many of the inequities which presently exist in our draft statutes.

The thing that concerns me, however, about H.R. 6531 is that it fails to pursue the objective which I think many of us here in this body seek; namely, that of an all-voluntary military service. It was for this reason, therefore, that during committee consideration I inserted an amendment in section 17(c) which, in effect, would have extended the draft induction authority to 1 year instead of 2. In other words, this amendment called for extending the draft induction authority from the present time of expiration, July 1, 1971, to July 1, 1972, instead of July 1, 1973, as presently contained in the measure before us. Unfortunately, this amendment was defeated. However, as I indicated earlier in the day I am going to reintroduce this amendment at the proper time during consideration of H.R. 6531.

Mr. Chairman, I think that this amendment has five advantages which will enable us to attain the goal of an all-voluntary military service.

First, with the many benefits which are now contained in H.R. 6531, this will give the Department of Defense 15 months in which to increase enlistments and in which to realize the objective of an all-voluntary military service.

Second—and I think this is very important—this amendment, if adopted, will put this body on record as supporting the concept of an all-voluntary military service.

Third, it will also give the Congress what I would call an opportunity for reassessment. By this I simply mean that by this time next year if it becomes evident, despite the benefits contained in this measure, we still have not been able to obtain an all-voluntary military service, then the House of Representatives and the other body can consider alternative approaches which the administration might propose. I do not know what these suggestions would be—perhaps further changes in the pay scale, more money for enlistment promotions, or, perhaps, even further extension of the induction authority.

Fourth, I think we have to recognize that one of the basic weaknesses of this measure is this fact that it lacks the element of incentive. By extending the induction authority 1 year the Congress will give to the Department of Defense a time certain—July 1, 1972—to achieve an all-volunteer military service.

Adoption of this amendment will provide a real incentive for the Department of Defense to attain this objective within the next 15 months.

Fifth, this incentive also will apply to the administration itself, in terms of our involvement in Vietnam. It will provide an incentive for the President to continue to reduce our troop strength in Southeast Asia so that with this reduction, coupled with the increased enlistments that we hope this bill will bring, we will be able by July 1, 1972, to reduce draft calls to zero.

If we fail to do this, then this time next year this body will have a referendum opportunity, an opportunity once again to review the situation to determine whether or not we want to extend the induction authority.

Mr. Chairman, as I say, this amendment will be introduced at the appropriate time, and I would urge all of the Members to give it their serious consideration.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. BURKE of Massachusetts. Mr. Chairman, after considerable reflection and all of the uncertainty which is normally associated with something new, a departure from tradition, I have decided to support the amendment that will be offered by the gentleman from Ohio (Mr. WHALEN) which would amend the draft bill, H.R. 6531, extending the draft induction authority for 1 year only—to July 1, 1972—in lieu of the 2-year extension provided by this measure. I support this amendment fully aware that it is a compromise measure, but convinced that it offers the best possible approach to the extension of the draft in view of all the debate currently swirling around the topic at the moment. In supporting the Whalen amendment, I am ultimately going along with the draft for

another 15 months—not just the draft as we have known it in the past, but a draft with certain new features, especially a higher level of pay. I am giving the Defense Department and the administration 15 more months to see what effect the pay differential will have on recruitment and volunteers. I attach importance to this period of review and examination in view of all the claims which have been made for the feasibility of an all-volunteer armed force. I must confess that I am not too optimistic that there will be that much of an increase in volunteers and reenlistment. I am sure that my experience is not all that different from other Members. The young people of this country do not appear attracted to a life in the Armed Forces on a volunteer basis even at higher salary—certainly not the college population. But in voting for the 15-month extension in the life of the draft, I am admitting a willingness to consider and reexamine in depth the alternatives. Too, in 15 months the war in Vietnam hopefully will either be a thing of the past or a mere shadow of its former self. The manpower requirements for the Armed Forces should be considerably reduced.

In going along with the extension of the draft, I want to make it clear that I do not believe the present draft system is an ideal solution to our military requirements. There are many things which bother me about the draft. But I am also bothered about numerous features of an all volunteer Armed Force as well. Not that the known devil is always better than the unknown devil, but I do have certain lingering doubts about the concept of an all-volunteer Armed Force which must be cleared up in the next 15 months before I can become an enthusiastic convert. Despite all the claims to the contrary and the impressive support of the so-called Black Caucus of this House for the all-volunteer army, I still am not entirely convinced in my own mind that what we have to replace the draft, with all its inequities, will not be a system which will see rich men's wars fought by poor men—poor men who are attracted to battle and risk their lives simply because of an attractive pay. I realize that under the present system, an undue proportion of military responsibility is shouldered by the poor and the blacks. I am for reforming this aspect. But I am not convinced I would be doing so if I were to support an all-volunteer Armed Force. I do not feel the Gates Commission has really provided foolproof evidence that this possibility will not occur.

Furthermore, historically democracies and republics have relied, in fact, on a citizen army, not a professional mercenary force. The threat of a powerful professional military caste is something which bothered most of the democratic political theorists formulating their ideal society. If it has developed that a citizens' army has not proven satisfactory and has fallen far short of the ideal, I fail to see how the answer is to abandon the effort and swing 180 degrees in the opposite direction. I must take exception to those that argue that military conscription has no place in a democracy. From the earliest Greek city-states there are countless examples of democratic societies, both in fact and in theory, relying for their defense on a call-to-arms of the citizens. The idea was that when one's homeland was threatened, the nation could rely upon the citizenry to bear arms, do battle, and return to work. Universal military conscription, as a matter of fact, was argued by many political theorists in the 18th century to have a positive political value even in the absence of the threat of external aggression. It was argued that it was good for the country's political unity and spirit for all the youth to serve and receive discipline upon reaching a certain age, with the exception of only the most serious cases of physical disability. I think one of the real criticisms one can make of the present draft system is the layers of deferments and preferences which have been ingrained into the system. For a philosopher like Rousseau, there was as much reason to have a system of universal military training as a system of universal public school education. Our society has not gone this far. We have private schools and draft deferments. But I cannot help but feel that the solution to our military requirements is more in the direction of Rousseau than a professional military army, like the foreign legion.

Sure there are criticisms about the present system—far-reaching ones, serious ones, which should be considered seriously and not postponed forever. What seems to have happened is that the critics of the system have given up hope of reforming it and have instead turned their backs on a philosophic decision made again and again by democracies and republics throughout history. In the process, I believe feelings about the present war have grown to such a high pitch and resulted in such resistance that the critics have concluded that the best way to achieve a pullout is to destroy the source of its involuntary manpower. While I understand the reasons which have lead to this conclusion, I still cannot accept the conclusion. What is at fault is the war. What is at fault is the method in which the draft has been administered over the years, not the concept of a citizen army in and of itself. There is nothing undemocratic about a citizen army. When you get right down to it, a good case can be made out to show that it's part and parcel of the concept of a democratic society—the democratic ideal.

But, as I said at the outset, I think that there is much to be debated on this subject and hopefully the next 15 months will witness a continuation of this debate—of this search for a national policy on military training of the youth of this Nation. I am willing to listen and learn and approach another vote on this subject 15 months from now. Much can happen in a 15-month period to cool emotion and permit the calm, clear reflection and deliberation which one normally associates with a mature nation's legislative bodies.

Mr. PIRNIE. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana, Mr. DENNIS.

Mr. DENNIS. Mr. Chairman, and Members of the House, this is of course one of the most important, fundamental, and far-reaching bills with which this Congress will concern itself, and certainly it is one of the most difficult bills to vote upon so far as I personally am conconcerned. It is a measure which involves the lives of our young men; it involves our foreign policy; it involves the whole structure of our society; and it concerns itself with our personal liberties, and it concerns itself with our national defense.

The late Senator Robert Taft said some years ago that the draft—

> Is absolutely opposed to the principles of individual liberty which have always been considered a part of American democracy.

President Nixon himself has said:

> A system of compulsory service that arbitrarily selects some and not others simply cannot be squared with our whole concept of liberty, justice and equality under the law. Its only justification is compelling necessity.

So far as I am concerned, I subscribe to both of those statements.

The committee bill, it seems to me, goes quite a way toward reaching these goals. It provides the pay increases which are generally regarded as a necessary first step toward achieving a voluntary armed service, and it cuts in half the extension which has become usual from 4 years to 2 years.

The proposed amendment which will be offered by the gentleman from Ohio, (Mr. WHALEN), seems to me to merely attempt to make the step swifter and longer toward the same, identical goal, when he suggests a one-year extension. The principle involved is very close to being the same, and the question is, it seems to me, whether the 1-year period, under the presently existing circumstances, is actually a prudent and practical step at this time.

President Nixon has also pointed out, in advocating a volunteer service, that he did not think we could achieve that end while the Vietnam War was still going on, and that this is a goal which we should arrive at when the hostilities have come to an end; And I recognize the validity and the harsh reality of those considerations. I would like to vote for the 1-year extension, and I think I would do so if we were at peace, but we are not at peace. We are at war. And I am somewhat perturbed by the suggestion of the gentleman from Ohio, (Mr. WHALEN), that the 1-year extension can serve as a vehicle for a sort of a referendum about the current war in Vietnam.

I do not think the basic question of conscription versus a voluntary service ought to be decided on the basis of the merits or demerits of this war, or any other particular war.

This basic question ought to be decided on its own merits and, if possible, it ought to be decided during a period of peace.

I am not and I never have been for the idea of tying the hands of the President in the conduct of a war which is already going on. The thrust of the argument by the gentleman from Ohio seems to me to look in that direction and to approach, at least too closely for my lik-

ing, to asking for a vote of no confidence in the President and in the administration during the middle of an on-going armed conflict.

Moreover, obviously, we cannot be left without any armed services. There has to be a period of transition—and the question is—how long a period do we really need?

The President and those charged with the responsibility say that they need 2 years in order to bring that goal about in a practical, safe, and prudent manner.

It seems to me that their views on this subject, since they are informed and since they are charged with the duty, are entitled to a certain amount of deference.

Under all these circumstances, with great reluctance, it seems to me I may very probably be constrained to vote for the 2-year extension, with certain amendments which I shall propose, as noted this morning, designed to protect the legitimate rights of students and of legitimate conscientious objectors.

If I so cast my vote, I shall do so with the understanding that this measure is, indeed, a first step toward a voluntary armed service—and in the belief that, barring some severe and fundamental change in the international situation, in 1973, the second and final step will follow, which will return our country to the system of voluntary service, which is, historically, the free American way.

Mr. HEBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, you are going to hear a full discussion of H.R. 6531. You have heard a detailed discussion up to now. You will hear much more under the 5-minute rule tomorrow.

For those of you who are not members of the committee, I direct your attention to the fact voluminous hearings were held. The hearings were rather different from any that have ever been held before during my years on the committee. Everyone had a chance to be heard, day after day—in the morning and then again each afternoon. All groups who asked to appear were given their opportunity to speak no matter what their philosophy was concerning the draft or about the amount of military pay.

All groups were all accorded a full hearing. Every member of the committee was given the opportunity to interrogate each witness. For that, I am sure we are all indebted to our chairman, the gentleman from Louisiana (Mr. HÉBERT) to whom we are also indebted for the fact that for the first time junior members of the committee were given the chance to interrogate the witness before more senior members. The new chairman established a rule that a member would be recognized, not according to his seniority, but according to the time that the member arrived in the committee room. When some of the senior members arrived a little late they did not get an opportunity to question the witness until after those who arrived earlier. But the doors were open to all. There were no executive sessions.

There is one feature of this bill that may be a subject of controversy tomorrow. It was offered by our chairman, the gentleman from Louisiana. That is the new conscientious objector provision. Before those of you who are not on the committee jump to any conclusions that the change is not a fair and an equitable amendment, let me call to your attention the fact that the extension from 2 to 3 years of service for a conscientious objector is not really or actually punitive. Instead it is eminently fair. The reason is that the third year of conscientious objector service takes the place of and stands in lieu of the 6 years Reserve duty that would be required of one who is drafted and serves for 2 years and at the end of such 2-year period faces 6 additional years of Reserve duty.

In my judgment the new 3-year period is eminently fair and not punitive and not inequitable.

Now I should like to address myself to some of the other details of the bill that the committee has carefully considered. I can report to you that not any important considerations were left unexplored. First an amendment was offered and defeated which would have extended the draft for 4 years. Then there was the amendment offered that would extend it for 1 year. Everyone had his say on each of these amendments. Finally the draft was extended for 2 years.

I know you have heard a lot of people say that the Armed Services Committee canceled all student deferments. This is not the fact. Some of us on the committee felt that student deferments should be continued until such time as there could be no appearance that we were changing the rules in the middle of the game. Let me make it clear to you the Armed Services Committee has done nothing to change student deferments. We have simply given the authority to the President to end student deferments if he chooses.

Another point, Mr. Chairman, that I am sure is going to be raised again and again under the 5-minute rule. I refer to the amendment or substitute offered in the form of H.R. 4450. This is the Gates Commission plan. Oh sure they had very extensive hearings. They published a large book which was kind of hard to wade through. But let me tell you that when all is said and done, the recommendations of the Gates Commission, as compared to the so-called 1973 plan for military pay which was finally adopted in committee was less than the committee bill: The committee bill provided for pay increases over $2.6 billion, or almost $2.7 billion. And listen to this. The committee bill provided a bigger pay increase for the lower grades of the military by, from $100 million to $200 million more than the pay scale of the so-called Gates Commission.

The committee listened to some witnesses who proposed we pay military personnel an amount comparable to what they could get in civilian life with starting pay of $6,000, $7,000, $8,000 a year. Well, the staff of the committee totaled up the tab on this suggestion, and we figured it would amount to somewhere between $15 and $20 billion or about $17 billion a year. The best estimate we could get of manpower costs showed the annual appropriation would have to be increased by about $17 billion. As it is, the added cost for manpower will be up by about $2.7 billion.

Without reservation it can be reasonably and fairly concluded that your Armed Services Committee has expected no roadblocks, or created no obstacles to be put in the path of the effort to try to make a voluntary Army work. I submit that is proven by the fact the committee bill calls for a newly enlisted private to receive the sum of $268 a month.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. ABZUG).

The CHAIRMAN. The gentlewoman from New York is recognized for 3 minutes.

Mrs. ABZUG. Mr. Chairman, I find it very interesting that we are sitting here in a debate—a lot of people who are past the draft age—talking about a bill that is going to continue drafting our young men to go to a war which is an illegal and an immoral war, a war which the American people oppose, and a war which is contrary to America's interests.

I also find it interesting that most of you who are here continue to support a practice which violates the basic traditions of our country. The compulsory conscription of the young men of this country to fight an undeclared war violates everything that every one of you who have supported this bill would normally oppose. Every one of you in this room would normally support the great American right to be free, the right to be independent, the right to human dignity—every right except the right to avoid being forced into wars, into conscription, and into an army.

It is with great sadness as a mother and as a woman who has for many years seen the agony of the young people in this country, it is with very great sadness, that I stand before this House and hear the talk once again of continuing a draft in a "peacetime" period. There may be a war going on, but it is a war that is going on illegally, without our consent in this House, and without the consent of the American people. It seems to me inconceivable that after 50,000 of our young men have been killed in this war; so many more wounded; and after many, many other young men have been forced to flee, to seek exile or go to jail rather than serve against their conscience; and many other young men in and out of the Army have been forced into drug addiction in order to escape the horrors of war, that we are still talking about continuing compulsory military service. And what about the prisoners of war? Those whom we so cynically paid tribute to last week—who are rotting in prison camps, through no fault of their own, and who will never be brought home until we, the American Government, bring this war to an end.

Yesterday at Fort Benning Lieutenant Calley was found guilty of mass murder at My Lai. He did wrong, he made an immoral judgment, and he killed civilians when he should not have. The significance of his case is that it reflects the wrongness of the war policies which have

been made possible by the existence of an unlimited supply of manpower which in turn has given unlimited war power to the President and the Pentagon. Without the draft, this war and its many My Lais could never have dragged on so long. On this morning after the Calley verdict—which seems to have shocked so many of you—I think we display an inhuman hardness and callousness when we do not rise in a mass to object to the continuation of the draft. That we continue to allow this draft and this war to go on is indefensible. That we continue to foster a conscious military policy of killing innocent civilians and of making killers out of innocent young Americans is reprehensible.

As the Members know, I have testified before the House Armed Services Committee at hearings on the draft. I have proposed, and I am calling for, and I will continue to call for repeal of the entire military Selective Service Act.

I do not do this lightly. I do this, because unless we repeal the draft in this country, we as Members of Congress are failing to take responsibility for the foreign policy of this Nation. The draft has greatly weakened the constitutional power of the Congress of the United States over issues of war and peace. We see the results today as we continue to suffer and make others suffer in Indochina. The draft has provided the manpower for large-scale military intervention, without the approval of this House and without the approval of the people of the United States. Up there in the galleries and outside is where the real opinion is. The people do not want this war; they do not want this draft. Only in here, in this body are we deaf to the 73 percent who have spoken against the war, against the draft, and whose demonstration here today reaffirms where it truly is.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. HÉBERT. Mr. Chairman, I yield to the gentlewoman from New York an additional 3 minutes.

Mrs. ABZUG. I thank the chairman.

Mr. Chairman, I am suggesting that the existence of an unlimited supply of conscripts encourages the Government to resort to military solutions, and it discourages us from finding other policies, more constructive foreign policies for our country. I believe the Vietnamese war, the war in Indochina, has not only killed millions of people as it has also devastated their tiny countries who have done no harm to us, but that it is also ripping apart our own country. None of this could have taken place were it not for the existence and continuation of the military Selective Service Act. I think it is time we repealed the draft, because it is being continued primarily, even now, for the specific purpose of furnishing fighting men for Vietnam and Laos and Cambodia and Thailand.

It seems to me that a government which goes about the business of war is obliged to secure popular approval of the war, and is obliged to declare war through legal, constitutional channels. No government should be permitted to wage war simply by utilizing a ready supply of manpower to do so.

Conscription thus becomes the key element in enabling administrations, not only this administration but also previous administrations, whether Democratic or Republican, unilaterally to commit the Nation to war, even when that involvement proves to be illegal, immoral as well as dangerous to national interest and the health of our economy.

I think conscription has regrettably guaranteed to the military and to the Presidency the "flexibility" which by their own admission they covet. Ready access to a limitless reservoir of manpower has enabled them rapidly to expand the size of the Army by administrative fiat and thus to wage undeclared war. There was never any need under these conditions to go to the Congress, no need to go to the people. I think we must begin to end this. Testimony has been given to the Armed Services Committee which proves that without a conscription system to furnish men to the Armed Forces, even "gradual withdrawal" of American forces is not possible. Even "gradual withdrawal" requires that we feed more and more men into the war machine.

Selective Service Director Curtis Tarr recently visited Saigon for a firsthand view of the situation and expressed the judgment that we must have the draft in order to continue fighting in Vietnam.

According to figures given to us by the Defense Department, as of February the Army alone has been sending 19,000 replacements a month to Vietnam. The percentage of draftees who go to Vietnam is not recorded as they depart from the United States, but approximately 37 percent of the American troops in Vietnam are draftees, and that percentage has remained steady for a number of months.

You will find in analyzing these figures that the casualty rates among draftees are tremendous, because it is draftees who comprise the vast majority of the combat infantry ranks.

I believe that this abominable war must end, and the American people have made it clear through public opinion polls that they want it to end. We have not yet done anything about it here in this House, but I believe that we are going to act to see that it is ended, tomorrow in the Democratic caucus and, later, on the floor of the House. Let us start now by ending the draft today.

The CHAIRMAN. The time of the gentlewoman from New York has expired.

Mr. HÉBERT. Is the gentlewoman satisfied she has had sufficient time?

Mrs. ABZUG. Thank you.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. Mr. Chairman, I am going to support the amendment of the gentleman from Ohio (Mr. WHALEN) when it is offered, and I should like to spend just a moment or two explaining why.

I was a member of the committee in 1967 when this act was before the House, and before the committee. At that time I voted against extension of the act because it was a deplorable act in my view. It required by law that students be deferred. It gave no consideration to the volunteer Army, and gave little consideration to the use of Reserves.

The present plan is much different. We are seriously considering the volunteer Army. We have a pay raise in this bill that will go a long way toward that objective, which is only treating these men in the service equitably, particularly in the lower grades, particularly those we are drafting.

So I find this bill not a bad bill except for one thing. It does not do what the gentlewoman from New York was talking about. It does not let Congress consider as adequately as it should what we are doing each year in the way of our military and foreign policy.

I contend that the military, the Defense Department, should come before the Armed Services Committee and the Congress each year and justify manpower needs in the same way it justifies its weapons needs and every other matter that the Armed Services and Appropriations Committees consider.

I see no difference between manpower and missiles and ammunition and clothing and anything else that is authorized or appropriated for. For that reason I feel that a year at a time extension of the draft is sufficient. Then we will have the opportunity to consider in depth, if we choose to do so, why the Department feels it will need so many draftees, or no draftees if it needs no draftees.

We should consider in depth each year the force levels and why those force levels are needed.

Consider the objection of the gentleman from Indiana (Mr. DENNIS), that we are in the middle of a war and a 1-year extension of induction authority is insufficient. I find that not a valid objection. It is no more of an objection than to say we should not consider plane procurement each year or tracked vehicles, because we are in the middle of a war. We do not give multiple-year authorizations for those items, and there is no more reason to do so for the manpower needs. Therefore, I believe serious consideration should be given to this amendment to be offered by the gentleman from Ohio (Mr. WHALEN) to extend the induction authority contained in this bill for 1 year only.

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

Mr. HICKS of Washington. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank my colleague for yielding.

Has not this matter been discussed in the committee?

Mr. HICKS of Washington. Yes, this matter has been discussed in the committee.

Mr. CONYERS. I am talking about the number of men that should be supplied.

Mr. HICKS of Washington. It has been discussed in the committee, but it is not discussed as thoroughly as I believe it would be if it were up each year before the committee.

As a matter of fact, the climate in the House and in the country regarding this matter this year has caused much wider discussion than has taken place in our committee before.

I want to take this occasion, Mr. Chairman, to commend the chairman of our committee, Mr. HÉBERT, for the great breadth in which the committee was permitted to consider the present bill and for the fact that the committee will, I predict, continue to consider matters before our committee in far greater depth and breadth than ever before.

Mr. CONYERS. Were the Gates Commission studies considered carefully?

Mr. HICKS of Washington. Possibly not as carefully as they should have been, but they were considered. That is why I suggest we should go on a year-by-year basis rather than a 2-year or 4-year basis as we have had in the past.

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

Mr. HICKS of Washington. I am glad to yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, I compliment the gentleman on his remarks.

Mr. Chairman, in accordance with section 119 of the Legislative Reorganization Act of 1970, I wish to place in the RECORD the following amendments to H.R. 6531, which I intend to offer at the appropriate time:

On page 11, strike out lines 12 through 20, inclusive.

On page 4, strike out lines 13 through 25 inclusive, and on page 5, strike out lines 1 through 20 inclusive.

Mr. PIRNIE. Mr. Chairman, I yield to the gentleman from New York (Mr. TERRY) such time as he may use.

Mr. TERRY. Mr. Chairman, I rise in support of H.R. 6531 as reported by the committee. The bill is sound in that it reflects the new direction of the military, as well as providing the necessary cohesion with the existing requirements of our Armed Forces.

Mr. Chairman, an extremely important part of the bill concerns the extension of the draft. The Army has currently launched a massive program to gain recruits and in concert with the Navy and Air Force, has been implementing new operation standards to enhance their image. However, with the current operational requirements of all branches of the service, the need for a draft system will continue through the next 2 years.

One aspect of the 2-year extension which has not received adequate attention from its opponents is the various steps taken within this bill to further equalize the distribution of the draft calls. A major step was taken with the implementation of the lottery system. Now, additional changes are being made to further regularize the impact of the draft, steps which if implemented will further diminish the inequalities which have plagued the Selective Service System for many years.

Chief among these is the President's recommendation for a uniform national call. Previously under the lottery system registrants with the same number, but different boards, were called at different times of the year. When the higher numbers were reached, the disparity increased as some people were drafted with high numbers and others were not.

Under the uniform national call, all registrants with the same number throughout the country will face the same liability. The lottery system will be, with the implementation of the uniform national call, what the public expects it to be; a truly equitable selective service system.

Mr. Chairman, there is great sentiment behind the concept of an all volunteer army. I must admit that I count myself among those who question the possibility of such a volunteer force. However, if it is to ever be a reality, much preparation has to be done. The bill before us today provides modifications to the current selective service system to improve it, as well as changes in the capacity of the military to improve themselves. This is the only way to proceed if we are to maintain a military force which is consistent with our security requirements.

Today, the military is in disrepute in many segments of the population. The disrepute is not held exclusively by any one political or economic group. It transcends all traditional classifications of Americans. This bill will remove some of the inequities which have tarnished the military's image and increase the capacity of the military to perform its mission during the coming years. Mr. Chairman, this bill deserves the support of this House, and I urge my colleagues to join in that support.

Mr. PIRNIE. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I regret that the House today is faced with a bill to provide a 2-year extension of the draft. Like most of the people in this country from the President to the next young man to be called, I wish we had the opportunity today to vote for an end to the draft.

Too long the draft has afflicted our society. Too long has it seemed to discriminate against the poor and disadvantaged. Too long has it created a deep sense of frustration and distrust of government among those who believe certain of our military operations to be unnecessary or unjust. The attractiveness of ending the draft is almost irresistible, but, unfortunately, that ultimate luxury of draft termination is not available to us now. The miracle that would let us end the draft this June is just not in sight now.

Our involvement throughout the world, and the international deployment of our military personnel may be questionable but they are fact. The mechanism for establishing a volunteer army may be tempting, but it is not tested. Therefore the hope for draft termination by this June remains a pious, but unachievable, hope.

But we must neither forget, nor unduly defer, our goals. For these reasons, I am supporting the amendment for termination June 1972, with the added stipulation that efforts be increased to end our involvement in Southeast Asia and to reduce our military personnel commitments elsewhere.

We have in this bill the beginnings of a volunteer military. That concept, in its earliest implementation, should be accompanied by our pledge to end the draft as soon as possible. We can do so by voting for the 1-year extension. In the horrible event that an additional draft extension is required, Congress is capable of that action on short notice.

The entire committee proposal, with the 1-year amendment, is worthy of passage. It includes some worthy reforms to the present Military Service Act such as a uniform national call and abolition of student deferments.

The passage of this conglomerate can give us, first, the beginning of the end of the draft, second, the beginning of a volunteer military force, and third, a better draft system during its last 15 months of existence.

Mr. PIRNIE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, there was recently issued a special selective service call for doctors to serve in the armed services. A number of towns in my congressional district are about to be adversely affected by this physicians draft, and for this reason I would call attention to the fact that Selective Service officials under present laws and regulations are authorized to exercise the necessary discretion to defer from this call a young doctor whose services are needed in a rural area or possibly in a ghetto area either of which is suffering a shortage of physicians' services. I realize that the military must have doctors but I do urge extreme care so that undue damage be guarded against.

I would like to point out that it had been my intention to offer an amendment to the committee bill the language of which would make it clear that the status of young physicians whos services are sorely needed in a community might be recognized by Selective Service officials.

Several instances have been brought to my attention in the past couple of weeks where hard-pressed communities have worked hard and long to secure the services of physicians only to find that a young doctor who has made a commitment to serve in that community is now faced with a draft notice under special call No. 46. I would like to point out that this effect of the physicians draft after the abolishing of occupational deferments has not only worked a hardship on many rural communities, but its effect runs counter to efforts of the Congress to establish Federal programs which would increase the supply of physicians generally while at the same time encouraging young medical students to establish practice in the rural areas of our Nation. As a member of the Subcommittee on Public Health and Welfare of the House Committee on Interstate and Foreign Commerce, I am very aware of the crying need for physicians to facilitate the delivery of health care.

As a result of legislation written by our subcommittee, I am pleased to report that the doctor supply situation in

our country has improved as far as raw totals are concerned. In two respects, however, we have a long way to go. When I say this I have in mind the shortage of doctors which still exists in rural areas of our Nation and also the need for building up the numbers of doctors going into general practice. At this point I include in my remarks a table indicating the number of active physicians in the United States by type of practice for selected years from 1949 to 1967:

ACTIVE PHYSICIANS BY TYPE OF PRACTICE: 1949, 1960, 1967

Type of practice	1949	1960	1967
Number of physicians: Total active	191,577	230,762	295,072
Private practice: Total	150,417	165,844	[1] 190,079
General practice	95,526	74,553	62,757
Specialty practice	54,891	91,291	127,322
Nonprivate practice [2]	41,160	64,918	103,993
Percent of physicians: Total in private practice	100	100	100
General practice	64	45	33
Specialty practice	36	55	67

[1] Private practice not available for 1967. Figures shown are for solo, partnerships, group, and other practice.
[2] Includes for 1949 and 1960: hospital service (including interns and residents), medical school faculty, administration research, and Federal service.

Source: Health Manpower Source Book, secs. 14 and 20. Public Health Service Publication No. 263.

NUMBER OF ACTIVE NON-FEDERAL PHYSICIANS (M.D.) IN SELECTED SPECIALTIES IN EACH STATE, 1969

Active non-Federal physicians (M.D.) Dec. 31, 1969

Geographic division and State	Total	Medical specialties: General practice [1]	Medical specialties: Total	Medical specialties: Internal medicine	Medical specialties: Pediatrics [2]	Medical specialties: Other [3]	Surgical specialties: Total	Surgical specialties: General surgery	Surgical specialties: Obstetrics, gynecology	Surgical specialties: Other [4]	Psychiatry and neurology [5]	All others [6]
All locations [7]	273,502	66,347	64,322	33,638	16,622	14,062	86,104	26,038	17,049	43,017	22,483	34,246
United States	271,131	65,676	63,706	33,420	16,388	13,898	85,438	25,847	16,857	42,734	22,351	33,960
New England	19,747	3,671	5,203	2,825	1,237	1,141	6,126	2,072	1,043	3,011	2,046	2,701
Connecticut	5,241	904	1,407	763	352	292	1,609	480	330	799	563	758
Maine	931	287	171	88	44	39	316	117	43	156	38	119
Massachusetts	10,670	1,785	2,914	1,586	658	670	3,295	1,167	528	1,600	1,228	1,448
New Hampshire	885	261	178	104	44	30	271	91	39	141	62	113
Rhode Island	1,286	272	342	160	101	81	433	144	72	217	92	147
Vermont	734	162	191	124	38	29	202	73	31	98	63	116
Middle Atlantic	65,906	13,648	17,212	9,156	4,277	3,779	19,846	6,027	4,198	9,621	6,850	8,350
New Jersey	9,405	2,207	2,411	1,281	581	549	3,002	881	664	1,457	658	1,127
New York	39,995	7,201	11,157	6,005	2,833	2,319	11,919	3,702	2,511	5,706	4,803	4,915
Pennsylvania	16,506	4,240	3,644	1,870	863	911	4,925	1,444	1,023	2,458	1,389	2,308
South Atlantic	36,176	7,954	8,795	4,520	2,451	1,824	12,043	3,727	2,564	5,752	2,786	4,598
Delaware	654	146	146	69	46	31	205	65	50	90	59	98
District of Columbia	2,731	358	857	481	209	167	810	247	175	388	345	361
Florida	8,043	1,691	1,998	950	507	541	2,864	804	552	1,508	506	984
Georgia	4,470	1,017	1,021	524	279	218	1,592	507	355	730	294	546
Maryland	6,402	1,053	1,717	917	514	286	2,033	611	523	899	715	884
North Carolina	5,082	1,210	1,221	620	344	257	1,615	517	360	738	354	682
South Carolina	2,071	717	327	164	111	52	693	229	137	327	113	221
Virginia	5,026	1,251	1,178	600	357	221	1,617	487	324	806	346	634
West Virginia	1,697	511	330	195	84	51	614	260	88	266	54	188
East South Central	11,913	3,500	2,435	1,219	716	500	4,070	1,430	735	1,905	479	1,429
Alabama	2,827	847	600	296	172	132	974	339	191	444	79	327
Kentucky	3,082	971	610	305	167	138	989	363	160	466	153	359
Mississippi	1,692	641	281	132	92	57	544	191	114	239	59	167
Tennessee	4,312	1,041	944	486	285	173	1,563	537	270	756	188	576
West South Central	19,873	5,639	4,117	1,924	1,163	1,030	6,615	1,821	1,329	3,465	1,236	2,266
Arkansas	1,581	630	241	119	68	54	452	139	78	235	99	159
Louisiana	4,048	1,034	848	383	270	195	1,450	410	314	726	262	454
Oklahoma	2,376	732	484	241	123	120	764	215	152	397	143	253
Texas	11,868	3,243	2,544	1,181	702	661	3,949	1,057	785	2,107	732	1,400
East North Central	47,100	12,779	10,352	5,557	2,544	2,251	14,748	4,656	2,982	7,110	3,269	5,952
Illinois	14,127	3,837	3,250	1,740	839	671	4,207	1,348	888	1,971	1,005	1,828
Indiana	4,831	1,804	780	411	185	184	1,458	416	224	818	232	557
Michigan	10,240	2,391	2,247	1,229	532	486	3,364	1,117	785	1,462	854	1,384
Ohio	13,081	3,387	3,076	1,643	746	687	4,233	1,330	825	2,078	819	1,566
Wisconsin	4,821	1,360	999	534	242	223	1,486	445	260	781	359	617
West North Central	18,498	5,234	3,943	2,242	902	799	5,620	1,847	936	2,837	1,443	2,258
Iowa	2,692	969	434	234	104	96	827	258	118	451	177	285
Kansas	2,361	750	419	235	109	75	663	207	114	342	280	248
Minnesota	5,331	1,437	1,254	703	269	282	1,576	497	228	851	346	715
Missouri	5,528	1,075	1,389	825	313	251	1,826	613	352	861	513	729
Nebraska	1,541	564	286	156	68	62	431	158	78	195	88	172
North Dakota	544	202	95	52	21	22	164	60	25	79	26	57
South Dakota	501	237	66	37	18	11	133	54	21	58	13	52
Mountain	9,800	2,712	2,070	973	614	483	3,200	930	597	1,673	613	1,205
Arizona	2,070	628	438	208	110	120	658	191	130	337	106	240
Colorado	3,459	775	839	364	284	191	1,075	320	202	553	306	464
Idaho	603	252	82	43	23	16	188	58	30	100	20	61
Montana	644	241	110	59	30	21	209	60	34	115	19	65
Nevada	462	137	69	30	17	22	180	54	37	89	21	55
New Mexico	954	232	223	112	62	49	300	87	55	158	63	136
Utah	1,324	323	273	138	79	56	498	128	97	273	74	156
Wyoming	284	124	36	19	9	8	92	32	12	48	4	28
Pacific	42,118	10,539	9,579	5,004	2,484	2,091	13,170	3,337	2,473	7,360	3,629	5,201
Alaska	188	63	34	18	12	4	61	23	10	28	16	14
California	33,699	8,277	7,780	4,092	1,984	1,704	10,438	2,587	1,990	5,861	3,041	4,163
Hawaii	1,022	234	259	119	89	51	326	97	72	157	68	135
Oregon	2,712	720	594	328	133	133	933	253	157	523	168	297
Washington	4,497	1,245	912	447	266	199	1,412	377	244	791	336	592
Puerto Rico	2,238	647	582	203	218	161	615	169	179	267	129	265
Outlying areas	133	24	34	15	16	3	51	22	13	16	3	21

[1] Includes also physicians with no specialty specified.
[2] Includes also pediatric allergy and pediatric cardiology.
[3] Includes allergy, cardiovascular disease, dermatology, gastroenterology, and pulmonary diseases.
[4] Includes anesthesiology, colon and rectal surgery, neurological surgery, ophthalmology, orthopedic surgery, otolaryngology, plastic surgery, thoracic surgery, and urology.
[5] Includes also child psychiatry.
[6] Includes aviation medicine, occupational medicine, pathology and forensic pathology, physical medicine and rehabilitation, preventive medicine and public health, radiology (including diagnostic and therapeutic radiology), and specialities not recognized by the American Medical Association.
[7] Includes the United States, Puerto Rico, and outlying areas.

Source: Haug, J. N., and Roback, G. A., Distribution of Physicians, Hospitals, and Hospital Beds in the United States, 1969. Chicago, American Medical Association, 1970.

It has been reported that in 1931 three out of every four doctors in the country were general practitioners. It is interesting to note that the proportion of general practitioners has declined to a point where there were in 1967 only one-third of the doctors engaged in this family practice of medicine. The following table indicates that according to the study of the American Medical Association the proportion of physicians in general practice in 1969 had almost reversed itself from the situation which existed in the 1930's. We find that as of December 31, 1969, only some 66,000 out of 273,500 were actively engaged in general practice. See table No. 2. I want to emphasize this point because it is the general practitioner who is needed in the rural areas of our country.

A Library of Congress study made in August of last year was titled, "The Physician Shortage in Rural America." According to this study the number of physicians relative to population in rural areas has diminished at an alarming rate. Add to this the consideration that a high proportion of physicians in rural practice are over 50 years of age. When these relatively old general practitioners die or retire it is difficult to replace them with younger physicians going into the practice of family medicine.

The Library of Congress study emphasizes another point which complicates this disproportionate shortage of physicians in the rural areas of our country. The report states at one point:

> Evidence also suggests that a higher incidence of chronic health conditions exists in rural areas.

The point is also made that accident rates for rural residents are higher than those for urban residents. The report refers to a finding of the President's National Advisory Commission on Rural Poverty that rural farm residents have the highest rate of injuries caused by work-related accidents and that accident death rates are higher among rural than among urban people. It was the Commission's finding that in 1963 rural residents accounted for three out of five deaths caused by accidents.

In the last session of the Congress our Subcommittee on Public Health and Welfare held extensive hearings on proposals to increase the number of doctors going into the practice of family medicine. Without exception testimony was offered during the course of these hearings pointing up the need for more general practitioners in rural communities. Now in this session of the Congress we will be considering proposals for extension of the Health Manpower Act which expires at the end of this fiscal year. Again we will be concerned with programs to encourage the development of family practice and the carrying on of programs to encourage young doctors to locate in areas of greatest need. In this connection I might point out that under present law medical students receiving health professions student loans in medical school may take advantage of the loan cancellation provisions of the act. According to this forgiveness feature of the loan program, if the doctor practices in a certified physician shortage area, 50 percent of his student loan is canceled for the first year of practice and may be canceled at a rate of 10 percent for each year of practice thereafter. If the shortage area has been designated a rural low-income area, the total unpaid balance may be canceled at the rate of 15 percent per year of practice.

I have emphasized our concern in these matters to point up how procedures of the Selective Service under the present special call have the effect of running counter to everything we are attempting to do here in the Congress to alleviate the physician shortage in rural communities. President Nixon himself in his health message to the Congress in February of this year pointed out that Americans who live in rural areas or in urban poverty neighborhoods often have special difficulty in obtaining adequate medical care. The President stated that there is an average of one doctor for every 630 persons in our country today, but in over one-third of our counties the number of doctors per capita is less than one-third of that ratio. It was the President's recommendation that we should find ways of compensating and even rewarding doctors and nurses who move to scarcity areas. At this point in my remarks I include correspondence I have received from concerned individuals in the communities of Waseca, Fairmont, and Prior Lake, who are confronted with the loss of physician services, because of this latest physicians draft. After lengthy discussions with various officials representing the Minnesota Medical Advisory Committee, the Minnesota State Selective Service office, the National Selective Service office, the Office of Emergency Preparedness, the National Security Council, the House Armed Services Committee, and the White House itself, I have been led to believe that the Selective Service has the authority to exercise discretion in the drafting of these young doctors. In accordance with this assurance, I have been told that the necessary directives will be sent by Dr. Tarr to the various State directors. I wish to emphasize at this point that I am pleased to have the assurance of the Committee on Armed Services that this in fact will be done and that the needs of these adversely affected communities will be given proper recognition and that it is not necessary or proper that I offer amending language at this point.

I include the following:

FAIRMONT COMMUNITY HOSPITAL,
Fairmont, Minn., March 22, 1971.

HON. ANCHER NELSEN,
House of Representatives,
Washington, D.C.

DEAR MR. NELSEN: It has recently come to my attention that Dr. Stephen Lindahl has received his draft notice. Dr. Lindahl is just finishing his internship in a hospital at Fresno, California. We had been able to get Dr. Lindahl to consent to come to our community as a physician upon completion of his internship.

With the acute shortage of physicians we are experiencing, as indeed most rural areas are experiencing, any assistance we can get to keep Dr. Lindahl in our community would certainly be appreciated, not only by our medical staff, but by the people in the entire area.

Sincerely yours,

THOMAS A. DOHERTY,
Administrator.

FAIRMONT, MINN.,
March 19, 1971.

Representative ANCHER NELSEN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE NELSEN: Recently the Selective Service System, especially for the drafting of doctors, has taken away the right of each individual state to determine the eligibility of its doctors for the draft.

Fairmont, a community in southern Minnesota which services approximately 30,000 patients medically, is sorely in need of new physicians. Several physicians have either left the area or have died within the past four years. In addition, at least five of the present physicians are in their late 60s or 70s and are either retired or soon will be retiring.

A University of Minnesota graduate, Dr. Stephen Lindahl, who is currently serving his internship in Fresno, California, has agreed to return to Fairmont for the practice of medicine. Because of his age and his near completion of his internship, he is subject to the draft which would remove him from an area in Minnesota that sorely needs his services.

I would encourage you to consider this problem which not only involves our area but most of rural Minnesota as you well know. If possible use your influence to help Dr. Lindahl start his practice in the Fairmont area.

The chairman of the National Advisory Committee to the Selective Service, August H. Groeschel, M.D. has his office at 1724 F St. N.W., Washington, D.C. 20535.

All the citizens in this area are keenly aware of the shortage of medical personnel and would appreciate any help that you can give them in this matter.

Sincerely yours,

ROBERT L. ZEMKE, M.D.

P.S. Dr. Lindahl notified me last evening that he has received his draft notice.

FAIRMONT CHAMBER
OF COMMERCE, INC.,
Fairmont, Minn., March 22, 1971.

Congressman ANCHER NELSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN NELSON: Recently the Selective Service System has taken away the right of individual states to determine the eligibility of its doctors for the draft. This means that many young doctors (under 35) will be eligible for the draft irregardless of their critical position in their community. In the past, states have determined which young doctors were eligible based on the needs of various communities. Consequently, most of the draftees have come from areas that had larger complements of medical personnel.

Fairmont, like other rural communities, is engrossed in a serious struggle to attract young medical people. Presently five of our physicians are in their late 60s or 70s and are either semi-retired or soon will be retiring. Two young physicians have recently agreed to come to Fairmont, but because of their ages, they are subject to the draft. This action would remove them from an area in Minnesota sorely in need of their services.

We turn to you, as our elected statesman, to use your influence in helping us solve this critical situation.

Thanking you for your anticipated cooperation in this matter, I remain

Respectfully yours,

WAYNE J. UNZE,
Manager, Fairmont
Chamber of Commerce.

FAIRMONT, MINN., *March 19, 1971.*

Representative ANCHER NELSON,
House of Representatives,
Washington, D.C.

DEAR ANCHER: I am writing you concerning a medical problem we have here in Fairmont. As you probably know our medical situation

has been going down hill for some period of time due to illness. Of the fourteen family physicians in Martin County, five are over 60 and two are over 70. You also probably know that Dr. J. R. Nickerson left Fairmont to practice elsewhere a couple of years ago and both Dr. Williamson and myself have had coronaries inside the last year. We are now in a position to get a new physician but the young man has been told that he is subject to the draft. I would appreciate anything you can do in his behalf for we desperately need help here in Fairmont.

Whether or not he comes has little to do with me for my practice is limited to Urology but the fellows in family practice certainly need assistance. His name is Steven Lindahl. He is a graduate of the University of Minnesota and now in his internship in Fresno, Calif.

With the governments requests that group practices be set up, the majority of the physicians in Fairmont have joined together and are building a new professional building in which to practice and this young man had been signed to a contract. It is now doubtful whether he will be able to come. It seems doubly unfair to us here for we keep hearing all this talk of the shortage of family practitioners, particularly in the rural areas, and now when we have an opportunity to obtain one, it appears that he is going to be taken from us.

I have also learned that of the 35 draftees chosen from our state, 28 of them had already agreed to go into family practice. This also seems doubly unfair. Anything that you can do to help us would certainly be appreciated.

Sincerely,

WILLIAM M. FEIGAL, M.D.

MARCH 17, 1971.

Congressman ANCHER NELSEN,
Washington, D.C.

DEAR CONGRESSMAN NELSEN: I know that you are aware of the difficulties that rural communities are experiencing in maintaining adequate medical services. The shortage of medical doctors who are willing to locate outside of the metropolitan area has created serious problems for all of out-state Minnesota. I am certain that virtually every community in the Second Congressional District has a problem to a greater or lesser degree in this area.

A particular situation has arisen in Prior Lake, Scott County, that I feel is deserving of your attention. The area is presently served by only one doctor, Dr. Olaf Lukk of Prior Lake. The population growth in the area has far exceeded the ability of Dr. Lukk to adequately care for the residents in that community.

I am informed that Dr. Lukk was successful in obtaining a Dr. Eugene W. Ollila who is completing his internship at the Hennepin County General Hospital in Minneapolis to agree to join Dr. Lukk in practice in Prior Lake. Dr. Ollila has made arrangements for living facilities in the Prior Lake area and is planning to move to Prior Lake within a matter of a few weeks.

Unfortunately, Dr. Ollila has now discovered that he is number 15 of 35 doctors scheduled to be called into military duty by the Selective Service headquarters in St. Paul.

It occurs to me that this presents a situation where the services of Dr. Ollila could best be utilized by his being permitted to undertake practice in Prior Lake rather than being called into the military.

I would hope that you have an opportunity to make some independent inquiries to confirm this situation and if you feel as I do, perhaps you could undertake to persuade the Selective Service headquarters, that in this particular instance they would do well to grant a deferment to Dr. Ollila.

In any event, I would appreciate your looking into the matter.

Yours very truly,

DONALD D. ALSOP,
District Chairman.

MARCH 17, 1971.

Re: Medical draft impact on Waseca, Minnesota.

Hon. ANCHER NELSEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN NELSEN: We address ourselves to you, our elected Representative to our federal government, in plea for help in preventing a medical vacuum of disaster proportions from occurring in this community and area.

The enclosed letters explain, in detail, the social and moral impact which would be caused by the loss of these doctors.

Many words are uttered, much time is spent and millions of dollars invested in searching for solutions to the paucity of medical practitioners in smaller communities and rural areas. Waseca has, through the efforts of its own people, gradually worked toward a solution. The proposed draft of Doctors Gerding and Hergott would completely destroy this effort. A result would be accomplished exactly the opposite to the result our government is striving to attain.

The words of Abraham Lincoln, "Government of the people, by the people and for the people," would be desecrated and this basic premise upon which this nation exists would become meaningless.

Respectfully submitted,

R. P. MADEL, Jr.,
Lake Shore Inn Nursing Home, Waseca.
LAWRENCE T. GALLAGHER,
Attorney at Law.

GENERAL FOODS CORPORATION,
Waseca, Minn., March 17, 1971.

Congressman ANCHER NELSEN,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN NELSEN: I am writing to ask you to do everything possible to obtain deferments for Dr. Patrick Hergott and Dr. James Gerding who are scheduled to be drafted on approximately July 1, 1971. Dr. Hergott is one of the two medical doctors in this community of over 6,700 people, and Dr. Gerding is scheduled to move here and begin to practice this summer.

Our firm employs over 400 people yearround with a summertime increase of 550 to 600 additional workers. One third of our employees work on the 2nd and 3rd shift. With only two doctors we have many problems operating safely as we actually need five or six doctors. Some of the specific difficulties we presently encounter are:

We are unable to give employees pre-employment physicals to determine if they are physically able to work in our plant.

We are unable to give our present employees physicals. Over half of our employees are over age 45 and should receive annual physicals. At present we are fortunate if we can schedule these employees for physicals every three years.

We have difficulty in obtaining a doctor to treat minor injuries. Our plant nurses normally send employees to the doctor to treat questionable minor injuries to prevent them from becoming more serious and to insure that proper medical precautions are taken. At present, an employee may have to wait a day to see a doctor for minor injuries. Sometimes this delay results in their missing work and the needless aggravation of injuries.

Our night shift operation sometimes results in injuries that require one of our two doctors to be up much of the night. This in turn causes problems for the doctors' already crowded schedule for the next day.

We feel a need to have at least one local doctor visit our plant two or more times a month so as to be familiar with the work that is available for injured or handicapped people. The doctor would also be able to advise us on work situations that should be changed so as to avoid future injuries. We have not been able to have a doctor visit our plant for almost a year now.

As you can see we need more doctors here and to consider taking away one of our present doctors or one that we hope to have would be a tremendous hardship. This would be a hardship both for our plant's operations and for the employees who work here.

Thank you for your assistance.

Respectfully,

D. W. ARMSTRONG,
Personnel Manager.

WASECA CHAMBER OF COMMERCE,
Waseca, Minn., March 17, 1971.

Hon. ANCHER NELSEN,
House of Representatives,
Washington, D.C.

DEAR ANCHER: Our city of Waseca is facing a problem which is causing us a great deal of concern and with which I sincerely hope you can give us some help.

For sometime Waseca has had a problem in obtaining Doctors and for an inducement to get doctors to come here the community rallied together and built a clinic. To show you the interest of the community and its concern $150,000.00 was subscribed within a period of less than one week. We now have two doctors, one of which has been here for several years and the other, Dr. Patrick Hergott came about six months ago. We are now in the position where we are able to get more doctors and another Dr. James Gerding is supposed to come here sometime this summer. We have now been advised that both Dr. Hergott and Dr. Gerding are subject to the draft which will leave our city of nearly 7,000 population with only one doctor.

To add to our problem Waseca is getting a new Technical College which intends to contract with the Clinic for medical services for their students. We also have in Waseca approximately 1600 Senior Citizens 65 years and over. Many of these have no mode of transportation and are dependent on our local doctors to take care of their medical needs. I can enumerate several factors to show the predicament in which we will find ourselves without sufficient doctors and I'm sure I do not need to spell this out for you.

I'm sure you recognize our situation and I know I and the entire Waseca community would appreciate any help you can give us to retain Dr. Hergott and Dr. Gerding. It might be of interest to you to know that the Minnesota Medical Association has recommended deferrment for both Dr. Hergott and Dr. Gerding, which proves they are aware of our plight and need. I sincerely hope you can find some way to help us.

Sincerely yours,

ALF LARSON,
Manager.

WASECA PUBLIC SCHOOLS,
Waseca, Minn., March 17, 1971.

Hon. ANCHER NELSEN,
U.S. Representative,
House Office Building,
Washington D.C.

MY DEAR MR. NELSEN: You have been informed by telephone of the concern of the Waseca Community as it ponders the problem of maintaining medical service due to the possibility of two doctors being selected for military service. These two doctors are Dr. James Gerding and Dr. Patrick F. Hergott.

As Superintendent of Schools in Waseca, I am deeply concerned about the possibility of at least 2500 students being left without proper medical care. This, in addition to the

employees will make our situation acute. The removal of these two doctors will indeed create a crisis in our community.

You are aware of the situation, I am sure, that we are not pleading for these two men as individuals. They are willing to serve. As an active Air Force Reserve Officer, I fully realize the need and obligation to serve one's country, but I believe the request for deferment at this time has top priority because of the great need in this community for medical care and its struggle to get doctors.

I am writing to Senator Humphrey and Senator Mondale on this matter and any united assistance to help us will be greatly appreciated.

Most Sincerely,

PHILLIP C. STOLTENBERG,
Superintendent of Schools.

MARCH 17, 1971.

Hon. ANCHER NELSEN,
House Office Building,
Washington D.C.

DEAR ANCHER: It has been brought to my attention that two of our three doctors are being drafted to serve in the Armed Forces, Dr. Patrick F. Hergott and Dr. James Gerding.

The people of this community are patriotic and sympathetic to the needs of the Armed Forces. However, it would appear that the Armed Forces could supply their need for doctors without leaving a community the size of Waseca with 7,000 population and the surrounding rural area badly in need of medical help with only one doctor. It could well be that we would be left without any doctor since our remaining doctor, Steve Normann, would probably find the burden so unbearable that he might also decide to give up his practice, leaving this community without any medical service whatsoever.

Our community has been in a precarious position regarding our medical needs. Our situation became so critical about three years ago that a group of interested citizens formed a corporation and sold stock to build a clinic so that we might be able to interest doctors to move to our community. It has been only within the past year that we have made any definite progress towards relieving this critical situation. We now find that we are plunged back into the same critical condition that we were in three years ago.

I therefore appeal to you to intercede on behalf of this community with the Selective Service so that they may grant to these young doctors who are now practicing in our community, Dr. James Gerding and Dr. Patrick F. Hergott hardship deferments which will relieve these young men from their obligation to the Armed Forces so that they might be permitted to continue their services to this community where they are so badly needed.

Very truly yours,

CARL A. SWANSON,
Mayor

FIRST NATIONAL BANK,
Waseca, Minn., March 17, 1971.

Congressman ANCHER NELSON,
U.S. Congress,
Washington, D.C.

Re: Dr. James Gerding, Dr. Patrick Hergott, Waseca, Minn.

DEAR CONGRESSMAN NELSON: I was shocked to hear that Dr. Hergott, who is now practicing in Waseca, and Dr. Gerding who is scheduled to open practice in July, have both been called up for the draft.

I am particularly disturbed, as the present Chairman of the Hospital Board, inasmuch as plans for our hospital building program are near completion and the success or failure of this program is based almost entirely on the premise that both of these doctors would be actively in practice this fall.

Through considerable effort on the part of Dr. Normann and the City Council, together with the Hospital Advisory Board, we have been able to bring the standards of the hospital to a point where they would qualify for accreditation and therefore meet the standards for medicare payments.

I cannot emphasize enough the damage to this program which would be incurred if these doctors were drafted at this time. There is no doubt in my mind the result would be complete abandonment of our building program. It is my understanding the Minnesota Medical Association has recommended deferment for both doctors and apparently there are many other areas in the state that have more doctors per capita than Waseca. The entire community has extended itself remarkably well to offer clinic facilities and the promise of a hospital addition in order to influence their location in Waseca.

Any assistance you could give us to help in the deferment of these two doctors would be greatly appreciated.

Thanking you for your time and consideration, I remain.

Sincerely yours,

R. P. SANKOVITZ,
President.

WASECA CLINIC,
Waseca, Minn., March 17, 1971.

Congressman ANCHER NELSEN,
U.S. Congress, Washington, D.C.

DEAR CONGRESSMAN NELSEN: I have been with the Waseca Clinic now for seventeen months during this time there were many times when I have wished there was some way I could be of some help to the Doctor when the waiting room is filled and the Doctors are double and triple booked.

Most of my time while with the Waseca Clinic has been trying to recruit Doctors. I have found Doctors want to join groups of at least three to five men. I can't really blame them if you want to spend any time with your family you can't be on call every other day and every weekend.

Finally Dr. Gerding agreed to come here over a year ago and mainly due to that fact Dr. Hergott agreed to come here last August first. There isn't any doubt in my mind that due to Dr. James Gerding and Dr. Pat Hergott being here was the main reason Dr. James Dey and Dr. Mark Gray are coming here. Dr. Dey and Dr. Hergott are the closest of friends as well as Dr. Gerding and Dr. Gray. We wouldn't feel right to hold Drs. Dey and Gray to their contracts if Drs. Hergott and Gerding weren't with us this July.

This of course would leave Waseca a city of 6800 people with only one Doctor. It could eventually lead to complete shutdown of Waseca's Health facilities.

It has been quite a shock to find 50% of the Doctors recruited for Waseca are to be drafted. I do hope and pray that there is something that can be done to help us out of what could turn into a medical disaster for this community.

Sincerely,

MEL DIETZ.

UNIVERSITY OF MINNESOTA,
Waseca, Minn., March 17, 1971.

Hon. ANCHER NELSEN,
Representative, State of Minnesota, Representative Office Building, Washington, D.C.

DEAR REPRESENTATIVE NELSEN: We were shocked to learn that Dr. Patrick Hergott, M.D., now practicing medicine at Waseca, and Dr. James Gerding, M.D., who is scheduled to come to Waseca to practice medicine, may be drafted into the Army.

This community has been deficient in medical doctors (one to three) and has been working hard to improve the situation. The community built a clinic and has made other moves to bring doctors to Waseca.

The city of Waseca has about 7,000 people in it and also serves an agricultural area around the city. In addition, there is a Southern School of Agriculture and a Technical College for Agriculture located at Waseca.

The school program has peaked at 300 students and the college program is just getting started. We expect 200 students this fall in the college program and expect the program to move upward to from 800 to 1,000 students. We have dormitory space for 312 students and this increases the need for medical services.

We need doctors for emergency purposes as well as for routine care and physicals. At present, with the limited number of doctors, it has been extremely difficult to get student medical service at Waseca.

We talk about the need for doctors in rural areas, it's true. Now that we have attracted several doctors, we need to keep them. Any help you can give would be appreciated. Thank you.

Sincerely,

EDWARD C. FREDERICK,
Provost.

WASECA CLINIC,
Waseca, Minn., March 17, 1971.

Congressman ANCHER NELSEN,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN NELSEN: I am writing to you at this time to give you a little background and history as to the medical situation herein our city of Waseca. In the past it has always seemed we have been short of help mainly due to the fact that the men in Waseca preferred solo practices rather than group practices. However, as time went along the older men dropped out or died, and on August 1, 1968 I found myself the lone practitioner of medicine in Waseca.

The situation was serious and a group of local businessmen and professional men in Waseca and myself met and decided the only way we could go would be to establish a Clinic building, preferably next to the Hospital, and embark on a strenuous recruiting program if medicine were to continue in the city of Waseca. Luckily, at this time a young Spanish trained surgeon who had previously been practicing in Wells, Minnesota heard of our plight, came to look over our situation and decided to move to Waseca. A short time later his brother who had been practicing for a few months in North Dakota decided that he would also like to come to Waseca and practice with his brother. As a result of their coming, I closed my one man office and leased a larger office space and attempted to orient and work with these two men. Much to our dismay this situation gradually became unbearable due to their inability to communicate with people, their lack of dedication to the practice of medicine and an inferior training.

In the early part of 1969 we contacted a young medical student, James Gerding, at the University of Minnesota who had made known a desire to practice as a general practitioner in Waseca at the completion of his internship. He agreed to help us in our recruiting problem and as a result we were able to recruit another Doctor, Dr. Patrick F. Hergott, to our Clinic who began working for us the latter part of July 1970. Following Dr. Hergott's admission to our Clinic, which incidentally, became a reality in the form of a modern spacious and up-to-date medical Clinic attached to our local Hospital on October 1, 1969. Dr. Hergott's practice grew immediately and through his efforts we were able to recruit another Doctor to start work July 1971 after his internship and now with four men soon to be active as a medical group we were successful in recruiting a fifth man also finishing his internship and ready to start on July, 1971.

Things had gone from bad to worse with the boys from Spain and they left the Clinic November 1, 1970 to return to Spain. Since that time Dr. Hergott and myself have endeavored to do our best to cover the medical

practice in the city of Waseca. With a population of slightly over 7000 and the additional rural community immediately surrounding Waseca this has been a hard task. It is physically impossible for two men to adequately cover the population of this size. We have in addition much industry in our city, there are three schools, one of which is to become a Jr. College in the fall of this year.

To me it is frightening, frustrating, and with a tinge of bitterness that I look forward to more years of insufficient help and as a result inadequate coverage, medically, of our fair city. This, in contrast, to the operation including five active, dedicated and well-trained medical men.

I sincerely hope that something might be done to permit us to do an adequate job with the four men for whom we have worked so hard to obtain.

Sincerely yours,

S. T. NORMANN, M.D.

E. F. JOHNSON CO.,
Waseca, Minn., March 17, 1971.

Hon. ANCHER NELSEN,
Rayburn Office Building,
Washington, D.C.

DEAR ANCHER: I am deeply concerned to learn of the possibility of the induction of Drs. James Gerding and Patrick Hergott into the U.S. Army this summer. As the largest employer in the community of Waseca, we recognize the vital importance of adequate professional medical facilities and practitioners to support the emergency needs and the sustaining family requirements of our employee force. Without such support we cannot have a successful industrial operation in this community. Through the initiative and dedication of a group of the community leadership a very dangerous shortage of medical capability has been recitified by marshalling the local resources to build a clinic and recruit a competent staff. Drs. Gerding and Hergott are essential elements to this facility and to have these two critical people removed at this time will threaten its dissolution. We recognize the critical needs and difficulty experienced by the U.S. Army in acquiring adequate medical staff, but I sincerely believe that the national interest is better served at this point by giving special recognition to the needs of rural America. Anything you can do to gain favorable consideration for the deferral of the induction of Drs. Gerding and Hergott will be greatly appreciated.

Sincerely yours,

RICHARD E. HORNER,
President.

BROWN PRINTING CO., INC.,
Waseca, Minn., March 17, 1971.

Hon. ANCHER NELSEN,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE NELSEN: We have just learned of the fact that Dr. Patrick F. Hergott and Dr. James Gerding are to be drafted into the military service even though both men have been recommended for deferment by the Minnesota Medical Association. In spite of any present laws or regulations which nullify deferments, it seems to us to be extremely unjust to take these men out of our community where we have had a critical doctor shortage for some time. We are a highly industrialized community for a city of seven thousand people. Our company employs over five hundred fifty men and women and we shudder to think of the impact of losing the services of these two doctors. I know that the several other industries in our town, as well as all other residents, feel just as upset as we are.

We realize what demands are made on your time Representative Nelson, but we feel moved to ask you to do everything you can to assist us in getting a reversal in the decision to draft these men whose loss we feel unable to bear. Thank you most sincerely for whatever you can do to help the Waseca Community.

Sincerely,

EVERETT C. KING,
Director, Personnel and Public Affairs.

Mr. GUBSER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, the House owes a debt of gratitude to the Committee on Armed Services for what is an exceptionally fine piece of legislation and an exceedingly well done report. I pay tribute to the chairman, to the staff, and all members of the committee for having undertaken full and open hearings and for having brought to the floor of the House a bill which, by and large, I think deserves the applause of the Members of the Committee of the Whole House on the State of the Union.

I specifically direct the attention of the Members to the material to be found on pages 27, 28, and 29 of the report which provides the justification for the pay package contained in the bill.

Having said that, Mr. Chairman, I must admit that there are two things with which I disagree. One is the length of the extension. I personally, will support the Whalen amendment at the time it is offered for a 1-year extension and, secondly, that provision relating to conscientious objectors which I hope the Committee will give some consideration to during the amendment process.

Mr. Chairman, an article which recently appeared in the Sacramento Union, highlights the results of a survey by the Air Training Command at Mather Air Force Base. According to the survey, young airmen:

> Generally are forced to live in substandard housing, have no funds for leisure, and are forced to eat below their desired standards.

Maj. Gen. William W. Veal, commander of the Sacramento Air Material Area was quoted as saying his base's statistics showed "a startling number of young airmen" in the Federal food stamp program for survival's sake.

Although one survey found nearly 1,400 servicemen using the food stamp programs, military personnel were denied other forms of public assistance. According to one county welfare official:

> It doesn't really matter what their income level is. We consider the military man a fully employed person. You're dealing with an intact family with the father fully employed—and to qualify for aid, they have to meet a deprivation requirement, either through the absence of the father or unemployment of the father.

The results of another study should be of interest to those who profess concern about the effect of military manpower procurement systems on different socio-economic classes:

> Lower ranking Army families residing apart from the family head have a variety of ways of adapting. . . . The traditional arrangement, for the wife to live with relatives or parents, is not always satisfactory, for relatives or parents may not want to assist the family or may not have the financial resources to do so.
>
> The problems of maintaining separate residence will be most acute among members of low income or minority families, whose relatives live in the urban ghetto. Such families, whose husbands also stand a high chance of being drafted, will not have access to the personal, family, and financial resources enjoyed by middle-class families.
>
> Without family assistance the lower-ranking family may be forced to live with friends, or perhaps rent an apartment through use of funds received from employment, welfare, or the husband's part-time job.

The author of the study, a former Army social work officer, reported that this was not an uncommon situation.

The harsh reality is that many GI's now live in poverty due to a military compensation structure that is a national disgrace. During the period from 1948 to 1969, for example, the pay for careerists was increased by 111 percent, but by only 60 percent for first termers. The legislative history of military pay increases reveals that our current pay tables rely heavily on the power to compel young men to enter the military regardless of the wage level.

In spite of the fact that the cost of living rose by over 20 percent from 1952 to 1964, the pay of a recruit remained at a meager $78 a month for the entire period. In 1964, for example, Assistant Secretary of Defense Norman S. Paul admitted that low wages led to high turnover and poor morale, yet he cynically justified continued conscription as a budget saving device:

> Undoubtedly, if you significantly increased the pay of these people, more of them would stay in and there would be less griping and less people leaving the service . . . the cost of a significant pay increase has not been an investment (the government) wish(es) to make.

Under present pay scales, the average recruit earns only $2,750 a year—including basic pay, quarters and subsistence, and the tax advantage. Under any comparison, this wage rate is clearly inadequate: the Federal minimum wage annualizes to $3,300, an average Job Corps graduate earns $3,900 a year, and beginning wage for most unskilled blue collar work.

The difference between military entry pay and civilian wages represents a tax-in-kind of nearly $2 billion on those who are compelled to join the Armed Forces. The inequity of this implicit tax is intensified by the fact that less than one out of four young men are needed to fill military manpower requirements. Thus, the unlucky few who are drafted, or are draft-motivated volunteers, must bear a grossly disproportionate share of the national defense burden.

I am appalled by the logic of a system which compels young men to leave civilian life, and then forces them to choose between poverty and welfare; in a democratic society, it is intolerable that we use compulsory military service to reduce the cost of defense to the general public.

Every Member of this body is acutely aware of the deep anguish the draft has produced throughout our Nation. We have tried to reform the draft—and I hope we shall continue to do so by eliminating student deferments—but it is impossible to establish equity in a system that is inherently selective and discriminatory.

We are now faced with a unique opportunity to end the oppression of compulsory military service. Last year, the President's Commission on an All-Volunteer Armed Force reported that we could end the draft, consistent with our national security requirements, by paying our men in uniform a fair wage. It has been my privilege, along with the distinguished gentleman from Hawaii (Mr. MATSUNAGA), to have cosponsored legislation implementing the recommendations of this prestigious Commission, with the bipartisan support of 90 other Members representing a diversity of ideological backgrounds.

It has been most gratifying to see that the Committee on Armed Services has reported a bill (H.R. 6531) which contains much of what we advocated. For the first time in the modern era, a congressional committee has recognized the direct connection between conscription and inadequate military compensation. The committee should be commended for the pay structure recommended in their bill, which compares favorably to the recommendations of the Gates Commission.

It is my hope that we will now limit the extension of the draft to 1 year, to place the maximum pressure on all those responsible for setting public policy to make an all-out effort to end the draft. The 1-year extension, it should be remembered, is consistent with the Gates Commission view that the draft can be terminated within a year after the pay raises have been provided.

In his message on selective service, President Nixon stated:

> With an end to the draft we will demonstrate to the world the responsiveness of our system of government, and we will also demonstrate our continuing commitment to the principle of ensuring for the individual the greatest possible measure of freedom.

With these words in mind, I urge my colleagues to support the pay raises recommended by the committee, and to limit the extension of the draft to a 1-year period.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania, Mr. VIGORITO.

Mr. VIGORITO. Mr. Chairman, today and tomorrow we will be considering a most vital piece of legislation—the Military Selective Service Act of 1967. It has been 4 years since we passed this measure and since that time much has taken place in our military posture and in our national defense needs.

Because of this, the Selective Service Act is also in need of change. Many studies have been made since 1967 with the purpose of revamping or revising the Selective Service Act. The one which has caused the most attention is the proposal for an all-volunteer army.

Studies such as this have considered the Selective Service Act as a whole, as a big package. It may be true that we need a complete change in the act, but what I wish to offer for the consideration of my colleagues tomorrow is a short amendment, brief and to the point.

Its purpose is to straighten out what I feel is a great injustice in the present act. Currently two, three or even as many as five or six sons from one family may be drafted to serve in our military forces. A couple of days ago we all read in the newspapers of the death of an elderly woman who—during World War II—had sent five sons to war. Four of them came back in coffins.

Must we continue to allow this senseless tragedy? This woman made a great and patriotic gift to her Nation—the lives of four sons. But we can lessen the burden of this useless sacrifice when we are not actually at war.

My amendment states that two or more brothers from the same family could not be inducted into the military services if there was one male member of the family already in the Armed Forces, or if one had already been in the service previously.

The exceptions would be in the case of a war or national emergency declared by Congress or if the second brother wished to volunteer for military duty.

Every day families across the country are undergoing great anguish. They already have a son stationed in the military forces somewhere around the world and now a second brother—usually a younger brother—has also been called away. Instead of one son exposed to risk and danger, there are two sons who must face death in the service of their country. This is double and cruel suffering for parents.

We have a sufficient pool of manpower to fill the requirements of the Army, Navy, Air Force, and Marines. The latest census shows that there are more than 55 million families in the United States. Yet in 1965 we drafted 230,991 men into the services; in 1966, 382,010; 1967, 228,263; 1968, 296,406; 1969, 283,586; and 1970, 162,746; for a total of 1,584,002.

This shows that the burden of military service falls on a very small portion of our Nation. Yet, when you take two, three, or four sons from one family, you are placing a disproportionate weight on their shoulders. We would not be affecting the strength of our military forces by approving this amendment. But we would be doing a great service to millions of parents across the land. We would be equalizing the burden of suffering which every parent undergoes when a son goes off to fight in a foreign land. I urge my colleagues to join me in passing what I believe to be a most necessary and needed reform of our Selective Service Act.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, I thank the distinguished gentleman from Illinois for yielding to me this time.

Mr. Chairman, at this time I rise in support of the amendment which will be offered by the gentleman from Ohio (Mr. WHALEN) to limit to 1 year the continuation of the draft induction authority in H.R. 6531.

Mr. Chairman, I entered the Congress in January of this year with an open mind on the subject of selective service. I shared the doubts of many toward an all-volunteer armed service. Since that time I have done a great deal of research and questioning on this subject. I have talked with many of my colleagues of the House and I have talked with many of the young people, and the older people, in my own district, and I have concluded that the establishment of an all-volunteer armed service is feasible, and indeed essential to the well-being of the Nation. It certainly falls more within the tradition of this country than does the present draft.

The legislation before us today, in the words of the committee report:

> Gives the Department of Defense all of the principal tools to do the job that the Department has asked of Congress, and that can be supplied legislatively.

I agree with this committee assessment, but I feel that the tools are adequate enough to move in this direction at a faster rate than is expressed in this bill.

There is in this vote another question, and that is our continued involvement in Vietnam. I have supported the President's policies, and feel that his program of withdrawal will be successful. Indeed, I feel his program of withdrawal will be accelerated, and I think he has been successful in reversing the ever-accelerating trend that occurred prior to his entry into office, but by having only a 1-year extension the Congress will be exerting its influence to insure an end to our military involvement in this next year. This action will put Congress in its constitutional position of oversight, and allow us to reexamine the manpower needs of the military in 1 year.

If Congress takes this road, we will be acting in a responsive manner.

Just as I feel that a 1-year extension is responsible and justified, I feel that to end the draft on June 30 of this year would be irresponsible. The 1-year extension gives the President a fair assessment of the temper of the Congress and that we are serious about moving toward a volunteer armed force. It also gives the President and the Department of Defense 15 months to move in that direction.

The Committee on Armed Services is to be commended for writing a bill that enables us to move forthwith to an all volunteer armed force. The bill includes many of the provisions of the bill which I introduced with 75 other cosponsors, and the recommendations of the Gates Commission report. These provisions include pay raises that are nearly equivalent to those in the volunteer Army bill. The committee bill provides quarters allowance and also permits expanded recruitment programs. In its report the committee stated its intention to support the recommendation improvements in ROTC programs and numerous other items. I feel that all these steps are strong moves in the right direction, and that is in the direction of a volunteer armed force.

I support the basic goals outlined by the bill, but strongly feel that Congress has an obligation to the Nation, and especially to the young men of America, to insist that we strive for creation of an all volunteer armed force in the next year. It can be done, and with the passage of this amendment, it will be done.

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

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I thank the distinguished chairman of the committee for his courtesy.

Mr. Chairman, I would hope this body can afford itself an opportunity to vote for an end to the draft and for an all-volunteer army on a straightforward basis. I would seek a straight vote yes or no on the unmixed question of an armed services pay raise.

I see no necessity to mix pickles and pears, so that one who wishes to vote for an end to the draft, is compelled to vote against a pay raise for those in the Armed Forces.

I do not think one who wishes to vote for a pay raise for our servicemen should be compelled to vote for an extension of the draft.

Such parliamentary arrangements are clever. They are too clever. Putting inherently inconsistent questions such as have you stopped beating your wife: and did you ever make love to a sheep all you wanted to? This is an entertaining exercise on a burlesque stage, but should find no home in the Halls of Congress.

Mr. Chairman, it seems to me that every Member of Congress who can read and write has introduced some resolution aimed at resolving our Southeast Asian difficulties and restoring to Congress a vote on foreign policy. Now, I cannot join those who would vote against funds and appropriations for our troops whom we draft and send half way around the world to fight. I do not see how you can send draftees abroad and then deny them funds for supplies and weapons.

I do believe that an end to the draft would force the Chief Executive to fight his wars with volunteers, in which case, if he could, he would have a popular war and national unity would not be endangered. Or if volunteers did not supply adequate numbers of troops for foreign commitments then the President could simply come to Congress, justify his request, and ask for troops through a draft. That was the procedure of Abraham Lincoln, Woodrow Wilson, Franklin D. Roosevelt, and Harry S. Truman. Any President should rejoice to find himself in such company.

Here, Mr. Chairman, is the source of a voice for Congress on foreign policy. Let us seize it.

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

Mr. HUNGATE. I yield to the gentleman.

Mr. CONYERS. Mr. Chairman, may I commend the gentleman from Missouri for making one of the most intelligent statements during the debate. I think every Member of this body should read his remarks before we vote.

Mr. HUNGATE. I thank the distinguished gentleman from Michigan for his customary generosity.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Thank you very much, Mr. Chairman.

Mr. Chairman, I rise in support of this bill. I wish to commend the management of the committee, the chairman, in presenting the bill in the form that we have it today. The rule is an open rule. We have plenty of time to debate the bill.

As with any great bill, this one can be made even better, and I do intend to support certain amendments, one of which would propose to reduce the term of the bill from 2 years to 1 year, and I think another very important amendment would, in respect to the conscientious objector, conform the statute to the way the courts are currently interpreting the law, which I think would give young people a better break on what their rights are in the United States.

Mr. Chairman, this is a good bill which assures the required strength for the Armed Forces and assures the means of getting that strength by continuing the induction authority for 2 years while at the same time providing a means for eventually abolishing the draft and going to an all-volunteer force.

The pay rates established in this bill are justified as a matter of equity. They give substantial increases to draftees and other men with less than 2 years of service who have been compelled to serve at substandard pay rates in the past. They give a needed quarters allowance to all military personnel—an allowance that has not been increased in 8 years despite the obvious increases in housing costs.

These pay increases for the first time give us a rate of military pay which is fully competitive with the civilian economy and gives high promise of allowing us to achieve an all-volunteer force.

I want to take a minute to particularly point out one section of this bill and urge my colleagues to give it their support. This is section 6 of the bill which amends title 37 of the United States Code to provide special pay for optometrists. Quite frankly, this section is long overdue. Of the major medical specialties that are subject to the doctor draft—medicine, dentistry, osteopathy, veterinary medicine, and optometry—the optometrist is the only one that does not qualify now for special pay. Yet the optometrist has faced the draft in 4 of the last 5 years and has, in fact, faced the draft more frequently than some who now get special pay. The bill provides special pay for optometrist officers in the Army, Navy, Air Force, and Public Heath Service as follows: $50 per month in pay grades 0–1, 0–2, and 0–3; $150 per month in pay grades 0–4 and 0–5; and $200 per month in any pay grade above 0–5.

Take in relation to the pay provided dentists and physicians I think these rates are fair and I think they should go a long way toward improving the retention among optometrist officers and therefore improving the eye care provided to members of the Armed Forces.

This legislation has been coauthored by no less than half of the members of our Armed Services Committee, and I include a list of their names at this point in the RECORD:

Optometry: Provide additional benefits for optometry officers of uniformed services, by Mr. Fisher, Mr. Leggett, Mr. Lennon, Mr. Hicks, Mr. King, Mr. Brinkley, Mr. Corbett, Mr. Bennett, Mr. Long of Louisiana, Mr. Mollohan, Mr. Taylor, Mr. Byrne of Pennsylvania, Mr. Jones of Tennessee, Mr. Ullman, Mr. Whitehurst, Mr. Sisk, Mr. Wiggins, Mr. Ichord, Mr. Bob Wilson, Mr. O'Konski, Mr. Gubser, Mr. Davis of Georgia, Mr. Charles H. Wilson, Mr. Shipley, Mr. Nichols, Mr. Sebelius, Mr. Helstoski, Mr. Fuqua.

This special pay is justified in terms of the educational investment that optometrists have made and in terms of comparison of the average income of optometrist officers in civilian life as well as on the simple grounds of equity because of their liability to the draft.

Our Special Subcommittee on Supplemental Service Benefits in the last Congress in an extensive review of health benefits programs in the Armed Forces found shortcomings in the eye care provided military families. One of the things the subcommittee recommended was consideration of special pay for optometrist officers.

I might point out also that that subcommittee found inconsistencies in the staffing of three of the military services as regards to optometrist officers. I hope the Defense Department will understand that in providing this new provision to enhance optometrist careers, we will expect the Defense Department to use the authority in such a way as to improve its staffing of optometrists.

In summary, Mr. Chairman, this is one more example of the Committee legislating rather than rubberstamping. It is one of many new provisions that the committee put in the bill to mark a better day for our Armed Forces. I am proud of the committee's work and I hope all Members of the House will support it.

Now let us talk about the substance of the voluntary system.

Abolition of the draft is supported by elements of the entire political spectrum, from Senator MCGOVERN on the left to Senator GOLDWATER on the right. Polls show it is supported by a substantial majority of the American people. A Presidential Commission, headed by former Secretary of Defense Thomas Gates and including former four-star Generals Gruenther and Norstad, studied the issues with competence, and concluded:

We unanimously believe that the Nation's interest will be better served by an all-volunteer force, supported by an effective standby draft, than by a mixed force of volunteers and conscripts; that steps should be taken promptly to move in this direction, and that the first indispensable step is to remove the present inequity in the pay of men serving their first term in the armed services.

There is no question that a voluntary system would produce a more efficient, a more effective, higher morale fighting force.

Today and tomorrow we will be taking the first step in this direction by raising pay scales. But this is only the first of at least four steps we must take.

The second step, as acknowledged in the Committee report, is to improve the material living quarters and facilities, more privacy, and so forth.

These two steps will serve to attract sufficient quantities of men. But we must be concerned with quality as well as

quantity. Modern warfare, with its technological and political complexity, is no place for dummies. We cannot expect a bright young man to voluntarily sign himself up fora life of make-work, stultifying regulations, and frustration of individual initiative. I am fully in support of Admiral Zumwalt's approach to military life, and I hope we will see much more of the same.

Fourth and finally, we must make a military career respectable in our general society. This cannot be done simply by deploring the declining prestige of the military. The plan fact is that, as long as the military is associated with the stupidity of operations such as the Vietnam war, it is not going to be a respectable element of our society in the eyes of the kind of man it needs to attract. The military has an honorable part to play in protecting our country from foreign nuclear aggression, and in helping those nations which are really free to stay that way. But if we continue the interventionist foreign policy of the past several years—well, the young people the military needs just do not like it and will not want any part of it, and there will not be anything we can do to change that. I am reminded of a poll by the Harvard newspaper last year which found more than 90 percent of the seniors would be unwilling to participate in the military under any circumstances.

If we make all these changes, Mr. Chairman, we can have a voluntary defense force. We can eliminate the injustice of the draft. We can eliminate the $675 million we spend annually to train men who drop out as soon as their terms are up, and then we have to train their replacements.

Finally, Mr. Speaker, let me discuss the fear many people have of a military caste developing, of greater influence of a career military on our society, and of the ultimate danger of a military coup. These arguments for the draft are not inconsequential, but on balance I find them not persuasive. We had a voluntary system throughout most of our history; we never had a peacetime draft until shortly before the Second World War, and we never had the military-industrial complex problems we have now. Great Britain has always had a peacetime volunteer force, and they have had ideal military-civilian relations. Greece had a conscripted force, and we all know what happened to them. Mr. Speaker, no one is more dedicated to civilian supremacy than I am, but in my view there is absolutely no question that the advantages of voluntary system outweigh its disadvantages.

Mr. HÉBERT. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, since I have been in Congress I doubt that we have faced a more important issue than the one we are facing today, and it is disconcerting to find so little attention being paid by the Members of the House of Representatives to this debate.

I know there is a great deal of concern being expressed about ending the war in Vietnam, and the liberal element of the House, of which I count myself a Member, is all concerned about cutting off the funds to continue the war in Vietnam as of December of this year, and I support this effort. But if we are willing to cut off the funds to avoid continuation of that war, why should we not also be willing to cut off the manpower that is needed for the war in Vietnam? There ought to be an equal commitment to end the manpower supply, just as there is a commitment to end the dollars needed for that war. The draft is inextricably tied up with the continuation of the war in Vietnam. I am one of those who believe if we want to end the war in Vietnam, we ought to vote to end the draft.

For my conservative friends, there is another issue. Many spoke about it today. They said they were so unhappy about the way in which Lieutenant Calley was treated, that they would never recommend to young people that they volunteer to serve in the Armed Forces.

As a matter of fact, one Member said if there was another such incident to happen, there will never be a sufficient supply of men who would voluntarily enlist in the Armed Forces. This very day a whole draft board resigned in Georgia because of what they consider to be the unfair treatment Lieutenant Calley received. The conservatives who believe Lieutenant Calley received unfair treatment ought to understand they are compelling young men to go into the Armed Forces and that there may result to these young men the unfair treatment they believe Lieutenant Calley received.

This vote is an extremely important opportunity for the Members of this House to declare to the President: Mr. President, we think Congress ought to take a part in this decision in Vietnam. We have stood by and let the Executive do it—and I have opposed the President of my own party just as I oppose my President of another party in this policy. I am going to vote to end the draft and have it expire, and I am going to vote to cut off the money for Vietnam. I am going to vote to end the war in Vietnam.

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

Mr. WALDIE. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, after studying the provisions of H.R. 6531, I wish to commend the members of the Committee on Armed Services for their excellent work. The bill, while it contains provisions that I should like to see changed or amended, is in my opinion a sound and excellent attempt to legislate in this highly complex and difficult area.

I would also like to commend the distinguished gentleman from Louisiana (Mr. HÉBERT) who as chairman of the Committee on Armed Services extended the widest latitude possible to all groups and individuals of varying persuasions in the hearings on the bill. I think a particular expression of appreciation is due him.

Though the bill is generally sound, I expect to support some of the amendments that have been suggested. Among these is the proposal to limit the extension of the President's induction authority to 1 year rather than the 2 years provided herein. I support the 1-year extension primarily because I believe an annual consultation on the part of the executive branch with the Congress is to be desired on military matters. At the present time the Department of Defense, and, in fact, all other executive departments, must come to the Congress annually for operating budgets. I see no reason why the Department of Defense, or more particularly, the Selective Service System should not present their manpower needs to the Congress on an annual basis as well.

It has been the trend in recent years that the policymaking privileges inherent in the Congress have been absorbed by one or more agencies of the executive branch. I believe a 1-year limitation on the right to draft young Americans would tend to reverse this trend, and reassert the historic role of Congress as a coequal branch of Government.

Amending the bill to limit the draft extension to 1-year is in my opinion realistic. It would offer the administration an additional period of 15 months in which to explore the possibility of a volunteer army. A few weeks ago I sponsored H.R. 4451 to provide for the procurement of voluntary military manpower. This action would, in effect, place the Congress on record in support of the all-volunteer concept.

This amendment, in addition, would permit the executive branch and the Congress to determine whether increases in pay and other benefits are sufficient inducements to produce an all-volunteer force. Should the experience of the next 15 months prove otherwise, the administration would then have the opportunity to place alternative recommendations before the Congress.

Inasmuch as the continuing conflict in southeast Asia is the causative factor behind the need for extension of the draft, the year and three months granted under this amendment would provide the administration an additional period of time to wind down the Vietnam conflict. If the U.S. troop commitment in southeast Asia has not ended by the expiration of this law, then it will be encumbent upon the administration to request further congressional authority to continue the conflict. This would afford the Congress the opportunity and responsibility of determining whether the conflict should be perpetuated beyond July 1, 1972.

I am opposed to the proposal to end the immunity of divinity students. I believe this provision should be continued in the same form it currently has.

Another amendment which I believe has great merit and which I intend to support is one to restrict draftees under this 1-year extension from serving in Vietnam after December 31, 1971. The burden of the war in southeast Asia to date has fallen largely upon those who have been drafted. The casualty rate for draftees has been roughly twice that for enlisted men. These awesome statistics have been largely responsible for the extreme interest in an all-volunteer army.

In summary, then, I expect to support H.R. 6531 with certain amendments. This legislation does not offer the ideal solution to our military manpower needs.

However, it will, I believe provide a realistic alternative to the administration's request for a 2-year extension of the authority to conscript.

Mr. HÉBERT. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I would like to thank the distinguished chairman of the Armed Services Committee for yielding me this time.

Mr. Chairman, I have asked for this time for two purposes. One is to announce that I will, at the appropriate time in the reading of the bill, offer as a replacement for section 1 of the bill, which contains the extension of the selective services authority, the substance of the bill I have previously offered as the National Service Act, which would allow any young man at the age of 18 to opt for civilian service in place of serving in the military or being liable to the draft.

The National Service Act as a replacement for the draft, is supported by 71 percent of the national population, according to a Gallup poll, and by 80 percent of those surveyed in the 21- to 29-year-old age group who would be most affected. This indication of support compares with a Harris poll showing 52 percent in favor of the much publicized all-volunteer army.

The National Service Act has won the support of many newspapers and broadcasting stations, including the New York Times, the New York Post, the Sunday Star, Washington, D.C., and WRC–TV here in Washington. The bill has been sponsored in the House by the following Members: Mr. ADAMS, Mr. ADDABBO, Mr. BERGLAND, Mr. BYRON, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. DINGELL, Mr. FULTON of Pennsylvania, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HAYS, Mr. LEGGETT, Mr. MEEDS, Mr. PODELL, Mr. REES, Mr. ROYBAL, Mr. THOMPSON of New Jersey, Mr. TIERNAN, and Mr. UDALL.

My amendment, the text of which I include below, would replace section 1 of the committee bill, the section which amends the Military Selective Service Act and extends it for 2 years. The amendment would retain all the other committee sections, including the pay raises for the Armed Forces which are much needed.

The National Service Act has been extensively discussed by me and others here on the floor in the past as well as in testimony before the Armed Services Committee both last year and this year. Let me, however, highlight some of its key provisions again. The present Selective Service law would be abolished. In its place, a young man at 18 would be given one of three choices: first, to volunteer for military service; second, to volunteer for civilian service; or third, to take his chances on a draft lottery.

Under the National Service Act willingness to perform civilian service would be the only commitment required of a young man to qualify him for this program. The jobs available in civilian service would be greatly expanded from the sort of jobs now available to conscientious objectors. They would include hospital work, law enforcement, urban renewal, Peace Corps and Vista type programs and a great variety of other jobs. Any young man who is unable to find his own job would enter the Civilian Service Corps, a Government program to train men in urgently needed skills. These men could then either find a job on their own with their new skills or they could remain in the Civilian Service Corps and perform such work as reforestation.

The National Service Act makes it possible for any young man who volunteers for civilian or military service to postpone his actual service for up to 4 years of education or training. This would be a true deferment, and not a de facto exemption, as present college deferments often turn out to be, and would allow a young man to be deferred for trade school or on-the-job training, as well as college.

Mr. Chairman, to make the full text of this amendment available to Members, I include it at this point in the RECORD:

AMENDMENT TO H.R. 6531, AS REPORTED: OFFERED BY MR. BINGHAM

Page 1, strike out line 3 and all that follows thereafter down through line 22 on page 11 and insert the following:

TITLE I—NATIONAL SERVICE ACT

SEC. 101. This title may be cited as the "National Service Act".

POLICY AND INTENT OF CONGRESS

SEC. 102. The Congress finds that—

(1) the defense of the United States requires that a substantial portion of the young men in the United States must serve, at some time, in the Armed Forces of the United States;

(2) the manpower requirements of the Armed Services are unlikely to be met entirely by voluntary enlistments, and that ongoing provisions for conscription are necessary;

(3) the present Universal Military Service and Training Act, both in conception and administration, works grave and unnecessary inequities on the lives of the young men required to serve under it;

(4) there are many areas of nationally valuable work to which the market economy and Government programs presently supply inadequate amounts of manpower;

(5) young men of draftable age have both the ability to serve effectively in these areas and an idealistic desire to serve their country through participation in them; and

(6) a system of national service which provides an opportunity to effectively utilize these high aspirations and to accomplish these vital tasks, and at the same time provides for the military needs of the United States, is in the greatest national interest.

Therefore, it is the policy and intent of Congress in enacting the National Service Act—

(1) to fulfill military manpower needs by establishing procedures for the selection of men into the Armed Forces of the United States by means of a random lottery;

(2) to provide a free choice for young men between serving their country in a civilian or a military capacity, and to provide within the civilian category a variety of choices;

(3) to encourage civilian service registrants to become employed in areas of social need and to work within these areas in ways which do not interfere with the existing market and labor structure of those areas; and

(4) to create a selection process for the military which eliminates the inequities in the present selective service system.

NATIONAL SERVICE AGENCY

SEC. 103. (a) There is hereby established in the executive branch of the Government an agency to be known as the National Service Agency, and a Director of National Service who shall be the head thereof (hereafter referred to in this title as the "Director").

(b) The National Service Agency shall include a national headquarters, such regional headquarters as shall be established by the President, and such local placement centers as shall be provided by the President.

(c) The Director and three Deputy Directors shall be appointed by the President by and with advice and consent of the Senate and shall serve at the pleasure of the President. No person on active duty with the military forces of the United States shall be considered eligible for appointment as Director, Deputy Director, or any other office or position within the National Service Agency.

(d) Except as otherwise provided in this title, the Director shall appoint, and fix, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, the basic pay of such officers, agents, and employees as he deems necessary to carry out this title.

(e) The Director is authorized, subject to the availability of funds appropriated for such purposes, to procure such space, personnel, and other material necessary to carry out the provisions of this title.

(f) Within the National Service Agency there shall be established three divisions, each headed by a Deputy Director appointed under subsection (c). These divisions are—

(1) the Civilian Service Division which shall be responsible for the operation and administration of the civilian service as established by this title.

(2) the Military Lottery Division which shall be responsible for the operation and administration of the system for the fulfillment of military needs as provided for in section 110 of this title;

(3) the Registration and Placement Division, which shall be responsible for operation and administration of all local placement centers as established in section 113(b) of this title.

The Deputy Director in charge of Registration and Placement shall also be responsible for the appointment, within each regional center as authorized in section 103(b) of this Act, of a Regional Registration and Placement Administrator.

(g) Each Regional Registration and Placement Administrator shall appoint a civilian board for his region, none of whose members shall be employees of the National Service Agency, to handle claims as provided for in sections 106(a)(4), 106(b)(2), and 107(b), and shall appoint such hearing examiners who shall hear testimony, make findings of fact and conclusions of law and arrive at a decision as to the merits of any registrant's claim. A registrant shall have the right to appeal any such decision to the regional board as provided in section 107.

SELECTION OF QUALIFIED OCCUPATIONS

SEC. 104. (a) With the assistance of such advisory committees as the Director may establish, the Director shall from time to time promulgate regulations establishing specific occupational categories in which civilian service registrants may serve.

(b) An occupation shall be deemed suitable under subsection (a) of this section if—

(1) the occupation is of substantial social benefit to the community, Nation, or foreign nations wherein the registrants are to perform their service;

(2) Federal participation in the occupational area is constitutionally permissible under the First Amendment to the United States Constitution;

(3) participation of registrants in the occupation will not interfere unreasonably with the availability and the terms of employments of nonregistrant employees;

(4) registrants are able to meet the physical, mental, and educational qualifications that the occupation requires; and

(5) the occupation is in other respects suitable to the goals of this title.

(c) Suitable occupations shall include but shall not be limited to jobs in the employ of—

(1) State, Federal, and local government agencies;

(2) Public, private, and parochial schools;

(3) Nonprofit hospitals;

(4) Law enforcement agencies;

(5) Penal and probation systems; and

(6) Private, nonprofit organizations whose principal purpose is social service.

Suitable occupations shall not include jobs in the employ of—

(1) profitmaking business organizations;

(2) labor unions;

(3) partisan political organizations;

(4) organizations engaged in religious functions;

(5) domestic or personal service companies or organizations; and

(6) commercial farms.

(d) (1) Any action for the issuance, amendment, or repeal of any regulation promulgated by the Director under subsections (a) and (b) of this section shall be initiated by a proposal made (A) by the Director on his own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, filed with the Director. The Director shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Director shall by order act upon such proposal and shall make such order public. Except as provided in paragraph 2 of this subsection, the order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

(2) On or before the thirtieth day after the date on which an order entered under paragraph (1) of this subsection is made public, any person claiming that he will be adversely affected by such order if placed in effect may file objections thereto with the Director specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Until final action upon such objections is taken by the Director under paragraph (3) of this subsection, the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Director shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

(3) As soon as practicable after such request for a public hearing, the Director, after due notice, shall hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative. As soon as practicable after completion of the hearing, the Director shall by order act upon such objections and make such order public. Such order shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the order, detailed findings of fact on which the order is based. The Director shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication unless the Director finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order its findings as to such conditions.

(e) (1) Any person who will be adversely affected by such order if placed in effect may at any time prior to the ninetieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director or any officer designated by it for that purpose. The Director thereupon shall file in the court the record of the proceedings on which the Director based its order.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Director, the court may order such additional evidence (and evidence in rebutal thereof) to be taken before the Director, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court may deem proper. The Director may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently. If the order of the Director refuses to issue, amend, or repeal a regulation and such order is not in accordance with law, the court shall by its judgment order the Director to take action, with respect to such regulation, in accordance with law. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive.

(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Director shall be final, subject to review by the Supreme Court of the United States by writ of certiorari.

(5) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

(f) The Director shall from time to time solicit information from all public and private employers who are authorized pursuant to subsections (b) and (c) of this section to participate in the civilian service program on—

(1) what types of jobs, whether existing or newly created for civilian service registrants, each employer would propose to have filled by registrants within the employer's organization;

(2) how many of each type of job the employer believes he could usefully fill;

(3) what effect civilian service registrants would have on his employment, and particularly hiring, practices; and

(4) what physical, mental, and educational qualifications the employer would require for civilian service registrants filling these jobs.

(g) The Director shall certify specific jobs as qualified for employment suitable for Civilian Service Corps employment according to the regulations promulgated by the Commission under subsections (a), (b), (c), and (d) of this section. The Director shall appoint hearing officers who shall hold hearings on the written request of any employer or registrant adversely affected by a decision of the Director as to the suitability of a specific job as Civilian Service Corps employment. The registrant or employer may appeal the decision of a hearing examiner to the appropriate regional board, as provided in section 113(f), within thirty days of receiving notice thereof. The decision of the regional board may be reviewed by the Director at the request of the registrant or employer. The decision of the Director shall be final.

(h) The Director shall regularly compile lists on a national basis of job opportunities which qualify within the occupational categories which are currently available, so that registrants shall have information on job opportunities throughout the Nation. These lists shall be available to registrants at local placement centers.

REGISTRATION

SEC. 105. (a) Except as otherwise provided in this title it shall be the duty of every male citizen of the United States to present himself for and submit to registration at the local placement center which serves the area in which he resides within ten days after the seventeenth anniversary of his birth; except that all persons heretofore registered under the Military Selective Service Act of 1967 or prior corresponding provisions of law shall be deemed to have satisfied the registration requirements of this paragraph.

(b) Each local placement center shall, at the time of registration, provide each registrant with detailed information on the nature and scope of the operations of the National Service Agency as provided to each placement center by the Office of the National Director. This information shall include but is not limited to a description of the operation of the military lottery, of enlistment opportunities in the Armed Forces, a list of general occupational categories established by the National Commission pursuant to section 104, and a detailed list of the actual qualified civilian service jobs available in the geographical area.

(c) Each local placement center shall maintain a staff of counselors who shall interview registrants and explain the details of the operations of the national service system.

(d) Each local placement center shall cause each registrant to complete, or where necessary shall complete for each registrant, such forms as may be required by regulations implementing this title, and such information shall be forwarded to the Director. All information contained in these records pertaining to registrants shall be disclosed only to authorized employees of the National Service Agency and to the individual registrant.

EXEMPTIONS AND DEFERMENTS

SEC. 106. (a) The following persons are exempt from participation in the military lottery:

(1) Personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard; cadets and midshipmen of the United States Military Academy, United States Naval Academy, United States Air Force Academy, and United States Coast Guard Academy; students enrolled in officer procurement programs at military colleges whose curriculum is approved by the Secretary of Defense; members of Reserve components of the Armed Forces and the Coast Guard; persons who served honorably on active duty in the Armed Forces at any time prior to the date of enactment of this Act; members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, or the Coast Guard Reserve, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(2) Persons found physically, mentally, or morally unfit on a permanent basis, by standards to be prescribed by the President for any national service, either military or civilian, under this title.

(3) Persons who are not citizens of the United States. Any person who becomes a citizen of the United States after attaining

the seventeenth anniversary of his birth and before attaining the twenty-fifth anniversary of his birth shall be registered and treated in all respects as if he had attained the seventeenth anniversary of his birth on the date of his naturalization, except that his liability for service under this title shall not extend beyond the thirtieth anniversary of his birth.

(4) (A) During any period other than the period of a war declared by Congress, persons who, by reason of training and belief, are conscientiously opposed to any participation in the national service system established by this title.

(B) During the period of a war declared by Congress, persons who by reason of training and belief, are conscientiously opposed to participation in war in any form.

(C) In order to establish conscientious opposition under subparagraph (A), a registrant must prove by a clear preponderance of the evidence that service in general in a military and civilian capacity would be a violation of his most profound convictions. In order to establish conscientious objection under subparagraph (B), a registrant must prove by a clear preponderance of the evidence that participation in war in any form would be a violation of his most profound convictions. Whether an individual meets the requirements of this paragraph shall be determined pursuant to the procedure as provided in section 107.

(b) (1) The following persons shall be deferred, under regulations prescribed by the President, from participation in the military lottery:

(A) Persons satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning shall be deferred until graduation or until the end of the sixth academic year spent following completion of grade eight or the equivalent grade levels thereof.

(B) Persons found physically, mentally, or morally unfit on a temporary basis, under standards to be prescribed by the President, for any national service, military or civilian, under this title, shall be deferred for such time as that condition of unfitness shall continue.

(3) Any person granted a hardship deferment by the civilian board in their region pursuant to paragraph (2) below.

(2) A registrant may present, in writing, a claim of hardship pursuant to the procedure provided in section 107 at any time before or during a registrant's participation in the national service. Upon examination of the registrant's claim of hardship, a civilian board may—

(A) reject the claim as a whole;

(B) determine that the subsistence allowance of a civilian service registrant as provided for in section 13(b) shall be increased to provide for members of the registrant's family who are substantially dependent upon him for financial support, such increase not to exceed $4,000 per year maximum; or

(C) determine that the civilian service registrant be placed in a civilian service job if one is reasonably available which will enable him to reside with those members of his family who are substantially dependent upon him for personal services or for other forms of personal assistance; or

(D) upon a finding of hardship and a finding that subparagraphs (B) and (C) are insufficient either alone or applied together to provide adequately for members of the registrant's family who are substantially dependent upon him determine that the registrant be granted a hardship deferment from national service for as long as necessary; except that upon the twenty-fifth anniversary of his birth, a registrant deferred under this paragraph shall be deemed to have participated in the military lottery and not to have been selected during his period of liability.

CLASSIFICATION; RIGHT TO APPEAL CLASSIFICATION

SEC. 107. (a) Each registrant shall be classified according to regulations promulgated by the Director by the local placement center where he is registered on the basis of information supplied by the registrant to the local placement center. Whenever a registrant's status changes so that he believes that he is entitled to a classification different from that which has been previously assigned him, he shall apply to the local placement center by alleging in writing the facts which he believes entitled him to a different classification.

(b) A registrant may appeal his classification by notifying the civilian board appointed by the Regional Registration and Placement Administrator of that region pursuant to section 103(g) on or before the thirtieth day after receiving notice of any classification by the local placement center. The civilian board shall refer all appeals to a hearing examiner as provided for in section 103(g) to hear testimony, make findings of fact and conclusions of law, and arrive at a decision as to the merits of the registrant's claim. The hearing shall be held as close to the area in which the registrant resides as is practicable.

(c) The registrant may appeal the decision of the hearing examiner to his civilian board within thirty days of receiving notice thereof. The civilian board shall review the whole record and affirm the hearing examiner's decision only if supported by reliable, probative, and substantial evidence. On its discretion, the board may hear further testimony.

(d) Decisions of the civilian boards may be appealed by the registrant to the Director whose standards of review shall be the same as that of the civilian boards, described in subsection (c) of this section.

(e) A registrant who appeals his classification shall be entitled to appeal and to have the right to counsel at all stages of the appeal process. The National Service Agency shall, at its own expense, provide a lawyer for those unable to afford counsel. The hearing examiner shall determine whether the registrant is capable of paying all, some, or none of the cost of counsel. His decision shall be subject to appeal.

ELECTION OF SERVICE OPTION

SEC. 108. (a) Unless exempted as provided in section 106 of this title, each registrant (including those with deferments) on or before ten days prior to his attaining the age of eighteen years shall notify in writing his local placement center of his election to enlist in the Armed Forces, to participate in the military lottery, or to participate in the civilian service program.

(b) Any registrant who elects to enlist in the Armed Forces may have his entry into active service postponed by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Armed Forces, but a postponement granted hereunder shall end at the close of the forty-eighth month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or training, whichever first occurs.

(c) (1) Any individual who elects to enlist in the Armed Forces pursuant to section 108 (a) and who postpones his service pursuant to section 108(b) may, upon request to and approval of the Director, transfer to the civilian service program.

(2) Any individual who elects to participate in the civilian service program pursuant to section 108(a) and who postpones his service pursuant to section 111(a) may, upon request to and approval of the Director, transfer to the Armed Forces.

(d) Upon receipt of the forms provided for the section 105(d) above, the local placement center shall immediately cause the names and registration number of each registrant selecting the military lottery option to be sent to the Deputy Director in charge of the Military Lottery Division. Only those registrants who have selected the military lottery under section 108(a) or those who have been placed in the military lottery as provided in section 118(b) of this title shall be processed as provided in section 110 of this title.

LENGTH OF SERVICE

SEC. 109. (a) Each person selected through the military lottery for service with the Armed Forces of the United States shall serve in active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures established by the Secretary of Defense.

(b) Each person electing participation in the civilian service shall serve in active training and service for that period of time which the Director shall deem appropriate for the particular occupational category into which that person has been placed; except that no person shall be required to participate in active service in the civilian service for less than the period served by those participating in the military lottery or for more than forty-eight consecutive months.

OPERATION OF THE MILITARY LOTTERY

SEC. 110. (a) The Director of the National Service Agency shall establish under this title procedures for the selection of men into the Armed Forces of the United States by means of a random lottery of those individuals who have elected under the provisions of section 108(a) to participate in the military lottery.

(b) The lottery shall proceed by means of random selection. The random selection method will use three hundred and sixty-six days to represent the birthdays (month and day only) of all registrants who have elected to be placed in the lottery pool. On a date to be selected by the Director of the National Service Agency once each year the lottery shall be conducted selecting in a random manner each day of the year for every man who has since the last such lottery been placed in the lottery pool. On the same date, a supplemental drawing will be conducted to determine alphabetically the random selecting sequence by initial letter in surname among registrants who have the same birthday.

(c) The Secretary of Defense shall periodically notify the Director of the National Service Agency and the Deputy Director in charge of the military lottery of the number of registrants required to fill the manpower needs of the Armed Forces of the United States. The Director shall issue orders to report for induction to that number of individuals in the order that their birthdates and names were selected in the military lottery. Each registrant shall remain in the lottery pool for a period of twelve months following the date of the lottery selection for which he is eligible.

(d) A registrant who has received an order to report for induction but who has been granted a deferment under section 106(b) or under a procedure established by the Armed Forces, shall have his induction order stayed indefinitely but shall have his deferment reviewed each year thereafter until the twenty-fifth anniversary of his birth by the board which originally granted his deferment. If it is determined that the registrant can no longer qualify for a deferment, the induction shall be reactivated. When the registrant reaches the twenty-fifth anniversary of his birth, his induction order shall be permanently canceled.

(e) Any registrant who is discharged from the civilian service program pursuant to the provisions of section 118(b) of this Act shall have his name and birthdate placed in the random selection which next occurs following the date of his discharge from the civilian service program and shall remain eligible for a period of twelve months thereafter.

CIVILIAN SERVICE JOBS

SEC. 111. (a) It shall be the duty of each registrant who has elected to serve in the civilian service within six months of his election of civilian service or within six months after his deferment under section 106(b) has expired, whichever is later, either—

(1) to locate and become employed as a full-time employee in a job which has qualified for participation in the civilian service either upon previous application of the employer or upon application of the registrant, as provided in section 104; or

(2) if unable to become employed under (1), to join the Civilian Service Corps provided for in section 112; except that a registrant may not elect to enroll in the Civilian Service Corps until two months after his election or the expiration of his deferment, whichever is later;

except that a registrant may have his duty to comply with paragraph (1) or (2) suspended by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Civilian Service Division, but a suspension granted hereunder shall end at the close of the forty-eighth month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or trainng, whichever first occurs.

(b) It shall be the duty of each registrant who has selected a job or a program pursuant to subsection (a) above to remain satisfactorily employed or enrolled for a period of time determined by the Director for the particular occupational category or program in which the registrant is employed or enrolled as provided in section 109(b).

(c) Public non-Federal and private employers who have employed civilian service registrants shall have the authority at all times to accept, reject, conditionally accept, or dismiss any individual civilian service registrant; except that if it shall be determined by the civilian service that any registrant was rejected or dismissed because of race, color, creed, or national origin, then the Director is authorized to declare under procedures provided in section 104 that the public or private employer be disqualified from inclusion on the official list of civilian service jobs. The employer shall be authorized to reapply for qualification under procedures provided in section 104.

(d) When any civilian service registrant withdraws or is dismissed from a civilian service job, and it is determined by a hearing, as provided for in section 119, that the registrant is to continue in the civilian service, then the registrant shall report to the local placement center nearest to his current place of residence, within ten days of the termination of the hearing, in order to be assigned to a new job or Federal program for the duration of his time obligation.

CIVILIAN SERVICE CORPS

SEC. 112. (a) There is hereby established a Civilian Service Corps which shall be under the direction of the Corps Administrator who shall be appointed by the Director. The Corps Administrator shall be under the immediate supervision of the Deputy Director of the Civilian Service Division. The Civilian Service Corps shall train and employ registrants who elected civilian service and who, having not found employment in a job which qualified for the civilian service, joined or were deemed to have joined the Civilian Service Corps.

(b) In order to operate the Civilian Service Corps, the Director is authorized—

(1) to establish any or all new facilities, including new construction necessary for the operation of the Corps;

(2) to establish necessary provisions for housing of the registrants enrolled in the Corps;

(3) to provide whatever is necessary to insure for the proper medical care of the registrants enrolled in the Corps, including but not limited to the utilization of armed services medical facilities;

(4) to request and utilize the services of any or all—

(A) departments of the Federal Government;

(B) agencies, departments, or units of regional, State, county, municipal, or town governments; and

(C) trade organizations, charitable organizations, educational institutions, any other private or public organization or group or any person or group of persons.

(5) to establish within the Corps programs for registrants who come from deprived backgrounds, which programs shall be essentially educational and training in scope and designed to enable the registrants to enter productive employment for the remainder of their civilian service and thereafter.

ADDITIONAL AUTHORITY OF THE DIRECTOR

SEC. 113. In addition to the authority granted in section 112, the Director is authorized—

(a) to delegate any authority vested in him under this title and to provide for the subdelegation of any authority;

(b) to establish a procedure for compensating all volunteers. Such procedure shall provide that non-Federal employers of volunteers must pay to the Federal Government the same wage paid by the employer to non-volunteers performing the same or similar work or the minimum wage, whichever is greater, and that the Federal Government will compensate all volunteers at a rate equal to a subsistence allowance based on the cost of living in the geographical areas in which the volunteers work;

(e) to establish procedures to protect all volunteers from discrimination by any employer because of race, color, creed, or national origin;

(d) to utilize, when necessary, the services of all departments of the Federal Government; and

(e) to establish such regional review boards as may be necessary to hear appeals as provided for in sections 104(g) and 107(c).

(f) to prescribe such rules and regulations necessary to carry out the provisions of this title.

APPLICATION OF PROVISIONS OF FEDERAL LAW—REGISTRANTS NOT FEDERAL EMPLOYEES; FEDERAL EMPLOYMENT LAWS INAPPLICABLE

SEC. 114. (a) Except as otherwise specifically provided in this title, a registrant in the civilian service program shall not be deemed to be a Federal employee and shall not be subject to the provisions of laws relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) Registrants in the civilian service program shall be deemed to be employees of the United States for the purposes of the Internal Revenue Code of 1954 and of title V of the Social Security Act (42 U.S.C. 401 et seq.), and any service performed by an individual as a registrant shall be deemed for such purposes to be performed in the employ of the United States.

(c)(1) Registrants in the civilian service program shall for the purposes of the administration of the Federal Employees' Compensation Act, be deemed to be civil employees of the United States within the meaning of the term "employee" as defined in section 790 of title 5 and the provisions thereof shall apply except as hereinafter provided.

(2) For the purposes of his subsection:

(A) The term "performance of duty" in the Federal Employees' Compensation Act shall not include any act of a registrant—

(i) while on authorized leave; or

(ii) while absent from his assigned post of duty, except while participating in an authorized activity.

(B) In computing compensation benefits for disability or death under the Federal Employees' Compensation Act, the monthly pay actually paid by the employer shall be used.

(C) Compensation for disability shall not begin to accrue until the day following the date on which the enrollment of the injured registrant is terminated.

POLITICAL DISCRIMINATION AND ACTIVITY—INQUIRIES CONCERNING POLITICAL AFFILIATION AND BELIEF

SEC. 115. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any registrant in, or any applicant for enrollment in, the civilian service program because of his political affiliation, beliefs, or activities.

REPORTS BY EMPLOYERS

SEC. 116. Each employer (whether public or private) of civilian service registrant shall submit a report to the Director, in such form and manner as the Director shall require, whenever a registrant leaves or is removed from his employ. Except in cases of the normal expiration of a registrant's obligated service, such report shall state in detail the circumstances of, and reasons for, such termination.

CATEGORIES OF REMOVALS FROM JOB; EFFECT

SEC. 117. Each civilian service registrant shall possess the same rights of employment security against his employer as are enjoyed against such employer by other employees of similar rank and length of service. Any registrant who is removed from a job because of its abolition, or for any other reason not reflecting negatively on his performance, shall not be considered to have violated his obligation with the service; shall be considered to have been withdrawn without prejudice; and shall be eligible for transfer to new jobs within the service for which he is qualified. If a registrant is removed for any other reason (hereinafter referred to as "for cause"), he shall be liable to disciplinary action by the National Service Agency.

ADVERSE ACTIONS BY THE DIRECTOR

SEC. 118. (a) Adverse action against a civilian service registrant shall be begun by the Director only upon the basis of a special report from the registrant's employer supporting the registrant's removal from his job for cause or announcing the registrant's unauthorized departure from his job.

(b) Adverse actions against a registrant may include the imposition of such disciplinary sanctions, up to and including dismissal from the civilian service with loss of any benefits which would accrue as a result of completion of service as the Director or his authorized representative shall deem necessary. A registrant who is dismissed from the civilian service as the result of an adverse action shall be deemed to have elected to participate in the next military lottery whose date of drawing, as provided in section 110(b), is after the date of dismissal; except that any such registrant who has completed at least half of his required length of service in the civilian service before his dismissal, and has been selected by the lot-

tery, shall be required to serve only one year in the military.

(c) A registrant may be dismissed from the civilian service only under circumstances involving willful disobedience, insubordinate conduct, conviction of a felony or highly unsatisfactory performance.

(d) Sanctions imposed by the Director against a registrant for misconduct shall not impair any rights of action, public or private, criminal or civil, accruing to any other party against such volunteer by reason of his misconduct.

(e) The Director shall establish procedures for the administrative release of registrants from the civilian service for reasons of health or hardship, where the documented basis in fact for the claim would be at least sufficient to confer an exemption from the obligation to serve. Action leading to such a release may be initiated either by the registrant concerned or by the civilian service. A registrant so released shall remain eligible for all benefits normally accruing to those who have successfully completed their service.

ADVERSE ACTIONS—PROCEDURES

SEC. 119. (a) The Director shall establish and impose administrative sanctions, up to and including dismissal from the civilian service by adverse action, to punish any registrant who fails to fulfill his obligation. He shall promulgate a code of sanction consistent with the provisions of this Act by regulation.

(b) There shall be created in the National Service Agency a Legal Corps. All members of the Legal Corps shall be members of the bar of at least one State. Members of the Legal Corps shall preside over each and every disciplinary hearing and each and every appeal therefrom. The Legal Corps shall be divided into a Hearing Division and an Appeals Division.

(c) The Director shall establish procedure for conducting a full and impartial hearing in any case where adverse action against a volunteer is contemplated or has been taken by the National Service Agency. Such a hearing shall be held at the request of the registrant; no registrant shall be dismissed from the civilian service without such a hearing. One member of the Hearing Division of the Legal Corps shall preside over each such hearing, and shall interpret the law and the facts in reaching a verdict and in imposing or upholding such sanctions as are found warranted.

(d) Any registrant whose punishment is imposed or sustained at a hearing held under section 119(c) of this title may take an appeal in writing to the Appeals Division of the Legal Corps within ten days of the announcement of the hearing judgment. The Appeals Division shall consider all appeals expeditiously. At its discretion, it shall hold an appeal hearing which may make fresh inquiry into both the facts and the law of the case. Such a hearing shall be presided over by three members of the Appeals Division.

(e) The Director shall promulgate rules governing all disciplinary hearings. Such rules shall provide for the right of the registrant to be advised by counsel, to confront any adverse witnesses, and to compel the attendance of witnesses. If a registrant facing a disciplinary hearing or an appeal therefrom desires representation by legal counsel but is unable to pay for it, the civilian service shall provide him with the services of an attorney who has been admitted to the bar of at least one State and is not employed by the civilian service, at no cost to the registrant.

(f) Any registrant who has abandoned or been dismissed from any employment shall have the right to a hearing in order to establish that his service has been satisfactory for completion of his obligation within the terms of section 122 of this title.

JUDICIAL REVIEW

SEC. 120. (a) A person suffering legal wrong because of action by the National Service Agency is entitled to judicial review. Such review shall be within the original jurisdiction of the district courts of the United States by writ of mandamus as provided in section 1361 of title 28, United States Code.

(b) There shall be no judicial review of actions by the National Service Agency or any officer or agent thereof until all administrative remedies provided in this title have been exhausted and Agency action is final.

(c) To the extent necessary to decision and where presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning and applicability of the terms of an Agency action. The reviewing court shall—

(1) compel action unlawfully withheld or unreasonably delayed;

(2) hold unlawful and set aside actions, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or not otherwise in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law; and

(E) unsupported by substantial evidence in the case when taken as a whole and based on the entire record.

COMPUTATION OF TIME OF SERVICE

SEC. 121. All the time spent by a registrant from the time of his initial entry into the civilian service shall count toward satisfaction of his obligation except—

(1) time spent in legal detention or incarceration; and

(2) time spent unemployed after voluntary abandonment of a job or dismissal from work for cause: *Provided, however,* That if disciplinary proceedings are instituted by the civilian service as a result of such abandonment or dismissal and the registrant is acquitted of fault, all the time spent unemployed after such abandonment or dismissal shall be counted toward satisfaction of his obligation.

ORDER OF CALL IN EVENT OF WAR

SEC. 122. Notwithstanding any other provision of this title, for the duration of any period of war declared by Congress, all persons subject to this title shall be liable for training and service in the Armed Forces and shall be inducted, unless exempt or deferred, for such training and service in the following order:

(1) Volunteers and delinquents,

(2) Persons in the military lottery pool under section 110 of this title,

(3) Persons in civilian service under this title, those with least service therein first,

(4) Persons under age twenty-six who were not inducted for training and service during their twelve-month period of prime eligibility in the military lottery pool; and

(5) Persons who have completed civilian service under this title.

MISCELLANEOUS AMENDMENTS

SEC. 123. (a) Section 5315 of title 5, United States Code, is amended by striking out

"(70) Director of Selective Service."

and inserting in lieu thereof

"(70) Director of National Service."

(b) Section 5316 of such title 5 is amended by adding at the end thereof the following:

"(128) Deputy Directors, National Service Agency (3)."

ADMINISTRATIVE PROVISIONS

SEC. 124. So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties exercised by the Selective Service System immediately before the effective date of this title as the Director of the Bureau of the Budget shall determine shall be transferred to the Director of National Science. The transfer of personnel pursuant to this section shall be made without reduction in compensation for one year after such transfer.

PENALTY

SEC. 125. Whoever knowingly violates any provision of this title or any rule or regulation issued under this title shall be imprisoned for not more than two years.

REPEALER

SEC. 126. The Military Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.) is hereby repealed.

SAVING CLAUSE

SEC. 127. This title does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SEVERABILITY

SEC. 128. If a part of this title is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this title is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications.

APPROPRIATIONS

SEC. 129. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

EFFECTIVE DATE

SEC. 130. (a) This title shall take effect ninety days after the Director of National Service first takes office, or on such prior date after enactment of this title as the President shall prescribe and publish in the Federal Register.

(b) The Director of National Service and the Deputy Directors of the National Service Agency may (notwithstanding subsection (a)) be appointed in the manner provided for in this title, at any time after the date of enactment of this title. Such officers shall be compensated from the date they first take office, at the rates provided for in this title. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Agency pursuant to this title.

TITLE II—MILITARY PAY AND ACTIVE DUTY STRENGTHS

Page 20, line 4, strike out "Sections 4–11 of this Act" and insert "Section 203–210 of this title".

Redesignate sections 2 through 14 as sections 201 through 213, respectively.

I indicated yesterday, on page 8440 of the CONGRESSIONAL RECORD, that I also have an amendment which would make the effective date of the cutoff of the student deferments, if student deferments are to be cut off, the effective date of the act and not April 23 of last year. Those students who began college last fall would be enabled to complete college in a status of deferment. They should not now have the rules of the game changed on them.

May I now address a question to the distinguished chairman with regard to the employment that is permissible for conscientious objectors. As I understand it, the bill, as it presently stands, defines alternate civilian service for conscientious objectors as "employment with agencies in government or public institutions which have difficulty finding eligible and qualified individuals to perform essential work."

My question is this: Is that definition intended to mean that work in hospitals or other nonprofit institutions, which now are able to employ the conscientious objectors, is work that will no longer be permitted?

Mr. HÉBERT. The limitations on defined work are public institutions, as the bill says. If the hospital is a public institution, supported by the State or city, it is eligible; but for the private ones, no.

Mr. BINGHAM. In other words, if the hospital is a privately supported institution, like some of our great institutions, it would not qualify?

Mr. HÉBERT. It would not qualify.

Mr. BINGHAM. Would the chairman further state what is the intention of the committee? If I understand it, the conscientious objectors who are qualified today are having difficulty obtaining suitable employment; that is, even today the positions where they can go in private hospitals, and so forth, are not sufficient in number to accommodate the conscientious objectors. What is the intention of the committee with regard to a CO who is qualified, but whose draft board cannot find employment within the meaning of the act?

Mr. HÉBERT. There was no indication in any testimony before the committee to contradict that there are many, many, many jobs in the institutions, the jobs outlined in the language of the law. The selective service, as the monitor of the individual conscientious objector, would be in a position universally or nationwide to determine where these positions are. I am sure there will be no difficulty at all. After all the CO's are detailed there will be plenty of jobs open.

Mr. BINGHAM. I am glad to note the chairman's statement, but that is not my understanding.

The reason I asked for the intention of the committee, is that there is no statement in the committee report as to why the CO's will no longer be allowed to work, for example, in private hospitals.

Mr. HÉBERT. This matter was discussed at length in the committee when we were considering the amendment in that particular area. The gentleman from New York is very closely identified with this type of institution and he did proceed and explain the matter to the committee, and it is his opinion there would be sufficient jobs.

The CHAIRMAN pro tempore (Mr. GALLAGHER). The time of the gentleman from New York has expired.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Thank you for yielding, Mr. Chairman.

Tomorrow, or the next day, or the next day this House will pass an extension of the draft. We know that. We know that you have got your forces lined up so that you will end up continuing the draft. All that we can do is to stand and argue and articulate against this kind of senseless action which will perpetuate a senseless, stupid, bloody, dirty war in Southeast Asia in which we should never have become involved.

You will go home content this time after voting to extend the draft. You will go home content in your feeling that you have acted out of patriotism, when you ought to go home and hang your heads in shame that you have been guilty and culpable in extending national murder and national genocide, because that is what this undeclared war is.

When you go home I wish you could think about the young men that I see, their bodies mutilated and maimed. I wish you will think about the young men who supported me in my campaign, an arm missing, a leg missing or one who was blinded in Southeast Asia.

When you go home and feel your superpatriotism I hope you will understand that you have contributed to national hurt in a dreadful way that cannot be measured. You have contributed to the looming sense of disillusionment, the looming lack of credibility on the part of our young people in this system of government.

Go ahead; vote it. Go ahead; vote to extend it. But remember when you do you are not patriots. You are not partiots. All that you are doing is contributing to a greater division, a greater hate, a greater alienation. And you are compounding a felony by continuing a war in which we should never have become involved.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, the outcome is not in doubt. We have had extensive hearings, and I might join with my colleague from New York (Mr. PIKE) in being one who fought hard to attain a seat on this committee, to express my pleasure at the way in which the hearings were conducted. A point of view which was obviously not a majority one was tolerantly, pleasantly, and expansively accepted.

I would like, if I could—even with the outcome, as I say, not in doubt—to at least force this body to face reality.

Last December, Robert Penn Warren, in accepting an award in Washington, had occasion to refer to this institution. He referred to the Congress of the United States as a place that could very often offer imaginary solutions to real problems and real solutions to imaginary problems but which never got around to offering real solutions to real problems. I think this bill is in that category.

Mr. Chairman, if we have to have a draft, I suppose this bill does a great deal toward correcting inequities that exist in the present system. If we have to have a draft, I suppose this bill goes toward quieting some of the objections that have been raised from time to time. However, it is my contention and I hope it is that of this membership that there is no need, either in our history or in the present definition of our national security, to extend the draft.

The fight has been largely symbolic. There are not going to be more than 115,000 or 120,000 people conscripted. If we can take the administration and its spokesmen at face value, these draftees will be used very little in a combat context. But, outside of this very unreal world which we call Washington, D.C., there are people who do not believe that this system has a place in our society and who do not believe we need to draft 114,000 people to meet our security needs. They do not believe we should have a Standing Army of 2.5 million men in order to insure our security. These are the people who have been torn up and who have been forced to bear the major burden of the responsibility to serve.

I want a body which is mighty in its interest in efforts to face this responsibility rather than to avoid it. I want us as Members of Congress to have to make the decision that the President has made for 10 years. I want us to face this issue squarely in a year when we are confronted with the chances of standing for reelection. I want us to face it next year and not avoid this responsibility. The responsibility should be ours and we should face it.

I do not think there is any reason to expect that this bill is going to insure that the American public, particularly that segment which has been so badly treated by a continuation of this system, is going to feel that the Congress for once has begun to deal with and offer real solutions to real problems.

I hope tomorrow, when I intend to offer an amendment to end the draft on June 30, that enough Members who feel that way will be present to recognize what the real world is saying outside of Washington, D.C., and that it will be reflected when the vote is taken.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I begin by commending the gentleman from Maryland (Mr. MITCHELL), the gentleman from California (Mr. WALDIE), the gentleman from Massachusetts (Mr. HARRINGTON), and the gentlewoman from New York (Mrs. ABZUG), who have all articulated what is not only a majority position in our country but have added, I think, immeasurably to the discussion now underway.

Why will not the House of Representatives end the Selective Service System? Well, we will not end the draft for the very same reasons that we will not assert our right to declare war. It is not accidental that the same leaders in this body who refuse to do their duty so clearly set forth in the Constitution that high school children understand it, are the same leaders that now insist that the draft be continued for 2 additional years in the face of the overwhelming evidence that requires its immediate dismantling. The reason is they are wittingly or unwittingly a part of the Pentagon complex which causes them to feel they must comply with the militarist mentality that is now so pervasive in government and business circles alike.

Now, after 7 disastrous years, some of us have arrived at the rather elementary conviction that if we want to stop war, we ought to stop the draft. The truth of the matter is that there are more Congressmen who claim they are against the war than there are Congressmen willing to vote against the war. The administration concurrently provides those who prefer to give token opposition to the war a series of convenient rationales,

the latest called Vietnamization, as if substituting Vietnamese bodies for the bodies of white and black Americans could ever legalize our conduct in Indochina.

In point of fact we are not winding down the war but moving to a newer more intense level, into the automated slaughter phase. This Nation's increasing technical military proficiency will enable us to continue to have high enemy body counts that we have had in the past with less troops and with less American presence in Indochina.

And, so it appears to me that these undeclared wars that we are in will continue to happen so long as the draft provides an easy military solution to political problems.

Those in this body who oppose this draft are laying a foundation that will result in tomorrow's victory. We may lose this skirmish but we will win ultimately the battle. But what a ghastly price each day's delay will cost. Cannot the leaders on both sides of the aisle realize their continual refusal to face up to the real issues are undermining the confidence a people must have in its government if it is to function as a democracy? Their position is as ludicrous as it is hypocritical. They are against the war but they are for the draft.

To all of you whom that description fits, I will say that not everyone in this country is being deceived by this mindless posturing. Until this Congress stops sending men and materials to the war, which is what our citizens want us to do, we cannot claim to be acting in good faith.

Until we act, there may always be wars, whether there is a Democratic President or a Republican President in the White House. Our conduct, and lack of it is a prime reason that this Nation clings to an outmoded foreign policy dictated by militarist adventurers. Daniel Webster's admonition that the adoption of military conscription is the first step toward tyranny is as true now as it was then.

Mr. Chairman, the truth was never more clearly stated than it was during World War I when a Member of the other body whom some of us knew, former Senator Carl Hayden of Arizona remarked:

> Let us not pay Prussian militarism, which we are seking to destroy, the compliment of adopting the most hateful and baneful of its institutions.

I say this because what we are trying to do is to delay the inevitability of a volunteer army. We could not continue the war in Vietnam with volunteers. There are not enough in America that would step forward to continue this most unpopular war perhaps in our entire history. Yet we here are trapped by our own leadership; betrayed by decisions and agreements made by leaders on both sides of aisle. We are strangled here aginst the will of the American people and are forced to accept the dictates of a majority in the House who are in fact a minority in this Nation.

I find it unconscionable, but I do not find it alarming because I have been in that situation many times in the last 6 years. I do not anticipate that it will end in the 92d Congress.

But sooner or later more and more will begin to recognize what we are doing in the country that we profess to love when we extend a system that will send our men to be slaughtered in a way that is unconstitutional.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I had not planned to speak, during general debate on this particular piece of legislation, but now that we have heard the arguments for and the arguments against the proposal from our Committee on Armed Services I believe that it behooves all of us to try to objectively look at what we are trying to do in asking for an extension of the draft law in the United States.

This is in name and, in fact, a selective service law. It has only one purpose, and that one purpose is to provide for the defense needs of your country and mine. Experience has shown us that until now, in spite of the desirability for a volunteer army, we cannot in times of emergency be prepared unless we have a draft law.

This law has served us in years gone by, in what I believe to be a good way, because it has provided for us the manpower which the several branches of our Defense Department needed in time of peace and in time of war.

You hear an awful lot of people talk about the discriminatory provisions of the law as it exists, and almost everybody, including myself, believes that some revisions ought to be made.

When we talk about discrimination let us be honest with ourselves and admit that it is almost humanly impossible for this Congress, and it is humanly impossible for this committee, to pass a draft law that somewhere, some time, somehow, under some circumstances, does not discriminate against somebody. To those of you who are idealists perhaps you believe otherwise, but if you are halfway pragmatic you know that we cannot write a law which does not, under certain circumstances, discriminate.

It is discriminatory to say to a man of one age, "You must serve," and to a man who was just a day younger, "You do not have to serve." It is discriminatory to take the men and to allow the women to stay at home. Yes, it is discriminatory to allow one man to continue his education under the guise, if you want to call it that, of an educational deferment, and say to a man who is not in college that he has to serve, and he cannot have that same deferment.

It is further discriminatory, even after you draft a man, to say to one man, "You have got to go to the war zone," and to another, "You can stay pretty close to home at some military installation where you can go home on the weekends." And it is discriminatory to reassign some people overseas and others close to home.

The point I am making is we should be glad the system works as well as it does—and it is probably not even to our credit that it works as well as it does. But, the fact is that 435 Members of the U.S. House of Representatives and when 100 Members of the other body at different times and with different intentions were able to reach the consensus that we have reached and pass a law which, even though it is discriminatory, serves the defense needs of our country. And believing that we cannot write a law which will not discriminate and believing that we have not reached the point yet where we can meet the needs of our Military Establishment by voluntary methods, even though it is to be desired, I see no alternative for us, if we are going to continue to be militarily prepared, but to continue the draft. So I stand before you asking: Let us do the best we can and let us continue this program for the benefit of our Defense Establishment.

Mr. HÉBERT. Mr. Chairman, I yield myself the balance of the time remaining and I will not use all of the time, but I have a very highly emotional feeling to express at this time.

I fully realize that I am following in the footsteps of a great American, a man to whom I was personally devoted and for whom I had the deepest affection. There fell to my shoulders the duty to carry on if I possibly could.

Perhaps we have different styles. He had a different style from me, which I readily admit, but our objectives and our goals were the same—a strong America and the full defense and security of our country.

I would be less than human, Mr. Chairman, if I did not pause to thank those who have taken the well today and been so gracious in their commendation of the manner in which I have attempted to chair the Committee on Armed Services.

It is easily recognizable and readily admitted, I am sure, that we have varieties and different shades and hues of philosophy—philosophy of religion, philosophy of politics, and philosophies in any area that you may wish to mention. It is for this reason, Mr. Chairman, that I have this feeling of gratitude.

It is a feeling I must accept with humility—and humility is one of the virtues I have not been charged with very often. But I do want to express to each Member who has taken the floor today and gone out of his way to say the most complimentary and generous and gracious things about me, that I hope in the future—as I have now just merely crossed the threshold—when I have walked the full length of the House and come back again, I will enjoy that same confidence. Today I can only say to each one of you—yes, individually, and, yes, collectively, that I have a full realization and a full understanding of my responsibility. I look upon the charge to me to be a charge to exhibit compassionate understanding, integrity and fairness as chairman and to uphold, always, the dignity of the Committee and this House.

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

Mr. ARENDS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I, too, want to join those who have so graciously this afternoon commented on the fine leadership of the gentleman from New Orleans, who has so well guided the destiny of our committee since the time he became chairman of the fine Committee on Armed Services.

He has been extraordinarily fair. He has been completely and wholly objective. He has done those things which in his own way he believes to be completely and wholly right. So, like the others, I repeat, I commend him for his actions as chairman of our committee. I am hopeful that tomorrow the House will feel likewise in support of the chairman, and that this bill will be overwhelmingly passed. I trust that that will be the end result.

Mr. DOW. Mr. Chairman, more than 30 years ago, the House adopted the Selective Service Act by a mere one vote. Since that time the conscription of young men has become imbedded solidly into what some like to call "our national heritage."

There is nothing sacred about the Selective Service Act and it is time that Congress move to repeal it.

The military needs of our country should be supported through an all-volunteer army. This was the conclusion of the Gates Commission which undertook an extensive study of our military manpower needs.

It is for this reason that I cosponsored H.R. 4451, the Voluntary Military Manpower Procurement Act of 1971. To attract qualified men into our armed services we will have to provide more realistic payments and benefits. There must be better opportunities for advancement and career training.

The Gates Commission unanimously reported that a volunteer force was not only feasible but desirable for the Nation. The Commission report said that improved pay and conditions of service would attract a sufficient number of volunteers each year to maintain a stable force level of 2.5 million men.

Despite the war and an entry pay roughly 60 percent lower than that available in civilian life, the Commission reported that there are 250,000 "true" volunteers each year. To attract the additional 75,000 necessary to maintain adequate military manpower levels, the Commission recommended a $2.7 billion basic pay increase.

Ending the need for the draft would go a long way toward easing the heavy uncertainty now facing our young people.

Mr. Chairman, I would like to share with my colleagues some commentaries broadcast by CBS radio as part of its new "Spectrum Series."

It is most interesting that three news commentators, whose views span the spectrum should reach the same conclusion about the draft.

Stewart Alsop says:

Everybody knows that the draft system is an awful system. Everybody knows that the Reserves and the National Guard have become havens for draft dodgers, with about as much military usefulness as an old shoe. Everybody knows that the Army's ratio of noncombat to combat men is disgracefully high, and everybody knows that billions of dollars are spent for no militarily rewarding purposes whatever. But nobody can really do much about it—not even near-genius Robert McNamara, though he tried hard. In my opinion, nobody will be able to do anything about it, what's more—until or unless there's some sort of cataclysm which will force basic changes in the whole military system.

Jeffrey St. John says:

It is, however, Stennis and other Senators and Congressmen who support the military draft who are fleeing reality. Reality one—the embitterment and distrust, if not hatred, by draft-age young Americans of their government and country. Reality two—in Vietnam, draftees have dragged down the morale of fighting units and are principally responsible for the growing and alarming use of drugs. Reality three—dissident draftees are using the race issue as a weapon to turn black soldiers against white. Reality four—regular army men in Vietnam have become the object of assault if not attempted murder. Disgruntled draftees on drugs are suspected. Reality five—draftees, militant during college days, have become the principal catalyst for precipitating within the U.S. armed services one of the most serious crises concerning discipline in the nation's history.

On another occasion, Mr. St. John quoted Lincoln:

"I have always thought that all men should be free," remarked Abraham Lincoln, "(but) whenever I hear anyone arguing for slavery, I feel a strong impulse to see it tried on him personally."

One could only wish that this Lincoln proposition could be applied to those arguing for a form of space age slavery in favoring retention of the military draft. The 13th Amendment not only abolished slavery but specifically carries the clause outlawing "involuntary servitude." The 13th Amendment's adoption in 1865 followed the New York draft riots. Lincoln—it is forgotten—imposed the Republic's first military draft, played politics with the slave question, and showed considerable contempt for civil liberties.

Stewart Alsop later said:

Senator Edward Kennedy, testifying the other day before the Senate Armed Services Committee, cited some interesting—and in my opinion, horrifying—statistics. For example, quotes, "Army draftees were killed in Viet Nam in 1969 at more than double the rate of non-draftee enlisted men." End quotes. Another quote from Senator Kennedy: "65 per cent of army enlisted men killed in action for the first five months of 1970 were draftees." This although less than a third of our men in Viet Nam are draftees.

These figures reflect what seems to me the very worst system of military recruitment ever devised by the hand of man. All three services, not only the Army, use the draft as a kind of blackmail instrument to get so-called "voluntary enlistments." All three services say in almost so many words—enlist with us, and you can choose a non-combat specialty and you won't get shot at. Can you imagine a worse way of recruiting men who are supposed to defend their country?

The result is inevitable, and we are now paying the price for that result and for this dreadful system in Viet Nam. The price is just about the worst morale problem the U.S. Army has faced in its long history. For the system ensures that the regulars, the non-draftee enlisted men, get the cushy jobs in the rear, while the combat units are made up of draftees. For example, almost nine out of ten—88 per cent, to be exact—of the infantry battalions in Viet Nam are made up of draftees.

Is it any wonder that there is mounting and constant tension between the draftees and what they call the lifers? How would you feel, after all, if you were a draftee who had to do the fighting while the regulars had the cushy jobs in the rear? The morale problem is complicated by drugs, and by the fact that the war is winding down and nobody wants to be the last man to die. But this dreadful system is at the bottom of it.

It seems to me that two things have to be done. First, we have to withdraw from Viet Nam as fast as we safely can, reaching the point as soon as possible where no more draftees will be sent there. Second, we have to revise our whole system of military recruitment—not only the draft, the whole system—root and branch.

And Nicholas von Hoffman says:

On June 30th the Draft Act expires unless Congress renews it. We call it the draft, conscription, selective service, but what it is, is a form of slavery to the State. The justification for violating the Constitution's prohibition against involuntary servitude can't be mere preparedness but only the gravest of emergencies, one that immediately threatens the existence of the State.

By this reasoning America has been on the edge of destruction for more than 30 years, because that's how long we've had the draft. This is nonsense. There is no national emergency, and there hasn't been for a generation.

Mr. KASTENMEIER. Mr. Chairman, for the fourth time in the 12 years that I have served in Congress, legislation extending military conscription has come before the House for our consideration. In the past, Congress chose the temporary expedient of granting an extension to the draft rather than dealing with the basic problem of involuntary servitude in a free society. I fear this will be the situation again.

While the committee bill, H.R. 6531, has some commendable features, I must oppose it. I, however, do approve of the committee providing the President with discretionary authority over the deferment of undergraduate students. I believe the college deferments should be eliminated, and I trust the President will exercise such authority. I also applaud the committee's action in increasing the basic pay for members of the Armed Forces, particularly noting that 64 percent of the dollar increases are going to personnel with less than 2 years of service. We call upon many of our young men to perform what perhaps is the highest act of patriotism, to risk their lives in the defense of their country. Yet, their financial compensation is extremely meager. The chairman (Mr. HÉBERT), and the Armed Services Committee is to be congratulated for substantially boosting the military pay for these lower grade personnel. This will do much to eliminate the longstanding discrimination against these men who, in effect, have been subsidizing, in part, our national defense effort through the acceptance of low military wages.

My primary objection to the committee bill is that it extends the draft for another 2 years without a commitment to establish a volunteer military. Even with the random selection system, the draft still is a compulsory military conscription which forces a few to bear the burden of military service for the many. I also object to the committee recom-

mendation extending the period of service for conscientious objectors from 2 years to 3. I would like to recall to my colleagues the words of the late President Kennedy who once wrote:

> War will exist until that distant day when the conscientious objector enjoys the same reputation and prestige that the warrior does today.

Instead of taking such punitive action against the conscientious objector, Congress should understand and respect not only the religious objections to military service and war, but also the dictates of human conscience.

Mr. Chairman, the draft, which once was a temporary measure, is becoming transformed into a permanent system of military procurement. Initially designed, in 1940, as a necessity to meet the threat of a national emergency that called for the mobilization of a massive land army, we now are seeing its metamorphosis into an efficient machine designed to meet the long-range needs of our foreign policy and methods by which that policy can best be furthered. Originally, the draft was not intended to be used to support a policy of military intervention in foreign lands when local insurrections break out. However, the existence of the draft has given administrations a free hand in obtaining and deploying military manpower wherever and whenever they have seen fit. The draft has been used as a vehicle to pursue, to an unprecedented extent, the defensive military responsibilities of the free world. I feel that this situation is alien to the philosophy of this country, and the efforts to make military conscription more equitable and to maintain it as a permanent institution are only further militarizing our society and foreign policy.

As a result, the draft, today, has produced a crisis of the first degree in our Nation. Opposition to American involvement in the unpopular Indochina war has resulted in many young men seeking political refuge in foreign countries while others remain here, in open defiance of a draft law that is widely despised. But, discontent with the draft is more than Vietnam for there are many who do not oppose American involvement in that war who, nonetheless, oppose the draft.

A peacetime draft is opposed to the principles which always have been considered a part of the American democracy. Compulsory military service not only results in a severe deprivation of civil liberties; it also is a wrenching departure from the traditional American ideal of liberty and this Nation's most cherished heritage, that of personal freedom. The peacetime conscription can be justified only under conditions of the extremist necessity, and the burden of justifying a military draft rests with the Government. No such justification, however, has really been made. Instead, the United States has been cast as an international police power and the draft has been used in a supporting role.

There are still many, however, who say we cannot end the draft. Some believe that the budgetary cost to the Government would be prohibitive. According to a number of economists, including Prof. Walter Oi of the University of Washington who was a former Defense Department consultant for the Office of the Assistant Secretary of Defense; Prof. Milton Friedman of the University of Chicago, and Prof. John Kenneth Galbraith of Harvard, who have studied this particular question, it would cost less to man the Armed Forces by volunteers than it now costs to man the military by compulsion, if the cost is properly calculated. The real cost of conscripting a soldier who would not voluntarily serve is not his pay and keep. It is the amount of money for which he would be willing to serve. Presently, we are imposing on the draftee a tax in kind equal in value to the difference between what it would take to attract him and the military pay he actually receives. Thus, the first-term serviceman must bear a disproportionately larger share of the defense burden. There are, however, financial savings derived from a volunteer force. Volunteers would have a higher average level of skill. The armed services would waste fewer manhours in training. Because manpower now is cheap, the military tends to waste it, using enlisted men for tasks badly suited to their capacities or for tasks that could be performed by civilians or machines or eliminated entirely. Better pay at the time to volunteers also might lessen the veterans' benefits that we now grant after the event.

Another objection to the volunteer system is that the conversion to it would mean a loss of flexibility to meet the anticipated range of military manpower requirements. According to the Gates Commission however, military preparedness depends on forces in being, not on the ability to draft untrained men. Reserve Forces provide immediate support to Active Forces, while the draft provides only inexperienced civilians who must be organized, trained, and equipped before they can become an effective military force.

For many individuals of liberal persuasion who are interested in the manpower question, there is grave concern about moving toward an all volunteer military. There is fear that a volunteer military will attract the socially undesirable. However, the military services require a wide variety of skills and offer varied opportunities. They have always appealed to people of varied classes and backgrounds and they will continue to do so. Particularly if pay and amenities were made more attractive, there is every reason to expect that they would draw from all segments of the community.

There is also a feeling that increasing the military wage and fringe benefits to a point sufficient to attract a volunteer military force would result in a predominantly black army. This, however, is not supported by the facts. It seems clear, since blacks are found in disproportionate numbers in the low-income groups, that making military service more attractive by equitable pay and other incentives will attract a larger percentage of this group. However, according to Pentagon officials, it is estimated, as a result of extensive and careful studies, that blacks would form from 16 to 18 percent of a volunteer force, although this figure would fluctuate with the state of the economy and the educational opportunities for blacks outside the military.

Still another criticism to an all volunteer military is that it is equated with a professional force which would conceivably develop into a potential threat to established political institutions. Such a threat, however, could be expected to come from an officer corps, rather than enlisted personnel, and officers currently are, and have always been, recruited voluntarily. Further, our proper tradition of civilian control of the military, has always been sufficiently strong so that there has been no threat of military take-over. History seems to show, however, that such threats in other countries have come from conscript as well as volunteer armies.

There are many liberals and conservatives, however, who believe that the primary question to be resolved this year is whether to continue the draft or to establish a volunteer military. We consider the peacetime draft to be a temporary expedient but it has been with us for the last 30 years, with only some brief interruptions. Rather than finding ways to make compulsory military service more palatable to the American people, I believe that the establishment of a volunteer military in 1971 is in the best interest of the United States.

Mr. Chairman, a volunteer military offers the following advantages: Preservation of the freedom of the individual by avoidance of the compulsion inherent in the present system; greater efficiency in the military services; fair compensation to military personnel for their services; and elimination of all the problems associated with the draft. Congress should take the necessary steps to end the draft this year with the hope of never having to resort to its use again.

Mr. HOGAN. Mr. Chairman, in my view the bill before us should pass. While the draft, itself, is distasteful, it is of prime importance that the current and future manpower needs of our Armed Forces be filled. Before an all-volunteer armed forces can be developed, many incentives and improvements in military life will have to be made to insure the retention of the necessary men and women. The 2-year extension before us, in addition to those provisions of the bill which would increase pay and improve conditions in the service, are consistent with the needs of national security and will enable us to move toward the objectives of a "zero draft" call.

Obviously, under present circumstances, if the draft law were permitted to expire in June, the Armed Forces could not acquire a force anywhere near able to meet the immediate needs of the country. Therefore, there is no question in my mind but that the draft must be continued for a period of time. To me, the 2-year extension will provide the most logical and orderly transition to the all-volunteer force.

In addition to substantially increasing the pay for those men in lower ranks, this bill provides substantial increases in quarters allowances for members of the career forces and increases the allowance

provided under the Dependents Assistance Act of 1950 to enlist men in the grades of E–1, E–2, E–3 and those in grade of E–4 with 4 years or less of service. Unfortunately the basic allowance for quarters has not been increased for 8 years and has fallen seriously behind the housing costs for military families. This has been dramatically brought to our attention by the news media's focus on off-base living conditions of military families stationed in Europe.

It is also very unfortunate that many servicemen have been forced to apply for welfare assistance because of their extremely low pay. The bill before us responds to this problem.

In addition to these features, I am pleased to see further effort made to assure equitable selection procedures for the draft. The State and local quota systems are being suspended to enable the establishment of a uniform national call. Furthermore, discriminatory and preferential provisions of the law which permit deferments and/or exemptions to certain students are being repealed. Changes in the qualification and appointment of members to local draft boards are also contained in the bill before us. In my views, important improvements in the selection process would be made under this legislation.

The legislation we are voting on has been well thought out and deserves the support of the House. It brings us a giant step closer to the ideal of a volunteer military service.

Mr. DONOHUE. Mr. Chairman, I intend to support and I earnestly hope a substantial majority here will also support, with improving amendments, the basic provisions of this bill, H.R. 6531, designed, among other things, to extend the Selective Service Act for a limited period, increase military personnel pay and allowances, and authorize military active duty strengths for fiscal 1972.

Our great legislative task here, in my opinion, is to insure the fairest possible spreading of the burdens of induction among all the young men in this country and to make military pay realistically competitive, at all levels, with pay rates in the civilian economy. This is our fundamental duty, today, pending the reestablishment of our traditional all-volunteer military service system.

I think that this bill, with strengthening amendments, such as the reduction of its proposed extension to 1 year instead of 2, could and should provide a far more equitable share of induction risk and economic justice than the current law projects. I very deeply feel, as a sponsor of legislation to establish an all-volunteer military force that adequate evidence has been developed to reasonably suggest that the very substantial increases in pay, quarters and subsistence allowances contained in this bill will accelerate the number of volunteer enlistments sufficiently to warrant the adoption of a 1-year extension of this present act; if not the Congress is always here and ready to overcome any deficiencies, within the year, that might remain.

Mr. Chairman, facing up to the present facts of the draft situation, as we must, there appears to be no question at all that it would be most impractical, if not impossible, to summarily repeal the present Selective Service System however much we might like to do so. On this score, then, the most reasonable alternative appears to be the extension, in time, of the present law for just 1 year. The proposed pay and other allowance increases in this bill before us are far greater than those recommended by the administration, and they certainly project a long overdue major gesture of economic comparability and security to military personnel and their families that will hopefully move us forward at a much faster pace toward the attainment of an all volunteer military system.

With strengthening amendments, together with the President's intention to exert every effort to remove the inequities in the area of student deferments and more representatively adjust the composition and operation of local draft boards this pending measure, while not, of course, perfect in every point or entirely satisfactory to every individual, will, I believe, go a long way, at an opportune time, toward vastly improving our present draft system from every moral, economic and national security standpoint.

Because such improvement was never in all our history more critically or imperatively needed I believe it should be accepted by the House, now, while we continue to work toward the establishment of a traditional all volunteer military force as quickly as it can possibly be achieved.

Mr. BADILLO. Mr. Chairman, I rise to express my deep concern over our draft laws and to voice my opposition to many of the provisions contained in H.R. 6531, the Military Selective Service Act.

A dramatic symbol of the gap between generations and a major source of friction in our society, the draft is grossly unfair in many respects and contains many highly discriminatory features. I oppose involuntary conscription and believe the draft is wholly inconsistent with our traditional ideals and goals. The draft has become an inequitable system which imposes an undue burden of service on some while leaving many others virtually free of any obligation to serve. All too often the brunt of this involuntary servitude has been borne by minority groups, the economically disadvantaged, and the poorly educated.

Mr. Chairman, I can frankly see no way in which this system can be improved or made to operate more fairly and efficiently. Certainly, H.R. 6531 contributes nothing to improving the operation of the Selective Service System and, as a cosponsor of the Voluntary Military Manpower Procurement Act of 1971, I believe the time is long past that we abandoned the system of conscription and met our military manpower requirements through a volunteer army system.

There is one highly favorable aspect of the legislation under consideration today, however, and that is the provision of an increased pay package for our servicemen, particularly in the enlisted ranks. One of the major premises on which the sponsors of the volunteer army legislation based our case—and a primary recommendation of the Gates Commission—is that a decent, living wage should be established for the men and women serving in the military services.

The conditions under which many of our service personnel and their families are presently living are abominable and the large number of servicemen receiving some form of public assistance is unconscionable. If a man is asked to risk his life or the use of a limb he should at least be paid a living wage. I believe we have amply demonstrated through various statistics and reports presented during the hearings and elsewhere, that a volunteer military service is viable and can be sustained if the military men and women are given an increased and livable wage with increased educational opportunities, better housing and other benefits. I intend to fully support this portion of the pending legislation and will oppose any attempts to weaken it, particularly to have the administration's insultingly inadequate pay proposal substituted. I believe, however, that the Gates Commission proposal is more meaningful and realistic and should be given precedence.

Unfortunately, there is a great deal in this measure which is offensive and which simply perpetuates the continuation of the death and destruction of our senseless involvement in Indochina and the continued gross distortion of our national priorities. A number of amendments will be offered to abolish the draft system entirely, to abolish the induction authority, and to extend the induction authority for only 1 year rather than 2. These amendments have a great deal of merit and should be given every possible consideration and support as they are brought before the House.

I am pleased to be listed as a sponsor of amendments directing that draftees inducted into the Armed Forces after December 31, 1971, will not be required to serve in Indochina and, more importantly, one which will require the total withdrawal of all American forces from South Vietnam, Laos, Cambodia, and North Vietnam by December 31, 1971. As a number of my colleagues have already mentioned, 73 percent of the American public want withdrawal by the end of this year and there is simply no point to continue sending American servicemen to this unjust and illegal war. We have suffered more than enough deaths and casualties, we have seen too many My Lais, we have experienced enough internal strife and dissension and we have undergone too much economic dislocation and erroneous adjustment of our goals and priorities.

The Military Selective Service Act treats conscientious objectors most unfairly and this section of the bill must be substantially revised. Not only must the definition of "conscientious objection" conform to the recent Supreme Court decision allowing for nonreligious objection, but I can see no justification for requiring 3 years of service or the highly restrictive and totally unnecessary limitation on the definition of "civilian

service." Not only were these provisions not requested by the administration but they are clearly punitive and repressive measures and must not be permitted to pass.

Furthermore, Mr. Chairman, section 13 of this bill authorizes a troop ceiling of 2.6 million men. No hearings were held on this aspect of the bill and there has been no justification presented for this number of military personnel. In addition, the provision was unilaterally transferred to H.R. 6531 from the military procurement authorization bill and should be deleted for further consideration.

Although I am pleased that the Armed Service Committee recognizes the importance of increased pay and benefits for military personnel and the clear and direct connection between conscription and inadequate military compensation, I am distressed that it did not reassert congressional authority and substitute the volunteer army proposal for the administration's weak extension request. As I mentioned before the committee earlier this month:

> The concept of a voluntary military service is not impossible . . . It is not only technically feasible to implement but it would most certainly be in keeping with the American tradition of encouraging individual freedom of choice.

The extension of the draft for 2 years, the repression of conscientious objectors, the increased average troop strength level and certain other aspects of this measure are unnecessary and will simply lead to continued dissension among our countrymen and the further alienation of our youth, our minority groups and our economically disadvantaged. The best of our country cannot be wasted on a purposeless, endless, and ill-conceived military venture in some far-off land which is hardly supported by the American people. The time for meaningful action is now, Mr. Chairman, and we must take positive steps by repealing the undesirable draft law. Involuntary servitude and military slavery must be ended and the freedom of conscience and choice must be permitted to flourish. I urge that we take such action today.

Mr. SCHMITZ. Mr. Speaker—

> So I told my son that only in the strictly legal sense, was anybody summoning him anywhere. He was, in fact, going to register certain claims of his own. By registering for the draft, he was, for the first time, registering his claim to be a man and citizen by claiming his right to bear arms in defense of his land.—Whittaker Chambers, Cold Friday.

When taking up the issue of whether or not to extend the military draft, we should keep in mind that since the earliest days of the American colonies it was assumed that every male citizen had a moral obligation to bear arms when necessary for the protection of his community, through service in the militia if not in the Regular Army. This assumption remains valid today, and bears as much as ever upon the survival of our Nation.

The conditions existing in the last half of the 20th century have made it necessary to maintain at all times a large and well-trained active duty military force, instead of starting to assemble this force only when war is imminent or has actually begun. Our method of preserving the required level of defense manpower is the Selective Service System, which makes it obligatory for a young man to register for possible induction in the active duty armed forces when reaching a specified age.

Intellectual giants such as Ludwig von Mises, whose thoroughgoing defense of liberty is well known, have recognized the right of a nation to call men into service when necessary for its defense. Von Mises has said:

> In a world full of unswerving aggressors and enslavers, integral unconditional pacifism is tantamount to unconditional surrender to the most ruthless oppressors . . . He who in our age opposes armaments and conscription is, perhaps unbeknown to himself, an abettor of those aiming at the enslavement of all.—Human Action, pp 281–282

The manpower requirements for our Armed Forces are determined primarily by the objectives and capabilities of actual and potential enemy nations—which now and in the foreseeable future means the Soviet Union and the Communist bloc. We must have at our disposal sufficient forces to discourage them from armed aggression to advance toward their stated goal of global conquest, and to defeat them rapidly should they launch aggression. While we cannot guarantee that the political leadership of our Nation will use our forces correctly, as the course of the war in Vietnam shows, we can be sure that no matter how sound the thinking of future leaders, they will not even have the ability to deter or defeat the Communist armies if the forces at their disposal are insufficient.

With the Selective Service law due to expire this June, Congress must decide whether our general purpose force level requirements can be met without a draft. The House Armed Services Committee does not believe this is possible, and consequently recommended its continuation on March 22.

By June 1972 our active military forces will have been reduced by over 1 million men from their June 1969 level, lowering our active general-purpose force level to the bare minimum consistent with national security requirements. Even with this reduction, over 525,000 enlisted men will have to enter our active duty forces between July 1971 and June 1972 in order to maintain this minimum force level. From July 1969 to June 1970, the last complete fiscal year, only 144,000 true volunteers—men who would have volunteered even in the absence of a draft law—entered the active duty Armed Forces. Assuming the volunteer rate remains more or less constant, we would be over 380,000 men short of meeting the very reduced force level requirements existing by June 1972. Pay increases sufficient to generate an enlistment surge of this magnitude would not leave enough money to maintain and expend our already dangerously depleted strategic weapon systems.

The current reduction of our active duty forces has been possible only by shifting to increased reliance on the reserves—and 70 to 80 percent of reserve enlistments are draft induced.

Personally I would prefer to have our Armed Forces composed strictly of volunteers. I find it very disturbing that many of the most active advocates of a "volunteer army" are precisely those who have no intention of volunteering, yet want to rely on defense provided by others. Their attitude reminds me of that of the freeway driver who wants rapid transit to get the other cars off the road.

The facts I have cited convince me that we cannot now defend this Nation adequately without continuing the draft. Consequently, I believe we have no choice but to continue it.

GENERAL LEAVE TO EXTEND

Mr. HÉBERT. Mr. Chairman, I ask unanimous consent that all Members may revise and extend their remarks on the bill H.R. 6531.

The CHAIRMAN pro tempore (Mr. GALLAGHER). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ARENDS. Mr. Chairman, I yield back the remainder of my time.

Mr. HÉBERT. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Military Selective Service Act of 1967, as amended, is amended as follows:

(1) Section 1(a) is amended to read:

"(a) This Act may be cited as the 'Military Selective Service Act.'".

(2) Section 4(b) is amended by substituting "the Secretary of Transportation" for "the Secretary of the Treasury" wherever they appear.

(3) Section 4(d)(1) is amended by striking out "(except a person enlisted under subsection (g) of this section)".

4) Section 4(d)(3) is amended by substituting "the Secretary of Transportation" for "the Secretary of the Treasury" wherever they appear.

(5) Section 5 is amended by adding a new subsection (d), as follows:

"(d) Whenever the President has provided for the selection of persons for training and service in accordance with random selection under subsection (a) of this section, calls for induction may be placed under such rules and regulations as he may prescribe, notwithstanding the provisions of subsection (b) of this section.".

(6) Section 6(a)(1) is amended by striking out the period at the end of the first sentence and inserting the following in place thereof: ": *Provided*, That any male alien who is between the age of eighteen and twenty-six years, at the time fixed for registration, or who attains the age of eighteen years after having been required to register pursuant to section 201 of this Act (other than an alien exempted from registration under this Act and regulations prescribed thereunder), or who is otherwise liable as provided for in this Act, who has remained in the United States in a status other than that of a permanent resident for a period of twenty-four consecutive months shall be liable for training and service in the Armed Forces of the United States. For the purposes of computing such twenty-four-month period, any period of absence from the United States not exceeding four consecutive months

shall be deemed to be a period of residency in the United States: *Provided further, however,* That the Director shall have the discretion to waive the provisions herein for alien students who have come to the United States for the purpose of satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution for a period of time not to exceed four years or the conclusion of a prescribed course of study whichever is the earlier: *Provided further,* That any alien student for whom the provisions herein have been waived shall upon the expiration of six months following the expiration of said waiver, if his alien residence continues, be liable for training and service in the Armed Forces of the United States.".

(7) Section 6(b)(3) is amended by substituting "section 4(a)" for "section 4(1)".

(8) Section 6(b)(4) is amended by striking out "or section 4(g)".

(9) Section 6(d)(1) is amended by substituting "the Secretary of Transportation" for "the Secretary of the Treasury" wherever they appear and by substituting "section 651 of title 10, United States Code" for "section 4(d)(3) of this Act" wherever they appear.

(10) Section 6(d)(5) is amended by striking out "Environmental Science Services Administration" and substituting "National Oceanic and Atmospheric Administration" wherever they appear.

(11) Section 6(g) is amended to read:

"(g) Regular or duly ordained ministers of religion, as defined in this title, shall be exempt from training and service (but not from registration) under this title.".

(12) Section 6(h)(1) is repealed.

(13) Section 6(h)(2) is amended by striking out the designation "(2)" and the word "graduate" from the first sentence.

(14) Section 6(j) is amended to read: "Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term 'religious training and beliefs' does not include essentially political, sociological, or philosophical views or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections, whose claim is sustained by the local board, shall if he is inducted into the armed forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by his local board to perform three years alternate civilian service, the last year of which to be as a substitute for the reserve obligation required of military inductees. As used in this subsection, alternate civilian service is defined as 'employment with agencies in government or public institutions which have difficulty finding eligible and qualified individuals to perform essential work', as supervised by the Director of Selective Service pursuant to regulations deemed appropriate by the President: *Provided,* That any such person who knowingly fails or neglects to obey such an order from his local board shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title; or who after he has reported to the assigned work fails to perform satisfactorily under the terms prescribed in Presidential regulations as supervised by the Director of Selective Service, shall be inducted into the armed forces for the period of time established by section 4(b) of this Act.".

(15) Section 6(i)(2) is amended to read: "Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall, upon the appropriate facts being presented to the local board, have his induction postponed (A) until the end of the term, or academic year in the case of his last academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier.".

(16) Section 9(j) is amended by substituting "or Transportation" for "or Treasury".

(17) Section 10(a)(3) is amended to read as follows: "The Director shall be appointed by the President, by and with the advice and consent of the Senate.".

(18) Section 10(b)(2) is amended by changing the first semicolon to a colon and inserting immediately thereafter the following: "*Provided,* That no State director shall serves concurrently in an elected or appointed position of a State or local government without the approval of the Director of Selective Service.".

(19) Section 10(b)(3) is amended to read:

"(3) to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title, together with such other duties as may be assigned under this title: *Provided,* That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, territory, and possession of the United States, and in the District of Columbia. Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective Governors or comparable executive officials. No citizen shall be denied membership on any local board or appeal board on account of sex. No member shall serve on any local board or appeal board for more than fifteen years or after he has attained the age of sixty-five. To the extent practicable, the members of a local draft board shall accurately represent the economic and sociological background of the population which they serve, but no induction shall be declared invalid on the ground that any board failed to conform to any particular quota as to race, economics, religion, sex, or age. The requirements outlined in the preceding two sentences shall be fully implemented and effective not later than January 1, 1972: *Provided,* That an intercounty local board consisting of at least one member from each component county or corresponding subdivision may be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved and the recommendation of the Governor or comparable executive official or officials, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. A local board may include among its members any citizen otherwise qualified under Presidential regulations, provided he is at least eighteen years of age. No member of any local board shall be a member of the Armed Forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction, and each intercounty local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area. Such local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title, of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be final, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe. There shall be not less than one appeal board located within the area of each Federal judicial district in the United States and within each territory and possession of the United States, and such additional separate panels thereof, as may be prescribed by the President. Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States and who are not members of the Armed Forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President. The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall be final. No judicial review shall be made of the classification or processing of any registrant by local boards, appeal boards, or the President, except as a defense to a criminal prosecution instituted under section 12 of this title, after the registrant has responded either affirmatively or negatively to an order to report for induction, or for civilian work in the case of a registrant determined to be opposed to participation in war in any form: *Provided,* That such review shall go to the question of the jurisdiction herein reserved to local boards, appeal boards, and the President only when there is no basis in fact for the classification assigned to such registrant. No person who is a civilian officer, member, agent, or employee of the Office of Selective Service Records, or the Selective Service System, or of any local board or appeal board or other agency of such Office or System, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title, by reason of his status as such civilian officer, member, agent, or employee;".

(20) Section 10(e) is repealed.

(21) Section 10(f) is amended by substituting "$500" for "$50".

(22) Section 11 is amended to read as follows:

"SEC. 11. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care including hospitalization, of registrants who suffer illness or injury, and the transportation, and burial, of the remains of registrants who suffer death, while acting under orders issued under the provision of this title, but such burial expenses shall not exceed the maximum that the Administrator of Veterans' Affairs may pay under the provisions of section 902(a) of title 38, United States Code, in any one case.".

(23) Section 12 is amended by adding a new subsection (d), as follows:

"(d) No person shall be prosecuted, tried, or punished for evading, neglecting, or refusing to perform the duty of registering imposed by section 3 of this title unless the indictment is found within five years next after the last day before such person attains the age of twenty-six, or within five years next after the last day before such

person does perform his duty to register, whichever shall first occur.".

(24) Section 17(c) is amended by striking out "July 1, 1971" inserting in place thereof "July 1, 1973".

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

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

There was no objection.

Mr. HÉBERT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GALLAGHER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 6531), to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5432. An act to provide an extension of the interest equalization tax, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5432) entitled "An act to provide an extension of the interest equalization tax, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

EXTENSION OF THE INTEREST EQUALIZATION TAX

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out all after line 4 over to and including line 13 on page 3 and insert:

"(a) ELECTION TO TREAT CERTAIN DEBT OBLIGATIONS AS SUBJECT TO TAX.—

"(1) Section 4912 is amended by adding at the end thereof the following new subsection:

"(c) ELECTION TO SUBJECT CERTAIN DEBT OBLIGATIONS TO TAX.—

"(1) IN GENERAL.—A domestic corporation or domestic partnership may elect to have its debt obligations—

"'(A) which are part of a new or original issue, or

"'(B) which are part of an issue outstanding on the date of the enactment of the Interest Equalization Tax Extension Act of 1971 and are treated under subsection (b)(3) as debt obligations of a foreign obligor,

treated as debt obligations of a foreign obligor the acquisition of which by a United States person (other than the issuer) will, notwithstanding any other provision of this chapter, be subject to the tax imposed by section 4911 at the rate applicable on acquisitions of stock under section 4911(b).

"'(2) ASSUMPTION OF OBLIGATIONS.—For purposes of paragraph (1), the assumption by a domestic corporation of debt obligations of an affiliated corporation shall be treated as the issuance of a new or original issue of debt obligations by such domestic corporation. For purposes of this paragraph, a domestic corporation shall be treated as affiliated with another corporation if both corporations are members (or would be members if they were both domestic corporations) of the same controlled group (within the meaning of section 48(c)(3)(C)).

"'(3) ELECTION.—An election under paragraph (1) with respect to any issue of debt obligations shall be made at such time and in such manner as the Secretary or his delegate may prescribe by regulations, and such election may not be revoked. In the case of a new or original issue, such election shall be made prior to the issuance (or, in the case of an issue treated as a new or original issue under paragraph (2), prior to the assumption) of any debt obligations of such issue.

"'(4) INDICATION OR ENDORSEMENT OF TAXABILITY.—In the case of a debt obligation which is part of a new or original issue (other than an issue treated as a new or original issue under paragraph (2)), an election under paragraph (1) shall apply to such debt obligation only if the document evidencing such debt obligation indicates that its acquisition by a United States person is subject to the tax imposed by section 4911 as provided in paragraph (1). In the case of any other debt obligation, an election under paragraph (1) shall apply to such debt obligation only if the document evidencing such debt obligation is marked or endorsed, subject to such regulations as the Secretary or his delegate may prescribe, so as to indicate that its acquisition by a United States person is subject to such tax."

"(2) Section 861(a)(1) is amended—

"(A) by striking out 'and' at the end of subparagraph (E),

"(B) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ', and', and

"(C) by adding at the end thereof the following new subparagraph:

"'(G) interest on a debt obligation which was part of an issue with respect to which an election has been made under section 4912(c) and which, when issued (or treated as issued under section 4912(c)(2)), had a maturity not exceeding 15 years and, when issued, was purhased by one or more underwriters with a view to distribution through resale, but only with respect to interest attributable to periods after the date of such election.'

"(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act."

Page 6, strike out lines 4 to 20, inclusive and insert:

"(1) Section 4914(c)(5) is amended by adding at the end thereof the following new sentence: 'For purposes of subparagraph (B), if the proceeds of the loan are to be used by the foreign obligor (or by a person controlled by, or controlling, the foreign obligor) for additional facilities, the substantial portion requirement contained in such subparagraph, and the one-half of the percentage of cost requirement contained in the last sentence of such subparagraph, shall be treated as satisfied with respect to such loan if it is established that an additional amount of ores or minerals (or derivatives thereof) extracted outside the United States by the United States person, or otherwise taken into account for purposes of such subparagraph, will be stored, handled, transported, processed, or serviced in the existing and additional facilities of such foreign obligor or person, and that, with respect to such additional facilities, such additional amount fulfills such substantial portion requirement or such one-half of the percentage of cost requirement, as the case may be.'

"(2) The amendment made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act."

Page 8, strike out all after line 7 over to and including line 15 on page 10 and insert:

"(e) DIRECT INVESTMENTS IN CERTAIN LENDING AND FINANCING CORPORATIONS.—

"(1) Section 4915 is amended—

"(A) by striking out subsection (c)(3), and

"(B) by adding at the end thereof the following new subsection:

"'(e) SPECIAL RULE FOR INVESTMENTS IN CERTAIN LENDING AND FINANCING CORPORATIONS.—

"'(1) IN GENERAL. For purposes of this chapter, a corporation described in paragraph (2) shall be treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c)(1) with respect to an acquisition of its stock or debt obligations, if it is established to the satisfaction of the Secretary or his delegate, pursuant to regulations prescribed by the Secretary or his delegate, that—

"'(A)(i) the amounts received by the corporation as a result of the acquisition will not be used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any way outside of the United States, or (ii) the funds used for such acquisition were obtained from sources outside the United States; and

"'(B) such information and records with respect to the corporation as are necessary for the administration of this chapter will be made available to the Secretary or his delegate.

"'(2) CORPORATIONS.—The corporations referred to in paragraph (1) are—

"'(A) a domestic corporation described in section 4920(a)(3)(C).

"'(B) a domestic corporation which is a qualified lending and financing corporation (as defined in section 4920(d)) during any period during which an election under section 4920(a)(3B) is in effect, and

"'(C) a foreign corporation which is a qualified lending and financing corporation (as defined in section 4920(d)) and has given notice to the Secretary or his delegate of its status as such a corporation.

"'(3) MISUSE OF AMOUNTS RECEIVED.—In any case in which paragraph (1) applied to an acquisition of stock or debt obligations and—

"'(i) the amounts received by the corporation whose stock or debt obligations were acquired as a result of such acquisition are (before the termination date specified in section 4911(d)) used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States in violation of the regulations prescribed under paragraph (1), or

"'(ii) information or records with respect to the corporation, which the Secretary or delegate has determined (before such termination date) necessary for the administration of this chapter, are not, after reasonable notice, made available to the Secretary,

then liability for the tax imposed by section 4911 shall be incurred by the acquiring cor-

poration (with respect to such acquisition) at the time such amounts are so used or such information or records are not so made available; and the amount of such tax shall be equal to the amount of tax for which the acquiring corporation would have been liable under such section upon its acquisition of the stock or debt obligations involved if paragraph (1) had not applied to such acquisition.'

"(2) Section 4920(a)(3B) is amended to read as follows:

"'(3B) CERTAIN DOMESTIC LENDING OR FINANCING CORPORATIONS.—

"'(A) IN GENERAL.—The terms foreign issuer," "foreign obligor", and "foreign issuer or obligor" also means a domestic corporation which is a qualified lending or financing corporation (as defined in subsection (d)) and which elects to be treated, for purposes of this chapter, as a foreign issuer and foreign obligor.

"'(B) ELECTION.—An election under subparagraph (A) shall be made in such manner as the Secretary or his delegate prescribes by regulations. Any such election shall be effective as of the date thereof and shall remain in effect until revoked. If, at any time, the corporation ceases to be a qualified lending or financing corporation, the election shall thereupon be deemed revoked. When an election is revoked, no further election may be made. If an election is revoked, the corporation shall incur liability at the time of such revocation for the tax imposed by section 4911 with respect to all stock or debt obligations which were acquired by it during the period for which the election was in effect and which are held by it at the time of such revocation; and the amount of such tax shall be equal to the amount of tax for which the corporation would be liable under such section if it had acquired such stock or debt obligations immediately after such revocation."

"(3) Section 4920(d) is amended to read as follows:

"'(d) QUALIFIED LENDING AND FINANCING CORPORATIONS.—For the purposes of this chapter, the term "qualified lending or financing corporation means a corporation—

"'(1) substantially all of the business of which consists of—

"'(A) making loans (including the acquisition of obligations arising under a lease which is entered into principally as a financing transaction),

"'(B) acquiring accounts receivable, notes, or installment obligations arising out of the sale of tangible personal property or the performance of services.

"'(C) leasing tangible personal property (but only if such leasing accounts for less than 50 percent of its business).

"'(D) servicing debt obligations,

"'(E) carrying on incidental activities in connection with its business described in subparagraphs (A), (B), (C), or (D), or

"'(F) any combination of the foregoing;

"'(2) all debt obligations of foreign obligors acquired by such corporation, and all tangible personal property not manufactured or produced in the United States acquired by such corporation for leasing, are acquired and carried solely out of—

"'(A) the proceeds of the sale (including a sale on a transaction described in section 4919(a)(1)) by such corporation (or by a domestic corporation described in section 4912(b)(3) which is a member of a controlled group, as defined in section 48(c)(3)(C), of which such corporation is a member) of debt obligations of such corporation (or such domestic corporation) to persons other than—

"'(i) a United States person (not including a foreign branch of a domestic corporation or of a domestic partnership, if such branch is engaged in the commercial banking business and acquires such debt obligations in the ordinary course of such commercial banking business),

"'(ii) a foreign partnership in which such corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corporation is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the profits interest, or

"'(iii) a foreign corporation, if such corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corporation is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the total combined voting power of all classes of stock of such foreign corporation, except to the extent such foreign corporation has, after having given advance notice to the Secretary or his delegate, sold its debt obligations to persons other than persons described in clauses (i) and (ii) and this clause and is using the proceeds of the sale of such debt obligations to acquire the debt obligations of such corporation (or such other domestic corporation),

"'(B) the proceeds of payment for stock, or a contribution to the capital of such corporation, if the payment or contribution was derived from the sale of debt obligations by one or more, members of a controlled group (as defined in section 48(c)(3)(C)) of which such corporation is a member (or by a corporation which would be such a member if it were a domestic corporation) to persons other than persons described in clauses (i), (ii), and (iii) of subparagraph (A) and such debt obligations, if acquired by United States persons, would be subject to the tax imposed by section 4911,

"'(C) retained earnings and reserves of such corporation to the extent attributable to the conduct of the lending or financing business outside the United States, or

"'(D) trade accounts and accrued liabilities, to the extent attributable to the conduct of the lending or financing business outside the United States, which are payable by such corporation within one year (three years in the case of tax liabilities) from the date they were incurred or accrued, and which arise in the ordinary course of the trade or business of the corporation otherwise than from borrowing;

"'(3) such corporation does not acquire any stock of foreign issuers or of domestic corporations or domestic partnerships other than stock of one or more members of a controlled group (as defined in section 48(c)(3)(C)) of which such corporation is a member (or of a corporation which would be a member if it were a domestic corporation) acquired as payment for stock, or as a contribution to capital, of such corporation; and

"'(4) such corporation, in a manner satisfactory to the Secretary or his delegate, identifies the certificates representing its stock and debt obligations and maintains such records and accounts and submits such reports and other documents as may be necessary to establish that the requirements of the foregoing paragraphs have been met.'

"(4) The amendments made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act. The amendments made by paragraphs (2) and (3) shall take effect on the day after such date.

"(5) For purposes of section 4920(a)(3B) of the Internal Revenue Code of 1954 (as amended by paragraph (2)) an election made under section 4920(d) of such Code (as in effect on the date of the enactment of this Act) shall be treated as an election made under such section 4920(a)(3B). For purposes of section 4915(e)(2)(C) of such Code (as amended by paragraph (1)), notice given under section 4915(c)(3) of such Code (as in effect on the date of the enactment of this Act) shall be treated as notice given under section 4915(e)(2)(C)."

Page 12, line 16, strike out all after "case" down to and including "Act" in line 20 and insert: "in which such two-year period has elapsed before the expiration of 60 days after the date of the enactment of this Act, if the issuing corporation involved makes the application within such 60-day period".

Page 12, strike out all after line 22 over to and including line 7 on page 13.

Page 13, after line 7, insert:

"(h) CERTAIN MUTUAL FUNDS—

"(1) Section 4920 is amended—

"(A) by inserting 'subject to the provisions of subsection (e),' before 'a domestic corporation which' in subsection (a)(3)(B);

"(B) by inserting after 'if, at the close of any succeeding quarter,' in subsection (a)(3)(B) the following: '15 percent or more in value of the outstanding stock of the company is owned, directly, or indirectly (within the meaning of section 4915(a)(1)), by one person, or'; and

"(C) by redesignating subsection (c) as (f), and by inserting after subsection (d) the following new subsection:

"'(e) CERTAIN MUTUAL FUNDS.—Notwithstanding subsection (a)(3)(B), a domestic corporation described in such subsection shall not be treated as a "foreign issuer", "foreign obligor", or "foreign issuer or obligor" with respect to any acquisition of stock or a debt obligation which is attributable to funds obtained by borrowing or through issuance of it's stock after March 24, 1971.'

"(2) The amendments made by paragraphs (1)(A) and (C) shall apply with respect to acquisitions made after March 24, 1971. The amendment made by paragraph (1)(B) shall take effect on the date of the enactment of this Act."

Page 13, after line 7, insert:

(i) DEBT OBLIGATIONS WITH MATURITY OF LESS THAN A YEAR.—

"(1) Subchapter A of chapter 41 is amended by adding at the end thereof the following new section:

"'SEC. 4921. DEBT OBLIGATIONS WITH MATURITY OF LESS THAN A YEAR.

"'(a) STANDBY AUTHORITY.—

"'(1) IN GENERAL.—If the President of the United States determines, after taking into account the domestic economic objectives, the balance of payments objectives, and the other international economic objectives of the United States, that it is desirable to apply the tax imposed by section 4911 to the acquisition of debt obligations of foreign obligors having a period remaining to maturity of less than one year, he may, from time to time by Executive order (applicable as provided as in subsection (c)), extend the application of such tax, at such rate or rates (subject to the provisions of subsection (b)) specified in such order, to the acquisition of such debt obligations specified in such order. The authority conferred by this paragraph may be exercised, at the discretion of the President with respect to any classification of such debt obligations specified in paragraph (2), and with respect to acquisitions occurring during such period of time, as may be specified in the Executive order. The President may by subsequent Executive order terminate or modify any Executive order previously issued under this section.

"'(2) CLASSIFICATION.—For purposes of paragraph (1), debt obligations may be classified according to—

"'(A) type of debt obligation,

"'(B) period of maturity,

"'(C) category of obligee,

"'(D) category of obligor,

"'(E) aggregate amounts subject to tax or not subject to tax, or

"'(F) other criteria similar to any of the foregoing

"'(b) RATES OF TAX.—The rates of tax which may be specified in an Executive order issued under this section shall not exceed

the rate applicable to debt obligations having a period remaining to maturity of at least one year, but less than one and a quarter years.

"(c) APPLICABILITY OF EXECUTIVE ORDER.—Any Executive order issued under this section shall apply with respect to acquisitions made after the date on which such Executive order is issued, except that in the case of any such order which subjects acquisitions to the tax which are not then subject to the tax, or which increases a rate of tax (as in effect without regard to such order), to the extent specified in such order, rules similar to the rules prescribed in paragraphs (2), (3), and (4) of section 3(c) of the Interest Equalization Tax Extension Act of 1967 shall apply.

"'(d) REGULATIONS.—The Secretary or his delegate may prescribe such regulations (not inconsistent with the provisions of this section or any Executive order issued and in effect under this section) as may be necessary to carry out the provisions of this section.'

"(2) The table of sections for subchapter A of chapter 41 is amended by adding at the end thereof the following new item:

"'Sec. 4921. Debt obligations with maturity of less than a year.'"

Page 13, line 8, strike out "(j)" and insert: "(j)".

Page 13, strike out lines 12 to 18, inclusive, and insert:

"'(e) CERTAIN INTEREST EQUALIZATION TAX RETURNS.—The provisions of this section shall apply with respect to returns of amounts withheld under section 4918(e)(7) (relating to withholding of interest equalization tax by participating firms) in the same manner and to the same extent as they apply with respect to returns specified in subsection (a)(1).'"

Page 13, in the third line following line 24, strike out "(e)".

Page 14, line 4, strike out "(j)" and insert: "(k)".

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

Mr. BYRNES of Wisconsin. Reserving the right to object, Mr. Speaker, I do so only for the purpose of yielding to the gentleman from Arkansas so that he might call to the attention of the Members of the House the substance of the Senate amendments. I yield to the gentleman from Arkansas.

Mr. MILLS. I thank my friend from Wisconsin for yielding to me.

The most significant feature of H.R. 5432 is that it extends the interest equalization tax for 2 more years from tomorrow when the tax is scheduled to expire until March 31, 1973. As you will recall, this bill as passed by the House included a number of minor technical amendments to the interest equalization tax. The Senate retained the minor technical amendments in the bill and made some minor modifications in them. It also added two additional minor amendments to the bill. These amendments for the most part are technical perfecting amendments which do not, in any sense of the word, change the basic purpose of the tax.

The two additional amendments added to the bill by the Senate, however, rise above the level of merely technical amendments. I would like to explain these. The first, and more important of these amendments, provides the President with discretionary authority to extend the interest equalization tax to debt obligations with maturities of less than 1 year. At present, the tax only applies to obligations with maturities of 1 year or more.

In recent months, short-term obligations, particularly bank loans, have increased significantly. In 1970, for example, these loans increased to a level of $1.1 billion. This is up from the much lower levels which have prevailed since 1965. With one exception, these prior levels have not been much over $700 million.

The discretion provided to the President under the Senate amendment gives him as much latitude as possible so that he will be able to impose the tax with respect to those short-term funds which are going abroad merely to seek higher interest rates as distinct from those funds which are needed to facilitate export and other transactions.

The second additional amendment of the Senate to the bill relates to mutual funds. Present law provides that mutual funds set up before the interest equalization tax became effective may continue to operate free of the tax with respect to transactions of the fund itself even in the case of new investments made in the fund. Other new funds complained of this advantage of the existing funds and the Senate restricted this tax-free rollover privilege of existing funds to investments in the funds prior to March 24, 1971.

Both of these additional Senate amendments to the bill constitute improvements in the tax which I urge the House to accept.

As I indicated at the outset, the Senate also made several minor modifications in the technical amendments contained in the House-passed bill. None of these amendments change the purpose or thrust of the House bill. Rather, they generally either increase the workability of the House provision or clarify its application. I will briefly summarize the House provisions which were modified by the Senate and the nature of the Senate modification.

First. The House bill allowed a domestic company to elect to have a new issue of its debt obligations treated as subject to the tax so as to be able to comply with the foreign direct investment restrictions. The Senate extended this election to domestic partnerships, made the election inapplicable in the case of convertible debt obligations to the stock into which the obligations could be converted, and also extended the election to certain previously issued obligations of foreign or domestic subsidiaries. The Senate also exempted interest paid to foreign persons on obligations subject to this election from the 30-percent U.S. withholding tax.

Second. The House bill provided that the present exclusion for loans in connection with foreign mineral facilities which is available only if the lending U.S. person has a substantial amount of ores processed in the facility could be satisfied in certain cases by looking to the amount of ores supplied by the U.S. person to the existing, as well as the new, facilities of the foreign person. The Senate modified this provision so that the exclusion is available only where the additional amount of ores supplied by the U.S. person to the existing and the new facilities would satisfy the tests of present law.

Third. The House bill permitted tax-free direct investments to be made by financial institutions in certain lending or financing subsidiaries in situations where the amount invested would remain in the United States and thus not adversely affect our balance of payments. The Senate modified this provision in a number of respects. First, it made this treatment available in the case of investments by any U.S. company. Second, it made the treatment available where the invested funds came from foreign sources as well as where they stay in the United States. Third, it provided a definition of the type of lending and financing company in which an investment could be made which primarily is designed to insure that the company operates in a manner consistent with our balance-of-payments objectives. Fourth, it extended this tax-free treatment to acquisitions of stock or debt obligations of a financing subsidiary from third parties as well as from the subsidiary. Finally, any domestic company which qualifies as a lending and financing company under the bill is to be allowed to elect to be exempt from the tax on the loans it makes in its business.

Fourth. The House bill allowed the Treasury Department to waive a notice requirement which must be satisfied if additional shares of stock issued by a foreign corporation principally owned by U.S. persons are to be treated as domestic stock. The Senate clarified the application of this waiver rule in cases where the failure to give the notice occurred prior to the enactment of the bill.

Fifth. The House bill provided a civil penalty for late filing of certain interest equalization tax returns or for failures to pay over certain amounts of tax. This penalty would have applied to brokers who withhold tax for customers as well as to the customers themselves. The Senate deleted the penalty in the latter case since it is already provided for under present law.

I urge the House to agree to the Senate amendments to this bill.

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

Mr. BYRNES of Wisconsin. Mr. Speaker, further reserving the right to object, I do so only to say I do think these amendments are acceptable.

I would add one word of caution that as far as I am concerned, I have some question about the desirability of imposing this tax on short-term obligations, but since it is discretionary authority, certainly that is not a big enough difference of opinion that we should contest it at this time.

The legislation is needed to become law by tomorrow night, and all of the other amendments are certainly in order in my judgment.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I associate myself with the gentleman's position. I

can accept the amendment, because it is discretionary and it gives the President the right to go either way. I think I would have some trouble in accepting an amendment of this sort if we were first imposing the tax, and doing this without any discretion at all.

Mr. BYRNES of Wisconsin. That is correct, or in directing that it absolutely be used, but it is discretionary.

Mr. MILLS. If the gentleman will yield further, much of this is done for the purpose of promoting exports of American products in the first place.

Mr. BYRNES of Wisconsin. That is correct.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DAMAGE TO THE FIRST AMENDMENT TO OUR CONSTITUTION

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

Mr. ICHORD. Mr. Speaker, until this week I was unaware that the first amendment to our Constitution was a protective shield, under which foreign citizens who advocate the violent overthrow of that very Constitution must be admitted to this country.

But that is the effect of a recent ruling by a three-judge panel in the New York City Federal court.

I refer to the ruling in the case of Ernest Mandel, a Belgian Marxist, who was barred from entry to the United States in 1969 for the purpose of lecturing at colleges and universities. This ruling has the effect of striking down a section of the 1952 Immigration and Nationality Act.

Mandel is an internationally known advocate of world Marxism who admittedly preaches anarchistic doctrines and the forcible overthrow of the U.S. Government and its Constitution.

Let me say immediately that I have written to Attorney General John Mitchell urging him to appeal this matter, at the earliest opportunity. A copy of that letter accompanies this.

But I feel so strongly about the issue that I feel it incumbent upon me to bring it to the attention of this House.

The two Federal judges who concurred in the majority opinion are District Judge John F. Dolling, Jr., who wrote the majority opinion, and District Judge Wilfred Feinberg. Their decision holds that the first amendment insures free and open academic exchange and that the McCarran-Walter Act imposes a prior restraint on constitutionally protected communication.

If this court ruling had applied 30 years ago during World War II, I presume that Adolf Hitler, Benito Mussolini, and Hideki Tojo would have been free to visit our country and speak in behalf of nazism, fascism, and Japanese imperialism. No doubt even in the desperate days of that bitter conflict they would have enjoyed some sort of audience in the circles of academe, just as Mandel doubtless will today.

At least one of the three judges involved, however, is not seeking to promote national suicide, District Judge John R. Bartels wrote a strongly worded minority opinion. In it he said:

> My difference with the majority stems from the fact that while recognizing the sovereign power to exclude in the interest of self-preservation, they subordinate this interest to the First Amendment interest by applying standards invoked exclusively to strictures upon speech by American citizens and strictures upon the right of American citizens to hear other American citizens. In proceeding in this manner it seems to me that the majority has ignored the crucial fact that (the McCarran-Walter Act) serves the important objectives of (1) national security and (2) foreign policy, and that the exclusion of a disfavored political doctrine as expounded in person by an alien is not its aim but only a by-product.

Permit me, Mr. Speaker, to quote further from Judge Bartels' dissent:

> In the hierarchy of priorities, the imperative of national security in dealing with aliens must prevail over limited restrictions upon First Amendment rights . . .
>
> The loss of thousands of lives and the expenditure of billions of dollars attest to the fact that the Federal Government has reached the judgment that the continued worldwide growth of the Communist movement as practiced in its tyrannical form is inimical to the best interests of this nation.

I think Judge Bartels has exhibited wisdom and good commonsense in this dissent.

But he—and an act of Congress—have been overruled by two judges who apparently are more interested in theory than in applied practicality.

Let me cite just one example of what life in this country would be like should the social philosophies Ernest Mandel advocates gain supremacy in America.

Recently a 21-year-old American named Mark Hussy was arrested in East Berlin, charged and convicted, drawing a prison term of 7 years, I repeat, 7 years. His crime? Making statements critical of the Communist East German Government.

This, of course, is exactly what Ernest Mandel proposes to do here, on our Nation's campuses. Furthermore, Mandel undoubtedly intends to go much further than simple criticism of our form of government. Doubtless he will suggest that it be changed in favor of communism, by whatever means necessary to achieve that end.

If Mandel and those who are sponsoring him are successful in their efforts, it will not be his first visit to our country. Oh no, he has been here before, twice, in 1962 and 1968 to be specific.

But last year the Justice and State Departments denied entry for him because of determination that Mandel was ineligible because of his subversive affiliations and because his activities during his last trip went far beyond the stated purposes of his trip.

Mandel has furnished sufficient evidence that he hates this government and everything it stands for. He has all the right in the world, so far as I am concerned, to express his opinions—in Belgium, where he is a citizen.

But I see no reason to import him into this country to preach sedition and revolution. We have entirely enough homegrown extremists both on the right and the left who would destroy the Government without sending abroad for them.

My letter to Attorney General Mitchell follows:

MARCH 25, 1971.

Hon. JOHN M. MITCHELL,
Attorney General, U.S. Department of Justice, Washington, D.C.

DEAR ATTORNEY GENERAL: On March 19, 1971, a three judge Federal Court in New York handed down a decision in *Mandel et al.* v. *Mitchell*. The case involved the refusal of the United States to issue a visa to Dr. Ernest Mandel, a Belgium citizen and admitted Marxist, who openly advocates Marxist revolutionary doctrine. Dr. Mandel had been invited to lecture in the United States. When his application for a visa was denied, a group of United States citizens, joining Mandel as a party plaintiff, instituted litigation.

The court, with one judge dissenting, determined that Mandel could not be barred from a speaking tour of the United States because the basic exclusion statute in question, 8 U.S.C.A. § 1182(a) (28) is unconstitutional. The court determined the statute to be unconstitutional on the grounds that it is directed to no other and then limitation of First Amendment rights. Those First Amendment rights did not involve Mandel's right to speak; rather the rights of United States citizens to hear him speak.

Judge Bartels, in his dissenting opinion, has succinctly articulated what should have been the determinative arguments and reasoning to bring the decision to an opposite result. Bartels correctly points out that the majority opinion, casually brushing aside a line of cases which establish that no limitations can be placed upon the power of Congress to exclude aliens, severely restricts the powers and prerogatives of the Government to conduct foreign policies and provide for national security. I completely concur in his evaluation and urge you to take whatever measures are necessary to insure that this case is appealed.

Sincerely,

RICHARD H. ICHORD,
Member of Congress.

PUBLIC LANDS HIGHWAY FUNDS FOR UTAH

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

Mr. McKAY. Mr. Speaker, it is a matter of great concern to an area of my State that authorized funds for construction of highway projects in Daggett, Emery, and San Juan Counties have been frozen by Executive order of the President and current budget recommendations of the President and the office of management and budget will cause a loss of these funds unless action is taken right away.

I would like to urge authorization of the apportionment of fiscal year 1971 public land highway funds and the obligation of all public lands and forest highway funds authorized for fiscal years 1970 and 1971.

The projects for which these funds are programed in Utah are vital and

important to the people of my State and I would like at this time to offer my support for and enter into the CONGRESSIONAL RECORD the following joint resolution of the 39th Legislature of the State of Utah:

S.J.R. No. 23—1971 APPORTIONMENT OF PUBLIC LAND HIGHWAY FUNDS

A joint resolution of the 39th legislature of the State of Utah requesting the President, the Congress, the Office of Management and Budget and the Secretary of the United States Department of Transportation to authorize the apportionment of fiscal year 1971 public land highway funds and the obligation of all public lands and forest highway funds authorized for fiscal years 1970 and 1971

Be it resolved by the Legislature of the State of Utah:

Whereas, Congress has authorized funds under the Public Lands Highway and Forest Highway Programs for fiscal years 1970 and 1971, and the United States Department of Transportation has apportioned part of these funds for use within the State of Utah; and

Whereas, in reliance thereon the Utah state road commission in good faith has programmed these funds for the construction of projects in Daggett, Emery and San Juan counties, to wit:

FHP 37-2(5) Final surfacing on SR-44 between Greendale Junction and Dowd's Spring	$400,000
FHP 7-3 (5) & (6) Huntington Canyon	1,065,000
FLH 42(9) SR-95 from Cottonwood Wash-Comb, Wash	2,300,000

Whereas, by executive order of the President, the Utah State road commission has not been allowed to proceed with the anticipated projects nor obligate the apportioned funds within the period for which they were authorized; and

Whereas, current budget recommendations of the President and the office of management and budget will cause the unobligated balances of the 1970 and 1971 Public Lands Highway and Forest Highway funds to lapse on July 1, 1971; and

Whereas, the projects for which these funds are programmed are essential and critical for protection of the investment incurred in the initial surfacing on the Greendale Junction road, and to provide for rerouting of the Huntington Canyon road to prevent delay in the construction of a power plant and reservoir and to bring nearer completion state road 95 from Blanding to Hanksville which serves as the backbone of the Golden Circle network of scenic and recreational highways in the State of Utah.

Now, therefore, be it resolved, by the 39th Legislature of the State of Utah, that the public interest requires that funds authorized by Congress and apportioned by the United States Department of Transportation and programmed in good faith by the Utah state road commission not be permitted to lapse on July 1, 1971, as proposed in the President's budget.

Be it, further resolved, that the Utah legislature requests the President, the Director of the Office of Management and Budget, the Congress and the Secretary of the United States Department of Transportation to take the action necessary to prevent the funds from lapsing as proposed and to authorize the obligation of said funds and the apportionment of the 1971 Public Lands funds to the States with consideration being given to Utah's application for such funds on file with the Federal Highway Administration.

Be it further resolved, that the secretary of state be, and is hereby, directed to transmit copies of this resolution to the President, the Director of the Office of Management and Budget, the Secretary of the United States Department of Transportation and the Congressional delegation from the State of Utah.

NATIONAL WEEK OF CONCERN FOR POW/MIA

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

Mr. ADDABBO. Mr. Speaker, it has been 7 years and 4 days since the first American prisoner of war was captured in Southeast Asia. It has also been 7 years and 4 days since the North Vietnam Government has failed to recognize and apply the Geneva convention understandings to our prisoners of war.

The only immediate hope we have for changing the policy of North Vietnam in this regard is the weight of world opinion. The grassroots campaign in the United States and throughout the world on behalf of our prisoners of war and those missing in action is reaching its peak with the National Week of Concern activities. As a cosponsor of the congressional resolution to recognize this Week of Concern, I am proud to join my colleagues on both sides of the aisle in these efforts to mobilize public pressure against the irrational and inhumane policies concerning POW/MIA's.

It is my hope that the wives and families of our POW/MIA's will not have to face another day of those policies which deprive them of any knowledge of their loved ones. It has been 7 years and 4 days too long for such a tragic situation.

Mr. Speaker, my position on the Vietnam war and our involvement in Indochina has been known for some time. As a member of the House Appropriations Committee, I have voiced concern over the expansion of the war, the extent of our role in Southeast Asia, and my support for a Vietnamization policy which should end our troop commitment by December of 1971.

It is said that the move to end the war by December 1971 gives solace to the enemy. This cannot give any more aid or comfort than the President's Vietnamization policy or the President's announcement of continued pullouts. I believe that after 10 years—after all our dead and wounded—after dropping over 4 million tons of bombs, twice as much as we dropped during World War II, including Korea—after 40 percent of our troops starting to use drugs, it is time to let the South Vietnamese know that they must take over the responsibilities in the field.

The South Vietnamese did not start drafting their 18-year-olds until we gave them an ultimatum so once again I believe we must give them an ultimatum—a definite date beyond which the United States will not continue to provide troops in Vietnam.

We are not running out—this is the third year of the Vietnamization program. The South Vietnamese have been fighting in Cambodia and Laos and they have told us that they will get out of Cambodia when they wish. South Vietnam has had an election and they will have another in September. If they cannot go it by December, they will never be able to defend themselves.

In 1968 the President told the American people that he had a plan to end the war. That plan had to be withdrawal of all American forces for in reality the Vietnamization program was started by President Johnson when he ordered the training of the South Vietnam Army to defend itself under the pacification program. By calling for complete withdrawal by December 31, 1971, we are supporting the policy of Vietnamization but calling for its completion in 1971 instead of 1972, a presidential election year.

The President has pledged to end the war. He has told us that all U.S. troops will be withdrawn from Southeast Asia. I say let that be our policy and let it be achieved by the end of this year.

CONGRESSIONAL QUESTIONNAIRE REPORT

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

Mr. MONAGAN. Mr. Speaker, the results of my 1971 congressional questionnaire have been tabulated, and I should like to record them for the information and consideration of my colleagues. I also intend to send copies of this report to my constituents.

In distributing over 40,000 questionnaires, I asked citizens of Connecticut's Fifth District to answer 15 issue questions, and rank in order what they considered to be the 12 most critical problems facing the United States. I was gratified that over 6,000 questionnaires, or approximately 15 percent, were returned. With "his" and "her" categories on each card, the total number of respondents to the issue questions was increased to 8,700; 5,777 individuals provided a ranking of critical issues. Since the tabulation was completed 325 more questionnaires have been received.

Of most immediate interest, respondents supported the recent actions of the majority of the Congress on the issues of the supersonic plane and the 18-year-old vote. Out of 8,700 responses tallied on these questions, 5,269 people or 70 percent opposed further Federal funding of the SST; 4,614 or 53 percent favored extension of the 18-year-old vote to all elections. I was pleased to vote with the majority of the House on both of these issues.

On the priority ranking of problems, 1,820 people or 32 percent listed inflation and continued unemployment as the Nation's No. 1 problem. Significantly, those responding to the issue question supported price and wage controls as a means of curbing inflation by a 70- to 30-percent margin.

The Vietnam war was thought to be the most critical issue by 1,716 people or 29 percent. At the same time, approximately 50 percent supported an immediate unilateral withdrawal of American troops from Vietnam. Only 1 percent ranked the draft as the most critical problem facing the Nation.

Those answering also voiced overwhelming support for campaign reform, as 90 percent of those who responded

favored specific limits on the length and cost of national political campaigns; 73 percent favored appropriate curbs on imports which compete unfairly with U.S. products. Opposition to the legalization of marihuana was expressed by 6,658 individuals, or 83 percent. Revenue sharing was opposed by 60 percent if it means a tax increase.

I was pleased with the response of the people of the District to this questionnaire. The results will help me determine how I shall vote on the critical issues facing the Congress, although I do not view the response as a mandate.

The complete tabulation of responses to the 15 issue questions and the priority ranking of problems follow:

THE QUESTIONNAIRE: TOTAL RESPONSES 8,700

Do you favor—	Yes	Percent	No	Percent	Uncommitted
1. A plan for the Federal Government to share revenues with the States and municipalities although it may mean a tax increase?	3,464	40	4,867	60	369
2. Price and wage controls as a means of curbing inflation?	6,129	70	2,366	30	205
3. Appropriate curbs on imports which compete unfairly with U.S. products?	6,364	73	2,039	27	297
4. Specific limits on the length and cost of national political campaigns?	7,868	90	626	10	206
5. Federal financial support for the further development of the SST?	2,621	30	5,269	70	810
6. The availability of Federal funds to insure the liquidity of railroads and other public utilities when they experience temporary financial difficulties?	4,747	54	3,593	46	360
7. Continuation of manned space exploration?	4,589	52	3,862	48	249
8. The admission of Communist China to the United Nations?	4,286	50	4,142	50	272
9. Extending the 18-year-old vote to all elections?	4,614	53	4,016	47	70
10. Legalization of the sale and use of marihuana?	1,513	17	6,658	83	529
11. Increased Federal support for population control programs?	5,563	64	2,766	36	371
12. The President's plan for family assistance?	4,765	55	2,894	45	1,041
13. Tax credits for parents who pay the expenses of college education?	6,253	72	2,201	28	246
14. Reduction of the U.S. commitment to the North Atlantic Treaty Organization?	4,717	53	3,341	47	642
15. Immediate unilateral withdrawal of all American troops from Vietnam?	4,352	50	4,130	50	218

Priority ranking of national problems	Responses	Percent
Rising inflation and continued unemployment	1,820	32.0
The war in Vietnam	1,716	29.0
Environmental pollution	557	10.0
High taxation	504	8.0
Crime	424	7.5
Drug abuse	255	4.5
Poverty	144	2.5
Imports which compete unfairly with American products	139	2.5
Unrest in the Middle East	61	1.0
The draft	53	1.0
Urban blight	52	1.0
Racial dissension	52	1.0
Total	5,777	

Note: Explanation—1,820 of the 5,777 responses listed rising inflation and continued unemployment as the No. 1 national problem; 52 listed urban blight and racial dissension as the No. 1 problem.

LT. WILLIAM CALLEY—MY LAI INCIDENT

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

Mr. NICHOLS. Mr. Speaker, like many of my colleagues I am extremely shocked and appalled at the premeditated murder conviction of Lt. William Calley in connection with the My Lai incident almost 3 years ago. Although I am a strong supporter of the military and military justice, I cannot understand how the six Army officers could convict Lieutenant Calley when there is a very strong possibility he was carrying out orders from a superior officer.

Now this same jury must decide whether Lieutenant Calley shall spend the rest of his life in prison at hard labor or he should be executed for these alleged crimes.

Mr. Speaker, my two offices in my district and my Washington office have already been deluged with telephone calls and telegrams. Several deputy sheriffs, one of whom served two tours in Vietnam, have gone personally to my office in Anniston to protest the verdict. I have yet to receive a single call or telegram concurring with the decision.

The Alabama Legislature, which goes into session tomorrow, will study a resolution asking the President to intervene in the case and grant a pardon to Lieutenant Calley. I have no doubt that this resolution will be passed.

Mr. Speaker, I respectfully urge that the military appellate courts who will review this case give careful consideration to every detail. I have contacted the convening authority at Fort Benning, the commanding general of that base, asking if Lieutenant Calley can be released under the Military Justice Act of 1968–69 which gives the convening authority the power to defer the sentence until a final decision is handed down in litigation.

I am not only concerned with Lieutenant Calley, the individual and the soldier. I am concerned about this great country of ours. If the verdict is not reversed, it will be many years before America is able to remove this blot on our proud history.

MINISTER RETIREMENT PROGRAM

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

Mr. WHITEHURST. Mr. Speaker, I am sure many people are not aware of the unusual circumstances that exist pertaining to the minister retirement program of the Federal Government.

Prior to 1954 a minister was in the unique position of having no retirement benefits except for a possible pension provided by his congregation. In 1954, the Government finally recognized this inequity and passed a law giving the opportunity to be covered under social security. Even this was done in a unique way.

The law provided for a minister to be covered as a self-employed individual, with no contribution being made by the church, and he was thus treated like all other self-employed individuals in the eyes of the law.

Since that time, however, other retirement benefits have become available to self-employed persons, but again, as occurred under social security, with the exception of the clergy. I am referring to the Keogh plan.

Under this retirement program, a self-employed person could invest up to 10 percent of his income—not exceeding $2,500—in a Government-approved private investment program, and deduct this from his income tax.

Mr. Speaker, the bill I am introducing today will correct this inequity, by permitting a minister to participate in this program on equal grounds with other self-employed individuals. I see no reason why our laws should reflect the opinion that a minister should receive less for services rendered humanity than other professionals. I hope that the House will give this bill prompt and favorable consideration.

OUR SENIOR CITIZENS: OUR RESPONSIBILITY

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

Mr. FORSYTHE. Mr. Speaker, today I have been most happy to welcome to Washington several hundred senior citizens who have come here to see their Nation's capital and to watch the Congress in action.

This fine group, which traveled in a dozen buses, represents a growing segment of the American population with special needs and requirements. Unfortunately, too often it is the very segment that is lastly considered.

The Congress took what must be an initial step earlier this month when it approved a 10-percent increase in benefits for social security recipients. But, this is not enough, and we must not rest with this achievement.

Virtually no person wants to grow old. Virtually no person wants to face the stark realities of being alone, of living on a meager income, of losing health, of becoming increasingly dependent on

others. Edward Albee once wrote a play about a middleaged couple who, before putting Grandma permanently in the sandbox with a toy shovel, gave her a nice place to live under the stove, with an Army blanket and her very own dish.

Unfortunately, the play contains more truth than fiction.

One of the poignant trends of life in this country of ours is the gradual devaluation of older people, along with their spectacular growth in numbers.

Twenty million Americans are 65 or over. They have also increased proportionately, from 2.5 percent of the Nation's population to better than 10 percent today.

Tragically, though, the elderly persons throughout the United States are twice as likely to be poor as younger persons.

Today, I am introducing a package of legislation designed to help provide substantial, meaningful assistance to these older Americans.

The bills would:

Provide social security increases commensurate with the cost of living and raise from $1,680 to $3,000 annually the earnings limitation ceiling.

Exempt individuals from social security tax payments after age 65.

Amend the Internal Revenue Code to allow persons over 65 to deduct all medical expenses from income tax.

This program constitutes a goal to which I believe this Congress should address itself: the goal of providing what is due to a large sector of America.

Our older Americans are not to be pitied. They are not to be cast aside like old cars, on a junk heap to rust and disintegrate.

Rather, our senior citizens must be provided with what should rightfully be theirs—a meaningful income, the opportunity to continue and to contribute to their society.

Cost-of-living increases in social security are long overdue. The cost to this Nation in dollars would be insignificant to the help which would be provided to those who deserve it the most.

For maximum fairness, the outside earnings ceiling should really be lifted entirely. Estimates, however, run in the area of $2 billion. So, the $3,000 limitation is, I believe, a realistic step in that direction.

It seems to me that by imposing the unrealistic limitation on earnings which exists today, we are robbing this Nation of a talented and dedicated pool of individuals who are willing and able to contribute to their society.

Why not consider using qualified older persons who desire to work in day care centers? Why not expand and improve the foster grandparent's program? And the green thumb program?

It also seems to me that we are defeating the very purpose of the social security program by requiring those who receive the benefits to continue to pay the taxes.

This Congress, I assert, must reach for these goals which I have outlined here and which have been outlined by others before me.

But, we must not rest with these achievements.

The older American comes from a generation which has known the importance of national pride, of patriotism. He knows what it is to fight in wars—there have been at least four in his lifetime, and many have lost loved ones.

The older American knows the importance of reverence to God and to his Nation's flag. He is worth seeking out, and he is worth helping.

Taxes are a critical problem for those who have grown old.

In New Jersey, particularly, real estate taxes continue to climb. In many, many cases, it is virtually all one can do to keep a home which is long ago paid for—because of the mounting tax bill.

The group visiting here today has presented a petition to Congress requesting that tax responsibilities for senior citizens and retirees not be increased over the amount for which they were liable at the time of retirement or on their 65th birthday.

The crux of this proposal is really the real property tax, which of course, is a matter of local jurisdiction.

However, the message here should be heeded.

Senior citizens must have tax relief. They must be helped so that the honor and dignity which they deserve are not abrogated.

Samuel Dockett once said:

> We have time to grow old—the air is full of our cries.

My colleagues, let us hear these cries. And let us respond.

EL MONTE, CALIF.

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

Mr. WIGGINS. Mr. Speaker, recently, Time magazine printed an article exploring suburbia in the United States. The seven-page report included profiles on four communities in this Nation. El Monte, Calif.—my hometown and the town in which I had the privilege of serving as mayor—was one of those selected. El Montians would normally be pleased with the fact that a national magazine such as Time, selected their city as being representative of American communities. For indeed we are proud of our town and believe it is the kind of town that everyone can call home.

However, for those Members who may have read the article, please allow me a few words of rebuttal. I do this because I believe Time was negligent in failing to present a balanced picture of this community in their analysis of suburbia.

Time magazine stated:

> Despite its staggering growth, El Monte oddly manages to maintain a small town atmosphere. It could be a relic from a blue collar edition of Norman Rockwell's "America." The pace in El Monte is just a bit slower than in Los Angeles. The people are just a bit friendlier. Hands dirtied by honest work are still a badge of honor.

This is true. It is a friendly town. It is a workingman's town. It is a town where citizens take an interest in getting things done. And we are proud of it.

Take the Boys' Club, for example. Just a few years ago it was the dream of a local veterinarian and the Civitan Club. Today, it is a 1,500-boy reality, headquartered in a $250,000 center. It came about because the citizens of El Monte recognized a growing juvenile problem and decided to do something about it. Labor unions, business, city officials, and citizens ignored the critics—those who said it could not be done in a workingman's town—and joined together to build a club and serve youth. Perhaps, most significantly, Mr. Speaker, the proud people of El Monte did it themselves without a Federal handout.

Another example is downtown redevelopment. Like so many other older American cities—El Monte was founded about 1852—the downtown business area began to show its age a few years ago, but rather than request a Federal program, as is the practice in more affluent but less independent cities, the landlords, the tenants, and the city fathers, got together to build a beautiful downtown mall, using only local funds. El Monte has a long history of this kind of cooperation. It was a pioneer among California cities with off-street parking lots. It was the first city in the State to allow its merchants to band together in order to pay for parking and downtown promotions.

And because of this progressive attitude, El Monte is second only to Pasadena in the San Gabriel Valley in taxable retail sales. This retail trade helps keep property taxes down. In fact, the city fathers were able to reduce taxes from $1.66 to $0.63 from 1946 to 1969 while expanding city services to accommodate a population growth of 8,000 to 68,000.

El Monte schools have always been among the best in the State. We in the community have been proud to back their innovative programs. These programs were not only educational but also recreational. For years the elementary school districts and the city have cooperated in leisure hour programs in order to utilize playground facilities after school and during the summer.

As stated by Time magazine, we do not have a private country club set, but let me assure you, we are not lacking public recreational activities.

Our golf course, municipal swimming pools, community centers, offer a wide variety of programs for all age groups. With one of the largest little league systems in the county, an active Pop Warner football league, and a large number of Boy and Girl Scout troops we keep busy doing the things we best like to do—serving our youth.

El Montians turn out in large numbers to support the annual Lions Club barbecue, the Kiwanis pancake breakfast, and the many other charity events staged by community organizations.

We are also very proud of our industry. El Monte is corporate headquarters for two industrial giants, Aerojet-General and Hoffman Electronics.

Ball Glass Co. is a leader in the recycling of glass bottles. Sargent-Fletcher Manufacturing Co. has been in the forefront in the hiring of the handicapped

and disadvantaged. These firms, and the hundreds more in our community, I am proud to say, are good, active citizens. The chamber of commerce long ago shed its image of a tourist greeting agency. Today, as a unifying force in the city, it has brought business community know-how to bear on social problems such as unemployment, drug abuse, and pollution. The chamber is truly concerned about the total community and not just the business-industrial sector.

Like many other towns El Monte has problems, but thanks to an alert and sensitive city council and a dedicated city staff, we are able to come to grips with them. The saving of the airport, enlightened zoning ordinances, and mile upon mile of road improvements, are just a few of their accomplishments.

Yes, this little-town-grown-big, with its friendly El Monte parade, its historical museum, its churches, manages to retain its small town atmosphere in the shadow of Los Angeles as alluded to in Time magazine. Unfortunately, however, Time missed entirely the reason the city is able to achieve so much. It is because of the independence and energy of its proud people.

HIGHER EDUCATION FUNDING ACT OF 1971

(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, today I have the distinct honor of reintroducing with 41 cosponsors my bill, H.R. 5, the Higher Education Funding Act of 1971.

I do not think I could have chosen a more opportune time to reintroduce this bill in the company of such illustrious Members. The mood seems ripe for major congressional action this year or next on the all-important question of how the Federal Government can best assist in relieving the awesome financial burden of putting young men and women through an institution of higher learning. Already there have been a number of bills introduced this session in both Houses which, while differing significantly in their approach to the problem, all have at least one aim in common, and that is offering Federal assistance to families faced with ever-increasing college education costs.

In the wide spectrum of possible alternatives in this area, I feel that the advantages of my bill can best be put as follows: it specifically addresses itself to the neglected middle-income family, which just misses qualifying for Federal assistance and yet does not possess an income sufficient to take increasing college costs in stride. This is, in a real sense, the neglected stratum of our society. The group that is always caught in the vise. A group which wants to pay its way, earn its way, but does in the final analysis need some recognition from the Federal Government for the burden they are bearing, lest they be crushed under its weight. My education bill is not, therefore, properly described as yet another Federal handout. Rather, it is designed to encourage self-financing by the parent-taxpayers of future college students. H.R. 5 has been designed to permit these parent-taxpayers to set aside limited amounts of money annually to meet future college costs. By employing the device of a deduction from gross income, it encourages the setting aside of amounts each year in a trust fund, the purchase of insurance or annuity contracts, custodial accounts with banks, nontransferable face amount certificates, and/or Government bonds.

We all know college costs have increased dramatically over the past several years and there is no evidence to lead one to believe that this trend will not at the very least continue if not, in fact, grow worse. The legislation I am sponsoring attempts to ease this increasing burden by allowing parents to plan in advance for their dependents' college education and spreads the anticipated cost over a period of years. The burden that will have to be borne by the already overburdened Treasury of this Nation is as limited as is possible, while at the same time providing a real incentive for parents to save and bear the major financial responsibility for educating their children.

I am not making any outrageous claims for this legislation. I am not arguing that it will solve all the varied problems facing this Nation today in the field of higher education. But it would at least be a long overdue measure of relief to one of the most neglected sectors of our society. Its costs would be minimal. It would not destroy incentive but would rather encourage families to continue to meet the major portion of their children's higher education expenses. By offering a variety of alternative methods for saving, it cannot be viewed as favoring one financial industry over another. What we would do in passing this legislation is to translate a long-standing awareness of staggering financial burdens into positive legislative action in a manner which would encourage the private sector to build a solid financial basis for future education. I think that today is the day to begin a major legislative push for this much-needed legislation.

It only remains to say I am proud to be associated with the following distinguished Members who have cosponsored this legislation:

LIST OF COSPONSORS

Joseph P. Addabbo, New York.
Frank Annunzio, Illinois.
Edward G. Biester, Jr., Pennsylvania.
Edward P. Boland, Massachusetts.
Joel T. Broyhill, Virginia.
John Buchanan, Alabama.
James A. Byrne, Pennsylvania.
Bob Casey, Texas.
Frank M. Clark, Pennsylvania.
James C. Cleveland, New Hampshire.
George W. Collins, Illinois.
Edward J. Derwinski, Illinois.
Harold D. Donohue, Massachusetts.
Thaddeus J. Dulski, New York.
Joshua Eilberg, Pennsylvania.
Walter Flowers, Alabama.
William D. Ford, Michigan.
James G. Fulton, Pennsylvania.
William J. Green, Pennsylvania.
G. Elliott Hagan, Georgia.
Seymour Halpern, New York.
Orval Hansen, Idaho.
Floyd V. Hicks, Washington.
Louise Day Hicks, Massachusetts.
John C. Kluczynski, Illinois.
Speedy O. Long, Louisiana.
Paul N. McCloskey, Jr., California.
John Y. McCollister, Nebraska.
Abner J. Mikva, Illinois.
F. Bradford Morse, Massachusetts.
Thomas P. O'Neill, Jr., Massachusetts.
John J. Rhodes, Arizona.
Benjamin S. Rosenthal, New York.
William R. Roy, Kansas.
Edward R. Roybal, California.
Fernand J. St Germain, Rhode Island.
Robert H. Steele, Connecticut.
Charles Thone, Nebraska.
John C. Watts, Kentucky.
Charles H. Wilson, California.
Lester L. Wolff, New York.

Mr. Speaker, I would conclude by adding the attached indepth study of H.R. 5, which attempts to provide answers to any questions which Members might have about the full implications and reasoning behind H.R. 5:

H.R. 5—A NEW PLAN TO MEET COLLEGE COSTS

(By Welton J. Fischer, J.D., and Marvin A. Kobel, C.L.U.)

It's a good bet that most parents in our education-oriented society have at one time or another considered the prospects of their sons and daughters going to college. However, after facing up to the tough financial requirements, all too many resign themselves to the unhappy fact that for their children college can never be more than a dream.

Just how many young people are deprived of a college education each year solely because of the financial inability of their parents to pay the costs involved is difficult to determine. It is estimated, however, that 100,000 high school seniors each year are qualified for college and yet cannot meet the increasingly high price tag.

The confluence of mushrooming educational costs, higher taxes, and the inflationary erosion of family income causes a real crunch in our family economic decision-making. More and more we have to pick and choose, with priority as always going to the traditional necessities of life. The list of financially-ineligible wants and needs seems to get longer and longer every year. It is shameful and wasteful that higher education should have to be on such a list because of that vital importance to both individual and nation.

This alarming situation is also of special interest to the various professions involved in the increasingly complex matter of family financial planning. Certainly, helping Americans blueprint practical ways to assure more and better education remains one of their primary professional functions.

COLLEGE EDUCATION WORTH $120,000

Betty Yarmon, writing for *Women's News Service*, reports that two economists, using the 1950 and 1960 census statistics, shows that the dollar value of a college education is $120,659. This amount represents how much more the college graduate on the average can expect to earn over a lifetime than can the high school graduate.

Truly, higher education is no longer a luxury to be enjoyed by a few. It has become as necessary to good jobs, productivity, and status in the community as secondary education was a generation ago.

Our society is a highly technical one. As this technological transformation continues, there are going to be fewer and fewer opportunities for the unskilled and uneducated.

The greatest increase in college costs has been in the area of tuition and related fees. The increase in room and board fees, while less dramatic, has been nonetheless equally alarming.

The situation is illustrated in the following chart, listing tuition and related fees for a random selection of 16 public and private colleges and universities.[1]

ANNUAL TUITION AND FEES

College	10 years ago	Current [1]	Percent of increase
Alabama [2]	$180	$350	94
Arizona [2]	80	269	236
Baylor	450	820	82
Denver	694	1,500	116
Duke	800	1,637	105
Idaho [2]	115	210	83
Michigan [2]	200	348	74
Oberlin	825	1,850	124
Oregon [2]	195	369	89
Pasadena	420	1,020	143
Seattle	396	1,170	196
Stanford	750	1,770	136
Syracuse	900	1,900	111
Tulane	750	1,700	127
Vermont [2]	360	677	88
Yale	1,100	1,950	77

[1] 1968.
[2] Tuition higher for nonresidents.

MORE THAN 50-PERCENT INCREASE AHEAD

The Office of Education, U.S. Department of Health, Education and Welfare in its 1968 edition of *Projections of Educational Statistics*[2] illustrates the expected average increase for public and nonpublic schools through the 1976–77 academic year. The projected increase is 37.4 percent for nonpublic institutions and 23.9 percent for public institutions. The HEW figures are for the constant 1966–67 dollar value, i.e., there is no consideration for inflationary trends. If our present approximately three percent per annum inflationary trend continues, by 1976 we could add about 30 percent to the above figures.

Further proof of the tough financial sledding for parents of college hopefuls was highlighted by an article in the *Washington Post* in January, 1969.[3] It reported that the 1969 cost of a bachelors degree at the average eastern private college was an estimated $14,000. If this figure is multiplied by two, three, or more children, the problem of funding college education becomes literally hopeless—or at the least, tremendously burdensome—except for the most affluent.

The alarming fact is that the dilemma described above is just the beginning. A recent report by the Carnegie Commission on Higher Education[4] indicates that institutional expenditures have gone from $5.2 billion in 1958 to $17.2 billion in 1968 and is expected to go to $41 billion in 1977. This is about a 700 percent increase over a span of 20 years.

MIDDLE-INCOME GROUPS FACE BIG PROBLEM

Most parents are totally unprepared to tackle the type of financial commitment now posed by the high cost of a basic college education—much less the increasingly required advanced degrees. The situation is not only a problem for those with lower incomes, but it is an insurmountable obstacle to most middle income groups.

The problems for those with lower incomes is critical and ever present. Yet they can have a fairly good hope of qualifying for loan and grant-in-aid programs. Middle income families, however, are generally expected to bear a large portion of the burden from their own resources. They are the ones who will be most shocked by their financial inadequacy when it comes to paying their tab for college.

Footnotes at end of article.

RESULTS OF RESEARCH STEADY

In the Fall of 1966, under the sponsorship of the College Scholarship Service for the College Entrance Examination Board, Northeastern University Professor Wesley W. Marple, Jr., and his wife, Betty L. P. Marple, prepared a report on a research study they had conducted of parents' plans for financing the college education of their children. The report was published in the Spring, 1967 issue of the *College Board Review*.[5] The study proposed to reflect on three basic questions: How accurate are middle-income families' estimates of what college actually costs? How much outside financial aid do they believe is available to families in their income bracket? What savings program do they have for meeting future college bills?

While most of the families responding to the Marple inquiry were quite realistic about the cost of higher education, the greater number seriously over-estimated the financial aid available to them. The mean income of families participating in the study was $14,008. However, the average income of families presently receiving aid, even at the most expensive schools, is probably well below $10,000.

The report went on to note that less than 40 percent of the parents who now have or look forward to having children in college have plans for paying the bill. To compound the problem, the report indicates that, generally, as the number of children in the family increased, the number of families with specific plans for financing the cost of higher education decreased.

PRESENT GOVERNMENT EFFORTS INADEQUATE

The Federal government has not been oblivious to this situation, but its programs to date have been too limited to deal adequately with the problem. In numerous Federal programs, three basic approaches have been followed: the Educational Opportunity Grants Program, the College Work-Study Program and the various insured loan programs.

The first two programs offer direct financial assistance, but generally only to students who can demonstrate an exceptional financial need and then generally only in amounts less than $1,000 per student per year.

The loan programs provide assistance by shifting the burden from the parent to the student and making money available which must later be paid back by the student. These most commonly take the form of government-sponsored loans through the educational institution itself or loans from private sources but guaranteed by the government. Both are directed to lower income groups and both result in a tremendous liability on the graduating student who must repay them.

Little or no solace can be found in government assistance programs for middle-income families. This fact was statistically proven by a government report in a Department of Health, Education and Welfare publication, *Students and Buildings*.[6]

To evaluate the adequacy of present Federal programs of student aid, families were grouped into income quartiles based on average family income. The income in the lowest quartile was $2,331; in the second quartile, $5,549 in the third quartile, $8,359; and in the highest quartile, $16,016.[7] The financial need (that portion of college expenses not covered by personal or family resources) of students from each quartile was then compared with assistance available to each. The study found that 94 percent of the total student financial needs from the lowest income quartile was covered either by grants, work-study wages, by loans, or by some combination of the three. By contrast, only 38 percent of the total financial needs of students in the second quartile were covered by present programs. The figure drops to 31 percent for students from families in the third quartile.[8]

While it is obvious that not all from the first quartile who want to go to college will be able to share in one of these programs, it is equally clear that very few middle-income families will benefit, even though their ability to cope with the situation will be no more effective than members of the first quartile. It is interesting to note in this regard, that the highest income quartile is only $16,016 and we are discussing expenses approaching $19,000, per child.

SHORTCOMINGS OF TAX CREDIT AND DEDUCTION PROPOSALS

Several members of Congress have recognized this void and have proposed various solutions, none of which have been enacted. Most prominent among the proposals has been the tax credit. Its advocates would authorize a tax credit for some portion of the expenses paid each year for tuition and/or room and board. The amount of the credit proposed has varied, but most recent proposals have been around $300.

The intention in this approach is laudable. Yet the relief offered is no more than a token gesture of that which is needed, and sound federal fiscal policy will not permit significantly increasing the amount. The Treasury Department has indicated its extreme displeasure with these proposals on the basis of the tremendous cost factor involved. While the tax credit idea seems to be a popular one, and some members of Congress continue to sponsor such legislation, experienced legislators see little or no chance of any successful effort to pass the measure.

Another congressional approach that has received significant attention has been the tax deduction for various higher education expenses. The proposals have favored either an itemized deduction similar to that now permitted medical expenses or state taxes, or a deduction from gross income similar to that now permitted scholarships. Like the tax credit proposals, these bills have failed to generate substantial support because of the potential cost factor involved.

Cost is always going to be a dominating factor in any of the above approaches. The result is going to be either no programs at all, or a program offering such minimal relief that it will be of no real value. In addition, the Congressional proposals assume the existence of the required initial capital. This is not always a sound assumption. If it were, no relief would be needed.

LONG-RANGE PLANNING APPROACH NEEDED

It is not necessary to reward a taxpayer for spending for higher education by offering him tax credits and deductions for amounts expended. What is most desirable is a program to provide financing not otherwise available when it's needed most. Most parents would gladly spend all they had without asking for any incentive or return other than the completed education of their children. The situation cannot be remedied by a reimbursement program, but requires a long-range planning approach designed to anticipate and fund future capital needs.

Congress is not unfamiliar with programs, particularly in the retirement area, which permit small amounts of money to be set aside and permitted to accumulate over a period of years with favorable tax consequences.

Such programs are socially and economically useful without being unreasonably harmful to our Federal budget, because the amount per individual each year is relatively small. However, participation over a span of years, permits an individual to accumulate the large sums necessary to finance his retirement.

The program has worked well in the pension area and could easily be adapted to financing requirements for higher education. The problem facing our elderly in their retirement years is not unlike that facing young parents with children preparing for college.

H.R. 5: ITS ORIGIN

There is now a legislative proposal before Congress which molds this retirement plan concept into a concrete and reasonable program for Federal participation in the consumer financing of higher education. The proposal strikes a fiscally responsible balance between the obligation of parents to assume their primary burden in the education of their children . . . with the responsibility of Government to fulfill its role of encouraging and fostering higher education.

The idea at issue is one originally suggested by John P. Meehan, CLU, of Boston, Mass., now elected Secretary of The National Association of Life Underwriters, and a leading life insurance agency management executive. It is embodied in legislation introduced as the fifth bill in the House, in the 91st Congress, by Rep. James A. Burke, (D.-Mass.), a member of the House Ways and Means Committee.

OBJECTIVE

The objective of H.R. 5 is to stimulate the maximum utilization of family resources to meet the problem of systematically accumulating money needed to meet the whole or partial cost of college education. It is specifically designed to encourage families to plan for the funding of the costs of higher education from personal resources. Rep. Burke; Congressional co-sponsors of HR. 5, (who now number 52 and who are drawn from both political parties); The National Association of Life Underwriters; the Federation of State Associations of Independent Colleges and Universities; and other supporters believe it can provide the necessary stimulus to accomplish this objective.

Of course, personal savings has always been available to every family. But a very brief review of the history of retirement planning before and after the enactment of Section 401 of the Internal Revenue Code will demonstrate that our society is inclined to make maximum utilization of the idea only when there is a real and present benefit. This benefit is present in H.R. 5.

HOW H.R. 5 WOULD WORK

H.R. 5 would permit parent-taxpayers to deduct from gross income, amounts contributed to a qualified plan established for their children's college education. The plan is modeled after the Keogh Act (H.R. 10), which permits self-employed persons to set aside annually, tax-deductible funds for future retirement purposes.

The qualified private investment media for secured accumulation of educational funds would include trusts, insurance or annuity contracts, custodial accounts with banks, nontransferable face amount certificates, and/or Government bonds.

Allowable annual contributions have been determined by taking into account the estimated future costs of higher education, but limiting the amount of such allowable contributions so as to avoid an unreasonable or unjustified burden upon the economy. This avoids the objections raised against the earlier tax credit and tax deduction proposals.

The bill sets annual contribution limits at the lesser of: $500 per qualified beneficiary; ten percent of the contributing taxpayer's adjusted gross income; or $2,500. A deduction would be allowed only for contributions to a qualified fund.

A qualified fund would be a fund established by the contributing taxpayer pursuant to a written plan solely for the purpose of defraying the cost of room, board and tuition at an institution of higher education for one or more qualified beneficiaries.

SELECTION OF BENEFICIARY

Each plan, would, at its inception and at all times thereafter, require a specified beneficiary(ies). If there should cease to be a beneficiary under the plan, the taxpayer would have a specified period (120 days) in which to designate an alternate beneficiary.

In such a case, the alternate beneficiary could be a son or daughter of the taxpayer, or a descendant of either; a stepson or stepdaughter of the taxpayer; a brother, sister, stepbrother or stepsister of the taxpayer or a son or daughter of a brother or sister of the taxpayer. However, only contributions to a fund having a beneficiary who is a child of the taxpayer and who (1) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, and (2) is a student, are deductible from the taxpayer's gross income.

If at the end of the specified period no such beneficiary had been designated, the accumulated fund would be required to be distributed to the taxpayer and reported by him as ordinary income within a specified number of years. The taxpayer would at any time have the option to change a beneficiary or include additional beneficiaries.

DISTRIBUTION PROCEDURE

The bill specifically requires that distribution of the fund commence within five years of graduation or separation from a secondary school, and be completed within ten years of the same date. In the event it is necessary to designate an alternate beneficiary, distribution of the fund must be completed within ten years of the date of designation of the alternate beneficiary. Distribution of the fund to a qualified beneficiary for the qualified purpose would be tax free. These time spans were chosen to allow for service in the armed forces, four years of under-graduate study and some graduate work.

If distribution of the fund is not commenced or completed as aforesaid, then the proceeds of the fund, or the remaining proceeds, would revert to the taxpayer within a certain specified number of years and be taxed to him as ordinary income as received. If the proceeds of the fund revert to the taxpayer as a result of unauthorized use of the fund, the proceeds are includible in his income. The taxpayer would have the option to take the payout in lump-sum or over a five-year spread as in the Keogh Act, i.e., including, annually, one fifth of the total fund in his income over a period of five years.

Should the taxpayer predecease the date of distribution of the fund and without making testamentary disposition to the contrary, the assets of the fund at the date of his death would revert to the taxpayer's estate within a period not to exceed a specified number of years.

EDUCATION—KEY TO SURVIVAL

Proponents of H.R. 5 believe that it represents an appropriate and reasonable solution for many Americans faced with the vexing problem of having to meet ever-increasing costs of higher education. It will do much to enable and encourage families to accumulate funds to meet this enormous financial burden from their own personal resources. In addition, as more moderate income families are able to pay their own way in higher education, more Federal aid from such plans as the College Student Guaranteed Loan Program can be made available for lower income families.

President Nixon has stated, "Education, long key to opportunity and fulfillment, is today also the key to survival." H.R. 5 could well have a salutary effect on education . . . the key . . . in opening the door to a brighter, more meaningful tomorrow for untold numbers of young people and in arresting the growth of a public problem high on our national agenda.

FOOTNOTES

[1] "Are you Keeping Pace With College Costs?" Research and Review Service of America, Inc., 1968, Indianapolis, Ind. p. 2; *1967–68 College Costs*, Life Insurance Agency Management Association, 1967, Hartford, Conn.

[2] "Projections of Educational Statistics to 1976–77." U.S. Department of Health, Education and Welfare, Office of Education, 1968, Washington, D.C.

[3] Cohen, Richard M., "Cost of B.A. Here $14,000," The Washington Post, January 4, 1969, Washington, D.C.

[4] "Quality and Equality: New Levels of Federal Responsibility for Higher Education," Carnegie Commission on Higher Education, 1968, McGraw-Hill, Hightstown, N.J.

[5] "How Affluent Families Plan To Pay For College," College Board Review, No. 63, Spring, 1967.

[6] "Students and Buildings," U.S. Department of Health, Education and Welfare, Office of Education, 1968, Washington, D.C.

[7] Id at 11.

[8] Ibid.

GEORGE HARDY, LABOR LEADER, FIGHTER FOR THE DISPOSSESSED

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

Mr. BURTON. Mr. Speaker, on May 26, 1971, an old and dear friend, George Hardy, will become general president of the Service Employees International Union, AFL–CIO.

All men are the products of their home and training and George Hardy received his at the hands of a master. His father, Charles "Pop" Hardy kept unionism alive in San Francisco in those earlier dark days of union busting. "Pop" Hardy was the first organizer of the Service Employees International Union for California and was an international vice president of SEIU at the time of his death in 1948.

George Hardy's accession to the presidency carries on a family tradition of service to working men and women and is fitting recognition of George's personal years of service.

George Hardy will, I am sure, be honored by the great of this Nation's labor movement but knowing him as I do he will be most moved by the small tributes, the friendly smile and good wish, the handshake of the men and women with whom he has shared his life and talent and for whom he has toiled all his life.

George Hardy is a man of the people who make up Service Employees International Union for he has never stood apart from them in their times of need.

He was the original organizer of Service Employees Local 87 and actively involved in the organization of virtually every subsequent SEIU local in California. He has seen SEIU grow from a membership of 366 in California to more than 100,000.

The growth of SEIU and the accomplishments of George Hardy would be a story that could fill many pages but still

would not give you a complete picture of the man.

George Hardy is a man of strength who is uncompromising in battle for his members yet he is warm and possesses a laugh that can on many occasions be heard throughout the SEIU Building at 240 Golden Gate Avenue, San Francisco.

He is at home in the Nation's Capital and in the councils of the Nation's labor leaders but he is also at home in shirt sleeves, helping get out a mailing for a cause or person in whom he believes.

George Hardy is and has been all his life, a progressive labor leader. He is by nature a fighter for justice, a man governed in his personal and public life by conscience and compassion.

Long before it was fashionable, George Hardy struck out against bigotry and prejudice. He was appointed by President Franklin Roosevelt to the first Equal Opportunity Commission from northern California. The present membership of SEIU in California is testimony enough of his commitment to extend the job protections of organized labor of all persons regardless of race, color, religion, ancestry, national origin or sex.

If the economically oppressed of our city or State needed a friend, George Hardy has been there.

If the cause of truth needed a voice, George Hardy has been there.

If someone sought to bring new vision to public office, George Hardy has been there with support.

Mr. Speaker, I can only say that George Hardy is a gentleman in the fullest and finest meaning of that word and a man whom I am proud to call my friend. Our longstanding relationship has been such that I almost consider myself a member of the Hardy family.

George Hardy will be wished well by all who know him but I suspect that there will be just a tinge of mixed emotion on the part of the working men and women of SEIU in California who are used to seeing him in the halls and at their meetings and who know that most of his time will now be spent in the Washington headquarters.

TRUTH IN NEWS BROADCASTING BILL

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

Mr. MINSHALL. Mr. Speaker, I am today introducing the truth in news broadcasting bill.

It requires that any televised or radio broadcast sequences purporting to be factual reporting must be explicitly labeled if they have been staged, edited, or altered in any way.

With enactment of this measure the American television-radio audience will have some assurance that they are receiving factual news and not some network's philosophy.

Assurance of truth in news presentation is as essential a facet of consumer protection as truth in lending, truth in product labeling, or any of the other truth bills Congress has passed. Millions of citizens rely upon the integrity of the news media to bring them unbiased, unslanted coverage of current events. It is important that this trust not be betrayed. My bill would protect that trust while in no way infringing upon the freedom of the news media, which I most strongly agree is fundamental to a free society.

There is no point in belaboring the numerous examples of the broadcast media's flagrant news slanting. Suffice it to say that public figures ranging from the Vice President of the United States to U.S. Supreme Court Justice William O. Douglas have objected to the manner in which television editors can twist a "yes" into a "no" by a few deft slashes of their editorial shears. Many of us have personally witnessed television and radio crews actually encourage, and even rehearse, "demonstrations" by protesters, or record only one point of view at congressional hearings. And we have seen the actual meaning of an interview distorted, even turned about-face, by sequences being cleverly taken out of context.

I shall always vigorously protect the freedom of the news media. By the same token, I shall with equal vigor protect the right of the American public to know the truth. The two are not—and should not be permitted to become—incompatible.

In the hope that colleagues on both sides of the aisle and in both bodies of the Congress will join me in cosponsoring my truth in news broadcasting measure, I wish to insert the full text of the bill I am introducing today in the RECORD.

Mr. Speaker, it is very seldom I agree with Washington's largest morning newspaper, but this morning they had a very good editorial on this subject. I include that for the RECORD.

I include the material as follows:

H.R. 6935

(A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programing.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 1 of title III of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"NEWS AND PUBLIC AFFAIRS PROGRAMING

"SEC. 331. (a) No licensee may broadcast any program which contains a filmed or video-taped sequence purporting to be factual reporting if the event shown has been staged, edited or altered in any way, or if interviews have been rearranged, edited or altered so that questions and answers are no longer in their original context, unless such sequence is explicitly labeled throughout its entire showing as having been staged, edited, rearranged or altered, as the case may be.

(b) No licensee may broadcast by radio any recorded, audio-taped or otherwise audio-transcribed sequence purporting to be factual reporting if the event shown has been staged, edited or altered in any way, or if interviews have been rearranged, edited or altered so that questions and answers are no longer in their original context, unless such sequence is explicitly described by an announcer both before and following the broadcast of the sequence as having been staged, edited, rearranged, or altered.

"(c) Any live sequence, whether for television or radio broadcast, that is staged or is a dramatization purporting to be factual reporting must be clearly identified as a staged or dramatized sequence in accordance with the methods described in paragraphs (a) and (b).

"(d) Complete transcripts of unedited interviews must be available for distribution on request and at a nominal fee immediately after broadcast of any interviews that have been edited, altered or rearranged.

"(e) Whenever a broadcast station presents one side of a controversial issue of public importance, such station shall afford reasonable opportunity for the presentation of contrasting views.

[From the Washington Post, Mar. 30, 1971]

MR. SALANT'S LETTER

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hébert, and now—as it seems—The Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term "editing" with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr. Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation to question-and-answer sequences,* two sets of standards *already* exist—and that what he and others in television appear to regard as simple "editing" seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space: deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, "Vice President Agnew said last night . . . Mr. Agnew also said . . ." and so on; it is a formulation basic to both the daily paper and the televised newscast.

That bad and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distorting effect in failing to report that certain statements were not unsolicited assertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should also be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of "editing" is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the orignal exchange.

It is, for instance, presenting as a direct six-sentence quotation from a colonel, a "statement" composed of a first sentence

from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in "The Selling of the Pentagon," and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is 1) not "editing" in any conventional sense and 2) likely to undermine both the broadcast's credibility and public confidence in that credibility.

The point here is that "The Selling of the Pentagon" presented this statement as if it were one that had actually been made—verbatim—by the Colonel: TV can and does simulate an impression of actuality in the way it conveys such rearranged material. Consider, again from the same documentary, a sequence with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. This is how viewers were *shown* Mr. Henkin answering a question:

Roger Mudd: What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

Mr. Henkin: Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions.

This, on the other hand, is how Mr. Henkin *actually* answered the question:

Mr. Henkin: Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces.

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interview, Roger Mudd asked Mr. Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was "the sort of information that gets passed at state fairs by sergeants who are standing next to rockets." To which Mr. Henkin replied:

Mr. Henkin: No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all.

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

Mr. Mudd: Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets.

Mr. Henkin: No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this.

The part about discussing "speeches and all" had been omitted; the part about propaganda comes from a few lines above Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the "increasing Soviet threat" as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights is involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this "editing" practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that neither end should sink.

THE CALLEY DECISION AND CONGRESS

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

Mr. DELLUMS. Mr. Speaker, if nothing else, the decision in the Calley trial reaffirms the need for congressional action dealing with U.S. war crimes in Southeast Asia and with the responsibility for these atrocities.

I just do not believe that Lieutenant Calley—no matter how deeply he was involved in the horrors of My Lai—can bear the sole responsibilty for what happened in that small hamlet that day.

Yet, if we leave it to the Military Establishment to render "justice," I am sure that every time the Calleys, the Hendersons, the Medinas will be found "guilty"—without any mention of complicity or responsibility at higher military and civilian command leadership positions.

I do not fault the members of the Calley court-martial. They are bound by their ethics, by their traditions—and I would have been quite surprised if the Calley verdict had been different.

Even if My Lai were an isolated aberration—and obviously now we know it is not—I would be upset at the decision. However it is interpreted, I believe that the decision cannot exonerate the ultimate responsibility of the military high command and the civilian leadership of our adventurism in Indochina.

Above all, the Calley decision makes imperative immediate congressional action on the war crimes issue. We cannot leave it to the Military Establishment to cleanse itself of these atrocities—and I will not accept any degree of scapegoating to be any sort of response by the military.

I am pleased to see growing national support for congressional investigation and action on this issue. I think the Calley decision will serve to increase the pressure for such action. Once again I note that 21 of my colleagues have joined with me in sponsoring House Joint Resolution 409 which calls for open congressional inquiry on U.S. war crimes.

As an indication of support for House Joint Resolution 409, I would now like to insert in the RECORD an editorial from the March 22, 1971, Newsday, and the impressive lead review by Neil Sheehan from Sunday's New York Times book section. Both the review and the editorial are impassioned, powerful documents and I urge my colleagues to read them and note the growing cries for congressional action on war atrocities.

The material referred to follows:

[From Newsday, Mar. 22, 1971]

FOR A WAR CRIMES INQUIRY

"This area was designated a free fire zone. We were instructed to shoot any moving civilian, whether he was armed or not. We were instructed to burn down every hooch, grenade every bunker, without giving any warning; destroy every temple."—Marine T. Griffiths Ellison.

The judge at the court-martial of Lt. William Calley Jr. held that the killing of unresisting civilians violated one of the basic rules of war. And so if Ellison's statement is true, and if he followed instructions, he would be a war criminal. And so would most of the men whose testimony appears below, and so, it is beginning to seem clear, would a substantial portion of the American troops who served in Indochina.

Daily we are being exposed to more revelations, new horrors. The instinct is to reject them, to dismiss them as the fevered concoctions of anti-war zealots or publicity seekers or paranoiacs or simply liars. We seek comfort from, of all places, the Pentagon, which assures us that they are being investigated "in accordance with the Geneva Convention."

But atrocities are being reported more rapidly than they can be disposed of. The confessions and the accusations are piling up like bodies in a ditch and the stench is beginning to rise. And with it rises the level of responsibility, for it is obvious that if only a fracton of the allegations is true, the incidents would have been too numerous to escape the attention of higher authorities. Indeed, unless the witnesses are all lying, many commanders not only knew of the atrocities, but facilitated them and even participated in their execution.

Although Army Chief of Staff Gen. William Westmoreland has characterized the My Lai massacre as "an aberration in the system (that) should not have happened," Vietnam veterans have clearly linked the routine killing of civilians to upper echelon strategy and tactics. As Army Lt. Louis P. Font told the Citizens Commission of Inquiry in Washington last December: "If there is one thing that I learned at West Point, if there is one principle that was driven into me during those four years, it is that lieutenants do not set policy and it is that a commander is responsible for everything that goes on in his command."

And in Vietnam many of the policies, dictated no doubt by the exigencies of fighting a guerrilla war, virtually mandate war crimes. Dr. Chaim Shatan, a New York psychiatrist who has studied the psychological stresses of warfare, described the free fire zones as "an original U.S. invention in counter-insurgency that probably plays one of the biggest parts in habituating the soldier to terror. After the population of an area is forcibly removed, he can burn everything that stands and shoot everything that moves, whether a North Vietnamese soldier or a child. In the ferocious climate of the free fire zone, General Westmoreland's surgically precise rules (cautioning care and discrimination) are a farce. When you have a Ph. D. in advanced fear, you shoot first and investigate later."

SEARCH AND DEVASTATE

Free fire zones are complemented by search and destroy operations, on which, one Marine pointed out, "we not only destroyed the buildings but we also destroyed any available food supply because it was a free fire zone and anyone using that food was designated a VC, VC suspect, sympathizer, and so forth."

Once the free fire zone concept is accepted, little is exempt from destruction. Animals

can be slaughtered, wells can be poisoned, fields and forests can be defoliated and napalmed, and three times the American World War II bomb tonnage can be dropped. All without fear of retaliation against our countryside, our cities, businesses, homes, parents, wives and children.

And implicit throughout is an attitude of racial and technological superiority: "They" are "gooks" who live in "hootches"; less human than we, less deserving to live.

Can any nation pursue such policies without risk to its soul? Dr. Robert Lifton, professor or psychiatry at Yale and recipient of the National Book Award in science for his study of Hiroshima survivors, thinks not. "A country, like a person, has to dig, has to sort of descend into its own purgatory, (to seek) the truth of what it has done and been, in order to emerge from it," he has said. "And I think the whole country has to in some way struggle toward that effort of confrontation of what the Vietnam war really is."

We believe that such a confrontation is essential if Americans are to regain their self-respect as a people and if the United States is to regain its moral stature in the community of nations.

In 1945, the U.S. brought the surviving political and military leaders of a defeated Germany to trial at Nuremberg for crimes against humanity. Similarly, Japanese Gen. Tomayuki Yamashita was convicted and executed, with the concurrence of the U.S. Supreme Court, for atrocities committed without his knowledge by soldiers under his command. His American defense attorney has pointed out that under this precedent, Westmoreland would be convicted if any atrocities, including My Lai, are proved against American soldiers. Should we impose lesser standards on ourselves than we did on our former enemies? Or is the real difference determined by victory and defeat?

Ideally, perhaps, an inquiry into possible U.S. war crimes in Southeast Asia should be conducted by an international body—the United Nations. But political reality would make such a proposal unworkable. Political reality also makes unlikely the possibility that President Nixon would appoint a citizen commission to investigate the ever-mounting accusations.

There is, however, legislation already before Congress that would accomplish this objective. Introduced by Rep. Ronald V. Dellums (D-Calif.) with 21 co-sponsors, it calls for a full-scale, open, congressional inquiry into war crimes and war crimes responsibility. The investigators would have no punitive powers. The goal would not be vengeance, but truth—and, if guilt is established, some measure of expiration.

No nation has ever had the courage to publicly examine its own conscience. We believe that the American people are equal to such a challenge; that, if permitted by their leaders, they would welcome the opportunity to reaffirm their faith in their ideals, in their nation and in themselves.

The alternative to such an act of rehumanization is clear: We will pass on not grandeur, but guilt to our children. And among the family of nations, we will have lost the "decent respect to the opinions of mankind."

[From the New York Times, Mar. 28, 1971]

SHOULD WE HAVE WAR CRIME TRIALS?

(By Neil Sheehan)

(NOTE.—Neil Sheehan, who spent three years in Vietnam, is a correspondent in The Times Washington Bureau.)

"The tragic story of Vietnam is not, in truth, a tale of malevolent men bent upon conquest for personal gain or imperial glory. It is the story of an entire generation of leaders (and an entire generation of followers) so conditioned by the tensions of the cold war years that they were unable to perceive in 1965 (and later) that the Communist adversary was no longer a monolith . . . Lyndon Johnson, though disturbingly volatile, was not in his worst moments an evil man in the Hitlerian sense . . . Set against these facts, the easy designation of individuals as deliberate or imputed 'war criminals' is shockingly glib, even if one allows for the inexperience of the young."—Townsend Hoopes, the former Under Secretary of the Air Force, January, 1970.

Is the accusation glib? Or is it too unpleasant to think about? Do you have to be Hitlerian to be a war criminal? Or can you qualify as a well-intentioned President of the United States? Even when I saw those signs during the March on the Pentagon in 1967, "Hey, Hey L.B.J. How many kids did you kill today?" they didn't make me think that Lyndon Johnson, the President of the United States, might be a war criminal. A misguided man perhaps, an egomaniac at worst, but not a war criminal. That would have been just too much. Kids do get killed in war. Besides, I'd never read the laws governing the conduct of war, although I had watched the war for three years in Vietnam and had written about it for five. Apparently, a lot of the men in Saigon and Washington who were directing the war didn't read those laws either, or if they did, they interpreted them rather loosely.

Now a lot of other people are examining our behavior in Vietnam in the light of these laws. Mark Sacharoff, an assistant professor of English at Temple University, has gathered their work together into this bibliography. By this simple act he has significantly widened our consciousness. If you credit as factual only a fraction of the information assembled here about what happened in Vietnam, and if you apply the laws of war to American conduct there, then the leaders of the United States for the past six years at least, including the incumbent President, Richard Milhous Nixon, may well be guilty of war crimes.

There is the stuff of five Dreyfus affairs in that thought. This is what makes the growing literature on alleged war crimes in Vietnam so important. This bibliography represents the beginning of what promises to be a long and painful inquest into what we are doing in Southeast Asia. The more perspective we gain on our behavior, the uglier our conduct appears. At first it had seemed unfortunate and sad; we were caught in the quicksand of Indochina. Then our conduct had appeared stupid and brutal, the quagmire was of our own making, the Vietnamese were the victims and we were the executioners. Now we're finding out that we may have taken life, not merely as cruel and stubborn warriors, but as criminals. We are conditioned as a nation to believe that only our enemies commit war crimes. Certainly the enemy in Indochina has perpetrated crimes. The enemy's war crimes, however, will not wash us clean if we too are war criminals.

What are the laws of war? One learns that there is a whole body of such laws, ranging from specific military regulations like the Army Field Manual 27-10, "The Law of Land Warfare," to the provisions of the Hague and Geneva Conventions, which are United States law by virtue of Senate ratification to the broad principles laid down by the Nuremberg and Tokyo war crimes tribunals. These laws say that all is not fair in war, that there are limits to what belligerent man may do to mankind. As the Hague Convention of 1907 put it, "The right of belligerents to adopt means of injuring the enemy is not unlimited." In other words, some acts in war are illegal and they aren't all as obviously illegal as the massacre of several hundred Vietnamese villagers at Mylai.

Let's take a look at our conduct in Vietnam through the viewing glass of these laws. The Army Field Manual says that it is illegal to attack hospitals. We routinely bombed and shelled them. The destruction of Vietcong and North Vietnamese Army Hospitals in the South Vietnamese countryside was announced at the daily press briefings, the Five o'Clock Follies, by American military spokesmen in Saigon.

So somebody may have committed a war crime in attacking those hospitals. The Manual also says that a military commander acquires responsibility for war crimes if he knows they are being committed, "or should have knowledge, through reports received by him or through other means," and he fails to take action to stop them. President Johnson kept two wire-service teletypes in his office and he read the newspapers like a bear. There are thus grounds for believing that he may have known his Air Force and artillery were blowing up enemy hospitals. He was the Commander in Chief. Did his knowledge make him a war criminal? The Army Manual says that "every violation of the law of war is a war crime."

Let's proceed to one of the basic tactics the United States used to prosecute the war in South Vietnam—unrestricted air and artillery bombardments of peasant hamlets. Since 1965, a minimum of 150,000 Vietnamese civilians, an average of 68 men, women and children every day for the past six years, have been killed in the south by American military action or by weapons supplied to the Saigon forces by the United States. Another 350,000 Vietnamese civilians have been wounded or permanently maimed. This is a very conservative estimate. It is based on official figures assembled by Senator Edward M. Kennedy's Senate Subcommittee on Refugees and on a study for the Subcommittee by those eminent Government auditors, the General Accounting Office. The real toll may be much higher. This conservative attitude makes the documentation put together by the Senator and his staff aides, Jerry Tinker and Dale S. de Haan, among the most impressive in the bibliography. Many, perhaps the majority, of those half-million civilian casualties were caused by the air and artillery bombardments of peasant hamlets authorized by the American military and civilian leaders in Saigon and Washington.

The United States Government tried and hanged in 1946 a Japanese general, Tomoyuki Yamashita, because he was held responsible for the deaths of more than 25,000 noncombatants killed by his troops in the Philippines.

Can a moral and legal distinction be drawn between those killings in World War II, for which General Yamashita paid with his life, and the civilian deaths ordered or condoned by American leaders during the Vietnam war? Again, if you accept only a portion of the evidence presented in this bibliography, and compare that evidence to the laws of war, the probable answer is, No. And President Nixon has spread this unrestricted bombing through Laos and Cambodia, killing and wounding unknown tens of thousands of civilians in those countries.

Looking back, one realizes that the war-crimes issue was always present. Our vision was so narrowly focused on the unfolding details of the war that we lacked the perspective to see it, or when the problem was held up to us, we paid no heed. This lesson becomes clear in reading the proceedings of the Russell Tribunal now published in "Against the Crime of Silence." The proceedings were widely dismissed in 1967 as a combination of kookery and leftist propaganda. They should not have been. Although the proceedings were one-sided, the perspective was there.

One saw the substance all the time in Vietnam in the bombing and shelling of the peasant hamlets. In November, 1965, I found five fishing hamlets on the coast of Quangngai Province in central Vietnam, not

far from Mylai, which had been ravaged over the previous two months by the five-inch guns of United States Navy destroyers and by American and South Vietnamese fighter-bombers. The local Vietnamese officials told me that at least 184 civilians had been killed. After a day of interviewing the survivors among the ruins, I concluded that a reasonable estimate might run as high as 600 dead. American Army officers working in the province told me that the most serious resistance the Vicetong guerrillas in the hamlets had offered was sniper fire. The hamlets and all their inhabitants had been attacked just because the Vietcong were present. I discovered that another 10 hamlets in the province had also been gutted and about 25 others severely damaged, all for like reasons.

Making the peasants pay so dearly for the presence of guerrillas in their hamlets, regardless of whether they sympathized with the Vietcong, seemed unnecessarily brutal and politically counter-productive to me, since this Hun-like treatment would alienate them from the Saigon authorities and the American forces. No common-sense military purpose seemed to be served. When I wrote my story describing the agony of the fisher folk, however, it did not occur to me that I had discovered a possible war crime. The thought also does not seem to have occurred to my editors or to most readers of The Times. None of the similar stories that I and other reporters wrote later on provoked any outrage, except among that minority with the field of vision to see what was happening. As Lieutenant Calley told the prosecutor at Fort Benning, "It wasn't any big deal, sir."

Reading through the news dispatches from 1965, 1966 and 1967 that Seymour Melman of Columbia and Richard Falk of Princeton assembled to document accusations of war crimes made by The Clergy and Laymen Concerned About Vietnam, "In the Name of America," is to view those scenes again in this new and disturbing perspective. Frank Harvey, in "Air War—Vietnam," recounts with the power of anecdotal narrative the casual destruction of peasant hamlets in the Mekong Delta by the United States Air Force. Usually the excuse was that a squad or so of guerrillas might be present in the hamlet or the mere location of the hamlet in guerrilla-dominated territory. Harvey is a convincing witness because he concludes with a defense of the war.

You might argue that this destruction, and concomitant loss of civilian life, were not deliberate, that they were among those haphazard horrors of war. The record says otherwise.

As early as the fall of 1965, the American Embassy in Saigon distributed to correspondents a Rand Corporation study on the air and artillery bombardments. The study concluded that the peasants blamed the Vietcong when their hamlets were blasted and their relatives killed; in effect, that shrapnel, white phosphorous and napalm were good political medicine. The study was dismissed by reporters as macabre proof that the Government could always find a think-tank to tell it what it wanted to think.

In the summer of 1966, however, a lengthy secret study of the pacification program was done for the Embassy and military headquarters in Saigon by some of the most experienced Americans in the country. One of the study's recommendations was that this practice of unrestricted bombing and shelling should be carefully re-examined. According to the study there was evidence that the practice was driving hundreds of thousands of refugees into urban slums and squalid camps, causing unnecessary death and suffering, and angering the peasantry. The proposal for a re-examination was vetoed at the highest levels of American authority in Saigon.

By deciding not to reconsider, the American leadership in Saigon was deciding to ordain the practice, to establish a de facto policy. During those earlier years at least, the policy was not acknowledged in writing, as far as I know, but neither can there be any doubt that this was the way things were to be done and that those American military and civilian leaders directing the war knew the grim cost of their decision not to look. Why did they establish the policy? Because devastation had become a fundamental element in their strategy to win the war.

I remember asking one of the most senior American generals in the late summer of 1966 if he was not worried by all the civilian casualties that the bombing and shelling were causing. "Yes, it is a problem," he said, "but it does deprive the enemy of the population, doesn't it?" A survey of refugees commissioned later that year by the Pentagon indicated that 54 per cent of those in Dinhtuong Province in the Mekong Delta were fleeing their hamlets in fear of bombing and shelling. So this was the game. The firepower that only American technology can muster, the General Motors of death we invented in World War II, was to defeat the Vietnamese Communists by outright military attrition, the body count, and by obliterating their strategic base, the rural population.

If you destroyed the rural society, you destroyed the resources the enemy needed to fight. You deprived him of recruits in the South, of the food and the intelligence the peasantry provide; you reversed Mao Tse-tung's axiom by drying up the sea (the peasantry) in which the guerrillas swam.

All of those directives issued by the American military headquarters in Saigon about taking care to avoid civilian casualties, about protecting the livestock and the homes of the peasantry, were the sort of pharisaic prattle you hear from many American institutions. Whenever you say the institution is not behaving as it says it should, the institution can always point to a directive and say you must be mistaken. (General Electric had directives forbidding price fixing when some of its vice presidents were convicted of price fixing.) No one was fooling himself when he marked off those "free-fire zones," and ordered those "preplanned airstrikes" and that "harassing and interdiction fire" by the artillery. People and their homes were dehumanized into grid coordinates on a targeting map. Those other formalities, like obtaining clearance from the Vietnamese province chief before you bombed a hamlet, were stratagems to avoid responsibility, because he almost never refused permission. (Such legal fictions, by the way, are expressly forbidden by the laws of war.)

Out in the countryside the captains and majors did not disguise the design. One day in a heavily-populated province in the Mekong Delta, a young Army captain swept his hand across the map over a couple of dozen hamlets in guerrilla-dominated territory near the provincial capital and remarked that the peasants were evacuating them and moving in near town. Why? I asked. "Because it's not healthy out there. We're shelling the hell out of them," he said.

By 1967, this policy of unrestricted air and artillery bombardments had been orchestrated with search and destroy operations by ground troops, B–52 strikes, and crop destruction with chemical herbicides into a strategy that was progressively laying waste much of the countryside. (The question of whether herbicides were dumped on the landscape to an extent that may constitute a separate war crime is treated at length in several of the books Mr. Sacharoff lists.) That year Jonathan Schell went to Quangnai to document the creeping destruction of the rural society in a two-part article that first appeared in The New Yorker magazine. It was later published with a title of understated irony, "The Military Half." Schell estimated that by this time about 70 per cent of the 450 hamlets in the province had been destroyed.

Did the military and civilian leaders directing the war from Washington know what was happening in Vietnam? How could they have avoided knowing? The newspapers, magazine articles like Schell's and the reports of the Kennedy Subcommittee indicated the extent of what was being done in their name. The statistics alone are enough to tell the tale: five million refugees, nearly a third of South Vietnam's population of 16 million people, and that conservative estimate of the civilian casualties from what is called "friendly" military action, of at least 150,000 dead and 350,000 wounded or maimed.

These peasant hamlets, one must bear in mind, were not being plowed under because American or South Vietnamese ground troops were attempting to seize them from the enemy in pitched battles. The hamlets were being bombarded in the absence of ground combat.

One might argue that though regrettable, though even immoral, the indiscriminate air and artillery bombardments of civilians in Vietnam were not a war crime. The Allies engaged in terror bombing of Japanese and German cities in World War II. Look at the incendiary raids on Dresden and Tokyo and the nuclear holocausts of Hiroshima and Nagasaki. None of the defendants at the Nuremberg and Tokyo trials were convicted of war crimes involving the bombing of civilian populations, because the prosecutors had done the same thing. By custom, therefore, one might argue, terror bombing is an accepted practice of war. Similarly, in the Korean War, the United States Air Force bombed Korean towns and cities.

But is Vietnam the same kind of war? There is good reason to think that it is not. In World War II opposing industrialized societies were fighting a war of survival. In this context of total war, the cities inevitably became targets to be destroyed. They contained the industries that fueled their opponent's war machine and the workers who manned the factories. The worker was as much a combatant as the uniformed soldier. Korea was also, more or less, a conventional conflict between uniformed armies, although bombing practices there would bear examination in the perspective of history.

In Vietnam, however, the most advanced technological nation in the world intervened in a civil war in a primitive agricultural country. The Vietnamese Communists possess negligible industry, no air force of any size, and no intercontinental missiles that pose a threat to the survival of the United States. The intervention was rather, undertaken for reasons of domestic politics and foreign policy, to avoid the repercussions at home of losing a war to Communists and to maintain a position of power and influence for the United States in Southeast Asia.

Moreover, as the literature in Sacharoff's bibliography amply documents, the use of the air weapon underwent a subtle and important change in South Vietnam from the previous two wars. Air power, and artillery as a corollary weapon, were directed by an occupying power, the United States, at the civilian population in the rural areas of the country under occupation. The targets of the bombs and shells were the noncombatants themselves, because it was believed that their existence was important to the enemy. Air power became a distinct weapon of terror to empty the countryside. Samuel P. Huntington, of Harvard, has even coined a marvelously American euphemism for the technique—"forced-draft urbanization and modernization." Some of us prefer a quotation from Tacitus that the late Bernard Fall was fond of citing: "Where they make a desert they call it peace."

One key to understanding this use of air-power in South Vietnam is to compare the

unrestricted bombing in the south with the elaborate restrictions that surrounded the air campaign against North Vietnam.

Although the North Vietnamese may not believe it, in the North a conscious effort was made to bomb only military, and what limited industrial targets were available, and to weigh probable civilian casualties against the military advantages to be gained from a particular airstrike. The ultimate objective of the air campaign against the North was, to be sure, political rather than military. It sought to intimidate the North Vietnamese into withdrawing their forces from the South and taking the Vietcong guerrillas along with them. And undoubtedly the restrictions were also designed to escape the unfavorable publicity that would result from severe civilian casualties in the North.

The mere fact that an attempt was made to avoid them throws into sharp understanding the very different motives that lay behind the bombing in the south and the inherent acceptance of great civilian suffering. When Harrison Salisbury, an assistant managing editor of The New York Times, visited North Vietnam in December, 1966, to write his memorable series of articles on the destruction wrought by American air raids there (civilian homes, schools, hospitals and churches had been wrecked because the air campaign had never been the surgical operation Pentagon propaganda portrayed it as being), the most severe example of civilian deaths the North Vietnamese claimed was 89 in the town of Nandinh southeast of Hanoi, from six months of bombing, less than half the official South Vietnamese estimate of the number of civilians killed in the five hamlets I found on the coast of Quangngai Province in 1965.

Did the employment of the air weapon and the artillery in South Vietnam thus exceed the limits sanctioned by the laws of war?

The United States Army Field Manual says: "The law of war . . . requires that belligerents refrain from employing any kind or degree of violence which is not actually necessary for military purposes and that they conduct hostilities with regard for the principles of humanity and chivalry." The Manual goes on to explain what is meant by "actually necessary for military purposes," i.e. military necessity. "The prohibitory effect of the law of war is not minimized by 'military necessity' which has been defined as that principle which justifies those measures not forbidden by international law which are indispensable for securing the complete submission of the enemy as soon as possible. Military necessity has been rejected as a defense for acts forbidden by the customary or conventional laws of war inasmuch as the latter have been developed and framed with consideration for the concept of military necessity." In short, if you can demonstrate certain measures are required to defeat the enemy, and those measures are not specifically forbidden by the laws of war, you employ them.

Assuming that the use of air power in South Vietnam was not specifically forbidden by the laws of war, was this means necessary to defeat the enemy? He could have been deprived of the rural population by another, more humane method. This would have involved putting sufficient American ground troops in South Vietnam to occupy most of the countryside and thereby gain control over the rural hamlets. National mobilization and the dispatch of upwards of 600,000 troops to South Vietnam was proposed by the Joint Chiefs of Staff and rejected by President Johnson and his advisers, because this strategy would have meant higher draft calls, wage and price controls, and other measures that would have been unpopular with the American public. So there are grounds for believing that the use of the air weapon in the South was not a military necessity but a political convenience, a substitute for sufficient infantrymen to hold the countryside.

I am not saying that garrisoning South Vietnam with ground troops would have made the war a sensible enterprise. I am suggesting that the war's impact upon the Vietnamese might have been more merciful. The Marines, because of their pre-World-War-II experience with pacification in Central America and the Caribbean, did make an attempt to hold a good many of the hamlets in central Vietnamese provinces where they operated. Life for a Vietnamese farmer within these zones was safer than for his brethren in other regions.

In any case, to address the basic question of legal sanctions, it appears that the employment of air and artillery to terrorize the peasantry and raze the countryside was an act specifically forbidden by the laws of war. The Geneva Convention of 1949 Relative to the Protection of Civilian Persons in Time of War states:

"The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons [civilians] in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

"No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

"Pillage is prohibited.

"Reprisals against protected persons and their property are prohibited."

The paragraphs seem to be a reasonably fair description of what was inflicted upon much of the South Vietnamese peasantry by the United States.

The Army Field Manual is more specific. "The measure of permissible devastation is found in the strict necessities of war," it says. "Devastation as an end in itself *or as a separate measure of war* [italics added] is not sanctioned by the law of war."

The adoption of devastation as a basic element of strategy also seems to have led American leaders into what may be related war crimes against South Vietnamese civilians. The Geneva Convention of 1949 states that a belligerent power has a duty, in so far as it is able, to care for the victims of war.

"The wounded and the sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect. As far as military considerations allow, each party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment."

The consignment of Vietnamese civilian war wounded to provincial hospitals that were little better than charnel houses has been a national scandal for the United States. The reports of the Kennedy subcommittee describe the scenes of two wounded to a bed, no sheets or mattresses, no showers, filthy toilets, open sewers and swarms of flies spreading infection. In contrast, the United States military hospitals are models of medical science. Given the wide publicity the deplorable conditions in these Vietnamese civilian hospitals have received over the years, would it be possible for the responsible leaders of the United States to contend that the neglect was not deliberate?

A similar war crime may have been committed against civilians forcibly evacuated from their homes. These persons would appear to fall under the category of internees in the Geneva Convention of 1949. The Convention lays out in great detail the obligation of a belligerent power to provide such persons with adequate food, housing and medical care. Here is an excerpt from a report to the Kennedy Subcommittee by a team from the General Accounting Office which inspected so-called refugee camps in South Vietnam last summer. The excerpt describes a camp in Quangnam Province on the central coast:

"At this location, there were about 2,070 people. We were informed that only 883 were recognized as refugees and that they would receive temporary benefits. We were advised that these people were all Vietcong families and that they were relocated by force in February or March 1970. These people are under heavy guard by the Vietnamese military.

"During our inspection, we observed there were no latrines, no usable wells, no classrooms and no medical facilities. The shelters were crudely constructed from a variety of waste material, such as empty ammunition boxes and cardboard. We observed that the number of shelters would not adequately house these people . . . The [American] refugee adviser stated that there were no plans to improve the living conditions at this site."

The fact that these persons are being held by the South Vietnamese authorities apparently does not absolve the United States of responsibility under the laws of war. Legally they remain our refugees. As the Army Field Manual explains:

"The restrictions placed upon the authority of a belligerent government cannot be avoided by a system of using a puppet government, central or local, to carry out acts which would be unlawful if performed directly by the occupant. Acts induced or compelled by the occupant are nonetheless its acts." The Saigon regime is not a puppet government, but it is a client regime whose existence is dependent upon the United States. A good argument could be made that because of this client relationship, the United States induces these acts. Telford Taylor, of Columbia, the former chief American prosecutor of Nuremberg, quantifies the neglect of the civilian war wounded and refugees. In "Nuremberg and Vietnam: An American Tragedy," he notes that the United States spent, at the most, a quarter-billion dollars to ease the civilian plight over the three years from 1965 through 1967. You will think this is a lot of money, until he tells you the amount was less than four per cent of the cost of air operations over the same period.

What about a relationship between the use of airpower and artillery in South Vietnam and the garden variety war crimes that many of the books in the bibliography allege—the individual acts of torture and murder of prisoners and civilians by American soldiers, the burning of peasant huts in "Zippo raids," the looting and the rape? Did the conduct of the war as approved at the highest levels create an atmosphere in which the lives of the Vietnamese were so cheapened that they became subhumans in the eyes of the soldier? If so, did this atmosphere help to incite these individual war crimes, given the traditional racism of Americans towards Asians—the dinks, the gooks, the slopeheads—and the psychological stress upon the soldier of fighting in a country where much of the population is hostile, where women and children do set mines and boobytraps and shoot at you?

The two accounts of the Mylai massacre mentioned in this bibliography, Richard Hammer's "One Morning in the War" and Seymour Hersh's "My Lai 4," as well as the testimony that has emerged at the court martial of Lieutenant Calley, of practices like driving civilians ahead of the troops to detonate mines with their bodies suggest that the general conduct of the war did contribute to these individual atrocities.

The word Lieutenant Calley used to de-

scribe the act of slaughtering the 102 men, women and children for whose deaths he is being held responsible evokes this atmosphere in uncanny fashion. He told the prosecutor that he was ordered "to waste the Vietnamese . . . waste, waste them, Sir." Were this just Lieutenant Calley speaking the word would not carry much meaning, but the word is from the argot of the American soldier in Vietnam. Human beings are "wasted" there, they are "blown away." Soldiers have a unique ability to find words to describe the reality of their wars.

Given such an atmosphere, the massacre at Mylai would be a departure from the norm only in that it consisted of the direct murder by rifle and machine gun fire of several hundred Vietnamese civilians at one time. The soldiers in Lieutenant Calley's platoon, whose moral sense led them to disregard his orders and not participate in the killings, do not appear to have been shocked by the lesser, individual atrocities that occurred prior to Mylai. Looked at coldly, Lieutenant Calley and the soldiers who did join him in the massacre were doing with their rifles what was done every day for reasons of strategy with bombs and artillery shells. There are Calleys in every army. What makes them dangerous is a set of circumstances in which their homicidal aberrations can run amok. The laws of war say that it is the responsibility of the highest leadership to do all in its power to prevent such circumstances from occurring.

Both the Army Field Manual and the Nuremberg Principles address this central issue in delineating when a claim of superior orders can constitute a defense against a charge of war crimes. "The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, *provided a moral choice was in fact possible for him*" [italics added], the Nuremberg Principles say. The Army Field Manual is a bit more elaborate. "In considering the question whether a superior order constitutes a valid defense, the court shall take into consideration the fact that obedience to lawful military orders is the duty of every member of the Armed Forces; that the latter cannot be expected, in condition of war discipline, to weigh scrupulously the legal merits of the orders received; that certain rules of warfare may be controversial; or that an act otherwise amounting to a war crime may be done in obedience to orders conceived as a measure of reprisal," the Manual says.

Curiously, Lieutenant Calley's lawyers have claimed that he has a robot-like personality incapable of resisting any orders from his superior, Capt. Ernest Medina, but they have not sought to defend Calley on the grounds that, given the general atmosphere in which the war was being conducted, and his interpretation of his orders that morning in Mylai, he may not have been capable of a moral choice. They may have hesitated to do so because they would have had to put the entire command structure from President Johnson on down in the witness chair. Telford Taylor notes in his book that a court martial at Fort Benning is too limited a forum for such a far-reaching inquiry.

Nevertheless, the question of higher responsibility hangs over Mylai. It hangs over the individual atrocities described in these books, it hangs over the use of airpower and artillery to lay waste the Vietnamese villages, if that, too, constitutes a war crime and the greatest one of all.

Many would contend, as Townsend Hoopes did in an exchange of articles with two reporters for the Village Voice who accused him and his colleagues of being war criminals, that raising the issue of war crimes in Vietnam is absurd and unwarranted in the context of a democracy like the United States. Worse, many would argue, it is vindictive, capable of perversion into a new McCarthyism. Hoopes was a Deputy Assistant Secretary of Defense and Under Secretary of the Air Force in the Johnson Administration. He wrote an admired account of the inside events behind the March 31, 1968, decision to restrict the bombing of North Vietnam and open peace negotiations. His view is important because it appears to be widely held.

Hoopes argues that since the President is elected, since the war was prosecuted from well-meaning if mistaken motives, since Congress voted the funds and there was broad public support at the outset, no official should acquire criminal liability. Judgment, he said, should be confined to voting the Government out of office. Attacking this position in his introduction to the Russell Tribunal proceedings, Noam Chomsky of M.I.T. states that Hoopes is claiming an immunity for American leaders which this country denied to the leaders of Japan and Germany. Marcus. Raskin, co-director of the Institute for Policy Studies in Washington, the think-tank of the New Left, asserts that Congress cannot be held responsible as a body, because many Congressmen voted funds merely to ensure that American soldiers had the means to defend themselves. Telford Taylor, a mugwump Democrat, remarks that though good intentions may be mitigating circumstances, they do not negate the fact of a crime, if one occurred.

Taken to its logical end, the Hoopes argument also means that all Americans were responsible for the actual conduct of the war. If so, then the adult majorities of Japan and Germany should have been punished for war crimes. They applauded the beginning of World War II. And if everyone is responsible, of course no one is responsible. The Nuremberg and Tokyo tribunals rejected Hoopes's argument by making a distinction between those in the audience and those who held power, as do the laws of war. The Army Manual denies a collective copout: "The fact that a person who committed an act which constitutes a war crime acted as the head of a State or as a responsible government official does not relieve him from responsibility for his act."

Hyperbole in describing what war crimes may have taken place in Vietnam seems just as unhelpful as the Hoopes argument. Chomsky in "At War With Asia," accuses the United States of intending genocide in Vietnam. So do Richard Falk, the international legal scholar, and Gabriel Kolko, the revisionist historian, both of whom have otherwise diamond-cutting minds, in "War Crimes and the American Conscience," the published proceedings of a Washington symposium on war crimes last year. Genocide does not appear to be an accurate characterization of American conduct in Vietnam. The story is more complicated and the facts do not support the charge. The population of the country has grown despite the war, from an estimated 15-million in 1962 to about 17-million now.)

But how is this country to determine whether war crimes were really committed in Vietnam and who is responsible for them?

Not even the wildest of anti-communist politicians has predicted the conquest of the United States by the Vietcong guerrillas and the North Vietnamese army. So it seems equally outlandish to imagine that a tribunal with the power of those at Tokyo and Nuremberg will ever sit in judgment on the leaders of this country.

The Army, the principal service involved in the Vietnam war, has shown that it will not enforce military law and judge itself. The dismissal of charges against Maj. Gen. Samuel W. Koster, the division commander of the troops at Mylai, demonstrated that the current leadership of the Army considers Lieutenant Calley and Captain Medina to be its only real war criminals. Barring unforeseen disclosures, no one more important than a few captains, a major and a colonel or two are likely to join Calley and Medina in the dock. For the Army had a good case against General Koster, who was in his helicopter over the Mylai area that morning. What the Army lacked was the will to prosecute.

Perhaps it is expecting too much of human nature to think that the Army would sit in judgment on its own conduct in Vietnam. A command structure so traumatized, so emotionally defensive because of its failure in Vietnam, is not, except under great outside duress, about to begin charging members of the inner circle with war crimes.

Indeed, the military services are in the greatest danger of becoming the scapegoats of a public witchhunt that could come from the left over the war crimes issue if responsible men do not prevail. Mark Lane's collection of purported eyewitness accounts of atrocities in Vietnam, "Conversations with Americans," is an example of the kind of scurrilous attack that is already being made. The military have few defenders in the current climate. Much of the intellectual community and many of the students are almost childishly indiscriminate in their assaults. A number of the former senior civilian officials of the country, who have changed their minds about the war they helped to prosecute, are now all too eager to blame everything on the generals.

Professional soldiers, whose frame of reference is almost by nature circumscribed, are being criticized for not having displayed the kind of broad wisdom and judgment self-proclaimed statesmen did not exhibit. If the generals did commit war crimes in Vietnam, they did so with the knowledge and consent of the civilians. If seeking to pacify with the fire and the sword of the 20th-century, airplanes and howitzers, constituted a war crime, then the civilians helped to induce this crime by denying the generals sufficient troops to garrison the countryside.

President Johnson and his closest advisers, Robert S. McNamara, Walt W. Rostow, and Dean Rusk, directed the unfolding of the conflict just as President Nixon and his senior advisers now do. The military almost always played a subordinate role. Mr. McNamara, for example, supervised the planning and the execution of the war for the President as the chief of a European General Staff would have done. In 1965 he often said: "We're going to trade firepower for men." He had no criminal intent, of course. What he meant was that he planned to expend ten bombs to kill five North Vietnamese soldiers, instead of trading the lives of five American infantrymen for the same job. But when the bombs were targeted on civilians, Mr. McNamara did not cry halt. This is not to say that the generals would be absolved of responsibility, only that the highest, and therefore the greatest, responsibility does not rest with them.

For precisely this reason, one cannot expect the Nixon Administration, of its own accord, to institute any meaningful inquiry into war crimes. Mr. Nixon is using the same airpower tactics in Laos and Cambodia that his predecessor employed in South Vietnam His strategy of Vietnamization is even more dependent upon the unrestricted use of airpower than was Mr. Johnson's. Mr. Nixon has also sensed even more keenly the political convenience of this weapon. He has calculated correctly that the public will not worry much about the dead, or about their age or sex, so long as the bodies are far enough away that the photographers and the television crews can't get to them too often and so long as they are, most important of all, not American.

The Kennedy Subcommittee estimates that civilian casualties in Laos, which has a population of only three million, are now exceeding 30,000 a year, including more than 10,000 dead. Many of these casualties are attributable to American bombs. Classified military documents specifically talk about bombing villages in Communist-held areas "to deprive

the enemy of the population resource." No one knows what the civilian casualty toll is in Cambodia, where the same kind of air attacks are taking place. The Kennedy Subcommittee guesses there are now about a million and a half refugees in Cambodia out of a population of 6.5 million and that civilian casualties are running in the tens of thousands a year.

When I asked a responsible official at the State Department about the refugees he said he didn't have an estimate. Why? I asked. "The Cambodians haven't really asked us for any assistance with refugees and until they do it's not our concern. Our staff in the Embassy is pretty small and they have a lot of other fish to fry." What about the civilian casualties? "The Cambodians haven't been compiling them," he said. "We're dependent on their statistics and they don't keep careful statistics on anything." Really, that's what he said. The new American aid program for Cambodia contains no funds specifically marked for civilian medical relief.

Yet the cleansing of the nation's conscience and the future conduct of the most powerful country in the world towards the weaker peoples of the globe, demand a national inquiry into the war crimes question. What is needed is not prison sentences and executions, but social judgments soberly arrived at, so that if these acts are war crimes, future American leaders will not dare to repeat them.

The sole hope for such a national inquiry would appear to rest with the Congress or a commission of responsible men, with military and judicial experience, appointed by Congress and empowered to subpoena witnesses and examine documents. They might try to answer one fundamental question that I have not attempted to deal with here because the arguments are still so tangled—whether the United States intervention in Vietnam was itself a violation of the Nuremberg Principles forbidding wars of aggression. There does not seem to be the stomach for such an inquiry in Congress now, but attitudes may change as the full import of the issue becomes known.

If Congress fails to undertake an inquiry that carries the authority of the nation, then hypocrisy will be added to our sins. The Nuremberg judgments upon such diabolical Nazi crimes as the extermination of the Jews will still stand as a monument to international justice. Even under the most critical scrutiny, nothing the United States has perpetrated approaches the satanic evil of Hitler and his followers. The Nazis were in a class by themselves.

But the other, lesser judgments at Nuremberg, and the verdicts at the Tokyo Tribunal, will become what many said they were at the time—the pronouncements of victors over vanquished. We ought to remember that at the Tokyo Tribunal, the United States went so far as to establish the legal precedent that any member of a Cabinet who learns of war crimes, and subsequently remains in that Government acquires responsibility for those crimes. Under our own criteria, therefore, Orville Freeman, the Secretary of Agriculture under President Johnson, could acquire responsibility for war crimes in Vietnam.

Recently, when I discussed with a Japanese friend the condemnation of General Yamashita for the death of more than 25,000 noncombatants in the Philippines, he remarked: "We Japanese have a saying. The victor is always right."

History shows that men who decide for war, as the Japanese militarists did, cannot demand mercy for themselves. The resort to force is the ultimate act. It is playing God. Those who try force cannot afford to fail. I do not mean to suggest that men should be free to attempt anything in war to ensure victory. Quite the opposite. The laws of war seek to mitigate the evil of war, to save what lives can be saved in the midst of great killing. War nonetheless remains an evil that imposes a unique burden upon those responsible. This will sound cynical to many, but if the Johnson Administration had won the war in Vietnam, few would be searching for war crimes among the physical and human ruins of Indochina. Evidence of murder and brutality on a grand scale would have been hushed in the shouts of success. The resort to force has failed, however, and that failure has helped to make the issue of war crimes in Vietnam a very real and a very fair one to be dealt with. Our failure presents an opportunity for humanity that should not be lost.

(NOTE.—The Book Review received the accompanying bibliography from Mr. Mark Sacharoff, assistant professor of English at Temple University, and sent the books to Neil Sheehan for review.)

BIBLIOGRAPHY

"Against the Crime of Silence," edited by John Duffet. 672 pp. New York: Simon & Schuster-Clarion. Paper, $3.95.

"Air War—Vietnam," by Frank Harvey. 192 pp. New York: Bantam. Paper, 75 cents.

"Atrocities in Vietnam," by Edward S. Herman. Illustrated. 104 pp. Philadelphia: Pilgrim Press. Paper, $1.95.

"At War With Asia," by Noam Chomsky. 314 pp. New York: Pantheon. Cloth, $7.95. Vintage. Paper, $1.95.

"Casualties of War," by Daniel Lang. 123 pp. New York: McGraw-Hill. Cloth, $4.50. Paper, $1.50.

"Chemical and Biological Warfare," hearings of the U.S. Senate Committee on Foreign Relations. Free from the Committee, U.S. Senate Office Building, Washington.

"Chemical and Biological Warfare," by Seymour M. Hersh. 354 pp. Indianapolis and New York: Bobbs-Merrill, $7.50.

"Chemical and Biological Warfare," edited by Steven Rose. 209 pp. Boston: Beacon Press. Cloth, $7.50. Paper, $1.95.

"Chemical Warfare," by Maj. Frederic J. Brown. 355 pp. Princeton, N.J.: Princeton University Press. $11.

"Conversations With Americans," by Mark Lane, 248 pp. New York: Simon & Schuster, $6.95.

"Crimes of War," edited by Richard A. Falk, Gabriel Kolko and Robert J. Lifton. 608 pp. New York: Random House. Available late April.

"Defoliation," by Thomas Whiteside. 168 pp. New York: Friends of the Earth-Ballantine. Paper, 95 cents.

"The Destruction of Indochina," by the Stanford Biology Study Group. Box 3724, Stanford, Calif. 94305. Paper, 25 cents.

"Ecocide in Indochina," by Barry Weisberg. Illustrated, 241 pp. New York: Canfield Press-Harper & Row. Paper, $3.95.

"Efficiency in Death," sponsored by the Council On Economic Priorities. Illustrated. 233 pp. New York: Harper & Row, Paper, $1.50.

"In the Name of America," research director, Seymour Melman. 421 pp. New York: Clergy & Laymen Concerned About Vietnam, Room 547, 475 Riverside Drive, New York 10027. Cloth, $4.95, Paper, $2.95.

"The Indochina Story," by the Committee on Concerned Asian Scholars. 348 pp. New York: Pantheon. Cloth, $8.95. Bantam. Paper, $1.25.

"Militarism, U.S.A.," by Col. James A. Donovan. 265 pp. New York: Charles Scribner's Sons. Cloth, $6.95. Paper, $2.95.

"The Military Half," by Jonathan Schell. 224 pp. New York: Alfred A. Knopf. Cloth, $4.95. Vintage. Paper, $1.65.

"My Lai 4," by Seymour M. Hersh. 210 pp. New York: Random House. Cloth, $5.95. Vintage. Paper. $1.95.

"Nuremberg and Vietnam," by Telford Taylor. A New York Times Book. 224 pp. Chicago: Quadrangle Books. Cloth, $5.95. Paper, $1.95.

"One Morning in the War," by Richard Hammer. 207 pp. New York: Coward, McCann & Geoghegan. Cloth, $5.95. Paper, $3.95.

"Refugee and Civilian War Casualty Problems in Indochina," staff report of the U.S. Senate Subcommittee on Refugees. By Dale S. de Haan and Jerry Tinker. Free from the subcommittee, U.S. Senate Office Building, Washington.

"Refugee and Civilian War Casualty Problems in Laos and Cambodia," hearing of the U.S. Senate Subcommittee on Refugees. Free from the subcommittee, U.S. Senate Office Building, Washington.

"Revolutionary Non-Violence," by David Dellinger. 390 pp. Indianapolis and New York: Bobbs-Merrill. Cloth, $7.50. New York: Anchor. Paper, $2.50.

"The Silent Weapons," by Robin Clarke. 270 pp. New York: David McKay. $4.95.

"The Social Responsibility of the Scientist," edited by Martin Brown. 282 pp. New York: The Free Press. Cloth, $7.95. Paper, $3.95.

"The Ultimate Folly," by Richard D. McCarthy. 176 pp. New York: Alfred A. Knopf. Cloth, $5.95. Vintage. Paper, $1.95.

"Vietnam and Armageddon," by Robert F. Drinan, S.J. 210 pp. New York: Sheed & Ward. $5.95.

"The Village of Ben Suc," by Jonathan Schell. 132 pp. New York: Alfred A. Knopf. Cloth, $4.95. Vintage. Paper, $1.65.

"War Crimes and the American Conscience," edited by Erwin Knoll and Judith N. McFadden. 208 pp. New York: Holt, Rinehart & Winston. Cloth, $5.95. Paper, $2.95.

"Weapons for Counterinsurgency," National Action/Research on the Military Industrial Complex. Illustrated. 124 pp. Philadelphia: American Friends Service Committee. Paper, $1.00.

"Why Are We Still in Vietnam?" edited by Sam Brown and Len Ackland. 144 pp. New York: Random House. Cloth, $5.95. Vintage. Paper, $1.95.

ROBERT GOHEEN RESIGNS AS PRESIDENT OF PRINCETON UNIVERSITY

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

Mr. FRELINGHUYSEN. Mr. Speaker, it was with real regret that I learned that Robert Goheen had decided to relinquish his responsibilities as president of Princeton University. As an alumnus of Princeton myself, and a former trustee, I have come to know Bob Goheen well. For nearly 14 years he has been a consistent and intelligent force for good, during a time of change and occasional turbulence, and he will be sadly missed by all in the Princeton family.

Bob Goheen is still a comparatively young man. Though he has said he wants to resign as president of Princeton no later than July of 1972, I have every confidence that he will continue to make future major contributions to the national welfare.

An indication of the stature of President Goheen can be seen in the following editorial from the New York Times of March 27:

[From The New York Times, Mar. 27, 1971]

PRINCETON'S LOSS

Shortly after Robert Francis Goheen, then an assistant professor of classics, was named president of Princeton University in 1957 at the age of 37, he said: "I look forward to spending my entire life here." Since then, the pace and conditions of academia have

changed furiously, and fourteen years on campus now may well seem a lifetime. It is therefore hardly surprising that Dr. Goheen, in announcing that he will leave his post by June 1972, insisted that the tempo of change argues against a tenure of more than ten to fifteen years in the modern university presidency.

However sound this judgment may be, his decision constitutes a loss for Princeton. Dr. Goheen's stewardship, though perhaps unspectacular to the outside world, has been consistent without rigidity, guided by a steady integrity of purpose. It is a measure of the changing scene that shortly after his inauguration, Dr. Goheen was challenged by superpatriotic crusaders to purge the campus of alleged radicalism and to bar Alger Hiss from speaking to the students, whereas last year radical students prevented former Secretary Hickel, then a member of the Nixon Administration, from delivering an address. Dr. Goheen was equally firm in his opposition to the vigilantism of either side.

His confidence in the fundamental strength of youth remained equally consistent. Taking office amid widespread complaints of the Silent Generation's apathy, he maintained that, contrary to public belief, students wanted "to play a meaningful part in building the world and in working for peace." He still holds to this assessment. Despite some disruptive incidents, he has guided the majority of students at Princeton on toward promotion of reforms which give them a more effective voice.

At a time when political reaction in New Jersey worked overtime to impede the growth of public higher education, Dr. Goheen assumed the leadership of the progressive forces that pressed successfully for a rapid upgrading of the public system in both quality and influence. His record at Princeton and his broad understanding of national issues in higher education suggest strongly that his experience and talents can well be used further in the nation's intellectual leadership.

STATE TECHNICAL SERVICES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MORSE) is recognized for 15 minutes.

Mr. MORSE. Mr. Speaker, on behalf of the entire Massachusetts House delegation, I am today introducing legislation to revise and extend the State Technical Services Act—Public Law 89-182—which originally became law on September 14, 1965. We are taking this action for two reasons: first, because the State technical services program has proven itself to be extremely beneficial and, second, because the need for it today is greater than ever.

The need for this legislation is especially great today because our economy is presently undergoing a painful period of transition. Due to cutbacks in Federal spending on space and defense, tens of thousands of scientists and engineers are without jobs. This is not because their talent is not needed in our society. It is rather because the resources of Government have thus far proved inadequate to the task of redirecting their energies into fields of rising priority. The State technical services program can do much to remedy this deficiency. Its proven effectiveness can be an invaluable asset in furthering the process of economic transition which is essential for the welfare of our people and the strength of our society.

Of the success of this program there can be little doubt. Created in 1965 for the purpose of assisting States to promote the wider diffusion and more effective application of science and technology, it fully justified the hopes of its sponsors. The report of the Public Evaluation Committee which was called upon to review the program 3 years after its initiation concluded that "the State technical services program is a valuable asset to our country not available anywhere else." An Arthur D. Little study made the following year found that the program was performing "a useful and economic service" and showed that it had generated increased tax returns and resulted in substantial economic and social benefits. The witnesses who offered testimony to the Senate Select Committee on Small Business a year ago were unanimous in their endorsement of the program. For example, Dr. Lee A. DuBridge, the science adviser to the President, said:

> I strongly encourage and endorse this type of program. For very little money it is beginning to achieve significant results. Discontinuing this type of effort may discourage States and set technology transfer back significantly, particularly in the less developed States which need it most.

Nevertheless, appropriations were cut off and the program will pass out of existence at the end of the present fiscal year unless we take strong remedial action. Curtailment of the program at the very time we need it the most would be extremely unfortunate. We do not think this should be allowed to happen.

While the State Technical Services Act as originally passed in 1965 was essentially sound and effective, we believe it can be improved in light of the experience gained during its implementation. Our bill seeks to accomplish this in several ways.

First, we propose to add municipal governments to those who will benefit from the technical services under the act. We are all aware of the staggering problems faced by our cities today—problems which threaten to overwhelm the municipal authorities trying to cope with them. The benefits of technology exchange and application should not be exclusively directed to business and industry. They should be made available to the municipalities as well so that they can be applied to improving the quality of life in our urban areas and to furthering their econmic development.

Second, experience has shown that those technical services provided under the act which were most effective were field services, and we have accordingly proposed to amend the act to stress their priority.

Third, we have provided that interstate programs under section 7 of the act be encouraged by raising the ceiling of Federal funding for them to 75 rather than 50 percent. Studies of the program have all stressed the value of a regional approach, and the successful operation of the New England technical services program at Durham, N.H., has shown the superior effectiveness of regional organizations.

Fourth, we have proposed that the program be funded with authorizations of $30 million for fiscal year 1972, $40 million for fiscal year 1973 and $50 million for fiscal year 1974. Studies have shown that the program could easily absorb this level of funding and that the expenditures will pay for themselves by generating additional tax dollars.

Finally, we have proposed certain changes in the administration of the program by the Department of Commerce. In accordance with a recommendation in the Arthur D. Little report, we suggest that the Department of Commerce establish a management information system which will provide data on program operation, services performed to meet program objectives and the effectiveness of supporting functions, such as accounting, reporting, marketing, personnel and public relations. Such a system, to be administered with the assistance of regional offices, would insure efficient operation and improve coordination among the States and between the States and other related Federal programs.

With these changes, we believe that an essentially sound program can be made even better. We hope that they will answer the objections of those who have had doubts about the program in past years.

Mr. Speaker, we believe that our country needs this program. Our industry needs it to ease the process of economic conversion, the unemployed need it for the jobs which will be created by technology transfer, our cities need it to help solve their problems, and the people as a whole need it for the economic and social benefits it will provide.

The text of the bill follows:

H.R. 6976

A bill to amend the State Technical Services Act of 1965 to make municipal governments eligible for technical services under the Act, to extend the Act through fiscal year 1974, and for other purposes.

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

SECTION 1. (a) This Act may be cited as "State Technical Services Amendments of 1971".

(b) Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered made to a section or other provision of the State Technical Services Act of 1965.

SEC. 2. Section 1 (15 U.S.C. 1351) is amended by adding immediately before the last sentence the following new sentence: "The Congress further finds that the quality of services provided by municipal governments, and consequently the quality of life in the States, can be enhanced by a wider diffusion of science and technology in the operation of municipal governments and by the effective application in such operations of the benefits of federally financed research and that this can be accomplished by the participation of municipal governments in the benefits of technical services under this Act."

SEC. 3. (a) Section 2(a) (15 U.S.C. 1352(a)) is amended—

(1) by inserting "municipal governments and" immediately before "businesses" in the matter preceding paragraph (1); and

(2) (A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, (B) by adding "and" at the end of paragraph (2) (as so redesignated), (C) by striking out "; and" at the end of paragraph (3) (as so redesignated) and inserting in

lieu thereof a period, and (D) by redesignating paragraph (3) as paragraph (1), by striking out the period at the end of such paragraph and inserting in lieu thereof a semicolon, and by inserting such paragraph (as so redesignated and amended) immediately before paragraph (2) (as so redesignated).

(b) Section 2(g) is amended by striking out "Board of Commissioners" and inserting in lieu thereof "Commissioner".

(c) Section 2 is amended by adding at the end thereof the following:

"(h) 'Municipal government' means a city, county, township, borough, parish, or other general purpose political subdivision of a State."

SEC. 4. Sections 4, 5, 6, 7, and 10(e) (15 U.S.C. 1554, 1555, 1556, 1557, 1560(e)) are each amended by striking out "five-year plan" and inserting in lieu thereof "three-year plan".

SEC. 5. (a) Section 10(a) (15 U.S.C. 1560 (a)) is amended by striking out the period at the end and inserting in lieu thereof a semicolon and the following: "$30,000,000 for the fiscal year ending June 30, 1972; $40,000,000 for the fiscal year ending June 30, 1973; and $50,000,000 for the fiscal year ending June 30, 1974."

(b) Section 10(b) is amended by striking out "and" at the end of clause (2) and by striking out the period at the end of the section and inserting in lieu thereof a semicolon and the following: "(4) the operating efficiency of programs (as determined by the Secretary using data provided by the management information system established under section 11(b)) for which payments have been made under this Act; and (5) the needs of a State for technical services programs as determined by the Secretary taking into account the ratio of the number of persons employed in the State in scientific and managerial positions to the total number of persons employed in the State."

(c) Section 10(e)(1) is amended (1) by striking out ": *Provided*, That" and inserting in lieu thereof "; except that (1)"; and (2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "and (2) in the case of any interstate technical services program, amounts paid under subsection (b) and (c) to carry out such program shall not in the aggregate exceed 75 per centum of the cost of such program."

SEC. 6. Section 11 (15 U.S.C. 1361) is amended by inserting "(a)" immediately before "The Secretary", and by adding at the end the following:

"(b) In the administration of this Act, the Secretary shall establish a management information system to provide data concerning the operation of technical services programs, services performed to meet the objectives of such programs, and the effectiveness of supporting functions, such as accounting, reporting, marketing, personnel, and public relations. The Secretary shall make use of this data not only to evaluate the technical services programs, but to actively assist the designated agencies by comparing their achievements with agencies in other States. Information to the State agencies concerning successful activities in other States shall be facilitated by issuance of a weekly communication providing data on successful programs, marketing and public relations activities, and personnel selection, training, and guidance.

"(c) The Secretary shall establish regional offices for the administration of this Act to improve communication between the States and between the Secretary and the States and to coordinate the activities of the States under programs assisted under this Act."

SEC. 7. (a) Section 14(a) (15 U.S.C. 1364 (a)) is amended by adding at the end the following: "Each designated agency shall, at least once every three months, report such information to the Secretary concerning its activities under the technical services program administered by it as the Secretary may require for the management information system established pursuant to section 11(b)."

(b) The section heading for section 11 is amended to read as follows: "Reports".

SHAMEFUL CONDITIONS EXIST IN DISTRICT OF COLUMBIA FOR TREATMENT OF SEX ASSAULT VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, I rise to seek the support of my colleagues to remedy a shameful condition which exists in our Nation's Capital.

The present procedures for the examination and treatment of rape victims in the District of Columbia are shameful.

Bureaucratic bungling and indifference in public service agencies are never palatable conditions. When they frustrate the innocent victims of crime, however, conscience cries out for redress.

One of my constituents, a 17-year-old girl, became such a victim. If her mother had not had the courage to inform me of the details of the crime, it might have been hidden in one of the dark corners of administrative and legal absurdity never to come to light.

The incident began in Prince Georges County, Md., in my district, when three men forced their way into this girl's car, abducted her across the Maryland State line into the District of Columbia, and raped her. She managed to find her way home in a dazed and confused state. Her mother called the Prince Georges County police only to be told that the young lady would have to return to the District of Columbia for an examination because the crime occurred in the District of Columbia. The abduction in fact occurred in Maryland. She was further informed that she would have to be taken to the District of Columbia General Hospital because it was the only hospital with the necessary examining facility. The girl did not want to go to the District of Columbia General Hospital and went instead to Cafritz Hospital. At Cafritz she was again told she would have to go to the District of Columbia General and that they did not have the facility to examine her. The girl's mother called her own physician to conduct the examination. He also refused to examine the girl, informing her that Rogers Memorial Hospital did not have the setup for rape cases and that the District of Columbia General was the only facility which did.

I have contacted various public officials to determine the reason for the policy of requiring treatment exclusively at District of Columbia General, and why it was necessary. I was astounded by the response.

Raymond L. Standard, M.D., Director of Public Health for the District of Columbia, replied:

As far back as 1965 we convened the other hospitals in and near the District to ask them to examine alleged victims. The hospitals have not done so, in our opinion, because the staff physicians fear having to testify in court, or spend much time there, and secondarily, the hospitals fear not being paid.

Dr. Standard further stated:

All hospitals equipped to render emergency service should be able to do these examinations. . . . I am surprised that the family physician in this case was unwilling to do this examination for a family he had served previously.

Jerry Wilson, chief of police, answered that—

The refusal of the hospital staff, as well as her own physician, to conduct a sex assault examination, truly depicts the situation that exists in the District of Columbia.

Chief Wilson further stated that:

In 1965 the negotiations between the Hospital Council in the District of Columbia for Community Hospitals and the Department of Public Health for the hospitals to receive reasonable reimbursement for cases treated came to a halt as the Department of Public Health was not willing to pay a reasonable rate of reimbursement.

Likewise, Robert H. Campbell, Chief, Law Enforcement Division, Office of the District of Columbia Corporation Counsel, said:

Her letter does indeed cry out for help which she certainly deserved. Moreover, it very dramatically points up weaknesses in both law enforcement and public health service systems which should not exist or have occurred. Unfortunately, in this matter the Division of the Office of the Corporation Counsel which I head, has no jurisdiction to intercede or to be helpful in this matter.

Vincent Free, chief of police, Prince George's County, answered:

. . . because the crime took place in D.C. the young lady was referred to the District Police Department. As to our policy in regards to hospitals, rape victims are taken to Leland Memorial Hospital for examination. There is much time consumed during the prosecution of these cases and none of the other hospitals will accept rape victims, because of this reason.

(The crime took place in both Maryland and the District of Columbia.)

Mr. Speaker, it is obvious to me that we have it within our power to remedy this situation. It is equally obvious that our public officials are unhappy with the present policy and its implementation. I must believe that our citizens would be equally unhappy with the policy.

In a report published in October of 1969, vol. 62, no. 10, of the Southern Medical Journal, entitled "Sexual Assault on Women and Girls in the District of Columbia," Charles R. Hayman, M.D., Charlene Lanza, R.N., and Roberto Fuentes, B.A., Department of Public Health, concluded:

. . . that more complete evaluations should be made by using residents in gynecology and/or pediatrics and in areas removed from the bedlam of emergency rooms where examination is usually by a harried and inexperienced intern.

The report further indicates that—

. . . during the entire period of the report data (33½ months) 1,385 or 93% of the initial medical examinations on women and girls were done at D. C. General, 63 were done at Children's Hospital, 27 at other hospitals, and 12 in the offices of private physicians.

The report also observed that—

The examinations at D.C. General Hospital are done by interns on rotation for several months through the emergency room, and the number of victims averages about one during eight hours. Thus, there is little opportunity for training and proficiency. We are trying to remedy this situation by applying for grant support to have the examinations done by residents in gynecology and pediatrics. The examinations also need to compete in emergency rooms with hundreds of critically injured and ill patients, and with non-emergency patients who crowd our emergency facilities. This is another reason for taking the examination out of the emergency area. *Examinations are not done in other hospitals for a number of reasons, particularly because of fear on the part of physicians and other hospital personnel that they will be called to testify in court.* Court appearances can be minimized by expert examinations, reported legibly and completely. We recommend that the examinations be done by residents in gynecology and pediatrics in other large hospitals.

In view of the statements by public officials and in light of the report cited above, I can see no reason imaginable, short of neglect, for a hospital which supposedly operates for the benefit of humanity, to be allowed to refuse to treat a victim of rape. It must be obvious that the young lady in question was suffering physical and mental anxiety, while hospital officials, with the assistance of legal procedures, engaged in a reprehensible buck-passing game which considerably aggravated her distress.

If it is the considered judgment of medical authority that any hospital equipped to render emergency service is able to perform the examination, then, in the interests of human dignity, they should do so. If, as a necessary condition, facilities should be improved to meet the needs of the patients in more hospitals, then they ought to be improved promptly.

It is my intention to draft legislation which would help to accomplish these ends. I would appreciate the support and counsel of my colleagues in this matter.

TOWARD A QUIETER ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 30 minutes.

Mr. RYAN. Mr. Speaker, our environmental system has been stretched to the breaking point. The years of neglect, complacency, and ignorance have caught up with us. Our Nation is on the verge of becoming an ecological ruin.

The process of pollution is one of the great ironies of our society. Many of our ancestors came here because of the tales they heard about this country's natural wealth. America was the land of plenty. And it became more so as we, and our fathers before us, turned this Nation into the most advanced technological society in the world.

We are now confronted with the prospect that our very progress may have led us—not to the American dream—but to the American nightmare.

The realization of the extent of our environmental crisis was a long time in coming. For years, pollution and its decay of our environment have been creeping upon us. I am reminded of Marshal McLuhan's remark that if the temperature of bath water rises 1 degree each half-hour, how will the bather know when to scream?

We are now hearing the environmental scream.

The quality of life has become an overwhelming concern of Americans today. The more visible signs of our deteriorating environment have drawn the greatest amount of public comment and action. We are all painfully aware of the smog hanging over our cities and the filth-strewn rivers and lakes whose pollution is steadily increasing.

A less publicized factor in the decline of our environment is the excessive, intrusive noise that assails us daily. This noise is more than just a nuisance: it is a serious hazard to us physically, mentally, and economically. Excessive noise can inflict damage on the ear, resulting in temporary or even permanent damage to hearing. It disrupts sleep, causes annoyance, interferes with speech. Research has shown that noise can affect mental health, physiological activities, and even worker's efficiency. Noise can even influence property values.

The existence of sound pollution—for example, excessive noise—is not new. Two thousand years ago, Julius Caesar complained about the noise of the chariots on the streets of Rome. Queen Elizabeth I considered making it unlawful to beat one's wife after 10 at night, because the crying disturbed other citizens. Americans have been studying noise for nearly 100 years; Europeans have been studying it even longer. Yet, despite this consciousness of the existence of noise, virtually nothing has been done to control it.

For some reason, we have not taken the problem too seriously. Perhaps, as Robert Alex Baron, author of "The Tyranny of Noise," has suggested, we might have become more alarmed if we called noise something like "acoustic radiation." Perhaps, much of our acceptance of noise has been because of our American heritage—the frontier spirit of tolerating hazardous conditions as proof of our virility. Perhaps, it was because we feared that it would cost us something in dollars and cents to control noise. Or perhaps, it has been because we thought if we just ignored it, it would somehow fade away.

Whatever the reason for our past tolerance of an increasingly serious condition, one thing is clear; we cannot allow this problem to continue unabated.

The right to a quiet, peaceful environment is as basic as the right to clean air and water and pure food.

Concern for the cost of preventing and reducing noise must be replaced by the realization that it costs less to control noise than to endure it. No one can put a pricetag upon the right to enjoy one's health, to live free from annoying stimuli, to rest and sleep free of disruption. Surely, it is basic to the pursuit of happiness that the citizen has the freedom to open his senses to the full appreciation of the beauties and pleasures of pleasing sounds rather than being assaulted by incessant, excessive noise.

The intensity and severity of the problem we now face demands vigorous and comprehensive Government action now.

In the 91st Congress, I introduced legislation to begin such action. This bill—the Noise Control Act of 1970—was cosponsored by 20 of my colleagues. It provided for the establishment of an Office of Noise Control, and it established a program of grants to States and local governments, and of contracts for research and demonstration projects.

This legislation was in part embodied in the Clean Air Act Amendments of 1970, Public Law 91–604, which, in title IV, established an Office of Noise Abatement and Control within the Environmental Protection Agency.

Early this year, I, along with 14 of my colleagues, held an ad hoc hearing on noise pollution in New York City, on February 8. The 14 were: Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BIAGGI, Mr. BINGHAM, Mr. CAREY, Mr. DELANEY, Mr. HALPERN, Mr. KOCH, Mr. MURPHY, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER.

This hearing brought together experts to testify as to the problems of noise pollution, and the Government action that should be taken. The witnesses at the hearing were:

Robert Alex Baron, author of "The Tyranny of Noise";

George Tayor, executive secretary for occupational safety and health, AFL–CIO;

The Honorable Jerome Kretchmer, administrator, New York City Environmental Protection Administration;

The Honorable Robert Rickles, commissioner of Air Resources, New York City;

The Honorable Robert Bennin; director of Noise Abatement, New York City;

The Honorable Henry L. Diamond, commissioner, New York State Department of Conservation;

Roy Sullivan, chief, Division of Audiology, Long Island College Hospital;

Prof. Cyril Harris, Department of Electrical Engineering, Columbia University, and editor, "The Handbook of Noise";

George Diehl, noise consultant, Ingersoll-Rand;

Tony Crimmins, Crimmins Contracting Co.;

Stannard Potter, president, United Acoustics Consultants; and

Dr. Phyllis Gildston, chairman, Subcommittee on Noise, Scientists' Committee for Public Information.

The proposals brought forward at the hearing, together with my past involvement in the area of noise control, and consultations with various experts, have led to the development of a comprehensive legislative package which I am today introducing on behalf of myself and more than 30 of my colleagues. This package of four bills provides a tough, realistic, effective means to fight the menace of sound pollution.

NOISE ABATEMENT OFFICE APPROPRIATIONS

The first bill appropriates the money to fully fund the Office of Noise Abatement and Control established within the

Environmental Protection Agency by the Congress last year. Although the Clean Air Act Amendments of 1970, Public Law 91-604, authorized $30 million for this office to carry out a full and complete investigation of noise and its effect on the public health and welfare, not a penny has been appropriated, nor have any funds been requested in the administration's budget for fiscal year 1972.

The Clean Air Act amendments direct the Office to report the results of its investigation and study, together with its recommendations for legislation and other action, to the President and the Congress not later than 1 year after the date of enactment of title IV. The President signed this bill into law on December 31, 1970. Therefore, the office has only a little more than 9 months remaining to complete its responsibilities—responsibilities it cannot carry out because it has no funds.

My bill provides the money to make the Office of Noise Abatement and Control a functioning reality, not just another paper promise.

The 38 Members who have joined in cosponsoring this bill are Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURTON, Mr. CLEVELAND, Mr. CONYERS, Mr. DELLUMS, Mr. DOW, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MIKVA, Mr. MITCHELL, Mr. MOORHEAD, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SCHEUER, Mr. SEIBERLING, Mr. VEYSEY, and Mr. WOLFF.

EXPANDING THE OFFICE OF NOISE ABATEMENT

If we are to have an effective program to combat the hazards of noise, we must do more than merely continue our research into the problem. Although additional study is certainly needed, we now know enough about the problem and the technology involved to move directly toward abating it. Therefore, the second bill I am introducing—the Noise Abatement and Control Act of 1971—broadens the functions of the Office of Noise Abatement and Control to begin to deal directly with this problem. Thirty-eight Members of this House have joined with me in cosponsoring this legislation. They are Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURTON, Mr. CLEVELAND, Mr. CONYERS, Mr. DELLUMS, Mr. DOW, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MIKVA, Mr. MITCHELL, Mr. MOORHEAD, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SCHEUER, Mr. SEIBERLING, Mr. VEYSEY, and Mr. WOLFF.

Basically, the Noise Abatement and Control Act of 1971 does two things: First, it directs the head of the Office to prescribe standards on all noise generating machinery that may endanger the public health and welfare, and second, it provides a system of grants and contracts to provide Federal funds to levels of local government so that they can combat noise.

Specifically, the bill does the following:

First. It directs the Office of Noise Abatement and Control to prescribe standards for any machine, or class of machinery which it determines contributes to, or may contribute to, noise which endangers, or contributes to endangering, the public health and welfare and sets stringent enforcement powers. If the head of the office fails to take action against a violator within 60 days, this bill authorizes suits by private citizens or groups against the noise polluter and the head of the office, as may be appropriate.

Second. It directs the office, and all Federal agencies, as well as all Federal contractors, to maximize the purposes of this bill—for example, abatement of noise—by means of appropriate provisions in Federal grants, loans, and contracts.

Third. It authorizes the office to prepare, publish, and disseminate educational materials relating to the control, prevention, and abatement of noise.

Fourth. It authorizes the office to provide technical assistance to States, counties, municipalities, and regional governmental bodies, commissions, and councils to facilitate their development of noise control programs.

Fifth. It directs the office to coordinate the efforts of the Federal Government that relate to noise control, abatement, and prevention. To this end all instrumentalities, agencies, and departments of the Federal Government are directed to furnish the office with such information as it may require. Further, each such entity of the Federal Government is directed to carry out the program within its control in accordance with the purposes of this title—the creation of a quieter environment.

In any case where a level of Federal Government is carrying out or sponsoring an activity resulting in noise which the head of the office determines amounts to a public nuisance or is otherwise objectionable, such Federal entity must consult with the head of the office to determine possible means of abating the offending noise.

The office is to compile and publish a regular report as to the efforts and activities of the Federal Government and its instrumentalities, agencies, and departments in regard to noise.

Sixth. The office is directed to submit to the Congress in July of each year, a report concerning its activities. Currently, the office only has to make one such report, and that is before December 31, 1971. This section will give the office permanance not embodied in present law.

Seventh. The office is authorized to make grants to States, counties, municipalities, and regional governmental bodies, commissions, and councils for the purposes of developing, establishing, and carrying out programs of noise control and for research into the causes and effects of noise and new techniques of controlling, preventing, and abating noise.

There is authorized to be appropriated for these grants $5 million for the fiscal year ending June 30, 1971; $10 million for fiscal year 1972; $15 million for fiscal year 1973; $20 million for fiscal year 1974; and $25 million for fiscal year 1975.

Eighth. The head of the office is authorized to make grants to any public or nonprofit private agency, organization, or institution, or engage by contract the services of any such agency, organization, institution, or of any individual to conduct research into noise pollution; to provide training of professional and technical personnel in noise control techniques, methods, and approaches; to establish and conduct demonstration projects relating to noise control.

For these, there is authorized to be appropriated $5 million for fiscal year 1971; $7 million for fiscal year 1972; $10 million for fiscal year 1973; $12 million for fiscal year 1974 and fiscal year 1975.

Ninth. For the purpose of advising the head of the office on matters bearing on his responsibilities under this title, this section establishes a Noise Control Advisory Council of nine individuals skilled in fields relating to the matters to be considered by the office. Once each fiscal year, the Council must submit to the Administrator of the Environmental Protection Agency and to the Congress a report containing full and complete information on its work.

LABELING OF NOISE GENERATING MACHINERY

One of the prime reasons that the level of noise has increased so greatly over the past few decades is that the consumer has not been able to obtain reliable information necessary to weigh the noise level of a product as a factor when purchasing it.

Therefore, the third bill that I am introducing—the Noise Disclosure Act—with 35 cosponsors, requires that all new mechanical and electrical equipment transported in, sold in, or introduced into interstate commerce must have affixed a label or plate disclosing its operational noise level. The only items that can be exempted from this requirement are those that have an operational noise level "so low as to be negligible" and as to which "information with respect to such noise level will not be of value to the user."

Pursuant to this bill, the Administrator of the Environmental Protection Agency is directed to prescribe regulations establishing standard procedures for measuring the operational noise level of all classes of machinery and to prescribe the form and content of plates or labels which are required to be affixed to machinery and containers.

This legislation will allow the consumer to know the noise-generating potential of a mechanical item he is contemplating buying, thereby affording him the opportunity to consider its noise generation as a factor in his purchase decision. Thus, he could choose, not only the quieter of two automobiles or pneumatic drills, but the quieter of two electric razors or air conditioners.

The 35 Members cosponsoring the Noise Disclosure Act are Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURTON, Mr. CLEVELAND, Mr. CONYERS, Mr. DELLUMS, Mr. DOW, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MIKVA, Mr. MITCHELL, Mr. MOOREHEAD, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SCHEUER, Mr. SEIBERLING, and Mr. VEYSEY.

OCCUPATIONAL SAFETY AND HEALTH

Although noise is a hazard in all environments, particular attention must be given to the workplace. It is here that most Americans are prisoners for 25 percent of their working lives. Here, too, is where they are often subjected to the most severe and constant noise.

The only present Federal standards relating to noise in industry are those regulations promulgated in May of 1969 under the Walsh-Healey Public Contracts Act. These standards, although a step in the right direction, are demonstrably too lax to protect the majority of working individuals. We know that the average individual will sustain permanent hearing loss if subjected to prolonged exposure to noise levels of 85 decibels or more. Yet the standards under Walsh-Healey afford no more protection than a limit of 90 decibels for a normal workday. Under this standard, hundreds upon thousands of American working men and women will incur irreparable hearing loss.

Further, the Walsh-Healey Act does not cover all workers. It is only applicable to firms having Government procurement contracts over $10,000.

Last year, the Congress passed a comprehensive Occupational Safety and Health Act. Under that act, the Secretary of Labor is directed to promulgate standards for industry which will protect the health and safety of workers. These standards will apply to many more workers than do the Walsh-Healey regulations.

In order to insure adequate protection from excessive noise, the fourth bill I am introducing today—the Occupational Noise Control Act of 1971—will amend the Occupational Safety and Health Act to direct the Secretary of Labor to promulgate noise exposure limitations no less protective than provided in the following table:

Permissible noise exposures

Duration per day, hours:	*Sound level dBA*
8	80
6	82
4	85
3	87
2	90
1½	92
1	95
½	100
¼ or less	105

The 35 Members who have joined me in cosponsoring the Occupational Noise Control Act of 1971 are Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURTON, Mr. CLEVELAND, Mr. CONYERS, Mr. DELLUMS, Mr. DOW, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MIKVA, Mr. MITCHELL, Mr. MOORHEAD, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SCHEUER, Mr. SEIBERLING, and Mr. WOLFF.

COMPARISON TO THE ADMINISTRATION'S PROPOSAL

On February 17, 1971, the President's proposal for the control of noise—S. 1016—was introduced in the Senate.

I commend the President for his efforts to bring the problem of noise pollution to the public's attention. For far too long the Government has overlooked the gravity of this problem. I believe that the President's avowed commitment to promote an environment for all Americans free from noise that jeopardizes their health or welfare is a positive step toward obtaining concerted Government action to deal with the hazard of noise.

However, I do not believe the administration's proposal to be adequate. There are at least 10 major differences between the package of bills I am introducing today and the legislation proposed by the administration. In every case, this difference is one of strength versus weakness. In every case, my four bills provide a more effective program.

First, my bills in no way attempt to undo what was done last year by virtue of the passage of the Clean Air Act Amendments of 1970, Public Law 91-604. Title IV of that law creates an Office of Noise Abatement and Control. With this I am entirely in accord. It is essential that there be a focal point for the Government's noise pollution program. Proliferating responsibilities, scattered throughout numerous agencies, almost inherently result in diminished focus—both in terms of the Government's ability to grapple with the perceived problem and in terms of the public's being able to perceive the focus for its concerns, inquiries, requests, and demands for action.

The administration bill proposes to disband the just-created Office of Noise Abatement and Control. One would be hard pressed to find this on the basis of a superficial reading of the bill, since the section which accomplishes this complete overturning of Congress' just recently expressed will is entitled "Report of Noise Study." A careful reading discloses, however, that the administration bill proposes to delete the congressional mandate to the administration of the Environmental Protection Agency to establish the office, and instead just proposes that the Administrator carry out the program.

Presumably, the Administrator would designate a section or division, to run the noise-pollution program. But this is a very different thing, both bureaucratically and psychologically, than clearly identifying a specific Office of Noise Abatement and Control, and vesting it, not some obscure division or section, with the powers to run the Government's noise pollution program.

So, on this one issue alone, a clear balance is set, I believe, in favor of the legislative package I am introducing, as opposed to the administration bill.

Second, both my bill—the Noise Abatement and Control Act of 1971—and the administration bill propose that the Government set noise standards. But—and this is a very important but—my bill directs standards to be set by using the word "shall;" the administration bill is much weaker—it merely says standards "may" be set.

In addition, even if standards were set under the administration bill, they only would apply to three products, or classes of products: Construction equipment; transportation equipment; and equipment powered by internal combustion engines. Of course, these three classes of equipment are particularly egregious in the list of noise generating machinery. But, if one accepts the premise that noise is a problem, and I think the administration bill does, as does my legislative package, then one should include all products within the ambit of standards.

For example, the administration's bill would not include electric shavers. It would not include battery driven lawnmowers. Nor refrigerators. Nor air conditioners. Nor electric typewriters.

My bill would have standards be set as to any machinery which the head of the office finds to endanger, or which may contribute to endangering, the public health and welfare. Thus, every conceivable product, if its noise generation constituted a hazard, or even annoyance, would fall within the ambit of my bill. Moreover, my bill makes no caveat such as that proposed by the administration bill, which in its section 6 provides that in setting standards, "the Administrator shall consider whether any proposed standard is economically feasible, technologically practicable, and appropriate for the particular products to which it will apply." Words such as these are loopholes, not language to create an effective program.

Third, the administration bill provides for virtually no assistance to State and local governmental noise abatement programs. The only provision for Federal funds going to these programs is provided by section 11 of the bill, and this applies only to technical assistance to "State and local governments to facilitate their development and enforcement of ambient noise standards."

My bill, the Noise Abatement and Control Act of 1971, provides for grants to States, counties, municipalities, and regional governmental bodies to develop, establish, and carry out noise abatement programs. There is no getting around the fact that local governments are extremely hard pressed for funds; this pressure can only be relieved by the Federal Government.

Fourth, the administration bill, which fails, as I noted, to provide the States and local governmental bodies with fund to establish and conduct noise pollution programs, actually restricts the States and local governments which do seek to set their own noise standards from setting standards which are stronger. This is established by section 6(d), which provides:

No State or subdivision thereof shall adopt or enforce, with respect to any product for which noise-generation standards have been prescribed by the Administrator under subsection (a) of this section, and standard limited noise-generation characteristics different from the standards prescribed by the Administrator.

Thus, if a State, such as California, or a city, such as Chicago or New York, should wish to set standards stronger than those set by the Federal Government, it could not do so. Surely, this is anomalous, that the citizens of a community cannot seek to protect themselves from noise pollution to any greater extent than the Federal Government has ruled.

My bill, the Noise Abatement and Control Act of 1971, specifically authorizes States and local governments to set stricter—although not easier—standards if they so choose.

Fifth, the administration bill, in its provision—section 7—concerning labeling, restricts the labeling requirement only to products or classes of products "capable of adversely affecting the public health or welfare" or "that are sold wholly or in part on the basis of their effectiveness in reducing noise." Again, there is no need to be so restrictive. The consumer should be entitled to know the noise-generating potential of any product he is contemplating buying, so that he can make an educated decision. Thus, my bill dealing with labeling, the Noise Disclosure Act, provides for labeling of all machinery—which includes appliances—unless the noise produced is "negligible" and the "information" is of no "value to the user."

Sixth, the administration bill fails, to use a colloquialism, to "practice what it preaches." The largest contractor in this country—for services, for goods, for construction of buildings—is the Federal Government. In addition, billions of dollars are distributed in grants and loans and assistance by the Federal Government. Yet, the administration bill completely omits provision for using the power inherent in Federal contracting to produce a quieter environment, by requiring contractors, grantees, and borrowers to utilize methods which reduce noise and by requiring them to use equipment—when there is a choice—which generates less noise.

My bill—the Noise Abatement and Control Act of 1971—on the other hand, provides that this enormous power is to be used, just as it is used in the Clean Air Act Amendments of 1970, by providing that each Federal agency which enters into contracts or extends Federal assistance by way of grants, loans, or contracts is to effectuate the purposes of the bill—a quieter environment.

Seventh, the administration bill fails to concern itself directly with noise on the job—clearly one of the most serious aspects of the noise pollution problem. My legislative package includes a bill—the Occupational Noise Control Act of 1971—which especially directs that when, pursuant to the Occupational Safety and Health Act of 1970, Public Law 91-596, the Walsh-Healey noise regulations are promulgated anew, they shall lower permissible noise levels to levels which protect the workers—which the present regulations do not now adequately do.

Eighth, the administration bill provides no authority for the Administrator of the Environmental Protection Agency to enforce in court violations of the acts proscribed—such as false labeling—but rather, he must turn over the case to the Justice Department, and rely upon it to pursue action. My bills provide that the head of the office or the Administrator has the power to bring suit against violators.

Ninth, the administration bill provides no recourse for the beleaguered private citizen or group which has failed to obtain relief by means of complaint to the agency. My bills provide that a private citizen or group does have standing to go into court if the head of the office or the Administrator fails to take affirmative action on a complaint within 60 days of receipt of that complaint. Again, this is one of the strong provisions which was enacted into law last year in the landmark Clean Air Act Amendments of 1970.

Tenth, the administration has requested no money, either for fiscal year 1971 or for fiscal year 1972, to fund title IV of the Clean Air Act Amendments of 1970, Public Law 91-604, which established the Office of Noise Abatement and Control. Obviously, the administration recognizes that noise pollution is a serious problem. Thus, there should be no dispute that the office should be funded, whatever changes might be wrought by legislation in the 92d Congress, concerning its formal structure and its functions. Thus, my legislative package includes a bill to provide the full $30 million authorized for the office by the Clean Air Act Amendments of 1970.

AD HOC CONGRESSIONAL HEARING ON NOISE POLLUTION

At this point, I include with my remarks the record of the ad hoc congressional hearing on noise pollution which I and 14 of my colleagues sponsored in New York City on February 8, 1971. The record follows:

AD HOC CONGRESSIONAL HEARINGS ON NOISE POLLUTION, NEW YORK CITY, FEBRUARY 8, 1971

SPONSORS

Congressman William F. Ryan.
Congresswoman Bella S. Abzug.
Congressman Joseph P. Addabbo.
Congressman Herman Badillo.
Congressman Mario Biaggi.
Congressman Jonathan Bingham.
Congressman Hugh Carey.
Congressman James Delaney.
Congressman Seymour Halpern.
Congressman Edward I. Koch.
Congressman John Murphy.
Congressman Bertram Podell.
Congressman Charles Rangel.
Congressman Benjamin Rosenthal.
Congressman James Scheuer.

HEARINGS

Representative RYAN. Americans have been studying noise for nearly one hundred years; Europeans have been studying it even longer.

Offending sound can be described in a multitude of technical terms; it can be recorded, amplified and measured on many different instruments; it can even be presented in a beautiful full color portrait ranging from red for the loudest to blue for the softest sounds.

Thousands of booklets, monographs and speeches have been written; books of protest have been published; heavy tones for the teaching of noise control are available.

Yet, while the level of sound has been steadily rising—having doubled since 1955—very little has actually been done either on the local or federal level to control this widely prevailing environmental pollutant.

While modern technology professes an eagerness to make life easier, it has saturated the homes of America with a steadily rising riot of sound: blenders, mixers, juicers, motor-driven carving knives, can openers, garbage grinders, hairdryers, and dishwashers. It has choked our streets and highways with bumper-to-bumper automobiles, trucks, and motorcycles. It has distracted homes and offices with the whir and whine of heating and air conditioning units and fans. It has added to the strain of a working day with the clack and clatter of typewriters, adding machines, mimeograph machines, calculating machines, computers, telephones, interoffice buzzers and taping machines; it has overwhelmed the quiet of the home with a host of entertaining equipment with which neighbors drive each other wild. The din of construction equipment endangers workers' hearing and renders unfit for human habitation the area surrounding the construction project. Over countryside as well as city, the jet scream of military and commercial planes has produced numerous law suits (these suits being a prime reason airplane noise has achieved recognition as an annoyance, if not yet as a menace to health). So far, these suits have had little success before the courts which seem to follow the doctrine of "legalized nuisance."

Very little has been done to prevent the intrusion of noxious noise into the homes of America. Few local codes provide a program for noise control, though the New York City Building Code of 1968 did include the requirement that new residential buildings provide for reduction of noise penetration. The FAA regulates aircraft noise (though allowable levels are demonstrably too high) and the Walsh-Healey Health and Safety Regulations have set some limits on industrial noise, though few workers are covered. Some states and localities have noise codes, but they are poorly enforced and carry insignificant penalties. With some of the better local codes, ineffectiveness arises from lack of standards or provision for measurement.

A Federal Office of Noise Abatement and Control was authorized by Title IV of the Clean Air Act Amendments of 1970, P.L. 91-604, and thirty million dollars was authorized to investigate and identify the sources of noise and its effects on health; this office must hold hearings and report to Congress within one year.

But this is only the beginning.

A full-scale program to abate the inescapable insult of noise pollution requires steps more practical and immediate than continuing research and compiling additional reports.

I hope that this hearing will provide the expertise and the stimulus to proceed on local, state and federal levels with comprehensive legislation, codes, and a program of practical projects that will not only bring further knowledge but advance the actual process of abatement.

One of the major barriers to control and abatement of noise is the belief that quiet carries a prohibitive price tag. Yet, the cost of tolerating noise is shockingly high: as one example, the World Health Organization estimates that more than four *billion* dollars is being spent every year in the cost of ac-

cidents, worker inefficiency, loss of time from work and compensation payments resulting from industrial noise.

Actually, very few workers enjoy the advantage of hearing protection programs. Except for the 1968 amendments to the Walsh-Healey Public Contracts Act, there is little regulation, and over 80% of the work force is *not* covered.

Moreover, compared to the costs of exposing workers to noise, control would be cheap: the Committee on Environmental Quality of the Federal Council for Science and Technology, in a September 1968 report, estimated that at least six million workers are exposed to *unsafe* (not merely annoying) levels of industrial noise. *Protecting the hearing* of these workers would cost twelve million dollars per year; noise *reduction* would cost $26 per person per decibel ($26,000). But, if industry *designed* for noise control, it would cost only about 5% of the total development cost.

The cost of quieting much of the machinery and home appliances would be quite reasonable on a mass production basis. But both consumer and manufacturer will have to be convinced by federal legislation to exercise this type of control.

A primary goal for any city should be an educational program to inform the citizens of the nature of the problem, obtain their cooperation and provide a cooperative climate for code enforcement. Much of the noise that assaults the citizen in his dwelling (slamming of doors, loud music, rehearsing by musicians, etc.) can only be controlled voluntarily.

The mass media could make a major contribution to the educational process by featuring articles and documentaries (or spot announcmeents) on noise, helping the public in general to become more aware of, and help to abate, many forms of unnecessary noise.

Even without the authority of codes, federal and local governments can do much more to abate noise. Government at all levels can create a market for quiet vehicles, machinery and equipment of all kinds; this practice would encourage the mass production of noise-controlled products and demonstrate their feasibility to the public.

The federal government, whether by regulation or legislation, must lead the way in encouraging the development of quiet products. Any product that is sold in interstate commerce, whether blender for home use or giant air compressor for construction purposes, can be regulated on a national level by requiring that noise control be considered in the design and manufacturing process. Factories can be designed for quiet working conditions. Modes of transportation can be designed for noise control. Patch and repair methods, use of ear-protecting equipment, muffling, damping, insulating, etc., will always be inadequate for controlling noise, though they may have to be used for old equipment and installations.

There is ample evidence for the position that noise can—and must be—controlled; that present technology can do the job; that a combination of public education and federal legislation (combined with judicious application of governmental buying power) can provide the stimulus for bringing noise under control.

With the help of the evidence from this hearing, I—together with my co-sponsoring colleagues—will make every effort to see that an abatement program gets under way as quickly as possible.

For the purposes of legislation or any other abatement method, I reject certain theories and solutions that have been advanced: for instance, that noise control may be achieved by "masking"—that is, that housewives living under the approach routes of airports should attempt to "mask" the roar of jet engines by turning on household appliances; or that a person who objects to the loud radio of his neighbor should turn up the volume of his own radio.

In the literature of noise analysis, there is a profit-motivated tendency to describe noise as a necessary evil—the "price of progress." I suggest that if noise is properly considered as in itself undesirable, more progress will be made in controlling it. Just as for any other form of pollution, the control of noise is a matter not of what we are *able* to do, but what we are *willing* to do. It is obvious that past efforts have been inadaquate and that the reason for this inadequate response is a failure to place the problem in its appropriate perspective.

I believe that the right to a quiet, peaceful environment is as basic as the right to clean air and water and pure food.

I insist that concern for the cost of preventing and reducing noise be replaced by the realization that it costs less to control noise than to endure noise. No one can put a price tag upon the right to enjoy one's home, to live free from annoying stimuli, to rest and sleep free of disruption. Surely it is basic to the pursuit of happiness that the citizen has the freedom to open his senses to the full appreciation of the beauties and pleasures of pleasing sounds rather than cowering behind insulating walls, covering or plugging his ears, or exposing himself to the alternative of illness, hearing impairment and emotional or psychological disturbance.

We intend to make every effort to see that the American people are protected from this unnecessary and intolerable intrusion into their working and living environments.

Now, I should like to turn to my cosponsors of this ad hoc hearing on noise pollution. It is a pleasure for me to welcome Congressman Benjamin Rosenthal of Queens this morning. We are very happy to have you with us.

Representative ROSENTHAL. Thank you very much. I am very pleased to be here with you and I want to commend you on initiating these hearings on what I consider to be a very important subject. In our community, particularly near La Guardia Airport, we have learned to live with noise, but we have rejected it as totally unacceptable. This is an area in which we have a keen interest. I am very anxious and hopeful that something be done in this very significant and important area.

Representative RYAN. Thank you. I am delighted that you are able to be here, and Congressman Mario Biaggi of the Bronx, we are very pleased that you are also here with us.

Representative BIAGGI. Thank you very much for inviting me, Congressman Ryan. It is my pleasure to be here, and I also commend you for initiating these hearings. When we mention noise pollution, there seems to be a heavy emphasis on aircraft noise, and I think we've engendered sufficient activity and interest in that area to hope that some resolution will be reached in the future.

Today, we are going to deal with the everyday noise that we have come to accept as part of living. The medical profession has found that it is a hazard to the health of the individual. And if we address ourselves to this area, we find a new attitude and perhaps a reappraisal of what the norm is. What we have accepted as the norm is totally undesirable. These hearings are going in the right direction. You are to be commended for initiating them.

Rep. RYAN. Thank you. We are delighted to have you here. Congresswoman Abzug, one of the cosponsors, cannot be present. She is represented by Hugh McCormick.

Mr. MCCORMICK. Thank you, Congressman Ryan. Congresswoman Abzug wishes she could be here, but she was unavoidably detained. Her statement is as follows:

STATEMENT BY THE HONORABLE BELLA S. ABZUG

One individual's noise is another's rock and roll, but there is one kind that we can all agree is polluting our environment—and that is the combined din of auto, bus and truck traffic; sanitation trucks grinding garbage; wailing police, firetruck and ambulance sirens; Con Edison drills; and the sounds of heavy equipment used in constructing luxury office and apartment buildings.

This is the daily and nightly environment of residents and working people in the 19th Congressional District, which includes large concentrations of factories, businesses and stores as well as the congested Wall Street financial district.

To this already unbearable cacaphony the Federal Aviation Administration is backing American Airlines in a project that will place the residents of Chelsea in the same nerve-wracking plight as the families who live near JFK airport.

I refer to the proposed STOL-port which would float in the Hudson River between 26th Street and 33d Street. Under this plan STOL planes (the term is an acronym for short take-off and landing) will be coming in and leaving within 500 yards of the Chelsea-Elliott Houses and London Terrace, which have a combined population of 10,000 people living in 4,500 apartments.

This proposed plan is a disaster for Chelsea from the point of view of safety, pollution, increased traffic congestion and the potential loss of cargo piers and jobs.

However, since this hearing is concerned primarily with noise pollution, I will address myself to that aspect. An investigation has shown that the special propulsive devices required by STOL planes for steep take-offs and landings create a fantastic amount of noise. There will also be, of course, the motor noises of the planes in horizontal flight.

Furthermore, if the STOL-port does become a reality, there will be thousands of passengers landing or departing daily, and their cars, taxis and buses will create still more noise, to say nothing of air pollution and traffic tie-ups.

Noise pollution is a definite health hazard. For the residents of the 19th Congressional District, who live adjacent to a busy harbor and within one of the noisiest cities in the world, raising the noise level of their daily lives, even further would be intolerable.

If New York is to be made fit for human beings, I would urge that projects such as the STOL-port be rejected.

Representative RYAN. Thank you. Congressman Joseph P. Addabbo of Queens was not able to be with us, but he has submitted a statement. Following is Congressman Addabbo's statement:

STATEMENT OF HON. JOSEPH P. ADDABBO

I am very pleased to be a cosponsor of this hearing on noise pollution and to participate with my colleague in the House, Bill Ryan, who has been a leader in the fight to bring the resources of the federal government to bear on this menacing and dangerous problem of noise pollution.

It is certainly appropriate that we in the New York City Congressional delegation appear in the forefront of this fight because our city is the noisiest in the world. It is only in the last decade that we have begun to realize the serious health hazards and other related dangers of the pollution of our atmosphere by noise.

In my own Congressional District, the villain is Kennedy Airport where airport noise pollutes the atmosphere over surrounding communities constantly and without pause. Since the first jet plane landed at Kennedy Airport in 1958 the residents of those communities have tried in vain to find relief

through legislaiton, through research and through protests. The problem is increasing as the large super planes are readied for introduction into commercial use and as the battle over the supersonic transport continues.

I am one of the sponsors of the 1968 Aircraft Noise Abatement Act which represents the first federal recognition of the seriousness of the aircraft noise problem. I commend and join with Congressman Ryan and others in our delegation to try to broaden the national concern to include all sources of noise pollution.

If we are to find a way to reduce noise pollution to acceptable levels we must first learn more about the sources of noise and the scientific possibilities for curbing or controlling its impact. That is the purpose of this hearing today and I am pleased to participate and act as a cosponsor of this attempt to bring together those experts who can shed some light on these complex and disturbing areas of study which must be conducted if we are to find new ways of dealing with noise pollution.

The experts must act as the public watchdogs over the activities of the new Office of Noise Abatement within the Department of Health, Education and Welfare and the people and public officials they elect to represent them must make sure that this new Office is properly staffed, adequately funded and ever alert to its obligation to protect the person who is suffering from the hazards of noise pollution.

Finally I urge the enactment of local laws and ordinances which will not only protect the residents of our city but which will make our local laws a model for other cities in the nation which are now or will soon be suffering from substantial noise pollution.

Representative RYAN. We are fortunate in having a very highly qualified panel of experts who will appear before us today. Our first witness this morning is Mr. Robert Alex Baron. Mr. Baron is well known in the field of noise control. He is executive vice president and co-founder of Citizens for a Quieter City., Inc., and founder of the Upper Sixth Avenue Noise Abatement Association.

Mr. Baron arranged and chaired New York's first conference on Urban Noise Control. He arranged and conducted the first public demonstration of quieter construction equipment to be held in the United States. He was responsible for the development of the world's first quiet metal garbage can, and he initiated the development of the first quiet garbage truck in the United States. In addition, Mr. Baron provided back-up information for the Department of Health, Education, and Welfare's Task Force on Environmental Quality. Finally, Mr. Baron is a noted author of numerous publications, including his major book, *The Tyranny of Noise*, published in 1970.

Mr. Baron is testifying today as a private citizen—one who has spent years concerned with the problem of noise pollution. Thank you for being with us, Mr. Baron.

TESTIMONY OF ROBERT ALEX BARON

Mr. BARON. Congressman Ryan, and your colleagues, thank you for inviting me to talk to you today. I don't necessarily consider myself a technical expert on noise. However, I am a citizen who has spent six years on this problem of noise and noise pollution, trying to understand why, when there are ways to minimize noise, we don't do it; why, when we start to approach the problem, we are so slow and timid in doing something about it.

Several people have said to me: "Why do you bother with noise pollution? Why don't you put your efforts into air pollution and water pollution, and so on?" These kinds of questions indicate one of the very important reasons why we have not moved on pollution: there is a general tendency not to believe that noise exposure is a really serious problem.

I wish, in a way, that we could do away with the word "noise." I wish we could find something like "acoustic radiation," or some other phrase, that would be more acceptable in this day and age of science and technology. The word "noise" is, I think, if you will excuse me, a "mixed bag." I think too many people, including experts, tend to take the word "noise" as sort of a joke, and it is not too uncommon to think of somebody who protests about noise as a "little old lady in tennis shoes"—in other words, somebody who has nothing better to do, or somebody who is a crackpot. I was told, as a matter of fact, by a leading sociologist, that noise is "lonely people who have nobody else to talk to."

I think it is very important that we understand these attitudes, because they play a role in how effective we are in moving on this problem. I think these attitudes constitute one of the reasons we haven't moved in one of the more serious areas of noise—aircraft noise. So, the first problem is: what is it that we are dealing with?

Even with air pollution and water pollution we have tended not to get very serious about the problem until we picked a very interesting standard—death. That is, if it is proven, as it was, that air pollution can kill, then the problem is deemed serious. But even then we have not moved as rapidly and as strongly as we should have. Water pollution was shown to kill—it killed Lake Erie; it is killing Lake Michigan; it has killed other bodies of water. Therefore, water pollution becomes a "serious" problem.

Well, as to noise pollution, yes, we held a rat in front of the exhaust of a jet and thereby killed it. But, under normal circumstances noise is not though of as a direct cause of death. Therefore, maybe that is one reason we take noise as one of the "minor" irritants of life, instead of something that we have got to cope with.

Now, in literature you can read about noise: Julius Caesar complained about the chariots; Queen Elizabeth wanted men not to beat their wives after ten at night because the crying disturbed other citizens. So, you can go back in history, with any of these pollutants actually, and show that they always existed. But I do not believe—and this was indicated by Congressman Ryan: that noise had doubled in about ten years or so—that we have ever had the kind of exposure that we have now.

This exposure is not only in terms of intensity—that is, in terms of the common measurement—the decibel, which is really, from my point of view, only a primitive way of measuring noise, because something as complex as noise cannot be measured with just a simple device or technique which is borrowed from electrical engineering. (This is another problem, incidentally: we do not have, I believe, a thoroughly effective way of measuring what this particular pollutant is, and what it does to people). Today, the intensity of noise is unusual and unprecedented. The machines, whether aircraft, compressors, or other types, are making noise levels that never existed before in history.

But, an additional element of exposure, is the length of time it assails us. We used to think of the evening as a sort of period of quiet. Sometimes, it was embodied in laws that people could not make noise after a certain hour—10 o'clock or 11 o'clock at night. There was some sort of feeling that night was a time for recharging your batteries, so to speak—a time for rest. That is not true any longer. There was a paper given at the International Congress of Noise Abatement, in 1968 I believe, in which Dr. Stevenson of the London Greater Council Scientific Advisors Office stated that the difference between night time noise and daytime noise has shrunken, until he found only about four hours where there was a significant difference between night time noise and daytime noise.

Now, I don't think we have to be doctors, medical men, researchers, or what have you, to realize that, if the human organism cannot get its rest, something is happening. We now know, for example, that you don't have to be awakened at night for noise to be a problem; we know that sleep cycles are changed. We don't know exactly what that means, but certainly that should give us pause for asking questions. Certainly, for example, the constant traffic going through the streets at night, especially in cities like New York, is doing something to the quality of sleep of human beings.

The point I am making is that in terms of intensity, and in terms of length of exposure, we have never had a situation such as we have today.

Now, one of the problems is that many of the people who are concerned with noise—people, for example, in the Department of Defense, or people concerned with noise in industry (a concern, incidentally, which has been intensified because of the Walsh-Healey Act changes made recently)—are not people from the large cities. Therefore, a second thing I suggest in terms of attitude—the first, as I said, was the attitude that noise is not really a serious problem—is that noise is a problem of New York City—that is, a problem of the large city. This is not accurate.

Noise is a problem wherever you have noise sources, and since trucks and motor vehicles are sources of noise, noise is a problem anywhere near highways. Since aircraft are a source of the problem, noise pollution is a problem wherever you have aircraft stacking patterns and aircraft flight paths anywhere close enough to have a strong impact on the surface. Noise produced by snowmobiles is a problem when you go on vacation.

The primary standard we have applied to industry—the one we are now using—is the Walsh-Healey Act. And it is interesting that while there is much talk that when you are exposed many hours a day to 85 decibels for several years, you may lose your hearing for speech, yet the Walsh-Healey regulations set the figure at 90 instead of 85. But, as far as noise in the city—and I hope that some of the experts who talk this afternoon will go into this—we have no standards. I think that is one reason why subway noise continues to be the problem that it constantly is.

It is almost a tragic joke—the New York subway system. And Chicago, too, for that matter, because there is no way, as far as I know, at the moment, of getting the MTA's to develop a quieter subway. It is going to be very interesting to see—this is something that should be thought about—whether the Second Avenue subway, which is our first chance in many, many years to start from scratch, is going to be built with some of the noise control amenities that we know about. It is also going to be interesting to see if, in building this subway, they are going to do what they did to me that got me interested in noise in 1964—that is, using the open-cut method, where you have constant exposure. This is legal, incidentally, from seven in the morning until six o'clock in the evening; in fact, it is legal in every city of the United States during those times—that is, so-called noises of social utility.

The question I raise is this: why is it that we have not designed for quiet? I think I am stating accurately this fact: in our engineering schools, design for quiet is simply not taken very seriously. I talked to one group of mechanical engineers and said, "Why don't you give courses in design for quiet?" and they said, "Why should we; where is the market for graduates in this field?"

One of the things that we must accept is the fact that although there is a science and technology of noise control, it is not quite as widespread or quite as available as I think is necessary in order to design many of these quieter pieces of equipment.

If you walk by a construction project, observe for yourself the pile driver, for example. Now, if that pile driver is at a narrow street and you get the reverberations, you have something fascinating. Why are we using such primitive techniques? And to me these are primitive techniques—I don't see much difference between most of the construction techniques of today and most of the construction techniques—the pick and shovel—of years ago. They work a little faster, but I think the trade-off we are paying for what they are doing to us in terms of devaluating our homes and the unknown impact upon our systems makes them primitive indeed.

As far as I can see, there is very little being done, although you will hear from one gentleman—George Diehl—this afternoon who is with the first company in the United States to really take the step to develop a quieter air compressor, which is just a bare beginning in this field. This is something that I think we should be interested in—that our engineers are not being taught to design for quiet because design for quiet has no profit. Style does, but not quiet.

The STOL was mentioned in Congresswoman Abzug's statement. I think we must be very careful in introducing in an already stressed environment such as New York City new transportation modes, new noise sources, without a thorough understanding of the impact of these sources on the environment. We are told such things as that STOL will make a noise level of X perceived noise decibels. I think it's very important that we understand what we mean by that. We should not accept these standards and this technology without a thorough understanding from a multidisciplinary, impartial examination. Because otherwise who knows what we can be putting into the urban or any other human environment, if we don't really understand these standards that are being proposed?

Another thing that we must do. It has been traditional to look upon the city as the jurisdiction responsible for noise. Now, this is a very complex issue, and the question that I think should be asked is: in terms of the new noise sources, in terms of the fact that they are regional, in terms of the fact that they cross state lines and you are dealing with things like automobiles, airplanes—things that are manufactured for sale in many states—should not some method be developed for at least an interchange of guidelines so that we do not put the full responsibility for noise control on the municipality which may not have the funds or the resources, (a) for developing the guidelines, and (b) for funding the design for quiet?

Let me take the garbage trucks. In 1966, I attended an international convention on noise abatement in Baden-Baden, West Germany. I saw a garbage truck and subsequently suggested to the city of New York that a quieter garbage truck be developed. It is my understanding, and I'd like to be corrected if I'm wrong, that the new garbage trucks that the city has ordered are somewhat quieter because of the design element in the feeding mechanism. But the problem of the compactor, which is one of the major sources of the distressing noise of garbage trucks—which, I'd like to point out, operate early in the morning and, in the case of private ones, often during the night—still has not been resolved. This, to me, is just something hard to accept.

This is another problem: where do we get the research and development for some of these noise sources, the most intense and disturbing noise sources? Whose responsibility is it? What incentive shall we develop for industry so that it can do the necessary research and development, and once and for all rid ourselves of these things that people have been complaining about for decades?

Now you mentioned the quiet metal garbage can. It's interesting to me that when I asked a Bethlehem Steel engineer to develop the quiet metal garbage can, this thing became something that was publicized all over the country and all over the world. It became a symbol of noise abatement. It shows that there is a hunger for doing something to quiet this problem.

We need adult education. We need an ombudsman for the noise victim. The noise victim is alone, isolated. In the fields of air and water pollution, it is easier to develop a constituency to fight pollution. Air pollution, for example, may blanket an entire city. People can feel the problem—they're breathing it in. But noise pollution is very different. It is difficult to develop a constituency to fight it. In many cases the noise source is in a very small geographic location and therefore it doesn't seem to effect mass amounts of people. This is one of the things that I hope to work on in Project Quiet City, which has been partly funded by the Ford Foundation—to see how we can develop these constituencies in one small community.

Representative ROSENTHAL. Why doesn't this constituency develop itself?

Mr. BARON. For many reasons. In the first place, people have felt ostracized for complaining about noise. About two years ago I appeared on the Johnny Carson Show. I received a letter from an 80 year-old woman after that appearance. In her letter that lady said, "Mr. Baron, bless you. You are the first person I've ever heard who made me feel that my reaction to noise, my sensitivity, was normal. I could never express it to my family or to my friends."

So that's one reason: Ostracism. There is a fear, too, of retaliation from . . .

Representative ROSENTHAL. I think that it is more that we have learned to live with these inconveniences. The people that I represent around La Guardia Airport find the noise intolerable. They are a very vocal and a very considerable constituency. But that is because they have breached the upper limits of what they can accept.

Now, moving away from the airport area, people *are* less concerned about noise. But I find two things. Number one, that noise is spreading geographically, and, number two, it's spreading in intensity. People simply won't accept it any more.

What I really don't understand is why we have accepted all these situations. Perhaps, it is partly because of our tradition. We learn to suffer hardships; it's a kind of a frontier acceptance—a strength. We prove something by walking through an avenue with bulldozers going and sledgehammers going and motor truck noise surrounding us. I think the point has to be made that we cannot let this thing go to the acute stage it has in any of the areas surrounding airports.

LADY IN AUDIENCE. Excuse me, sir. May I have something to say as a citizen?

Representative RYAN. We'll be happy to——

LADY. Just a little time, sir?

Representative RYAN. I'll be happy to let you say a word. But I must say that, at least until we complete the witnesses who have been asked to testify, we must adhere strictly to our schedule. If you'd like to make a quick statement, please go ahead.

LADY. Thank you. I have written many letters about noise, but no one has done anything about it. The noise continues. I have even written letters to the Mayor's office, but they haven't done anything. Something must be done. We're going crazy with this noise.

Representative ROSENTHAL. What noise do you find most offensive?

LADY. In my particular neighborhood?

Representative ROSENTHAL. Yes.

LADY. Well, a large building has put a massive air conditioner in back of our yard. They could have put it in their own building, downstairs or upstairs, but they put it in the yard. We are going insane from its noise.

Representative RYAN. If you will outline your complaint, we will all join in a letter to the Mayor of the City of New York for you.

LADY. We are going crazy from this.

Representative RYAN. If you will give us your name and your address, the Congressmen here today will send a joint letter to the Mayor on the points you have raised.

Mr. BARON. I would like to say that this problem of central air conditioning is a very serious one. Often central air conditioning units are mounted where they impinge on residential areas 24 hours a day. This is a problem that has not been resolved, at least, not as far as I know. There is, however, some reference to it in a limited way in the new Building Code of 1968.

In terms of what you said, Congressman Rosenthal, this is an aspect of the problem—that we some way or other feel that to make noise is to make progress. And if we can tolerate it, we are somehow virile. It is interesting to note that, as far as I know, there has never been effective control of motorcycle noise in the United States. There seems to be an almost vicarious identification with the motorcyclist.

Noise is an unusual pollutant, and we still must do a lot of study—multidisciplinary, impartial, people-oriented study. I don't mean study for study's sake. We must find out why we tolerate these things. The word "adapt" is a very interesting and a very dangerous word. We really do not adapt. And the price we are paying by this so-called "adapting" may be very high in human terms.

You can't get away from noise anymore. A friend of mine who worked in the publishing house that published my book, had a cancer operation. Yet in the early hours of the morning she was subjected to construction noise. Hospitals, schools, churches, synagogues, it makes no difference. All of them are attacked by noise.

The point I'm trying to make is this: there are many complexities to this subject, but the approach to the problem must be made from the human point of view—not from a purely engineering point of view; not from a purely physicist's point of view; but from a human point of view. We must find a way to deal with this very serious problem now. We cannot afford to wait until we develop the absolutely perfect means to measure noise.

Representative BIAGGI. Mr. Baron, do you feel that awareness of this problem is developing? It is my own belief that we are entering into a new age—an environmental age. The people of our Nation are becoming aware of all the types of pollutants. True, in the past little or no attention was focused on noise. We were accustomed to it. We felt it was a natural part of our environment. We did not give it too much thought.

However, with our present concern about the environment on a total basis, noise is becoming important. I stated in my opening remarks that the noise resulting from the aviation industry has been subjected to severe criticism. The public—the immediate and interested public—has participated in this area because it affects them so terrifically. This is true in both Congressman Rosenthal's area, as he pointed out, and my area in the Northeast Bronx and South Yonkers. In these areas, it has become almost a question of survival. Because of this pressure, the aviation industry, in addition to the Congress and the Federal Aviation Administration, now are addressing themselves

to the problem and are holding hearings to determine ways to abate aircraft noise. I believe that this aspect of the problem is well on its way to resolution.

Now we have to address ourselves to the everyday noise that we have come to accept as part of living. What is important is that we make people aware that something can be done, that someone is interested, and that this excessive noise is not the norm. This is a process of education. Once you make people aware that this problem of noise can be eliminated, that this noise level should no longer be the norm, that there is a grave peril in the day-to-day exposure to noise, then we will be well on our way to resolving this problem as well.

Representative ROSENTHAL. You're not a lawyer, are you, Mr. Baron?

Mr. BARON. No, sir. I am not.

Representative ROSENTHAL. I believe that we ought to shift the burden of proof. We ought to have a statement of public policy that we are all entitled to a tranquil society. Period. And anyone who wants to make noise has to get a license. In other words, the burden should be on the noise maker, not on the individual who is forcibly subjected to noise. There shouldn't be the burden to have to complain about noise. Each of us is entitled to *no* noise. No noise, period. That's the way God created the earth and we oughtn't give up too much of that. If a person wants to make noise, then the burden of proof should be on him. He must prove that the noise he is going to make will not adversely affect the rest of us. If we start off with that kind of a proposition, I think we will have a new ball game.

Mr. BARON. I think you have raised a very interesting point, and that is, that in attempting to fight noise producers in the courts, the individual—the noise victim—is at a serious disadvantage. If the noise is being made for not capricious reasons but, rather, for something that is important or interpreted as important for society, then the individual must suffer even damage to health.

The right to tranquillity, of course, has to be carefully interpreted.

Representative ROSENTHAL. Why should we have to apologize for that right? Who says that a subway is better than tranquillity? I don't know of anywhere where it says that.

Mr. BARON. No I agree with you that the responsibility ought to be on the other foot. The person who wants to bring intrusive noise sources into the environment should have a responsibility for proving that it will not adversely affect the environment.

Mr. ROSENTHAL. We're too apologetic. We're apologizing for finding noise offensive. Let the burden shift to the noise makers. Let us start off with the proposition that as of 11 o'clock this morning at Mr. Ryan's hearings, we are all entitled to a tranquil, noiseless society and it is the noisemakers who have the burden of getting permission to make noise. Period.

Mr. BARON. I couldn't agree with you more.

Representative RYAN. We are entitled to clean air and clean water. Why not a quiet environment?

Mr. BARON. The only question I raise is this: What is the definition of a quiet environment? This is where you get into the question of standards. I believe that the concepts of comfort and tranquillity should have an important role to play in these standards.

I'll close with this statement from my book: "Democracy gives man the right to vote, but not to sleep; the right to dissent, but not the right to minimize the noises of social utility; the right to go to school, but not the right to be able to hear the teacher. Under the guise of waging a necessary therefore holy war for progress, technology has stripped man of his dignity, his right to meditate and work creatively, his means of maintaining the well-being of his soul."

Thank you very much.

Representative RYAN. Thank you, Mr. Baron. We appreciate your testimony this morning. Our next witness is Mr. George Taylor, an economist for the Department of Research of the AFL–CIO and the Executive Secretary of the AFL–CIO Standing Committee on Safety and Occupational Health. Mr. Taylor also is a member of the Bureau of Labor Standards Technical Committee on Occupational Safety and Health. We are delighted to have you with us today, Mr. Taylor.

TESTIMONY OF MR. GEORGE TAYLOR, EXECUTIVE SECRETARY, AFL–CIO STANDING COMMITTEE ON SAFETY AND OCCUPATIONAL HEALTH

Mr. TAYLOR. Thank you very much, Congressman Ryan. I am very happy to be here this morning to express the active concern of the AFL–CIO over the problem of noise. While the attention of the public has chiefly been focused on the annoying and harmful effects of noise where they live, as they drive to and from work, while they indulge in various pursuits, millions of workers in a wide range of industries are exposed to excessive and harmful levels of noise every working day and throughout their working lives. And with very little being done about it.

I wish to convey to this ad hoc Congressional Committee the concern of organized labor over noise hazards, regardless of where they may occur. But our special attention has been on the work environment.

Control of industrial noise, just as of all unwanted noise, must not only rest its case on health and economic effects, but must also hold as a standard the quality of life itself. To the extent that noise interferes with human activity, to the extent it is offensive and senseless, the necessary controls are needed to stop that interference and all of its associated evils.

Your program today is well filled with acoustical experts. I am not one of these. What I do wish to discuss with you is what organized labor and its members at the plant level are faced with in our attempts to see that all workers are protected from all industrial hazards, including those created by noise. The two elements of noise that I wish to discuss, as they effect workers, are the noise that is incidental to the job environment, and the sound energy produced with full intent for industrial use; I also wish to discuss what kind of control programs are and should be established and what has been done and what needs to be done further.

The decibel values found in various industries and commercial enterprises range from about 50 in a private business office to those which are now indisputably associated with hearing loss at 80 dBA's or over. It is not only hearing loss which results from exposure to excessive noise on the job; there are changes of the physical processes of the human being—in respiration, blood pressure, heartbeat, oxygen consumption. Chemical and clothing workers are exposed to about 90 decibels. Machinery, lumber, lumber products, textile workers, and structural riveteers to about 100 decibels.

Representative ROSENTHAL. Do you have any statistics about the number of people involved in hearing loss last year?

Mr. TAYLOR. We have not been able to find very good statistics, Congressman. But our estimates—which we checked with the Department of Labor—are that about 50 to 60% of all industrial workers are exposed to 85 to 95 decibels or over—which is well within the harmful range if you are exposed to it chronically over a period of years.

Representative ROSENTHAL. What were the results?

Mr. TAYLOR. The only results we have are in terms of Workmen's Compensation cases. About $2 million in Workmen's Comp claims are processed each year. Unfortunately . . .

Representative ROSENTHAL. Because of hearing loss?

Mr. TAYLOR. Because of hearing loss alone, from industrial exposure to noise. Now, this is probably a great understatement as to what is happening because of noise. In many areas, it is very difficult to prove that your hearing loss is associated with your job or what you face on the job.

Representative ROSENTHAL. Are you prepared to speculate as to the number of workers each year in the United States who suffer some degree of hearing loss as a result of industrial noise pollution in their environment?

Mr. TAYLOR. No, I am not. The date is lacking on it. There have been a number of studies made in various industries but as far as an overall figure, no. The statistics are not there, at the present time. Some of our unions have made informal studies of morbidity and mortality, one of which has to do with the longevity of people who are members of the operating engineers union. They have found—and this date is now going through computerized verification—that the lifespan of an operating engineer who uses excessively noisy heavy equipment in construction jobs is ten years less than the general life span of his fellow citizen. In other words, an operating engineer right now has a life span of a little less than 60 years, whereas the life span of the ordinary male citizen runs about 71 years.

Representative RYAN. Because of noise exposure?

Mr. TAYLOR. Noise, vibration, fatigue, etc. There are many associated hazards, noise being one of them.

LADY. May I ask something?

Mr. TAYLOR. Surely.

LADY. My husband happens to be an ear specialist. He can verify what you said, that noise can really affect your hearing. It can also make a nervous wreck out of you. It's happening to me. I only get five hours of sleep each night because of the horrible noise going on from 5 o'clock in the morning until midnight. All they'd have to do is regulate this. We don't have to have an air blower from 5 in the morning until midnight. Now, what can be done?

Mr. TAYLOR. You have to control the noise where it emanates. Do you want me to proceed, or is there anything else? I don't want to be unresponsive, but if that's o.k., I'll go on.

LADY. Thank you.

Mr. TAYLOR. There is another type of sound hazard which is almost exclusive to the work place, and one which has gotten quite pervasive in industrial processes, but is not talked about very much. These are what is known as ultrasonic waves. Ultrasonic waves, even when the decibel level is below that which is considered hazardous in the conventional noise about which almost everybody talks, occurs at a number of additional cycles per second. They pass through the body more easily than lower frequency waves. The body resists it and creates heat as a result. It produces sensations akin to fever in human beings—nausea, dizziness, headaches—and these are created by the disturbance of organs affected by the heat of the ultrasonic waves. Ultrasonic equipment occurs in a wide range of industrial processes and is increasing. They're found in metal forming and aircraft fabrication, pharmaceutical and food processing, chemical, electronic and building construction industries, to name just some of them. Some of the devices include special hammers for aircraft riveting pile drivers, devices for drawing seamless metal tubing, improvement of rolling metal aluminum sheets, mixing concrete, earth and rock boring, and pumping liquids.

Ultrasonics have been used experimentally in increasing the aging speed of whiskey. I don't know how general that is, so watch your whiskey.

Nothing very much has been done about this because there just hasn't been as much

research on the effects of ultrasonic noise as there has been on conventional noise. Much needs to be done in order to find out about the long range effects of this new type of noise hazard which is affecting hundreds of thousands of our workers.

The economic costs of industrial noise have been loosely estimated at about $4 billion a year. I have been unable to determine how accurate this figure is. Business management, in many instances, states that in order to control industrial noise to the point where it meets some of the standards I'll discuss in a few minutes, it would cost $15 billion. We challenge this figure, and they've never come up with the basis for the date that they used on this particular point.

The human cost to workers is harder to determine. Although Workmen's Compensation claims for hearing loss alone run about $2 million a year. But this is probably a very great understatement of the amount of hearing loss that is job-associated and that never shows up in Workmen's Compensation claims because the man has never gotten a preplacement physical examination with a hearing examination and there is no way of proving that the hearing loss is associated with the job where the noise emanates. Workmen's Compensation Boards are notoriously close-fisted about being generous with the workers in those types of situations.

If one weighs the economic costs of noise control against the costs of not controlling noise, both are expensive, one in dollars and the other not only in dollars but in human values—the loss, permanent or temporary, partial or total, of a human faculty that is vital to the welfare of the human personality. Unlike injuries arising from a physical trauma, but like most occupational diseases, noise is likely to affect, to one extent or another, most of the workers in any given area. The degree of physiological harm and how soon it occurs, of course, depends on the individual's susceptibility. Compensation claims for noise damage can very well result in numerous claims involving sizable proportions of the men in a plant, rather than claims by a few individuals for these reasons.

Hearing loss does not respond to any known treatment, so that it will always be a permanent partial disability. There exists no substantial argument that to protect 95% of the work force from chronic exposure to noise over a period of 15 to 20 years, noise levels must be brought down to about 85 decibels or less.

If the hearing of workers were always to be considered as necessary to protect, yet no action is taken to abate the source of the noise, there will be a continuing cost for hearing conservation programs, which include pre-placement physicals, periodic audiograms, protective equipment, and mandatory requirements by management that this equipment be used. But organized labor believes that this point in the evolution of protection against industrial noise has been passed except in residual situations.

What must be done increasingly—and as rapidly as possible—is to control the sources of noise itself. There are several ways to do this. You substitute a non-noisy for a noisy operation. For example, you use welding instead of riveting; hydraulic pressure for hammer-forging. You change dies so that they shear rather than stamp. Major design changes, such as in textile mills and in wire-braiding machines, must be accomplished. It must be remembered that high noise levels in most industries have come about as a result of the lack of any design effort to reduce the noise from machinery or processes to that of quiet operation. There are one or two notable exceptions, and that is late model cars and electric generating equipment.

In terms of procedures in a plant, you isolate a noisy operation to prevent exposure of non-involved workers. However, this doesn't save the worker who is involved in the process or with the piece of machinery, itself, from being over-exposed. You install intake and exhaust mufflers on power tools; for example, jack hammers. You set up a room that has reverberations from noise—in a textile mill, for example, where the bobbins make a terrible racket—with acoustical materials of various types. Now this reduces the noise of exposure to people who are not immediately involved in this process, but it doesn't help the people who operate, because they are right up against it.

Industry usually falls back on personnel protective equipment, but this is not very high on the list of industrial hygiene. Its necessary in some instances where plants are so aged that they either go out of business or continue, depending upon the amount of investment they have to put into this new equipment—some of the Southern textile mills are examples of this. So you do have to use some degree of hearing protective equipment and also reduce the amount of time that a worker is exposed on a given shift.

Representative ROSENTHAL: These changes won't come about voluntarily, will they?

Mr. TAYLOR. No sir. I should say they won't.

Representative RYAN. To what extent is organized labor making an effort to write into contracts with management protections from noise?

Mr. TAYLOR. Well, not so much noise, Congressman. We've had so many problems with disagreement among the experts as to what constitutes a level of noise beyond which a man is going to get hurt when chronically exposed to it, and beneath which we can expect a reasonable degree of lessening risk of total or partial impairment of hearing.

Representative RYAN. You testified that noise levels should be 85 decibels or less.

Mr. TAYLOR. In 1968, former Secretary of Labor Wirtz had hearings on a very large variety of standards that he wanted to go into effect to protect workers under the Walsh-Healey Public Contracts Act. More than 25 million workers a year are covered under that Act.

Just before the Johnson Administration went out of office, Secretary Wirtz proposed a tremendous number of standards, including one on noise—85 decibels.

When the Nixon Administration came in, the new Secretary of Labor withdrew those standards and said he was going to review them. He appointed a Secretarial Advisory Committee—5 labor representatives, 5 business representatives, 5 public representatives—and proceeded to ask this advisory committee to review all the standards he was proposing under the health and safety provisions of Walsh-Healey. I was one of the five labor representatives on this committee.

After great internal debate, we finally decided that it would be better to have some kind of standard than none at all. There had never been a noise standard in this country. So, we compromised at 90 decibels. Industry didn't want any at all, but we finally worked it down to 90. It should have been 85, but we would have had either a hung jury, no standards, or some kind of standards. So, it's 90.

This standard was put into effect in May of 1969. It is operable throughout the companies who are Federal contractors at $10,000 a year or more. There are about 34 Walsh-Healey inspectors for 25 million men who work in these plants which are covered by Federal contracts. Now, as a result of just having 34 inspectors, this standard—although it has the force of law—has not been enforced.

Representative RYAN. Have there been any enforcement actions?

Mr. TAYLOR. There have been no enforcement actions against violations.

Representative RYAN. Who is charged with the responsibility of bringing enforcement actions, the Secretary of Labor?

Mr. TAYLOR. The Secretary of Labor.

Representative RYAN. He brought none?

Mr. TAYLOR. He brought none that I know of. He has been trying to get voluntary compliance.

Representative RYAN. That's like trying to get voluntary compliance of the civil rights laws, isn't it?

Mr. TAYLOR. Yes, it's the same principle. As you gentlemen know, there is a new Occupational Safety and Health Act, P.L. 91-596, signed by President Nixon on the 29th of December last year after a terrible struggle. This Act goes into effect on April 28, 1971, one hundred twenty days after the President signed it.

The Act sets up a program which is conducted by both the Secretary of Labor and the Secretary of Health, Education, and Welfare. The bill creates in the Department of HEW, an Institute for Occupational Safety and Health.

This Institute undoubtedly would handle much of the research, in fact most of it, that has to do with such complex occupational health hazards as noise. The authority of this Institute, which has a director appointed by the Secretary of HEW, will be to do a number of things. But in this connection it will be to develop criteria describing the physical effects of the various hazards, and out of those criteria recommend a standard of safety for workers; pass that standard on to the Secretary of Labor; who in turn will promulgate it, after hearings.

The Institute of Occupational Safety and Health has to do a number of other things. It has to conduct research, it has to label toxic material, it has to maintain a list of all toxic material, it conducts surveillance visits, it has the right of entry to every plant in the country, it can conduct physical examinations and it can monitor toxic materials.

This is a good bill. It has many rights for workers that have never been put in a safety bill before. But the test of the pudding is how it is going to be administered. How much money is going to be provided for it? Are the personnel going to be trained for it? Is there going to be a spirit of firm enforcement? Are these standards going to be developed, and what kind of standards are going to be developed? Now the possibility of getting a good strong noise standard is fine, but I must just say.

Rep. RYAN. By what date?

Mr. TAYLOR. Well, I would say this: that one section of the standards provision of the bill—one subsection—requires the Secretary, in a kind of a sudden-death period of two years, to take all existing federal standards, and all consensus standards, that they find acceptable in terms of the goals of the Act, and promulgate them. And this is done without hearing. These are existing standards that are now being used, unless the Secretary finds that some other standard does a better job. In that event, there is another subsection of the bill that prevails: that whereby the Secretary is authorized to develop his own standards or modify an existing standard. After two years, the entire process of accepting all private standards and all existing Federal standards is over. He then has to use a second approach. He also gets feed-in from the Department of Health, Education, and Welfare's Institute, in terms of occupational health standards which he will process through. He appoints advisory committees or he can do it in-house if he has the personnel.

One of the things that is going to happen is this: Fairly close to April 28, 1971, the Secretary, under section 6(a) of this Act, will promulgate all existing Walsh-Healey standards, including noise. Now, we have a 90 decibel noise standard under Walsh-Healey presently. It is not strong enough—from 20 to 25% of the workers in this coun-

try will not benefit from it and within ten or fifteen years most of these workers will come down with some kind of hearing loss.

We have talked to Secretary Hodgson and his Assistant Secretary and he gave us an informal agreement that they would go over all the nonconventional safety standards and as to every one that does not meet the test of the Act in terms of the rights of workers, they will hold them apart from the general blanket promulgation of all the noncontroversial Walsh-Healey standards. Then, they will hold hearings on these to determine what can be done about making them more effective. I would suggest that each of you Members of Congress should write to the Secretary of Labor and request that he withhold publication of the noise standard at 90 decibels when the Act comes into effect, and that this standard be reviewed and hearings be held so that the data which shows how inadequate this standard is, can be incorporated into the hearing process, and then he can come up with a standard that can really be meaningful. It may be 85 decibels, it may be 82 decibels, it may be time-weighted in terms of permitted exposures to certain levels. Out of this process would come, I believe, the very best kind of standard.

Representative RYAN. I think that is a good idea.

Mr. TAYLOR. Otherwise, all the standards, including noise, will be promulgated and the process in section 6(b) will have to be followed in order to amend them. That could take as long as two years, assuming that the Secretary would agree to review them in the first place.

I also suggest that everyone interested in the hazards people face on the job in addition to noise, which is of course what we are talking about today, write to the Secretary of Labor and state that you want to see him propose enough money to administer this bill properly. The Budget Bureau has approved a supplemental appropriation of $11 million to last them until the end of the Fiscal Year 1971, but they are only asking for about $25 million to operate this enormous, complex program covering 50 million people or more on the job and 4 million establishments—only $25 million for the Fiscal Year 1972. Now, I realize that too much money can be provided when there aren't enough personnel, but this estimate really ought to be reviewed. The Congress should review it very, very carefully.

The posture of the Department of Health, Education and Welfare is even worse. HEW did not even ask for a supplemental to tide them over until the end of Fiscal Year 1971. And they are asking for a business-as-usual appropriation for the Bureau of Occupational Health, which has been going along at about $13 million a year. If they are funded under their proposals, it will amount to about $16 million—about $2.9 million more than the previous year. But this money is just for expansion of existing programs. In checking with the people on the staff, and the Director, we find that they can use almost twice that much money to get the program started. So all I am saying is that while noise has to be attacked on a total basis, there has to be a real point of concentration on the work environment. That is where a person is really prisoner—prisoner 25% of his working life. Something has to be done.

Thank you very much.

Representative RYAN. Thank you very much, Mr. Taylor, for a very thorough statement. I think you point up the very serious problem which we face, across the board, with legislation in Washington: without adequate funding and without adequate enforcement the laws that we make simply are not going to be effective at all.

Mr. TAYLOR. That's right. This can either be a bill that can make the difference and save hundreds and thousands of lives and prevent millions of injuries and illnesses, or it can be just a piece of paper. It's whatever you want to do with it.

Representative RYAN. Thank you, Mr. Taylor. Mr. Baron, do you have a comment?

Mr. BARON. If I may, I would briefly like to make some points about occupational safety and health. The former Surgeon General, Dr. Stewart, estimated that between 50 and 60 million men are being made deaf for speech in industry. This statistic is of interest because it indicates what Mr. Taylor was bringing out—the terrible lack of data in this field.

Second point. Most men are discouraged from applying for Workmen's Compensation, in those States that have Workmen's Compensation, because they are made to wait for a period of six months before they can finalize their claims, under the theory that some of the hearing may come back in the six months.

The first question I would ask you gentlemen to consider is the standard itself, which is that you are not entitled to any sort of compensation unless you have lost a substantial portion of your hearing in the frequency below 2000.

The question we raise is this: Is this a desirable standard? In other words, should we say that a man is not really deaf in terms of being eligible for Workmen's Compensation unless he has lost as much hearing as is written into these standards. Thank you.

Representative RYAN. Thank you, Mr. Baron.

At this time, I would like to call upon the Environmental Protection Administrator of the City of New York, Jerome Kretchmer. Mr. Kretchmer took office in May of 1970 as head of New York City's Environmental Protection Agency, a superagency including the City's Departments of Air Resources, Water Resources, and Sanitation. He is chairman of the City's Environmental Control Board; president of the Board of Water Supply; chairman of the Interagency Committee on Automotive Pollution; and a member of the Mayor's Interdepartmental Committee on Public Utilities and the Mayor's Organizational Task Force on Comprehensive Planning. Before joining the City administration, Mr. Kretchmer practiced law and served for eight years as a New York State Assemblyman representing the 65th Assembly District on Manhattan's West Side.

Mr. Kretchmer is accompanied this morning by Mr. Robert Rickles, Commissioner of the New York City Department of Air Resources, and Mr. Robert Bennin, Director of the Office of Noise Abatement for the City of New York.

We are delighted to have you with us this morning, Mr. Kretchmer, to tell us what the City of New York is doing in the field of noise abatement and to give us your recommendations.

TESTIMONY OF THE HONORABLE JEROME KRETCHMER, ENVIRONMENTAL PROTECTION ADMINISTRATOR, NEW YORK CITY

Mr. KRETCHMER. Thank you very much, Bill. I'm very happy to be here. This is my first Congressional hearing. I've been invited to a couple of others, but for some reason or other I haven't gone. But I am very pleased that the first one I get to come to is one that you're holding. I'm flattered to be here this morning.

I hope that I have something to say that will make some difference, and that together, we will be able to do something to meet this problem. You know, I feel very frustrated about the noise problem in New York, because we have not been very successful in getting anyone to pay very direct attention to it. And maybe this morning, as a result of what we do here and the news coverage we get, maybe we'll be able to elevate the level of understanding of the problem.

This reminds me of a story I often tell. You know, we have ten silent garbage trucks in the City of New York. They have special compressors that were designated not to make any noise, and they're the silentest garbage trucks we own—because they don't work. They sit in the garage most of the time. The real reason is that no one has really made an investment in the technology to make sure these things really work. We are about to buy another 400 trucks, but those trucks won't be noiseless, simply because we have not been able to get the interest of General Motors and the companies who make the bodies, and our own interest, to be high enough to really concentrate on abating noise.

For instance, if a truck didn't compact the garbage, we would get the truck repaired. The fact that the noise pump on it doesn't work is often ignored. So I think that occasions like this, where we have an opportunity to elevate the level of our interest and our understanding, are invaluable.

Rep. RYAN. I want to say that we are very pleased that you could be here today. I think that Mr. Baron said this morning that we know how to quiet the feeder, but not the compactor.

Mr. KRETCHMER. But I'm convinced, as clearly as I'm in this room now, that if we really put in the same kind of energy that we do to solving some of our other problems, that we could have had, in this next order of trucks, 400 quiet trucks. Energy to meet these problems kind of builds on itself. And we really haven't built that energy.

I really must confess to this group that I didn't really realize how quiet the truck was until just last week. By a freak accident, I was in a street where we had one, and I stood next to it and I had to walk around behind it to see that it was running. It very much heightened my awareness. I think if I had known that the truck was as quiet as in fact it is, we would have made a greater effort in the past year to bring it on. We have, these last six or seven days, investigated whether the truck could be bought with a quiet pump, but it turns out that the difficulties in the electrical system are just past solving at this moment, because the companies that make the pump won't put their energies to it. Mr. Bennin really has applied his efforts to seeing if this machine could be made quieter, but we can't get the people who make this equipment involved.

It's no different in the solid waste area and all these areas. We just can't get these companies involved. There just isn't the romance there is in getting that capsule to the moon. And because that romance doesn't exist, we have had a great deal of difficulty in getting people to pay attention to our problem. And I think the quiet garbage truck is a perfect example of how American industry lets us down over and over again.

New York is not the only City that uses a compactor garbage truck. There must be four or five thousand a year sold around the country. And to think that that is not a sufficient market or that the problem is not sufficiently acute, is an indication of where we still are in the environmental struggle.

I was speaking some place yesterday, and I commented that I still don't think we have a very large constituency. I don't know what kind of attention these hearings will attract. But the feeling that I have in dealing with environmental problems is that we are still a very small group. Most of the people in the United States are content to live their lives in much the same style they are living them now, and don't take the environmental degradation that goes on around them very seriously. They don't feel the personal pain.

Representative ROSENTHAL. That may not be correct.

Mr. KRETCHMER. Well, Ben, we've had this argument before as it relates to the consumer movement, which is another movement in which that large constituency that we would hope would come forward, hasn't come forward. And I remember having this very discussion with you. It seems to me that what this army needs is a leader. Well, the consumer movement has had two very good leaders—yourself and Ted Mayer, and I only say this in a very sincere way, and yet we haven't seen the economy adjust itself to the great pressure both of you have put on.

In the environmental field there are people like Paul Ehrlich and even myself, if I might say so, who have tried to put a lot of pressure on, and we don't seem to be able to create the pressure. You talk to manufacturers about the way they package their products, as I did at a meeting the other day, and they call you a socialist.

Representative ROSENTHAL. Perhaps we have not been able to develop these constituencies, because they have not been made acutely aware of the damage to the physical state this noise can create.

Mr. KRETCHMER. I think that is exactly right.

Representative ROSENTHAL. In the past we accepted jobs as of higher importance than a decent environment. But many Americans are beginning to change their priorities.

I suggested something to Mr. Baron earlier, and you as a lawyer might appreciate it—that is, shifting the burden of proof. In other words, we should say that as a matter of absolute principle we are all entitled to a tranquil society. And the burden is therefore in the noise polluters to get a certificate from some new agency that we create. In other words, it shouldn't be on us to have to be subjected to noise a party gratuitously feeds to us, but the burden should be on the party seeking to make that noise. And I guarantee you that 50% of the noise in this country would be eliminated.

Mr. KRETCHMER. I ask you, as a Congressman, what's the chance of getting a piece of legislation like that passed?

Representative ROSENTHAL. I heard a rumor that the Mayor's thinking of appointing that Astronaut Shepard as Sanitation Commissioner on the theory that he would bring new technological know-how within the jurisdiction of that job. I don't know if that's true or not.

Mr. KRETCHMER. He might, but he might be faced with the same fact that the City's garbage is not as attractive as the moon and therefore he won't be as interested in dealing with it as the problems of the moon. You know, the moon becomes of interest to me only as the world's largest landfill.

I have some prepared remarks which I would like to submit at this time.

PREPARED STATEMENT OF THE HONORABLE JEROME KRETCHMER, ENVIRONMENTAL PROTECTION ADMINISTRATION, NEW YORK CITY

My name is Jerome Kretchmer and I am Administrator of New York City's Environmental Protection Administration. Accompanying me today are Robert N. Rickles, Commissioner of our Department of Air Resources, his Assistant Commissioner, Conrad Simon, and Robert Bennin, Director of our Bureau of Noise Abatement.

I am grateful for the chance today's hearings provide to focus public attention on noise pollution, a problem that has so far been the stepchild of the environmental movement. Noise has been regarded as merely a nuisance—unpleasant, but relatively unimportant compared to the more obvious problems of air, water and land pollution. Noise control has, therefore, been the last in line for funding and strong legislation at all levels of government.

But noise and the damage it causes have been growing at an alarming rate, particularly in our cities. There are estimates that urban noise has doubled since 1955, and that it will double again by 1980. These are only educated guesses, of course, because we were not measuring urban noise levels fifteen years ago, and still know far too little about them today. However, it does not take even an educated guess to realize that, if this trend continues unchecked, our cities will become uninhabitable, even if we succeed in cleaning up the rest of our environmental mess.

Today, we estimate the ambient noise level in mid-Manhattan is already around 85 decibles, and rising. While knowledge of the effects of noise on human beings is still far from complete, we are reasonably certain that this level is high enough to contribute significantly to the psychological stresses that beset New Yorkers—annoyance, tension and nervousness. We know, furthermore, that this level is well beyond the point at which measurable physical effects take place, and it is regarded as a danger point above which prolonged exposure can cause actual physical injury.

It is obvious, therefore, that noise can no longer be considered just a nuisance to be taken care of once we have solved all our other pollution problems. Clearly, noise has become a present danger, a threat to the health and well being of our people.

We in New York City intend to do something about this part of our environmental hazard. Let me first describe briefly the major sources of our noise problem, outline our plans for dealing with it, and then tell you what I consider to be the essential effort required of the federal government.

Most of our ambient noise sources fall into one of two broad categories—construction or transportation. New York City has 10,000 construction projects and 80,000 street repair jobs annually. Construction sites can generate localized noise levels in excess of 100 decibels. Pedestrians walking by a bank of air compressors at a typical site may encounter noise as high as 110 decibels, a level that can cause actual physical damage.

Vehicular traffic is the most pervasive noise source in the City. Some 2 million automobiles and more than 100,000 trucks move daily in and about the City producing noise levels of more than 95 decibels. Aircraft flyover noise adjacent to airports is now estimated to be 115 decibels.

In our subways, passengers are routinely subjected to noise levels of 90 to 98 decibels. "Curve squeal" averages 103 decibels, while an express train passing in a local station can blast passengers waiting on the platform with 109 decibels.

How can we attack this crisis? Noise pollution is a relatively new issue in a field that teems with crises, and it's a tricky one for the public to grasp. It is interesting here to draw a parallel with the air pollution problem. Air pollution in our cities today is not really significantly worse than it was ten years ago. The big difference is that people now perceive it as a problem and a threat to their well being. They therefore support the passage of strong laws and the expenditure of public and private funds to clean up the atmosphere.

Noise pollution, on the other hand, is a situation that most people perceive of as one of those unavoidable annoyances of city life. In actuality, however, noise is probably responsible for as much physical and psychological damage as unclean air, and furthermore, it is getting demonstrably worse.

It is vital that the public be made to realize the serious nature of this problem and even more important that they realize something can be done about it.

Paris, for example, has quiet jack hammers. Why don't we? Ingersoll Rand makes an acceptably quiet air compressor. Why don't the other manufacturers? And why doesn't the construction industry use them? Hamburg, Berlin, Montreal and Mexico City all have relatively quiet subway systems. Why not New York and Philadelphia? Paris, once again, has successfully outlawed horn honking. Why can't we do the same in American cities?

Obviously, without clear public demand, without determined governmental action at all levels, without some meaningful place for noise abatement in our system of priorities, no one will invest the money and the effort needed to achieve these results in this country.

We in New York City are attempting to make a start in the right direction. We have established within the Environmental Protection Administration a Bureau of Noise Abatement. The aim of this Bureau is to set priorities on the types of noise to be controlled; to establish guidelines for City agencies in purchasing and licensing machinery; to educate the public to the noise hazard; to encourage research on noise effects and control technology; to encourage noise reduction considerations in urban planning and land use management.

Already the Bureau is well into a pilot study supported by the Federal Department of Housing and Urban Development to develop the methodology for characterizing the noise levels and sources in the City. We are at this moment outfitting what will be a fully equipped noise monitoring van for operation on the City's streets.

Most significantly, however, the Bureau and my General Counsel's office are preparing a comprehensive Noise Control Code for presentation to the City Council. We believe this Code will become a model for the rest of the nation. Broadly speaking, we expect the Code to take a three-pronged approach to the noise problem:

It will (1) incorporate the general "unnecessary-noise" standards that are usual in today's noise control ordinances; (2) establish specific sound level standards for a wide variety of such sources as air compressors, pavement breakers, large air conditioning systems, refuse compacting vehicles and the like; (3) mandate the establishment of ambient noise quality zones for the entire City. A draft of this Code is currently circulating among interested City agencies, and we are receiving comments prior to submitting the Code for consideration by Mayor Lindsay.

There are, however, several difficult hurdles we must surmount to achieve a meaningful noise abatement program in New York City. For one thing, we have no power to regulate one of the most annoying sources of noise in the City—jet aircraft—because the authority to set standards for these planes is vested in the Federal Aviation Administration, and regulation of our airports is in the hands of the Port of New York Authority. The FAA regulations that went into effect in 1969 affect only aircraft built since that time. They are not adequate, we believe, to ensure the well being of residents in the vicinity of airports, particularly when we consider the addition of the other city noises, the fact that aircraft operate all night, and the frequency of takeoffs and landings. Furthermore, an aircraft must pass the FAA standards only at the time it is certified for airworthiness, and there is no subsequent check for deterioration.

We believe a more vigorous approach to reducing airport noise is essential, and New York City is therefore now contemplating joining the National Organization to Insure a Sound-controlled Environment (NOISE), a nationwide group of municipal governments concerned with the seriousness of the aircraft noise problem and determined to make this concern felt.

In another major area—our subways—the cost to institute meaningful noise control will be staggering, particularly in light of the current desperate straits of both our City and State budgets. Several effective measures are possible to reduce noise in the existing subway system, which is among the noisiest

systems in the entire world. These techniques involve installation of damping and sound absorbent materials, welding of rails, and augmented car maintenance procedures. But to do a half-decent job will cost millions of dollars, and while this investment will be paid off by the resulting improvement in general welfare and efficiency, the cost will still be burdensome.

Mr. Bennin is working with the Transit Authority on the specifications of the new Second Avenue subway to ensure that noise control considerations are included, but we estimate that to make maximum use of current noise control technology on this new line might add from 10 to 15% to the final cost. However, in the long run, maintenance cost will be lower.

As for motor vehicle traffic, another major contributor to the City's noise load, New York State has already established a noise control standard and the City may not establish an inconsistent one. But, while this standard was a pioneering action, we feel that it is more appropriate to conditions on the open highway than to the urban situation and that, furthermore, by setting one maximum noise standard for all weights of vehicles—88 decibels measured at 50 feet—it discriminates against larger vehicles and allows smaller ones to get away with murder. New York City has just introduced legislation in the State legislature aimed at overcoming some of the problems with the motor vehicle standards.

Clearly, then, the City and the State cannot in present circumstances mount an all-inclusive campaign to abate noise. Federal action is essential as well. Up until this year federal activity in the noise abatement area consisted almost entirely of the FAA standards already discussed and the Walsh-Healey Act, which applies only narrowly to certain industrial environments.

This lack of activity must be evaluated in light of such federal priorities as the Supersonic Transport, for which another $235 million is requested in Mr. Nixon's Fiscal 1972 budget request, and the Federal Highway program. In spite of the almost universal realization that we must stop the stranglehold of the automobile on our society and revitalize our mass transit systems, we are still faced with highways getting $4.79 billion in Fiscal 1972, verus $327 million for all mass transit. It is no wonder we have no money for soundproofing our subways.

This year, however, thanks to the 1970 Revisions to the Air Quality Act, we have within the new federal Environmental Protection Agency a fledgling Office of Noise Abatement and Control with authority to study noise and its effects on the public health and welfare and to advise other federal agencies on means of noise abatement.

The authorization for carrying out this program is $30 million. While this is an attractive sum, there is no indication that anything approaching this amount will be requested, and the actual amount is more likely to be closer to one-tenth that figure. Furthermore, the language of the bill makes no provision whatever for support of state and local noise abatement programs. I believe a program of demonstration and maintenance grants is essential to establish meaningful noise abatement activities at lower levels of government. Ideally, this program would be similar to the air pollution program that has gone so far toward establishing meaningful local control agencies. To illustrate this point, at the conclusion of my testimony, Commissioner Rickles will outline the indispensible role this program has played in the operation of our own Department of Air Resources.

New York City's Bureau of Noise Abatement is already at the point where it could benefit greatly from such federal support. Not only is it initiating a well-planned program, it is also in the process of tooling up to carry it out. We plan, in spite of our City budget crisis, to expand funding for this program during the coming fiscal year. I believe that, with appropriate federal support, the New York City bureau could develop into a model program for other cities around the nation.

I believe another area where the federal government could have immediate impact on noise pollution is that of federal purchase and contract specifications. A preferential system for equipment that meets certain noise standards could be established similar to the existing program for low-emission motor vehicles. There is already available a wide range of quieter construction machinery—compressors, pavement breakers, pile drivers, rock drills—whose use is limited because of their slightly greater cost. The tremendous lever of federal purchasing power could greatly stimulate the development and use of such machines.

Clearly, too, consideration must be given to the concept of federal noise standards for motor vehicles, for the same reasons of national uniformity that inspired federal automotive exhaust emission standards. And a vastly increased research and development program on the effects of noise, both physiological and psychological, and on control technology is essential.

Finally, I believe the goal should be to establish and work toward implementing a system of ambient noise levels based on a zoning concept. With such a tool, local agencies will be able far more easily to identify their noise problems and work toward solving them.

In summary, I believe federal efforts in noise abatement should consist of:

A program of demonstration and maintenance grants to support local noise control agencies.

A large-scale research and development program aimed at studying the effects of noise and developing abatement techniques.

A reordering of federal transportation priorities to favor mass transit systems and to make noise abatement practices mandatory to their construction.

A reevaluation and tightening of noise regulations on jet aircraft.

Preferential purchase and contract specifications to encourage use of quiet construction machinery.

Consideration of Federal noise standards for motor vehicles.

Establishment of ambient noise criteria.

In short, noise in our cities can no longer be ignored. It is a problem ranking in seriousness with pollution of our air and our waters. It must be attacked vigorously by all levels of government, by industry and by the individual citizen. We in New York have made a beginning. I urge the Federal Government to follow suit.

Mr. KRETCHMER. Bill, I have to say in closing, that if your energy in this area anywhere matches your energies in any of the many other problems you've been involved in, I think we can look forward to achieving some of the results we are looking for today.

We have not been as involved with the Congress and congressional committees as we would have liked to have been. I just want to say in conclusion that I think we have some resources that you, as a New York Congressman, might like to put to use, and I'm here this morning not only to have my say but to offer you that help, as you begin to work toward some of the answers to this problem.

We're really prepared to make our talent and our resources and our equipment available. If there is anything we can do for you to help you understand the problems or help you dramatize the problems, do not hesitate to call on us. As I said, we really haven't had an opportunity to cooperate with a Congressional group. Our counsel's office and our noise people are really prepared to do whatever they can.

Rep. RYAN. Thank you very much. I am sure there are areas where your legislative counsel and your staff can be very helpful.

Last year, I introduced legislation to establish a Federal Office of Noise Abatement. Congressmen here today cosponsored that legislation. It did have in that proposal grants to local governments, but that section was not included in the legislation actually enacted into law. We hope to revise that original bill to meet some of the points you have raised, and to expand the Office of Noise Abatement and Control, which was set up with a $30 million authorization, but without any appropriation at all. It is not only a question of legislation, but of funding as well.

Mr. KRETCHMER. The one other thing I left out, which I think is important, is the whole idea of preferential purchasing policies. We got into that with the purchase of recycled paper by the City, but it seems to me the one thing the Federal government can do is demand in its purchases greater noise compliance. It seems to me that the federal procurement office, perhaps by Executive order, could obtain products in a much more noise-conscious way.

Representative BIAGGI. Mr. Kretchmer, there was a lady in the audience earlier this morning who is having difficulty because of the noise created by an air conditioning unit in the yard behind her building. Is there anything the City can do about that?

Mr. KRETCHMER. Congressman, I spoke to the lady in the hallway just a few moments ago. I can assure you that we will do everything in our power to do something about it.

The gentleman who is about to follow me is Robert Rickles, the City's Air Resources Commissioner. He is going to point out some of our successful experiences in cooperating with the Federal government in regard to air resources. And we would like to leave that testimony with you as an example of what can be done in the noise area as well.

TESTIMONY OF HON. ROBERT N. RICKLES, COMMISSIONER, DEPARTMENT OF AIR RESOURCES, ENVIRONMENTAL PROTECTION ADMINISTRATION, CITY OF NEW YORK

Mr. RICKLES. Congressman, I would like to speak briefly today about the role which federal grants have historically played in New York City's air pollution control program, and based on this experience, to define some implications for the future federal role in reducing ambient noise levels, both in our City and in other major urban areas around the country.

(1) Federal funding for state and local air pollution control programs has been provided for under the Program Grant Section of the Clean Air Act. According to its provisions, program support is made in four stages:

(1) *Development Grants.* Grants are usually made for a two year period but may continue into the third year of program development;

(2) *Establishment Grants.* These are made for a 3 year period, the first year of which may overlap the development grant;

(3) *Improvement Grants.* These are also made for 3 years, the first year of which is again an extension of the establishment grant.

These 3 phases usually average a total of 7 years, at the end of which the local agency program should be fully established. After this time federal funding is awarded in the form of (4) *Maintenance Grant.*

Prior to the award of federal funds in fiscal '66, the Department of Air Resources' annual budget was less than $900,000, and our total staff was 120.

In fiscal 1966 we received our first stimulatory federal grant under the program improvement phase of the federal grant support program.

The three-year award totalled over half a million dollars and enabled us to create an emission inventory unit defining the names and sources of every significant air pollutant in New York City. This project provided the basis for the advancement of our agency's activities into a full scale management program. Thus, in 1968 when the Department of Air Resources embarked on its implementation of new air pollution control legislation, it was our Maintenance Grant support of $860,000 per year that provided the springboard for a doubling of the total air pollution control budget from $2 million to $4 million and an expansive escalation of the city's war on pollution.

During the past three years the Department of Air Resources has received $2.7 million in federal maintenance funds. In fiscal 1969, this maintenance support represented 25% of our $4.1 million budget, and in 1970 28% of $4.4 million. In 1971 this figure will increase to about 35% of a total budget of $5.1 million.

These federal funds will next year pay the salaries of 36% of our inspection and field staff, greatly increasing our ability to serve summonses to violators of our air pollution code.

Federal assistance has also permitted the existence of additional high level technical positions. In 1968, when we initiated a ten station automatic air monitoring system to complement pre-existing manual stations and permit a continuous definition of the air pollution problem in New York City, it was federal money which made possible much of the required technical work in design and installation. Since then it has been in large part the federal contribution which permits the maintenance and servicing of our aerometric system, including the compilation of data for our daily air quality report to the media.

At the present time the City of New York has already completed several elements of a noise control program. We have, for example, concluded a Mayor's Task Force Study on the problem. The Department of Air Resources has recently proposed extensive research regarding the sources and effects of urban noise, in an effort to establish the framework for an operational noise control program. To implement these recommendations, we are requesting federal maintenance under an establishment type grant. This support is being sought in order to provide both personnel and equipment. When our program is fully established, we anticipate seeking federal support under maintenance type grants such as currently exists in air pollution.

Today, we are specifically recommending that in the allocation of funds under the noise abatement provisions of the Federal Air Quality Act of 1970, the federal government include a program grants section. We also recommend that it contain the three stimulating phases as found in the Clean Air Act, with a 3:1 ratio of federal support. This should lead into a maintenance grant program as now exists in air.

These programs are needed not only for the City of New York, but for every urban area in this country. If we are going to avoid mistakes in the wasteful overlapping of environmental control programs, now is the time to begin gathering reliable data. To do this, we need an expansion of the Federal pilot programs.

We have already requested similar support for the City's program through the State Legislature since, at the moment, our total noise abatement program, as embryonic as it is, is supported by the City of New York, with the exception of our HUD grant, which amounts to about $50,000.

Finally, I want to point out that virtually every air pollution control program on a state basis has been given a tremendous stimulus by the introduction of Federal funding and, specifically, in the formation of that funding, through development grants, establishment grants, improvement grants, and finally, a maintenance continuing grant. We would like to see something similar to this in the noise abatement field.

Thank you very much for your time.

Representative RYAN. Thank you, Mr. Rickles. Mr. Bennin, is there anything you want to add to either Mr. Kretchmer's or Mr. Rickles' statement?

Mr. BENNIN. No, sir.

Representative RYAN. Let me ask a question about the Second Avenue Subway. Is it possible in the development of the Second Avenue Subway, to use some of the techniques and technology that we know in order to have a really quieter subway? Why can't we take this new subway as a pilot program and build into it sound reducing mechanisms and devices.

Mr. BENNIN. This is exactly what we should be doing.

Representative RYAN. Well, are you going to?

Mr. BENNIN. The indications are that we will. We are now just beginning the initial talks with the Transit Authority. The transit technology itself, is very well developed in terms of noise abatement, and it's being used in all new subways, the latest of which is the BART System, which is the Bay Area Rapid Transit in San Francisco. And all indications are that the levels can be reduced by at least a factor of four.

Representative RYAN. I understand that some cities use rubber tires. Is that feasible in New York?

Mr. BENNIN. Not entirely, it is certainly no panacea for noise control either in a car or in a station. Unfortunately, the technology itself does not apply to a system such as New York City. The pneumatic tires don't have the load-carrying capacity; they wear much quicker; and they generate tremendous heat. Although it might be suited for Montreal, it would not in any way suit the kind of system New York City has.

Representative RYAN. What's the difference?

Mr. BENNIN. Well, the speeds that are attainable are not the speeds at which the New York City subway travels. Our stations are very long. Pneumatic tires can't support the load, so you have smaller cars. And for every car you have, you must have a certain amount of space for turning radius. So what you've done is cut down on carrying capacity. Maintenance costs increase very substantially, because the pneumatic tires wear very greatly on the kind of road bed that we are using. So you have great particular discharge and heat build-up which could be a consideration in the confined space of our underground subways.

Representative ROSENTHAL. In Mr. Kretchmer's statement, he said Paris has quiet jack hammers.

Mr. BENNIN. What Mr. Kretchmer stated was that quiet jack hammers are hydraulic. They're taking on rather great acceptance in this country. Con Ed, I understand, has just purchased a number of them and I think some of the other manufacturers are considering hydraulically operated equipment.

Representative ROSENTHAL. Assuming this equipment is good and useful, is there any way you can make the Transit Authority use that kind of equipment?

Mr. BENNIN. No, presently not.

Mr. KRETCHMER. That's the difficulty we have in influencing the Transit Authority. And that is not an unusual struggle. The interagency struggle in the City is not unique. I guess it exists in all government; the Federal government as well. The Transit Authority believes it has a responsibility to bring that subway in under "X" amount of dollars. And as we drive the cost up by demanding our environmentally acceptable devices, they rebel. We have no muscle. This is really the toughest kind of governmental question, and this is not the only time it arises. We face it all the time. We would have to have in the City of New York a piece of legislation that mandated certain noise criteria before we could have any influence over the Transit Authority.

Representative ROSENTHAL. Did you state earlier you were drafting such legislation?

Mr. KRETCHMER. We are in the process of drafting that legislation, and are hopeful that we are going to be able to get that legislation passed.

You'll concede to me, I am sure, that in the tight fiscal situation in which the City finds itself, the question of a ten or fifteen percent increase in capital cost is really an overwhelming suggestion. I would opt to spend the money.

Representative ROSENTHAL. You're assuming getting the quiet jack hammer, etc., would tack on an additional 10% to 15%?

Mr. KRETCHMER. Another reason we cannot get rubber tired subways is because of the compatibility of the system. We absolutely must have a system in which the rolling stock is interchangeable. We need a system in which the new cars are compatible with the existing system and that would have to be a steel wheel system. But the thing we are talking about in terms of noise pollution technology is welding all the tracks. We're talking about a different kind of road bed. Bob's developed a sound-absorbent road bed, and that road bed would be more expensive than the road bed we now use. And we're talking about acoustically lined tunnels. Well, these will add substantial costs.

Representative ROSENTHAL. What you're saying is that it costs money to protect the environment.

Mr. KRETCHMER. It always costs money.

Representative RYAN. Can you not incorporate into your noise pollution code requirements that would affect the Second Avenue Subway?

Mr. KRETCHMER. Absolutely. That's what we are in the process of doing. The code is presently being circulated amongst the City agencies—of which the Transit Authority is one—to get their judgment as to what our standards would mean in subway construction. That's exactly the point. One of the things that is required here is a fair degree of responsibility so that we, in promulgating a new code, don't overreach. We hope that the standards we establish would be standards that could be achieved, and, in fact, lessen the noise in the subways, while at the same time be attainable with the appropriate dollar expenditures.

I think the one thing we haven't run the cost on is to see what the appropriate value for environmental protection is.

Representative ROSENTHAL. Do you think that the terrible condition of the subways has an adverse effect on the morale of the City?

Mr. KRETCHMER. Ben, I start out every speech that I make by saying "everybody thinks I'm here to talk about air and water and noise, but I'm really here to talk about the subways, because that's a New Yorker's most humiliating experience." How can a New Yorker care about the quality of the air, when for 45 minutes in the morning and for 45 minutes in the afternoon, it's too hot, it's too cold, it's too dangerous, it's too slow.

Representative ROSENTHAL. Do you think that a little extra investment in the subway—if it is extra—might have an effect with positive ramifications that would affect the entire quality of life in the City?

Mr. KRETCHMER. It very well may; absolutely. If the subway system was humane and decent, the quality of life in New York would be improved 20% for everybody, at a minimum. I mean it would be a fifth better to live here. That number is out of the air; you might say that it might be a 100 per cent better.

Clearly, then we could have meaningful programs of getting people out of their automobiles. Every time you talk to somebody now about getting out of his automobile, he says to me "Well, I'm not going to go down in that subway, I'm not going to take that." So it's clear that we would improve the life and the life style, the mood and the humor, of people in the city of New York. And we would make some of our outlying areas which are reachable by subway far more attractive places to live because the trip in for them would be more pleasant.

Representative RYAN. Thank you very much, Administrator Kretchmer and Commissioner Rickles and Robert Bennin, Commissioner of Noise Abatement. Your testimony here was very helpful and certainly raised good points regarding the Federal role.

Mr. BARON. One point about subways. It's interesting that Mexico and Montreal and Paris can afford quieter subways, and we can't. There is a way of having quieter wheels, incidentally—metal wheels, sound-dampened wheels; there are other techniques, as I think Mr. Bennin indicated, that can be used.

As far as quieter jack hammers, there are now in the United States, American companies, too, that make different forms of muffled jack hammers. And one way that you get them used in Europe is the fact—I understand in England, for example—that in government projects they insist that muffling be used.

Representative ROSENTHAL. That's what my question was: "Wasn't there some way that we could read it into the contracts?"

Mr. BARON. This is one of the things that I think we should do, and I think there should be a general clause even in Transit Authority contracts.

Representative ROSENTHAL. The reaction was that that would cost more, but I'm not absolutely certain about that.

Mr. BARON. The Citizens for a Quieter City did a demonstration in 1967 and we imported a quieter jackhammer—pavement breaker—from England, and the cost of the quieter one was similar or less, I believe, than was the American one.

This whole question of cost is another area that should be very carefully scrutinized. I believe that once you tool up for a quieter pavement breaker—with, say, a built-in muffler—eventually the cost per unit is not that much different. It's just that it's now a prototype, practically. But there are quieter compressors, and there are other companies coming on the market with quieter compressors.

One last thing about standards—let us be careful when we go into this business of standards for, say, motor vehicles. Because in the State of New York the standard for motor vehicles is not based on what should be a desirable level—whatever that may be—in a home or a school or a hospital or what have you, but it is based on how much noise trucks make. And, therefore, I ask you gentlemen to consider this question when a standard is set for, say, motor vehicles—to what is it related? Is it related to the desirable result—in other words, the environment of the human being—or is it related to the existent noisy state of the art of the noise source? You can be merely legalizing—in one sense—the noisy noise source. This applies, by the way, to aircraft.

Representative ROSENTHAL. That is what we did with the airlines. We accepted their unsatisfactory performance record.

Mr. BARON. That's right. And we made them a legal standard. This happens all too often, and I think that the Federal government should have an impartial way of examining these standards so that they are related to the environment we want and not so much to protecting the noisy noise source. Thank you.

Representative RYAN. Our next witness is New York State Commissioner of Environmental Conservation, the Honorable Henry L. Diamond, who was designated the first Commissioner of Environmental Conservation on April 24, 1970. From that time until the effective date of the new agency on July 1, 1970, he headed a task force to plan and organize the Department that administers all State programs for environmental control and natural resource management. As Commissioner, Mr. Diamond is Chairman of the State Environmental Board, which establishes environmental standards and criteria. He is also Chairman of the Environmental Facilities Corporation, which assists local governments in planning, financing, and building pollution control facilities.

I would like to welcome you, Commissioner Diamond.

TESTIMONY OF THE HONORABLE HENRY L. DIAMOND, NEW YORK STATE COMMISSIONER OF ENVIRONMENTAL CONSERVATION

Mr. DIAMOND. Thank you for having me here, Congressman. I congratulate you on your leadership in calling this hearing. It is much needed. In the interest of time, I will submit a statement for your consideration, and briefly outline it, with your permission, rather than reading it in detail.

I think we have come to an interesting time in environmental history. Concern about noise as a pollutant is emerging. I know that five or six years ago, when we were planning a White House Conference on the Environment, Mr. Baron came to our attention, but we did not include noise as a major topic. We had air pollution, water pollution, solid waste disposal, but it was our judgment that noise not be included. Today, it is clearly a new and very, very prominent part of our environmental quality problem, and I think we have to focus on it.

This late development of awareness of noise as a pollutant is a little odd, because both the Constitution of the United States and the Constitution of New York State talk about noise. I'm not sure that that is what the Founding Fathers had in mind, but they talk about "domestic tranquility". Well, we haven't succeeded in their meaning. Perhaps we can succeed in the literal meaning, so far as noise is concerned.

In the State of New York an amendment passed only a year ago which provides specifically that the State concern itself with noise problems. Quite frankly, until now, the State of New York's noise programs have not been good enough. We have some legislation on the books which controls the level of truck noise. Again, we talk about adequate mufflers and exhaust systems. The testing is spotty. It's done occasionally by the State Troopers. It is not part of the automobile test system, and I think probably it should be.

We have a multiple dwelling law that puts some standards in. Again, I think they have to be toughened up.

We have—which is not much of a concern here in New York City, but it is quite an issue upstate, and I hope it to be part of any Federal legislation—a snowmobile problem. Snowmobiles make the damnedest racket you have ever heard, particularly when they are used late at night in places like Lake Placid. People go out in them at one or two in the morning and roll around in these snowmobiles and make an awful racket in the wilderness. So that's a problem I hope we will be getting more and more into. We have laws that require a muffler system by 1974, but that is not soon enough.

Representative RYAN. We now find these small little motor bikes being used in our parks.

Mr. DIAMOND. Yes. And there is a great noise potential, for some reason, on small motors. I ought to mention lawn mowers, also. We now have—and I must say we are about where the City of New York is—under consideration a new noise program that the Governor will be sending to the legislature. I can't say exactly what is in it yet. It will be coming soon. But the kinds of things that are under consideration are pretty obvious: codes for construction with very specific limitations on construction noise, etc. We don't know quite how we get to the airport problem—there's a Federal preemption problem there which I urge upon your attention. We are going to talk about automobile noise. Again, maybe this is better preempted federally. In all these things, in the airports and the automobile areas, I urge upon your attention a formula whereby the Federal government sets absolute minimum standards, and a State or a city which has particular problems has ability to go beyond that. We have that problem in automobile emissions; and I think the State of New York has its automobile emissions standards setting power preempted by the Federal government. California was smart enough when the bill came up to get excluded; I think we should have been too.

In New York State we have just established one consultant on noise who helped us with this paper, and we hope to establish in next year's budget, if it's approved by the Legislature, a Bureau of Acoustics and Noise Abatement. That will be at least a visible box on the chart. But that doesn't solve any noise problems. What it is going to do is work on the development of these noise codes, and we hope we will get a statute which delegates to the Commissioner of Environmental Conservation the authority to set them, and so my division will be involved in setting them and moving forward.

I hope that the State of New York will establish a policy of requiring that when we purchase equipment we require no-noise equipment, and when we contract for road building or construction that the contract have noise amendments in the contract. In fact, we have quite a few construction projects, I think, that could be done a little more quietly.

Representative RYAN. Does the State have the authority to do that now?

Mr. DIAMOND. We do not, sir. I am hoping that the State will do this. I am commending this to your attention. If the Federal Government—for instance, the Bureau of Public Roads in its 4 billion dollar highway program—provided in all of its contracts that low noise compressors be used, that would have a far greater effect than the Federal government simply buying its own. I have no idea as to how many compressors the Federal government buys, but contracts for use are far more than it actually buys, I am sure. Four billion dollars buys a lot of noise, as well as a lot of concrete. So I recommend that GSA—the General Services Administration—have as a policy—as part of its contract, just as it has a nondiscrimination clause—that federal contractors not be able to use high noise machines.

Representative RYAN. Is the Governor going to ask for that authority?

Mr. DIAMOND. I hope he will. Of course, if the Federal government did it and required it in all of its aid programs, because almost every dollar we spend would do it nationally. After all, almost every dollar we end up spending in the State has some Federal tie to it.

Representative RYAN. There have been times in the past when New York State has been ahead of the rest of the country.

Mr. DIAMOND. Yes, sir. And this is an area that I hope again we'll be out in front on. But I urge it to your attention as well. We'll hopefully get something in Albany on that.

I want to endorse very heavily what Jerry Kretchmer and Bob Rickles said about the Federal program. Your bill, if we could get some money in it, would be extremely help-

ful in creating State agencies and local agencies to have their own noise entity. I think that that is probably the most important Federal pressure to put on. And maybe even tie it to the air pollution grants which are essential to us now—to say that you have to have a noise pollution entity to get your air pollution grant—that is, some levers to make States have a noise entity and make them have to pass through some of that power and money to the local levels.

In New York City, where you have a tremendous problem and have sophisticated government working on it, you saw from the presentation that preceded me that there's some action. In other parts of the State, we have to help, as well, because we've got Buffalo, Syracuse, Rochester, all of which have noise problems. So I hope you will think of that when you draft legislation, and also this rural problem of snowmobiles the motor noises because, this is not only an urban problem but a problem across the State.

In closing I think we somehow have got to zero in on this aircraft thing. As you know, the local governments have tried to come in by suit and by statute. There are bills pending in the New York State Legislature to control the SST by New York State—I frankly don't know about the constitutionality of that—it is probably a Federal problem. But I urge you to get meaningful levels at airports because everybody has to live with those.

Thank you for having me here this morning. I would only add one thing. While our noise entity is fledgling, I would be happy to make it available to you. We hope by the first of April to have 3 professionals on the job and of course we would be happy to provide any help we could to this committee.

Following is my prepared statement:

STATEMENT OF THE HONORABLE HENRY L. DIAMOND, COMMISSIONER, DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Introduction

The Preamble of the Constitution of the United States refers to "domestic tranquility." If we relate our present noisy environment with that point in history, we compare the horse and stagecoach with today's high speed auto, bus or jet aircraft; the frontiersman's ax to a chain saw or bulldozer; a scythe to a power lawn mower.

We have many noise sources today which we could not compare—such as jack hammers, pile drivers, compressors, and snowmobiles.

Although the noise sources of the past were minuscule compared to present ones, our forefathers valued domestic tranquility sufficiently to make it one of the considerations of the Constitution. But one could ask—should the noise levels of our environment be permitted to continually increase? Are increasing noise levels the cost we must pay for progress? The answer to both of these questions, in my opinion, is no.

The progress and future development of our country can continue without being hampered by noise abatement. What we do need are definitive considerations of noise and its effect on people in the design and use of products . . . in the administration of services to the public . . . and in the construction and use of buildings and residences.

A limited amount of noise abatement effort has been applied to some areas of design and construction. Unfortunately, noise abatement has been overlooked or disregarded in far more areas. The government must establish a noise abatement program which deals with specific requirements.

The public must learn about noise and exert consumer influence on industry. A program which encourages the joint efforts of our society will be most effective. The main impetus must come from the state and federal governments who should establish specific requirements for noise control.

They may develop model codes, rules and regulations which can be adopted by option of local municipalities. Local regulations should be equal to or more stringent than those set by other levels of government.

Existing regulations in New York State for control of noise

Like the United States Constitution, the New York State Constitution considers noise. Section 4 of Article 14 of the New York State Constitution declares: "The policy of the state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. The legislature, in implementing this policy, shall include adequate provision for the abatement . . . of excessive and unnecessary noise. . . ."

Although New York State has a limited number of laws relating to specific noise levels, there are many areas of law controlling noise in a general sense, such as nuisance type laws. Legal control for the abatement of noise is in state and local statutes. The penal law deals with this type nuisance in various forms, including annoyance, alarm, breach of peace and disorderly conduct. The general business law deals with prevention of all noise which unreasonably disturbs the peace of the day on Sundays.

The Vehicle and Traffic Law requires vehicles to be equipped with adequate mufflers and exhaust systems to prevent excessive noise. In 1965, the Vehicle and Traffic Law was amended by specifying the maximum noise permitted for motor vehicles. This amendment stated that noise from any vehicle operating on public highways shall not exceed 88 decibels on the A-scale, when measured at a distance of 50 feet. This section also specified that measurements be made when the vehicle was operating at a speed less than 35 mph. This law was probably the first in New York State in which quantity of noise was specified in terms of actual numbers of decibels.

In 1968, the New York Multiple Dwelling Law was amended by giving some attention to control of indoor noise. It required cities with populations in excess of 500,000 to formulate and adopt standards for sound control, and standards for transmission loss of walls, partitions, floors and ceilings between apartments. Construction of multiple dwellings after January 1, 1970, was required to comply with the standards and control of noise.

In 1970 the New York State Legislature passed a law controlling snowmobile noise. Although the law made no provisions for existing snowmobiles, it specifies that no snowmobile manufactured after June 1, 1972, will be sold or offered for sale unless it is equipped with a muffler that limits the engine noise to not more than 82 decibels, as measured on the A-scale at 50 feet. No snowmobile manufactured after June 1, 1974, shall be sold or offered for sale unless the muffler system limits engine noise to not more than 73 decibels on the A-scale at 50 feet.

The 1970 legislature also passed the Environmental Conservation Law. This law mandates that the environment be conserved, improved, and protected in order to enhance the health, safety and welfare of the people of the state. It defines pollution as a presence in the environment of conditions and/or contaminants in quantities or characteristics which are or may be injurious to human life or property, or which unreasonably interfere with comfortable enjoyment of life and property. This law defines noise as a pollutant and further charges the Department of Environmental Conservation with responsibility for preventing and abating noise pollution.

Rules under consideration in New York State

There are many bills relating to noise control that are on file for consideration of the 1971–72 New York State Legislature. The scope of these bills ranges . . . from muffler examination during annual inspection . . . to consideration of supersonic aircraft noise.

A bill has been submitted to limit the amount of noise from air conditioning units or other machinery in the vicinity of a multiple dwelling, if the ambient noise level outside of any window in a dwelling unit is increased 5 dBA above a threshold of 50 dB on the A-scale by this equipment. This same bill would make it unlawful for construction operations to increase the noise level outside the window of a dwelling unit to over 75 dBA.

There are several bills on file concerning aircraft and airport operation noise. One directs Commissioners of various Departments of the State to study and analyze effects of jet noise on people in communities abutting jet airports.

Another would amend the General Business and Transportation Laws to prevent excessive noise from airport and aircraft operations. This bill would make it unlawful for an airport to permit operation of an aircraft which creates a noise level of 85 dBA at the perimeter of the airport adjoining a residential area . . . with a reduction of 5 dBA below this during nighttime hours. The noise level limit is extended to 90 dBA at the perimeter of the airport adjoining commercial areas.

This bill also makes it unlawful to operate an aircraft which creates a noise level in excess of 75 dBA over a residential area. The New York State Department of Transportation would oversee the rules by monitoring and issuing permits.

Another bill would amend the Public Health Law and Executive Law to ban the supersonic transport from landing at urban airports unless design changes are made. This bill would grant power to bring a class action to enjoin any supersonic transport which creates a perceived noise level greater than 108 PNdB.

Concerning the jurisdiction of local governments over noise, a bill has been filed to amended the general city, village and town law. It would permit local government to establish regulation in which noise emission is limited to specific levels.

At this time there is no way of determining how many of these bills will be passed by this 1971–72 New York State Legislature and signed by Governor Rockefeller. In general, I support the intent of these bills. I make some exceptions to specifics, details, and the conflict with federal preemption in the area of aircraft noise.

N.Y.S. Department of Environmental Conservation noise abatement plans

The need for a noise abatement program was recognized by the 1970 legislature because of increasing noise levels in our community, added noise sources, and increase in population requiring more services and devices which produce noise.

We are formulating a comprehensive statewide noise abatement program to prevent further noise encroachment and reduce existing excessive noise. Official operations, purchases, and construction projects by New York State will lead the noise abatement program by reflecting these policies. The impact of noise on the environment during the construction phase as well as the operational phase of state construction projects will be considered.

Budget requests have been submitted to the 1971–72 New York State Legislature for

funds to organize and fill manpower requirements to establish a Bureau of Acoustics and Noise Abatement within the Department of Environmental Conservation. This Bureau will take on increasing responsibility and importance as it develops model codes, standards, rules and regulations. Its functions will expand to include all areas of acoustics and noise control such as aircraft noise, highway and mass transportation noise, consumer products, industrial noise, architectural acoustics, room acoustics, building codes, community noise, and research into the effects of noise on hearing, speech communication, annoyance and other physiological effects.

Studies will be conducted with the cooperation of other State agencies to develop criteria, standards, and measuring procedures, utilizing the latest technology, including computer applications. In order to establish a unified statewide noise abating program, jurisdiction for noise abatement should be under one agency of the state.

Suggestions for Federal legislation

(1) Establish grants in aid to the states for creating autonomous state agencies to deal with problems of noise. Guidelines should be included to define major areas of concern, and provide direction for rules and regulations.

(2) Include noise performance criteria in specifications for purchase of equipment, and construction of projects, which are funded by the federal government.

(3) Accelerate activities and programs to more expeditiously resolve the aircraft noise problem.

Representative RYAN. Thank you very much, Commissioner Diamond.

Our next witness is Dr. Roy Sullivan, Chief of the Division of Audiology at the Long Island College Hospital. He is a consultant to the Brooklyn Eye and Ear Hospital; consultant to the National Center for Deaf-Blind Youths and Adults; and vice-chairman of the Pre-school Hearing Council of Long Island. Dr. Sullivan is also President of the Audiology Study Group of Greater New York.

I would like to welcome you to these ad hoc Congressional hearings, Doctor Sullivan.

TESTIMONY OF MR. ROY SULLIVAN CHIEF, DIVISION OF AUDIOLOGY, LONG ISLAND COLLEGE HOSPITAL

Mr. SULLIVAN. Thank you very much, Congressman Ryan. I am very happy to be here this morning and hope that I will be able to add some information that will be of use to you and your distinguished colleagues in understanding the problems created by excess noise, and in developing legislation to control it.

I might add that I am, professionally, an audiologist, and that it is "incipient" Dr. Sullivan. I am hurriedly completing my dissertation, which is in the experimental psychology area, specifically having to do with man's normative responses to sound. I am not a medical doctor.

The term "noise pollution" does not fit semantically with the other areas of pollution. We speak of air pollution, and it is the air that has been polluted. We speak about water pollution, and it is the water that has been polluted. But it is not really noise that has been polluted. It is sound. So what we are really faced with is sound pollution.

In dealing with all forms of pollution, there is a question of hierarchy: where does our emphasis go? Generally speaking, this emphasis is monetary—where do we divert our funds to apply to which areas of interest on behalf of our environment? Unfortunately, often we have been pretty far down on the hierarchy, because we have been unable to come up with a sensational statement, as someone mentioned earlier, that noise kills. We can't say this. We have to go to a definition of health which takes into account whether we consider the need for quiet in society as just a social amenity, or whether it is something that should fall under the jurisdiction of health.

The World Health Organization defines health as a state of complete physical, mental, and social well being and not merely the absence of disease and infirmity. When we accept this as an operational definition of health, we find our "health" is vulnerable to noise in many ways. We can think of noise as disrupting sleep, causing annoyance, interfering with speech, and inflicting physical damage on the ear. Certain research into noise has suggested effects of noise on mental health, physiological activities, and even workers' efficiency.

To summarize before I begin, I believe that you should approach noise in the following manner: 1) the physiological effects of noise, 2) the indirect effects of noise, and 3) the physical effect of noise.

The major physiological effect of higher levels of noise is a thoroughly documented, irreversible damage to hearing.

The second, or indirect effect of noise, that is a known effect on the physiology of man, is the ability of it to interrupt sleep. This goes beyond causing an individual to bolt upright in bed as a jet airplane flies over his home. It is possible to be roused from deeper stages of slumber to a lighter stage of sleep, yet not be conscious of this the next day. But when you get up in the morning fatigue sets in; you feel like hell. This has been documented physiologically.

The third major area is the interference with speech. We heard about ensuring the domestic tranquility and the right to life, liberty, and the pursuit of happiness—parenthetically, in relative peace and quiet. I think that this should not be underplayed. Noise can be construed as an interference with the right to free speech. How dare Consolidated Edison open the street in front of an office building, or in front of a school? How dare the airlines fly over schools and churches, and interfere with the educational process, the communicative process? All of this is avoidable. And if we think of noise as avoidable, unnecessary, intrusive sound, and use this as our working definition, I think it would be a most profitable approach.

Now, to take these points one by one—The effect of noise on our hearing, that is, injury of the delicate structure of the ear. The ear is the organ which is responsible for taking the physical energy from the outside world and translating it into impulses the brain can understand. It is one of the most sensitive organs in the human body. It is capable of responding to physical vibrations on the order of magnitude of that of the diameter of the hydrogen atom. It is magnificently constructed, and were it any more sensitive we would be troubled with the natural movement of air molecules at other than super sub-zero temperatures. It is sensitive. It is wide-ranging. And its capabilities are enormous. We hear from 20 cycles per second all the way to 20,000 cycles per second.

The ear is a remarkably healthy organ, however. It consists, among other parts, of 20,000 very, very delicate hair cells which are the final portion of the mechanism resulting in the translation of physical vibration from the outside world to the impulses in the ear. It is here that the insult to the human body takes place.

According to the Walsh-Healey Public Contracts Act, levels above 90 decibels on the A scale—a scale which unfortunately discriminates against sounds below a thousand cycles—are physically and physiologically traumatic to hearing if we have routine 8 hour exposure to noise of this level or above.

There are many difficulties with this standard. This standard is probably just about right for industry, if you were on the industry side of the fence. It includes approximately 85% of the noise susceptible population. But there is great individual difference. We can take the population in this room and expose them all to similar physiologically traumatic levels of noise, and on each individual the noise will take a different toll. On some individuals the effect will be temporary, on others it may be permanent, and still on others there may be no effect at all. There are tender ears and there are hard ears. The Walsh-Healey standard was written to encompass and practically guarantee safety for about 85% of the population. In addition, that population is being paid, you might say, hazard pay, for the occupational hazards that they're enduring.

So, the Walsh-Healey standard leaves 15% of the employed population uncovered and it also does not consider the general public who has noise inflicted upon them, rather than who work in a noisy environment by choice. For example, there is the white collar worker who must descend to our noisy New York City subways and be exposed to levels exceeding the minimum standards of the Walsh-Healey Act, yet he has to pay 30 cents for the privilege of having his ears traumatized.

I don't think that the Walsh-Healey standard should hold for the general public; I think it is written for those people who are in an occupational hazard.

Now if you take a look at the physiology of man and his hearing itself, there are some cues as to what and what not may be noxious to hearing. We have built into our middle ears, which are just inside the eardrum, a protective reflex—there is a muscle, the tiniest muscle of the human body, the task of which is to respond and to reflexibly contract one of the microscopic bones in the middle ear to reduce the level of incoming noise to the ear. The more intense the noise above a certain minimal level, the greater the degree of contraction and the greater the degree of reduction of noise going into the part of the ear which can be damaged. This is, and I don't think anyone would quarrel with this, a God-given protective mechanism. The levels at which this comes into play are from 70 to 90 decibels above the threshold of perception.

One of the members of the Department of Health, Education and Welfare staff has recently proposed that the phenomenon of hearing loss attributable to non-occupational noise exposed situations be considered somewhere around the 70 decibel level. And whereas now we consider 100 decibels as the limit for, let us say, a certain amount of 8 hours of noise exposure, 100 decibel limit for the non-occupational noise exposed public might be cut down to 15 minutes. If you apply these criteria, the general public who ride the subway from an hour and a half to two hours, fall within the potential range of those inadvertently and without compensation having their hearing destroyed in the higher frequency range.

Now, there are two separate aspects with regard to man's communication and hearing, one of which is sensitivity and the other of which is resolution.

Most of the specifications have been written to encompass the deleterious effect on hearing in the so-called speech frequency range, this is from 500 to 2000 cycles per second. But a higher frequency range, while not necessary for the hearing of speech, is very necessary for the understanding of soft, conversational speech. And an individual who has poor hearing above 2000 cycles will have hearing difficulty in a soft conversational situation, or in an average conversational situation where he is physically distant from the speaker. This is important to note, because currently, the standard is not written in terms of this resolution of sound—

or the ability of man to resolve sound—but rather it is written in terms of ability to hear sound.

The typical high frequency hearing loss which results from 20 years of occupational noise exposure leaves the individual hearing speech so that it sounds obscure. The individual is able to hear sounds, but the complaint of these patients, as we receive them in the hearing clinic, is that the can hear but they can't understand. So I think that we have to re-orient the concept of where the problems exist from a concept of simply being able to hear sound.

There have been radical advances within the last two years in the area of hearing aids. Certain advances have been made which now allow us to compensate and correct for hearing losses which begin at 1500 or 2000 cycles per second. Three or four years ago, if we had, let's say, a subway worker, or someone who was exposed to high levels of noise, come into the Center with a typical noise-induced hearing loss and good hearing below 1000 cycles per second, all we could say to them at that time is that you can either study lip-reading or perhaps take some auditory training lessons to understand better what you are able to hear, but there is nothing available for you. Now, the hearing aid technology has come to the point where we can compensate for higher frequency losses.

If we included all the noise induced-hearing loss and the acoustic trauma in our compensation structure and in our legislative structure, it would represent a far greater proportion of the population than is now included. A statistic which has been quoted on the incidence of use of hearing aids in the age group of 50 to 59 is that 5% of the non-noise exposed or non-occupationally noise exposed population in that age group typically are hearing aid users. But 25% of the occupationally noise exposed group are hearing aid users in that same age group, so noise does take its toll.

Now, as to whether noise shortens life or not, this is a possibility. But the definitive research to prove this point has not been done, and I don't think it's fruitful to speculate and to base our case on the fact that noise may shorten life, when we know that noise levels which surround us may very well injure our hearing, and also interrupt our sleep. Noise levels down to 70 decibels may very well interfere with our hearing and temporarily cause a hearing loss, if you include 100% of the population. Noise levels down to 53 decibels on the A scale begin to interfere with conversation.

And here I think there is another fruitful area and a basis from which Congress and the Assembly can legislate: the idea of the noise polluters interfering with the communicative process. With a 53 dBA level we can converse in a normal conversational tone at about the distance of 10 feet. As the noise rises above 53 decibels on the A scale, one of two things must happen: either we must physically move closer, or I must raise my vocal level.

We have begun some preliminary research at the Long Island College Hospital on a very interesting physiological point. If you must tie noise pollution to physiological effects, one effect to look at is the response of people with known organic vocal abuse pathology—that is, people with vocal polyps, with vocal cord nodules, with inflammations of the vocal cords. We compared them to normals to find out how their vocal levels respond to various levels of background noise. And in our pilot studies we have found that consistently the people with vocal abuse pathology will tend to raise their vocal levels and compensate for a given constant noise level much more than a group of people with no vocal pathology.

Now I don't think that potentially a vocal pathological group should be eliminated from our considerations if we need some physiological tack to hang our anti-noise campaign on for lower levels, then we might consider the fact that school teachers, legislators, men of the cloth have to raise their voices in the pursuit of their everyday activities in order to overcome these obnoxious noise levels brought about by the overflights of the airplanes.

So you can take it either one of two ways, as an interference with speech and the process of free speech, or the fact that this may potentially cause one man, with a higher and ever rising noise level, to compensate for this by raising his voice level at a cost of the condition of health of his vocal mechanism.

We had, while I was on the New York City Mayor's Task Force on Noise Control, a trip to Pratt-Whitney, which is one of the two largest companies manufacturing jet engines, and we were told, to paraphrase the Red Queen, that we should be thankful that they were running as fast as they were to stand still, and that if we were really lucky, we might get a decibel improvement in the overall jet noise level coming out of the factory every year or so. But we should really be grateful that they had been able to increase the thrust without increasing the noise level. This is a pretty poor logic; it's a public-be-damned attitude which leads to another effect of noise. This one, when you look at the way the hearing and the communication of the public is infringed upon by the people who are manufacturing noise as a by-product of their enterprise, leads to clear-cut annoyance. Once you experience noise and once it affects your daily routine, you know what everyone else is talking about, and you don't have to be a little old lady with tennis shoes to be one of the people who is being polluted by noise exposure.

The recommendations of the Task Force include certainly levels which are not unreasonable for starters. In order to ensure hearing conversation, we conservatively recommend an 85 decibel A-scale reading as soon as possible. The speech interference level of 52 decibels on the A-scale should be reduced as soon as possible in the overall living space so that we can go out on the street and converse with our neighbor without having to shout. Of course, it would be unreasonable to anticipate 52 dBA's on the subway, yet it might not be unreasonable on the city streets. In our own homes, we are asking for more than that—in wholly residential areas we are asking for 40 dBA's during the daytime hours and 30 dBA's at night. This is in wholly residential areas and, of course, we don't expect areas zoned for industry to meet these standards. But, I think these are not unreasonable levels.

The night time standard is considered in light of some of the research that has gone on at the Stanford Research Institute by Dr. Lucas, and some of the research that has been done in Germany by Dr. Jansen. Their research shows that noise levels as low as 50 dBA's can arouse you from deeper stages of sleep to less deep stages of sleep, and this will have an effect on how you feel the next day. This can be documented on an electroencephalograph, which is an objective, physical means of determining how much rest you are getting. So we must, in residential areas, have care and concern for those noise levels which affect sleep.

Now, the paper-thin walls through which we are forced to hear our next door neighbor's conversation can be taken care of in building codes. What may be one man's music may be noise to someone else's ears. We cannot legislate or hope to bring in medical reasons for controlling all the possible incidence of noise pollution. But any instance of noise pollution that brings about a physiological trauma to hearing invariably will interfere with speech. And if it interferes with speech, it invariably annoys. Therefore, if we can control the highest levels and the most prevalent sources of noise pollution, we will contribute to clearing up a significant portion of those lower order complaints. That is, monentary interruptions of conversation and interruptions of sleep. And I think this is where at the outset we might address and adjust the trust of our efforts.

Representative RYAN. Thank you very much for a very thorough presentation. Your remarks were most illuminating. Congressman Biaggi?

Representative BIAGGI. You should be commended for a very excellent presentation. It was most informative.

Representative RYAN. I think that it is a very interesting approach to remind us that what we are talking about is sound and how noise effects it. Noise pollutes sound.

At this point I would like to enter into the Record the statement submitted to these hearings on behalf of the Committee known as Chelsea Against the STOLport, 344 West 22nd Street, New York, New York 10011. This statement was submitted on behalf of the Committee by Mrs. Jacqueline Schwartzman.

The statement follows:

STATEMENT BY DAVID FERGUSON

We of Chelsea Against the STOLport submit this statement, although we understand this hearing is not dealing with aircraft noise, because those who propose this STOLport—to be located at West 30th Street, floating on ten Liberty Ships in the Hudson River—have said that it will not be noticed above the existing noise level. Stuart Levin, Associate Editor of *Space/Aeronautics*, writes, "The noise criterion for V/STOL is plain; bury the noise of the terminal operations inside the noise of the city." De Havilland Aircraft, on its record promoting the plane to be used, states that "the DCH 7 blends acceptably and unobtrusively with the general background noise of the downtown area."

Long before the STOLport was proposed the community had reached the boiling point on noise. Chelsea is a residential area. When noise levels are left to community activities we experience periods of intermittent quiet. Birds have been heard in Chelsea. That is, until frequent sirens and pneumatic tools pummel the brain or an occasional burglar alarm in a car or store, set off by a change in the weather, rivets all thought to its piercing oscillation. At night these alarms rob thousands of residents of what must now be asserted as the right to a good night's sleep.

The avenues from 6th to 10th and 34th, 23rd and 14th streets, as well as the illegal heavy truck traffic on residential side streets, have blasted us with an ever increasing nightmare of traffic noise. Chelsea block associations have taken their own surveys on the number and length of trucks violating the current city restrictions on traffic in residential areas. During the weekday unmuffled trucks make conversation on major streets as impossible as it is in the subway. Motorists and truck drivers roar through our community as if their engines bestowed a manifest destiny on their progress. Residents living on the avenues get battered night and day. Sanitation trucks grind up more quiet. Drivers, delayed by these trucks, lean on their horns as if they could blow their way across town. At any hour some driver, locked in by a double parked car, may use his horn in a burst of prolonged and nerve-racking frustration to rouse the owner. Horns are also used to call people down for appointments or to signal deliveries. Imagine what the projected 600 passengers per hour, arriving and departing almost exclusively in cabs (according to the American Airlines STOLport proposal), would do to the noise level in our streets.

Many Chelsea residents—journalists, freelance writers, composers, professionals in many fields and citizens of all ages given to

the use of their minds—find it difficult, often impossible, to hear themselves think. The added burden excessive noise places on the already besieged family life in the city may be hard to calculate but it is more real than many things more easily calculated. The existence of an unhealthy, dangerous and insane level of noise must not be used by the aircraft industry as license for adding yet another source of noise to a city already bombarded to the breaking point. We have the right and responsibility, in the sanctuary of our homes, to think, to live, to be at peace. We will not be buried by decibels. We demand less noise, not more.

Mr. RYAN. Turning to our afternoon schedule of witnesses, you will note that Professor Cyril Harris of the Department of Electrical Engineering at Columbia and the editor of *The Handbook of Noise Control,* was scheduled at 2:00. Unfortunately Professor Harris has been called to Europe. He has submitted a very fine statement which we will include in the RECORD at this point.

STATEMENT BY CYRIL M. HARRIS, PH. D.

What is meant by the terms *noise* and *noise control*? By *noise* we mean any sound which is unwanted. According to this definition, music in your apartment is noise in your neighbor's apartment, making the reasonable assumption that he doesn't want to hear it. *Noise control* is the technology of achieving an acceptable noise environment consistent with economic and operational considerations.

Thus, noise control is concerned with the attainment of acceptable noise conditions—not necessarily with noise reduction. For example, no actual reduction of noise in a shipyard may be involved when acceptable noise conditions for the workers are achieved by the use of earplugs. The terms *noise control* and *noise reduction* are not always synonymous.

Another example of noise control occurs when an airport, whose operations are interfering with the sleep of home owners in the neighborhood, changes its schedule so that there are no evening flights. No actual noise reduction has taken place, but an acceptable noise level may have been achieved.

Noise and industry

We are interested in noise control and noise reduction because noise may damage hearing, it may affect sleep, and it may produce other psychological effects that are more difficult to measure. For certain types of tasks noise may affect a worker's efficiency; it affects man's ability to communicate through speech; it may produce a feeling of fatigue; and, certainly, it can be a source of considerable annoyance and complaint—especially if one has the feeling that the noise is unnecessary.

Noise pollution affects property values. Noise from the operation of a factory or an airport or from an elevated highway may influence the price of land in the surrounding area. All these effects of noise as a form of air pollution are of considerable economic and social importance.

For economic reasons, a considerable effort is being exerted by industry to develop products that are quieter and to achieve quieter conditions in offices and factories. Many business firms and their customers object to noise, and their employes prefer not to work in a noisy environment. During the past 14 years in the U.S., the total dollar sales of acoustical materials has increased from about $60,000,000 to $190,000,000. Such rapid growth can be accounted for only on the basis of the fact that people do not like noise. They are both annoyed and distracted by it. People like quiet. They are willing to pay for it.

It has long been known that intense impulsive noises—such as explosive sounds—may cause partial or total loss of hearing. However it is only in recent years that a quantitative relationship has been established between hearing loss and daily exposure (for a period of many years) to loud noises that are relatively continuous in duration. There is no discrete step above which exposure to such noise will produce impaired hearing, and below which exposure may be considered safe.

Of particular significance are the effects of prolonged exposure to high noise levels in producing a permanent loss in hearing. A worker in a factory who operates a very noisy machine day after day, or a musician who plays in a rock band with a high level sound amplification, both face a permanent loss in hearing. Exposure to high noise level impulsive (or non-steady) sounds, such as those produced by jack-hammers or riveting machines, can also result in permanent hearing loss.

Studies have been made of the relationship between the character of noise, the level of noise, and the exposure time (in hours per day) and the number of years that the workers have been exposed to such noises. These studies are far from complete, but they have already yielded important results which were used as the basis for formulating the "Walsh-Healey Act," the noise-exposure regulation of the U.S. Department of Labor that went into effect on May 17, 1969.

According to Section 50-204.10 of the Walsh-Healey Public Contracts Act Safety and Health Standards, any manufacturer who wishes to sell to the Federal Government goods in excess of $10,000 or services valued at over $2,500 must take the following steps to protect his employes' hearing:

"(a) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table I of this section when measured on the A scale of a standard sound level meter at slow response.

"(b) When employes are subjected to sound exceeding those listed in Table I of this section, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of the Table personal protective equipment shall be provided and used to reduce sound levels within the levels of the Table.

"TABLE I.—*Duration of the working day*

Hours:	*Sound level (A-scale) decibels*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115"

Although this Act applies only to firms which do business with the Federal Government, such firms constitute a large segment of American industry and it has had the effect of spurring industry to institute noise reduction programs. The Act is significant as well because it is the first federal legislation which has been enacted to protect workers from loss of hearing as a consequence of their work in a high noise level industry.

It is important to note that any table, such as that given above in the Walsh-Healey Act, which indicates the number of hours it is permissible to work in an environment of specific noise levels, is designed to protect the largest percentage of workers—not each and every worker. There is a wide difference in the reactions of individuals who are exposed to high noise levels. For example, if a group of workers is exposed to the same intense noise (such as riveting) each work day for a period of 10 years, the majority is likely to show a definite loss, there may be some who will show almost no hearing loss, and there will also be some who show a much greater loss than the majority. As yet, we do not have a satisfactory explanation for these individual differences.

What happens to a wage-earner who works year after year in a noise-polluted environment that greatly exceeds these limits? The probability is high that he will sustain a permanent hearing loss because of this noise exposure. Some present estimates are that the total of claims involving compensation for loss of hearing from noise exposure is in excess of $1 billion in the U.S.

Noise and the community

The reactions of a neighborhood or an entire community to city noise are much more complex than the reactions of individuals. Perhaps the most important factor which determines whether or not a noise source is objectionable is the level of the background noise in the community. That is, the same noise may be considered to be much more objectionable in a quiet neighborhood than in a noisy one where its presence cannot be heard. For this reason, studies of background noise level such as those conducted by Columbia University's class in noise pollution are of considerable value.

Other factors that determine whether noise is objectionable in a community include:

(a) the number of times the noise source is heard per hour

(b) whether the noise occurs during the night time or day time

(c) the acoustical characteristics of the noise: i.e., whether the noise is continuous or intermittent

(d) whether the residents consider the noise to be necessary or unnecessary

(e) whether the community has been accustomed to hearing such noises or whether the noises add a new element to those which made up the background noise of the city.

There are other intangible factors as well, such as possible fear of the sources of noise, as in the case of low-flying aircraft. Economic considerations also may influence one's judgment as to the objectionableness of a noise source. By their nature, criteria for community reaction to city noises are statistical in significance. A noise level that may be considered annoying to one person may not have a significant effect on another. Furthermore, the reactions of people are not time invariant. They will react differently one time than at another; how a person reacts depends to a large extent on his previous history.

Transportation noise pollution

Many sources of noise pollution in cities are associated with some form of transportation, such as buses, trucks, motorcycles, aircraft and automobiles. These sources include acoustics signaling devices, such as horns and sirens, often used unnecessarily.

In urban areas, the problems of truck and bus noise are largely due to exhaust noises—frequently the result of inadequate or virtually non-existent mufflers. It is my opinion that municipal legislation is required to establish minimum standards of muffler effectiveness for all vehicles producing noise above an established level.

One of the major sources of transportation noise pollution, and a source of considerable aggravation and discomfort to New York City residents, is that noise produced by relatively low-flying helicopters. Here is a noise offender that need not exist. By flying higher (and at a safer altitude as well) the noise level will be reduced to a level that need no longer be a source of noise pollution. True, the noise will spread over a wider area, but if the altitude is sufficiently high this noise will no longer be a source of annoyance and discomfort. If this is impractical, the routes should be altered so that the heli-

copters travel principally over water. A whole city should not be disturbed to save minutes, or to provide pleasure (in sightseeing craft) for a handful of people. It is also interesting to note that present Federal requirements for commerical helicopters flying over this city do not require them to carry flight recorders (which are required of all other commercial aircraft). Such recorders would provide a means of determining whether or not these aircraft fly over the city at a safe altitude—i.e., one high enough so that if mechanical failure should occur, they could maneuver to a landing area instead of crashing on densely populated midtown. These aircraft should be required—without delay—to carry such flight recorders. Minimum altitudes should be established in quantitative terms, both from the standpoint of safety and that of noise pollution, for helicopter routes of the commercial carriers.

A study on noise in New York City subways, to be published this month in "Sound and Vibration", by Harris and Aitkin, shows in quantitative terms something that the average city subway rider already knows qualitatively—noise levels in cars and on station platforms are unacceptably high.

It is interesting to note that New York City operated hospitals have found that since their ambulances have been forbidden to sound their sirens, they have had fewer accidents, although in the case of dire emergency, a police escort plus siren is provided. It is my opinion that this procedure should be followed in other cities. Ironically, no ordinance has been passed in New York City which prohibits private ambulances from creating a din that sometimes gives a visitor the impression that an air raid warning is being sounded.

It is unfortunate that in many communities, a few irresponsible public servants are the cause of considerable noise pollution. Often, members of both the fire and police departments sound their sirens unnecessarily.

City-owned garbage trucks often are the principal source of community noise in the early hours of the morning. Perhaps the ordinary citizen would take more seriously existing anti-noise ordinances which regulate the noise from boisterous parties, loud radios, high fidelity sets, and window-type air conditioners if city governments set better examples in avoiding the generation of needless noise pollution. Law enforcement of anti-noise ordinances can be effective only if the public supports such measures.

Building construction noise

Perhaps the major source of noise pollution in many areas of our cities, other than those related to transportation, are noise sources associated with building construction and street repair—pile drivers, jack hammers, compressors and the like. I am convinced that nothing will be done on a voluntary basis to alleviate the problems that these noise sources create. The only remedy is legislation.

At present, a manufacturer or contractor who is desirous of reducing equipment noise is placed at an economic disadvantage if he installs noise suppression devices, since he must bid competitively against someone else who may not feel that it is important or necessary to spend money for such purposes.

Many responsible people associated with the construction industry believe that such legislation setting the permissible noise output of equipment must and will come. But the problem is not simple. First it is necessary to have an accepted standard method of measurement of the noise output of such equipment; then, second, acceptable limits must be established.

There are many practical problems involved in establishing a standard measuring technique that provides a repeatable answer under different field conditions. For example, the measurements must take into account the reflection of sound from nearby buildings. Also, the effects of noise from other nearby sources must be evaluated.

Thus, the first problem in any legislative program is to establish a meaningful, practical and reliable noise measurement technique for the class of equipment under investigation. After this problem has been resolved, how does one determine what is an acceptable limit for the noise output of a piece of equipment such as an air compressor?

Opinions differ sharply on how to set an acceptable limit for noise produced by construction equipment. But here is a method of approach which I believe is practical. For a given class of equipment, we must review data on the noise output of those pieces of equipment which have incorporated items of noise control such as silencers, noise shields, sound absorptive materials and the like. These pieces of equipment would serve as a guide is establishing the acceptable limits. An even lower level may be highly desirable, but this level can be established at a later date under a fixed schedule. Such a step would be only the first step in a legislative program which is realistic in the sense that it could be met by industry.

A different approach would be to set an arbitrary acceptable limit of noise output for a given class of construction equipment *without* taking into account the lowest levels that can be attained today. But there is a danger that in so doing one would establish limits which are unrealistically low—limits that our present technology would not permit, within practical bounds—in which case the new legislation would probably be ignored.

Noisier cities?

Are communities becoming noisier each year? The answer undoubtedly is *yes*. But, in point of fact, we do not have a valid objective answer to this question because adequate scientific data have not been obtained. Since the noise level at any selected location in a city varies from moment to moment—with the time of day, with the day of the week, and even from season to season—a considerable amount of statistical information is required to obtain an adequate characterization of the noise at only one location in the city. Similar data are required for a larger number of locations. Yet, because of the problems of cost in obtaining such information, sufficient data are not available to indicate how urban environments are changing in noise level. This is one engineering area in which governmental funding of projects both in industry and universities would lead to useful engineering results.

Planning against city noise

In a noisy community environment, important and, it would seem, obvious methods of noise control often are neglected. The lack of adequate zoning regulations around potential sources of noise complaints often results in serious noise problems. For example, undeveloped areas around airports should be zoned so as to exclude specifically land utilization for dwellings.

Recently, in the New York City area, it was decided to construct a school close to a major airport take-off runway. While construction on such a site can be acceptable, the cost will be enormous if adequate noise control is to be achieved. Since there are practical limitations to public spending for such buildings, the possibility of achieving an acceptable construction is insignificant, and the local residents will be left with another public white elephant.

Another method of noise control—locating a building on a site so as to minimize the disturbing effects of noise—often is overlooked. It is hard to understand why a community will locate the classroom building of a school adjacent to an arterial highway and then place the gymnasium playing fields behind the school building in a quiet area—some distance from the highway—instead of vice versa. This is simply a matter of poor planning.

Noise control in multiple dwelling units

Another area of noise control legislation that could improve the life of city dwellers is that of noise insulation of partitions in multiple dwelling structures. A question often asked is why the walls and floors in older apartment houses provide better insulation against airborne sounds than in those built in recent years. The most important factor responsible for poor noise insulation in today's newly erected buildings is the low mass of the partitions. As a result of low mass, the insulation against airborne sound has been poorer because the noise insulation value of a solid homogeneous partition (such as concrete or brick wall) carries directly with its weight per square foot. The reason for this relationship is that sound waves striking a wall actually provide a sufficient force to set the wall in motion. Although the movement of the wall is minute, it is sufficient to produce noise on the opposite side.

The greater the mass per unit area of a wall, the greater its inertia and the less its movement. Even if a noise source of tremendous acoustic power were to generate noise at a frequency corresponding to that at which the wall is mechanically resonant, the vibration of the wall would be so minute that it is highly improbable that the walls would ever come tumbling down, Jericho notwithstanding.

Most sounds of speech and music have frequencies that are much higher than those of the wall's most resonant frequency. Therefore, in theory, the increase in noise insulation should be 6 db. for each doubling of the weight per unit area of the wall. In practice this increase in average insulation value is nearer 4.4 db. per doubling of mass. According to the empirical relationship, which is often referred to as the mass law, a homogeneous partition weighing 10 pounds per square foot has an average noise insulation value of 38 db. If we double the weight per unit area, the noise insulation value increases to 42.4 db.

Most homogeneous walls, regardless of the material of construction, follow this empirical relationship reasonably well. It is well to note, however, that some partitions provide better insulation than the mass law indicates. These are double-wall constructions, or compound wall construction, in which one leaf of the partition is not rigidly connected to the other.

If it were possible to completely isolate two relatively lightweight walls from one another, the average insulation value for the compound structure would be equal to the sum of the values for each of the walls—in contrast to the 4.4 db. increase if we merely double the weight per unit area of the wall.

In practice, mechanical ties, as well as the entrapped air between the two leaves of a partition, provide a mechanical coupling which reduces the theoretically possible value to a much lower value. But, for a given weight, one can obtain higher noise insulation by using a compound partition than by using a single homogeneous partition.

The data on the noise suppression ability for partitions actually cover noise insulation value averages over all frequencies. However, the insulation of a partition is much greater at high frequencies than at low frequencies, primarily because the wall is a mass-controlled system. That is, noise insulation properties of partitions increase more or less uniformly with frequency, the average increase in insulation per doubling of frequency being about 6 db. It is either relatively poor insulation or low frequency—or both—that accounts for the fact that it is often

possible to hear the low frequency booming sounds of your next door neighbor's radio, but not the higher frequency sounds. Much useful data are to be found in an FHA Guide prepared by the National Bureau of Standards. Such material should be updated at periodic intervals.

Conclusions

Because a noise-polluted environment has adverse effects on man, it is important that noise control measures be adopted in communities to make them more healthful and pleasanter places in which to work and live. Many of the sources of city noise will be reduced to acceptable limits only if controlled by legislation, as indicated above. Any such anti-noise ordinances must be based on field-measurement techniques which are both practical and reliable; and they must set limits which are realistic. In any case, if a noise-abatement program, based upon these ordinances, is to be successful, it must have the support of the general public.

References

1. Cyril M. Harris, editor, *Handbook of Noise Control*. McGraw-Hill, New York 1957.

2. National Bureau of Standards, *Report BMS 144* (February 1955) and Supplement (February 1956).

Representative RYAN. At this time, I would like to call upon our next witness, Mr. George Diehl, to discuss what has been done in the area of the manufacture of quieter products—specifically construction equipment. Mr. Diehl is the Sound and Vibration Consultant for the Ingersoll-Rand Company. He is a registered engineer; a member of the Acoustical Society of America; a member of the Compressed Air and Gas Institute Noise Coordinating Committee; and the Vice-Chairman of the Hydraulic Institute Committee on Sound Standards.

Mr. Diehl, I would like to welcome you to these ad hoc Congressional hearings on noise pollution. I understand that you have brought a number of slides with you today to illustrate your remarks.

TESTIMONY OF MR. GEORGE DIEHL

Mr. DIEHL. Thank you very much, Congressman Ryan. I have brought a number of slides with me. I believe that it may be of use to see some of these products visually. It is often very difficult to conceptualize machinery from a verbal description.

Large portable air compressors produce one of the most objectionable noises on city construction projects. One reason for this is because they are so close to the public. As many as eight or nine of these large compressors may be lined up along the curb, close to the sidewalk, and close to apartments, stores and offices. And they usually remain there for many months.

Slide No. 1: Compressors lined up along curb.

These compressors produce about 110 dBA at a distance of three feet. This is about twice as loud as a subway train roaring into a station.

In the middle of a field, the sound pressure level would decrease six decibels each time the distance from the compressor is doubled, but in large built-up cities this is not so. The sound is reflected back and forth from nearby buildings, and usually decreases very little with distance.

Compressors of this type are heavy duty machines with fairly high horsepower engines, and meant for continuous duty. Consequently a large amount of heat must be dissipated, and each compressor radiates enough to heat about eight average size homes during the winter months. Notice that the side covers are left open, to provide cooling, but this means more noise radiation also.

Slide No. 2: "Whisperized" 900 CFM compressor.

Portable compressors can be quieted. This slide shows how the noisiest portable compressor made by Ingersoll-Rand Company was re-designed and 'whisperized" to reduce its radiated noise from 110 dBA to 85 dBA. Each time 10 dB is subtracted, the loudness is reduced by one half of its previous value. Therefore, in sound control work, a 25 dB reduction is dramatic. The way to verify this is to walk past the unsilenced machine, and then past the quieted one. The "Whisperized" Compressor makes less noise than traffic noise at many street intersections.

Slide No. 3: Octave band sound pressure levels of unsilenced and "whisperized" compressors.

A comparison of the octave band sound pressure levels of the unsilenced compressor and the "Whisperized" one is shown here for measurement distances of one meter and seven meters (that is, about three feet and twenty-three feet). These are the standard test measurement distances for construction equipment.

Slide No. 4: 85 dBA contours of unsilenced and "whisperized" compressors.

The 85 dBA contours of the two compressors show that a listener can be much closer to the "Whisperized" unit than to the unsilenced one without exceeding 85 dBA.

It is important to note that the cost of Sound control increases as the noise is reduced to lower and lower levels. That is, the cost to reduce an original noise of 110 dBA to 105 dBA is much less than the cost to reduce it from 90 dBA to 85 dBA, even though the reduction is 5 dBA in both cases.

Slide No. 5: Paving breaker exhaust muffler.

Another objectionable noise source on construction projects is that produced by paving breakers and rock drills. Usually they are farther away from the public than the compressors, but they still contribute a fair share of the total noise.

The largest component of rock drill or breaker noise is produced by the air exhaust. The next largest component is that produced by the ringing of the steel. We are now working on that problem. All the other sources have been identified too, but it is a fact that even if all could be removed entirely, no detectable reduction in noise could be made unless the exhaust noise were reduced first.

This slide shows one type of paving breaker exhaust muffler which can reduce noise by 8 to 10 dB. Remember that a 10 dB reduction means reducing the loudness by one-half. The muffler weighs only about one pound and projects out about 2½ inches from the side of the tool. It produces no measurable loss of impact power.

Slide No. 6: Muffler air flow diagram.

The air flow diagram for the muffler is shown here. The exhaust makes two reversals in direction, and passes through two expansion chambers before discharging through the proportioned exhaust ports.

Ingersoll-Rand Company thinks that all paving breakers should be muffled, and therefore has decided to include a muffler with each breaker.

Slide No. 7: SB8 paving breaker.

A new type paving breaker has been developed by Ingersoll-Rand Company using a different type impact mechanism. The development of this breaker cost more than three hundred thousand dollars.

This slide shows the appearance of the breaker, and the next slide shows a comparison of the octave band sound pressure levels of the new breaker and a comparable, unmuffled 80 pound class breaker, measured at a distance of 1 meter (3.28 feet).

Slide No. 8: Octave band sound pressure levels of the SB8 paving breaker and a PB8A 80 pound class breaker.

This new breaker not only operates at lower sound level, but produces considerably less vibration and is much easier to hold.

Slide No. 9: URD475 drill.

This slide shows a larger, crawler-mounted drill. It is equipped with a muffler, as shown on the next slide.

Slide No. 10: URD475 muffler.

The muffler is shown here mounted at the top of the drill tower. The rather unique muffler, developed by Ingersoll-Rand Company several years ago, not only reduces the exhaust noise, but moves it up and away from workmen and other people near the drill. The exhaust is carried up through the channels of the tower, and then through the internal chambers of the muffler.

Slide No. 11: Hobgoblin.

This slide shows a hydraulically operated Hobgoblin. It is a backhoe-mounted demolition tool that can do the work of at least ten 80 pound class paving breakers, and produces substantially less noise. There is no air exhaust, and therefore the major noise source has been eliminated.

Slide No. 12: Octave band sound pressure levels of the Hobgoblin, compared to ten 80 pound class paving breakers.

Sound levels were measured at the standard 7 meter distance (23 feet). The dotted curve is a calculated one showing the sound pressure levels of ten 80 pound class paving breakers. This is a conservative estimate since on many tests the Hobgoblin can outperform a lot more than ten heavy duty paving breakers. In fact, on some jobs it can do the work of twenty-four.

These slides represent some of the efforts being directed toward the reduction of construction equipment noise. In the past several years, Ingersoll-Rand Company has spent over two million dollars in the development of quieter equipment. And during the past year a series of lectures were given to Ingersoll-Rand Company design engineers which we called THINK "QUIET". The objective of these lectures was to attack noise at its source—during the design stage. We think that if enough design engineers constantly keep sound control principles in mind, then products are bound to come out quieter.

We do not subscribe to the theory that progress must be accompanied by an increase in noise, and we welcome the opportunity to work with you to prove that.

Representative RYAN. Thank you, Mr. Diehl. Is the Whispering compressor now on the market?

Mr. DIEHL. Yes, sir, it is.

Representative RYAN. What kind of response have you had to it?

Mr. DIEHL. There has been a fairly good response, although not as large as we thought there would be.

Representative RYAN. Could you tell us the differences in sales between the standard compressor and the whisperized one?

Mr. DIEHL. I do not know in terms of total sales, but the whisperized compressors—which we showed here—are a very small proportion of our total sales of all compressors.

Representative RYAN. What needs to be done to make the quieter models more acceptable to the purchaser?

Mr. DIEHL. I think it is a matter of cost. Contractors don't buy the whisperized model because its cost puts them at a disadvantage.

Representative RYAN. How much does it cost?

Mr. DIEHL. About 25 to 30% more than the standard model, but that figure is being worked on.

Representative RYAN. Does that cost increase hold true for the paving-breaker as well?

Mr. DIEHL. No. The paving-breaker's mufflers are 10% or less of the cost of the breaker.

Representative RYAN. What about sales of the paving-breaker? Is that being mass produced also?

Mr. DIEHL. Yes, we are going to include the muffler on every paving-breaker, from now on.

Representative RYAN. As part of the cost or extra?

Mr. DIEHL. I believe that it will be included at no extra cost.

Representative RYAN. What kind of response have you had to the paving-breaker with muffler?

Mr. DIEHL. Good. A very good response.

Representative RYAN. Have contractors been willing to buy them?

Mr. DIEHL. A lot of them have, yes. At first people thought that mufflers would cause a deterioration of the working ability of the tool, but that is not so. A number of years ago, when we first introduced the muffler, the workers would take them off, believing they could increase the production. But they do not decrease the performance.

Representative RYAN. But they are using them now?

Mr. DIEHL. Yes. It is rather similar to the story about ear muffs. A number of years ago, workers wouldn't wear ear muffs, but now they are all using them.

Representative RYAN. You spoke of the new paving-breaker being quieter, does it also have less vibration?

Mr. DIEHL. Yes.

Representative RYAN. Does less vibration extend the life of the machine?

Mr. DIEHL. I do not think it will extend the life of the tool, but it makes the holding ability much greater for the operator. It is a harder hitting tool and he can do more work with it in a short period of time because of the holding ability.

Representative RYAN. I would like to commend you and the Ingersoll-Rand for its efforts in this area and would hope that contractors would utilize this quiet equipment. If standards were set that necessitated the use of these products, do you think it would increase the acceptance of them?

Mr. DIEHL. I am sure it would.

Representative RYAN. Do you have any suggestions at what level these standards should be?

Mr. DIEHL We have designed for 85 dB (A). We thought this would be about acceptable, although for community response it should be still lower. Right now, 85 dB(A) is below most traffic noise, so there wouldn't be too much point in going below that, adding to the costs. As the ambient noises come down, we can make quieter compressors, too.

Representative RYAN. How much further down can you go and what is the cost involved?

Mr. DIEHL. We believe that we can design compressors to meet whatever ambient noise is there. But it would be a matter of cost and acceptability. But as you drop those levels lower and lower, the costs go higher and higher.

Representative RYAN. Thank you, I think your testimony was most helpful and added another dimension to our hearings.

Representative RYAN. Our next witness is Mr. Tony Crimmins, Vice President and Treasurer responsible for equipment, industrial safety, and finance of the Thomas Crimmins Contracting Company. This company has engaged in performing heavy construction for building foundations, subways, and street utilities in the New York Metropolitan area since 1847.

Mr. Crimmins, we are particularly pleased that you are able to be here with us this afternoon. As you are well aware, construction noise is one of the most frequently mentioned causes of unwanted noise. We are very happy that you have agreed to appear and explain what the construction industry is doing in terms of noise control and what the hinderances are.

STATEMENT OF MR. TONY CRIMMINS

Mr. CRIMMINS. Thank you very much, Congressman Ryan. I am very pleased to be here.

This presentation is given by an individual performing heavy or below ground construction in urban areas. I make no reference to building above ground level or rural areas.

Noise is costly to a contractor. Why has not more been done by the contracting industry to reduce noise?

Three reasons

Inertia.

Cost Competition—Why should one contractor pay more to reduce noise when his competition doesn't? The lowest bid still gets the job.

Lack of Means—Until recently few tools have been available that were practical and reduced noise. They cost more.

There are 2 types of noise in construction.

1. The noise of the work, or impact noise.

2. The noise of the tools and equipment that perform the work.

A Look at the Sources of Construction Noise.

The noise of the work comes from the necessary activities required to perform the job.

1. Blasting—brief, loud, not frequent, up 1 per hour.

2. Pile Driving—Rythmic, not as loud as blasting, lasts all day. Combines with tool noise. Difficult to mask.

3. Bullpoint or Drill steel striking rock or concrete.

4. Material dumping into and out of carrier bodies.

5. Saw blade passing thru material.

6. Materials banging together during placement.

Comment. A little can be done to muffle these, as some expense. Limiting of hours of work only extends noise exposure and is very expensive. Alternate more quiet methods will help in some few cases where natural conditions are suitable, very risky to specify—possibly very costly.

The Noise of the tools and equipment comes from the operation of products made by manufacturers for the construction industry.

A. Air Compressors.

B. Pneumatic tools, track drills, Paving Breakers, Jack Hammers.

C. Motor shovels and cranes.

D. Trucks, dump, ready-mix concrete.

E. Small power units—welding machines, generators.

F. Chain and circular saws.

G. Pumps.

Comment. A great deal can be done to muffle or reduce motor, mechanical, and pneumatic noise. Construction needs products from manufacturers. Contractors are limited in ability to modify tools themselves. Costs are lowest in this area.

What levels of noise in construction.

1. A few noise level readings have been made by contractors in different areas.

A. Blast noises are related to explosives per delay or detonation. DBA levels have been read as high as 170 close to detonation. This sound occurs in less than 1 second and disperses with distance and insulation between blast and reading.

B. Many outside non-construction noises are higher than the construction noise, such as traffic. Some construction noise has unpleasant rhythm—pile driving or frequency—chain saw.

C. Contractors have made minor changes to effect noise quality on request. (i.e.—Stop blowing the blast whistle, move equipment, muffle tools to screen high pitched sounds. Stop work for brief periods on request.)

What can be done about noise?

A. Pile driving by vibration vs. impact—possible in very few cases.

B. Melting rock, hydraulic drilling, hydraulic wedging of rock, lasers vs. chipping and blasting—very costly, not often practical.

C. Tunnel moles vs. drilling and blasting—suitable only in right ground.

D. Premade systems vs. banging together other materials. Good if economic.

Comments: not suitable to all cases, may be prohibitively expensive, technology may improve suitably. If it works better contractors will use it for economics.

The noise of tools and equipment improvement.

A. Manufacturers will hopefully redesign equipment to reduce noise (i.e.-I.R. air compressor). Manufacturer must consider all noises produced, loss or gain of weight and effect of muffler on efficiency.

B. Pneumatic tool mufflers—various effects not yet satisfactory in my opinion.

C. Motor mufflers—some effectiveness, manufacturers not sufficiently interested as yet. Some problem with back pressure, some cases little room to fit.

D. Housings—Job built for stationary equipment. Work well has problems of venting heat and fumes, require light and limit mobility of equipment.

How costly is noise reduction?

It depends on how you go about it—

The most expensive is to not work at all. No mass transit, housing, environmental facilities.

The next most expensive is to limit the hours of work which is going on now.

A. This has 2 effects. The facility is delivered later which has its own cost, plus it costs more to deliver it.

1. A five year job at 24 hrs. day, 5 days a week costs ½ of the same job done 8 hrs. day, 5 days a week in 15 years, and the facility is delivered 10 yrs. later!

1. Purchase of new, quieter equipment vs. use of currently owned standard equipment would increase cost of work 5% for a one year job, less for longer, more for shorter. Will someone pay the cost?

2. Example new I.R. Whisperized costs $50,000 vs. 2 years old I.R. same model good condition sells for $25,000.

3. The smaller the tool and the shorter its life, the less increase in cost to re-equip.

What legislation, codes to control noise?

To rule noise you must be able to measure—

Point of measure.

Mix with other noise.

Duration of noise.

Time of day, locations.

Walsh-Healy Act—known law.

Proposed Rule Board of Standards and Appeals No. 49, State of New York Dept. of Labor.

Comment: Both laws provide standards for work location, are logical, and provide for ear protection if DB's too high, not practical for the public.

N.Y.C. working on code—should consult with the construction industry and all other identified noise makers including NYC itself.

Currently law is made by pressure, rulings by City Authority, Public Contract Administrators, contractor does not know how to bid.

Mt. Sinai Hospital example—60 DBA any room windows specified open.

Possible Federal and State spur law to require manufacturers to specify his noise level of tools and equipment for sale. Contractor doesn't know how much noise when he buys his equipment.

Possible variable limits written into Public Contracts and building codes to meet variable needs of areas, jobs. More research is required before this can be done with intelligence. Need co-operation of manufacturers, construction Industry.

Representative RYAN. Thank you very much Mr. Crimmins. How often do you generally have to replace machinery.

Mr. CRIMMINS. The average Internal Revenue life is four to five years. But it is variable to the size of the equipment.

Representative RYAN. I assume that during the life of your company that you have had to change equipment as safety and health standards were developed, is that true?

Mr. CRIMMINS. I am sure that is true. Nothing comes to mind offhand, except hav-

ing to get rid of the horses for health considerations. Some equipment has been changed because of fire codes.

Representative RYAN. My question is what differentiates this change for noise considerations from other health and safety considerations? If standards were passed, how much of an inconvenience would it be and how much lead time would you need?

Mr. CRIMMINS. In some cases, it would not be a problem. We could get paid for it. If a specification is in a contract to use a certain kind of equipment, it is an item of the bid just like any other material to be used on the job. It can have a good effect because when I finish the job I still have the machine, but in a blanket basis where nobody is willing to pick up the additional cost or share it, to take all the items off the shelf or street would cause some economic hardship.

Representative RYAN. The real drawback then is cost competitiveness?

Mr. CRIMMINS. It is if you are satisfied with the means available for abating noise. I'm not sure that I am when you get complaints about blasting, for instance. If blasting has to meet a certain decibel standard, I do not think we have the technology available.

Going back to your earlier question, the necessary lead time would have to vary on certain factors, but about six months to a year. If changes are required in bid specifications, it would be immediate when the job starts. In an ongoing situation, it would take whatever time needed to change equipment—if that was all that was required.

Representative RYAN. You have purchased whisperized compressors?

Mr. CRIMMINS. Yes, five of them. We did as a matter of bid specifications, and I might add that not only as quiet as Mr. Diehl said but the Ingersoll-Rand Company took the effort to build a better compressor as well. Now this has a salutory effect on sales: everyone wants a better machine.

I am deriving other benefits from these compressors now. For instance, we are now working on a project for the MTA and our hours are relatively extended in a half-commercial, half-residential area. Our relationship with the people in the surrounding area is improved because of the quiet nature of these compressors.

Representative RYAN. Thank you very much, Mr. Crimmins. Our next witness is the President of United Acoustics Consultants, Mr. Stannard M. Potter. Mr. Potter was a member of the Mayor's Task Force on Noise Control. He is also a member of the Acoustical Society of America; the American Institute of Aeronautics and Astronautics; and the Institute of Electrical and Electronic Engineers. Mr. Potter has been a guest lecturer at the Universities of Michigan, Wisconsin, South Carolina, and Hartford.

Mr. Potter, we are very happy to have you with us, this afternoon.

TESTIMONY OF MR. STANNARD M. POTTER

Mr. POTTER. Thank you, Congressman Ryan.

One issue that may not have been touched on quite as much as the others is that of the organization of noise control. I would like to suggest that you turn to page 8 in the Mayor's Task Force brochure which I believe you have in front of you. On the left hand side there is a chart labelled "a noise reduction system."

When the Mayor's Task Force was formed we agreed to participate, providing this was intended to be a long term effort, and indeed it has turned out to be that for New York City has the distinction of being the first city that I know of in the United States to have a duly authorized Office of Noise Abatement staffed by an individual that does know something about noise. Now this is a very unique matter. Even at the Federal level where a good Congress has authorized a 30 million dollar expenditure to set up an office within the Environmental Protection Agency there is neither any money appropriated nor is there any personnel to do the work. What we need at the Federal level is something that New York City has, an Environmental Protection Administration . . . a level which in itself would not be subservient to any particular industry and respond only to its major task: that of protecting our environment so that we as humans can go about our business of living in a harmonious community.

This chart presumably puts each one of us in a particular box to see where we can make contributions. At the top of the chart is "Noise" and at the bottom of the chart "Toward a Quieter City." Now between these two boxes we have on the left concern of the public, private and government. Now, those are the three basic sectors to which we have to get input before anything substantial is done. Then the minute you have this concern from these three different groups put into a common problem, before anything substantial is done, one needs money. And, so we have a little side injection into this chart called finance. Usually nothing much happens beyond this point except a lot of talk, unless there is substantial funding to do this. After we get money then we have to compile information because as you heard today nobody agrees with anybody on the subject on noise. "The thing that really bothers me is that airconditioner that was put up right behind the federal building and it just rattles around in my backyard and I tell you that's the most important noise there is." Well, there are others that might not agree with that, as Congressman Rosenthal pointed out the problem of aircraft noise . . . and contractor, Mr. Crimmins, who somewhat guardedly commented deplored the traffic noise out there is so loud he can hardly instruct his men to turn his machines off. There are a lots of different noises and we have to agree on a set of priorities as to what is significant and what is not significant as far as the group of population is concerned. To do this we have to have input from the scientific, the medical, the engineering, economic, legal and political areas. All of those have to have their day in court and be there and contribute to this information pool. Out of this pool comes the standard to which you heard reference so many times today. Now what is a standard? I was very pleased to hear Mr. Crimmins get down to some of the details that should be in a good standard, yet all too often are missing in the legislative attempt.

There is a need for interchange and that takes a lot of time. You have to educate people, they have to educate you then you both go talk to the manufacturer, he talks to his boss, they talk to the Federal government and gradually out of this chaos of political pulling and economic tugging comes standards. It is just like when I first talked to the contractors on the street, I was told that it was easier to go to City Hall and talk to a few people than it was to really do something about the noise, so I said what if there were a nice quite air-compressor and he said, well, sure, any compressor, any quiet machines are allright with me so long as my competitors have to do the same thing. And this was some grass roots type of thinking that goes on.

First you have to have two keys to make this work—either profit, or better performance. Now either of those two things would get us quiet. One area in which we got unanimity and cooperation from the Sanitation Department on quieter garbage trucks was in regard to the PTO—Power Take Off, a very troublesome piece of machinery. In fact, it causes so much trouble they had to build a large facility in Queens to maintain trucks that were on the books when Mayor Lindsay came to office. So much time was spent maintaining the trucks, that they were seldom available for garbage collections. Mr. Cousins and others wanted cleaner air, and one of the ways to get cleaner air was to shut down the incinerator. This means you are going to have more garbage to collect and, therefore, you need better compaction and more modern tools to do it with. So we set out to revitalize the fleet of garbage trucks. If you are going to purchase new garbage trucks, why not quiet garbage trucks. That was my goal. I found the Sanitation Department was less reluctant in the area of the PTO. However, if they could get rid of the PTO, they'd get on our team for this noise thing. That would mean less maintenance for them and they could collect the garbage better. Now incidentally, in the process of getting rid of the PTO, that meant that we had to put this quiet, new hydraulic pump up in the front of the engine compartment and that meant that you could also get rid of the hydraulic pump that is normally used for power steering and other things. So, we not only improved the maintenance picture but we also made this pump do two other jobs we wanted to pay for anyway. That is the kind of thing that really generates enthusiasm.

But although the first unit had tested out beautifully in many other industries and we knew the pump was a good pump, it did not stand the kind of service that was demanded of it and it broke down a couple of times. And immediately with the onrush of increasing amounts of material to be hauled away because of the air pollution interests, the City couldn't take the risk of trying something experimental at this stage. And today, the best I know, we still only have the ten experimental trucks purchased by the Environmental Protection Administrator. Well, this is all by way of saying that noise control requires all of these different inputs—it requires the profit motive, it requires the performance incentive, and then gradually you'll get progress.

There are two basic roots you go from standards to a quieter city. One is through purchase specifications, as Congressman Ryan recognized in his opening statement. The Federal Government is a very large procurer and perhaps it could start the ball rolling by insisting that noise specifications be included in all government purchases. This would have the effect that any manufacturer who wanted to do business with the Federal Government would have to provide the information with somebody like Mr. Crimmins. Mr. Crimmins can't issue a demand to all the manufacturers, he is just not that big. But, he could make educated choices if the information were provided. And I think his suggestion to Congressman Ryan that the Federal Government insist on specifications not only on their purchases, which is probably the most effective way, but also that the manufacturer of the machine must include in his performance description the amount of noise that the machine makes is an excellent one. What terms does he put this in? Well, we get involved with a lot of terminology and that is why we have to get this scientific and engineering group into the act because you measure decibels in many different ways. But probably the most effective and most agreed upon unit today is decibels on the A weighted network known as dB(A). And if we had at least that information at various distances or perhaps just one distance around the machine, it would be very useful. In another box we have retrofit programs and that probably is the biggest nut for us to handle, because nobody who has already invested money in his machinery wants to go through a retrofit—we have seen this in the aircraft case.

Perhaps purchase specifications are not the only route. We need to take one of two other routes that I'd like to talk about briefly.

First is the regulatory route. Now I have in this first box regulations, which is Congressman Ryan's job. He is the one, as a

Congressman, that makes sure there is an entity in the Executive Branch that has this responsibility to regulate noise. He puts up the money, and uses certain pressures to make sure they use it effectively.

Let us assume that we now have a law. A machine is built that doesn't meet the standards. Then whose job is it to proceed to the next step? There has to be a contest and that is why we have the courts.

So we have come two of these routes. One is through purchase specifications, the other is through regulation and court test. But there is a third way, and this third way is particularly effective with "people noise." This approach is personal pressure, using the opinions of the public to affect people's habits. For instance, the other day I saw a cab driver blowing his horn in a traffic jam. So I went up to him, leaned on the window, and asked him if he thought he was going to get out of there any quicker by blowing his horn. We talked for just a minute, and he became conscious of the fact that blowing his horn was not only useless but also very annoying.

So I submit in review the three routes through which we can control noise: purchase specification, regulation, and public opinion.

Representative RYAN. I would like to thank you very much for your presentation. I would like to call upon our final witness of the afternoon, Dr. Phyllis Gildston, Associate Professor of Speech Pathology and Audiology and Brooklyn College (CUNY). Dr. Gildston is a member of the Acoustical Society of America; the New York Academy of Sciences; and the American Association for the Advancement of Science. She is the Chairman of the Sub-Committee on Noise of the Scientists' Committee for Public Information.

Dr. Gildston, I would like to welcome you to these ad hoc Congressional hearings.

Dr. GILDSTON. Thank you, Congressman Ryan. I understand that you have to leave shortly so I will try to summarize as rapidly as possible.

The first thing that I would like to speak about is the concept of adaptation. I believe that there is a fundamental philosophical difference between the concept as discussed by Dr. Sullivan and that discussed by Robert Alex Baron. When a woman is pregnant and is a heroine addict, she then has a child that in a sense adapts to the state of the mother. That is, that child is more prone to becoming a heroin addict than a child born of a mother who is not a heroin addict.

To give you another example, we have a species that grows in the desert called cactus. That again is an adaptation to a situation where there is inadequate water supply for normal vegetation to grow.

There has to be some point which you reach where there is philosophic difference between what you call adaptation and what you call defective mutation.

I would like to speak about two things related to noise? In one sense they are both adaptations. The first is something we call temporary threshold shift. This is a change in the level of hearing, which to the layman would be equivalent to not hearing as well at the end of the day after working in a noisy environment. It is called temporary because after the ear is given some time to rest, the threshold shift will move back to normal. In a sense this is an adaptation. It is an adaptation to noise. We do not completely understand all the physiological implications, but it is probably a result of fatigue to the muscles of the ear which can no longer keep protecting the individual as they did initially.

Also, in a sense, noise-induced hearing loss is an adaptation. It is an adaptation to a noisy environment.

I would like to address myself to the point raised by Dr. Rosen in his many trips to the Sudan and other primitive areas where he found tribes with hearing much, much superior at older ages than we reach. Dr. Sullivan indicated that perhaps one reason was not that there was less noise or less stress but perhaps there was a genetic reason for very good hearing because they had to be able to hear the animal in the bush. I would like to pose what I feel is an inconsistency in that suggestion of why that tribe has better hearing with something Dr. Sullivan said earlier. He said that he did not think that stressful reactions to noise were maladaptive, because they were a protective mechanism. That is true, it is probably not maladaptive, it does protect your organism as a fear reaction would. But that does not say that having to adapt in that way over and over and over again for an extended period and with very high intensity, does not have an eventual effect. That is to say, a non-auditory effect of noise. And perhaps, if you look at it this way, you can see why we have had so much trouble with prespicusis, loss of hearing in the high frequencies with age. And for a long time we thought this was normal. We now find that perhaps this is an adaptation, too, to a very noisy, stressful environment. But the tribes in Africa are not without stress, they have their own stresses such as not knowing from where their next meal is coming, or whether that animal in the brush will actually get them. There is stress equivalence from society to society, although I must admit that the ticker-tape here is probably a greater stress. In any case, we do have a difference in the aging process and the loss of hearing from culture to culture. And the most interesting thing is how scientists themselves change their minds about things.

For a long time the studies of prespicusis showed a difference between males and females, with the females showing the superior hearing with age. Recent studies have shown that this is not because of female superiority at all but the fact that males are prone to work and have recreation in environments that are much noisier. In the temporary threshold shift there is no difference between the sexes. So we may be talking about auditory and nonauditory adaptations that are not good adaptations but poor mutations.

One other point that I do not believe should be overlooked that that is standards. The question raised earlier was "What is the right and proper standard?" A 90 decibel standard will leave out 15 to 20% of the population that we know will sustain a hearing loss. But we often forget is that there will be loss of hearing above two thousand cycles. If you were to sustain a hearing loss in the higher frequencies, you would not hear me say any of my "s" sounds if they were soft enough. Thus, you have the problem of intelligibility which Dr. Sullivan mentioned, which is jeopardized at this 90 dB(A) level, even at the 85 level you are running a risk.

A point that was not mentioned was susceptibility to noise. It is true we have to make some kind of compromise economically, but there are people who are highly susceptible to noise and you should have in legislation some kind of regulation to protect these people. In other words we must have hearing conservation programs even if we do have standards of overall dB(A) levels, so we can ascertain who those susceptible people are. To that I would just like to say that we can predict with some degree of accuracy from temporary threshold shift permanent threshold shift. That prediction is not definitive or conclusive. But, Ward in a recent article stated that if you have a choice between predicting from temporary threshold shift or not predicting at all, it was best to use TTS. The second point is why not take the point of view that anything that is noxious, and we know noise is, is guilty before proven innocent.

I would like to end with a piece of "oddball" information that I think might stick with you. In a recent experiment, they subjected tobacco leaves to 100 decibels of noise for a prolonged period of time and found that they retarded to growth rate of tobacco leaves 40%.

Representative RYAN. I want to thank you, Dr. Gildston, and all of the witnesses who participated today. I personally believe that this was one of the most beneficial hearings that I have attended. I am confident that the information you have provided today will be a solid foundation for government action to combat the menace of noise pollution. Thank you.

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. In 1968, the number of copyrights on books, periodicals, maps, photographs, and works of art or designs was 303,451 for the year. This figure represents an increase of nearly 100,000 copyrights recorded in these same categories in 1950.

THE ELECTRIC POWER SUPPLY AND ENVIRONMENTAL PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MACDONALD) is recognized for 30 minutes.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I am introducing today legislation which I believe will go a long way toward providing us with some of the elusive answers regarding our present power reliability and power adequacy problems. This measure is the Electric Power Supply and Environmental Protection Act.

Before I describe briefly what this bill would accomplish, I would like to call the attention of my colleagues to the gravity of the existing problems.

In the past we thought of power problems as being particularly acute during the summer, but this past winter we found out otherwise. Voltage reductions and brownouts were common, and blackouts reoccurred although not with the severity of the Northeast blackout of 1965. On February 7, parts of midtown Manhattan lost all electrical power. Television stations went off the air, subways ground to a halt, and thousands were temporarily without heat and light.

Two weeks later a half million people in Massachusetts and Rhode Island lost all electrical power in another blackout. All up and down the east coast the threat of power loss is now clearly a year round problem.

I am especially distressed by a report released recently by the Federal Power Commission which forecasts another long hot summer for the power industry complete with more brownouts and possibly even major blackouts.

This is not news to me although it might be to the Chairman of the Com-

mission, John Nassikas. In May of last year, in hearings before the Subcommittee on Communications and Power of which I am chairman, Mr. Nassikas was asked about the need for Federal legislation to alleviate the power crisis. He responded by saying that he was opposed to any legislation because he did not think it was necessary. He said:

I believe the problems can be worked out on a voluntary basis between industry, the Commission and the state agencies.

When pressed further as to whether he would recommend that the President veto any legislation which Congress might enact along these lines, Mr. Nassikas responded directly and to the point—"Yes, I would."

However, I might point out that there is sincere concern at the FPC over this problem, and I have been contacted directly by two Commissioners with legislative proposals of their own. At the request of Commissioner Lawrence J. O'Connor and Commissioner John A. Carver, I have also introduced their separate suggestions as to how we should best approach the solution of our current power dilemma.

After 2 years of inaction the administration has sent to Congress its major power legislation dealing with an especially important and critical concern that of powerplant siting. It is interesting to note that this proposal has come from the Office of Science and Technology and not from the FPC.

It is as an alternative to this measure that I offer the bill today.

I would now like to outline the substance of the legislation which will be the focal point for hearings in the very near future before our subcommittee. This bill provides for prompt and fair arbitration of disputes concerning proposed powerplant and high-voltage transmission-line projects. An arbitration panel will be brought in to decide on the best alternatives for bulk-power facilities at the request of the power companies if projects remain snarled in red-tape after attempts have been made to gain approval of all Federal, State, and local jurisdictions.

To qualify for a decision under this arbitration procedure, power companies will be required to make advance disclosure of their proposals, including details on exact sites and possible alternatives.

Under this plan, one arbitrator will be chosen by the Chairman of the Federal Power Commission, and one by the Chairman of the Environmental Quality Council. These two arbitrators will then choose a third member. In the absence of agreement, the president of the National Academy of Sciences will choose the third arbitrator.

In addition to making early disclosure of their plans, individual power companies will jointly participate in long-range regional planning of needed facilities. All proposals will be made available for study by governmental agencies at all levels and by private groups concerned with environmental protection.

At every step of the procedure, possible alternatives to projects will be developed and examined. A final decision by the arbitration panel on the alternative that best balances consumers' need for electric power with the need for environmental protection and conservation, will allow construction and conservation, will allow construction to go forward promptly. After this arbitration, companies will be authorized to acquire the needed land, using, if necessary, the Federal power of eminent domain in the public interest.

The arbitration panel's choice of alternatives will be final, subject to possible appeal to the Federal Appeals Court.

It is my belief that we in Congress must not delay any longer positive and meaningful action to head off this worsening crisis. Adoption of this legislation would, I feel, go a long way toward solving some of the power problems which plague our country today.

Legislation cannot cure the short-range problems which will undoubtedly result in more blackouts and brownouts in the coming summer, but the complicated long-range problems obviously require legislation. These problems include the consideration of power adequacy which challenges us to provide even adequate sources of power in some regions, let alone build the necessary reserves. We also must consider power reliability in light of the special problems encountered in the Northeast and centered around the failure of the "Big Allis" generator in New York. Environmental protection must be a major concern and will necessitate the availability of more low sulfur fuels.

Add to this list, the problems of inadequate technology as shown in the lag in development of atomic plants, inadequate long-range regional and nationwide industry planning, and inadequate Government regulation which has been a cause for unnecessary delays.

Congress will have to act during this session on several aspects of the entire energy picture in this country. We will have to consider legislation such as I am introducing today to deal with the selection of new powerplant sites and selection of the technology to be employed while giving proper consideration to protecting the environment. We must consider ways to create greater incentives for the discovery of new energy sources. And we must consider legislation dealing with the importation of petroleum which would remedy the inequities in the present quota system that discriminate against regions such as my native New England.

I offer the Electric Power Supply and Environmental Protection Act as an approach to one aspect of our energy problem, and I ask for the support of my colleagues in this undertaking.

I would like to include in the RECORD at this point some recent newspaper articles which relate to my concern and which, I hope, my colleagues will find useful.

[From the Boston Herald-Traveler, Feb. 4, 1971]

19 SHORTAGES STRUCK NORTHEAST IN 21 DAYS: POWER CUTBACKS HIT 50 MILLION

(By Jean Heller)

WASHINGTON (AP).—In an unprecedented crisis of wintertime electric power supplies, the northern United States has been hit by 19 voltage reductions in 21 days—and officials say more could yet come.

According to Federal Power Commisson data the crisis began in New England on Jan. 14 and mushroomed until it reached as far south as Virginia and as far west as Chicago.

The trouble struck eight times in the power pool serving all New England, seven times in the New York State power pool, three times in the PJM interchange serving Pennsylvania, New Jersey, Delaware, Maryland, Virginia and the District of Columbia and once at the Commonwealth Edison Co., the electric utility serving Chicago and parts of northern Illinois.

The electric utility companies involved in the power reductions serve 17 million customers. Since one customer—like a large apartment building—may house several hundred people, the cutbacks have involved upwards of 50 million people.

The power shortages generally are blamed on two factors—generating equipment failures which have plagued electric utilities for the past five years; and unusually cold weather which put heavier than usual demands on the generating facilities remaining in operation.

To date, voltage reductions have been held to a maximum of 5 per cent so most electricity users have not felt the pinch beyond voluntary compliance with utility company requests to go easy on the use of electric appliances.

The exception was New York City where, on Tuesday, heat was shut off on subway trains for six hours and escalators were shut down in some parts of the city to preserve power.

The first noticeable change for electricity users comes with a voltage reduction of 8 per cent, generally the next step after a 5 per cent cut. At that point, lights may dim perceptibly and heating and air conditioning units work less efficiently.

Reductions beyond 8 per cent are not possible since electric motors could be damaged. The step after an 8 per cent cut is brief, deliberate blackouts of selected areas. Such blackouts were imposed during last summer's East Coast power crisis, and more may be in store this summer, possibly in the same areas suffering through this winter.

[From the Washington Post, Feb. 8, 1971]

POWER BLACKOUT HITS NEW YORK

NEW YORK, Feb. 7.—A power failure, apparently caused by an explosion in a utility plant, blacked out parts of midtown Manhattan and two other of the city's five boroughs tonight and knocked some local radio and television stations off the air.

A spokesman for Consolidated Edison Co., the area's major utility, said the trouble apparently was touched off by an explosion in an East Side power plant. Cause of the explosion was not known.

Police said parts of the Bronx, Queens and Manhattan were blacked out.

Loss of power at the Empire State Building knocked out local broadcasting. Spokesmen for the television networks, however, said network programming was continuing. Network shows are carried to local affiliates over leased telephone wires.

Some subway trains were slowed when signals were affected. The trains themselves run on direct current and were not without power.

Proprietors of many bars and restaurants asked patrons to finish drinks and meals and leave the darkened establishments. Some customers lost their orders in the confusion.

Special fire apparatus was sent to Grand Central Terminal to provide lighting for the station.

Power was restored to the Empire State Building at 9:40 p.m. and radio and tele-

vision stations using its tower resumed broadcasts.

Shortly after the blackout began at 7 p.m., an anonymous telephone caller told the Associated Press, "We knocked out the TV in New York. Next will be City Hall." However, there was no immediate indication of sabotage.

The reduction caused traffic lights on some Manhattan streets to stay either red or green. Civilians directed traffic at some intersections, and traffic jams developed at the more heavily traveled intersections.

Lights dimmed in fashionable East side apartment houses, as did street lights on the avenues below. Neon signs in the area's many discotheques and night clubs flickered, dimmed and sometimes died.

The fabled "Great White Way" of Broadway in the Times Square area was partially blacked out, gaudy elaborate advertising signs dimmed and theatre marques unlit.

Some elevators were out of service.

A spokesman for the New York Telephone Co., said the utility was forced to switch to its own emergency power system, using batteries and a diesel generator. But the spokesman said the only basic effect of the power problem was slow dial tones.

On the evening of Nov. 9, 1965, a massive failure triggered by a fouled switch threw New York City and 80,000 square miles surrounding it into darkness for 10 hours. About 30 million people in eight northeastern states and Canada were affected.

President Lyndon B. Johnson ordered an investigation and the Federal Power Commission reported nearly a month later that the blackout began when a incorrectly thrown switch cut power at a relay station in Canada. When other power producers tried to make up the deficiency, they became overloaded.

[From the Washington Post, Feb. 23, 1971]

SUMMER ELECTRITY CUTS SEEN

Another summer of electrical power cutbacks may be in store for residents of the Washington Metropolitan area and other parts of the country, according to a pessimistic Federal Power Commission staff report released yesterday.

Some areas of the country may experience "tight power supply problems" during the coming summer as a result of inadequate installed capacity to meet forecasted summer peak loads, the staff analysis concluded.

"The shortage of capacity is due primarily to delays being experienced in placing new generating facilities in service, the FPC staff said. Their analysis was based on reports filed with the FPC by the nation's major electric utility systems and pools on generating capacity to be in service by May 31.

Although, the amount of spare generating capacity a system should have in reserve to be used in emergencies varies from system to system, the FPC staff analysis considered a reserve capacity of 20 per cent of expected peak load demands necessary.

Only the West, with a reserve capacity of 21.6 per cent, met the FPC staff test.

The power grid which includes the Washington area—the Pennsylvania-New Jersey-Maryland Interconnection—rated a reserve capacity of 15.4 per cent.

Other regions and their reserve capacities are:

	Percent
Northeast	19.1
East Central	13.9
Southeast	12.1
West Central	15.4
South Central	15.1

CONGRESSIONAL BLACK CAUCUS' RECOMMENDATIONS TO PRESIDENT NIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 60 minutes.

Mr. DIGGS. Mr. Speaker, on March 25, 1971, the 13-member congressional black caucus submitted to the President its recommendations for action in the areas of economic security and development, community and urban development, justice and civil rights, and foreign policy.

The issues and concerns of this caucus are not partisan ones. We are including these recommendations in the RECORD to bring them to the attention of the leadership of both parties in the Congress and the public at large.

The Members of the congressional black caucus are: CHARLES C. DIGGS, Jr., of Michigan, chairman; AUGUSTUS F. HAWKINS of California, vice chairman; CHARLES B. RANGEL of New York, secretary; SHIRLEY CHISHOLM of New York; WILLIAM L. CLAY of Missouri; LOUIS STOKES of Ohio; GEORGE W. COLLINS of Illinois; JOHN CONYERS, Jr., of Michigan; RONALD V. DELLUMS of California; RALPH H. METCALFE of Illinois; PARREN MITCHELL of Maryland; ROBERT N. C. NIX of Pennsylvania; and the Reverend WALTER FAUNTROY, Delegate-Elect of Washington, D.C.

STATEMENT TO THE PRESIDENT OF THE UNITED STATES BY THE CONGRESSIONAL BLACK CAUCUS, U.S. HOUSE OF REPRESENTATIVES, MARCH 25, 1971

PART I. OPENING STATEMENT

We sought this meeting, Mr. President, out of a deep conviction that large numbers of citizens are being subjected to intense hardship, are denied their basic rights, and are suffering irreparable harm as a result of current policies.

As you may know, all of us were elected by substantial majorities. We were given clear and unmistakable mandates to articulate the problems of our constituents and to work for prompt and effective solutions to them. Most of the districts that we represent are predominantly black, though our constituencies also include whites, Spanish-speaking, Indians, Japanese-Americans, and Chinese-Americans, some suburbanites as well as residents of the central cities, poor, middle income, and even some well-to-do Americans.

But our concerns and obligations as Members of Congress do not stop at the boundaries of our districts; our concerns are national and international in scope. We are petitioned daily by citizens living hundreds of miles from our districts who look on us as Congressmen-at-large for black people and poor people in the United States. Even though we think first of those we were directly elected to serve, we cannot, in good conscience, think *only* of them—for what affects one black community, one poor community, one urban community, affects all.

We think it of singular significance that the leaders of national and local civil rights and human rights organizations, and hundreds of private citizens from all walks of life, have asked us to express their general and specific concerns. They share our hope that this is no *pro forma*, one-time exchange.

Like us, they believe this must be only the beginning of a continuing exchange aimed at permanently changing, through persistent and far-reaching action, the harsh conditions under which all too many poor, black, and other oppressed Americans are forced to live.

We recommend that by the end of this meeting we agree on a mechanism for insuring continued productive liaison between the President and this Caucus.

Since you assumed office, we have spent billions on war, while over 2 million Americans have been added to the ranks of unemployed, and 2.5 million more are now on ever-mounting relief rolls. Inflation is reducing our standard of living, and most cities face bankruptcy. The racist policies of public and private U.S. institutions insure that blacks and other oppressed peoples suffer much more than others, whether in good times or bad. Economic recovery—not now in sight—cannot possibly secure rights and opportunities that millions of citizens never had. In our view, the quest for economic stability cannot be separated from the basic need for a redistribution of wealth and income, so that there is no longer destitution amid opulence. Nor can we easily repair the damage done to our children by inferior schools, hunger, and ill-health.

We would be less than honest, Mr. President, if we did not reflect a view widely shared among a majority of the citizens we represent. That view is that the representatives of this Administration, by word and deed, have at crucial points retreated from the national commitment to make Americans of all races and cultures equal in the eyes of their government—to make equal the poor as well as the rich, urban and rural dwellers as well as those who live in the suburbs.

Our people are no longer asking for equality as a rhetorical promise. They are demanding from the national Administration, and from elected officials without regard to party affiliation, the only kind of equality that ultimately has any real meaning—equality of *results*.

If we are in fact to be equal in this country, then the government must help us achieve these results:

The eradication of racism within the United States and in its dealings with other nations;

The earning of a decent living, or the means to survive in dignity when work is not available;

Decent housing for our families and equal access to the total housing market;

Fair and impartial justice and adequate protection against drug abuse and crime;

The enforcement of civil rights and other constitutional guarantees through vigorous affirmative action by the government;

A fair share of the public funds used to support business and community development and full participation in determining how tax dollars are spent in our communities;

The guarantee by the federal government of ample health care for all citizens;

The protection of federal standards and guarantees in programs financed by federal funds; and

The full participation by the members of our communities in the executive, judicial, and legislative branches of our government at every level.

The results we pursue as achievable goals are those whose affirmation we have often missed in the words and deeds of many who represent this Administration. And be assured that those for whom we speak cannot afford the luxury of criticism as a mere expression of partisanship. Indeed, when you have proposed long-needed, if inadequate, welfare reforms, or when Secretary Romney has argued against restricting low and moderate income housing to the inner cities, our people felt a momentary quickening of hope that perhaps the federal government was prepared to respond to their desperate needs.

But all too often we have heard discomforting references to "forced integration," or to the need to "broaden" the Voting Rights Act in ways which would have rendered it less effective "Voluntarism" has been proposed as a means of achieving compliance with federal law by those with a history of callously flouting such laws. The principle of equal justice under law has been clouded over by ambiguous pronouncements on "law and order" and "crime in the streets."

Though the Office of Economic Opportunity is to be extended, it seems clear that current plans for reorganization and revenue sharing will result in the dismantling and

eventual destruction of the one agency whose primary mission is to give an effective voice to the poor, the near poor, and minorities.

But we are not here merely to recite the disappointments of the past. We are here to present the first of a series of constructive proposals for the immediate relief of our communities, and for making America in the 1970's a whole and healthy nation.

We do not underestimate the power of the presidency in achieving progressive change. Every sector of our society tends to look to the White House for cues to the direction that the society is taking. When those cues seem negative, contradictory or half-hearted, then citizens take that as evidence of a lack of national commitment to their well-being. If equality for all Americans is to be a reality, it must have the unequivocal commitment of the Chief Executive. Every official in each federal department in Washington and the regional offices, every governor, mayor, county official, and local school board member must understand the clear direction in which the Administration is headed. If equal job opportunity in the private sector is to be real, then equal job opportunity in the federal system—from initial entry to upgrading—must provide a clearcut example for others to emulate. If the vast federal bureaucracy is to administer the laws of the land so that the poor, the black and the Mexican-American, the Puerto Rican and the Indian, the Japanese-American and the Chinese-American do not suffer inequities, then it must be clearly evident that the President of the United States demands it.

In fact, as you well know, having served in Congress, the success or failure of progressive legislation often depends on whether or not the Chief Executive is willing to make a sufficiently strong fight for it.

Lastly, black Americans and many of our constituents, without regard to income or color, would want us to make plain our alarm at the devastation to four Indochinese nations. We say this out of deep concern for the untold misery suffered by the people of Indochina, for American families which should not have to suffer further, and for the continued draining away in this futile conflict of the human and financial resources needed to rebuild this society. All U.S. military forces, and related civilian personnel should be withdrawn from all nations of Indochina promptly.

The recommendations which follow represent our own deep concerns and the expressed concerns of organizations and individuals from all over the country. We have not attempted to rank them in any order of priority. We feel that they are all essential to the long overdue task of making America one nation. We do not claim that they represent a comprehensive agenda of needs and remedial actions. We do believe that they represent more than merely a good beginning. In the days, weeks and months that lie ahead, we hope to remain in touch with you and the members of your Administration on this agenda.

In discussing these recommendations with you, we will be focusing on executive action that can be taken immediately, as well as legislative programs whose success may depend on the nature and intensity of the support they receive from the White House.

PART II. RECOMMENDATIONS

A. Economic security and economic development

1. Manpower and employment rights

Recommendation 1: Within the framework of a comprehensive manpower planning program, this Administration should provide permanent job creation programs—with jobs in the public sector targeted to the areas of persistent unemployment and underemployment without regard to national employment rates. These jobs must be useful and desirable and have adequate wages and supportive services. Present manpower programs fail to deal adequately with the gaps between national rates and the critically higher jobless rates for blacks and other minorities in urban and rural ghettos.

Recommendation 2: A federal job creation program in the public service fields must be adopted. Such a program should initially provide a minimum of 500,000 productive jobs during the first six months of operation, and 600,000 in the second six months in this one program alone, with additional jobs in other programs to meet the unemployment crisis.

Recommendation 3: A minimum of 1 million NYC jobs should be provided for in-school youth during the summer. Present planning in this area is totally inadequate. The 'obs should be provided by the federal government with no local matching fund requirement and should be for 10–32 hour weeks at not less than $1.60 an hour. This program must be understood to be no substitute for the needs addressed in Recommendation 1.

Recommendation 4: Basic changes must be made in federal recruitment, testing, and promotion policies and day-to-day Administration to insure blacks and other oppressed minority peoples equal results to whites in the middle and upper levels of federal employment.

Recommendation 5: Executive Order 11246 must be enforced, requiring affirmative action by government contractors and subcontractors to provide equal employment opportunities and to extend the requirement of goals and timetables for achievement to all government contractors and subcontractors.

Recommendation 6: We call for vigorous support for expansion of the Civil Rights Act of 1964 to provide cease and desist power to the Equal Employment Opportunity Commission, coverage of employers of eight or more persons, and to eliminate the present exemption of state and local governments, and educational institutions.

Recommendation 7: At a time when blacks are fighting and dying in disproportionate numbers in Indochina, we urge the White House to initiate a thorough investigation of the status of blacks and other minorities in the Veterans Administration—90 per cent of whose black classified employees are in grades GS–8 or below. The investigation and the remedial action which must follow should include not only equal employment opportunity within the Veterans Administration, but should focus on closing the critically wide gap between the needs of black veterans and the inadequate and uncoordinated existing programs for the Veterans Administration, the Department of Labor, Housing and Urban Development, and other federal agencies.

2. Welfare reform

Recommendation 1: We recommend that the present welfare system be replaced by a guaranteed adequate income system. We oppose any welfare reform which fails to establish a satisfactory timetable for reaching a guaranteed adequate income system of a minimum of $6,500 a year for a family of four from cash assistance, wages or both.

Recommendation 2: Any federalization of existing welfare programs must have as an ultimate objective the realization of individual economic self-sufficiency. The federalized programs should guarantee the standardization of eligibility requirements, the establishment of adequate payment standards, the elimination of abusive and degrading administrative practices, and the provision of suitable work opportunities which maximize individual freedom of choice and self-respect.

Recommendation 3: Until a fully operational cash assistance program is established, we urge you, Mr. President, to direct the appropriate federal agencies to overhaul the food assistance delivery system, so that the minimum standards and goals of existing legislation can be guaranteed. Further, the necessary budgetary revisions (or supplemental budget requests) should be made so that the needs of all children eligible for free or reduced-price school breakfast or lunch programs by 1972 are met.

3. Federal assistance to state and local government

The Caucus recognizes that the concept of revenue sharing is already operative and that the issue is really one of block grants versus categorical grants. The federal government has been sharing federally-collected tax money revenue with states, cities, counties, and individuals for the past forty years. The Caucus would, however, support a form of federal assistance to state and local governments with the following provisions:

(1) Assurance that the funds will be spent in ways or in the amounts that will benefit the poor and the minorities who are least able to prevail in the inevitable contests at the local level that are bound to be waged over such expenditures.

(2) Allowance for the participation of neighborhood and other community units in planning and in the decisions about how funds will be spent.

(3) Enforcement of civil rights laws with respect to the expenditure of federal funds.

(4) Incentives for states to shift from forms of taxation that fall most heavily on low-income families to more progressive income taxes.

Recommendation 1: Immediate, short-term financial assistance should be afforded local communities by releasing frozen funds for development projects, closing the growing authorization/appropriations gap, and by expeditiously proposing and strongly supporting an emergency public service employment bill.

Recommendation 2: We strongly recommend that the program of welfare nationalization and reform called for in Recommendations 1 and 2 under Welfare Reform should not be considered as an alternative to the Administration's general "revenue-sharing" proposal.

Recommendation 3: The population-based distribution formula in the Administration's "revenue-sharing" bill must be altered to more accurately target the funds to places of maximum need. Specifically, we would recommend that one per cent (1%) of the individual tax base be distributed to all categorized welfare disbursing units on a basis reflecting the proportion of national welfare costs paid by that unit during 1970, providing that the unit maintains its 1970 welfare effort.

Recommendation 4: The distribution apparatus of the present proposal for "revenue-sharing" must be changed to funnel more funds to major urban centers, i.e., .5% of the individual tax base be distributed to all local units not sharing in Recommendation 3 above and which have a population of 50,000 or more.

Recommendation 5: The civil rights guidelines set forth in the Administration's "revenue-sharing" package must be greatly strengthened, particularly in regard to equal employment hiring, and an effective compliance program.

Recommendation 6: Although we support general "revenue-sharing" to states and localities, under the conditions set forth above, to assist in the provision of basic services, we are opposed to the apparent abandonment of national leadership in such areas as education, housing, etc. that would result from proposed program "revenue-sharing." While states and localities can be given more flexibility in administering federal grants, national priorities requiring accountability for delivering services to those most in need of them must be maintained.

4. Minority Economic Development

Recommendation 1: An independent agency should be organized as a non-profit quasi-public, publicly-funded development bank for consolidation of present programs intended to assist minority business, and should receive an initial annual appropriation of 1 billion dollars. This agency should be under the direction of a board with broadly representative minority membership.

Recommendation 2: A federally-financed guarantee organization similar to the Federal National Mortgage Association should be created to insure securities and obligations of community development corporations—firms providing employment for and owned by residents of low-income areas.

Recommendation 3: In addition to increased federal support and employment of direct set-aside programs for all procurement, we urge you to support the enactment of legislation requiring that contractors working on federally-assisted and financed projects, set aside a specified percentage of their subcontract work for minority firms.

Recommendation 4: Federal management and technical assistance should be increased and made more broadly available to minority trade associations, development corporations and other organizations of minority businessmen, with assistance provided more as an aid than as an audit.

Recommendation 5: Funding for Community Development Corporations should be increased to at least 50 million dollars for the development of community-based minority business ownership.

Recommendation 6: The Federal Deposit Insurance Corporation should be authorized and directed, by specific legislation, to use some of its assets to provide technical assistance to minority banks. No federal or quasi-federal agency presently provides technical assistance to these institutions, with the result that other kinds of programs (such as the $100 million deposit program) are less effective than they would be otherwise.

5. Poverty programming

Recommendation 1: We urge the Administration to abandon any plans—now or two years hence—which will weaken the programs now under the aegis of the Office of Economic Opportunity and submerge them in existing agencies or in a broader plan for government reorganization. We believe that converting the Office of Economic Opportunity to a research and evaluation organization will deprive the poor of an advocate agency in Washington. Further, we recommend the restoration of the $116 million by which the Economic Opportunity Act was reduced in the fiscal year 1972, and a substantial increase in anti-poverty funds for the following fiscal year, and the elimination of the matching requirement which makes it impossible for some communities to participate in the program.

Recommendation 2: We support the continued existence and expansion of the OEO legal services. We urge that new guidelines be drawn and new legislation be proposed which would limit the power of state and local authorities to intervene politically in the operation of these programs. Should this prove infeasible, we recommend that every low income American citizen be guaranteed access to a free, quality legal assistance through the establishment of a National Legal Services Corporation.

B. Community and human development

1. Education

Recommendation 1: We urge you, Mr. President, to initiate (and/or support) such child development legislation and to require the promulgations of such administrative regulations for existing child development programs, which incorporate the following principles: a) significant expansion of child development services; b) development rather than custodial programming; c) child development services provided as a right rather than as mandatory eligibility requirements; d) encouragement of educational innovation and reform; e) the validity of programs designed by and in accordance with the special needs of minority groups; and f) consumer control.

In conjunction with the support of minority business enterprises, special assistance should be provided to minorities for the development of day care and other child development programs. The grant system should be adopted, as opposed to the voucher system. Further, the federal government should issue grant and/or funds directly to day care institutions.

Recommendation 2: We recommend a strong program which enforces the priorities established by Congress under Title I of the Elementary and Secondary Education Act of 1965. In addition we recommend that this title be fully funded in advance so that educational systems may plan a continuing program of high quality as was true during the time of the Morrill Land Grant Act of 100 years ago.

Recommendation 3: We specifically urge that the Administration abandon its plans to consolidate federal education legislation into a program of block grants.

Recommendation 4: We urge this Administration to support pending legislation that is designed to provide quality integrated education so that the concept of equal educational opportunity will become a reality for blacks and others among the oppressed in the country.

Recommendation 5: We support and call on the Administration to make real its own announced commitment to universal literacy for every American in this decade.

Because illiteracy will be even more crippling for our citizens in the 1970's and 1980's than at any previous time in our history, we urge that the Administration revive and strongly fund and support a national "Right to Read" program like that originally proposed by your own first Commissioner of Education.

Recommendation 6: We specifically urge that the federal government increase substantially its financial support for predominantly black institutions of higher education in order to insure their growth and expansion. For immediate relief of black colleges we recommend the full funding of $91 million authorized in the Developing Institutions Program of Title III of the Higher Education Act of 1965, and the elimination of the matching fund requirement.

Recommendation 7: We recommend, Mr. President, that you arrange to convene a meeting of the officials of black institutions of higher education with the heads of major federal agencies and departments such as the National Science Foundation, Department of Labor, Department of Agriculture, HUD, and HEW, to consider how black colleges may have greater access to the funds, programs and technical assistance of those agencies.

Recommendation 8: While we would support a request for 70 percent increase in student aids in grant and work study over the previous fiscal year, we would strongly request reconsideration of the change in formula which reduces from approximately $1,800 to $1,000, the amount of grant and work study funds. A high proportion of black students now attending or hoping to enter our colleges, would not be able to sustain the financial burden of the loans now being proposed. We would support the proposed increase in the availability of subsidized grants to students whose family incomes are less than $10,000 per annum. We would recommend, however, (1) that existing grant and loan programs for student financial assistance be continued at least at current levels until the proposed programs become operational; (2) the ceiling in terms of family incomes be raised to $15,000 per annum; and (3) that interest rates on the available loans be stabilized.

Student financial aid for most black students must assume little or no family financial aid. They need money for almost all their costs. We therefore believe that the major emphasis should be placed on grants rather than loans in supporting their education.

Recommendation 9: We recommend that the Administration give strong support to the establishment and maintenance of community colleges. We ask you to direct the Department of Health, Education and Welfare, the Department of Labor, and the Office of Economic Opportunity to work with the appropriate public officials and private citizens to restructure vocational, technical, and post-secondary education for the 70's and 80's. A critical aspect of this mission must be making certain that community colleges do not become dumping grounds for the children of the poor and near-poor. We are concerned that community colleges develop into one of the strongest and most flexible links in the continuing education in which millions of our people must be involved at various stages in their lives if they are not to be crippled by dead-end or unmarketable skills, or by undeveloped capacities as citizens and human beings.

2. Housing and urban development

Recommendation 1: We call for the immediate release of supplemental FY 1971 funds of $150 million for public housing. This can be accomplished immediately by Presidential action.

Recommendation 2: We recommend the implementation of the Uniform Relocation Act to insure an adequate stock of low and moderate income housing for displaced persons. Immediate action by the President could achieve the implementation.

Recommendation 3: We urge you to support legislation to amend the Housing Act so that urban renewal money may be used for housing development projects other than new construction.

Recommendation 4: The Department of Housing and Urban Development should institute and enforce a uniform policy of site selection applicable to all of its departmental programs. The current regulations of the Department of Housing and Urban Development affecting site selections apply only to low rent housing. All other Housing and Urban Development programs, including Sections 235 and 236, should be brought under this policy to insure that they expand opportunities for black citizens and avoid reinforcement of segregation. Immediate executive action in this area is possible.

Recommendation 5: We strongly urge the amendment of Executive Order 11512 (1970) concerning the selection of sites for federal installations, in accordance with the U.S. Commission on Civil Rights' recommendation on "Federal Installations and Equal Housing Opportunity" to assure that communities are, in fact, open to all economic and racial groups as a condition of eligibility for locaton of federal installations.

Recommendation 6: Tax legislation providing favorable treatment of investment in new and rehabilitated housing should be broadened to provide identical preference to investment in any inner-city real property development, sponsored or substantially-owned by a community development corporation or other organization of minority or low-income citizens.

3. The drug crisis

Recommendation 1: We strongly urge that drug abuse and addiction be declared a major national crisis. We call upon this Administration to use all existing resources to stop the illegal entry of drugs into the United States, including suspension of economic and military assistance to any country which fails

to take appropriate steps to prevent narcotic drugs produced or processed in that country from entering the United States unlawfully.

Recommendation 2: We recommend that funds be made available to every major city for the establishment of ambulatory detoxification and rehabilitation centers. Federal financial support should likewise be extended to reinforce the local initiatives developed in many communities to address this problem.

Recommendation 3: Amphetamine abuse programs, beginning with Food and Drug Administration restraints on present overproduction and overuse, should be upgraded substantially. Special emphasis should be given cooperatively by the FDA and the Office of Education to restraint of the application of amphetamine drugs to control school children. We are concerned about the danger that such drugs might be given to children not adequately diagnosed as hyperkinetic.

Recommendation 4: Substantial federal funds should be made available to study the long-range social and physiological effects of the broad use of methadone as an alternative to heroin addiction. The Food and Drug Administration of the Department of Health, Education and Welfare should take the initiative in establishing safeguards which will eliminate the careless, and often unsupervised, dispensing of methadone.

Recommendation 5: Since organized crime is the principal distributive mechanism of hard narcotics, we urge that Justice Department manpower for investigation and prosecution in that area be substantially increased.

Recommendation 6: A cabinet level federal task force on drug abuse should be appointed, with broad representation, including the Justice Department, the Department of State, HEW and other federal agencies relevant to this problem. This task force should be mandated to design a government-wide action strategy for eliminating drug abuse. A task force report should be made public, and implementation begun within six months.

C. Justice and civil rights

1. Criminal justice

Recommendation 1: We urge that the President and the Attorney General direct the Law Enforcement Assistance Administration (LEAA) to do the following: (1) support law reform and basic changes in the present system rather than the excessive purchase of weapons and equipment; (2) insure adequate minority, urban and community-level representation on planning boards at all levels; (3) guarantee vigorous Title VI enforcement in regard to grantees; and (4) make certain that urban areas, particularly inner-city communities, are assisted in developing effective and fair criminal justice systems.

Recommendation 2: We urge you, Mr. President, to appoint black federal judges and other legal officials, including U.S. Attorneys, U.S. Marshals, federal correctional officers, and other Justice Department employees in every region of the country. We note with considerable concern that you have appointed only one black judge outside the District of Columbia. We feel it is especially important that black federal judges be appointed in the *South*.

Recommendation 3: We are disturbed that the D.C. Court Reform and Criminal Procedure Act of 1970 has been advertised as a model for the nation, inasmuch as we feel that some of its provisions clearly impinge on the constitutional rights of suspects and defendants. Such other laws with similarly constitutionally odious provisions are the Organized Crime Control Act of 1970. None of these ought to be so advertised as models, and we strongly urge that the Administration sponsor legislation to repeal such sections of those acts as the "no-knock" and preventive detention provisions as inimical to the interests of a free society.

2. Civil rights

Recommendation 1: We call for the full implementation of the 1970 Report of the U.S. Commission on Civil Rights, and request that the findings derived from the White House inquiries of the 26 federal agencies be shared with the Black Caucus as well as with the U.S. Commission on Civil Rights.

Recommendation 2: We urge you, Mr. President, to instruct the Attorney General to move promptly to investigate and take corrective action on efforts to disenfranchise blacks and other minorities in the South and Southwest—especially in thirty-three counties in Mississippi. In addition, we urge that you instruct the Attorney General to take prompt and decisive action to investigate and take remedial action concerning allegations of attempted vote fraud in Gary, Indiana, and that similar action be taken wherever attempts are made to disadvantage and disenfranchise minority voters.

Recommendation 3: We recommend that you instruct the Office of Management and Budget to establish an adequately staffed division on civil rights with properly trained persons, which would monitor every department and agency to insure that all civil rights legislation and executive policies are implemented. Further, this agency should issue periodic public reports of its findings.

Recommendation 4: We recommend that the regulations now being formulated by the Justice Department to implement Section 5 of the Voting Rights Act require the Attorney General to object to submitted voting law changes unless he makes a finding that the change has no discriminatory purpose or effect.

3. Veterans' affairs

Recommendation 1: We recommend, Mr. President, that you direct the Departments of Defense, Justice, and State—assisted by selected members of the bar, including minority representatives—to investigate the quality of justice meted out to black and other minority servicemen. The investigation should also examine the conditions under which blacks and other minority servicemen are incarcerated in military prisons here and abroad. The resulting report and recommendations for action should be submitted to you, the appropriate committees of Congress, and the public.

Recommendation 2: We urge the Administration to recommend and support legislation to establish a Civil Rights Division within the Department of Defense and to prescribe by law the personnel, funding, and procedure for handling complaints of racial discrimination against military personnel, both on and off base, in the United States and abroad.

4. District of Columbia

Recommendation 1: We urge you, Mr. President, to lend the vigorous support of your Administration to legislation providing for:

(1) full Congressional voting representation for the District of Columbia;

(2) Home Rule for the District, including an elected Mayor and City Council; and

(3) a just and adequate automatic federal payment formula to provide revenues necessary to make the District of Columbia a model for the nation.

D. Foreign policy

Recommendation 1: We call upon you to effect disengagement from Southeast Asia as soon as possible, preferably by the end of 1971, and definitely within the life of the 92nd Congress.

Recommendation 2: We call for drastic reduction in our military expenditures, and the redirection of these funds to finance much needed domestic programs—such as economic security and economic development, community and urban development, justice and civil rights, and many other unfulfilled interests of the black community.

Recommendation 3: Mr. President, following World War II Europe was the recipient of massive aid through the Marshall Plan and Japan was rebuilt essentially through American assistance. In the sixties the Alliance for Progress was conceived and funded for the benefit of Latin America, and the Middle East continues to receive a significant input of our resources. We feel strongly that Africa's turn is overdue. Africa must be given priority and attention on an equal basis with other parts of the world. Over the past few years, Africa has received only 8.5% of American aid; we believe this percentage should be increased significantly—to at least 15%.

We recommend that a special Task Force be created in the Executive Branch, composed of ranking members of the Departments of State, Commerce, Defense, and other pertinent agencies, where the variety of American policies dealing with Africa can be reviewed in a comprehensive manner and whose recommendations would be effectively implemented. In addition, several recognized experts of long time interest in this continent should be included (e.g., Members of Congress, academicians, journalists, and businessmen.)

U.S. representatives to the World Bank, the International Monetary Fund and the International Development Association should request those organizations to allocate increasing shares of multi-lateral resources for Africa.

We support broader U.S. participation in the African Development Bank and we urge that our government provide soft funds with other donors for the Bank.

Recommendation 4: United States relations with Southern Africa are in need of a major overhaul. This country should take the lead in isolating the Republic of South Africa, the world's most racist nation. Disincentives should be developed to discourage the expansion of further private American investment there. On the other hand, private American enterprise should be encouraged to seriously examine the potential for profitable investment in other parts of Africa.

We urge the Administration to actively support legislation proposing the withdrawal of the United States sugar quota for the Republic of South Africa, and its reallocation to other African countries. We further urge the Administration to implement the United States pronouncements in the United Nations to help liberate the remaining areas under colonial rule in Africa.

The House Subcommittee on Africa submitted a comprehensive report on Southern Africa to the Administration as a result of its extensive travels and hearings. The recommendations of this report and others it has rendered should be seriously considered.

Recommendation 5: Of all major industrial nations, the United States has for years allocated less proportionately for international development efforts. We propose that the United States direct at least 1% of its annual gross national product for international aid, with priority attention to Africa. (It must be noted that about 75% of all United States foreign aid funds have been spent for U.S. goods and services.)

Recommendation 6: We urge that blacks and other minorities be given a greater role in the making of foreign policy. We also ask the Administration to increase its recruitment of minority Americans for foreign policy positions, as well as to improve the upgrading procedures regarding minorities within the State Department and related agencies.

MARCH 25, 1971.

MR. PRESIDENT: As we indicated earlier, we have not at this time placed before you the full range of concerns which we and those we represent believe to be subject to amelioration by the federal government of which you are the duly elected head. We look forward to the opportunity to work cooperatively with you and with other representatives of your Administration on the issues we have laid before you today, and on others which we hope to consider with you in the future.

Respectfully submitted.

THE CONGRESSIONAL BLACK CAUCUS.

Charles C. Diggs, Jr., Chairman, Michigan, Augustus F. Hawkins, Vice Chairman, California, Charles B. Rangel, Secretary, New York, Shirley Chisholm, New York, William L. Clay, Missouri, Louis Stokes, Ohio, George W. Collins, Illinois, John Conyers, Jr., Michigan, Ronald V. Dellums, California, Ralph H. Metcalfe, Illinois, Parren Mitchell, Maryland, Robert N. C. Nix, Pennsylvania.

CALLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 15 minutes.

Mr. BRINKLEY. Mr. Speaker, the misfortune of the Mylai era transcends that of any one man, even though the individual tragedy is monumental.

First, let me say from the perspective of the district which I represent and from my own personal perspective, Lieutenant Calley is a scapegoat; a victim of a monumental witch hunt prompted by the political pressures and extremes of those who seek absolution of consciences, guilt-ridden by a war which they themselves have caused to be prolonged. The symbol of Calley justifies their stand, they reason, and his sacrifice will purge their souls.

The mental aberrations of such people are nauseating; their concern for the Cassius Clays is putrefying and abominable. Their self-righteous indignation over war is self-edifying and blind to the cruel and treacherous Communist offensive.

What of Calley? Has he loved his country, been honor-filled and duty bound in behalf of the United States of America? He has not cursed her nor spat in her face. He has fought for this Nation in the frontline trenches. He has risked his life in her defense. Can we permit him, then, to be misused in this way? As for me and the people I represent, we say emphatically "No."

More than a year ago, on January 21, 1970, I spoke on this subject. In the civil law of this country we have a provision called the emergency doctrine. Under that doctrine, if one is confronted with a sudden emergency, not of his own making, he is not held to the same standard of care to which he would normally be held. How much more ought this provision to apply to a situation of war? When a soldier must make snap decisions, with no time to debate the pros and cons of marginal situations, sometimes he may make the wrong decision. How, then, does condemnation lie within the mouth of those with an abundance of time?

May I commend to the consideration of this body a bill which I introduced during the 91st Congress and have reintroduced during this, the 92d Congress, on January 22, 1971. It is a good bill and would provide some measure of indemnification to servicemen who are exonerated under conditions such as are present in this case. Believing that right will prevail on appeal, this measure should offer some added assurance of fair play to our men in uniform:

H.R. 612

A bill to amend title 10 of the United States Code to permit actions against the United States for damage to the good name and reputation of members of the Armed Forces charged with committing certain crimes against civilians in combat zones if such members are cleared of such charges, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part II of subtitle A of title 10, United States Code, is amended by adding immediately after chapter 47 thereof the following new chapter:

"Chapter 47A.—CIVIL RELIEF FOR WRONGFUL PROSECUTION

"Sec.
"961. Civil action authorized.
"962. Amount of relief.
"963. Proceedings.
"964. Bar to actions against officials.
"965. Limitations.
"966. Definition.

"§ 961. Civil action authorized

"Any enlisted member or officer who is formally charged under chapter 47 of this title with committing, incident to carrying out military operations in a combat zone or any other area in which United States Armed Forces are engaged in armed hostilities, any offense punishable under section 918 or any of sections 918 through 930, inclusive, of this title against the person or property of a civilian noncombatant may bring civil action against the United States in a district court of the United States if each of the charges made with respect to an offense is disposed of in one of the following ways:

"(1) the charge is abandoned by the Government;

"(2) the member is found not guilty of the charge, and such finding is final and conclusive; or

"(3) the charge is otherwise dismissed at the trial, review, or appellate level and such dismissal is final and conclusive:

and if

"(4) the Government had no reasonable or probable cause for instituting such charge against the member.

"§ 962. Amount of relief

"The district court shall have jurisdiction to grant the following relief with respect to any action brought under section 961:

"(1) Not to exceed $10,000 for damages arising out of such charges to the good name and reputation of the member.

"(2) Actual costs, including reasonable attorney's fees, incurred by the member in defending himself against the charges.

"§ 963. Proceedings

"Judicial proceedings (including settlement by compromise or otherwise) for the determination of claims covered by this chapter, appeals therefrom, and payment of any judgment thereon, shall be in the same manner as in actions brought under chapter 171 of title 28, United States Code, over which the courts have jurisdiction pursuant to section 1346(b) of such title, except that the provisions of section 2678 (relating to attorney's fees) and section 2680 (a), (h), and (j) (relating to exceptions to which such chapter 171 does not apply) of such title shall not apply in the case of any such proceedings.

"§ 964. Bar to actions against officials

"No action may be maintained against any officer (whether civil or military) or employee of the United States (or former officer or employee) or his personal representative with respect to any acts for which an action could be maintained under this chapter.

"§ 965. Limitations

"No suit upon a claim allowed by this chapter may be commenced after the expiration of two years after the date on which—

"(1) the Government abandons the charge concerned, or if more than one charge was made, the last of such charges; or

"(2) a finding of not guilty to the charge or to the last of such charges, or a dismissal of the charge or of the last of such charges, becomes final and conclusive.

"§ 966. Definition

"As used in this chapter, the term 'combat zone' means an area so designated by the President pursuant to the provisions of section 112 of the Internal Revenue Code of 1954."

(b) The analysis of such part II is amended by inserting after

"47. Uniform Code of Military Justice.. 801"

the following

"47A. Civil relief for wrongful prosecution ..... 961".

SEC. 2. The amendments made by this Act shall apply with respect to actions brought thereunder on the basis of formal charges made with respect to offenses of the kind specified in section 961 of title 10, United States Code (as added by the first section of this Act), and filed on or after November 1, 1969, against members or officers of the Armed Forces.

It is a good bill and would provide some measure of indemnification to servicemen who are exonerated under conditions such as are present in this case. Believing in the Calley case that right will prevail on appeal, this measure would offer some increased assurance of fair play to our men in uniform.

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

Mr. BRINKLEY. Yes, I shall be glad to yield to the distinguished gentleman from Mississippi.

Mr. MONTGOMERY. I thank the distinguished gentleman from Georgia for yielding.

Mr. Speaker, I would like to commend the gentleman in the well whom I also know represents Fort Benning, Ga. I believe I am correct in that assumption?

Mr. BRINKLEY. That is correct.

Mr. MONTGOMERY. And certainly he, like most Americans, has followed the trial of Lieutenant Calley.

Mr. Speaker, I would like to be associated with the gentleman's remarks today and certainly hope that his bill will get a fair hearing in the committee to which it will be assigned.

Further, I would like to comment upon the gentleman's remarks in saying that I think one of the very serious problems that has come out of this trial, whether it was pointed out or not, is that the war in Vietnam is really the strangest war that we have ever fought. We have never been involved in a war like this before. As the gentleman knows, I have been over there five times, probably more than

any other Member in the Congress, and you cannot find the front lines. You cannot identify your friend from your enemy. There have been so many problems that I appreciate the gentleman taking the time today in bringing to the attention of the Congress this very serious situation.

Mr. BRINKLEY. I appreciate the gentleman from Mississippi making this contribution and I would like to more particularly thank the gentleman for his remarks about there not being any front lines in Vietnam. On last evening I had a call from the Third District of Georgia. The man on the other end of the line said, "It seems that we have a policy of eyes." He said, "During World War II we dropped bombs on cities knowing that there were women and children down there, because war is terrible and uncivilized and barbaric but yet we had to do this. He said it was accepted. "But today because we have the vision to see in a free fire zone, a man must be held to a judgment." He said, "Is that really a distinction which would hold up? Is it a valid distinction"?

Of course, none of us condone the promiscuous killing of women and children or even of men, but war is war and so, thus, certain things must be accepted.

Another man called me from Americus, Ga., and he wept as he talked with me. He said he had had a brother who served in Vietnam in 1966. His brother was a member of the Special Forces, a Green Beret. He said he lost his brother over there in 1966. Now, he said, they have brought his comrade-in-arms home and are trying him for attempting to control and contain and eliminate the enemy who had killed his brother. I grieved and was saddened because when I was an Air Force pilot I flew these Green Berets. I dropped them from airplanes at points where four flashlights formed an "L," and I know of their bravery and devotion to country. I weep today for the double standard which we seem to sometimes accept, when the enemy has committed so many atrocities and then we focus in and zero in on our own people instead of keeping things in perspective with reference to the actions of our own enemy, instead of balancing the scales against the cruelty of the enemy.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield further, I certainly agree with what the gentleman from Georgia has said. I think the gentleman has brought out the key points to the attention of the Members and I would like to thank the gentleman for yielding me his valuable time.

Mr. BRINKLEY. Mr. Speaker, may I say in conclusion that I have felt very strongly about this business of being unified behind our Commander in Chief. The President came into office, and he tried to hit the middle ground, because in this country we have those who are hawks on the one hand, and we have those in this country who are doves on the other hand. I thought unity in this country was the most important thing to give the President, a solid backing that would not lend hope to an enemy to keep fighting on and on, but now I have come to the conclusion that the middle position cannot be effective, and will not any longer work. I believe that the time has come to make a decision to win the war militarily, with an ultimatum to the North Vietnamese to give us back our prisoners of war, or to get out, lock, stock, and barrel, with the same outreach to get those prisoners of war, and to pursue one decision, either this way or that way, because the lack of direction is tearing the country apart, as witnessed in the debate on the draft.

I have certain reservations about the moral correctness of drafting a young man and asking him to commit himself wholeheartedly, his very life, in Vietnam, when this country has not been willing to make such a full and complete commitment. Where we have an initial onset of a war, there should be a declaration of war, but that would not contribute anything at this point, and I am not suggesting that there now be a declaration of war. But what I am suggesting is that if we are to continue the draft, then there must be the full commitment of this country behind these young men which equals their commitment, which is that of their very life, and then we will have a genuine merger of national will; also there must be a meaningful goal, either get out or get in there with the goal to win the war.

Mr. Speaker, I appreciate the patience of my colleagues here in this Chamber today. The number of my bill is H.R. 612, and upon which I hope the Committee on Armed Services will proceed to have early hearings.

NUCLEAR POWER PLANTS

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER), is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, for some time I have been deeply concerned by statements from distinguished physicists, biologists, engineers, and environmentalists regarding the unique danger that nuclear power plants may represent for human life and our environment.

Not only is there the potential danger of a malfunction of a nuclear plant which could result in the release of large quantities of radioactive particles into the atmosphere, but there also is the constant emission of radioactive substances from nuclear power production into the air and the water of streams which are used for cooling the nuclear plants. In addition, the waters are subject to danger of thermal pollution. Furthermore, there is the centuries long threat of the escape of radioactive poisonous nuclear wastes from the operation of nuclear plants which must be stored in perpetuity.

Despite these potentially grave threats to man and his survival on earth, I feel that Congress has been remiss in focusing attention on the entire question of the safety of these nuclear reactors. Thus, I am introducing, today, a joint resolution calling for a thorough reappraisal of the Federal Government's participation in the atomic energy program and the setting up of a blue-ribbon committee of Government officials, scientists, and environmentalists to investigate the potential impact of atomic development upon the health and safety of the American public and their environment.

Mr. Speaker, in addition to this resolution, I also am introducing legislation to restore to the States the option of setting more stringent standards for the release of radioactive pollution from these nuclear plants than those set by the U.S. Atomic Energy Commission. I believe it is unwise, as well as being a clear conflict of interest, for entrusting the sole authority for policing nuclear power plants to the Atomic Energy Commission which also is an active promoter of nuclear power development.

INTRODUCTION OF STATE PROPOSED BILLS CONCERNING MOTOR CARRIERS, RAILROADS, FEDERAL PROCUREMENT, COMMUNICATIONS, ENVIRONMENTAL PROTECTION, AND GAS PIPELINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 20 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, at the request of the National Association of Regulatory Utility Commissioners, commonly known as NARUC, I introduce, for appropriate reference, seven bills concerning communications, environmental protection, intrastate railroad rates, gas pipeline safety, uniformity of motor carrier regulation, and Federal procurement of transportation and utility services.

The State of Pennsylvania is honored to have a distinguished Pennsylvanian serving as the president of the NARUC this year. He is the Honorable George I. Bloom, chairman of our public utility commission.

The NARUC was founded in 1889 for the primary purpose of serving the public interest by seeking to improve the quality and effectiveness of Government regulation. Its members have largely shaped the profile and substance of public regulation in America as we know it today.

The NARUC is presently composed of 56 State agencies drawn from every State, and five agencies drawn from Canada, the District of Columbia, Jamaica, Puerto Rico, and the Virgin Islands.

I introduce the seven bills at the request of the NARUC, so that my colleagues will have an opportunity to fully study the association's position when the matters come up for consideration. I myself plan to introduce legislation on several of these subjects later this year, and I am hopeful that Congress will consider the various proposals during this session.

Mr. Speaker, I would like to have the text of the proposed bills, together with the justification, printed in the RECORD at this point:

FEDERAL-STATE COMMUNICATIONS JOINT BOARD ACT

JUSTIFICATION

In the United States today there are over 110 million telephones which average out to about 52 telephones per 100 people. Of these, 72 percent are classified as residential and the remaining 28 percent are classified as business.

These telephones comprise a nationally interconnected system which transmits approximately 169 billion calls a year.

Dominant in this national communications network is the American Telephone and Telegraph Company and its 24 associated companies which comprise the Bell System. This System is concentrated primarily in the metropolitan areas and has over 91 million telephones, a gross plant investment of over 46 billion dollars, and annual revenues of approximately 14½ billion dollars.

The remainder of the telephone service in the Nation is provided by 1,850 independent, or non-Bell, companies who have 19½ million telephones, a gross plant investment of almost 12 billion dollars and annual revenues of 2½ billion dollars.

Regulatory jurisdiction over the telephone industry is divided between the FCC and the State commissions.[1] The FCC regulates interstate message toll calls, commonly referred to as long distance calls.[2] The State commissions regulate intrastate message toll calls and local exchange calls even in instances where the boundaries of the exchange area overlap State lines.[3]

Under this division of regulatory responsibility, the FCC regulates approximately 3 billion interstate long distance toll calls a year and the State commissions regulate approximately 166 billion intrastate toll and local exchange calls a year. In terms of plant investment, the FCC exercises jurisdiction over approximately 25 percent of Bell System plant[4] while the State commissions exercise jurisdiction over the remaining 75 percent and over virtually all of the plant of the independent telephone companies.[5]

Under the rate base concept of ratemaking, practiced by the FCC and the State commissions, the Bell System, through its rates, is entitled to earn a reasonable return on its plant invested in common carrier service and to recoup its expenses reasonably incurred in furnishing such service. Since the vast bulk of Bell System plant and expenses are used in furnishing both interstate and intrastate communication service, such plant and expenses must be allocated or separated between the interstate and intrastate uses for purposes of ratemaking by the respective Federal and State jurisdictions.

The procedures employed in the division of these joint telephone costs are commonly referred to as "separations procedures." Inherently, they involve judgment factors in which there is no absolute correctness or incorrectness.

It is essential to the public interest that procedures for separating such plant and expenses be fair and equitable so that no unreasonable burden will be placed on either the interstate or intrastate users of the telephone service.

The State commissions have long contended that the FCC, which has controlled the prescription of separations procedures since the beginning, has never prescribed equitable ones because it has consistently refused to allocate a fair amount of the cost of providing local telephone service to the users of the interstate service. Local telephone service is an integral part of the national and international toll network. It is the gateway to the toll network and without it the toll network would be worthless.

The State commissions contend that the long-standing unfairness of FCC prescribed separations procedures, which favor the interstate users, is magnified by a strong technological trend in the telephone industry which results in reduced costs for long distance service and increased costs for local service. The extensive use of microwave facilities and of coaxial cable, with its high volume circuit capacity, has dramatically reduced the cost of long distance circuits. Ten years ago coaxial cable could carry only about 500 telephone calls at a time. The newest ones can handle about 32,000 calls at a time, and it is anticipated that in the near future this capacity can be increased to 100,000 calls. During the same period, the cost of installing such cable has decreased from about 100 dollars a mile for each channel to less than 5 dollars.

In contrast, there is no such technological breakthrough in the furnishing of local exchange service and hence the cost of providing this service steadily rises due to inflation. Although exchange plant is employed in both interstate and intrastate service, the investment in such plant is determined by the number of exchange subscribers served and not by the volume of local traffic generated. In other words, the investment in the local distribution plant connecting the subscriber to his central exchange office, as well as a significant portion of the investment in the central office, have a one-to-one correspondence with the number of subscribers. Accordingly, exchange plant costs vary directly with the number of subscribers while the magnitude of the long distance toll lines plant investment is largely determined by actual usage and hence this high use factor permits long distance calling to achieve a high degree of economic efficiency.

In an effort to afford the State commissions a role in decision-making regarding changes in separation procedures, the NARUC Executive Committee on March 13, 1969, approved the proposed Federal-State Communications Joint Board Act of 1969 (NARUC Bulletin No. 13–1969, p. 17), which was promptly introduced in the Ninety-first Congress as S. 1917 by Magnuson (D.-Wash.) and H.R. 12150 by Rooney (D-Pa.). Representative Rooney on February 2, 1971, automatically reintroduced this legislation in the Ninety-second Congress as H.R. 3323.

Adoption of the Act would create a seven member Board composed of four FCC Commissioners designated by the FCC and three State Commissioners nominated by the NARUC and appointed by the FCC. The Board would have sole administrative authority under the Communications Act of 1934 to prescribe uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service. For the text of this legislation, see *81st NARUC Annual Convention Proceedings*, pp. 157–159 (1969).

Congressional hearings on this legislation were precipitated by an announcement of the FCC on November 5, 1969, that it had negotiated with the Bell System telephone companies an interstate toll rate reduction totaling $237 million. NARUC Bulletin No. 45–1969, p. 20. This announcement came at a time when the same Bell System was seeking from State commissions rate increases totaling over half a billion dollars for State and local telephone service!

NARUC President Francis Pearson requested the prompt scheduling of hearings on the legislation in duplicate letters, dated November 8, 1969, to Chairman Warren G. Magnuson of the Senate Committee on Commerce and to Chairman Harley O. Staggers of the House Committee on Interstate and Foreign Commerce. NARUC Bulletin No. 46–1969, p. 3.

The Senate Committee on Commerce concluded hearings on S. 1917 on December 9, 1969. Fifty-one State commission representatives from 32 States appeared in support of the bill at these hearings. The FCC testified in opposition to the bill. NARUC Bulletin Nos. 48–1969, p. 15; 50–1969, p. 2.

The subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce concluded hearings on H.R. 12150 on February 25, 1970. Fifty State commission representatives from 30 States appeared in support of the bill. Again, the FCC testified in opposition. NARUC Bulletin No. 9–1970, p. 3.

Following the conclusion of the NARUC testimony on February 25, 1970, the FCC, by letter of March 17, 1970, to the NARUC, suggested that pending jurisdictional separations proposals be considered by a Federal-State joint board established pursuant to Section 410 of the Communications Act of 1934, as amended (47 U.S.C.A., Sec. 410). The Congress, thereupon, suspended further consideration of the legislation to await the outcome of the joint board procedures. As indicated by the report on *Telephone Separations* (FCC Docket No. 18866), appearing in the *Report of the General Counsel on Litigation* submitted to the 82nd NARUC Annual Convention on November 16, 1970, a joint board was established and, pursuant to its recommendation, the FCC adopted the "Ozark Plan" on October 27, 1970.

The NARUC and the FCC on October 7, 1970, reached an agreement on a proposed amendment to the legislation which, in effect, would strike all after the enacting clause and substitute a provision confirming the Federal-State joint board procedures used in FCC Docket No. 18866. The FCC's agreement on this compromise legislation is reflected by its letter dated November 13, 1970, to Chairman Warren G. Magnuson of the Senate Committee on Commerce and Chairman Harley O. Staggers of the House Committee on Interstate and Foreign Commerce. The text of the Magnuson letter is stated in Appendix A to this document.

The proposed text of the compromise version of the Federal-State Communications Joint Board Act is as follows:

H.R.—

A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes

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

SEC. 1. This Act may be cited as the "Federal-State Communications Joint Board Act."

SEC. 2. The Communications Act of 1934, as amended, is further amended by adding a new subsection (c) at the end of section 410 (47 U.S.C., Sec. 410) to read as follows:

"(c) The Commission shall refer any proceeding regarding the jurisdictional separation of common carrier property and expenses betwen interstate and intrastate operations, which it institutes pursuant to a Notice of Proposed Rule Making and, except as provided in Section 409 of this Act, may refer any other matter, relating to common carrier communications of joint Federal-State concern, to a Federal-State Joint Board. The Joint Board shall possess the same jurisdiction, powers, duties and obligations as a joint board established under subsection (a) of this section, and shall prepare a recommended decision for prompt review and action by the Commission. In addition, the State members of the Joint Board shall sit with the Commission *en banc* at any oral argument that may be scheduled in the proceeding. The Commission shall also afford the State members of the Joint Board an opportunity to participate in its delibera-

Footnotes at end of article.

tions, but not vote, when it has under consideration the recommended decision of the Joint Board or any further decisional action that may be required in the proceeding. The Joint Board shall be composed of three Commisisoners of the Commission and of four State commissioners nominated by the national organization of the State commissions, as referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, and approved by the Commission. The Chairman of the Commission, or another Commissioner designated by the Commission, shall serve as Chairman of the Joint Board.

FEDERAL-STATE COMMUNICATIONS REGULATORY COOPERATION ACT

JUSTIFICATION

Section 410(a) of the Federal Communications Act of 1934, as amended [47 U.S.C., Sec. 410(a)], presently authorizes the FCC to refer administrative matters to joint boards composed of State commissioners and further provides that they "shall receive such allowances for expenses as the Commission shall provide."

However, these provisions for defraying the out-of-pocket expenses of joint boards composed wholly of State officials, do not cover the cooperative arrangement where State commissioners sit with FCC presiding officers. The following proposed legislation is designed to rectify this omission.

It provides that when State commissioners sit with FCC presiding officers pursuant to invitation by the FCC, the reasonable expenses incurred by the State commissioners may be defrayed by the FCC.

For example, the FCC on October 27, 1965, released an order instituting an investigation of the charges of the American Telephone and Telegraph Company and the Associated Bell System Companies for interstate and foreign communication service, Docket No. 16258.

In accordance with paragraph 5 of the order, the FCC extended an invitation to the NARUC to designate cooperating State commissioners to sit with the presiding officers of the FCC for the hearing of the proceeding in accordance with the Plan of Cooperative Procedure set forth in Appendix A of Part 1 of the FCC's Rules.

The NARUC on November 9, 1965, accepted the FCC's invitation, and on December 10, 1965, designated three cooperating State commissioners to sit with the presiding officers of the FCC in the AT&T rate proceeding.[6]

AT&T and the Bell System Companies operate in forty-eight States and the District of Columbia. The cooperating State commissioners, like the FCC presiding officers, render a national service when presiding in the proceeding.

Consequently, it would appear inappropriate for a few State commissions to bear the travel, food and lodging expenses of the cooperating commissioners furnished by them when the service rendered by the commissioners is of national benefit.

Traditionally, when State commissioners are invited to participate in cooperative arrangements with Federal regulatory commissioners, the travel, food and lodging expenses of the State commissioners are defrayed by the Federal commission issuing the invitation.[7]

The Federal Government benefits from this arrangement by acquiring the use of State expertise and by conserving the use of Federal officials.

Accordingly, enactment of proposed legislation should strengthen cooperative efforts between the Federal and State governments in the regulation of the communications industry. The legislation was introduced in the Ninety-first Congress as S. 1922 by Magnuson (D.-Wash.) and H.R. 12148 by Rooney (D.-Pa.).

The text of the legislation reads as follows:

H.R. —

A bill to amend section 410 of the Communications Act of 1934 to permit the Federal Communications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission

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

SECTION 1. This Act may be cited as the "Federal-State Communications Regulatory Cooperation Act."

SEC. 2. Section 410 of the Communications Act of 1934, as amended (47 USC, Sec 410), is hereby further amended by adding at the end thereof a new subsection to read as follows:

"(d) State officials and representatives of the national organization of the State commissions, as referred to in section 202(b) and 205(f) of the Interstate Commerce Act, as amended [49 USC, Secs 302(b), 305(f)], serving in joint hearings or in other regulatory cooperative efforts with the Commission shall receive such allowances for travel and subsistence expenses as the Commission shall provide."

FEDERAL-STATE ELECTRIC POWER ENVIRONMENTAL PROTECTION ACT

JUSTIFICATION

Our country is continuing to experience an exponential growth in the demand for energy. For the power demands expected in 1990, the electric industry alone faces installation of nearly one billion kilowatts of new generating capacity during the next two decades.

This expansion of generating capacity is roughly equal to quadrupling the Nation's present electric generating facilities. The 1990 plant will be three times that of the 1971 plant, producing nearly six trillion kilowatt hours.

The demand for electric power has been doubling about every 10 years.[8] Per capita consumption has recently been increasing about five times as fast as population,[9] while in the past 100 years the population has tripled but energy consumption has increased 15 times."[10]

By 1990, electric utilities must add 200,000 circuit miles of new bulk transmission facilities, with about half expected to be extra-high-voltage lines requiring rights-of-way of 200 feet or more. The land requirements for these facilities is impressive—more than 3 million acres, or 4,850 square miles, equal to a right-of-way two miles wide spanning the Nation from New York to Los Angeles.

It is not difficult to foresee how painful will be the reconcilation between utility transmission needs and the public desire for a visually pleasant and uncluttered environment.

The planning decisions relating to power plant siting and transmission line routing and right-of-way acquisitions are inextricably involved in the future reliability of bulk power supply. Reliability suffers when environmental factors cause indecision on the part of utility planners and, as a consequence, delay the start of construction of generating capacity and the completion of transmission facilities.

A particularly troublesome aspect of utility system planning is the present structure of environmental safeguards which require utility systems to obtain a whole array of licenses, permits, and approvals on the local and State levels, sometimes as many as 30 or more, before all legal restraints to plan construction can be removed. If environmental problems are to be cleared expeditiously and fairly to all concerned, a new procedure must be established to centralize and to simplify the acts of licensing and appeal through which the public exercises its rights to a visually pleasant and a healthy environment and to do this without frustrating utility expansion programs.

In an effort to resolve these growing difficulties, a majority of the Federal Power Commission under the leadership of Chairman John N. Nassikas prepared legislation which was introduced on October 1, 1970, in the Ninety-first Congress as S.4421, a bill proposing the Electric Power Environmental Policy Act of 1970. The Administration on February 10, 1971, forwarded to the Congress for introduction a similar bill entitled the "Power Plant Siting Act of 1971" which was intended to implement a part of the President's Environmental Program Message of February 8, 1971. NARUC Bulletin No. 7–1971, p. 17.

The letter of transmittal for the Administration's legislation stated that it "will provide the nation with a coordinated system of state, regional and federal certifying agencies to assure that all substantive environmental protection requirements are met before power plants and transmission lines can be built. It would also assure that if these environmental concerns are satisfied construction could proceed in a timely fashion to meet the nation's growing needs for electric power."

The Administration's letter further stated that the legislation included the following provisions:

"Requires the nation's electric utilities to engage in long-range planning and to prepare and publish general plans for their system expansions at least ten years in advance of construction.

"Provides that each state or region may establish a decison-making body that will review alternatives in order to assure that optimum sites for power plants and large transmission lines are selected, and will assure, prior to construction, that adequate environmental protection features will be employed.

"Provides that if a state or region fails to establish such a decision-making body in accordance with federal guidelines, then the federal government would exercise the review and approval responsibility until such time as a decision-making body is established on a state or regional level.

"Requires that proposed power plant sites and general locations of transmission line routes be disclosed at least five years prior to construction and that public hearings on the plant sites be held at that time. Detailed applications for construction of power plants and transmission lines must be filed at least two years in advance and a public hearing held in which all interested persons can participate.

"Provides that the decision of the state or regional power plant siting body shall be conclusive on all matters of state or local law and thus consolidates the various approvals now required at the state and local level.

"Applies the foregoing requirements to all bulk power facilities regardless of ownership except that small plants and lower voltage transmission lines would be exempt."

A basic difference between the two proposals is that the FPC would be the primary "Federal certifying agency" under the FPC bill, and the President would designate the "Federal certifying agency" under the Administration's bill. The President has stated his intention to designate the proposed Department of Natural Resources. If this Department is not created, the President would probably designate the Department of the Interior or the Environmental Protection Agency as the certifying agency.

Although this legislation provides a role for State agencies, it nevertheless is not as meaningful as the role which would be afforded by the employment of the State joint board concept as reflected in the NARUC proposed Federal-State Electric Power Reli-

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Footnotes at end of article.

ability and Scenic Conservation Act of 1969 which was introduced in the Ninety-first Congress [S. 1916 by Magnuson (D.-Wash.); R.H. 9429 by Friedel (D.-Md.)]. *81st NARUC Annual Convention Proceedings*, pp. 162–171 (1969).

The joint board concept is also reflected in the draft bill proposing new electric power reliability legislation which was transmitted by Commissioner John Carver of the Federal Power Commission on June 15, 1970, to Chairman Warren G. Magnuson of the Senate Commerce Committee and Chairman Torbert H. Macdonald of the Subcommittee on Communications and Power of the House Committee of Interstate and Foreign Commerce.

Commissioner Carver, in his transmittal letter, said he was acting as an individual member of the FPC and not for the Commission.

He said the purpose of the bill is "to put a premium on the resolution of bottlenecks to construction." The main features of the bill are:

(1) Jurisdiction would be granted to the FPC to issue certificates of public convenience and necessity for EHV lines and fossil-fired power plants, but jurisdiction would have to be asked for by a regional reliability council; and

(2) The traditional process of an FPC examiner's decision and review by the Commission would not be used in reviewing applications for these facilities. Instead, review would be by a joint board made up of FPC and State representatives. NARUC Bulletin No. 28–1970, p. 2.

The Carver proposal has not been introduced in Congress.

The proposed legislation set forth below is similar to the Administration's bill. The chief distinctions between the two are that:

(1) Under the proposed NARUC bill a State joint board for the power pool region involved would act as the "certifying agency" in the absence of a qualified "state or regional certifying agency", whereas under the Administration's bill a Federal agency would act as the "certifying agency" in such circumstances;

(2) Under the proposed NARUC bill the FPC would be the primary "Federal certifying agency" while under the Administration's bill this function would be performed by some other Federal agency; and

(3) Under the proposed NARUC bill the certifying agencies would not be bound by Federal guidelines of the nature proposed by section 9 of the Administration's bill.

The enactment of the proposed NARUC bill would afford immediate protection to the public in the preservation of environmental values with the decisions being made by officials close to the problems. The joint board concept would not override State authority, but would stimulate the exercise of that authority by inducing the legislatures, which have not yet done so, to enact appropriate enabling legislation.

The joint board concept proposed here is similar to the joint boards now provided for in Part II of the Interstate Commerce Act concerning the regulation of motor carriers. 49 U.S.C., Sec. 305. The joint board procedure has worked successfully in motor carrier regulation since 1935 and has significantly strengthened Federal-State relations. Accordingly, the joint board concept should be applied to the regulation of the electric industry under the terms of the following bill.

H.R. —

A bill to strengthen Federal-State cooperation to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes

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

SECTION 1. This Act may be cited as the "Federal-State Electric Power Environmental Protection Act."

SEC. 2. The Congress, in furtherance of the national environmental policy as set forth in the National Environmental Policy Act of 1969, 83 Stat. 852, and the national electric energy policy as set forth in section 202(a) of the Federal Power Act, 16 U.S.C., section 824a(a), hereby finds and declares the national public interest in the environment, the interest of interstate commerce, the interest of public and private investors in electric utility facilities, and the interest of consumers of electric energy require:

(a) That bulk power supply facilities adequate to the Nation's need for a reliable electric power supply be constructed upon a timely basis, and in a manner consonant with the preservation of important environmental values and wise comprehensive use of the Nation's air, land, and water resources for all beneficial purposes, public and private;

(b) That in order to avoid undue delays in the construction of needed bulk power supply facilities and to provide for full and timely consideration of environmental consequences well in advance of such construction, all of the Nation's electric entities should be required to engage in adequate long-range planning, and that certifying agencies be established for the preconstruction review of bulk power supply facility sites and all related bulk power supply facilities;

(c) That the siting of bulk power plants and high-voltage transmission lines be treated as a significant aspect of land use planning in which all environmental, economic and technical issues with respect to a bulk power supply project at the State or regional level should be resolved in an integrated fashion;

(d) That Federal, regional and State governmental authorities be authorized and empowered to act expeditiously in coordinating reviews to assure protection of environmental values and certifying the construction, operation or maintenance of bulk power supply facilities, all to the end of assuring for the Nation an adequate and reliable supply of electric power through a balanced and comprehensive use of the Nation's air, land and water resources for all beneficial purposes, public and private;

(e) That long-range planning be carried out through the electric reliability councils voluntarily established on regional and national bases and open to all systems comprising the various component parts of the electric utility industry, investor owned, publicly owned and cooperatively owned, and by participation of these councils in the work of the Federal Power Commission under Section 202(a) of the Federal Power Act, 16 U.S.C., Sec. 824a(a); and

(f) That a program be undertaken by the Federal government to assist in the development of new approaches or methods of locating or grouping bulk power supply facilities within particular geographic areas, at surface or sub-surface levels, or in conjunction with the location of physical facilities used in other types of energy, transportation or communications services which may be available to the general public through public or private suppliers.

SEC. 3. As used in this Act:

(a) "Electric entity" means any individual or corporation which owns or operates bulk power supply facilities, or plans to own or operate such facilities, however organized or owned, whether investor owned, publicly owned or cooperatively owned, including a "State" or a "municipality" as defined in Section 3(6) and 3(7) of the Federal Power Act, 16 U.S.C., Sec. 796, but not the United States or an agency, authority or instrumentality thereof, or any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities or instrumentalities;

(b) "Federal electric entity" means the United States, an agency, authority or instrumentality thereof, or any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities or instrumentalities, which owns or operates bulk power supply facilities or plans to own or operate such facilities;

(c) "Bulk power supply facilities" means electric generating equipment and associated facilities designed for, or capable of, operation at a capacity of 300,000 kilowatts or more, or any sizeable additions thereto as defined by the appropriate certifying agency, or electric transmission lines and associated facilities designed for, or capable of, operation at a nominal voltage of 230 kilovolts or more, between phase conductors for alternating current or between poles for direct current, or any sizeable additions thereto as defined by the appropriate certifying agency, except that any facilities subject to licensing pursuant to Part I of the Federal Power Act, 16 U.S.C., Secs. 792–823, shall not be subjected to the provisions of Sections 6 and 8(c) of this Act;

(d) "Federal certifying agency" means the Federal Power Commission or the United States Atomic Energy Commission if designated by the Federal Power Commission with respect to nuclear facilities falling within the definition of bulk power supply facilities;

(e) "State or regional certifying agency" means the State or regional agency, authority or other entity authorized and empowered to carry out the responsibilities provided for in this Act within the State or States affected;

(f) "Regional" means the Governments of two or more States;

(g) "State joint board" means a certifying agency authorized and empowered to carry out the responsibilities provided for in this Act within the State or States affected;

(h) "National organization of the State Commissions" means the national organization of the State commissions referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, as amended [49 U.S.C., Secs. 302(b), 305(g)];

(i) "State commission" means the regulatory agency of the State having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State, or if no such regulatory agency exist, the Governor of the State;

(j) "State commissioner" means a member of the regulatory agency of the State having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State, or if no such regulatory agency exists, the Governor of the State or his designee; and

(k) "Commencement of construction" means any clearing of the land, excavation, or other substantial action that would adversely affect the natural environment of the site or route but does not include changes desirable for the temporary use of the land for public recreational uses, necessary borings to determine foundation conditions or other pre-construction monitoring to establish background information related to the suitability of the site or to the protection of environmental values.

SEC. 4. (a) Each electric entity and Federal electric entity shall prepare annually its long-range plans for bulk power supply facilities pursuant to guidelines established by the Federal Power Commission within 90 days after enactment hereof, upon the advice of interested Federal and State agencies and the national organization of the State commissions. These plans may be part of a single regional plan and shall:

(1) Describe the general location, size and type of all bulk power supply facilities to be owned or operated by such entity and whose

construction is projected to commence during the ensuing 10 years, together with an identification of all existing facilities to be removed from utility service during such period or upon completion of construction of such bulk power supply facilities;

(2) Identify the location of tentative sites for the construction of future power plants as defined in Section 3(c), including an inventory of sites for all plants on which construction is to be commenced in the succeeding 5 years, and the general location of the routes of transmission lines as defined in Section 3(c), and indicate the relationship of the planned sites, routes, and facilities thereon to environmental values and describe how potential adverse effects on such values will be avoided or minimized;

(3) Reflect and describe such entity's efforts to coordinate the bulk power supply facility plans identified therein with those of the other entities so as to provide a coordinated regional plan for meeting the electric power needs of the region;

(4) Reflect and describe such entity's efforts to involve environmental protection and land-use planning agencies in their planning process so as to identify and minimize environmental problems at the earliest possible stage in the planning process; and

(5) Supply such additional information as the Federal certifying agency upon the advice of interested Federal and State agencies and the national organization of the State commissions may from time to time prescribe to carry out the purposes of this Act.

(b) Each electric entity and the Federal electric entity, shall give initial public notice of its plans referred to in subsection (a), by filing annually a copy of such plans, together with its projections of demand for electricity that the facilities would meet, with the appropriate certifying agency, with the Federal Power Commission and the Environmental Protection Agency, and with such other affected Federal, State, regional and local governmental authorities, and citizens' environmental protection and resource planning groups requesting such plans.

SEC. 5(a). The several States, within 24 months from the date of enactment hereof, may designate or establish a decisionmaking agency at the State or regional level, which may be an existing or newly created agency, for the certification of sites and related bulk power supply facilities of any electric entity. These State or regional certifying agencies shall be designated or established and administered in accordance with the requirements of this Act, and shall possess adequate staffs with technical and professional competence. Each State or regional certifying agency shall provide for participation in its decisionmaking processes by environmental protection, natural resource, and planning components of the State government or governments involved, and provide for participation also by components of such governments having responsibility with respect to provision of electric power service. Such agency may also provide for participation by members of the public.

(b) The Governor of each State which designates or establishes such a decisionmaking agency and procedures, either as a State or regional entity, shall notify the Federal certifying agency of that fact, and thereupon the Federal certifying agency, if it finds such authorities and procedures to be in accord with the requirements of this Act, shall issue a Certificate of Qualification of Procedure with respect to each such State, which Certificate shall be revoked by the Federal certifying agency if the State or regional certifying agency fails to abide by said requirements, but unless revoked, shall constitute conclusive evidence of its authority to exercise the provisions of Section 6 hereof, for such period as the Certificate remains effective.

(c) If, within 24 months from the date of enactment hereof, a decision-making agency and procedures are not designated or established for the certification of sites and related bulk power supply facilities within one or more of the several States, and qualified in the manner as set forth in subsection (b), or if such Certificate of Qualification of Procedure is later revoked, the State joint board for the power pool area involved, as determined by the Federal Power Commission, shall have exclusive authority to issue a Certificate of Site and Facility with respect to any bulk power supply facility of any electric entity within any said State or States. With respect to each State the authority of such State joint board shall continue until such State or States have qualified pursuant to subsection (b) hereof. Any proceedings for the certification of sites and bulk power facilities which are pending before such State joint board on the date of issuance of any Certificate of Qualification of Procedure by the Federal certifying agency shall continue to be proceedings subject to the authority of such State joint board and shall require its certificate before construction shall commence, except that the State joint board may in its discretion transfer such proceeding to the appropriate State or regional certifying agency.

(d) The Federal certifying agency, prior to denying or revoking a Certificate of Qualification of Procedure in respect to matters arising under subsection (b), shall consult with the Governor or Governors of the State or States involved, informing each of the particular respects in which the State or regional certifying agency's authorities or procedures fail to comply with the requirements of this Act, and shall afford each State affected a reasonable time to respond and to make appropriate changes.

(e) Any State dissatisfied with the action of the Federal certifying agency denying or revoking a Certificate of Qualification of Procedure as referred to in subsection (b) may appeal to the United States court of appeals for the circuit in which such State is located, with service of the summons and notice of appeal at any place within the United States, and the court shall have jurisdiction to affirm the action of the agency, to set it aside in whole or in part, and for good cause shown, to remand the case to the agency for further deliberation; *provided* that any judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. Upon the filing of an appeal, the clerk of the court of appeals shall forthwith transmit a copy of the notice to the Federal certifying agency, which agency thereupon shall file with the court the record upon which the appealed action was entered, as provided in section 2112 of title 28, United States Code. Upon the filing by the agency of the record, the jurisdiction of the court shall be exclusive.

(f) A State joint board, under the provisions of this Act, shall be composed solely of one State commissioner from each State, within all or part of the region, nominated by the State commission and appointed by the Federal Power Commission. Each State commission shall certify to the Federal Power Commission the name, title and address of its nominee. A substition of membership upon a board from any State may be made at any time by the nomination by the State commission of a successor and his appointment by the Federal Power Commission. If a State commission shall fail to nominate a member, in the original constitution of the board or to fill a vacancy therein, the board shall be constituted, or shall continue to function, without a member from such State until such time, if ever, as such a member shall be nominated and appointed as provided above. Each member of the board shall have one vote. The chairman of the board shall be elected by the members of the board and shall serve at their pleasure. All decisions of the board shall be by majority vote. The Federal Power Commission, if requested by the board, shall designate an examiner to advise with and assist the board in the handling of any proceedings before it. The Federal Power Commission, if requested by the board, shall provide the board from among the personnel and facilities of the Commission such staff and facilities as are necessary to carry out the functions of the board. In conducting hearings, each board shall be vested with the same rights, duties, powers and jurisdiction as are vested in a hearing examiner when designated by the Commission to hold a hearing. The members of the joint board when administering the provisions of this Act shall be reimbursed by the Commission for their reasonable travel and subsistence expenses. A board shall meet from time to time as the chairman of the board shall direct by the giving of reasonable advance notice. A majority of the members of a board shall constitute a quorum.

SEC. 6 (a). Effective 24 months from the date of the enactment hereof no electric entity shall commence to construct or begin operation of bulk power supply facilities within a State or States unless it has obtained from each such State or States a certificate of site and facility with respect to those facilities, issued by each qualified State or regional certifying agency and no Federal electric entity shall commence to construct or begin operation of bulk power supply facilities unless it has obtained from the Federal certifying agency a certificate of site and facility with respect to those facilities. If after 24 months from the date of enactment hereof, there is no qualified State or regional certifying agency in one or more of the several States, no electric entity shall commence to construct or begin operation of bulk power supply facilities within said State or States unless there shall have been obtained from the appropriate State joint board such a certificate of site and facility with respect to such bulk power supply facilities to be constructed or operated within said State or States by any such electric entity. Such facilities shall be constructed, operated, and maintained in accordance with the terms and conditions of the certificate. Applications for certificates for bulk power facilities already under construction on the effective date of this subsection shall be filed promptly with the appropriate certifying agency, and certificates shall be granted for any application showing a sizable investment applicable only to the site which is the subject of the application on the effective date of this subsection, as defined by the appropriate certifying body. No certificate is required for permits or licenses required when construction in fact commenced had been obtained. Operation of any bulk power facilities whose construction had commenced on or before the effective date of this subsection may commence prior to certification if a timely decision has not been made, subject to any reasonable actions or conditions that may be later required by the appropriate certifying body. No Certificate is required for bulk power facilities already in operation on said effective date, but said certificates are required for sizable additions thereto as defined by the appropriate certifying body.

(b) All applications by any electric entity for a Certificate of Site and Facility from a State or regional certifying agency or State joint board or by a Federal electric entity from a Federal certifying agency shall be filed with the certifying agency not less than one year prior to the planned date of commencement of construction of the affected bulk power supply facilities and such plans

may be subject to reasonable modification during the period of review. As a prerequisite to such filing, the electric entity or Federal electric entity shall have complied with the provisions of Section 4 hereof; and with respect to power plants and transmission line routes, except for good cause shown, shall have complied with the requirement that the site selected is from among those sites in the electric entity's or Federal electric entity's 5-year inventory of sites approved by the relevant agency pursuant to Section 8(c) hereof and that it will utilize the general transmission line routes identified in the electric entity's or Federal electric entity's long-range plans.

(c) It is the intent of Congress that any certifying agency shall complete action on each application filed pursuant to the authority of this Act within the one-year period prior to construction as provided under the procedures of subsection (b). For a period of 48 months from the date of enactment hereof, any of the provisions of Section 6 may be waived by the certifying agency in respect to filed applications of electric entities and Federal electric entities for good cause shown. Compliance with the procedures of Section 4 hereof in respect to planning and filing requirements shall constitute prima facie evidence of timely disclosure of construction plans in support of petitions for expeditious proceedings involving the bulk power supply facilities in all courts and administrative agencies of the United States and of the several States.

(d) The provisions of section 5 and subsection (a) of this section notwithstanding, any electric entity may petition the Federal certifying agency for a Certificate of Site and Facility based upon the entity's showing to that agency of a failure of a State or regional certifying agency or agencies or a State joint board to act upon a timely or conclusive basis with respect to any application of such electric entity for a State or regional certification which has been on file for a period in excess of one year; and that as a result thereof the public interest in an adequate and reliable regional bulk power supply imperatively and unavoidably requires a decision with respect to such certification. The Federal Power Commission shall prescribe by regulation the facts necessary to constitute the basis of such showing, giving due consideration to the effect upon adequacy and reliability of electric supply of the lack of timely, or of inconclusive, action by the State or States concerned. Such applications shall be referred to the Federal Power Commission, and if it makes a finding, upon the advice of the interested Federal agencies, that adequate and reliable regional bulk power supply will be materially impaired by reason of the fact that a State or States have failed to act upon a timely or conclusive basis after the expiration of a period of one year from the date the application is filed, the Federal certifying agency shall, effective upon the date of such finding, have jurisdiction to act in these circumstances, removing from the State or States concerned any basis upon which to proceed further in respect of State, regional or State joint board certification of the affected bulk power supply facilities. The Federal certifying agency shall accord priority to all petitions for Certificates of Site and Facility filed under this subsection and shall resolve them in accordance with the provisions of section 7.

SEC. 7. (a) The certifying agencies are hereby empowered and authorized, pursuant to Section 6 hereof, to issue Certificates of Site and Facility for bulk power supply facilities, if such agencies find, after having considered available alternatives, that the use of the site or route will not unduly impair important environmental values and will be reasonably necessary to meet electric power needs, or otherwise to deny such Certificates if the applicant fails to conform with the requirements of this Act. The judgment of the certifying agency shall be conclusive on all questions of siting, land-use, State air and water quality standards, public convenience and necessity, aesthetics, and any other State or local requirements but the Certificates shall be granted only after the appropriate certifying agency has ascertained that all applicable Federal standards, permits, or licenses have been satisfied or obtained. The Certificates shall show acceptance thereof by the applicant and agreement to comply with the requirements of this Act including a showing of the applicant's action to meet the objectives of Section 202(a) of the Federal Power Act, 16 U.S.C., Sec. 824a(a), regarding reliability and adequacy of electric service.

(b) In the consideration of applications for Certificates of Site and Facility, the certifying agency shall assure full public review and adequate consideration of all environmental values, including the impact on adjacent States, and other relevant factors bearing on whether the objectives of this Act would be best served by the issuance of the Certificate. In the issuance of such Certificates the certifying agency may impose such reasonable terms and conditions as it deems necessary. Such Certificates, when issued, shall be final and subject only to judicial review.

SEC. 8. Each certifying agency is hereby empowered, authorized, and directed—

(a) To review and comment on the long-range plans prepared and filed pursuant to section 4 hereof and make the information contained therein readily available to the general public and interested governmental agencies.

(b) To compile and publish each year a description of the proposed power plant sites and general locations of transmission line routes within its respective jurisdiction as identified in the long-range plans of the electric entities and Federal electric entities pursuant to section 4(a)(2), identifying the location of such sites and the approximate year when construction is expected to commence, and to make such information readily available to the general public, to each newspaper of daily or weekly circulation within the area affected by the proposed site, and to other interested Federal, State, and local agencies.

(c) To conduct public hearings with respect to any proposed power plant sites identified five years in advance of construction and to decide whether or not any such sites should be approved for inclusion in the electric entity's five-year inventory of sites. The basis for such decision shall be whether or not construction of any plant at the proposed site would unduly impair important environmental values. It is contemplated that any such hearings on the site itself will be held promptly after the site is identified.

(d) Upon the receipt of an application for a Certificate of Site and Facility pursuant to Section 6 hereof, to publish a notice in each newspaper of daily or weekly circulation serving the affected area which describes the location of the facilities (power plant and transmission lines) and other pertinent details concerning the facilities, and which provides the date of the public hearing thereon which shall be held prior to the issuance of the Certificate of Site and Facility applied for.

(e) To require such information from electric entities and Federal electric entities as it deems necessary to accompany applications for Certificates of Site and Facility and to assist in the conduct of hearings and any investigations or studies it may undertake.

(f) To conduct any studies or investigations which it deems necessary or appropriate to carry out the purposes of this Act.

(g) To issue such rules and regulations, after public notice and opportunity for comment, as may be required to carry out the provisions of this Act.

SEC. 9. An electric entity holding a Certificate of Site and Facility as referred to in Section 6, and which cannot acquire by contract, or is unable to agree with the individual, corporation, or other owner (other than the United States Government), of property as to compensation to be paid for the necessary rights-of-way or other property to construct, operate and maintain the certified bulk power supply facilities, may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. In any proceeding brought in the district court of the United States, the petitioner may file with the petition or at any time before judgment a declaration of taking in the manner and with the consequences provided by Sections 258a, 258b and 258d of title 40, United States Code, and the petitioner shall be subject to all of the provisions of said Section which are applicable to the United States when it files a declaration of taking hereunder.

SEC. 10. (a) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts not in conflict with any law or treaty of the United States for cooperative effort and mutual assistance in certificating sites and related bulk power supply facilities of electric entities, for the enforcement of their respective laws thereon, and for the establishment of such authorities or agencies, joint or otherwise, as they may deem desirable for implementing such agreements or compacts. The right to alter, amend, or repeal this section is expressly reserved.

(b) It is the intent of Congress to encourage cooperation among the various State and regional certifying agencies in the planning of bulk power facilities and in their review of applications for Certificates of Site and Facility including the establishment of cooperative procedures and joint actions by the several States, and also to encourage compacts between the States to coordinate and resolve environmental considerations which affect bulk power supply facilities.

SEC. 11. Each State or regional certifying body qualified pursuant to a Certificate of Qualification of Procedure, each State joint board, and the Federal certifying agency are hereby authorized to assess and collect fees, including filing fees, in a just and equitable manner from every electric entity and Federal electric entity operating within the jurisdiction of the legal authorities and procedures of said agency, such assessment and collection to be in an amount not in excess of the cost of administration of the qualified agency's certification program, including the cost of all necessary studies and the cost of personnel.

SEC. 12. The Federal certifying agency, in cooperation with other interested Federal agencies and the electric power industry, is authorized to develop a coordinated program of studies of new and evolving siting concepts relative to bulk power supply facilities in consultation with interested State, regional and local governmental authorities, the national organization of the State commissions and the electric entities. The Federal agencies shall make public the results of their studies.

SEC. 13. All departments and agencies of the Federal Government are authorized to cooperate with the certifying agencies so as to foster and fully effectuate the purposes of this Act. Those departments and agencies are authorized to make available to the various certifying agencies, staff experts, information and technical assistance upon request. Upon request of one or more States for a study of the environmental considerations affecting bulk power supply in its or their region, or the regional impact of any specific proposed bulk power supply facility, appropriately directed to a Federal de-

partment or agency, said department or agency is authorized to undertake such study in cooperation with other interested Federal, State, and local agencies and make its findings available to all concerned.

SEC. 14. The orders or decisions of the Federal certifying agency and of each State joint board pursuant to this Act shall be subject to review pursuant to the provisions of 5 U.S.C. 701–706. The orders and decisions of the State or regional certifying agencies pursuant to this Act shall be subject to review pursuant to applicable State law.

SEC. 16. (a) The provisions of this Act shall in no way alter or affect the jurisdiction of the Council on Environmental Quality or the requirements of the National Environmental Policy Act of 1969, 83 Stat. 852, except that the detailed statements required by section 102(2)(c) thereof, where the certifying agency has followed a substantially comparable procedure, shall not be required for power supply facilities which requires a certificate of site and facility pursuant to section 6 of this Act.

(b) Nothing herein contained shall be construed to relieve any present or future requirement arising from any Federal law, which may be applicable to any natural person, artificial person, or interest of government, Federal or State, or to affect in any way the authority of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, or the Federal Power Commission under the Federal Power Act of 1935, as amended.

SEC. 17. (a) Whoever:

(1) Without first obtaining a Certificate of Site and Facility, commences to construct a bulk power supply facility after twenty-four months after the date of enactment of this Act; or

(2) Having first obtained a Certificate of Site and Facility, constructs, operates or maintains a bulk power facility other than in compliance with the Certificate; or

(3) Causes any of the aforementioned acts to occur; shall be liable to a civil penalty of not more than $10,000 for each violation or for each day of a continuing violation. The penalty shall be recoverable in a civil suit brought by the Attorney General on behalf of the United States in the United States District Court for the district in which the defendant is located or for the District of Columbia.

(b) Whoever knowingly and willfully violates subsection (a) shall be fined not more than $1,000 for each violation or for each day of a continuing violation, or imprisoned for not more than one year, or both.

(c) In additon to any penalty provided in subsections (a) or (b), whenever the Federal certifying agency determines that a person is violating or is about to violate any of the provisons of this section, the agency shall refer the matter to the Attorney General who may bring a civil action on behalf of the United States in the United States District Court for the district in which the defendant is located or for the District of Columbia to enjoin the violation and to enforce the Act or an order or certificate issued hereunder, and upon a proper showing a permanent or preliminary injunction or temporary restraining order shall be granted without bond.

NATURAL GAS PIPELINE SAFETY ACT AMENDMENT OF 1971

JUSTIFICATION

The Congress, in enacting the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.A., Sec. 1671, et seq.), intended to establish a viable Federal-State partnership to carry out a national gas safety program. Under section 5 of the Act, a State agency which adopts the Federal safety standards as a minimum and which has the ability to effectvely enforce these standards, is permitted to administer a comprehensive gas safety program within that State with respect to distribution companies and local transmission lines. State adoption and enforcement of the Federal standards are reflected by a State agency annually submitting to the Secretary of Transportation a certificate accompanied by supporting information depicting the State program. If the Secretary finds that the State performance is inadequate, he may reject the certificate and assert direct Federal regulation.

However, one facet of Section 5(a)(4) of the Act [49 U.S.C.A., Sec. 1674(a)(4)] has created a conflict of interpretation between the State agencies and the Office of Pipeline Safety of DOT. Section 5(a) provides, as one of the conditions for State certification, that: ". . . the law of the State makes provision for the enforcement of the safety standards of such State agency by way of injunctive and monetary sanctions *substantially the same as* are provided under sections 9 and 10; except that a State agency may file a certification under this subsection without regard to the requirement of injunctive and monetary sanctions under State law for a period not to exceed two years after the date of enactment of this Act." (Emphasis supplied.)[11] [12]

The Office of Pipeline Safety has interpreted the phrase "substantially the same as" to mean that a State agency itself must possess the authority to fix and compromise penalties against gas companies committing safety violations.

Traditionally, many States have reserved such authority for exercise by the judiciary and not regulatory agencies. This certainly appears to be a sound policy decision when we consider that the judiciary is the ultimate guardian of the rights of the people.

Irrespective of the enormous responsibility placed upon the judiciary under our system of government, and the excellent record it has made in meeting this responsibility since the establishment of our government, the Office of Pipeline Safety has determined that the judicial fixing of penalties is inadequate.

Many States have attempted to change their laws to conform with DOT's interpretation during the two year period specified in Section 5(a) which expired on August 12, 1970. However, thus far the Office of Pipeline Safety has determined that the laws of only 33 States and Puerto Rico satisfy its imaginative interpretation regarding monetary sanctions. It has determined that the laws of the following 14 jurisdictions are inadequate and, therefore require amendment: Connecticut, Delaware, Hawaii, Louisiana, Massachuseths, Minnesota, Mississippi, Nebraska, New Jersey, North Dakota, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. It has not yet completed its review of the laws of Arkansas, Indiana, New Mexico and Ohio.

In view of these considerations, the NARUC believes that the interpretation adopted by the Office of Pipeline Safety, which is unsupported by the legislative history, is bad policy because it minimizes the time-honored judicial role and because it will seriously impair the Federal-State safety program intended by the Congress. See resolution adopted by NARUC Executive Committee on July 22, 1970. NARUC Bulletin No. 31–1970, p. 5.

Accordingly, the Natural Gas Pipeline Safety Act of 1968 should be amended in the manner proposed below to clarify the Congressional intent as to the appropriateness of the judicial fixing of penalties for safety violations.

Also, the Act should be further amended with regard to the 50–50 matching grant-in-aid program to assist the State commissions in their safety regulation. As a result of the timing of the State commission's application for funds and the calendar year basis of the existing grant-in-aid program, most State commissions will not know the amount of Federal funds they are entitled to receive in any year until after their State legislatures have made appropriations for that year. Under these circumstances, a State legislature could easily fail to appropriate sufficient State funds to fully match the Federal funds apportioned to the State and hence the unmatched part of the apportionment would lapse.

Enactment of the Natural Gas Pipeline Safety Act amendment of 1971, set forth below, would permit Congressional authorization of a specific amount of funds for a given fiscal year to be apportioned among the several States well in advance of such fiscal year in accordance with a precise formula. Under this concept, the Federal authorizing legislation would be enacted during an even-numbered year, and the apportionment of funds to the States would be made before the close of that even-numbered year, so that the State legislatures (the vast majority of which meet during the odd-numbered years) would know the amount of State funds needed to match the apportioned Federal funds. The Federal-aid highway program is an outstanding example of the application of this concept.

The proposed Amendment also contains a "contract authority" provision which means that when the Secretary of Transportation approves the gas safety program of a State commission, such approval "shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto." The proposed Amendment includes authorization for a $20,000 annual grant to the NARUC to aid in the conduct of the national gas safety program.

The proposed amendments, regarding the modification of the grants-in-aid program, formed a part of the NARUC proposed Natural Gas Pipeline Safety Act Amendment of 1969 which was introduced in the Ninety-first Congress as S. 1919 by Magnuson (D.-Wash.) and H.R. 12151 by Rooney (D.-Pa.). Representative Rooney on February 2, 1971, automatically reintroduced this legislation in the Ninety-second Congress as H.R. 3324.

The text of the proposed amendment reads as follows:

H.R. —

A bill to amend the Natural Gas Pipeline Safety Act of 1968 to clarify Congressional intent as to the appropriateness of the judicial fixing of penalties for certain safety violations, and to modify the grant-in-aid program to State agencies participating in safety regulations under the Act, and for other purposes

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

SECTION 1. This Act may be cited as the "Natural Gas Pipeline Safety Act Amendment of 1971."

SEC. 2. The Natural Gas Pipeline Safety Act of 1968, 82 Stat. 720, is amended by inserting the words ", by it or the courts of the State," immediately after the words "such State agency" in clause (4) of subsection (a) of section 5.

SEC. 3. The Natural Gas Pipeline Safety Act of 1968, 82. Stat. 720, is amended by striking the first sentence of paragraph (1) of subsection (c) of section 5 and inserting in lieu thereof a new sentence to read as follows: "Upon application, the Secretary is authorized to pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment and activities of a State agency reasonably required, during the ensuing fiscal year to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section; or to act as agent of the Secretary in enforcing Federal safety standards for pipeline facilities or the transportation of gas subject to

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Footnotes at end of article.

the jurisdiction of the Federal Power Commission under the Natural Gas Act."

SEC. 3. The Natural Gas Pipeline Safety Act of 1968 is further amended by adding at the end of subsection (c) of section 5 the following:

"(4) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall certify to each such State agency the funds which he has apportioned hereunder to each State for such fiscal year. As soon as practicable after the apportionment has been made for each fiscal year, the State agency of any State desiring to obtain financial assistance shall submit to the Secretary for his approval the State's safety program for the use of the funds apportioned for such fiscal year. The Secretary shall act on each State program as soon as practicable after it has been submitted. The Secretary may approve any program in whole or in part. His approval of any program shall be deemed a contractural obligation of the Federal Government for the payment of its apportioned contribution thereto. If a State agency elects not to accept the funds apportioned to it, such funds shall be reapportioned among the other States whose State agencies are eligible to receive Federal funds under this subsection.

"(5) The Secretary may, in his discretion, from time to time as work progresses make payment to a State agency for the annual program costs incurred by it. These payments shall at no time exceed the Federal share of the program costs incurred to the date of the voucher covering such payment. After completion of an annual program and approval of the final voucher by the Secretary, the State agency shall be entitled to payment out of the appropriate funds apportioned to it of the unpaid balance of the Federal share on account of such program. Such payments shall be made to such official or officials or depository as may be designated by the State agency and authorized under the laws of the State to receive public funds of the State.

"(6) Upon application by the national organization of the State commissions submitted on or before September 30th of any calendar year, the Secretary shall pay out of the funds appropriated pursuant to this Act, or other available funds, the sum of $20,000, plus such additional sums as he deems justified, to such national organization, to pay, during the ensuing calendar year, the reasonable cost of (i) conducting training of State enforcement personnel, (ii) furnishing technical assistance, or (iii) other activities appropriate for the advancement of the safety programs of State agencies carried on under this Act.

SEC. 4. Section 15 of the Natural Gas Pipeline Safety Act of 1968 is amended by inserting "(a)" immediately after "Sec. 15." and by adding at the end thereof the following:

"(b) For the purpose of further aiding the Secretary in providing financial assistance to State agencies pursuant to section 5(c) of this Act, there is hereby authorized to be appropriated the additional sum of $——— for the fiscal year ending June 30, 1972; the additional sum of $——— for the fiscal year ending June 30, 1973; and the additional sum of $——— for the fiscal year ending June 30, 1974."

UNIFORM MOTOR CARRIER STANDARDS ACT

JUSTIFICATION

Public Law 89–170 was signed into law by the President on September 6, 1965. Among other things, it amended Section 202(b) of the Interstate Commerce Act [49 U.S.C., Sec. 302(b)(2)] to authorize the NARUC to determine standards, and amendments thereto, evidencing the lawfulness of interstate operations of motor carriers, and to require the Interstate Commerce Commission to promulgate same into law to become effective five years from the date of promulgation. When the standards become effective any State laws not in accord therewith are deemed to be an undue burden on interstate commerce.

The NARUC, assembled in annual convention on November 17, 1966, unanimously adopted a resolution determining such standards, and the ICC promulgated them into law on December 14, 1966.[13] Accordingly, the standards will become effective on December 15, 1971.

The success of the national regulatory program which will be established by these standards, and the ability of the NARUC to discharge its responsibilities thereunder, will be directly affected by the capacity to expeditiously adopt necessary amendments. Under present law, five years would have to elapse after the NARUC determined an amendment before it could become effective. As an example, it would take a minimum of five years for the NARUC to make a minor change in the language of the cab card form. Accordingly, it is very important that Public Law 89–170 be amended to provide that after the standards become effective, any amendments thereof subsequently determined by the NARUC may become effective at the time of promulgation or at such other time as it may determine.

This proposed amendment was a part of the NARUC proposed Federal-State Highway Transportation Law Enforcement Act of 1969 which was introduced in the Ninety-first Congress as S. 1923 by Magnuson (D.-Wash.), H.R. 12146 by Rooney (D.-Pa.), and H.R. 12267 by Friedel (D.-Md.). Representative Rooney on February 2, 1971, automatically reintroduced this legislation in the Ninety-second Congress as H.R. 3320.

The enactment of the following proposed Uniform Motor Carrier Standards Act would so amend Public Law 89–170:

H.R. —

A bill to amend the Interstate Commerce Act to expedite the making of amendments to the uniform standards for evidencing the lawfulness of interstate operations of motor carriers

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

SECTION 1. This Act may be cited as the "Uniform Motor Carrier Standards Act."

SEC. 2. Paragraph (2) of subsection (b) of section 202 of the Interstate Commerce Act, as amended [49 U.S.C., Sec. 302(b)(2)], is hereby further amended by striking the period at the end of the second sentence and inserting in lieu thereof the following: "; *Provided*, That any amendments of the standards determined by the national organization of the State commissions and promulgated by the Commission prior to the initial effective date of such standards shall become effective on such initial effective date; and *Provided further*, That after the standards become effective initially any amendments thereof subsequently determined by the national organization of the State commissions shall become effective at the time of promulgation or at such other time as may be determined by such organization."

INTRASTATE RAIL RATE ACT

JUSTIFICATION

The Transportation Act of 1958, 72 Stat. 570, amended Section 13(4) of the Interstate Commerce Act [49 U.S.C.A., Sec. 13(4)] to provide that a railroad may seek from the Interstate Commerce Commission an increase in *instrastate* rates by alleging unjust discrimination against, or undue burden upon, interstate commerce, and that the ICC is required to take jurisdiction and to act upon the proposed rate increase "whether or not theretofore considered by any State agency or authority and without regard to the pendency before any State agency or authority of any proceeding relating thereto."

Although this provision was placed in the law in 1958, the railroads have apparently made no effort to bypass the State commissions until December 24, 1969, when approximately 80 railroads filed a blanket petition with the ICC to increase the intrastate rate level in nine Southern States to the current Ex Parte No. 262 interstate level. The petitioning railroads did not await or even seek intrastate rate relief from the commissions of the nine Southern States. *Intrastate Freight Rates and Charges in Southern States, 1969*, Docket No. 35203.

Accordingly, the NARUC has urged that the Interstate Commerce Act be amended by striking the parenthetical language in the proviso of Section 13(4) and inserting in lieu thereof the following language: "(if the State authority having jurisdiction thereof shall have denied a petition duly filed with it by said carrier seeking relief regarding such rate, fare, charge, classification, regulation, or practice, in whole or in part, or shall not have acted finally on such petition within one hundred and twenty days from the presentation thereof)".[14] It is essential to the full protection of the consumer interest that the State commissions retain primary jurisdiction over intrastate rail rates. The intrastate traffic pattern in each State is unique and, therefore, each State should be permitted to continue to seek to maximize the abundance of low cost transportation of certain economically significant commodities within its borders in order to stimulate business and to promote the general welfare and prosperity of its citizens. ICC review in these matters should only be directed to a substantial disparity which operates as a real discrimination against interstate commerce, and Congress should leave appropriate discretion to the State commissions to initially deal with intrastate rates in relation to the general level of rates which the ICC has found to be fair to interstate commerce.

Furthermore, retaining initial State consideration of intrastate rate cases will assure that consumers within the State, and especially small shippers, will have an opportunity to be heard in a local forum and before a State commission who, through its day-to-day contact with local problems, is in the best position to judge local needs within the framework of the overall revenue requirements of the railroads. While it is practical for a small shipper to appear at a public hearing in the State capital and verbally express his views, how many small shippers can afford to employ the attorneys and other experts required for filing intricate pleadings with the ICC in Washington, D.C.?

The text of the proposed Intrastate Rail Rate Act reads as follows:

H.R. —

A bill to amend the Interstate Commerce Act to require carriers by railroad to exhaust certain State remedies prior to petitioning the Interstate Commerce Commission for relief in intrastate rate cases

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

SECTION 1. This Act may be cited as the "Intrastate Rail Rate Act."

SEC. 2. Paragraph (4) of section 13 of the Interstate Commerce Act, as amended [49 U.S.C., Sec. 13(4)], is hereby further amended by striking the parenthetical language in the proviso of paragraph (4) and inserting in lieu thereof the following: "(if the State authority having jurisdiction thereof shall have denied a petition duly filed with it by said carrier seeking relief regarding such rate, fare, charge, classification, regulation, or practice, in whole or in

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Footnotes at end of article.

part, or shall not have acted finally on such petition within one hundred and twenty days from the presentation thereof)."

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENT

JUSTIFICATION

The purpose of the following proposed Amendment is to require the Administrator of Government Services, in his capacity as procurement officer for the Federal Government, to adhere to applicable State regulatory provisions when procuring transportation or public utility services.

The effect of the proposed Amendment will be to overrule the decision of the United States Supreme Court in *United States* v. *Georgia Public Service Commission*, 371 U.S. 285, 9 L.Ed. 2d 317, 83 S. Ct. 397 (1963). This case concerned the administrator's authority to arrange the transportation of Federal employee owned household goods from Savannah to Atlanta, Georgia, by Georgia PSC certificated carriers, but at rates below the PSC approved tariffs.

A three judge Federal district court unanimously upheld State regulation, but on appeal the Supreme Court, with Justices Goldberg, Harlan and Stewart dissenting, reversed, holding that Congressional policy, as expressed by the Federal Property and Administrative Services Act of 1949, 40 U.S.C., Sec. 481, as amended, 41 U.S.C., Secs 251 *et. seq.*, permits Federal procurement officers to disregard State economic laws in obtaining cheaper rates. See also *Paul* v. *United States*, 371 U.S. 245, 9 L.Ed. 2d 292, 83 S. Ct. 426 (1963).

The rationale of this decision might be applied to other areas subject to State commission regulation, such as permitting Federal procurement officers to arrange intrastate transportation by carriers holding no State authority[15] Also, there could be an erosion of Federal regulatory jurisdiction.

The proposed Amendment is the same as the NARUC proposed Federal Property and Administrative Services Act Amendment of 1969 which was introduced in the Ninety-first Congress as S. 1939 by Magnuson (D.-Wash.) and H.R. 12145 by Rooney (D.-Pa.). Representative Rooney on February 2, 1971, automatically reintroduced this legislation in the Ninety-second Congress as H.R. 3319.

The text of this legislation reads as follows:

H.R. —

A bill to amend the Federal Property and Administrative Services Act of 1949 to provide that the procurement of certain transportation and public utility services shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended; 40 U.S.C., Sec. 481) is amended by adding at the end thereof the following new subsection:

"(e) Any other provision of this Act or any other Act to the contrary notwithstanding, the procurement of transportation and public utility services under the provisions of this Act or any other Act shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities."

FOOTNOTES

[1] Telephone companies are regulated by State commissions in every State except Texas where regulation is administered at the municipal or local level. In the District of Columbia, The Chesapeake & Potomac Telephone Company, part of the Bell System, is regulated by the District of Columbia Public Service Commission.

[2] Communications Act of 1934, as amended, Secs. 1 *et seq.*, (47 U.S.C., Secs. 151 *et seq.*).

[3] *Id.*, Secs. 2(b) and 221(b) (47 U.S.C., Secs. 152(b) and 221(b)). An example of an exchange area which overlaps State lines is the very large Washington metropolitan exchange area encompassing the District of Columbia and parts of Maryland and Virginia and calls therein are subject exclusively to State and local regulation. The dimensions of the exchange area are measured by the distance you can call without incurring a toll charge.

[4] *Re American Telephone and Telegraph Company et al.*, 70 PUR 3d 129, at p. 145, par. 21 (1967).

[5] Communications Act of 1934, as amended, Sec. 2(b)(2) (47 U.S.C., Sec. 152(b)(2)).

[6] A more recent example, was the use of three cooperating State commissioners in FCC Docket No. 18519 involving TWX acquisition by Western Union.

[7] Section 209(a) of the Federal Power Act (16 U.S.C., Sec. 824h) and Section 17(a) of the Natural Gas Act (15 U.S.C., Sec. 717p), each authorize the Federal Power Commission to refer administrative matters to joint boards composed of State commissioners and further provide that they "shall receive such allowances for expenses as the Commission shall provide."

The Interstate Commerce Commission is also authorized to refer administrative matters to joint boards composed of State officials and the law provides that they "shall receive such allowances for travel and subsistence expenses as the Commission shall provide." Interstate Commerce Act, Part II, Sec. 205(b), as amended [49 U.S.C., Sec. 305(b)].

[8] *Report Draft, Interagency Power Plant Siting Study Group*, Office of Science and Technology, I–5.

[9] *Ibid.*

[10] *U.S. Energy Policies—The End of An Era*, an address by S. David Freeman, Director, Energy Policy Staff, Office of Science and Technology, before the Northwest Public Power Association Nuclear Symposium, Seattle, Washington, November 13, 1970, page 5.

[11] [12] The Act was signed by the President on August 12, 1968.

[13] 78th NARUC Annual Convention Proceedings, pp. 203–230, 371 (1966); NARUC Bulletin No. 63–1966, p. 2; Fed. Reg., Dec. 28, 1966, pp. 16567–16575; 49 C.F.R. Secs. 1023.1, *et seq.* The standards have been amended on the following three occasions: (1) 80th NARUC Annual Convention Proceedings, p. 263 (1968); NARUC Bulletin No. 49–1968, p. 9; Fed. Reg., Dec. 25, 1968, p. 19250; (2) 81st NARUC Annual Convention Proceedings, p. 375 (1969); NARUC Bulletin No. 43–1969, p. 12; Fed. Reg., Feb. 4, 1970, p. 2524; and (3) 82nd NARUC Annual Convention Proceedings, p. — (1970); NARUC Bulletin No. 48–1970, pp. 4, 5; ICC Order dated February 18, 1971, and served Feb. 19, 1971.

[14] NARUC support for this amendment is evidenced by: the resolution adopted by the Executive Committee on February 25, 1970 (NARUC Bulletin No. 14–1970, p. 12); the testimony on March 18, 1970, before the Subcommittee on Surface Transportation of the Senate Committee on Commerce on S. 2355, a bill to establish an advisory commission to make a study and report with respect to freight rates (NARUC Bulletin No. 13–1970, p. 12); and the resolution adopted by the Eighty-second Annual Convention on November 19, 1970 (NARUC Bulletin No. 48–1970, p. 8).

[15] Although the Administrator on February 20, 1970, amended the Federal Procurement Regulations, effective April 1, 1970, to require that motor carriers performing Federal moving contracts in interstate or intrastate commerce shall be certificated by the ICC or state agencies, respectively (41 C.F.R., Sec. 1–19.110; NARUC Bulletin No. 13–1970, p. 10), the requirement may be just as easily rescinded by the Administrator.

THE PATH OF PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 60 minutes.

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

INTRODUCTION

Mr. CRANE. Mr. Speaker, the impasse which seems to have been reached in the Middle East has been discussed by some in terms of Israel's alleged intransigence in the face of Egyptian willingness to come to an agreement.

Those who have, in recent days, presented such an assessment of events in the Middle East rest their case primarily on a single assumption, namely that the Soviet Union truly wants peace in the Middle East and, as a result, Egyptian overtures to Israel are the result of Soviet pressure for a meaningful settlement.

The rest of their arguments follow very clearly from this assumption. Since the four great powers, the United States, France, Great Britain, and the Soviet Union, all share a desire for peace, it is argued, a settlement imposed upon Israel and the Arab states would, in the long run, be in the best interests not only of the parties involved, but of the whole world as well.

Such a settlement, the four powers seem at this time to be saying, can only occur if, as a precondition to negotiations, Israel withdraws from all of the territory it occupied as a result of the 1967 war. In return for the very real giving up of land from which enemy attacks have in the past been launched, the Israelis are promised international "guarantees" of their security. They are, thus, being asked to relinquish something tangible for something illusory.

INTERNATIONAL GUARANTEES

In reality, how meaningful are guarantees by third parties with regard to whether or not the occupied territory, once returned to Egypt, Jordan, and Syria, would once again be used as bases from which aggressive attacks upon Israeli territory would be launched?

The answer to this question is, of course, not known. But history does provide us with some ideas of what we must look forward to. The United States, we must remember, pressed Israel to give up the Sinai in 1957, following the Suez crisis. Now, nearly 4 years after the 1967 conflict, many in this country are busy persuading Israel to do it once again. The Israelis, however, have not forgotten the result of their previous acquiesence to this pressure.

The fact that Israel has seen the United States let it down in the past with regard to "gauarantees" must carefully be weighed in assessing the current Israeli hesitancy to participate in a withdrawal with nothing but "guarantees" in return. Discussing this point, the Washington Post in its editorial for March 16, 1971, notes that—

The Israelis are completely right in pointing out that the 1957 arrangements were a disaster: first, the United States promised

to ensure Israeli navigation rights in return for withdrawal, and the United States broke its promise; second, the United Nations peace force crumbled in the crunch in 1967.

The Israeli Embassy recently declared that guarantees "by their very substance cannot but be tenuous."

It is difficult to disagree.

Let us consider the question of such "guarantees" from an historical perspective, putting aside for a moment the particular history of the Middle East conflict. What do we find?

Did the promises of the Western powers made to Poland during the 1930's prevent an invasion by Nazi Germany and the Soviet Union? Was the League of Nations able to aid Ethiopia when it was invaded by Mussolini's Italy? Has the United Nations risen to the defense of the people of Hungary or Czechoslovakia when they fought for their freedom?

The fact is that despite international guarantees, treaties and agreements, each country, in the last analysis, is on its own. Bismark said that countries have neither friends nor enemies, but interests. This is not the way we would like the rest of the world to be but, unfortunately, it remains the nature of the world in which we are living. No nation can place her security and her very life in the hands of others. We would not think of pursuing such a policy with regard to our own country, and we should not ask that a country which is our ally do so for itself.

SECRETARY ROGER'S CLARIFICATION

It is encouraging to note that the plan being set forth by Secretary of State William Rogers does not involve the removal of the Israelis from the occupied territories as a condition precedent to peace negotiations. Many had feared this was the original intent of our Government's proposals, and the Secretary's clarification last Thursday is notice to the world that the Israelis will not be asked to pursue a policy which jeopardizes their security. Nevertheless, there will be continuing calls for such as Israeli withdrawal from the Egyptians, the Russians, the United Nations, and many other sources. These must be resisted if a meaningful peace is ever to be achieved.

SOVIET INTERESTS

The point which was raised earlier, however, remains a key element in any discussion of today's Middle East impasse. What interest does the Soviet Union have in the area? Is it seeking to mediate a just and lasting settlement, as many advocates of "detente" in this country tell us? Or is its goal an aggressive one, seeking to expand Soviet influence and perhaps control over the oil-rich Arab States, together with control over the Suez Canal?

If the Soviet Union is not interested in peace, it makes no sense to speak of joint peace keeping forces which include the very state which has stirred, not peace, but discord. Let us look briefly at the record.

Soviet influence in the Middle East is at an alltime high today, and its prospects for even greater increase seem notable. Pro-Soviet radical regimes have come to power in Egypt, Syria, Iraq, Algeria, South Yemen, and the Sudan.

The basic purposes of Moscow's Middle East policy are: First, to dominate the Arab States and extend Communist penetration of the African Continent; second, to force the U.S. fleet out of the Mediterranean, thereby disrupting NATO; and third, to control Arab oil.

This has cost the Soviet Union a great deal of money. In the 10 years before 1967, Moscow armed Arab States to the tune of $2.5 billion. Since the Israeli victory in the 1967 war, it has replaced the lost arms of the Arab States at a cost of more than $5 billion, and has sent thousands of military experts to Egypt and hundreds to Syria and Iraq. It is estimated today that there are 15,000 uniformed Soviet personnel in Egypt and an additional 1,500 advisers in the Sudan.

Simultaneously, Russia has increased its Mediterranean Fleet from 40 to at least 50 ships, has warmed up its courtship of Turkey, and offered commercial opportunities to Britain, Italy, and Germany. The immediate aims are the reopening of the Suez Canal, Israel's retreat to the 1967 frontier, Soviet participation in all decisions concerning the Mediterranean, and dominance of the Middle Eastern oil areas upon which both Western Europe and Japan are dependent.

If the Russians succeed in control of the Arab world, giving them strategic control of Arab oil, they would extend this control to the Persian Gulf within a few years. In Russian hands, the Middle East would be the strategic key to Africa and southern Asia, and quite probably to the breakup of NATO. Western Europe and Japan might be successfully blackmailed by Soviet control of Arab oil.

While the U.S. Navy has yet to develop an effective surface to surface missile, and has dawdled away the whole technology of modern guns and gunnery, the U.S.S.R. holds at least a 10-year lead in seaborne missiles designed to sink other ships.

The existence of Russian missiles aboard the new Kynda and Kresta classes of destroyers prompted Secretary of the Navy John Chafee to predict that our own aging 6th Fleet would have only a 45-percent chance of survival in a fight against the Russian Mediterranean Fleet.

By keeping the Middle East in a state of tension, the Soviet Union hopes to make radical Arab countries so dependent upon them for arms, economic assistance, technical help and diplomatic support that these countries will be drawn firmly into their control. As a result, Israel has become the frontline of Western defense in the Middle East.

Egypt seems, at this time, to be virtually a captive nation. Her frontal-defense strategy, contrasted with the Israeli system of widely spaced fortified positions, is in accordance with Soviet techniques.

The SAM–2 and SAM–3 antiaircraft missiles are concentrated behind the 203-mm. guns. The closest missile sites are about 7 miles from the canal. The SAM's are in Soviet hands, the Soviets dominate the Egyptian Air Force, and Soviety military "advisers" are integrated into the Egyptian Army down to the unit level where they both plan and execute orders.

NATO'S SOUTHERN FLANK

At the time the Palestinian skyjackers held Americans as hostages in Jordan it was said that our 6th Fleet would intervene. Military reports, however, indicate that our 6th Fleet was tied up in the eastern Mediterranean. Today, Greece is the only country in the entire region where the U.S. 6th Fleet can congenially call. It cannot go to Turkey, long a solid base, without inciting street riots, protest bombings and internal strikes. West of Turkey and except for Israel, Tunisia and Morocco, the entire southern rim of the Mediterranean is not only hostile to us, but shut. In contrast, Syria, Egyptian and Algerian harbors are available to the expanding Soviet Mediterranean Fleet.

Thus, the stakes here are the security of all of Western Europe. Today the Soviet Union is almost at parity with us in naval power in the Mediterranean, and they enjoy greater naval power than the United States in the Indian Ocean and the Persian Gulf. If the Middle East falls into hostile hands, we can, in effect, be ordered out of the Mediterranean, thereby exposing all of Europe to Soviet power. In such an event, it is certain that NATO would collapse.

MIDDLE EAST OIL

In addition, the Soviet Union, which will need to import oil in the 1970s, is paying new attention to the oil fields of the Middle East and North Africa. These fields account for one-third of current production in the non-Communist world, and three-fourths of the non-Communist world's known reserves. The Iraqi Government has already given the Russians rights to develop the rich North Rumalia oil field near the Persian Gulf—a field taken away from a Western owned company.

SOVIET INTENTIONS

Most pro-Western Arab states have come to feel that the Soviet Union has less than friendly designs upon the Middle East. King Hussein, for example, is well aware of Soviet intentions in the area. In a speech in June 1967 he stated:

> Russia has had designs on our region since the time of the czars, and we do not believe at all that the Soviet Union or Communist China would help us disinterestedly or want our well-being.

Discussing the growth of Soviet influence in the Middle East, Professor William Griffith of M.I.T. has noted that—

> Soviet penetration of the Arab lands is one of Russia's major diplomatic victories in modern history. For centuries, the czars dreamed of expanding their influence into that part of the world; until 1955, however, such dreams came to nothing. Today, by contrast, Russia is the most influential power in many Arab states.

The fact is that the Soviet Union desires control of the Middle East, not peace between its warring factions. The Soviet Union knows that the kind of control it desires can only come with the long-run elimination of Israel, which stands as a pro-Western bastion in a hostile part of the world.

"PEACEFUL COEXISTENCE"

Those who argue that the Soviet Union's intentions in the Middle East are peaceful are the very ones who tell us that there is no longer a Communist

threat in Europe or Asia and that the cold war is primarily the creation of policymakers in Washington, not of aggressive designs in Moscow and Peking. We have entered an era, they have said, of "peaceful coexistence."

If we had a better understanding of what the Communists mean by "peaceful coexistence," much of our difficulty in this area might be corrected. In an important new volume, Deceitful Peace, Prof. Gerhart Niemeyer of the University of Notre Dame points out that—

The design of "peaceful coexistence" policy is to dismantle our structure of might and the will to sustain it.

Dr. Niemeyer explains:

The new policy has a key concept spelling out the expectations on which it rests. Its name is peaceful transition from capitalism to socialism, and it hinges on a key concept: "radical reforms short of revolution" . . . one finds three targets for "radical reforms." The first is the dismantlement of all Western resistance to the Soviet Union, in the form of disarmament, weakening or dissolution of the Western military alliance system, removal of the military bases surrounding the Soviet Union, and liquidation of "anti-Communism," or the assumption that Communism is a worldwide threat . . .

Too many Americans have been following the expected path. In an article in Foreign Affairs in 1965, America's leading disarmament advocate, William C. Foster, declared that—

An erosion of alliances would have to be accepted for the sake of Soviet-American cooperation and for a gain in mutual confidence.

Underlying this trade of tangible elements of strength for intangible and ultimately wishful psychological gain is, according to Professor Niemeyer:

A theory that through such assumed increases in mutual confidence the Soviet Government will be "educated," that it will turn out in the end to be less Communist, less atavistic, and will then become a good useful citizen of the world . . . The ideology of millenarian peace is no exception in terms of a Second Reality which is not yet here and has no foundation in historic reality, which dictates policies that are unsuited to situations as they are, and thus causes a deterioration of such international stability as we have been able to enjoy thus far.

Have we truly entered an era of detente, or is communism, despite its divisions and internal quarrels, as committed as ever to expanding through the use of force and the techniques of subversion? Communist advances in Chile, the attempted overthrow of the Government in Mexico, the persistent support of aggression in Asia, certainly place the burden of proof upon those who argue that, somehow, things have changed.

In 1968 the Soviet Union forcefully eliminated the effort at democratization in Czechoslovakia, and the Soviet Government, through the Brezhnev doctrine, declared that it had a right to intervene in the affairs of all of the states of Eastern Europe. Despite all of these facts, many Americans persist in saying that somehow communism has changed.

The Israeli Government, however, believes that communism has not changed, and that its aggressive designs are the same as before. When an American questioner told Israeli Foreign Minister Abba Eban that he sounded as if he wanted to "restart" the cold war, Mr. Eban said that it was simply a matter of understanding what the Soviet role really is.

Mr. Eban stated that:

The Soviet role is provocative of war and hostile to peace, one-sided rearmament of the Arab states, blind identification with Arab demands, a very provocative penetration of the Mediterranean in order to change the international equilibrium.

He went on to point out that—

Since that is our view of the Soviet role, since Soviet policy lies at the root of the 1967 war and the inability to get peace ever since, then we ought to say so. I don't want a Cold War. I would like to see East-West cooperation, but you don't get cooperation by pretending that it exists when it does not exist. I'm against a wish-fulfillment approach. In the Middle East . . . the Soviet Union is acting against the interests of peace, stability, and equilibrium.

SOVIET ANTI-SEMITISM

The Soviet Union's approach to the Middle East cannot be totally divorced from the policy of anti-Semitism which has infected that government ever since the revolution of 1917.

Soviet hostility to Israel is matched at home by a campaign of repression against Soviet citizens of the Jewish faith that can only be described as a policy of cultural and spiritual genocide.

Judaism in the U.S.S.R. is subject to unique discrimination. Jewish congregations are not permitted to organize a nationwide federation or any other central organization. Judaism is permitted no publication facilities, and no Hebrew Bible has been published for Jews since 1917, nor is a Russian translation of the Jewish version of the Old Testament allowed.

The study of Hebrew, even for religious purposes, has been outlawed and the production of religious objects, such as prayer shawls, is prohibited. The number of Jews in the Soviet Union is close to 3 million, of whom at least 1 million have been estimated as believers. For these there are approximately 60 synagogues and rabbis, or one synagogue and rabbi for every 16,000 believers. No new rabbis are now being trained and the average age of rabbis is over 70. Little hope remains for a continuation of Jewish religious life in the Soviet Union.

The rabid anti-Semitism of the Communist leadership has been well-known. It was no coincidence that in the much publicized purge trials in Czechoslovakia in 1952, 11 of the 14 accused in the Slansky case were of Jewish origin. Writing in "The Confession," which has now been made into a movie, Arthur London tells of his first interrogator who took him by the throat and shouted:

You and your dirty race. We will know how to annihilate you! . . . What Hitler didn't finish, we will!

The far-left government of Chile has banned "The Confession" from its movie theaters. Anti-Semitism cannot be discussed or condemned in Chile in 1971, yet somehow we are told the Communists have changed.

CULTURAL GENOCIDE

Despite repeated statements to the effect that things since Stalin have improved in the Soviet Union with regard to Jews, the facts do not bear this out. B'nai B'rith, in a documented analysis of textbooks used in Soviet schools, accused Moscow of "systematically excising history" in an attempt to make the Jew a "nonperson."

Findings of the study said that Jews "are rarely mentioned and their culture ignored" in basic history textbooks used by the Soviet educational system.

The sixth edition of "Recent History," published in 1967 as a ninth-grade teaching manual, makes no mention of "anti-Semitic persecutions" in recounting the history of the Nazi regime from 1933 to 1939. The same book, discussing Nazi death camps, says that "in 1933–34, 100,000 Communists were thrown into prison and into especially established concentration camps" but makes no mention that Jews were victims.

A chronology in a 10th grade textbook listing nations newly independent since World War II omits reference to Israel, although such countries as Algeria and the United Arab Republic are treated in separate sections.

The Great Soviet Encyclopedia has adopted the same tactic of exclusion. In contrast to the 1932 edition which dealt with Jewish history and culture in 117 pages, the second edition, published in 1952, has put two pages devoted to Jews. Virtually all Jewish history is deleted. B'nai B'rith declared:

The inevitable result is that the students are denied a positive image of the Jews.

Jews in the Soviet Union have become virtual captives, not able to practice their religion, and not able to emigrate. One Soviet Jew who did manage to leave, Lyuba Bershadskaya, describes the scene at her departure:

The day I left Moscow to go to Israel, 200 people came to the airport to say goodbye. They already considered me a free person. They trusted me, they could say anything. People kept calling out: "Lyuba, tell Nixon, tell U Thant, tell Nixon!"

Religion, we must remember, has been the traditional enemy of all modern tyrannies. Mussolini stated that "Religion is a species of mental disease." Karl Marx called it the "opium of the people" and Hitler denounced Christianity not only because Jesus was a Jew, but because it was cowardly to speak of giving love for hate.

LOSE THE WAR, DICTATE THE PEACE

It is this same Soviet Union which Israel is now asked to trust with regard to a Middle East peace settlement. Spokesmen for our Government have said that the United States favors a multinational peace-keeping force, including the United States and the Soviet Union, that would "guarantee" any borders freely negotiated by Israel and the Arab States, and that the peace-keeping force could not be withdrawn without U.S. consent. On the basis of such "guarantees," Israel is now asked to withdraw to her 1967 boundaries as a "precondition" for negotiations. The Arabs have no preconditions to meet, since they seem to be in the awkward position of losing the war but dictating the peace. Only with Soviet influence and interference could this be possible.

Many vital questions remain unan-

swered concerning the proposed concept of a multinational peace-keeping force. Would the four major powers, for example, be a mixed peace-keeping force with troops of all nations patroling all sections of the borders together or would the peace-keeping troops be assigned separate "sectors" of the frontiers, as in Berlin? The concept of a legal Soviet presence on Israel's borders is, understandably, something the Israeli's fail to view as an answer to their problems.

Another question which has hardly been discussed is what would happen to the thousands of Soviet troops, airmen and technicians now in Egypt. Under a peace settlement would the Soviet troops go home or would they remain in Egypt in close proximity to Israel's borders? No one has even mentioned this subject. We must not forget that the only foreign troops stirring trouble in the Middle East are Russian troops. Surely no settlement can be considered which does not end Sovietization of the Middle East conflict.

According to New York Times columnist James Reston:

> It would be hard to overstate the Israeli Government's opposition . . . or to ignore the visible anger of Israeli officials for what they consider as (U.S.) . . . "meddling" . . Israeli officials . . . assert that if the U.S. Government had not come forward with the suggestion of "total withdrawal," Israel could have negotiated a reasonable settlement with Egypt, even on Sharm el Sheik, because, they say, President Sedat of Egypt needs peace to get on with his desperate internal political problems.

Mr. Reston notes that our Government has half a policy: it is specific about Israeli withdrawal but is vague about what is to follow:

Discussing the concept of a multinational peace-keeping force which would include Soviet troops, columnist William S. White writes that—

> There is no conceivable way in which an "international force" could be kept free of Soviet obstructionism or even possibly Soviet dominance. When the house is afire, one does not normally welcome the arsonist to help bring in the water hoses.

The experience with multi-national peace-keeping operations was vividly seen in the case of the International Control Commission which was established in 1954 to police the Geneva Agreements in Vietnam. Composed of Canada, India, and Poland, the Commission regularly policed only the non-Communists, not the Communists. The Canadian member of the commission condemned the concept of joining together for peace with the very forces who seek to stir dissension and war.

U.S. CREDIBILITY

Columnist White also makes a point which many Americans do not wish to consider, but which may tell us a great deal about Israel's lack of willingness to put her future on the line in return only for vague international guarantees. White points out that—

> The rest of the world is neither blind nor deaf. It is not unaware that American commitments to the right of smaller nations to self-determination and freedom from extermination have not exactly prospered for some years and that the famous "American deterrent" to Communist aggression is by no means as famous as it used to be. The rest of the world has seen one President . . . destroyed from within his own party for undertaking to carry out pledges of honor made by two of his predecessors to South Vietnam. The rest of the world is not unaware that the current President, Richard Nixon, is fighting for his political life from similar peace-at-any-price forces.

It is important, therefore, for the American people to understand exactly what the Israeli position is at this time. During his recent visit to Washington Israeli Foreign Minister Abba Eban was asked whether Israel would accept a United States treaty commitment as a substitute for substantial border alterations. He said that—

> There is no way of ensuring Israel's security except by a peace agreement which includes the necessary establishment of secure and recognized boundaries . . . different from the previous armistice lines. We don't believe or admit that there is any substitute.

SPECIFIC ISSUES

What the nature of a final peace can be in the Middle East, no one knows. That each side has important claims is beyond question. No solution, for example, can ignore the suffering of hundreds of thousands of Palestinians who have, since the creation of Israel in 1948, been relegated to temporary refugee camps which have, become permanent. Both the Arab States and the Israelis must express willingness to confront this problem and in the face of the suffering of so many people it does little good to debate the tenuous question of more than 20 years ago of exactly why they left. Just as Israel has a right to exist in peace, so the Palestinian people have a right to their own national life. Somehow, a final settlement must take this into serious consideration.

Yet, precisely because the issues between Israel and the Arab States are both complex and long-standing it is crucial that any solution be worked out by the parties involved in face-to-face negotiations. The 1967 war was based upon a denial to Israel of her legal rights in international waters and upon a continued harassment of Israeli border settlements. The Israelis, whether rightly or wrongly, believe that their country can never be secure unless the geographic points which have been used for such attack and harassment come under Israeli control. For Egypt, the Soviet Union, or our own country to ask the Israelis to relinquish these territories as a precondition to negotiations is an unreasonable demand. It is possible that after face-to-face negotiations with Egypt, the Israelis would, in return for a tangible concession on the part of the Egyptians, relinquish portions of this territory. But if Israel relinquishes the territory before the negotiations even begin, what reason would Egypt have to pursue a policy of conciliation?

All of those in America who would like to see Communist influence eliminated in the Middle East welcome any change in policy on the part of Egypt and the other Arab States. We would like to believe that Egypt's stated willingness to participate in negotiations and recognize the legal existence of Israel represents such a change in policy. Yet more than words are needed to cause us, or the Israelis, to act upon such a change.

Shortly after the cease-fire agreement both Egypt and the Soviet Union engaged in a massive arms buildup and moved missiles into the cease-fire zone. What guarantee in tangible terms do we have that an Israeli withdrawal from occupied territory would not result in a similar arms buildup and Egyptian military reoccupation of that area? Would the Soviet Union, which already has violated the cease-fire, be expected not to violate this new agreement? Perhaps this is just the best way the Egyptians can think of to regain their territory.

FACE-TO-FACE NEGOTIATIONS

It seems to me that if the Egyptians have sincerely arrived at the point where serious negotiations can take place, they can surely take place without preconditions. This, as I understand it, is all the Israelis are asking: face-to-face negotiations.

No lasting peace can come to the Middle East unless and until there is some agreement with regard to recognized borders. The Israelis, for their part, cannot hope to have peace and also occupy all of the lands taken in 1967. Such an occupation would remain a festering sore to all Arabs and another war would be inevitable. Similarly, the Arabs cannot expect Israel to relinquish the very areas which were used as bases for attack upon her until the good faith of the Arabs has been established—by deeds and not by words.

We, as Israel's friend and ally, should not tell her that the cold war is over, that the Soviet Union now desires peace, and that the way to achieve peace is simply to fulfill the demands of your enemy. This, in effect, is what we are saying when we urge an Israeli withdrawal without ever having one face-to-face meeting with the Egyptians and in return for a multinational force which would include the Soviet Union. We would not act in this manner if our own national life were at stake.

The Middle East has seen too much war and trouble and suffering. All of its people, Arabs and Israelis, Jews, Moslems, and Christians, deserve a peaceful opportunity to develop their resources and improve their lives. Such a chance will come only with a peace to which both sides agree and it is the pursuit of such a real peace that should be our goal.

ESTABLISHMENT OF A NATIONAL CREDIT UNION BANK

(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, today, along with 16 other members of the Banking and Currency Committee, I am introducing legislation that would establish a National Credit Union Bank to serve the Nation's nearly 24,000 credit unions in essentially the same manner as the Federal Reserve System serves the banking industry and the Federal Home Loan Bank System serves the Nation's savings and loan associations.

Joining me in cosponsoring the legislation are Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. MOORHEAD, Mr. STEPHENS, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MINISH, Mr. HANNA, Mr. GETTYS, Mr. ANNUNZIO, Mr. REES, Mr. HANLEY, Mr. BRASCO, and Mr. MITCHELL.

Now that an independent Federal supervisory agency for credit unions has been created by conversion of the Bureau of Federal Credit Unions into the National Credit Union Administration, it is more than ever essential that credit unions of the Nation have facilities similar to those of our other major financial institutions for providing liquidity and other vital services to their membership. Through such an institution, credit unions would have ready access to the Nation's money markets to satisfy their capital needs over and above their assets. A National Credit Union Bank will serve this vital need of the Nation's credit unions. It will give them a flexibility, a means of improving liquidity, and a stability which will be of direct benefit to the flow of credit in our Nation, especially in low-income areas which credit unions primarily serve.

POWERS OF A NATIONAL CREDIT UNION BANK

To improve and stimulate the capability of our Nation's credit unions to provide low-cost consumer loans and to facilitate the flow of credit, the National Credit Union Bank which would be established under the legislation would be empowered to: First, make loans to its member credit unions for liquidity purposes; second, discount notes of its member credit unions; third, provide a national interlending service for its members; fourth, sell its own certificates of indebtedness in the open market to secure additional funds for its operations; fifth, lend assistance in the rehabilitation and stabilization of credit unions needing such help; sixth, help in the orderly and expeditious liquidation of solvent credit unions; and, seventh, cooperate and assist, within its means and authority, credit unions, credit union organizations, the National Credit Union Administration, and various State supervisory and regulatory bodies in the operational improvement and financial stability of credit unions generally.

GOVERNING AUTHORITY OF THE BANK

Under the provisions of the bill I have introduced, a National Credit Union Bank would be established with a principal office in the District of Columbia and with such branch offices throughout the United States as the bank officials may deem necessary and appropriate. The bank would be governed initially by the National Credit Union Board of the National Credit Union Administration plus two ex-officio members—the Secretary of the Treasury and the Administrator of the National Credit Union Administration. This Board would elect a temporary president of the bank from among its members to serve until a president is named by the President of the United States. The interim governing body would establish procedures for the election of a permanent Board of Governors—one from each of the six Federal credit union regions.

The permanent Board of Governors of the proposed National Credit Union Bank would consist of a president to be appointed by the President of the United States, by and with the advice and consent of the Senate to serve at the pleasure of the President of the United States; one elected member from each of the six Federal credit union regions for a 6-year term on a staggered basis; with the Secretary of the Treasury and the Administrator of the National Credit Union Administration as ex-officio members. The Board of Governors would select from its own membership a chairman, a vice chairman and a secretary annually and would be required to meet at least six times a year.

The president of the National Credit Union Bank would be the chief administrator of the bank and would perform all the duties and functions of the bank in accordance with policies of the Board of Governors and subject to their general supervision. The president would have authority to establish a staff, fix compensation for staff members, and to take other administrative and implementing actions necessary for the bank's operation.

CAPILALIZATION AND BORROWING AUTHORITY

Under the bill, the National Credit Union Bank would be capitalized through sale of shares at par value of $100, with an initial stock subscription by a credit union eligible for membership equal to 1 percent of its assets. Newly chartered credit unions making application for membership would pay $25 upon chartering, with a minimum requirement for purchase of one full $100 share by the end of its first year of operation.

Every credit union which is insured by the National Credit Union Share Insurance Fund would be required to subscribe to the bank. Here permit me to explain that Federal share insurance for credit unions, similar to that provided commercial banks under the FDIC, was enacted by the Congress last year and is now in operation. The program insures share accounts up to $20,000 and is mandatory for Federal credit unions and optional for State chartered credit unions.

The bill provides that the Treasury would advance up to $500,000 for the initial organizational and operational expenses of the bank, to be repaid within 1 year from the date of the advance at an interest rate to be determined by the Secretary of the Treasury and the bank. The bank would also be authorized to borrow from the Treasury not to exceed $500,000,000 at any one time at interest rates determined by the Secretary of the Treasury for needs beyond its immediate capabilities. All loans from the Treasury Department would be subject to congressional appropriation processes.

The National Credit Union Bank would be given general powers, comparable to those authorized similar corporate institutions, to carry out its objectives under the terms of my bill. It would be authorized to loan to shareholder credit units, to accept deposits from shareholder members, or to invest in a member credit union's shares, to establish an interlending system among credit unions, to pay dividends, to purchase notes and other receivables from members, and to execute numerous other functions related to its objectives.

OTHER PROVISIONS AND BENEFITS

Other provisions of my bill provide for audits of the bank by the Comptroller General; a full report to the President and Congress after the close of each fiscal year; exemption from taxation by Federal, State, or local governments except for real and tangible personal property. Obligations issued by the bank would be subject to taxation the same as obligations of private corporations. The bill also provides that stock subscriptions to the bank would constitute a part of the regular reserve of Federal credit unions.

One of the major benefits of the National Credit Union Bank, in my opinion, would be its ability to assist and expedite the liquidation of solvent credit unions—credit unions forced to liquidate because of plant or military base closings, loss of field of membership, or similar situations beyond the control of the credit union itself. Through the bank's authority to purchase notes, et cetera, the delay in liquidation often encountered in converting assets into liquid form would be eliminated and the entire process expedited, with shareholders being paid off almost immediately. The Federal share insurance program is unable to do this for a solvent credit union having to liquidate, and four out of five credit unions which liquidate are solvent. Thus, as a complement to the Federal share insurance legislation now in effect, the National Credit Union Bank would serve a valuable function.

NO COST TO THE GOVERNMENT

The record of credit unions in encouraging thrift and in providing low-cost loans to members, based on the need and member's character is an outstanding one. After all, credit unions are simply people who are bound together by a common bond or interest to help one another. Surely for the good that they do, especially for the financially handicapped and deprived, they deserve every legitimate aid that our Federal Government can provide. In this bill, I merely set up and authorize machinery for the credit unions to help themselves. They will be paying the bill for a National Credit Union Bank just as they have paid the bill over the past 16 years for the National Credit Union Administration—formerly the Bureau of Federal Credit Unions—their Federal supervisory agency. And, I might add, they are paying the bill for the Federal share insurance program which was recently enacted. I emphasize that credit union legislation does not cost the taxpayer one cent to implement—the credit unions pay the bill themselves, whether it be their own supervisory agency, share insurance protection, or a National Credit Union Bank.

Mr. Speaker, a National Credit Union Bank is an essential ingredient of a sound, fully rounded financial system for the financial institutions of our Nation which would include credit unions. It will stimulate the flow of credit throughout these cooperative,

member-owned and member-controlled financial institutions which primarily serve middle- and low-income people, both in our urban and rural areas. It will permit credit unions to serve those members' credit needs far more effectively and completely than ever before—and at the lowest cost of any credit source. As you know, our Federal credit unions by law may charge a maximum of only 1 percent interest per month on unpaid loan balances—and the majority of State chartered credit unions have similar ceiling limitations.

This is "grassroots" financial legislation—legislation which will increase the availability of credit to people who need it for the essentials of life. It is legislation which will bolster our economy at a level where it will do the most good for the greatest number.

Mr. Speaker, it is not my contention that this bill is a final legislative product, but rather it is a starting point upon which we can build the type of legislation that will serve the needs of credit unions and their 24 million members. I realize that there may be some difference of opinion over certain provisions in this legislation, but I feel that these differences can be worked out because we are starting with a good piece of legislation that needs only some polish to become a great piece of legislation.

H.R. 6936

A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Credit Union Bank Act of 1971".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that there is an urgent need for consumer credit at reasonable rates. Credit unions have been organized by people to provide a facility to supply needed credit. The relief afforded credit union members has been substantial and the extent of such relief would be enlarged by the establishment of a National Credit Union Bank. It is therefore declared to be the policy of the Congress and the purpose of this Act to improve and stimulate the ability of credit unions to provide low-cost consumer loans by establishing a National Credit Union Bank empowered to make temporary loans for liquidity purposes to its shareholders, discount notes of its shareholders, provide a national service of interlending for credit unions, sell debt securities in the open market, aid in the rehabilitation and stabilization of credit unions, aid in the orderly liquidation of credit unions when necessary, and to cooperate with and assist credit unions, credit union organizations, the National Credit Union Administration, and the various State regulatory bodies for the purpose of improving the general welfare of the people through credit unions.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Bank" means the National Credit Union Bank established under section 4 or any branch thereof.

(2) The term "Board" means the Board of Governors of the National Credit Union Bank.

(3) The term "shareholder" means any credit union shareholder of the National Credit Union Bank.

(4) The term "credit union" means a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.

(5) The term "Federal credit union" means a Federal credit union organized in accordance with the provisions of the Federal Credit Union Act.

(6) The term "State credit union" includes any credit union organized under the laws of the States of the United States, the District of Columbia, the several territories including the trust territories and possessions of the United States, the Panama Canal Zone, and the Commonwealth of Puerto Rico and which is not prohibited by the laws under which it is organized to become a shareholder of the Bank in accordance with the requirements of this Act.

(7) The term "insured credit union" means any credit union insured by the Administrator of the National Credit Union Administration.

ESTABLISHMENT OF THE BANK

SEC. 4. There is hereby created a body corporate to be known as the "National Credit Union Bank" which shall exist perpetually until dissolved by Act of Congress and which shall be an agency of the United States Government. The principal office of the Bank shall be located in the District of Columbia but the Bank may establish such district and branch offices throughout the United States as it deems necessary and appropriate.

INTERIM BOARD

SEC. 5. (a) Upon the enactment of this Act and pending the appointment and election of the members of the Board of Directors of the National Credit Union Bank pursuant to section 6, the organization and management of the Bank shall vest in an interim Board consisting of the members of the National Credit Union Board and two ex officio members—the Secretary of the Treasury and the Administrator of the National Credit Union Administration. The interim Board shall elect from its members a temporary Chairman who shall also serve as acting President of the Bank to serve in this capacity until the President of the United States appoints the President of the Bank.

(b) Within three months of the effective date of this Act, the interim Board shall prescribe rules for the receipt of nominations and the election of one member to the permanent Board from each of the Federal credit union regions. To the extent practicable, the National Credit Union Administration and the regional offices shall be utilized for the receipt of nominations and ballots for the elective Board positions.

PERMANENT BOARD

SEC. 6. (a) The management of the Bank shall vest in a Board of Directors consisting of a President of the Bank, the Secretary of the Treasury, the Administrator of the National Credit Union Administration, and one member to be elected from each of the Federal credit union regions, all of whom shall be citizens of the United States. Members of the Board shall be selected as follows:

(1) The President of the United States shall appoint the Secretary of the Treasury and the Administrator of the National Credit Union Administration who shall serve as ex officio members of the Board of Directors.

(2) The President, by and with the advice and consent of the Senate, shall appoint a President of the Bank who shall serve at the pleasure of the President of the United States.

(3) One member of the Board from each of the Federal credit union regions shall be elected by the shareholders of the Bank for a term of six years. Of the elected members first taking office, two shall serve until December 31, 1972, two shall serve until December 31, 1973, and two shall serve until December 31, 1974, as determined by the President of the United States.

(b) The President of the Bank shall be an ex officio member of the Board of Directors and may participate in meetings of the Board, except that he shall not vote except in case of an equal division. The President of the Bank shall be the chief administrative officer of the Bank and shall perform all functions and duties of the Bank, in accordance with the general policies established by, and subject to the general supervision of, the Board. The Board shall appoint such other officers and employees as it deems necessary to carry out the functions of the Bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

OPERATION OF THE BOARD

SEC. 7. (a) As soon as practicable after the first members of the Board have been elected as provided in section 6, the members shall meet, subscribe to an oath of office, and organize by electing from among the membership a Chairman, a Vice Chairman, and a Secretary. The Chairman, Vice Chairman, and Secretary shall be elected annually for terms of one year, and shall serve until their respective successors are elected and take office. The Chairman shall preside at all meetings, and the Vice Chairman shall preside in the absence or disability of the Chairman. The Board may, in the absence or disability of both the Chairman and the Vice Chairman, elect any of its members to act as Chairman pro tempore. Five members shall constitute a quorum of the Board for the transaction of business, and the Board may function notwithstanding vacancies if a quorum is present. The Board shall meet at such times and places as it may fix and determine, but shall hold at least six regularly scheduled meetings a year. Special meetings may be held on call of the Chairman or any three members.

(b) Notwithstanding section 6, any member of the Board may at any time be removed from office for cause by the President of the United States, or if cause exists but the President does not act, by the Congress through impeachment proceedings.

(c) Each member of the Board, including the interim Board, shall receive the sum of $100 for each day or part thereof spent in the performance of his official duties; however, such compensation shall not be paid to the Secretary of the Treasury, the Administrator of the National Credit Union Administration, or the President of the Bank. In addition to receiving such compensation, each member of the Board, including the Secretary of the Treasury, the Administrator of the National Credit Union Administration, and the President of the Bank shall be reimbursed for necessary travel, subsistence, and other reasonable expenses actually incurred in the discharge of his duties as such member, without regard to any other laws relating to allowances for such expenses.

(d) The compensation of the President of the Bank shall be established by the Board. In addition, the Board shall prescribe rules for the election of members to the Board from each of the Federal credit union regions.

(e) The Board shall prescribe and publish such regulations and take such other actions as may be necessary and appropriate in carrying out this Act and in effectively exercising the functions expressly and impliedly vested in it under this Act.

INITIAL EXPENSES

SEC. 8. In order to facilitate the formation of the Bank there is authorized to be appropriated, and the Secretary of the

Treasury is authorized to advance, no more than $500,000 to be utilized for the initial organizational and operating expenses of the Bank. This advance shall be at a rate of interest to be determined by the Secretary of the Treasury and shall be repaid within one year from the date of any such advance.

CAPITALIZATION OF THE BANK

SEC. 9. (a) Upon the enactment of this Act, the Board of Directors of the Bank shall open books for subscription to the capital stock of the Bank. The capital stock shall be divided into shares of a par value $100 each. The minimum capital stock shall be issued at par, and stock issued thereafter shall be issued at such price not less than par as may be fixed by the Board of Directors.

(b) The original stock subscription of each credit union eligible to become a shareholder under section 11(a) shall be in an amount equal to 1 per centum of the subscriber's total assets at the close of the month before the month in which it makes application for membership in the Bank, but not less than $100. The Bank shall annually adjust, at the close of the calendar year, in such manner and upon such terms and conditions as the Board of Directors may prescribe, the amount of stock held by each member so that such member shall have invested in the stock of the Bank at least an amount calculated in the manner provided in the preceding sentence (but not less than $100). If the Bank finds that the investment of any member in stock is greater than that required under this subsection, it may, unless prohibited by the Board of Directors, in its discretion and upon application of such member, retire the stock of such member in excess of the amount so required. The Bank may provide for adjustment in the amounts of stock to be issued or retired in order that stock may be issued or retired only in entire shares.

(c) Upon retirement of stock of any member, the Bank shall pay such member for the stock retired an amount equal to the par value of such stock, or, at the election of the Bank, the whole or any part of the payment which would otherwise be so made shall be credited upon the indebtedness of the member to the Bank. In either such event, stock equal in par value to the amount of the payment or credit, or both, as the case may be, shall be canceled.

(d) Stock subscriptions shall be paid for in cash, and shall be paid for at the time of application therefor, or, at the election of the subscriber, in installments, but not less than one-fourth of the total amount payable shall be paid at the time of filing the application, and a further sum of not less than one-fourth of such total shall have been paid at the end of each succeeding four months.

(e) Stock subscribed for shall not be transferred or hypothecated except as provided herein.

NEWLY ORGANIZED CREDIT UNIONS

SEC. 10. (a) Each credit union which is chartered after enactment of this Act and which is accepted for membership in the Bank within one year from the date it is chartered shall pay $25 in cash to be credited to its purchase of stock in the Bank. At the expiration of one year from the date of its charter, the newly organized credit union shall subscribe for stock in the Bank in an amount equal to 1 per centum of its total assets on this date, but in no event shall this amount be less than $100.

(b) The stock subscriptions of the newly organized credit union required at the end of its first full year of operation in accordance with subsection (a) of this section shall be paid for in cash within thirty days of that date or, at the election of the subscriber, in quarterly installments beginning thirty days following its first full year of operations.

(c) For succeeding years, stock subscriptions shall be made in accordance with section 9(b) of this Act.

MEMBERSHIP

SEC. 11. (a) Every credit union insured by the Administrator of the National Credit Union Administration and which is not prohibited by the laws under which it is organized to become a shareholder in the Bank shall apply for membership in the Bank within three months of the effective date of this Act. Any other State credit union or federal credit union not insured by the Administrator of the National Credit Union Administration may apply for membership in the Bank. The Bank shall act on membership and, upon approval, shall require such applicants to subscribe to capital stock of the Bank in an amount equal to 1 per centum of the subscriber's total assets.

(b) Any shareholders, other than an insured credit union, may withdraw from membership in the Bank six months after filing with the Bank written notice of its intention to do so. The President of the Bank may, after a hearing to be held at a place convenient to the principal office of the shareholder, remove any shareholder from membership if the shareholder (1) has failed to comply with any provision of this Act, or regulation of the Board issued pursuant thereto, or (2) is insolvent. In the event of voluntary or involuntary termination of membership in the Bank, the indebtedness of such shareholder to the Bank shall be liquidated and the capital stock in the Bank owned by such shareholder shall be surrendered and canceled. Upon the liquidation of such indebtedness, such shareholder shall be entitled to the return of its collateral, and, upon the surrender and cancellation of such capital stock, the shareholder shall receive a sum equal to its cash paid for subscriptions plus accrued dividends thereon for the capital stock surrendered. Such payment by the Bank shall be made within ninety days from the date a shareholder ceases to be a member of the Bank.

OPERATIONS AND POWERS OF THE BANK

SEC. 12. (a) In order to carry out the purposes of this Act, the Bank is authorized to—

(1) sue and be sued, and complain and defend in its corporate name and through its own counsel;

(2) adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) adopt, amend, and repeal by the Board, such bylaws, rules, and regulations as may be necessary for the conduct of business;

(4) conduct its business, carry on its operations, have offices, and exercise the powers granted by this Act in any State;

(5) lease, purchase, or otherwise acquire, and own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed or any interest therein, wherever situated;

(6) accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in and for the purposes of the Bank;

(7) make arrangements with public or private organizations at the local, regional, State, or national level including credit union organizations and other financing institutions, to act as agents for or otherwise assist the Bank in the conduct of its business;

(8) conduct such examinations of shareholders as the Bank shall deem necessary in connection with carrying out the purposes of this Act;

(9) enter into contracts, and do all things which are necessary or incidental to the proper management of its affairs and the proper conduct of the business, including such incidental powers as are generally granted to corporations.

(b) There is authorized to be appropriated and the Secretary of the Treasury is authorized to advance such sums as may be necessary for the purposes of the Bank, but in no event more than $500,000,000 for any fiscal year. This advance shall be at a rate of interest to be determind by the Secretary of the Treasury and shall be repaid within one year from the date of any such advance.

(c) To obtain indirect participation by private and other public financial sources, the Bank is authorized to issue bonds, debentures, and such other certificates of indebtedness and having such maturities and bearing such interest as the Board may determine. In no event, however, shall the aggregate of such debentures and similar obligations outstanding at any one time exceed twenty times the surplus and paid-in capital of the Bank. The obligations of the Bank issued under this subsection shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guarantee shall be expressed on the face thereof.

LOANS

SEC. 13. (a) Any shareholder of the Bank shall be entitled to apply in writing for loans. Such application shall be in a form prescribed by the Bank. The Bank may deny any application or may grant it, upon such conditions and terms as may be prescribed by the Bank.

(b) The Bank is authorized to make loans to its shareholders upon such security as it may prescribe. Such security may include, but not be limited to, obligations of the United States, obligations fully guaranteed by the United States, obligations issued in trust by any agency of the United States on behalf of any agency of the United States, or notes made by the shareholder in the form of loans to its members.

(c) Loans shall be made upon the note or obligation of the shareholder, secured as provided in this section, bearing such rate of interest as the Bank shall determine, and the Bank shall have a lien on and shall hold the stock of such shareholder as further collateral security for all indebtedness of the shareholder to the Bank.

MONETARY OPERATIONS OF BANK

SEC. 14. The Bank shall be authorized to:

(1) purchase notes and other receivables from shareholders on such terms as may be determined by the Bank;

(2) make loans to shareholders on such terms and with such security and rate of interest as may be determined by the Bank;

(3) accept deposits from credit unions on a demand or time basis, or both, and to pay interest thereon at such rates and at such times as may be determined by the Bank;

(4) make deposits in the form of time accounts or demand accounts or both in shareholder credit unions, in such banks, trust companies, mutual savings banks, and savings and loan associations as are insured with respect to such accounts by the United States or any agency or instrumentality thereof;

(5) purchase notes and other receivables from shareholder credit unions on such terms and with such rate of interest as may be determined by the Bank;

(6) develop and enter into agreements with or among credit unions and other financial institutions for the purpose of aiding in the establishment of an efficient interlending system among credit unions and for the purpose of aiding credit unions in establishing concentrated lines of credit with other financial institutions, and to act as a depositor or transmitter of funds for the purpose of carrying out this power;

(7) invest in the shares of a shareholder credit union;

(8) pay dividends on the stock subscriptions of shareholders provided the Bank is adequately reserved and to grant patronage refunds of interest paid on loans from the Bank by shareholders as authorized by the Board of Directors;

(9) arrange for a commitment of insurance

from the Administrator of the National Credit Union Administration of the Bank's loans to and its purchase of notes of liquidating shareholder credit unions to the extent that member accounts of the liquidating shareholders are insured by the National Credit Union Share Insurance Fund.

RESERVES

SEC. 15. The Bank shall at all times have in reserve at least an amount equal to the demand deposits received from its shareholders invested in obligations of the United States, obligations fully guaranteed by the United States, or obligations or participations issued by an agency of the United States in trust for another agency or instrumentality of the United States.

EFFICIENCY

SEC. 16. The Bank and the National Credit Union Administration shall provide for such combined reports, examinations, billings, payments, and other such items as the Bank and the Administration may prescribe for the purpose of eliminating duplication and to simplify the work of shareholders. In addition, the Bank will maximize utilization of reports and examinations of State regulatory agencies and make arrangements with these State agencies to avoid unnecessary expense and work for State credit unions approved for membership in the Bank.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 17. The financial transactions of the Bank shall be audited by the General Accounting Office, which, for this purpose shall have access to all its books, records, and accounts.

ANNUAL REPORT

SEC. 18. Not later than one hundred and twenty days after the close of each fiscal year the Bank shall prepare and submit to the President and to the Congress a full report of its activities during such year.

TAX EXEMPTION

SEC. 19. The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that (1) any real property and tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subjected both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

AMENDMENTS TO THE FEDERAL CREDIT UNION ACT

SEC. 20. (a) Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended by adding at the end thereof the following new paragraph:

"(16) Notwithstanding any other provisions of law, a Federal credit union shall have the power to subscribe for stock in the National Credit Union Bank, if otherwise eligible to do so under the terms of this Act, and to exercise such other functions as may be necessary to fully participate as a member of the Bank."

(b) Section 17 of the Federal Credit Union Act (12 U.S.C. 1762) is amended by adding at the end thereof the following: "Stock subscriptions required for participation in the National Credit Union Bank shall constitute a part of the regular reserve otherwise required to be set aside by Federal credit unions in accordance with this section."

(c) Paragraph (6) of section 8 of the Federal Credit Union Act (12 U.S.C. 1757) is amended to read as follows:

"(6) to make loans to its own directors and to members of its own supervisory or credit committee provided that any such loan or aggregate of loans to one director or committee member which exceeds $2500 plus pledged shares, must be approved by the board of directors and to permit directors and members of its own supervisory or credit committee to act as guarantor or endorser of loans to other members, except when such a loan standing alone or when added to any outstanding loan or loans of the guarantor exceeds $2500, approval of the board of directors is required;".

VOTE TO END THE WAR

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

Mr. RYAN. Mr. Speaker, the military Selective Service Act, H.R. 6531, is before the House this week for consideration. Incorporated in this bill is a provision—section 13—which authorizes an average active duty personnel strength for the Army, 1,024,309; the Navy, 616,-619; the Marine Corps, 209,846; and the Air Force, 758,635.

It is very clear that our involvement in Southeast Asia is intrinsically related to the manpower levels which are set for our Armed Forces. Hearings held before the House Armed Services Committee—House Armed Services Committee Document 92–2, pages 1050 to 1073—reveal clearly that manpower levels are determined, in part, by U.S. commitments in Southeast Asia. By prohibiting the assignment to Southeast Asia of any of these forces, Congress can end the war.

I and my distinguished colleague from Maryland (Mr. MITCHELL), have drafted an amendment to section 13 of the Military Selective Service Act which accomplishes that end—ending the war. It provides that none of the "personal strength" authorized by H.R. 6531, or increased pursuant to the Presidential discretion provided by section 13, shall be used for assignment to South Vietnam, Laos, Cambodia, and North Vietnam, after December 31, 1971.

We must end the war in Southeast Asia. It is clear that a great majority of the American public want withdrawal of U.S. forces from Southeast Asia by no later than December 31 of this year. Our amendment produces that result. Our amendment ends the war. I urge, in the strongest possible terms, its passage. The text of the amendment follows:

On page 20, line, immediately before the period, insert the following: ", but no part of any such active duty personnel strengths, whether or not increased by the President of the United States, may be assigned for use in South Vietnam, Cambodia, Laos, and North Vietnam, and the waters immediately adjacent thereto, after December 31, 1971."

AMENDMENT TO END SENDING DRAFTEES TO INDOCHINA

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

Mr. FRASER. Mr. Speaker, pursuant to section 119 of the Legislative Reorganization Act of 1970, notice is hereby given that I intend to introduce the following amendment to H.R. 6531 to amend the Military Selective Service Act of 1967:

Page 1, between lines 7 and 8 insert the following:

"(2) Section 4(a) is amended by adding at the end thereof the following new paragraphs:

" 'Except as may hereafter be authorized by law, no person who is inducted after December 31, 1971, for training and service under this title may be required to serve on duty in Indochina. Any change in any regulations or policies relating to military personnel which would have the effect of extending the tour of duty in Indochina of any person (without the express consent of that person to such extension) who was inducted before January 1, 1972, for training and service is prohibited.

" 'The aggregate number of calls for induction which may be made pursuant to section 5 of this title during calendar year 1971 may not exceed the aggregate number of such calls which were made in calendar year 1970.' "

This amendment is sponsored by the following Members:

CHARLES A. MOSHER, Ohio.
F. BRADFORD MORSE, Massachusetts.
ABNER J. MIKVA, Illinois.
DONALD M. FRASER, Minnesota.
KEN HECHLER, West Virginia.
DON EDWARDS, California.
PHILLIP BURTON, California.
HERMAN BADILLO, New York.
CHARLES VANIK, Ohio.
SAM GIBBONS, Florida.
WILLIAM "BILL" CLAY, Missouri.
WILLIAM R. ANDERSON, Tennessee.
FRANK THOMPSON, JR., New Jersey.
WILLIAM D. FORD, Michigan.
JAMES H. SCHEUER, New York.
PATSY MINK, Hawaii.
THOMAS M. REES, California.
AL ULLMAN, Oregon.
JOHN CONYERS, JR., Michigan.
MARGARET M. HECKLER, Massachusetts.
EDITH GREEN, Oregon.
GILBERT GUDE, Maryland.
JEROME P. WALDIE, California.
LESTER L. WOLFF, New York.
JONATHAN B. BINGHAM, New York.
HENRY HELSTOSKI, New Jersey.
BENJAMIN S. ROSENTHAL, New York.
WILLIAM F. RYAN, New York.
EDWARD P. BOLAND, Massachusetts.
MICHAEL HARRINGTON, Massachusetts
SEYMOUR HALPERN, New York.

THE ABSOLUTE LAST WORD ON THE WASHINGTON POST AND THE SELLING OF THE PENTAGON

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

Mr. WAGGONNER. One of the old adages in politics which I have, from time to time, seen fit to ignore is the one that states, "never argue with a newspaper because they own the presses."

From time to time, when they have deserved it, I have taken on the Washington Post, for example, and pointed out some of their more obvious foolishnesses. The time has come now to take their side and pat them on the head for doing something right and I am happy to do so.

I refer to the now thoroughly discussed

and thoroughly discredited CBS television program, "The Selling of the Pentagon," in which one of the victims of CBS' editing, maneuvering, and telling half-truths was the distinguished dean of the Louisiana delegation and chairman of the House Armed Services Committee, the Honorable F. EDWARD HÉBERT.

When you find the Washington Post in the same bed with Representative HÉBERT and myself, the millenium cannot be far behind.

For the RECORD then, here is the printed word from the Post as it appeared in this morning's edition:

CBS REPLIES TO EDITORIAL ON PENTAGON DOCUMENTARY

This letter is in response to your editorial of March 26, in which you start by calling the CBS News documentary, "The Selling of the Pentagon," a "highly valuable and informative exposition of a subject about which the American people should know more," and then proceed to examine in some detail the specific editing of that film and general practices of television news editing technique.

The editorial was obviously written by one who has long labored on the editorial page —and not on the news pages.

You conclude that in some measure (not specified) public confidence and credibility are undermined by our editing techniques "innocent or not."

The question of how a news or documentary broadcast is edited is at least as important as you obviously consider it. It is precisely as important as, and possibly no more complicated than, questions pertaining to editing in the print medium (newspapers and news magazines)—the process by which any journalist rejects or accepts, selects and omits, and almost always compresses material available to him. You do not question the right, indeed the professional obligation of your reporters to do this, nor of your editors to continue the process once the reporter has done his job, nor indeed, of your senior editors to impose their professional judgment upon this same piece of work when or if it comes to them.

But you question not only our right to do the same thing, but also the methods by which we edit, and even our motives ("innocent or not"). You do not, in other words, grant us the right to do precisely what you do—and must do if you are journalists as distinguished from transmission belts.

Why?

The key to why you feel this way is spelled out in your editorial: "People who work in the nonelectronic news business know how readily they themselves may distort an event or a remark . . . these dangers are of course multiplied in the production of a televised documentary."

You are saying that good reporting—fair reporting—is a difficult business, with many pitfalls along the way, that television reporting is a more difficult business with more pitfalls. Fair enough.

Then you go on to suggest, indeed recommend, that our rules should be different than your rules, that sound journalistic ethics and the First Amendment are somehow divisible between rights granted to journalists whose work comes out in ink and somewhat lesser rights for journalists whose work comes out electronically. You say we should go out of our way to "preserve intact and in sequence" the response of those we interview. We both "go out of our way" to be fair and accurate, but we both have limitations of space, and we both seek clarity. Except in verbatim transcripts, neither medium preserves intact or in sequence everything it presents. You say at the very least we should indicate that something in the interview has been dropped. If we asked you to do this, you would properly respond that readers know, without a blizzard of asterisks, that material in your paper is edited, that these are not the complete remarks. Our viewers know it, too. And so do those whom we cover.

But most astonishing of all, you propose that we should give the subject of the interview an opportunity to see and approve his revised remarks. Is that now the policy at The Washington Post? Of course not. You know and I know that this strikes at the very core of independent and free journalism. To grant a subject such a right of review is to remove the basic journalistic function of editing from the hands of the journalist and place it—in the case of the documentary in question—in the hands of the Pentagon. I almost wrote—"tell you what, we'll do it if you'll do it." Then I had a second thought: No, we won't do it even if you should do it.

We are all after the same thing: to be fair, to inform the public fairly and honestly. We do not suggest that we—or any journalistic organization—are free from errors, but nothing in the First Amendment suggests that we must be perfect, or that we are not human. And nothing suggests that if our responsibility is larger, our job tougher of our coverage broader there should be some new set of rules for our kind of journalism, as if to say the First Amendment is fine so long as it doesn't count for much. You don't seem to mind if our end of the dinghy sinks, so long as your stays afloat.

Fairness is at the root of all this, and fairness can be and always will be debated.

But I submit that we are as careful about editing, as concerned with what is fair and proper and in balance, as rigorous in our internal screening and editorial control processes as any journalistic organization.

The job of ensuring that fairness, that balance and that sense of responsibility is difficult. It is the subject of our constant review and concern. It is not a question that can be solved by a single statement of policy or staff memorandum. It must be, and it is, the daily concern of our working reporters, editors and management.

We believe, as I have said publicly before, that "The Selling of the Pentagon" was edited fairly and honestly. Long after the useful and valuable debate on this broadcast has subsided and perhaps been forgotten we shall be editing other news broadcasts and other documentaries as fairly and as honestly as we know how, and in accordance with established journalistic practice—just as you shall be so editing.

RICHARD S. SALANT,
President, CBS News.

NEW YORK.

See today's editorial, "Mr. Salant's Letter."

MR. SALANT'S LETTER

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hebert, and now—as it seems—the Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term "editing" with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr. Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation to question-and-answer sequences,* two sets of standards *already* exist—and that what he and others in television appear to regard as simple "editing" seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space: deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, "Vice President Agnew said last night . . . Mr. Agnew also said . . ." and so on; it is a formulation basic to both the daily paper and the televised newscast.

That bad and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distorting effect in failing to report that certain statements were not unsolicited assertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should also be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of "editing" is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the original exchange.

It is, for instance, presenting as a direct six-sentence quotation from a colonel, a "statement" composed of a first sentence from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in "The Selling of the Pentagon," and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is 1) not "editing" in any conventional sense and 2) likely to undermine both the broadcasts's credibility and public confidence in that credibility.

The point here is that "The Selling of the Pentagon" presented this statement as if it were one that had actually been made—verbatim—by the Colonel: TV can and does simulate an impression of actuality in the way it conveys such rearranged material. Consider, again from the same documentary, a sequence with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. This is how viewers were *shown* Mr. Henkin answering a question:

Roger Mudd: "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Mr. Henkin: "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

This, on the other hand, is how Mr. Henkin *actually* answered the question:

Mr. Henkin: "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of simulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interveiw, Roger Mudd asked Mr Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was "the sort of information that gets passed at state fairs by sergeants who are standing next to rockets." To which Mr. Henkin replied:

Mr. Henkin: "No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all."

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

Mr. Mudd: "Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets."

Mr. Henkin: "No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this."

The part about discussing "speeches and all" had been omitted; the part about propaganda comes from a few lines above Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the "increasing Soviet threat" as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights is involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this "editing" practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that neither end should sink.

CONGRESSMAN HANSEN OF IDAHO INTRODUCES LEGISLATION TO PROVIDE FOR MORE EFFECTIVE INSPECTION OF IMPORTED MEAT

(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. 6955 to amend the Federal Meat Inspection Act to provide for more effective inspection standards for imported meat and meat products to prevent the importation into this country of contaminated or unwholesome meat.

It is, of course, axiomatic that inspection standards for meat produced in the United States assure the consumer the highest standards for wholesomeness. Since the publication of "The Jungle," some 60 years ago, the public has been aware of the hazards involved in the consumption of impure meat. And, since the turn of the century, very significant steps on both the Federal and State levels of government have been taken to develop and enforce high standards to insure that only the highest quality of meat will be produced and sold in the United States. Consequently, public confidence in the meat available in the market has increased to the extent that frequently little thought is given to the possibility that such meat might be impure.

Unfortunately, that same confidence is not fully justified when it comes to meat imported from other countries. In hearings conducted last year by the Livestock and Grains Subcommittee of the House Agriculture Committee, it was revealed that of the percentage of meat samples inspected at U.S. docksides during the first half of 1970, no less than 15 percent of the produce was rejected. I believe that it is reasonable to conclude, Mr. Speaker, that of the amounts which were not inspected, a similar percentage would also have been rejected. This figure is startling when we remember that only 1 percent of the meat imported into this country is actually subjected to dockside inspection. Other testimony produced at these hearings confirmed what the mounting evidence indicates—that inspection standards applicable to imported meat fall far short of those needed to assure compliance with U.S. standards of wholesomeness.

Mr. Speaker, other facts speak for themselves. Within the 40 countries that are presently permitted to export meat and meat products into the United States, there are over 1,100 certified plants. For the purpose of inspecting the physical suitability of these plants for their capability of adequately processing meat products to the wholesome standards required by U.S. law, the Department of Agriculture has only 14 veterinarians who serve as foreign review officers. Because of the obvious limitations imposed on this small group, it is estimated that they are able to inspect these 1,100 plants on the average of only once a year. I might add that it is the prevailing practice to give plants advance notice of visits by U.S. inspectors. Obviously, this notice provides an opportunity for the plant to clear up their operation and eliminate any deficiencies in advance of the visit by the inspector.

Under these conditions this qualified, but limited, staff cannot inspect foreign plants as frequently or as thoroughly as the evidence suggests that they should be inspected.

So, Mr. Speaker, as a result of inadequate inspection of the foreign plants by U.S. inspectors, most of whom are based in this country, and as a result of inadequate dockside inspection of the meat when it arrives in the United States, I have been informed of several instances in which impure and unwholesome meat and meat products have been sold to the American consumer through retail outlets.

The purpose of my bill is to correct the glaring deficiencies in the present law. Its purpose is not that of protectionism for the American cattleman. But, if foreign meat processing operations use unwholesome processing techniques, which can allow them to compete unfairly against the American cattle industry in the American market place, while at the same time subjecting the American consumer to health risks, then I believe that the situation should be rectified. Passage of my bill will provide this needed protection to the consumer, and will also help to assure more equitable treatment for domestic producers and processors.

I am pleased that 29 of my colleagues in the House have agreed to cosponsor H.R. 6955. They are Mr. ANDREWS, Republican, of North Dakota; Mr. ASPIN, Democrat, of Wisconsin; Mr. BEVILL, Democrat, of Alabama; Mr. BUCHANAN, Republican, of Alabama; Mr. DANIEL, Democrat, of Virginia; Mr. DENT, Democrat, of Pennsylvania; Mr. EILBERG, Democrat, of Pennsylvania; Mrs. GRASSO, Democrat, of Connecticut; Mr. HALPERN, Republican, of New York; Mr. HATHAWAY, Democrat, of Maine; Mr. HOGAN, Republican, of Maryland; Mr. LLOYD, Republican, of Utah; Mr. MCCLURE, Republican, of Idaho; Mr. MCCOLLISTER, Republican, of Nebraska; Mr. MCDADE, Republican, of Pennsylvania; Mr. MANN, Democrat, of South Carolina; Mr. MAZZOLI, Democrat, of Kentucky; Mr. METCALFE, Democrat, of Illinois; Mr. MINISH, Democrat, of New Jersey; Mr. MINSHALL, Republican, of Ohio; Mr. MORSE, Republican, of Massachusetts; Mr. ROE, Democrat, of New Jersey; Mr. RUNNELS, Democrat, of New Mexico; Mr. SCHERLE, Republican, of Iowa; Mr. SCOTT, Republican, of Virginia; Mr. SHOUP, Republican, of Montana; Mr. SEBELIUS, Republican, of Kansas; Mr. THONE, Republican, of Nebraska; and Mr. WILLIAMS, Republican, of Pennsylvania.

I hope this wide spread support will result in an early and favorable consideration of this important legislation by the House Agriculture Committee and the House itself.

Mr. Speaker, I include as a part of my remarks the text of H.R. 6955.

H.R. 6955

A bill to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products

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

SECTION 1. Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended by adding at the end thereof the following new subsections:

"(f) The Secretary shall provide for the inspection at least four times a year, on an unannounced basis, of each plant referred to in subsection (e)(2) of this section.

"(g) The Secretary shall provide for the inspection of at least 2 per centum of each imported lot of fresh or frozen meats. Core sampling techniques shall be used where appropriate in the inspection of such meats.

"(h) The Secretary shall prescribe appropriate inspection procedures to detect contamination from pesticides or other chemicals regardless of whether ingested or absorbed by the animals prior to slaughter or introduced into the meat or meat products subsequent thereto.

"(i) The Commissioner of Customs shall levy on all products entering the United States which are subject to this section, in addition to any tariffs, a charge or charges set by the Secretary of Agriculture at levels which are in his judgment sufficient to defray the probable costs of all examinations and inspections carried out pursuant to this section."

PROPOSED REORGANIZATION OF EXECUTIVE BRANCH

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

Mr. HUNT. Mr. Speaker, I am eager to speak on behalf of the proposed reorganization of the executive branch. We are all too familiar with the evils of the present system, but we have not taken time in recent years to examine possible solutions. This term I hope we will settle on some form of departmental structure which will better serve the American people.

At present the taxpayers are paying for services not received within an acceptable period of time.

Part of the problem is that the President and his top executive staff lack sufficient time for creative long-range planning because they must arbitrate too many interagency disputes.

As now organized, the several domestic departments are established along conflicting lines of purpose, function, and constituency. These departments cannot effectively carry out the President's policy, if at the same time they are channeling disputes and complaints up to the President's desk for resolution.

In too many cases Federal agencies cannot agree about which one has authority to act in certain situations. For instance, in eliminating swamp, should the Soil Conservation Service in the Department of Agriculture drain the swamp, or should the Bureau of Reclamation in the Department of the Interior fill the swamp? Such questions have a way of floating up through the bureaucracy to the Presidential level before a decision is finally reached. Thus a great deal of time is wasted in Washington offices while conflicts are resolved which have little bearing on the general public interest.

For these reasons I heartily support the President's recommendations to redistribute the activities of domestic policy into four purpose-oriented departments where conflicts and disputes can be amicably determined at the lowest possible levels. Reorganization will improve Government effectiveness at both regional and national levels.

REORGANIZATION NECESSARY

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

Mr. DEVINE. Mr. Speaker, clearly the time has come for us to focus on the obvious problems of executive branch organization. The President's proposals deserve close scrutiny as to whether they do in fact represent the most logical and orderly way to restructure the activities and programs now funded.

Any number of ways could be recommended to redistribute the programs operated by the Federal Government into different departments which would be an improvement over the present arrangement. However, we are not looking for piecemeal legislation on departmental reorganization. By examining the entire executive branch structure we will develop a uniform organization plan for all domestic programs, not just tinker with a few agency problems.

The President's Advisory Council on Executive Organization after 2 years of study suggested organizing departments around the major purposes of government. On the basis of existing programs, the Council decided the Government was involved in four broad areas—meeting human needs, protecting natural resources, planning for economic growth, and planning for community development.

Because so many of our present programs function in more than one of these areas it may become an arbitrary matter to decide which ones should be placed in which departments. But examining program purposes rather than present functions should clarify appropriate department locations.

The great need is for orderly management and that can only result from uniting related programs within the same department. Coordinated planning would make each program more effective by removing the duplication of effort now occurring. Responsible officials could shift program effort according to specific needs at specific times to keep them responsive.

This country needs greater coordination, greater performance for the taxpayer's dollar, and reorganizing the Government programs is one obvious way to promise the voters real value.

ADDRESS BY PATRICK E. GORMAN TO 24TH ANNUAL NATIONAL ROOSEVELT DAY DINNER, AMERICANS FOR DEMOCRATIC ACTION

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

Mr. BURTON. Mr. Speaker, on March 11, 1971, I was privileged to attend the Americans for Democratic Action dinner in New York City and to hear an address delivered by Mr. Patrick E. Gorman, one of the great labor leaders of our country, secretary-treasurer of the Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO, who was being honored that evening.

I should like to share his words with my colleagues, who I am sure will find them as timely and thought provoking as I did.

I should also like to add my commendation for this outstanding speech by Pat Gorman and call his remarks to the attention of my good friends of the Butchers Union in the San Francisco area, George Mesure, secretary, Butchers Local 115; Buzz McCaffrey, secretary, Butchers Local 508; and Costa Vennarucci, secretary, Sausage Makers Local 203.

The full text of Mr. Patrick Gorman's remarks follows:

ADDRESS OF PATRICK E. GORMAN TO THE 24TH ANNUAL NATIONAL ROOSEVELT DAY DINNER, AMERICANS FOR DEMOCRATIC ACTION, DELIVERED IN NEW YORK CITY, MARCH 11, 1971

When I was advised that I had been selected for this particular honor, I felt that I was really making some progress in the *real* meaning of democracy in that this group lives and dreams of the kind of democracy our forefathers really intended—liberty-justice *and* democracy.

And frankly, there is not too much of it existing throughout the world at present. We have developed a conglomeration of world animosities so that what is supposed to be liberalism in other ideologies is considered to be intolerance in our own democratic establishments.

There is hardly any group, be it religious, political, philosophical or otherwise, that does not have some remedy for the ills that beset the world. But man with his savage instincts has created an impossible environment in which human understanding can thrive.

Man—a rather small little member of the animal kingdom—is responsible for most of the ills which beset the human race.

The dormant instinct in man is to kill, and all of the past ages still keeps this strange creature the greatest killer on earth. His savage nature has come wit' him through the disputed millions of years of his existence, and this savagery still generated by selfishness holds him in its grip.

Throughout all ages he has killed his fellow man in warfare. In addition to this, thousands of animal species have become extinct as a result of the killing pleasure of this little two-legged monster. Even our Government, in an effort to stop the slaughter of everything that man sees moving and alive has placed restrictions so that many of the species of which only a comparative handful are left will not be doomed to their total oblivion.

In addition to all this, he is the greatest scavenger on earth. Along with livestock, which he eats from top to bottom, he has made an epicurean delicacy of not only steaks but lately, rattlesnakes and toasted grasshoppers.

Man, while he is killing off everything he sees, including the forests of our Nation; the poisoning of our streams, and the pollution of our air, is proving himself to be the greatest fool of all in that he is now in the process of killing off himself! He has finally reached the most despicable of all his wantonness in that he has arranged legally, through abortion, each year to kill off millions of his unborn children.

He has developed enough atomic bombs to overkill every human being on earth perhaps more than a thousand times.

Our own Nation, we must not forget, was the first to use this terrific atomic destructive power on his own kind. That same power could operate every factory, steel plant, automobile or anything else that moves mechanically. We should not forget that Admiral Rickover took a submarine around the world beneath the ocean's surface *twice* on approximately a tin can full of atomic power.

In the instance stocking of nuclear weapons to kill, we can be sure that someone again will suffer the terrific nightmare to again drop the bomb. There is even some talk about this now in our own Pentagon. Maybe the final curtain for man has arrived. Perhaps in unknowingly arranging for his own extinction his brutal tyranny can be accommodated on himself.

I am sorry I cannot feel that the peoples in

other large portions of the world—Russia included—cannot be molded in the thought that the Russians can be our co-partners.

I am sorry that I cannot reconcile myself to feel that the great awakening giant—China,—should not be in the United Nations. If the charter of the United Nations intends to keep the 800 million people of China as outcasts—unfit for membership in the world family of nations, then that charter is a total failure in the field of human understanding.

The Peoples Republic of China not only ought to be admitted as full-fledged members of the United Nations, but we, the people of the United States, should be in the leadership of those promoting her membership in that world body.

Your speaker, after the bombing of Hiroshima and Nagasaki coined a phrase that made him persona non grata with some of the labor leaders of our nation when he said, "Now it is co-existence or no existence!"

Frankly, we cannot boast too much of a democracy. As a matter of fact, our own nation . . . rich as it is . . . is a near mockery of democracy. No one with a conscience can feel satisfied knowing of the terrible slum conditions of our nation in which human beings live—the ghettos . . . the thousands who go to bed hungry every night—the ridiculous food stamp program in which there have been so many abuses . . . the downright seemingly careless attitude of our government in the matter of health or our nation—no hospitals for the poor and not even enough for those who can even pay to enter them.

The still existing intolerance of refusing to admit that *we are* our brothers' keeper, coupled with the snail-like progress that we are making in civil rights, is a contemptible shame on the escutcheon of the richest, and supposedly the most democratic Nation on earth!

Perhaps Edmund Burke suggested the *medicine* for these conditions, if not a cure, when he said, "All that is necessary for the triumph of evil is for enough good men to do nothing!"

I am sorry too that I cannot agree with my friends on the executive council of the AFL–CIO, and develop even a half hawkish attitude that this war should continue. For almost a total decade we have been bogged down in, our senseless, unauthorized wars. The reason allegedly given is to secure for the people of Vietnam the right to self determination. The execution of these announced designs has already cost the American taxpayers more than 154 billion dollars, and almost 50,000 lives of youthful Americans. This is shameful—in fact it is a national disgrace.

Oh yes, it's all right to ride along our beautiful highways and see signs on automobiles which state, "America . . . Love It or Leave It!" Well, the near fifty-thousand youngsters who lost their lives—8,000 miles away, loved America . . . They didn't want to leave it . . . They were forced to leave it and the God of luck was not sufficiently on their side to permit them to come back to their homeland alive.

Is there a solution? Perhaps Saint Francis had it when he prayed.

"Lord, make us the instrument of Thy peace . . . where there is hatred, let us sow love . . . where there is injury, let us pardon . . . where there is doubt, let us have faith . . . where there is despair, give us hope . . . where there is darkness, give us light . . . where there is sadness, give us joy" . . .

Now finally, we should not forget in our attempts to accomplish peace on earth and brotherhood—and the following is my own thinking—"Yesterday is oblivion . . . today is almost gone . . . tomorrow is so short, we must make haste if the human race is to survive!

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GETTYS (at the request of Mr. ALBERT), for today, on account of illness.

To Mr. KOCH (at the request of Mr. ADDABBO), for Tuesday, March 30 through April 7, 1971, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RYAN, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. MELCHER, for 1 hour on May 3, and to revise and extend his remarks and include extraneous matter.

Mr. SMITH of Iowa (at the request of Mr. MELCHER), for 1 hour, on May 3, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. LENT) to revise and extend their remarks and include extraneous matter:)

Mr. SEBELIUS, for 60 minutes, on May 3.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. SANDMAN, for 10 minutes, today.

(The following Members (at the request of Mr. DANIEL of Virginia) to revise and extend their remarks and include extraneous matter:)

Mr. MACDONALD of Massachusetts, for 30 minutes, today.

Mr. DIGGS, for 60 minutes, today.

Mr. BRINKLEY, for 15 minutes, today.

Mr. KASTENMEIER, for 10 minutes, today.

Mr. ROONEY of Pennsylvania, for 20 minutes, today.

Mr. MIKVA, for 60 minutes, on April 1.

Mr. CRANE, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LENT) and to revise and extend their remarks:)

Mr. HORTON in two instances.
Mr. DON H. CLAUSEN.
Mr. HOSMER in three instances.
Mr. BROOMFIELD.
Mr. SCHERLE.
Mr. DERWINSKI in two instances.
Mr. MORSE.
Mr. BLACKBURN.
Mr. BOB WILSON.
Mr. SKUBITZ in two instances.
Mr. BROTZMAN.
Mr. FORSYTHE in two instances.
Mr. BAKER.
Mr. WYMAN in two instances.
Mr. LANDGREBE.
Mr. ANDERSON of Illinois.
Mr. THOMSON of Wisconsin.
Mr. RIEGLE.
Mr. SANDMAN in two instances.
Mr. STEIGER of Wisconsin.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. CHARLES H. WILSON.
Mr. HARRINGTON in two instances.
Mr. DELLUMS in 10 instances.
Mr. EDWARDS of California.
Mr. BADILLO.
Mr. BEGICH.
Mr. MACDONALD of Massachusetts.
Mr. JAMES V. STANTON in three instances.
Mr. DRINAN in two instances.
Mr. WOLFF in two instances.
Mr. RODINO in three instances.
Mr. EVINS of Tennessee in six instances.
Mr. NIX.
Mr. KOCH in three instances.
Mr. HUNGATE in six instances.
Mr. DANIELS of New Jersey.
Mr. BINGHAM in two instances.
Mr. SCHEUER in two instances.
Mr. DOW in two instances.
Mr. HAMILTON.
Mr. BURTON in three instances.
Mr. FUQUA.
Mr. MAHON.
Mr. MONTGOMERY in three instances.
Mr. WALDIE in three instances.
Mr. GIBBONS in two instances.
Mr. EILBERG.
Mr. PURCELL in two instances.
Mr. FLOOD.
Mr. BOGGS.
Mr. BURKE of Massachusetts.
Mr. BRINKLEY in two instances.
Mr. WAGGONNER.
Mr. KARTH.
Mr. DOWNING in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 789. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 55. Joint resolution to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 31, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXII, executive communications were taken from the Speaker's table and referred to as follows:

486. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report

that the appropriation for the Department of the Interior for "Resources management," Bureau of Indian Affairs for fiscal year 1971, has been apportioned on a basis indicating a need for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

487. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

488. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the 23d annual report on the National Industrial Reserve, pursuant to section 12 of Public Law 883, 80th Congress; to the Committee on Armed Services.

489. A letter from the Secretary of the Treasury, transmitting the sixth semiannual report on U.S. purchases and sales of gold and the state of the U.S. gold stock, and on International Monetary Fund discussions on the evaluation of the international monetary system; to the Committee on Banking and Currency.

490. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July–December 1970 pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

491. A letter from the Chairman, Financial Investment Advisory Panel of the National Railroad Passenger Corporation, transmitting a request that the Congress extend the date for submission of the substantive report on the capitalization of the Corporation for an additional 6 months or until November 1, 1971; to the Committee on Interstate and Foreign Commerce.

492. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to carry out the Fire Research and Safety Act of 1968; to the Committee on Science and Astronautics.

493. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones; to the Committee on Ways and Means.

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. ICHORD: Committee on Internal Security. H.R. 820. A bill to amend the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950) (Rept. No. 92–94). Referred to the Committee of the Whole House on the State of the Union.

Mr. SEIBERLING: Committee on the Judiciary. H.R. 1534. A bill to amend sections 320 and 321 of the Immigration and Nationality Act (Rept. No. 92–95). Referred to the Committee of the Whole House on the State of the Union.

Mr. EILBERG: Committee on the Judiciary. H.R. 1535. A bill to amend section 312 of the Immigration and Nationality Act (Rept. No. 91–96). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 1729. A bill giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; (Rept. No. 92–97). Referred to the Committee of the Whole House on the State of the Union.

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. 6915. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. BENNETT (for himself, Mr. VANIK, Mr. CONABLE, Mr. SCHWENGEL, and Mr. STEELE):

H.R. 6916. 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. BURKE of Massachusetts (for himself, Mr. ADDABBO, Mr. ANNUNZIO, Mr. BIESTER, Mr. BOLAND, Mr. BROYHILL of Virginia, Mr. BUCHANAN, Mr. BYRNE of Pennsylvania, Mr. CASEY of Texas, Mr. CLARK, Mr. CLEVELAND, Mr. COLLINS of Illinois, Mr. DERWINSKI, Mr. DONOHUE, Mr. DULSKI, Mr. EILBERG, Mr. FLOWERS, Mr. WILLIAM D. FORD, Mr. FULTON of Pennsylvania, Mr. GREEN of Pennsylvania, Mr. HAGAN, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HICKS of Washington, and Mrs. HICKS of Massachusetts):

H.R. 6917. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. KLUCZYNSKI, Mr. LONG of Louisiana, Mr. MCCLOSKEY, Mr. MCCOLLISTER, Mr. MIKVA, Mr. MORSE, Mr. O'NEILL, Mr. RHODES, Mr. ROSENTHAL, Mr. ROY, Mr. ROYBAL, Mr. ST GERMAIN, Mr. STEELE, Mr. THONE, Mr. WATTS, Mr. CHARLES H. WILSON, and Mr. WOLFF):

H.R. 6918. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 6919. A bill to amend the Internal Revenue Code of 1954 to provide an income tax deduction for the performance by an individual of volunteer services for a Federal, State, or local governmental agency; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 6920. A bill to amend section 312(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 6921. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the airframe and defense industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE:

H.R. 6922. A bill to limit the authority of States to impose income taxes on residents of other States; to the Committee on the Judiciary.

H.R. 6923. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 6924. A bill to amend title II of the Social Security Act to provide for automatic annual cost-of-living increases in benefits thereunder, and to increase the amount of outside income which a beneficiary may have without losing any of his benefits; to the Committee on Ways and Means.

H.R. 6925. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 6926. 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. FULTON of Tennessee:

H.R. 6927. A bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes; to the Committee on the Judiciary.

H.R. 6928. A bill to amend section 103 of the Internal Revenue Code of 1954 to increase the small issue exemption from the industrial development bond provision from $5 million to $10 million; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 6929. A bill to prohibit the use of inter facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 6930. A bill to exclude from the mails certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and to limit court review of criminal actions involving obscenity, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6931. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GRAY:

H.R. 6932. A bill to amend section 321 of title 23, United States Code, relating to the National Highway Institute; to the Committee on Public Works.

By Mr. KASTENMEIER:

H.R. 6933. A bill to amend the Atomic Energy Act of 1954 to make it clear that, in its agreement with a State for the control of radiation hazards from nuclear byproduct materials or other nuclear materials, the Atomic Energy Commission shall permit such State to impose standards which are more restrictive than its own standards for the regulation of such materials; to the Joint Committee on Atomic Energy.

By Mr. LATTA:

H.R. 6934. A bill to amend article 52 of the Uniform Code of Military Justice to require the concurrence of all members of a court-martial to convict any person of violating a punitive article under such code; to the Committee on Armed Services.

By Mr. MINSHALL:

H.R. 6935. A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programing; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. MOORHEAD, Mr. STEPHENS, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MINISH, Mr. HANNA, Mr. GETTYS, Mr. ANNUNZIO, Mr. REES, Mr. HANLEY, Mr. BRASCO, and Mr. MITCHELL):

H.R. 6936. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 6937. A bill to authorize the payment by the United States of all the financial obligations under existing Federal-State welfare programs under the Social Security Act and waiving matching payments from the respective States for the fiscal year beginning on July 1, 1971 and to replace said programs with a national plan of income to enable the aged, blind, or severely disabled persons and families with children to attain a standard of living sufficient to provide for basic human needs, to provide incentives for employment and training to improve the capacity of employment of such persons and family members, and otherwise to improve their living conditions, and for other purposes; to the Committee on Ways and Means.

H.R. 6938. A bill to establish a system for sharing of certain Federal revenues with the States; to the Committee on Ways and Means.

By Mr. PREYER of North Carolina:

H.R. 6939. A bill to amend the Railroad Retirement Act of 1937 to provide a 10 percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 6940. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Foreign Affairs.

By Mr. SCHMITZ:

H.R. 6941. A bill to designate as "American Heritage Day" the legal public holiday celebrated on the third Monday in February; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON (for himself, Mr. ASHLEY, Mr. BEGICH, Mr. BIAGGI, Mr. BURKE of Massachusetts, Mr. CHAPPELL, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. COLLINS of Illinois, Mr. CORDOVA Mr. DANIELSON, Mr. DIGGS, Mr. FISH, Mr. FULTON of Pennsylvania, Mr. GALLAGHER, Mr. HALPERN, Mrs. HANSEN of Washington, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HASTINGS, Mr. KING, Mr. KUYKENDALL, Mr. MATHIS of Georgia, Mr. MATSUNAGA, and Mr. MIKVA):

H.R. 6942. A bill to provide maternity benefits for pregnant wives of certain former servicemen; to the Committee on Armed Services.

By Mr. JAMES V. STANTON (for himself, Mr. MOSHER, Mr. MOSS, Mr. PEPPER, Mr. RANDALL, Mr. RIEGLE, Mr. RONCALIO, Mr. RYAN, Mr. SARBANES, Mr. J. WILLIAM STANTON, Mr. STRATTON, Mr. TERRY, Mr. WHALEN, Mr. WIGGINS, and Mr. WOLFF):

H.R. 6943. A bill to provide maternity benefits for pregnant wives of certain former servicemen; to the Committee on Armed Services.

By Mrs. SULLIVAN:

H.R. 6944. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia:

H.R. 6945. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.R. 6946. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 6947. A bill to remove the defense of limitation of liability as one of the defenses of the United States in the court proceedings arising out of the collision of the U.S.S. *Yancey* with the Chesapeake Bay Bridge-Tunnel; to the Committee on the Judiciary.

H.R. 6948. A bill to amend title 5, United States Code, to provide that the aggregate amount of reduction in retired or retirement pay incurred by a retired officer of the uniformed services by reason of Government civilian employment shall be paid to him as part of his retired or retirement pay after termination of such employment, to liberalize the monetary factor in the reduction formula applicable to that pay during such employment, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6949. A bill to amend section 401(c) of the Internal Revenue Code of 1954 with respect to certain service performed by ministers; to the Committee on Ways and Means.

By Mr. WIGGINS:

H.R. 6950 A bill to amend the Legislative Reorganization Act of 1970 to authorize the Clerk of the House to make voluntary payroll deductions, authorized by the Committee on House Administration of the House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. YATRON:

H.R. 6951. A bill to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 6952. A bill to amend title 5, United States Code, to provide that the civil service retirement annuity of an employee retiring after the effective date of a cost-of-living annuity increase but eligible for retirement on that effective date shall not be less than his annuity if he had retired on that effective date, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CELLER:

H.R. 6953. A bill to create the Office of Administrative Assistant to the Chief Justice of the United States; to the Committee on the Judiciary.

By Mr. GRAY (for himself, Mr. BLATNIK, Mr. BROYHILL of Virginia, Mr. JONES of Alabama, Mr. KLUCZYNSKI, Mr. WRIGHT, Mr. ROBERTS, Mr. KEE, Mr. HOWARD, Mr. ANDERSON of California, Mr. COLLINS of Illinois, Mr. RANGEL, Mrs. ABZUG, Mr. HARSHA, Mr. CLEVELAND, Mr. SCHWENGEL, Mr. MIZELL, and Mr. BAKER):

H.R. 6954. A bill to amend section 8 of the Public Buildings Act of 1959 to require the preparation of a proposal for a convention center-sports arena to be located within the District of Columbia; to the Committee on Public Works.

By Mr. HANSEN of Idaho (for himself, Mr. ANDREWS of North Dakota, Mr. ASPIN, Mr. BEVILL, Mr. BUCHANAN, Mr. DANIEL of Virginia, Mr. DENT, Mr. EILBERG, Mrs. GRASSO, Mr. HALPERN, Mr. HATHAWAY, Mr. HOGAN, Mr. LLOYD, Mr. MCCLURE, Mr. MCCOLLISTER, Mr. MCDADE, Mr. MANN, Mr. MAZZOLI, Mr. METCALFE, Mr. MINISH, Mr. MINSHALL, Mr. MORSE, Mr. ROE, Mr. RUNNELS, Mr. SCHERLE, and Mr. SCOTT):

H.R. 6955. A bill to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products; to the Committee on Agriculture.

By Mr. HANSEN of Idaho (for himself, Mr. SHOUP, Mr. SEBELIUS, Mr. THORNE, and Mr. WILLIAMS):

H.R. 6956. A bill to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products; to the Committee on Agriculture.

By Mr. HANSEN of Idaho (for himself and Mr. MCCLURE):

H.R. 6957. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAYS:

H.R. 6958. A bill to amend title II of the Social Security Act to provide a minimum primary benefit of $100 a month under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. HOLIFIELD (by request):

H.R. 6959. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Natural Resources, and for other purposes; to the Committee on Government Operations.

H.R. 6960. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Economic Affairs, and for other purposes; to the Committee on Government Operations.

H.R. 6961. A bill to promote more effective management of the executive branch by reorganizing and consolidating certain related functions of the Government in a new Department of Human Resources, and for other purposes; to the Committee on Government Operations.

H.R. 6962. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Community Development, and for other purposes; to the Committee on Government Operations.

By Mrs. DWYER (for herself, Mr. HORTON, Mr. ERLENBORN, Mr. WYDLER, and Mr. BROWN of Ohio):

H.R. 6963. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Natural Resources, and for other purposes; to the Committee on Government Operations.

H.R. 6964. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Community Development, and for other purposes; to the Committee on Government Operations.

H.R. 6965. A bill to promote more effective management of certain related functions of the executive branch by recognizing and consolidating those functions in a new Department of Economic Affairs, and for other purposes; to the Committee on Government Operations.

H.R. 6966. A bill to promote more effective management of the executive branch by reorganizing and consolidating certain related functions of the Government in a new Departmnet of Human Resources, and for other purposes; to the Committee on Government Operations.

By Mr. HOWARD:

H.R. 6967. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the airframe and defense industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE:

H.R. 6968. A bill to amend the Uniform Commercial Code of the District of Columbia to make a warehouseman's lien for charges and expenses in relation to household goods stored with him effective against all persons if the depositor of the goods was the legal possessor; to the Committee on the District of Columbia.

By Mr. McCLORY:

H.R. 6969. A bill to amend the definition of period of war for purposes of chapter II of title 38 of the United States Code; to the Committee on Veterans' Affairs.

By Mr. MACDONALD of Massachusetts:

H.R. 6970. A bill to amend the Federal Power Act to establish procedures designed to balance energy needs and protection of the environment in planning and authorizing the construction of bulk electric power facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD of Massachusetts (by request):

H.R. 6971. A bill to secure bulk power supplies adequate to satisfy the mounting demands of the people of the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 6972. A bill to secure bulk power supplies adequate to satisfy the mounting demands of the people of the United States, consistent with environmental protection; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN:

H.R. 6973. A bill to amend the Internal Revenue Code of 1954 to restore the investment tax credit for investments not in excess of $25,000 of investment in each taxable year; to the Committee on Ways and Means.

By Mr. MELCHER (for himself, Mr. ABOUREZK, Mr. DULSKI, Mr. DUNCAN, Mr. EDWARDS of California, Mr. FOLEY, Mr. FRASER, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. KEE, Mr. LINK, Mr. McCLURE, Mr. McCORMACK, Mr. RUNNELS, Mr. SMITH of Iowa, Mr. ULLMAN, Mr. ZWACH, Mr. ROUSH, and Mrs. GRASSO):

H.R. 6974. A bill to amend the Rail Passenger Service Act of 1970 to provide that all passenger train discontinuances must be in accordance with the provisions of section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 6975. A bill to help prevent pollution which is caused by litter composed of soft drink, beer, and alcohol containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter, by imposing a tax on such containers (subject to refund in certain cases) when they are filled and sold on a no-deposit, no-return basis; to the Committee on Ways and Means.

By Mr. MORSE (for himself, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. CONTE, Mr. DONOHUE, Mr. DRINAN, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Mrs. HICKS of Massachusetts, Mr. KEITH, Mr. MACDONALD of Massachusetts, and Mr. O'NEILL):

H.R. 6976. A bill to amend the State Technical Services Act of 1965 to make municipal governments eligible for technical services under the act, to extend the act through fiscal year 1974, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H.R. 6977. A bill to amend the National Flood Insurance Act of 1968 to provide protection thereunder against losses resulting from earthquakes and earthslides; to the Committee on Banking and Currency.

H.R. 6978. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

H.R. 6979. A bill to amend title 38 of the United States Code so as to provide that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a pension under chapter 15 of that title; to the Committee on Veterans' Affairs.

By Mr. QUILLEN:

H.R. 6980. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; to the Committee on Armed Services.

H.R. 6981. A bill to amend chapter 67 of title 10, United States Code, to provide an annuity for the dependents of persons who perform the service required under chapter 67 of title 10, United States Code, and die before being granted retired pay; to the Committee on Armed Services.

H.R. 6982. A bill to amend title 10 of the United States Code so as to permit members of the Reserve and the National Guard to receive retired pay at age 55 for non-Regular service under chapter 67 of that title; to the Committee on Armed Services.

H.R. 6983. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURTON, Mr. CLEVELAND, Mr. CONYERS, Mr. DELLUMS, Mr. DOW, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HECHLER of West Virginia, and Mr. HELSTOSKI):

H.R. 6984. A bill making an appropriation to carry out the provisions of the Noise Pollution and Abatement Act of 1970 (title IV of the Clean Air Act Amendments of 1970. Public Law 91–604) for the year ending June 30, 1971; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mrs. HICKS of Massachusetts, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MIKVA, Mr. MITCHELL, Mr. MOORHEAD, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SCHEUER, Mr. SEIBERLING, Mr. VEYSEY, and Mr. WOLFF):

H.R. 6985. A bill making an appropriation to carry out the provisions of the Noise Pollution and Abatement Act of 1970 (title IV of the Clean Air Act Amendments of 1970, Public Law 91–604) for the year ending June 30, 1971; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURTON, Mr. CLEVELAND, Mr. CONYERS, Mr. DELLUMS, Mr. DOW, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HECHLER of West Virginia, and Mr. HELSTOSKI):

H.R. 6986.—A bill to amend the Noise Pollution and Abatement Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mrs. HICKS of Massachusetts, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MIKVA, Mr. MITCHELL, Mr. MOORHEAD, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SCHEUER, Mr. SEIBERLING, Mr. VEYSEY, and Mr. WOLFF):

H.R. 6987. A bill to amend the Noise Pollution and Abatement Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURTON, Mr. CLEVELAND, Mr. CONYERS, Mr. DELLUMS, Mr. DOW, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, and Mr. HELSTOSKI):

H.R. 6988. A bill to require the disclosure of the operational noise level of machinery distributed in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mrs. HICKS of Massachusetts, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MIKVA, Mr. MITCHELL, Mr. MOORHEAD, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SCHEUER, Mr. SEIBERLING, and Mr. VEYSEY):

H.R. 6989. A bill to require the disclosure of the operational noise level of machinery distributed in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURTON, Mr. CLEVELAND, Mr. CONYERS, Mr. DELLUMS, Mr. DOW, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, and Mr. HECHLER of West Virginia):

H.R. 6990. A bill to amend the Occupational Safety and Health Act of 1970 to require the adoption of standards which will provide effective protection to workers against the deleterious effects of excessive noise; to the Committee on Education and Labor.

By Mr. RYAN (for himself, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MIKVA, Mr. MITCHELL, Mr. MOORHEAD, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SCHEUER, Mr. SEIBERLING, and Mr. WOLFF):

H.R. 6991. A bill to amend the Occupational Safety and Health Act of 1970 to require the adoption of standards which will provide effective protection to workers against the deleterious effects of excessive noise; to the Committee on Education and Labor.

By Mr. SANDMAN (for himself, Mr. GERALD R. FORD, Mr. KEMP, Mr. MATHIAS of California, and Mr. MIZELL):

H.R. 6992. A bill to amend the Communications Act of 1934 so as to provide for the regulation of the broadcasting of certain major sporting events in the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR (for himself, Mr. ASPINALL, Mr. HOSMER, Mr. SKUBITZ, Mr. KYL, Mr. MCCLURE, Mr. DON H. CLAUSEN, Mr. RUPPE, Mr. CAMP, Mr. LUJAN, Mr. LLOYD, Mr. DELLENBACK, Mr. SEBELIUS, Mr. MCKEVITT, Mr. TERRY, and Mr. CÓRDOVA):

H.R. 6993. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. STEELE:

H.R. 6994. A bill to amend the Truth in Lending Act to prohibit the use of unfounded or veiled threats to aid in collection and to require that statements under open end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. TIERNAN:

H.R. 6995. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for amounts expended by State, regional, city, county, and town policemen for meals which they are required to eat while on duty; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 6996. A bill to amend title 17 of the United States Code; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H.J. Res. 520. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. FRASER:

H.J. Res. 521. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission; to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H.J. Res. 522. Joint resolution proposing an amendment to the Constitution of the United States declaring that every person has an inalienable right to a decent environment; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.J. Res. 523. Joint resolution establishing the Federal Committee on Nuclear Development; to the Joint Committee on Atomic Energy.

By Mr. RAILSBACK:

H.J. Res. 524. Joint resolution declaring it the sense of Congress that all American servicemen be withdrawn from Indochina at the earliest practicable date; to the Committee on Foreign Affairs.

By Mr. SKUBITZ:

H.J. Res. 525. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. BENNETT:

H. Con. Res. 244. Concurrent resolution; Joint Committee on Impoundment of Funds; to the Committee on Rules.

By Mr. RODINO (for himself, Mr. EILBERG, Mr. EDWARDS of California, Mr. ANNUNZIO, Mr. KOCH, Mr. KEATING, Mr. DRINAN, Mr. MIKVA, Mr. GUDE, Mr. RYAN, Mr. SARBANES, Mr. WIGGINS, and Mr. CLARK):

H. Con. Res. 245. Concurrent resolution requesting the President of the United States of America to take immediate and determined steps to encourage and persuade the Soviet Union to permit persons of the Jewish faith who express the desire to emigrate to a country of their choice; to the Committee on Foreign Affairs.

By Mr. SEIBERLING (for himself, Mr. LEGGETT, Mr. RYAN, Mrs. GRASSO, Mr. METCALFE, Mr. REES, Mr. RONCALIO, Mr. EDWARDS of California, Mr. HALPERN, Mr. ADDABBO, Mr. BURTON, Mr. MATSUNAGA, and Mr. SCHEUER):

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress with respect to U.S. policy in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. MORGAN, Mr. WARE, Mr. BRASCO, Mr. VANDER JAGT, Mr. PICKLE, Mr. BRINKLEY, and Mr. KEATING):

H. Res. 352. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. COLLIER:

H. Res. 353. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

94. By the SPEAKER: Memorial of the Legislature of the State of South Dakota, relative to the agricultural economy of the Nation; to the Committee on Agriculture.

95. Also, memorial of the Legislature of the State of Delaware, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

96. Also, memorial of the Legislature of the State of Hawaii, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

97. Also, memorial of the Legislature of the State of Oklahoma, relative to the continuation of the Federal highway trust fund; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 6997. A bill for the relief of Patrick Hugh McDonnell; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 6998. A bill for the relief of Salman M. Hilmy; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 6999. A bill for the relief of Michele S. Gusto; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 7000. A bill for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 7001. A bill for the relief of Loucas Arvanitis; to the Committee on the Judiciary.

H.R. 7002. A bill for the relief of Paul Disclafani; to the Committee on the Judiciary.

H.R. 7003. A bill for the relief of Alfio Lagalia; to the Committee on the Judiciary.

H.R. 7004. A bill for the relief of Giuseppe Rocco; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 7005. A bill for the relief of Mauro Zaino, his wife, Maria Zaino, and their daughter, Carmela Zaino; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 7006. A bill for the relief of Rokurota Nakajima; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 7007. A bill for the relief of Maria La Valle Arrigo; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 7008. A bill for the relief of Carmelo Genna; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 7009. A bill for the relief of Col. John H. Awtry; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 7010. A bill for the relief of Abik Ben Drore, his wife, Shulamit Ben Drore, and their minor children, Eytan Ben Drore, Ami Ben Drore, and Edi Ben Drore; to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 7011. A bill for the relief of Adriano Botelho Moniz; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 7012. A bill for the relief of Murray Swartz; to the Committee on the Judiciary.

H.R. 7013. A bill to provide for the free entry of certain cotton bags for Hamilton Specialties, Inc., of Brooklyn, N.Y.; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 7014. A bill for the relief of Antonio Praticante; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 7015. A bill for the relief of Antonio Gerardi; to the Committee on the Judiciary.

By Mr. RANDALL:

H.J. Res. 526. Joint resolution authorizing the President to award the Medal of Honor to Harry S Truman; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

54. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to the centennial of the Congressional Record, which was referred to the Committee on the Judiciary.