

I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 7 p.m. today.

The motion was agreed to; and at 6:15 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 6:26 p.m. when called to order by the Presiding Officer (Mr. ALLEN).

#### ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow at the conclusion of the routine morning business the Chair lay before the Senate the unfinished business.

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

#### WAIVER OF RULE OF GERMANENESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Pastore rule concerning germaneness be waived during the session of the Senate tomorrow.

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

#### ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the Senate has been kept in session today and has recessed from time to time because of the hope on the part of the joint leadership that an agreement might somehow be arrived at whereby a date and time could be set for a vote on the pending amendment, No. 1175, by Mr. STENNIS, and other amendments, motions, and appeals, and also with respect to a time limitation on the bill. That effort was made, but was not successful. However, I think that Senators can be apprised of the strong likelihood that there will be a vote on the amendment

by Mr. STENNIS 1 day in the early part of next week, hopefully.

In the meantime, those efforts to work out an agreement will continue on tomorrow after, again hopefully, a good night's sleep can be had, and at that time the Senate will then be apprised of the outcome of those efforts. In the meantime, the amendment by Mr. STENNIS will continue to be the pending question, with a likelihood that there will be no setting aside of that matter for the taking up of other amendments to the bill.

However, conference reports, being in order and being highly privileged, may be called up at almost any time. At least the conference report on the black lung legislation may be called up and acted upon at a reasonably early hour on Friday.

#### AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO SUBMIT BLACK LUNG CONFERENCE REPORT FOR PRINTING UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare may have until midnight tonight to submit the black lung conference report for printing.

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

#### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. After the two assistant leaders have been recognized under the standing order, the following Senators will be recognized in the order stated and each for the time stated: Mr. STENNIS, for 15 minutes; Mr. BUCKLEY, for 15 minutes; and Mr. WEICKER, for 10 minutes.

At the conclusion of the unanimous-consent orders recognizing Senators, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

At the conclusion of the routine morning business, the Chair will lay before the Senate the unfinished business, S. 3526, and the pending question will be on the amendment No. 1175 by Mr. STENNIS.

It will be my purpose at that time to move that the Senate go into closed session. That closed session will not last over 2 hours—hopefully, not that long—and when the Senate then returns to open legislative session, the Senate will resume consideration of the unfinished business. There could possibly be rollcall votes tomorrow.

#### ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to, and at 6:33 p.m. the Senate adjourned until tomorrow, Thursday, May 4, 1972, at 12 o'clock noon.

#### NOMINATIONS

Executive nominations received by the Senate May 3, 1972:

##### U.S. DISTRICT COURTS

Albert W. Coffrin, of Vermont, to be a U.S. district judge for the district of Vermont, vice Bernard J. Leddy, deceased.

##### U.S. COURT OF CUSTOMS AND PATENT APPEALS

Howard T. Markey, of Illinois, to be chief judge of the U.S. Court of Customs and Patent Appeals, vice Eugene Worley, retiring.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate May 3, 1972:

##### PRICE COMMISSION

Mary Hamilton, of Illinois, to be a member of the Price Commission.

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rear Adm. Allen L. Powell to be Director of the National Ocean Survey, National Oceanic and Atmospheric Administration.

##### U.S. COAST GUARD

Nominations beginning Charles E. Sibre, to be lieutenant (jg.), and ending James R. Nagle II, to be lieutenant (jg.), which nominations were received by the Senate and appeared in the Congressional Record on Apr. 11, 1972; and

Nominations beginning John H. Ingram, to be chief warrant officer (W-4), and ending Stanley E. Burgess, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 27, 1972.

## HOUSE OF REPRESENTATIVES—Wednesday, May 3, 1972

The House met at 12 o'clock noon.

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

*I have fought a good fight, I have finished my course, I have kept the faith.*—II Timothy 4: 7.

Almighty God, from whom we come, with whom we live, and to whom our spirits return, Thou art our refuge and strength, our present help in trouble. Grant us Thy blessing during these hours and enable us so to put our trust in Thee that our spirits may be strengthened and our hearts find comfort.

We come in this moment of sad and loving memory to thank Thee for J. Edgar Hoover, who now is at rest with Thee. For the nobility of his character, for his untiring devotion to our country and to the Federal Bureau of Investigation, for the competence of his mind, for the energy of his spirit as he gave himself for law and order, for his grace and dignity in public service, for his dedication to church and state, and for his witness to moral and spiritual values we thank Thee.

Thy spirit lived in him and may Thy spirit live in us that together we may

fight the good fight, finish our course, and keep the faith.

In the spirit of Christ, we pray. 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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 11589. An act to authorize the foreign sale of certain passenger vessels.

H. Con. Res. 600. Concurrent resolution expressing the sense of Congress that the body of J. Edgar Hoover should lie in state in the U.S. Capitol.

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

S. 2743. An act to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes.

APPOINTMENT OF CONFEREES ON  
H.R. 14582, SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, WHITTEN, ROONEY of New York, PASSMAN, EVINS of Tennessee, BOLAND, NATCHER, FLOOD, STEED, Mrs. HANSEN of Washington, Messrs. McFALL, BOW, JONAS, CEDERBERG, MICHEL, CONTE, SHRIVER, and MCDADE.

## REPRESENTATIVE HAYS INTRODUCES RESOLUTION CALLING FOR RELEASE OF AMERICAN PRISONERS OF WAR TO A NEUTRAL COUNTRY AND WITHDRAWAL OF U.S. TROOPS FROM INDOCHINA

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

Mr. HAYS. Mr. Speaker, today I am introducing a resolution saying that not more than 90 days after the Government of North Vietnam releases or transfers all American prisoners to a neutral country—and I do not mean China or Russia or North Vietnam—that we will promptly and orderly withdraw our troops from Indochina.

I am sure that this is not going to make a lot of supporters of the North Vietnamese in the United States happy, but this will sure be the acid test as to whether they really are going to ever release our prisoners or not. And it will

be a resolution, that if the Democratic Caucus brings it out, will be something that I can subscribe to. Not more than 90 days after they release our prisoners we will start a prompt and orderly withdrawal.

## THE AGREEMENT AT CONNALLY'S RANCH

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

Mr. VANIK. Mr. Speaker, last weekend at John Connally's tax write-off ranch at Floresville, Tex., the President of the United States met with prominent Texans, who constitute some of the fattest cats in the world. They came in limousines and 17 private planes to meet with the President on a subject dear to their hearts—no new taxes and support in the presidential election of 1972. It was the average taxpayer who was barbecued at the Connally ranch.

Like the infamous Appalachian Conference of November 14, 1957, the guest list was kept secret. While the FBI investigated everyone who attended the Appalachian Conference, the same FBI protected the Connally assembly from the press and the public, providing secrecy at public expense.

The American taxpayer is entitled to know who was present at the conference at Connally's ranch and to know what promises were discussed and what agreements were reached.

There can never be tax reform in America as long as the fat cats are protected and pampered by the President of the United States.

## TAXES AND TEXAS MILLIONAIRES

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

Mr. BINGHAM. Mr. Speaker, my remarks also are directed to the recent barbecue at the Secretary of the Treasury's ranch in Texas.

President Nixon's millionaire hired hand from Texas, Treasury Secretary John Connally, has now come up with an elaborate study supposedly showing that no reform is needed in the Federal income tax system. At the big beef roast—rich Texas ranchers are the only folks who can afford beef these days—Connally just held for his millionaire friends and the President, Mr. Nixon is reported to have assured everyone that he listens only to Connally when it comes to taxes. Meanwhile, back at the White House, announcement was being made that the administration would oppose any major revision of the Federal income tax system this year.

No wonder, Mr. Speaker, the people have lost faith in government and politicians. One hundred and twelve millionaires with incomes over \$200,000 paid not a penny in taxes last year, and some politicians are the biggest offenders when it comes to taking advantage of tax loopholes, like Gov. Ronald Reagan who paid no State income taxes last year de-

spite an income estimated at over \$150,000 and personal assets worth well over a million dollars.

In the face of such obvious and outrageous injustices in the tax system, about the only thing that can be said in response to Secretary Connally's whitewash of the tax system is that Secretary Connally is full of whatever Texas millionaires are full of, and the public will not be fooled.

## THE LATE J. EDGAR HOOVER

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

Mr. KEE. Mr. Speaker, I was stunned to learn of the passing of our beloved and highly respected J. Edgar Hoover, the first and only one to have served in the vital position of responsibility as Director of the Federal Bureau of Investigation. It was under his courageous, able and dedicated leadership that what was once a small investigative body became the world's most respected organization.

J. Edgar Hoover has been a symbol of strength to young and old alike for the devotion he has given in his efforts to maintain law and order.

We will miss him, but he will never be forgotten. His contributions to the welfare of our society have earned him a place of honor in American history.

As a nation we have lost because of his departure from the world we know. He has entered into the greater life—the life reserved for those who have contributed so magnificently during the time allotted to those who walk upon this earth.

HEROIC KOREAN SOLDIERS  
TAKE ANKHE PASS

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

Mr. CARTER. Mr. Speaker, last year it was an honor and a pleasure to be a member of the Speaker's committee which visited Korea, Hong Kong, Taiwan, and the Philippines.

While in Korea, the delegation was most cordially entertained. The Koreans were assured of our eternal friendship. Korea now has two combat divisions—40,000 men—in South Vietnam. Just last week, April 26, these heroic Korean soldiers, known as the ROK's, took Anke Pass. Four hundred of their valiant men were killed, 300 were wounded.

This is the same area where in 1954 3,700 of 5,000 of the flower of the French army were killed. The action of the Koreans was in behalf of our country, at our request. They shed their blood in our behalf.

I submit, Mr. Speaker, that greater love hath no man than this, that he lay down his life for his friend. The Koreans are our friends and our brothers. I submit, Mr. Speaker, that the United States of America owes them the same protection and safe withdrawal that it owes our own men.

Most of the Members of this body realize that our South Vietnamese ven-



ture has been a disaster. But let calmness and wisdom prevail now as they did not prevail when the Tonkin Gulf resolution was passed. Let us use every means possible to assure the safe withdrawal of our men and of our loyal Korean allies.

Lord God of Host be with us yet,  
Lest we forget—lest we forget!

### GOOD ECONOMIC NEWS

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

Mr. PETTIS. Mr. Speaker, as April ended there was increasing evidence that the strong economic growth that we have seen in the last 6 months is accelerating. Last week brought an abundance of good economic news.

According to the F. W. Dodge Division of McGraw-Hill Information Systems Co., construction contracting in March was 15 percent above the level a year earlier, raising the first quarter 1972 total to 20 percent above the 1971 first quarter level. Total contracting in March was \$7.28 billion, almost \$1 billion above a year earlier. For the entire quarter, construction awards totalled \$19.06 billion this year, compared to \$15.93 billion last year. Residential building registered most of the gain.

At the same time, McGraw-Hill Publications Co. indicated that businessmen have increased their plans for capital improvement expenditures to \$92.9 billion during 1972. That is 14 percent more than in 1971 and considerably above the increase which was being planned only a few months ago. The McGraw-Hill survey indicated that planned capital investment averages \$100 billion a year over the next 3 years. The survey shows airlines planning a 47-percent capital improvement spending program this year, with stone, clay and glass manufacturers and nonrailroad transportation companies close behind at 45 percent and 41 percent, respectively.

These increased business spending plans are directly related to rising corporate profits. Late last week the Wall Street Journal reported that based on a survey of after tax profits of 599 companies, profits rose 11.7 percent in the first quarter of 1972 over the first quarter a year ago. Expansion means more jobs and employment indicators should improve in the coming months, as well.

### APPOINTMENT OF CONFEREES ON H.R. 11417, AMENDING RAIL PAS- SENGER SERVICE ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to

the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, DINGELL, SPRINGER, and DEVINE.

### PROVIDING FOR CONTROL OF SICKLE CELL ANEMIA

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2676) to provide for the control of sickle cell anemia, with Senate amendments to the House amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

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

In lieu of the matter proposed to be inserted by the House engrossed amendment to the text of the bill insert:

#### SHORT TITLE

SECTION 1. This Act shall be cited as the "National Sickle Cell Anemia Control Act".

#### FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares—

(1) that sickle cell anemia is a debilitating, inheritable disease that afflicts approximately two million American citizens and has been largely neglected;

(2) that the disease is a deadly and tragic burden which is likely to strike one-fourth of the children born to parents who both bear the sickle cell trait;

(3) that efforts to prevent sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening, and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening test have been devised which will identify those who have the disease or carry the trait;

(5) that programs to control sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved; and

(6) that the attainment of better methods of control, diagnosis, and treatment of sickle cell anemia deserves the highest priority.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the diagnosis, control, and treatment, and research in, sickle cell anemia.

#### AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), and references thereto, as sections 1201 through 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title:

#### "TITLE XI—SICKLE CELL ANEMIA PROGRAM"

"SICKLE CELL ANEMIA SCREENING AND COUNSELING PROGRAMS AND INFORMATION AND EDUCATION PROGRAMS"

"SEC. 1101. (a) (1) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities, for projects for the establishment and operation of voluntary sickle cell anemia screening and counsel-

ing programs, primarily through other existing health programs.

"(2) The Secretary shall carry out a program to develop information and educational materials relating to sickle cell anemia and to disseminate such information and materials to persons providing health care and to the public generally. The Secretary may carry out such program through grants to public and nonprofit private entities or contracts with public and private entities and individuals.

"(3) In making any grant or contract under this title, the Secretary shall (1) take into account the number of persons to be served by the program supported by such grant or contract and the extent to which rapid and effective use will be made of funds under the grant or contract; and (2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1973, \$30,000,000 for the fiscal year ending June 30, 1974, and \$35,000,000 for the fiscal year ending June 30, 1975.

#### "PROJECT GRANTS AND CONTRACTS"

"SEC. 1102. (a) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities and individuals, for projects for (1) research and research training in the diagnosis, treatment, and control of sickle cell anemia, (2) the development of programs to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia, and (3) the development of sickle cell anemia counseling and testing programs and other programs for diagnosis, control, and treatment of sickle cell anemia.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1973, \$10,000,000 for the fiscal year ending June 30, 1974, and \$15,000,000 for the fiscal year ending June 30, 1975.

#### "VOLUNTARY PARTICIPATION"

"SEC. 1103. The participation by any individual in any program or portion thereof under this title shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

#### "APPLICATIONS; ADMINISTRATION OF GRANT AND CONTRACT PROGRAMS"

"SEC. 1104. (a) A grant under this title may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information, as the Secretary deems necessary. Each applicant shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(3) provide for appropriate community representation in the development and operation of any program funded by a grant under this title;

"(4) in the case of an application for a grant under section 1101(a)(1), provide assurances satisfactory to the Secretary that (A) the screening and counseling services to be provided under the program for which

the application is made will be directed first to those persons who are entering their child-producing years, and secondly to children under the age of 7, and (B) appropriate arrangements have been made to provide counseling to persons found to have sickle cell anemia or the sickle cell trait;

"(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"(b) In making any grant or contract under this title, the Secretary shall (1) take into account the number of persons to be served by the program supported by such grant or contract and the extent to which rapid and effective use will be made of funds under the grant or contract; and (2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

#### "PUBLIC HEALTH SERVICES FACILITIES"

"SEC. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counseling, and treatment. Such program shall be made available through facilities of the Public Health Service to any person requesting screening, counseling, or treatment, and shall include appropriate publicity of the availability and voluntary nature of such programs.

#### "REPORTS"

"SEC. 1106. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

Amend the amendment of the House to the title so as to read: "An Act to amend the Public Health Service Act to provide for the control of sickle cell anemia."

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

There was no objection.

The Senate amendments to the House amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, the Senate amendment to the House amendment is the same as the bill passed by the House, with the following differences:

First. The House bill referred to prevention of sickle cell anemia, and the Senate amendment refers to "control."

Second. The House bill authorized \$75 million over a 3-year period for programs of screening and counseling. The original Senate-passed bill provided \$100 million. The Senate amendment provides \$85 million, an increase of \$10 million in the House figure and a reduction of \$15 million in the Senate figure.

Third. A number of technical and conforming amendments were made to correspond to the use of the word "treatment" rather than the word "control."

I urge the House to agree to the Senate amendment.

Mr. ROGERS. Mr. Speaker, I am pleased to report that the Senate has concurred, with minor revisions, to the House amendment to S. 2676, the Na-

tional Sickle Cell Anemia Control Act. I urge the House to accept this measure. This legislation will provide valuable assistance in the battle against this inherited disease which affects more than 2 million black Americans. Its package of \$115 million authorizes more money in the battle against sickle cell anemia than has been spent by the Federal Government since the sickle cell syndrome was first identified more than 60 years ago.

Testimony received during hearings conducted by our Subcommittee on Public Health and Environment clearly establishes that sickle cell anemia research and control clearly deserves this commitment of our national medical resources, and I again urge the House to pass this measure unanimously.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

MAY 2, 1972.

HON. CARL ALBERT,

*The Speaker,*

*House of Representatives.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 3:50 p.m. on Tuesday, May 2d, and said to contain a message from the President wherein he transmits the report of the Civil Service Commission required by the Job Evaluation Policy Act of 1970.

With kind regards, I am

Sincerely,

W. PAT JENNINGS,

*Clerk, House of Representatives.*

#### REPORT OF CIVIL SERVICE COMMISSION PURSUANT TO JOB EVALUATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

*To the Congress of the United States:*

Pursuant to the Job Evaluation Policy Act of 1970, I am hereby transmitting the report of the Civil Service Commission required by that Act.

I am pleased to see that the Civil Service Commission believes that by adopting methods and techniques recommended by the Job Evaluation and Pay Review Task Force, it may be possible to make very significant improvements in the Government's job evaluation program. The Task Force has made many other recommendations which would require legislative action and which deserve more careful consideration than has been possible to date.

RICHARD NIXON.

THE WHITE HOUSE, May 2, 1972.

#### PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee

on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 13591, NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 926 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 926

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13591) to amend the Public Health Service Act to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, 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.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 926 provides for consideration of H.R. 13591, which, as reported by our Committee on Interstate and Foreign Commerce, would amend the Public Health Service Act to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases. The resolution provides an open rule with 1 hour of general debate, after which the bill shall be read for amendment under the 5-minute rule.

Mr. Speaker, H.R. 13591 does not represent a mere euphonic change of name of an established institute within the National Institutes of Health. It proposes a change of name based on a sobering fact: That there is a critical need today to expand research and training in the field of digestive diseases.

Gastroenterology—the study of the diseases and pathology of the stomach and intestines—is presently one of 10 separate fields of study within the National Institute of Arthritis and Metabolic Diseases and is allocated, for research and training, just about 10 percent of that Institute's annual budget. In terms of emphasis and the Nation's urgent health needs, as I shall point out, that is wholly inadequate.

The proposed legislation would give digestive diseases their proper emphasis among the various fields of medical



study, establish a committee to advise the Director of the Institute on activities relating to digestive diseases, and give the Director of the Institute statutory authorization to carry on research and training in digestive diseases.

National health statistics show that nearly 13 million Americans suffer from chronic digestive diseases. The situation is nothing short of appalling when we consider that, in terms of treatment by specially trained doctors, there are fewer than 700 physicians in the United States who have been certified as specialists in digestive diseases, with about half of the States having less than 10 physicians who are specialists in this field.

Comparatively, cancer of the digestive tract and other diseases of the digestive system together produce the fourth largest death toll among Americans. The number of hospitalizations required for treatment of digestive diseases is 173 percent of the number of hospitalizations required for cardiovascular disease. Finally, digestive diseases each day account for 200,000 absentees from work due to illness, making such diseases the leading cause of lost time from work among male employees.

H.R. 13591 contains no new authorization for appropriations. According to the Department of Health, Education, and Welfare, the only expense that enactment of the bill would entail is an estimated \$25,000 in additional administrative expenses covering a 5-year period.

Because digestive diseases seem particularly to affect persons who are at the peak of their most vigorous and productive periods, the Members of this body may well be among the unnamed beneficiaries of the legislation contained in H.R. 13591.

Mr. Speaker, I urge the adoption of House Resolution 926 in order that H.R. 13591 may be considered and passed.

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

Mr. Speaker, the purpose of H.R. 13591 is to place greater emphasis on programs dealing with digestive diseases in the National Institutes of Health. Digestive diseases are the No. 1 reason for hospitalization in America today, according to the National Center for Health Statistics.

The bill makes four changes: First, changes the name of the present National Institute of Arthritis and Metabolic Diseases—NIAMD—to “National Institute of Arthritis, Metabolism and Digestive Diseases”; second, provides for an Associate Director for Digestive Diseases in this Institute; third, establishes within this Institute’s presently existing advisory council, a committee to review research grant applications related to digestive diseases, and fourth, requires the Director of this Institute to carry out a program of support for research and training in digestive diseases.

With regard to cost, present law does not set a statutory ceiling for authorizations for NIAMD, and no ceiling is set by this bill. The anticipated spending is \$135,177,000. While no new authorizations are in this bill, the Department of Health, Education, and Welfare estimates that the establishment of the new

committee will cost about \$25,575 in additional administrative expenses over a 5-year period.

The Department of Health, Education, and Welfare is opposed to this bill. The Department notes that the proposed name change will only create a precedent for other disease fields which can claim equally legitimate reasons for inclusion in a broadened name for individual institutes. The proposed special committee for final review of research grant applications related to digestive disease would conflict with the existing advisory council, which already has final review of all research grant applications in NIAMD. Finally, NIAMD has already established, last year, the position of Assistant Director for Digestive Diseases and Nutrition. To designate this position by law as Associate Director would only create pressure for similar recognition for other disease fields in the other Institutes.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. MATSUNAGA. 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.

#### WORLD WEATHER PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

#### To the Congress of the United States:

By monitoring and predicting weather over the globe and by assessing the impact of man’s activities upon the atmosphere, the World Weather Program helps significantly to improve the quality of our life and the safety of the earth’s inhabitants.

I am pleased to report that the World Weather Program is making significant strides forward:

- Through new satellites, telecommunications, and computer technology, global information for early predictions and hazardous weather warnings is being acquired, processed, and then distributed in increased volume and detail.

- Under the Global Atmospheric Research Program, intensive planning activities are underway for a 1974 international experiment to be conducted in the tropical Atlantic. The experiment will attempt to discover what role tropical weather systems play in maintaining the general circulation of the atmosphere. It will also probe tropical weather systems, with a view to improving weather prediction, including hurricane forecasts. Scientific data from this experiment will also help in making weather forecasts that are longer range, and in resolving important environmental problems. Many na-

tions will participate in this experiment with ships, aircraft, satellites and other facilities.

- Active international involvement in the program by many member nations has yielded peaceful collaboration on an impressive international scale.

The World Weather Program is essential to a total environmental monitoring system for our planet. The program can serve as a model, moreover, for other environmental systems. The atmosphere is but one part of our global ecology. Data on other aspects of our environment can be collected and exchanged through a vehicle like the World Weather Program.

In accordance with Senate Concurrent Resolution 67 of the 90th Congress, I am pleased to transmit this annual report which describes the advances of the World Weather Program made during the past year and the activities planned for the program by participating Federal agencies for the coming fiscal year.

RICHARD NIXON.

THE WHITE HOUSE, May 3, 1972.

#### PROVIDING FOR CONSIDERATION OF H.R. 13089, ACCELERATED REFORESTATION OF NATIONAL FORESTS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules and on behalf of the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER), I call up House Resolution 951 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 951

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, 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 California (Mr. SISK) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 951 provides an open rule with 1 hour of general debate for consideration of H.R. 13089 to accelerate reforestation of na-

tional forests. The resolution also waives points of order for failure to comply with the provisions of clause 4 of rule XXI—appropriation in a legislative bill.

The purpose of H.R. 13089 is to provide funds to accelerate the reforestation of national forests where most needed.

Section 32 of Public Law 74-320 is a continuing appropriation which draws 30 percent of the import duties on all commodities coming into the country under customs laws. These funds, which include \$300 million in unused balances, are made available to the Secretary of Agriculture at the beginning of each fiscal year. The funds are annually reviewed and allocated for departmental programs by the Appropriations Committees.

In addition, under the Agricultural Act of 1956, the Department is authorized an appropriation of an additional \$500 million annually to carry out the purposes of section 32.

These funds are used for a variety of programs.

H.R. 13089 would earmark approximately \$65 to \$75 million annually of the funds collected on import duties under section 32, which would be equal to the receipts collected on wood, paper, and printed matter. The funds would be used for reforestation work on our national forests. It is stated that each young tree returns from 50 to 100 times the original investment.

The Secretary of Agriculture would within 1 year of the date of enactment and annually thereafter submit a report to the Congress setting forth the reforestation needs and a planned program for reforestation.

The cost estimate is \$72.2 million annually.

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

Mr. SISK. Mr. Speaker, I reserve the remainder of my time.

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

May I simply state that the gentleman from California has explained House Resolution 951, and I urge its adoption.

Mr. SISK. 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.

#### PROVIDING FOR COMPENSATION OF H.R. 14015, PEAR MARKETING ORDERS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 952 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 952

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14015) to amend section 2(3), section 8c(2), section 8c(6) (I), and section 8c(7) (C) of the Agricultural Marketing Agreement Act of

1937, as amended. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, 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 in the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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

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

Mr. Speaker, House Resolution 952 provides an open rule with 1 hour of general debate for consideration of H.R. 14015 authorizing pear marketing orders.

The purpose of H.R. 14015 is to authorize marketing orders for pears for canning and freezing.

Also, it would authorize any form of marketing promotion, including paid advertising, under marketing orders for pears and any other commodity for canning and freezing which is regulated under a marketing order.

A two-thirds majority of the growers voting or two-thirds of the volume voted in each State of the production area would be required for the issuance of an order regarding pears.

The administrative agency of the marketing order must have equal representation of processors and producers.

A majority of each State's representatives on the administrative agency must concur in any recommendation for regulation.

Additional cost to the Government is estimated at \$25,000 per annum.

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

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

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

I concur in the remarks made by the gentleman from California (Mr. SISK) and I urge the adoption of House Resolution 952.

Mr. SISK. 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.

#### NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Mr. STAGGERS. 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. 13591) to amend the Public Health Service Act to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes.

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

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. 13591, with Mr. FUQUA 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 West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 13591, a bill to designate the existing National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases.

Mr. Chairman, this was considered by the Subcommittee on Health after full hearings, was ordered reported to the full committee without a dissenting vote, and was reported to the House by a voice vote unanimously by the full committee.

The bill would involve no added cost to the United States, other than the approximately \$26,000 additional administrative expenses for a new committee formed of members of an existing committee.

The principal effect of the bill is the change in the name of the institute to add digestive disease to its title, in order to indicate that the committee feels that greater emphasis should be placed on research and training relating to diseases of the digestive system.

The bill would provide for establishing an associate director for digestive diseases, who would have primary responsibility within the Institute for programs for research and training in that field. The bill also establishes within the existing Advisory Council of the Institute a new committee composed of members of that council who are outstanding in the field of digestive disease. This new committee would review applications for grants for research projects relating to digestive diseases and make recommendations to the Director. This would not, however, eliminate the existing provisions of law under which the full Advisory Council is required to recommend grants prior to their approval.

Mr. Chairman, impressive support was given during the hearings before the subcommittee concerning the need for greater emphasis on research and training in digestive diseases. One out of every five illnesses in our population arise primarily from digestive disease. Nearly 13 million Americans have chronic digestive disease, and such conditions constitute the No. 1 reason for hospitalization in the United States, exceeding in frequency all forms



of heart disease and all forms of accidents.

Of all the causes of disability due to illness in the United States, digestive disease ranks No. 2. Over 2 million Americans are impaired in some degree by the disease, of whom 400,000 are totally disabled. When calculated by the Public Health Service in 1963 the total cost of illness resulting from digestive disease was approximately 1 percent of the gross national product, which means that today this costs us approximately \$10 billion per year.

The resources to contend with the problem are inadequate. There are fewer than 700 physicians in the United States who have been certified as specialists in digestive diseases. On the average there are less than three full-time teachers of digestive disease on the faculties of our medical schools, and some schools have none. About half of the States in the United States have less than 10 physicians certified as specialists in digestive diseases.

In view of the needs in this area, Federal support has been far less than adequate. Total Federal support for research and training in digestive diseases has been less than \$30 million annually, of which about two-thirds comes from NIH.

We believe that this legislation should lead to greater emphasis in the field of digestive diseases through the programs of the National Institutes of Health.

The administration has stated that it is opposed to the legislation, fundamentally on the basis that they already have the authority they need in this area. This argument might have some force, if the administration could point out any substantial accomplishments in this field. Although they may have the authority, they certainly have not exercised it in a fashion commensurate with the problem. For that reason, the committee feels that the measure is both necessary and desirable and we urge its adoption.

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

Mr. STAGGERS. I shall be happy to yield to the distinguished gentleman from California.

Mr. SCHMITZ. As the sole member of the subcommittee who did not choose to coauthor this bill, I would like to state that my reluctance to do so was that I just do not know where it is all going to end. Every sector of the health field seems to want to be designated as an institute, or included in an institute.

However, if my recollection is correct, during the testimony, the testimony showed that the Department was opposed to this bill as not being necessary.

Is that not a correct interpretation of the position of the Department?

Mr. STAGGERS. This is true. However, it is just a question as to whether we as the Congress and Representatives of the people want to give emphasis to this problem, because it was testified to—and I think Dr. CARTER will testify to the importance of the treatment of this disease—that based upon the history of the disease, we should give some recognition to it and do something about it. It is the No. 1 cause of hospitalization in America. We are not asking for any additional

money. We are just saying to give recognition to digestive disease. Some of the most eminent doctors in America came to me personally—from Mayo Clinic and others—saying that this ought to be done because it is one of the greatest causes of disability to the people.

Maybe by giving digestive diseases emphasis we can do something about it, and concentrate on it.

Mr. SCHMITZ. Having heard the testimony as a member of the subcommittee, I am not going to dispute the experts who came before us. But I just cannot help recalling what a very wise man once told me, and that is if you want to get someone mad take something away from him, but if you really want to get someone mad give something to someone else.

I am simply saying that we are going to have every facet of medicine coming in and wanting their own institute or wanting to be included in some institute. I believe we should consider these things very seriously. What we do for one sector of the medical field we will be called upon to do for the others.

Mr. STAGGERS. The gentleman speaks of polarizing, but let me point out to the gentleman and ask the gentleman if he will not agree that this is the No. 1 cause of hospitalization in America, and one of the great causes of loss of work?

Mr. SCHMITZ. That is what they told us, and I will have to take their word for it.

Mr. STAGGERS. I might point out to the gentleman from California that a young friend of mine died recently from this same disease, and he had not known about it. They said that he went down and got a sandwich and ate it in a hurry, and that night he became quite ill, and the next morning they took him to the hospital. They opened him up, and he had gangrene because of a clogged bowel. He only lived one more day. If he had had someone he could have gone to who knew more about this probably he would be living today, because he was a young man, right at the height of his abilities. I am citing that as just one example because I believe that if we can save one life then certainly we have done something worth while, and I am sure that the gentleman as a Congressman will agree with me that if that is the case then we have done something worthwhile.

Mr. SCHMITZ. What I would like to do as a Member of the Congress is to consider these matters very seriously so that we are not just going to create institutes for all of the sicknesses that are the main killers and the main hospitalizers, and that after they have slipped into the background and are no longer of importance then let us do away with that institute.

But as the gentleman knows, and as I know, that when they eliminate such diseases that it is not a simple matter to do away with that institute, and we really never do away with it. If that institute can do any good toward ridding the Nation of these digestive diseases which, as you say, is the No. 1 hospitalizer and the No. 1 killer, then when

that slips into the second, third, fourth or fifth place maybe we should do away with that institute. But we do not do that. Instead we create institute upon institute.

Mr. STAGGERS. I might point out that the National Institutes of Health came out of our committee, and I am proud of all the wonderful things that they have done. They have eliminated some of the main killers in our land, and I am proud of it, and I know that the gentleman from California is also. I think that if we can save one person so that he can have a useful life, that that will be a worthwhile thing. But, really, this will help millions and millions of people.

We have 13 million people who are suffering from this disease and, the gentleman knows that we are not talking about a great deal of money, we are only talking of \$25,000 over a 5-year period. This is to help our people. I do not see how we can spend money in any better way. I do not want to argue with the gentleman, but I have to say that we are not doing too much for health, and you cannot do too much for the health of the people in this land. And with our rich Nation I think we should be doing a lot more. I repeat that this is the No. 1 disease that hospitalizes people in America. And the gentleman says he does not want to add it to the others.

Mr. SCHMITZ. I simply say that unless we are dedicated to complete Government control over medicine and health, once an institute has served its purpose, the Government should do away with the institute.

Mr. STAGGERS. This is something that is going to be coming out of this Congress, something that is going to do good for our people and something that we will all be proud of. The gentleman is a member of the committee, and I know that he would wish to save a life, because it could even be one of the members of his family, or one of his friends.

Mr. SCHMITZ. I would just say that as a former teacher of logic, that I do not want to engage in what is known as argumentum ad misericordiam. You are indeed tugging at the heart strings.

I am simply saying that when an institute has completed its work on such a disease, then we should do away with that institute. I say that when that disease has slipped backward, and is no longer the killer, or the hospitalizer which was the basis for the creation of an institute, then we should do away with that institute.

But the gentleman knows as well as I do that once you create one of these institutes it is almost impossible to do away with it. It is a principle that one can observe here in Washington—that the size of bureaucracy changes in only one direction.

Mr. STAGGERS. If the gentleman from California is a teacher of logic, I do not see his logic. If we do not provide some congressional direction to the present Institute to provide move emphasis on digestive diseases, so that it can be corrected it will never be corrected. I am saying let us get rid of what we are talking about and then we can talk about the other.

But this is a simple proposition here today. I understand what the gentleman is trying to do and the question he is trying to raise. But I would say that this is a simple proposition. We are just voting this into the present Institute to give digestive disease the importance that it deserves.

Some of the great specialists of this land have come forward and say that it ought to be given that importance now and to highlight the importance of it, I think this is the way to do it.

Mr. SCHMITZ. A specialist from the department came in and said that it was superfluous and that it is not needed.

But if I may make this point by analogy. We have a wooden propeller factory left over from World War I, but no longer needed, once it was set up we just could not seem to get rid of it. I would say we ought to be very slow in setting up something like this especially when the department says it is superfluous and it is not needed.

Mr. STAGGERS. If I may ask the gentleman one question—you are in favor of this bill now; are you not?

Mr. SCHMITZ. I am going to listen to the arguments and I want to hear what someone else might have to say. I did not go for it in the committee and I like to leave my mind open and I would like to listen to the debate here and make up my mind after listening to all the angles and arguments.

Mr. STAGGERS. You have listened to experts, I think, and should have made up your mind on it.

Mr. SCHMITZ. But we have had testimony from experts who said they did not need it and I want to hear my colleagues on this.

Mr. STAGGERS. The experts say that we do need it and we need it to give emphasis to this matter.

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

Mr. STAGGERS. I yield to the gentleman from Florida (Mr. ROGERS), the chairman of the subcommittee.

Mr. ROGERS. Mr. Chairman, I rise in support of H.R. 13591, a bill which would provide emphasis on Federal research and training programs in the field of digestive disease. This bill was introduced by eight members of the Subcommittee on Public Health and Environment on March 6, 1972, after hearings on a number of related bills.

Allments of the gastrointestinal tract are among the most common illnesses in this country. It is estimated that nearly 13 million Americans have chronic digestive diseases and that these conditions together are the No. 1 reason for hospitalization in the country. Digestive diseases also include several of the most common forms of cancer which together account for about 30 percent of all cancer deaths. In 1963, the U.S. Public Health Service estimated the total cost of these diseases at nearly \$8 billion per year and it may be reasonably assumed that this figure now approaches \$10 billion per year. This is truly a health problem of major proportions.

Unfortunately Federal funding of programs for digestive disease research and training has not been indicative of the extent of the problem. In fiscal 1972,

funding for digestive disease programs at the National Institute of Arthritis and Metabolic Diseases totaled only about 10 percent of the Institute's budget of approximately \$14.8 million in fiscal year 1972. At the same time we pay out approximately \$100 million a year to nearly 140,000 veterans for service-connected disability due to gastrointestinal conditions. Shortages of specialists in the field of digestive diseases is another serious problem. There are less than 700 physicians in the United States who are certified as specialists in digestive diseases. Federal training programs in this area have received minimal funding in comparison with other specialties even though nearly half of the States have less than 10 specialists in digestive diseases.

In an effort to deal with the problem of providing emphasis for digestive disease programs, this bill renames the National Institute of Arthritis and Metabolic Diseases and its advisory council as the National Institute of Arthritis Metabolism and Digestive Diseases. Within the newly named advisory council would be a committee made up of members outstanding in the field of digestive diseases. The bill also establishes the position of associate director for digestive diseases to carry out the Institute's research program in this area.

Mr. Chairman, digestive diseases are certainly a major health problem in this country. If we are to deal with this problem effectively, we must provide additional emphasis on this program through expanded Federal commitments to research and training in digestive diseases. This is the purpose of H.R. 13591 and I urge support for its passage.

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

The purpose of this bill, Mr. Chairman, is to draw considerably more attention to the fact that more people suffer from some kind of bellyache or related discomfort than almost any kind of disease. It also intends to promote somewhat more research into the causes and cures of gastroenterology as it is known in the medical profession. The legislation does not propose an entirely separate institute to handle this health category although that was proposed at one point in some bills which were introduced. Testimony indicated that there are great advantages in keeping the research efforts tied in with the others being carried on in the Institute of Arthritis and Metabolic Diseases. Research in such things as diseases of the stomach, intestines, liver, and the pancreas which include ulcers, hepatitis, cirrhosis, and colitis presently are carried on in that health institute.

Monetary outlays for research in the Institute have been increased markedly for fiscal year 1972 over fiscal year 1971 and will amount to more than \$135 million for the year about to end. Of this amount about \$15 million will be directed at the conditions described as digestive diseases. There are no new or increased authorizations in this bill but it is expected that the increased effort shown in fiscal year 1972 will be continued.

Since the purpose of this legislation is to keep up or to further increase the attention paid to digestive and related dis-

eases and the research concerning them it was felt that including the reference to digestive diseases in the title of the appropriate institute would be helpful. In addition, a special committee is formed within the advisory committee already established to assist the Director of the Institute in determining the kinds of research which should be conducted.

The Department of Health, Education, and Welfare does not feel any great necessity for the legislation proposed here today. It was definitely opposed to the creation of a new institute on the grounds that the research to be done in this area related directly to research being done or to be done in some of the other areas covered by the Institute as now organized. What is being done here can hardly jeopardize any efforts now underway and should be helpful in placing research, because of the attention directed at it.

Although this is hardly the most high powered health bill to come forth from our committee it can be helpful and I recommend support for it.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to my distinguished colleague from Kentucky, a member of the subcommittee.

Mr. CARTER. I thank the gentleman for yielding.

Mr. Chairman, the purpose of the bill is to place emphasis on the critical need for further support of research and training in the field of digestive diseases within the presently existing National Institute of Arthritis and Metabolic Diseases, one of the several institutes of the National Institutes of Health. For this reason, the bill redesignates the name of the Institute as the "National Institute of Arthritis, Metabolism, and Digestive Diseases"; establishes within that Institute's presently existing advisory council a committee to advise the Director of the Institute on activities relating to digestive diseases; and provides a statutory authorization for the Director of the Institute to carry out intramural research, extramural research, and training in the diagnosis, treatment, and prevention of digestive diseases.

Mr. Chairman, we need to do a great deal in the field of research on digestive diseases. In the period during which I have served here in the House I have noticed many Members who have severe digestive diseases.

The late Congressman Leonard Lipscomb, of California, had cancer of the colon, which was not diagnosed until he had been to the hospital, though here on the floor of the House we did notice symptoms of his losing blood, and if our laboratories and our physicians had been able to arrive at a diagnosis earlier than they were, Congressman Lipscomb's life might have been saved.

Furthermore, there are so many other diseases upon which we need to do more research. I strongly favor enactment of this legislation.

I rise in support of H.R. 13591, which would amend the Public Health Service Act so as to emphasize the need for increased Federal support of research and training programs in the field of digestive diseases.

I am privileged to serve on the subcommittee which considered this legis-



lation—the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce. Last fall we held 2 days of hearings on various bills concerning digestive diseases, including my own bill, H.R. 11684.

During the course of these hearings, I was very impressed by the testimony of the expert witnesses who appeared before us. One witness, Dr. Carroll Leevy, of the New Jersey College of Medicine and Dentistry, was especially persuasive in advocating an increased Federal effort in the digestive disease field. Dr. Leevy, president of the International Association for the Study of the Liver, told us, in part:

Research and training are important ingredients in both health services and lay education. Technology developed during the past decade now makes it possible to more efficiently prevent liver injury, to detect liver disease before it is symptomatic and cure it without development of debilitating clinical abnormalities, and to provide symptomatic and supportive measures which greatly reduce morbidity and prolong life. The great number of victims of liver disease in this country have not benefited and are not profiting from this expertise. It is, therefore, essential to develop ways and means by which these individuals can share in the fruits of our new age by improving health care delivery in this area. Models have already been developed for management of the alcoholic and drug addict with liver disease; these should be used as a key approach to control the causative social problem as well as reducing the economic burden of chronic liver disease.

Other witnesses reviewed progress being made and financial problems encountered in such areas as gallstones, cirrhosis of the liver, and ulcerative colitis.

As a physician, I can readily appreciate the magnitude of the digestive disease problem: It is the No. 1 cause of hospitalization in the country; it chronically afflicts nearly 13 million Americans; and it accounts for one of every six illnesses suffered by our people.

As an elected representative, moreover, I am very concerned that we as a nation are not doing enough to solve the important problems of digestive diseases. We need both more research in this field and more trained specialists to deliver the care we currently know how to provide.

H.R. 13591 would make some improvements in the way digestive disease research and training programs are administered by the National Institutes of Health and would generally demonstrate congressional support for a greater Federal effort in this area.

I strongly support H.R. 13591 and I urge all my colleagues to vote in favor of passage.

Mr. VANDER JAGT. Mr. Chairman, recently Congressman WILLIAM A. STEIGER and I announced that we would offer an amendment to H.R. 13591. While I applaud the recognition which the committee proposes to give to digestive disease, I see an obvious and compelling need to accelerate federally conducted and supported research and training in the field of diabetes. As a first step in this direction, this amendment would in-

sert diabetes as well as digestive disease into the title of the currently designated Institute of Arthritis and Metabolic Diseases, and make certain administrative changes to encourage greater attention to diabetes.

Almost 4½ million Americans have diabetes. Ten million of our people will develop it at some point in their lives. They face a prospect of warped and abbreviated lives. The eighth leading cause of death by disease, diabetes kills more than 40,000 Americans each year and causes the deaths of an additional 51,000 persons from other diseases brought on by diabetes. Heart attack, stroke, and kidney failure frequently evolve from diabetes. Birth defects and stillbirths are associated with it, and the disease is the second leading cause of blindness.

Despite its prevalence and destructiveness, the Federal Government's commitment to diabetes is minimal. Between 1950 and 1970, while the national population rose by 35 percent, the number of diagnosed diabetics rose by 115 percent. Yet today we are spending less on diabetes than we were 4 years ago. Only about one-half of 1 percent of all Federal medical research dollars, or about 6 percent of the budget of the Institute of Arthritis and Metabolic Diseases, is devoted to diabetes. Afflicted youngsters who face difficulties in their education and later in their occupations, as well as the prospect of shortened lives, deserve a greater Federal effort to discover a means of preventing diabetes' development and better forms of treatment.

Because Chairman PAUL ROGERS of the Public Health and Environment Subcommittee has pledged to hold comprehensive hearings into the Federal Government's activities in the field of diabetes, we are withdrawing the amendment, confident that these hearings will contribute greatly to public recognition of the importance of research in this field, and to intensified activity by the National Institutes of Health.

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of H.R. 13591, the purpose of which is to emphasize the great need for additional federally supported research and training in the field of digestive diseases.

These diseases include: Peptic ulcer, ulcerative colitis, hepatitis, cirrhosis of the liver, gallstones, ileitis, infectious diarrhea, cancer of the colon/rectum, and malabsorption. According to the findings of a recent conference cosponsored by the Department of Health, Education, and Welfare, the digestive diseases constitute a staggering national problem in both human and economic terms:

Digestive disease accounts for one out of every six illnesses suffered by citizens of this country;

Digestive disease is the major or contributing cause of the hospitalization of 5.1 million people each year;

Digestive disease results in the loss of 30 million man-days of productive labor each year; and

Digestive disease is the third most important cause of death from cancer in the United States.

Despite the seriousness of digestive diseases, only about \$30 million per year is

being spent on Federal research and training programs in this field. I agree wholeheartedly with the report of the Committee on Interstate and Foreign Commerce which contends that—

This field of study is seriously underfunded in light of the tremendous adverse impact on the health of this Nation caused by these diseases.

Mr. Chairman, I intend to vote for H.R. 13591 and I urge all my colleagues to do likewise.

Mr. KYROS. Mr. Chairman, I rise in support of H.R. 13591, the Digestive Diseases Act. As a member of the Subcommittee on Public Health and Environment, which considered this legislation, I would like to comment briefly on some of the problems which make this bill necessary.

First, it must be recognized that we are not dealing with some obscure disease category. On the contrary, digestive disease accounts for one out of every six illnesses in our population. A total of nearly 13 million Americans suffer from chronic digestive disease conditions. According to the National Center for Health Statistics, one digestive disease alone—gallbladder disease—accounts for more than half a million hospitalizations each year. Another digestive disease—peptic ulcer—accounts for an additional half million hospitalizations. In my own State of Maine, some 400 deaths from digestive disease occur annually, with deaths from duodenal and peptic ulcers accounting for about one-fifth of those.

The economic cost of digestive disease is equally staggering: Over \$8 billion a year. For example, it is the second leading cause of disability and the No. 1 cause of disability among men. Every day, 200,000 workers are absent, because of digestive disease. Another 400,000 Americans are totally disabled from this cause and are completely unable to work. Payments to veterans for service-connected digestive disease conditions cost this country about \$100 million annually.

In contrast to this background of high disease incidence and great cost of digestive disease is the relatively low level of effort supported by the National Institutes of Health. As our report on H.R. 13591 points out, less than \$30 million annually is allocated to research and training programs in the digestive disease area. This is only about 3.5 percent of the total extramural budget of NIH.

The bulk of the digestive disease research and training programs of the Federal Government are lodged in the National Institute of Arthritis and Metabolic Diseases. This is a "catch-all" Institute which encompasses 10 relatively unrelated fields of study, including digestive disease. One purpose of the legislation reported by our committee is to give digestive disease much greater visibility within this Institute.

We seriously considered recommending a separate NIH Institute for Digestive Disease, feeling that this may some day be necessary unless the Federal effort within the existing Institute is substantially enlarged.

Mr. Chairman, H.R. 13591 is a fine

piece of legislation which should help to alleviate the problems I have mentioned today. I strongly urge its swift passage.

Mr. PICKLE. Mr. Chairman, as a member of the Committee on Interstate and Foreign Commerce, I rise in support of H.R. 13591, the bill concerning research and training in digestive diseases.

The case for H.R. 13591 is clearly spelled out in House Report No. 92-940. I commend this report of our committee to my colleagues in order to gain an understanding of the magnitude of the digestive disease problem and the urgency of the need for action. Three paragraphs from the report sum up the case very concisely:

In the opinion of your committee, digestive diseases constitute a health problem of great magnitude. Using several national indices, the fact emerges that one out of every six illnesses in our population arises primarily from disease of the digestive tract. The National Center for Health Statistics of the Health Services and Mental Health Administration has found that nearly 13 million Americans have chronic digestive diseases; and that such conditions together constitute the number one reason for hospitalization in this country, exceeding in frequency all forms of heart disease and all forms of accidents. Moreover, of the 705,000 patients discharged from Veterans Hospitals in fiscal year 1970, almost 27 percent had suffered from gastrointestinal conditions, and in half of these it was the principal diagnosis.

In the committee's opinion, the problem is that the important field of digestive diseases is currently buried in a "catch-all" Institute of NIH. The National Institute of Arthritis and Metabolic Diseases encompasses a total of 10 separate fields of study: arthritis, dermatology, diabetes, endocrinology, hematology, metabolism, orthopedics, kidney diseases, and nutrition, as well as gastroenterology (digestive disease). Yet its annual budget is smaller than that of each of three other Institutes which serve but one or two categorical fields. Despite the great impact of digestive diseases, only about 10 percent of the funds of the Arthritis and Metabolic Disease Institute are allocated for research and training in digestive diseases.

In your committee's judgment, this field of study is seriously underfunded in light of the tremendous adverse impact on the health of this Nation caused by these diseases. For this reason, the committee believes that legislation which will insure an expanded role of digestive disease research and training within the NIAMD is crucial.

Mr. Chairman, I urge the full support of this House for H.R. 13591, and I commend those physicians and research scientists who have brought this matter to the attention of the Congress. Dr. Nicholas C. Hightower, of Temple, Tex., president of the American Gastroenterological Association, very dramatically hit the nail on the head when he said, in recent congressional testimony:

In less time than is required for me to read my prepared statement today, seven Americans will have died, 137 Americans will have gone to the hospital, and 23.6 million dollars in economic loss will have occurred; all as a result of digestive disease.

Mr. ROY. Mr. Chairman, it is my privilege to serve on the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce which reported out this bill H.R. 13591, the Digestive Disease Act on March 22 of this year. I supported H.R.

13591 in committee and plan to vote in favor of the bill here on the House floor. It is a fine bill which should go a long way toward encouraging more research and training in the important area of digestive diseases.

As we are all aware, many serious health problems confront our Nation and cry out for solutions through research and training programs. Last year cancer received our primary attention and this year we are taking a very close look at heart and lung disease. Nevertheless, we certainly cannot afford to overlook a disease category—digestive disease—which accounts for one out of every six illnesses suffered by our people. We must make certain that we are supporting research and training in this field at an appropriate level.

To date, we have clearly not done this. As stated in our committee's report:

The level of Federal expenditures for research and training in digestive diseases is minimal when compared with Federal support of other categorical fields. Total Federal support has been less than \$30 million annually, compared with over \$175 million for cardiovascular diseases, and almost \$270 million for mental health in 1972. Of the 30 million dollars for digestive diseases, about two-thirds is allocated through the budget of NIH. Approximately \$14.8 million of this NIH money is allocated by the National Institute of Arthritis and Metabolic Diseases, and the remainder by other Institutes in support of studies related to cancer, infectious diseases, and other types of digestive disorders. These figures have changed little since 1966, when the NIAMD allocated \$12.8 million and other institutes \$9.4 million.

Mr. Chairman, I urge the passage of H.R. 13591.

Mr. VAN DEERLIN. Mr. Chairman, I rise in support of H.R. 13591, because it would encourage urgently needed research and training in the digestive disease field.

In 1967, a conference on digestive disease at a national problem produced some graphic evidence as to the scope of the problem. Since it is as timely as ever, I would like to quote briefly from a report on that conference:

Digestive Disease (DD) includes disorders of the stomach, intestines, biliary passages, liver, and pancreas. Their causes are various—infection, cancer, alcoholism, genetic defects, and reactions to life stress.

Half the population of the United States has digestive complaints, and one-sixth of all illnesses are in this category. It causes one-third of all deaths from cancer, and is the leading cause for hospitalization and for inability to work due to illness. The estimated economic loss to the nation is \$8 billion yearly.

Yet this major national health problem is the special concern of only 2,000 physicians and a smaller number of research workers, and programs to augment this number are lagging far behind the efforts in other fields. DD research receives but 5% of the extramural budget of the National Institutes of Health, much smaller amounts from other federal agencies, and virtually no categorical support from nongovernmental sources.

A survey of the major digestive diseases reveals many urgent needs for new knowledge which can and should be met by larger-scale, better organized research and training at the laboratory bench, at the bedside, and in the community. It is proposed that this effort be organized by the joint actions of professional societies, a national voluntary health agency, and agencies within the

federal government made especially responsible for the problems of digestive disease.

Since 1967, the proportion of the NIH extramural budget allocated to digestive disease programs has actually decreased from 5 to 3.6 percent.

H.R. 13591 is aimed at remedying this situation by emphasizing the need for greater support of research and training in the field of digestive diseases. I endorse this legislation and urge all our colleagues to lend their support.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that this bill, H.R. 13591, to create a National Institute of Arthritis, Metabolism, and Digestive Diseases, is resoundingly approved by this House this afternoon.

Mr. Chairman, it has been authoritatively established that many ailments involving the gastrointestinal tract are poorly understood and rank second only to diseases of the heart and circulation in requiring medical diagnosis and treatment. Medical history also discloses that diseases of the stomach and intestines may afflict persons of any age, but most often affect those in the middle-aged groups at the peak of their most vigorous and productive period, often causing prolonged and expensive hospitalization and countless social and emotional problems.

It is known that of all the causes of disability due to illness in our country, digestive diseases rank No. 2. We also know that the level of Federal expenditures for research and training in digestive diseases is minimal when compared with Federal support of other categorical fields.

It is obvious, therefore, that this field of study is seriously underfunded in light of the tremendous adverse impact on the health of this Nation caused by these diseases. It is equally obvious that this pending legislation, designed to insure an expanded role of digestive disease research through the National Institute of Arthritis, Metabolism, and Digestive Diseases, is in the best national interest and I believe it merits the overwhelming support of the House.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time. I reserve the balance of my time.

Mr. STAGGERS. Mr. Chairman, I will take only a moment to say that the services of the two medical doctors on the committee, Dr. CARTER and Dr. ROY, have been helpful beyond measure to our committee. I believe we ought to have more doctors in the House to give of their time and their talent to helping the American people, because their help is so important.

I certainly would be remiss if I did not say something about the chairman of the subcommittee, Chairman PAUL ROGERS, and all the other members of the subcommittee for the diligent work they have done on the many measures they have passed that will help to make this a better America, a better place for ourselves and our children to live.

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

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

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



part D of title IV of the Public Health Service Act is amended by adding after section 433 the following new section:

**"NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES"**

"SEC. 434. (a) The Research Institute on Arthritis, Rheumatism, and Metabolic Diseases established under section 431(a) is designated the 'National Institute of Arthritis, Metabolism, and Digestive Diseases', and the Advisory Council established under section 432 to advise the Secretary with respect to the activities of the Institute is designated the 'National Arthritis, Metabolism, and Digestive Diseases Advisory Council'. There shall be in the Institute an Associate Director for Digestive Diseases.

"(b) There is established in the National Arthritis, Metabolism, and Digestive Diseases Advisory Council a committee to advise the Director of the Institute respecting the activities of the Institute concerning digestive diseases. The committee shall be composed of those members of the Advisory Council who are outstanding in the diagnosis, prevention, and treatment of digestive diseases. The committee shall review applications made to the Director for grants for research projects relating to the diagnosis, prevention, and treatment of digestive diseases and shall recommend to the Director for approval those applications and contracts which the committee determines will best carry out the purposes of this part.

"(c) The Director of the Institute, acting through the Associate Director for Digestive Diseases, shall (1) carry out, at the facilities of the Institute, a program of research in the diagnosis, prevention, and treatment of digestive diseases; and (2) carry out programs of support for research and training in the diagnosis, prevention, and treatment of digestive diseases, including support for training in medical schools, graduate clinical training, epidemiology studies, clinical trials, and interdisciplinary research programs."

"(b) (1) Section 431(a) of the Public Health Service Act is amended by striking out 'and metabolic diseases' and inserting in lieu thereof 'digestive diseases, and metabolism'."

"(2) The heading for part D of title IV of such Act is amended to read as follows:

**"PART D—NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES; NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE; AND OTHER INSTITUTES"**

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

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

There was no objection.

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

Mr. Chairman, I was very much interested in the statement of the gentleman from Florida (Mr. ROGERS) that 200,000 people are unable to report for work each day because they have digestive troubles of one kind or another. Was that the statement of the gentleman?

Mr. ROGERS. That is correct. It is in the report on page 4. Not only that, the figure is confined to males alone. The figure does not include female workers but is the number of male workers alone, and it is 200,000 a day.

Mr. GROSS. I might suggest that perhaps female workers do not have digestive troubles.

Mr. ROGERS. I do not think the gentleman can assume that.

Mr. GROSS. I did not assume it. I merely suggested it.

Let me ask the gentleman another question. I assume this information was gained from witnesses before the committee.

Mr. ROGERS. Yes. There is no question about it.

Mr. GROSS. Were those figures backed by doctors' certificates that 200,000 workers are unable to work each day because of digestive trouble? What is the evidence back of that information?

Mr. ROGERS. This was from a study done which showed that because of illness of this type, these people were not able to work.

Mr. GROSS. And each of those 200,000 workers was excused or did not report for work?

Mr. ROGERS. I do not know whether they were excused or not.

Mr. GROSS. Whether excused or not, each had a doctor's certificate stating he was suffering from a digestive ailment of some kind?

Mr. ROGERS. It may have been the nurse's statement, or it may have been the wife's. They may have called in themselves. I am sure the gentleman would know if he had a stomach ache or diarrhea. I presume they would take the gentleman's word or the word of the worker.

Mr. GROSS. Or perhaps they just did not want to go to work that day.

Mr. ROGERS. Let us not assume 200,000 just did not want to report to work. I do not think that is an appropriate assumption.

Mr. GROSS. In the absence of some kind of medical evidence that the individuals were suffering from a digestive ailment, I think we can assume that some part of the 200,000 did not report for work because they did not want to work.

Mr. ROGERS. They may not have been counted in the study.

Mr. SCHMITZ. Mr. Chairman, will the gentleman from Iowa yield?

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

Mr. SCHMITZ. Mr. Chairman, during the committee hearings on this bill I suggested something that might give the gentleman an insight as to why women were not included in the statistics regarding absenteeism for digestive disturbances. I suggested if we did not stop creating institutions or adding institutions to the institutions to deal with particular problems, that maybe we could have an institute for menopause and maybe the women could be counted as absentees for that purpose.

Mr. GROSS. Mr. Chairman, I am not necessarily opposed to this bill, but when I hear a statement that 200,000 people do not go to their jobs each day because of some kind of digestive ailment, I want that backed by evidence. I just cannot accept it at face value.

AMENDMENT OFFERED BY MR. VANDER JAGT

Mr. VANDER JAGT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANDER JAGT: Page 1, line 6, insert "DIABETES," after "ARTHRITIS,".

Page 2, insert "Diabetes," after "Arthritis," in lines 1, 5, and 8.

Page 2, line 7, insert "and an Associate Director for Diabetes" before the period.

Page 3, line 4, strike out the close quotation marks and insert after line 4 the following:

"(d) There is established in the National Arthritis, Diabetes, Metabolism, and Digestive Diseases Advisory Council a committee to advise the Director of the Institute respecting the activities of the Institute concerning diabetes. The committee shall be composed of those members of the Advisory Council who are outstanding in the diagnosis, prevention, and treatment of diabetes. The committee shall review applications made to the Director for grants for research projects relating to the diagnosis, prevention, and treatment of diabetes and shall recommend to the Director for approval those applications and contracts which the committee determines will best carry out the purposes of this part.

"(e) The Director of the Institute, acting through the Associate Director for Diabetes, shall (1) carry out, at the facilities of the Institute, a program of research in the diagnosis, prevention, and treatment of diabetes; and (2) carry out programs of support for research and training in the diagnosis, prevention, and treatment of diabetes, including support for training in medical schools, graduate clinical training, epidemiology studies, clinical trials, and interdisciplinary research programs."

Page 3, line 7, insert "diabetes," immediately before "digestive diseases."

Page 3, line 10, insert "DIABETES," after "ARTHRITIS,".

Mr. VANDER JAGT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. VANDER JAGT. Mr. Chairman and members of the committee, first I should like to commend the committee for bringing forth a very significant piece of legislation, focusing attention on a very important disease in America. I pay particular tribute to the subcommittee chairman and to the members of the subcommittee for the work and the hearings that went into this legislation. I commend them for elevating digestive diseases into the title of this existing National Institute of Arthritis and Metabolic Diseases, and thus putting the spotlight on them. Putting digestive disease on the marquee, will lead people to focus their attention on this need, and to expand vital research aimed at preventing its occurrence.

My amendment will do exactly the same thing for a disease that is even more a giant killer stalking the land today: the disease of diabetes. Diabetes is the eighth leading cause of death by disease in America. It is behind only the heart-related diseases, cancer, and respiratory diseases. Diabetes is a major cause of heart attack, stroke, and kidney failure. It is related to birth defects and stillbirths, and reduces average life expectancy by 30 percent.

Nearly 10 million Americans now suffer from diabetes or will develop it before they leave this earth of ours.

Despite the fact that the disease is

increasing at a tremendous rate, increasing three times as fast as our population—the incidence of diabetes has more than doubled within the last 20 years—the Federal Government, in terms of research on this dread disease, has not increased its efforts. In fact, it is spending today less on research into this disease than it spent 4 years ago. The allocation for diabetes amounts to only one-half of 1 percent of the medical research dollars that the Federal Government commits.

So this amendment would elevate the disease of diabetes and give it the same kind of prominence and attention that the committee recommends for digestive diseases, and would encourage our Federal Government to focus its attention and its efforts on this serious and widespread disease. Afflicted youngsters in particular deserve a greater Federal effort.

In a recent report National Institutes of Health officials said that if we zeroed in on the subject of diabetes they would feel within their grasp the possibility of preventing its onset in predisposed individuals, and certainly of suppressing its most severe complications, complications which often lead to fatal disease, loss of sight or limbs. Diabetes is the second leading cause of blindness in America today, and frequently of amputation.

A vote for this amendment is a vote for encouraging the focusing of attention on the dread disease of diabetes, and would provide encouragement and hope for 10 million Americans and for their families who suffer along with them.

Mr. GERALD R. FORD. Mr. Chairman, I fully support the amendment offered by the gentleman from Michigan (Mr. VANDER JAGT) to insert diabetes as well as digestive disease into the title of the Institute of Arthritis and Metabolic Diseases. However, I also concur in Mr. VANDER JAGT's decision to withdraw his amendment on the basis of the assurances given him by the gentleman from Florida (Mr. ROGERS) that comprehensive hearings will be held on the Federal role in the field of diabetes.

Mr. Chairman, I believe the hearings to be held by the Committee on Interstate and Foreign Commerce will fully establish the need for expanded Federal activities with regard to diabetes. I personally am convinced the information to be compiled by the committee will justify the action proposed by the Vander Jagt amendment.

Several months ago I met with a committee from the Michigan Diabetic Association. From that group I learned of the seriousness of diabetes in America and the need to concentrate a greater proportion of our resources on the problem. The Vander Jagt amendment points up the critical nature of the problem and focuses greater attention on possible solutions.

I personally will devote my best efforts to convincing the committee that the Federal Government should assume a major role in combating the disease of diabetes. Diabetes is a far more serious disease than most Americans recognize it to be. We must end our long years of neglect in this area.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate very much the gentleman's yielding. I want to join with him in urging support for this amendment.

I might say to the gentleman from Michigan that diabetes is the sixth leading cause of death in this country, not the eighth.

It is true that while the number of individuals is about 5 percent of our population today or 10 million Americans, for those who are diabetic or who will be diabetic in their lifetimes, for every one diabetic known today there are about four carriers of the disease. So it is a significant disease within the United States, and it is one which does deserve more attention.

What the amendment does is to try and increase the visibility of the effort to work toward prevention or a cure for diabetes.

Particularly we should mention the fact that there is today now being tested the implantation of a control mechanism for allowing insulin to be put into the bloodstream in the same manner the pancreas does for those who do not have diabetes. Thus it is particularly important now for us to undertake a renewed and expanded effort in this field.

With proper diet, exercise, and control, diabetics lead a normal, healthy life. There is unfortunately much misinformation and mistreatment associated with diabetes. Much more needs to be done and I would hope that NIH would increase its support for research related to diabetes. The present \$8,360,000 is inadequate and represents only 6 percent of its total budget.

I commend the gentleman from Michigan for his leadership and initiative, and I urge the adoption of the amendment.

Failing adoption of the amendment, I would urge the Committee on Interstate and Foreign Commerce, which has done an extraordinarily good job over the years of attempting to take care of these problems, to give this disease a greater degree of attention.

I thank the gentleman.

Mr. VANDER JAGT. I thank the gentleman.

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

Mr. VANDER JAGT. I yield to my distinguished colleague from Florida.

Mr. FREY. Mr. Chairman, I would like to join with the gentleman from Wisconsin and the gentleman from Michigan in urging the adoption of this amendment.

Certainly, the chairman of the subcommittee and the ranking member have done an outstanding job in this area.

However, I think this is one area that we do have to dwell upon more fully.

I have been personally involved with the Goslin Clinic in Boston where they are developing the implantation of an insulin-producing device. I understand it is being used in monkeys right now and that there is a good chance of a breakthrough in this area in the very near future.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I move to strike the last word.

Mr. FREY. Mr. Chairman, will the gentleman yield to me in order that I may complete my thought?

Mr. SPRINGER. I am delighted to yield to the gentleman from Florida.

Mr. FREY. I thank the ranking member of our committee for yielding to me at this time.

We are getting more attention in this area, but more research needs to be done. There are some problems in connection with the research, such as the motor device and the pumping device, but the time is close in my opinion when with added attention and added Federal money we will achieve a breakthrough with reference to the treatment of this disease.

Mr. Chairman, I think the gentleman from California has a good point. I think this is a disease where insufficient attention has been given to it and it is my hope that the gentleman will join me in support of this amendment.

Mr. SPRINGER. Mr. Chairman, although I cannot support the amendment, I do want to compliment my distinguished colleague from Michigan who has carried on a very important separate investigation of his own in order that he could be knowledgeable in the field of diabetes. That he has shown here today.

As the gentleman has stated there is a great deal of public interest in this subject. I do think, however, that the Subcommittee on Health should have separate hearings on it and I am not sure that I would be opposed to it at the appropriate time. However, I do not believe this would be the time without hearings on it to add diabetes to this institute.

It is only for that reason that I would be opposed to the gentleman's amendment. However, I do want to pay a compliment to the gentleman for the very excellent manner in which he has presented this very vital subject and the medical history and background on diabetes on the floor of the House today.

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

Mr. Chairman, I reluctantly rise to oppose the amendment, because I recognize the sincerity behind it and the work that the gentleman from Michigan (Mr. VANDER JAGT) has done. Further, I realize the worthiness of what he proposes, because when you have diabetes in your family, you realize the seriousness of it.

However, a great deal of work needs to be done on this subject. We have not had hearings on it. I think it would be premature, as my colleague from Illinois has said, to accept the amendment now and would urge the Committee of the Whole House on the State of the Union to defeat the amendment. Let us have hearings on it at the appropriate time and see where it does belong. If it belongs in this category, or wherever it might belong, then consideration should be given to it. But I do believe that hearings should be held before our committee on it.



I want to commend the gentleman upon his presentation and I do recognize the fact that it is a serious problem, but let the subcommittee hold hearings on it at a later date to see what we can do to bring it before the House.

Mr. VANDER JAGT. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am glad to yield to the gentleman from Michigan.

Mr. VANDER JAGT. I thank the gentleman for yielding and also for his words of recognition with respect to the seriousness of this disease. I also thank the ranking Republican member on the committee for his statement.

Mr. Chairman, in view of the fact that the chairman has indicated a desire and a willingness to hold hearings on the subject of diabetes, in order that we can get this subject off the back burner and onto the front burner, I ask unanimous consent to withdraw my amendment.

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

Mr. SCHMITZ. Mr. Chairman, reserving the right to object; the gentleman from Michigan has emphasized my point very well, namely that once you start, where do you stop?

Now, the only argument which has been brought up against the gentleman's amendment is that we have not had hearings on it. Yet, I daresay that if we had held hearings, we would have had just as fine testimony and medical opinion from the experts who would have appeared before us to tell us why we should add diabetes to the functions of this institute as we had appear before us on behalf of adding digestive diseases.

The whole issue here revolves around the myth that the best solution to any problem is for the Government to assume the leadership and provide the dollars with which to do it. In the case of health care we feel that any problem can be solved by creating an institute or adding to an existing institute.

I just, once more, want to thank the gentleman from Michigan for making my point so well.

If you are going to add digestive diseases to this institute, why not diabetes, why not menopause, why not adolescent mental illnesses, why not compartmentalize all sickness into one or another institute?

Why should we continue to hide from the American people the fact that the Federal Government is taking over control of the field of medicine.

I am not objecting to curing illnesses, I am just asking the question as to whether the creation or expansion of government institutes is the proper way to solve health problems. Is the Government the best agency for solving health problems in the first place? That has not been proven and an excellent case can be made against such a premise.

We became the envy of the world in the realm of health before we accepted on faith this double myth that everything that has to be done has to be done by the Government, and that the Government can accomplish anything in the health field by creating or expanding another institute, and all this of course with more money.

I think it is about time that we re-evaluate our basic assumption on how to solve all of the health problems in this country. And I want to ask that question again, with regard to the proliferation and expansion of institutes: Where do we stop?

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan (Mr. VANDER JAGT) to withdraw his amendment?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Fuqua, 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. 13591) to amend the Public Health Service Act to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes, pursuant to House Resolution 926, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 358, nays 10, not voting 64, as follows:

[Roll No. 134]

YEAS—358

Abbutt	Boland	Clausen,
Abernethy	Bolling	Don H.
Abzug	Brademas	Clawson, Del
Adams	Brasco	Cleveland
Alexander	Bray	Collier
Anderson,	Brinkley	Collins, Ill.
Calif.	Brooks	Colmer
Anderson, Ill.	Broomfield	Conable
Andrews, Ala.	Brotzman	Conte
Andrews,	Brown, Mich.	Corman
N. Dak.	Brown, Ohio	Cotter
Annuozio	Broyhill, N.C.	Coughlin
Archer	Broyhill, Va.	Crane
Ashley	Buchanan	Daniel, Va.
Aspin	Burke, Fla.	Danielson
Aspinall	Burke, Mass.	Davis, Ga.
Badillo	Burleson, Tex.	Davis, S.C.
Baker	Burlison, Mo.	Davis, Wis.
Barrett	Burton	Delaney
Begich	Byron	Deilums
Belcher	Cabell	Denholm
Bell	Camp	Dennis
Bennett	Carey, N.Y.	Dent
Bergland	Carlson	Derwinski
Betts	Carter	Devine
Biaggi	Casey, Tex.	Dickinson
Bingham	Cederberg	Dingell
Blackburn	Chamberlain	Donohue
Blanton	Chappell	Dorn
Blatnik	Clancy	Dow
Boggs	Clark	Downing

Drinan	Kuykendall	Robison, N.Y.
Dulski	Kyl	Roe
Duncan	Kyros	Rogers
du Pont	Landgrebe	Roncallo
Dwyer	Landrum	Rooney, N.Y.
Edmondson	Latta	Rooney, Pa.
Edwards, Ala.	Leggett	Rosenthal
Edwards, Calif.	Lennon	Rostenkowski
Elberg	Lent	Roush
Erlenborn	Link	Rousselot
Esch	Lloyd	Roybal
Evans, Colo.	Lujan	Ruppe
Fascell	McClure	Ruth
Findley	McClure	Ryan
Fish	McCollister	St Germain
Fisher	McCormack	Sandman
Flood	McCulloch	Sarbanes
Flynt	McDade	Satterfield
Foley	McDonald,	Saylor
Ford, Gerald R.	Mich.	Scherie
Ford,	McEwen	Schneebell
William D.	McFall	Schwengel
Forsythe	McKevitt	Scott
Fraser	McKinney	Sebelius
Frelinghuysen	McMillan	Seiberling
Frenzel	Mahon	Shipley
Frey	Mailliard	Shoup
Fuqua	Mallory	Shriver
Garmatz	Mann	Sikes
Giammo	Mathias, Calif.	Slak
Gibbons	Mathis, Ga.	Skubitz
Goldwater	Matsunaga	Slack
Gonzalez	Mayne	Smith, Calif.
Goodling	Mazzoli	Smith, Iowa
Grasso	Meeds	Snyder
Gray	Melcher	Spence
Green, Oreg.	Mikva	Springer
Green, Pa.	Miller, Calif.	Staggers
Griffin	Miller, Ohio	Stanton
Grover	Mills, Md.	J. William
Gubser	Minish	Steed
Hagan	Mink	Steele
Haley	Minshall	Steiger, Ariz.
Hamilton	Mitchell	Steiger, Wis.
Hammer-	Mizell	Stephens
schmidt	Monagan	Stuckey
Hanley	Montgomery	Sullivan
Hanna	Moorhead	Symington
Hansen, Idaho	Morgan	Talcott
Hansen, Wash.	Mosher	Taylor
Harrington	Moss	Teague, Calif.
Harsha	Murphy, Ill.	Teague, Tex.
Harvey	Murphy, N.Y.	Terry
Hastings	Myers	Thompson, Ga.
Hathaway	Natcher	Thompson, N.J.
Hawkins	Nedzi	Thomson, Wis.
Hays	Nelsen	Thone
Hechler, W. Va.	Nichols	Tierman
Heckler, Mass.	Nix	Udall
Heinz	O'Beay	Ullman
Helstoski	O'Hara	Van Derlin
Henderson	O'Konski	Vander Jagt
Hicks, Mass.	O'Neill	Vanik
Hicks, Wash.	Passman	Veysey
Hillis	Patten	Vigorito
Hogan	Pelly	Waggonner
Hollfield	Pepper	Waldie
Horton	Perkins	Wampler
Hosmer	Pettis	Ware
Howard	Peyser	Whalley
Hull	Pickle	White
Hungate	Pirnie	Whitehurst
Hunt	Podell	Whitten
Hutchinson	Poff	Widnall
Ichord	Powell	Williams
Jacobs	Preyer, N.C.	Wilson, Bob
Jarman	Price, Ill.	Wilson,
Johnson, Calif.	Price, Tex.	Charles H.
Johnson, Pa.	Pucinski	Winn
Jonas	Purcell	Wolff
Jones, N.C.	Quile	Wright
Jones, Tenn.	Quillen	Wyatt
Karth	Rallsback	Wylder
Kastenmeier	Randall	Wylie
Keating	Rangel	Wyman
Kee	Rarick	Yates
Keith	Reid	Yatron
Kemp	Reuss	Young, Fla.
King	Rhodes	Zablocki
Kluczynski	Riegle	Zion
Koch	Robinson, Va.	Zwack

NAYS—10

Ashbrook	Hall	Schmitz
Dellenback	Martin	Smith, N.Y.
Gaydos	Michel	
Gross	Pike	

NOT VOTING—64

Abourezk	Bevill	Carney
Addabbo	Bieber	Celler
Anderson,	Bow	Chisholm
Tenn.	Byrne, Pa.	Clay
Arends	Byrnes, Wis.	Collins, Tex.
Baring	Caffery	Conyers

Culver	Gude	Pryor, Ark.
Curlin	Halpern	Rees
Daniels, N.J.	Hébert	Roberts
de la Garza	Jones, Ala.	Rodino
Diggs	Kazen	Roy
Dowdy	Long, La.	Runnels
Eckhardt	Long, Md.	Scheuer
Edwards, La.	McCloskey	Stanton,
Eshleman	McKay	James V.
Evins, Tenn.	Macdonald,	Stokes
Flowers	Mass.	Stratton
Fountain	Madden	Stubblefield
Fulton	Metcalfe	Whalen
Gallifanakis	Mills, Ark.	Wiggins
Gallagher	Mollohan	Young, Tex.
Gettys	Patman	
Griffiths	Poage	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Celler with Mr. Arends.  
 Mr. Hébert with Mr. Whalen.  
 Mr. Addabbo with Mr. Blester.  
 Mr. Runnels with Mr. Eshleman.  
 Mr. Daniels of New Jersey with Mr. Gude.  
 Mr. Macdonald of Massachusetts with Mr. Byrnes of Wisconsin.  
 Mr. James V. Stanton with Mr. Wiggins.  
 Mr. Young of Texas with Mr. Collins of Texas.  
 Mr. Stubblefield with Mr. Halpern.  
 Mr. Anderson of Tennessee with Mr. Bow.  
 Mr. Bevil with Mr. McCloskey.  
 Mr. Jones of Alabama with Mr. Patman.  
 Mr. Evins of Tennessee with Mr. Gallifanakis.  
 Mr. Flowers with Mr. Gallagher.  
 Mr. Fountain with Mrs. Griffiths.  
 Mr. Fulton with Mr. Mills of Arkansas.  
 Mr. Gettys with Mr. Kazen.  
 Mr. Rodino with Mr. Long of Maryland.  
 Mr. Mollohan with Mr. Clay.  
 Mr. Byrne of Pennsylvania with Mr. Long of Louisiana.  
 Mrs. Chisholm with Mr. Rees.  
 Mr. Metcalfe with Mr. Madden.  
 Mr. Stokes with Mr. Stratton.  
 Mr. Carney with Mr. Eckhardt.  
 Mr. Culver with Mr. Curlin.  
 Mr. Baring with Mr. Diggs.  
 Mr. de la Garza with Mr. Scheuer.  
 Mr. Caffery with Mr. Roy.  
 Mr. Roberts with Mr. McKay.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 13591, and on S. 2676.

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

There was no objection.

#### ELECTION TO COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 954) and ask for its immediate consideration.

The Clerk read the resolution as follows:

##### HOUSE RESOLUTION 954

*Resolved*, That Clifford D. Carlson of Illinois be, and he is hereby, elected a member of the standing committee of the House of Representatives on Education and Labor.

The resolution was agreed to, and a motion to reconsider was laid on the table.

#### ACCELERATED REFORESTATION OF NATIONAL FORESTS

Mr. FOLEY. 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. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY).

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. 13089, with Mr. Fuqua 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 Washington (Mr. FOLEY) will be recognized for 30 minutes, and the gentleman from Iowa (Mr. KYL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

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

Mr. Chairman, certainly no issue should meet with greater agreement in this Committee and in this House than the protection of our natural resources, particularly the great natural resources of our public lands.

The distinguished gentleman from Iowa (Mr. KYL) introduced with bipartisan sponsorship the bill now before the Committee.

This bill is for the purpose of accelerating the reforestation of our national forests lands. Unfortunately, in the pressure of other budget commitments, we have fallen far behind in the essential task of reforestation and the Federal forest management agencies, particularly the National Forest Service has estimated that there are 5 million acres of Federal timber lands which are badly in need of reforestation, which are not presently being reforested.

The purpose of this legislation is very simple. It would assign revenues from section 32—that portion of section 32 revenues that are received from customs receipts and duties upon wood and wood products, cork and cork products, wood veneers, plywood, and other wood veneer assemblies and building boards, paper, paperboard, and products thereof, and books, pamphlets, and other printed and manuscript material, to a special fund to be established and to be known as the supplemental national forest reforestation fund.

It is estimated that the portion of section 32 revenues which would be assigned by this bill would reach a level of approximately \$65 million to \$75 million annually. The funds deposited in this special fund would be available for appropriation by the Congress. I want to emphasize this point. The special fund would not in any way diminish the authority of the Committee on Appropriations to make judgments on the appropriation of these funds.

If, after a period of 2 years, the sums deposited in the special referendum fund were not appropriated by the Committee on Appropriations and by the Congress, they would revert back to the general section 32 account.

The bill also provides a direction to the Secretary of Agriculture to yearly report to the Congress on the condition of our national forests and reforestation needs and a planned program for reforesting such lands including a description of the extent to which funds authorized by this act are to be applied to the program.

Mr. Chairman, many authorization bills and appropriation bills come before this House on which there is legitimate disagreement because they involve policies on which there is often sharp dispute. Certainly, we should have little or no disagreement on the desirability of reinvesting in one of our great national assets, the national forests. Our forests are enormously valuable not just in terms of economic resources and revenues, but in terms of esthetic and environmental values as well.

For every dollar that we invest in reforestation, we can look forward not only to the benefits of esthetic and environmental enjoyment, but in an economic return of 50 to 100 times our investment.

It seems to me, this is one issue on which all Members of the House, whatever their party or whatever their region, could concur.

I want to compliment the distinguished gentleman from Iowa and his cosponsors who have advanced this legislation through the Committee on Agriculture and brought it to the floor for consideration.

I would like to remind the Members that there was unanimous support from both the majority and minority sides of the committee for this bill at every stage of its consideration, both in the subcommittee and in the full committee. It comes here with the full support of all members of the Committee on Agriculture.

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

Mr. FOLEY. I yield to the distinguished gentleman from Missouri.

Mr. HALL. I appreciate the gentleman from the great Northwestern territories, and the State of Washington, the land of the Potlatch, explaining this bill. As I understand it, it would simply recycle some of the title 32 funds for the purpose of national forest reforestation, is that correct?

Mr. FOLEY. That is correct.

Mr. HALL. Of course, by the same token it would keep those funds from being recouped into the general Treasury; is that not also a fair assumption?

Mr. FOLEY. I believe the present law requires a surplus of \$300 million annually in the section 32 account before section 32 revenues are recouped to the general Treasury. This bill would require the expenditure of perhaps \$65 to \$75 million of that \$300 million. As I pointed out, however, if the funds are not further appropriated by the Appropriations Committee, the House and the



Senate, or by the respective bodies, they would return to the section 32 account.

Mr. HALL. I understand that, but if the gentleman will yield further, I appreciate the expedience, and certainly I am for reforestation, but coming from a part of our Nation which has the greatest forest of all still remaining, would the gentleman explain to us why we need legislation of this type to reforest our national forests and at the same time the Department is issuing clear-cutting orders under which we strip the land of all trees, shrubs, and everything else by contract and by permissive license?

Mr. FOLEY. First of all, I think there has been a tendency, which I think unfortunate, to give attention to what some feel are more immediate demands on our budget resources.

The assignment of funds for rather long-range objectives, such as reforestation, which may take 25, 35, or 40 years to realize, does not have the appropriate attention and support in my judgment that it should have. This bill, without doing any violence to the orderly procedures of this House or the Senate, would assign revenues from section 32 funds to insure the availability of a fund on which the Appropriations Committee could draw, if in their wisdom they felt that an accelerated program was desirable, as I would hope they would.

Second, on the issue of clearcutting, in some areas of our national forests clear-cutting practices have been permitted under specific regulations. In other areas they have not been permitted. The Subcommittee on Forests of the Agriculture Committee has before it now a bill to authorize a thorough investigation of clear-cutting practices and a report to the Congress. A hearing on this bill will probably be held in the near future.

Mr. HALL. But it certainly is a paradox that we do one while we are considering the other; is that true?

Mr. FOLEY. I believe the two matters can and should be considered separately.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

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

Mr. DON H. CLAUSEN. In partial response to the gentleman from Missouri, quite candidly there is a differing opinion by certified foresters on the question of clear-cutting versus selective cutting. I would further state that in many cases the decision depends upon the nature of terrain and the geological factors involved. In some areas it is more advantageous to enter into clear-cutting type of reforestry practice as opposed to selective logging. It would be very helpful, and I would be happy to submit to the Members for their information, to consider the differing points of view of recognized foresters.

Mr. FOLEY. I thank the gentleman from California. He is precisely correct. There is a very sharp division among professional foresters concerning the effect of clear-cutting. As the gentleman also pointed out, much depends upon the area and region in which the practice is carried on. I personally feel that we

ought to have a continuing review. I will say to the gentleman from Missouri, of the cutting practices in our national forests so that we may be aware of any difficulties that are arising in the maintenance and management of the forests and in the protection of multiple-use values.

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

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

Mr. GROSS. I thank the gentleman for yielding. Do I correctly understand that the moneys to be expended under the provisions of this bill for reforestation would be derived solely from revenues obtained from import duties on timber and timber products?

Mr. FOLEY. I would like to answer the question in this way: The bill does not bar other appropriated funds for reforestation. That would be a matter which would be considered by the Appropriations Committee. This bill would assign funds from section 32 that are derived from import duties on wood and wood products, paper and paper products, that is estimated to be somewhere between \$65 and \$75 million annually. Those funds would be taken from section 32 and placed in a special fund from which the Appropriations Committee could then further appropriate for reforestation purposes.

Mr. GROSS. What happens to the revenue derived from the cutting of timber on national forest lands?

Mr. FOLEY. That revenue is still assigned to various purposes. Most of that revenue goes to the Treasury of the United States, as the gentleman knows. Twenty-five percent of forest revenues are usually assigned, after expenses, for administration to local governments, specifically counties for schools and roads.

Mr. GROSS. But none of those funds will be for reforestation?

Mr. FOLEY. Almost all reforestation has been carried out under direct appropriation programs.

Mr. GROSS. This bill, as it stands, as to expenditure is open ended; is it not?

Mr. FOLEY. There is nothing in this bill that requires appropriation. It is still a matter for the committee of which the gentleman is a distinguished member to determine. The bill assigns those revenues from section 32 that are from wood and paper products to a special reforestation fund. They are estimated—and it is not certain—to be around \$60 million to \$75 million annually, and we would expect that would probably rise over the years if there is an increase in imports. If there is any lack of appropriations from this fund, the amounts are returned to the section 32 after 2 years.

Mr. GROSS. How is that fund made up?

Mr. FOLEY. At present, the law places a \$300 million limit on the annual balance in the section 32 fund. There is, in other words, up to \$300 million surplus that runs in this fund annually. We are proposing to take from that between \$65 million and \$75 million. We do not anticipate, under any circumstances, that

the fund would be depleted. In addition to that, the Appropriations Committee reviews the final decision as to how much of it is spent, and the expended funds will go back to the section 32 fund, so the Appropriations Committee really has the final determination as to how much will be finally assigned out of the section 32 funds.

Mr. GROSS. Then is there anything to inhibit the Appropriations Committee from appropriating funds for section 32 and/or appropriating funds to take care of any shortfall with respect to reforestation?

Mr. FOLEY. No, sir. I think, as the gentleman knows, there is a provision of law dating from 1956 which authorizes the appropriation of up to \$500 million of additional funds for section 32 purposes annually. That has never been appropriated, but authority and authorization for it exists. I would assure the gentleman the Appropriations Committee in no way would be inhibited in appropriation of these funds for reforestation or supporting reforestation from other appropriation sources.

Mr. GROSS. So as matters stand now, the gentleman is saying it is not anticipated that there will be expended from whatever source more than \$60 million to \$75 million a year on reforestation under the provisions of this bill?

Mr. FOLEY. I would have to say to the gentleman the estimated revenues from the section 32 funds to the supplemental reforestation fund will be between \$65 million to \$75 million on present estimates, but they are determined by a formula of those duties collected on wood and paper products, so that may well rise in the future. But the Appropriations Committee retains the determination of how much, if any, of those funds so derived and assigned to the special reforestation program will actually be expended for reforestation, so the gentleman's committee retains complete jurisdiction over the matter. I believe we could wisely spend more than \$100 million annually for reforestation.

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

Mr. FOLEY. I yield to the gentleman from Oregon.

Mr. WYATT. Mr. Chairman, I thank the gentleman for yielding to me. I would like to respond to the inquiry of my friend, the gentleman from Missouri (Mr. HALL) about whether or not this is a paradoxical program where we are asking for reforestation and at the same time we have in controversy the question of clearcutting. I would say to my friend the questions of clearcutting and reforestation are completely consistent in many areas of this country. There are many areas where, such as in the Douglas-fir portion of the Northwest and certain portions of northern California in some of the pine areas, it is very, very clear that clearcutting is the best way to harvest timber.

We have natural regeneration, natural regrowth. Reforestation is cheaper and easier. We have much faster growth.

We have some very dramatic instances showing identical trees planted under clear-cutting circumstances and under circumstances where selective logging has

occurred, where the growth has been 10 or 12 times as much. So I would say in some areas, depending upon the geography, clearcutting is very consistent with and actually is a supplement to and makes easier reforestation.

Mr. FOLEY. I thank the gentleman from Oregon. I know how well informed and how concerned he is about wise forest management practices. I believe his comments are particularly valuable.

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

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

Mr. LEGGETT. I commend the gentleman for bringing this legislation to the floor. I believe everybody has known for years about our 5 million unseeded acres that need reforestation. We have had no money to put into this because of our continuing other priorities.

I believe the gentleman has developed an ingenious system for financing this program. Of course, the \$300 million holdback we are eating into is really a bookkeeping transaction, if I am not incorrect, because there was an article the other day in a national magazine which indicated that the Government at all times has from \$3 billion to \$11 billion of funds on deposit with its favorite national banks at no interest whatsoever. These are the kinds of funds we would be perhaps affecting by these kinds of expenditures, so this bill will not cost the taxpayers a dime.

I believe it is going to be a real stroke of progress for conservation.

Mr. FOLEY. I thank the gentleman from California.

Mr. Chairman, I reserve the remainder of my time.

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

Mr. Chairman, I will take a few moments to try to clarify some of the matters brought up by the previous discussion.

We have to look at the history of the American forest for just a moment to discover that this is an all too common story that we see in regard to forests, energy, and other resources of the United States. There was a time when this Nation was largely tree-covered and when the tree was actually an enemy to advancing civilization. Large areas were burned off. They were sold for as little as 10 cents an acre. They were cleared for farming.

Then all of a sudden we discovered that this was not an inexhaustible resource, and the National Forest Service was established. That Forest Service had these missions to perform under its charter. It was to protect watersheds and forest areas, and it was to administer the forests under a multiple use and sustained yield concept.

It is this third factor of sustained yield which we deliberate today. We find we are in short supply. The United States today is the biggest importer of timber products in the world. Sixty percent of all old growth saw timber we have left is in three States of the Northwest, northern California, Oregon and Washington. We are 5 million acres behind in reforestation.

There are other millions of acres which were acquired for the purpose of forestry which have never been planted.

As we cut we have to plant, unless it is in a species which is regenerated naturally, as Douglas-fir in some cases is. We have to plant trees if we are to have a supply.

Why do we have to use this form of financing?

I believe it is human nature—and all of us are prey to that human nature—to want to make investments which pay off in the shortest time possible, and certainly in a lifetime, and to avoid or postpone very long-term investment. When we talk about a cycle of forests we are talking about a human productive lifetime, perhaps 50 or 60 years. And because of this human nature we have not been willing to put the kind of money we need in investments in forestry, because there is no immediate cash return.

It is true that from the moment a tree starts to grow there are benefits, but those benefits to the environment and the esthetic and all the rest of these factors cannot be measured in dollars.

At the same time the forests have decreased, the costs of forestry itself have increased. The costs themselves, of course, have gone up because of inflationary factors. The Department must now spend more time on recreation management, on planning activities, on meetings, and even on court cases at a time when their personnel is being decreased. So the money that is available goes to meet the needs of the day instead of for investments for the future.

Mr. Chairman, this process we are suggesting today is not a momentary whim. Over half a dozen years many Members of this body, the gentleman from Colorado who is here, the gentleman from Pennsylvania, and I, among others, looked at two dozen different approaches to forestry funding because what we have lacked, and what we need, is a guaranteed funding of a long-range management program. We have not been able to achieve that goal. Most of these other plans which have been discarded have been discarded because they use as the basis for financing, funds that are generated by the cutting of timber, by the sale of timber. The environmental groups with majority support, I think, of the public in the United States do not like that kind of financing system, because what it says is this: the more you cut the more money you have to manage. Therefore, the impetus is to cut as much as you can so that you can get more funds to manage. That kind of financing is no longer accepted by the American people. Therefore, we have to have a more indirect means such as this.

Mr. Chairman, the real need for this legislation is the need for long-range adequate funding for planning. Today the Forest Service is actually developing management which comes very close to that ideal which the people of this country seek. Within the last week I have witnessed these forest practices as they are in effect today. There is no longer a simple sale on the basis of "here are some trees, so let us cut them." Now there is a multidisciplinary management prac-

tice. A whole team looks at a watershed area which has natural trees in it. Included in that team are environmentalists, soil conservation specialists, culturists, other botanists and wildlife specialists and a market analyst and a program is laid out for a complete watershed so that we can have all of these benefits of the forests realized to their full extent. The best kind of application of the multiple-use concept. That is the way the people want it, and that is the way it is being done.

The Region 6 forests with which the gentleman from Oregon and the gentleman from Washington are most familiar now has a limitation. At no time can any block larger than 35 acres be clear cut. There is always a concern for wildlife, regeneration, and all of the other factors that should go into the kind of a program that you and I want.

This bill deals with one aspect. There are many problems and conflicts other than that which we seek to correct in this bill. We cannot find the answers to all of those at this time, but this I think is absolutely clear: if we do not plant trees today, we cannot harvest trees tomorrow. It is as simple as that. We are 5 million acres behind in reforestation, and we have other millions of acres needing first planting. This bill we present today is the best solution that we could find to this very basic problem among all of the problems involved in forest management.

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

Mr. KYL. I yield to the gentleman from Oregon.

Mr. WYATT. I thank the gentleman for yielding.

I would like to commend the gentleman for his vision and for his statesmanship and for his foresight in assisting in leading the way to this legislation. In the 8 years that I have been in Congress I have spent the largest portion of my time attempting to promote reforestation not only among national forests but also in our other federally owned forest lands and other publicly owned forest lands and in the great third forest, the great private wood lots in this country.

We have been talking now for several years—and I know the great pressure that there has been over about 2½ years—about the necessity of increasing the use of wood fiber in this country. However, we have done very little about it.

The Presidential Task Force laid out the job before us, but we have really done very little about it in order to meet the crisis that is sure to come if we are to meet the housing goals and the other purposes for which we maintain the forests in this country.

Mr. Chairman, everyone can agree upon the need for additional information with reference to the use of our forest and reforestation, but everyone concedes—the people who are in the wood fiber industry, the people associated with the other products—with 4.8 million acres of national forest lands needing reforestation, there is little excuse for not going forward with it at the present time on an economically sound basis.



We have from 70 million to 75 million acres in this country that need reforestation.

Many people do not realize the fact that each tree that is grown in this country is a small oxygen factory. This is one of the side benefits in addition to the many other benefits about which we have been talking.

Mr. Chairman, I think the program that the gentleman from Iowa (Mr. KYL) and the committee has devised is a very important one, is formulated upon an economically sound basis upon which to put this program and one of which we can be proud to leave as a heritage to our children.

Mr. KYL. I thank the gentleman from Oregon. He has opened up another facet of this problem. We do need lumber for housing. Housing is not a fad or a frill. This is a basic necessity.

Sometimes we hear the claim made that we should use substitutes for lumber. The people prefer wood products. All of the substitutes are more likely to disturb the environment through mining, through production, and so on. Most of the substitutes which are spoken of for housing also are those elements which use the most energy, which is also in short supply in this country.

So, by all odds, the timber lands are still the basic building resource that we have in this country.

Mr. WYATT. I think the RECORD should also show that almost all the substitutes that are being suggested or considered or used are also more expensive than the wood fibers we are talking about and, therefore, prices housing out of the market.

Mr. KYL. The gentleman is correct.

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

Mr. KYL. I yield to the gentleman from Tennessee.

Mr. BAKER. I thank the gentleman for yielding. I thank the gentleman from Iowa for the knowledge which he possesses in order to understand this problem and to be able to explain it to the extent and to the degree which he does so ably on the floor.

This is a broad concern and interest of everyone in the forest areas of our Nation. There is certainly concern for the products which come from our forests in the form of lumber. The people in every section of our country need the products of our forests.

I want to commend the gentleman from Iowa and to associate myself with his remarks and urge the passage of this legislation.

I thank the gentleman for yielding.

Mr. KYL. I thank the gentleman for his contribution.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

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

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

Mr. KYL. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Chairman, I join very strongly in the commendation which has been given to the gentleman from Iowa for introducing this legisla-

tion and to the committee for bringing it along.

I wish to express my personal thanks for the time which the gentleman spent in our Northwest area in the last week and the discussions which we have had since he returned as to what he saw there.

There is one aspect although which has been touched upon inferentially, I would like to emphasize for all of the members of the committee.

We are here dealing with a renewable asset. So much of what we are doing today, as our standard of living rises, is to deal with assets which cannot be replaced. However, the forest is a renewable asset.

If we follow the policy of sustained yield, that means when you cut down a tree you must plant again, we are able to continue to utilize this valuable resource. The thrust of this bill is to make sure that this priceless asset is used wisely. I urge this body to act favorably on the legislation now before us.

And that we use these funds, in the language of the bill, for the purpose of supplementing programs of tree planting, and seeding of national forest lands.

I think we are here today dealing with a thing that is obviously extremely important to the Pacific Northwest. The economic health of the entire area depends upon this particular industry. Jobs, payrolls, everything else goes with it, either directly or indirectly, coupled not only with the area interests and need, but with the national need, which the gentleman from Iowa has alluded to earlier, stating that we cannot meet the goals set for this Nation without under the present technology, producing the forest products that go into them. And that means that while we want to overcut our forests today so that we can meet the present goals, we have no chance in the world of meeting on an indefinite basis those goals unless we do something such as enacting this legislation and doing everything possible within this Nation, and outside, to be sure that the forests are replanted as they are cut off.

Mr. Chairman, I wish to associate myself with the remarks of the gentleman in the well, and I commend him once again for his excellent effort in a very worthwhile direction.

Mr. KYL. I thank the gentleman.

The gentleman has pointed out that forest problems are everyone's problems. As the gentleman knows, we have no national forests in the State of Iowa. While I was visiting a lumber mill in the gentleman's State recently, I was standing next to a very large pile of timbers which were labeled "to be shipped to Iowa," and that was because the State of Iowa is the only State that has its own specific standards for planks to be used in bridge construction. We, of course, utilize the timber for our needs that comes from his State.

I wish that every person could have the opportunity to look at a forest area 15 years following seeding, and to see what a tremendous forest has developed just in that relatively short period of time. I wish every Member here could

have the opportunity to look at two cuts, two slices of trunks from two trees, one of them by actual count of the rings 423 years old, and the other one exactly the same diameter 37 years old, the one grown in accordance with the best modern forestry practices; the other in accordance with the old style methods of forestry.

This bill does concern the people in all parts of the United States.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman for yielding, and being a Representative from northern California I want to join my colleagues from the States of Washington and Oregon in associating myself with the remarks of the gentleman from Iowa.

I further want to state that we are all deeply in his debt for having not only been the lead author of this legislation, of which I am privileged to be a coauthor with the gentleman and others, but also for the fact that the gentleman came out to the forested areas in order to gain further knowledge. His diligent work is evidenced by his ability to articulate this important message here on the floor of the House.

It is certainly regrettable, as has been stated, that more Members of this Congress could not come to the forested areas. I happen to represent the great redwood country in northern California that has mixed forests of redwoods, Douglas-fir, and other species.

I also want to commend, Mr. Chairman, the committee and the gentleman from Washington (Mr. FOLEY) who is handling this legislation on the majority side, and to say that he presented his case very well.

Mr. Chairman, as I evaluate all that has been said I think this legislation can be summarized by one simple statement: For too long there has been inadequate attention given to the reforestation of our public and private forests in this Nation. And what we are dealing with here is for the public forests and the agencies of the Government—giving them the opportunity to develop in a positive way and to carry on the financing of the reforestation requirements of our national forests.

This, of course, coupled with the American Forest Association's trees for people program is, I believe, the first positive effort that I have seen since I have been in the Congress in order to get an action program in the field of watershed stabilization and, of course, the most important thing—reforestation in addition to all the other things said by my colleagues here on the floor.

So I would ask that I be permitted to revise and extend my remarks, but I certainly want to express my appreciation to the committee, and particularly for the gentleman from Iowa for his outstanding leadership in this very important field.

This bill is one in a series of legislative proposals I support which constitute a unique, comprehensive concept that will combine protection of our existing forest

resources; enhancement of areas with reforestation potential; and utilization of increased research to solve forest-related problems.

If there is one key to meeting our reforestation needs it is the availability of a positive method of finance that will create an adequate, consistent level of funding for reforestation activities. This measure, by earmarking a portion of the funds collected under section 32, will supply about \$70 million annually for tree planting on public lands.

The bill is particularly appropriate, in my judgment, in that the amount made available under the legislation is equivalent to the section 32 receipts from duties collected on imported wood and paper and related products.

With a positive method of finance we can insure that the concept of sustained yield forestry can in fact become a perpetual sustained yield. In making certain tree growth exceeds tree utilization, we can make a lasting contribution to the economic strength and stability of the communities in timber-producing States and simultaneously insure the ability to meet the rapidly growing demand for lumber for housing and paper, and other wood-based products.

The benefits of this proposal far outweigh the relatively small costs authorized by the bill. I note that the Committee on Agriculture estimates that each dollar invested in this program will return 50 to 100 times the original investment.

However, even this estimate cannot include the intangible benefits that spring from reforestation programs. How can we measure the aesthetic enhancement, erosion protection, water quality improvement, or recreation values that surely come from tree planting?

The bill combines forest management with fish and wildlife enhancement, development of recreational values, and esthetic considerations.

If undertaken wisely it would allow extensive use of the public forests for leisure time activities while meeting the needs for lumber production for important national goals such as adequate housing for all Americans.

We must remember that timber is a renewable resource that we can both use and retain for all time.

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

Mr. KYL. I yield to the gentleman.

Mr. PIRNIE. Mr. Chairman, I wish to take this opportunity to congratulate the gentleman now in the well not only for his efforts in behalf of this piece of legislation, but for his intelligent and studied concern for the protection of our natural resources.

Not only are there great economic factors at stake, but also really the life of this Nation, and only through intelligent planning and through expert guidance and early concern will we take the steps that are necessary for the protection of our natural resources.

Therefore, we have to have men like the gentleman now in the well who developed this expertise and who have devoted long and faithful service in the committee. Also because of their personal concern in

order to give us the guidance and to permit us, as we will here today, to support a most constructive measure in this field. I congratulate the gentleman most heartily.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

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

Mr. TEAGUE of California. Mr. Chairman, I think we all owe our thanks to the gentleman from Iowa for offering this legislation.

I happen to be the ranking Republican Member of the subcommittee that handled this, but the major share of the credit certainly goes to the gentleman from Iowa.

Mr. Chairman, this bill has my support and I recommend its adoption.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I also want to congratulate the gentleman from Iowa for his leadership on this legislation and for bringing it to the floor of the House for consideration.

The gentleman has performed a real service for all the people of the Northwest, since this is such an important matter to everyone in that area.

Mr. KYL. Mr. Chairman, I want to thank the gentlewoman from Oregon (Mrs. GREEN).

Mr. Chairman, I want to thank the gentleman from Washington (Mr. FOLEY) for his excellent work in the committee and before the Committee on Rules with respect to this measure.

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

Mr. KYL. I yield to the gentleman.

Mr. McCLURE. Mr. Chairman, I take this time only to congratulate the gentleman for his leadership in this field and for the enlightening foresight with which he led the fight to obtain funding for reforestation which is of such vital necessity not only for those areas which produce lumber, but as has been pointed out here for the entire Nation in which lumber products are used and consumed.

I recall not too many years ago, as a matter of fact only a couple of years ago, when lumber prices had skyrocketed because of a number of factors, one of which was the limited supply along with a peak demand for lumber products. People all over this country were demanding that something be done to make lumber more available in the city markets and for housing for the urban poor. As the supply temporarily met demand, prices fell and national concern abated. The very same conditions that preceded that national crisis in lumber supply exists again, and this time we must also deal with national environmental concerns. If we are to have any hope of meeting both concerns—and both are entirely legitimate—we must increase timber supply. If we are to avoid pressure for cutting in areas which we wish to preserve, we must increase supply in areas other than those set aside for scientific and esthetic purposes. If we don't move now we lose

our options in the future, just as the failure of past Congresses to appropriate sufficient money for proper management of our forests is even now creating pressures on roadless areas of our national forests. If we really are concerned over the barren wastelands that can follow improper forestry practices—and they are not typical of modern practices—we must have proper timber management, adequately funded. Let's recognize, too that young vigorous growing orchards produce more than pleasing esthetic environments, they also produce oxygen—and to a much greater degree than an overage or climax forest. So, for many reasons, more money is needed and this bill will go part way in that very important direction.

Mr. KYL. Mr. Chairman, I thank the gentleman.

Mr. ROUSSELOT. Mr. Chairman, I rise in support of H.R. 13089, a bill which the gentleman from Iowa (Mr. KYL) has introduced and in which my colleagues from California, Mr. DON CLAUSEN, Mr. BIZ JOHNSON, and Mr. JERRY PETTIS, have been instrumental in assuring would be brought to the floor today. The bill, as has already been stated, provides for acceleration of constructive programs to plant trees on national forest lands that are in critical need of reforestation.

My distinguished predecessor, the late Glennard P. Lipscomb, was most influential in alerting the Congress to the important long-range planning needed in any national forest, but especially—following the critical fire and subsequent floods in 1968 and 1969—in the San Gabriel Valley area of California. Congressman Lipscomb worked hard and long to convince our colleagues that our national forest areas many times serve as key watershed systems directly affecting more heavily populated areas downstream from our U.S. forests. For years Glen Lipscomb worked to encourage the Forest Service to provide a total watershed stabilization program of which this legislation today is the direct result. Our Nation is, apparently, about 5 million acres behind in reforestation. Although the funds of \$65 to \$75 million annually represent taxpayer dollars, they will be utilized to support preventive planning activities that can well save much grief and heavy costs to homeowners and businesses which are affected by the devastating fire and follow-on floods that many times occur in our San Gabriel Valley area of California.

It is especially rewarding to me and so many of those who would profit each year from the recreational and environmental values available to those that live near and in the Angeles National Forest that this legislation, long sought by Glen Lipscomb, is now coming to pass.

I join my colleagues who have cosponsored this bill in asking for its passage.

Mr. FOLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, as you well know, the Second Congressional District of California, which I represent, contains approximately 13 million acres of national forest land and it is used for all purposes



under the multiple-use concept enacted by Congress. It represents a major factor in the economy of my congressional district and in the State of California as a whole, therefore, anything that we can do to improve the management of these forest lands is beneficial to the State and the Nation.

It was for these reasons that I joined our good friend and colleague from Iowa (Mr. KYL) in the introduction of H.R. 13089, in an effort to accelerate the programs for planting of trees on the national forest lands, which are in need of reforestation. It has been estimated that there are 5 million acres of national forest lands in need of seeding and planting today in order to catch up and subsequently keep up with the reforestation requirements of our national forests.

Throughout the years the reforestation programs have been tied directly to the sale of the timber produced on national forest lands, therefore, you can only pick up the pace of reforestation by increasing the harvest of timber which in turn increases the need for reforestation. This is the vicious cycle which has resulted in this Nation being 5 million acres in the hole as far as reforestation is concerned. Under the existing procedures there is no way we can catch up.

I believe that the most realistic approach is that proposed here today to utilize funds developed by import duties on timber products to help reforest our own Federal lands. Even with that substantial source of income it will take this Nation at least 10 years to catch up with the backlog of reforestation. I believe that there is adequate authority and precedent for taking this step on the books today, with the statutes permitting the use of import duties for promotion of domestic agriculture on a category basis.

In addition to solving our reforestation problems by earmarking these funds, I believe we will achieve secondary benefits by releasing what minimum amounts have been spent on reforestation under the present procedures to other management purposes. While the reforestation funds have been woefully inadequate they are there and cannot help but benefit other programs of the Forest Service, programs which will improve the conservation and preservation of our natural resources do abound on these Federal lands.

Thank you.

Mr. KYL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. GOODLING. Mr. Chairman, as a cosponsor I rise in strong support of H.R. 13089.

This bill is drawn up to satisfy a definite need. The fact of the matter is, according to the Forest Service, our country is about 5 million acres behind in tree seeding and planting in our national forests. This deficit has occurred because of the hand of man and Acts of God. Man's hatchet and saw have exceeded the trees' growth, while fire, wind, and infestations have visited great losses on our national forests. In my State of

Pennsylvania the destructive antics of the gypsy moth will occasion a major tree replacement effort at both the national forest and private woodland levels.

The question will arise as to why something was not done to take care of this national forest deficit prior to this time. The answer is that other Federal programs, particularly those of the welfare variety, have had priority over reforestation in our National Forest System. We cannot, however, afford to put this reforestation off any longer without placing our national forests in jeopardy. We must take corrective action now, and H.R. 13089 is the ideal instrument for such action.

Under this bill a supplemental national forest reforestation fund would be set up. Money for this fund would be derived from the so-called section 32 program, which primarily is designed to encourage the exportation, consumption, and diversion of agricultural commodities. The amount of money that would go into this fund would be equal to the gross receipts from duties collected under our custom laws on wood and paper and printed matter. Under this arrangement it is expected that between \$65 and \$75 million would be earmarked to carry out accelerated programs of tree plantings in our national forests.

I know that voices will ring out in this Chamber today to challenge H.R. 13089 on the basis of its costs. I, too, am cost conscious. I am sure that every Member of this House recognizes that I am a strong advocate of economy in Government, and that I yield to no one for challenging Federal programs of the big spending variety. If the bill before us were in that category, I could not support it. But it is not.

By its makeup this bill is more an investment than an expense. This is borne out by the fact that, as forest experts advise us, for every \$1 spent for this reforestation program, there will be a generated return ranging from \$50 to \$100.

That is not to say that these beneficial returns will be immediately realized, for the growth process of a tree is slow and time consuming. As a fruit grower, I know this. The benefits will accrue in the distant future for our children and our children's children. In this respect, then, it can be said that this bill is today's investment in tomorrow.

There are other than momentary benefits associated with this legislation, for it will make a giant contribution to our environment. New trees will rise as real vegetative monuments on our landscape, making a superb contribution to the scenic beauty of America.

As byproduct benefits, the growing trees will contribute to our fresh water supply by providing valuable watersheds and water-holding areas. Too, certain physical functions involved in the life process of the new trees will have a beneficial effect on the air within and adjacent to the forest areas concerned. Additionally, these tree-planted areas of today would be the recreational areas of tomorrow, a guarantee of multiple outdoor pleasures for our future.

In brief, then, this legislation is an "en-

vironmental plus." It is, in a manner of speaking, a manifestation of conservation.

H.R. 13089 is unique in that it has the strong endorsement of both commercial and conservation groups, which customarily are poles apart in their views on matters pertaining to our natural resources. The legislation holds a promise of reward for both of these interests.

Reforestation is a complex and time-consuming process. It is for us to determine here today whether Americans of tomorrow will judge us to have acted wisely with respect to a highly valuable natural resource.

The question raised by this bill for the present is this: If I may paraphrase, Who needs our national forests? The answer thunders in from the future: We all do.

Mr. KYL. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I rise to congratulate the gentleman from Iowa (Mr. KYL) for the vision he has shown in his work in developing this legislation and bringing it to the House floor, as well as to congratulate the gentleman from Washington (Mr. FOLEY) and the subcommittee that have had the foresight to report this legislation to the House, so we might act on it today.

This is going to be a giant step toward catching up the backlog we have now on the public lands which need to be reforested at this time, looking to the future when we are going to be even more dependent on our wood products to meet the needs of our society.

Mr. FOLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I rise in support of H.R. 13089. Our national forests are a part of the real treasure of America. They provide the much needed natural resource required by our many forest industries. Most people in my district probably look upon national forests as primarily protections for natural scenic beauties and our wildlife; and in areas large enough to really make contributions in these fields for the benefit of all of our citizens.

The national forests do achieve these results; but they are in fact important resources for the timber needs which are so urgent now and which will be even more urgent in the future. The bill will give us the funds needed for the reforestation which is so urgently needed, particularly in some areas where proper reforestation and cutting procedures were not followed in the past. It is hoped that the mistakes of the past will remain in the past; and that this bill will make the important investment for the future which we can no longer intelligently postpone.

Mr. FOLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, as the cointroducer of this legislation, I rise in support of the legislation.

It was my privilege to join in introducing H.R. 13089 and I desire to express my support for it today. This bill is designed to make additional funds available to the Forest Service for planting more trees on those areas of the national forests that are in the most need of reforestation.

It is difficult to get adequate funds for this vital work through direct appropriations, because it is so long after a tree is planted that one can expect a monetary return on the investment. This is the fact of life, even though a dollar invested in a tree eventually will return 50 to 100 times that amount.

This natural and understandable impatience which has handicapped the Forest Service can be offset by passage of this bill, which earmarks a portion of section 32 funds, an amount equal customs collected on wood and wood products imported into the United States, to be used for reforestation. I understand this approximates \$65 to \$75 million annually.

To many people, trees mean timber harvesting opportunities. To other people trees mean a beautification of outdoor spaces—an improvement in our environment. Both of these groups should profit as more trees are planted on national forest lands which need reforestation.

I hope this measure will soon be sent to the White House and signed into law.

Mr. KYL. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. PETTIS).

Mr. PETTIS. Mr. Chairman, I would like to speak today in support of H.R. 13089, a bill I cosponsored, which seeks to provide needed funds for the reforestation of our national forests. In addition to the growing demand for national forests as recreational areas, for watershed protection, the preservation of fast diminishing natural beauty and the protection of natural game, our national forests have met with continuous destruction due to fire, smog, and floods. Our reforestation efforts have not kept pace with these developments. In the San Bernardino National Forest area which is in my congressional district, some 110,000 acres were destroyed by fire in 1970. Burned out areas, such as these, must be replanted if national forests are to protect watersheds and remain available for recreation.

H.R. 13089 will provide the necessary funds and program to insure a proper and effective response to this critical challenge. Therefore, I urge my colleagues to cast an affirmative vote for H.R. 13089.

Mr. WYATT. Mr. Chairman, Forest Service contracts today require reforestation. What we are talking about is the 4.8 million acres which under older and antiquated forest practices were not required to be reforested and were not reforested.

The fact remains that some species of trees, notably the Douglas-fir and among others, some varieties of pine, do not grow, or do not grow well in the shade.

These species grow well and fast in open sunlight.

This is not true in all sections of the country. You cannot have standard economic practices throughout the country, treating all species of trees and varying climatic and soil conditions as if they were the same.

Mr. VANIK. Mr. Chairman, despite its very fine intentions, I must oppose H.R. 13089, legislation to accelerate reforestation of our national forests. I oppose this bill because I do not feel we can at this time earmark funds from section 32 for the purpose of this bill.

H.R. 13089 proposes to earmark \$65 to \$75 million annually for a national forest reforestation fund, with all of this money being drawn from section 32 funds. Currently the funds of section 32 are utilized for numerous worthwhile programs, including food stamp, school lunch, and summer feeding programs. These programs have been tremendously successful in the past and have grown at a steady rate. But the President's budget for fiscal 1973 has cut funds from most of these programs. The President has frozen \$135 million of badly needed section 32 funds. The school breakfast program has been cut from a budget of \$25 million to \$18.5 million; the food program for nonschool children has been cut from \$37.8 to \$20.8 million. One-half of the children eligible for and in need of the summer feeding program will not be fed this year. These are only a few examples, but the general trend is clear. The programs for the poor which only a short time ago showed great promise are now being reduced to totally inadequate levels.

Now, with many programs losing funds, we are confronted with legislation authorizing up to \$75 million of section 32's funds for reforestation. This money would be specifically earmarked for this purpose, thereby causing the other section 32 programs, to have access to less funds.

Until the President releases the funds he is holding up from feeding programs, I cannot allow remaining section 32 funds to be used for anything but existing programs. The feeding programs have proven themselves highly beneficial—we cannot afford to cut them.

Mr. Chairman, I would like, now, to elaborate on the problem of the reforestation of our national forests, the need for a massive reforestation program, and who should assume the responsibility for this program.

The land we have set aside for our national forest system is rapidly becoming the only area where the American public can enjoy real wilderness. Now, more and more of this virgin land is blighted by excessive and destructive logging every year.

The key to the future of our national forest system is its involvement with the timber industry. The U.S. Forest Service was founded in 1905, and for almost half a century very little lumber production was required of it. Up to World War II approximately 95 percent of the Nation's lumber was supplied by privately owned forests. Then came the war and an unprecedented demand for lumber, which coincided with an also unprece-

dent shortage of timber on private lands. The lumber industry had finally begun to run out of trees.

The demand for lumber escalated prices and the Forest Service began to sell to the timber industry large sections of trees. In 1940 there were 87,000 miles of roads in the national forests; by 1960 new logging roads had swelled the figure to 160,000 miles. Timber sales by the USFS soared, from 1.5 billion board feet in 1941 to 4.4 billion in 1951, to 8.3 billion in 1961—to 11.5 billion in 1970, 40 percent of total U.S. production. And the demand for public timber is increasing. A White House task force recommended that the national forest timber harvest be increased by 50 percent by 1978. Such rapid growth has led to many serious problems in the Forest Service.

By increasing production of timber, the Forest Service has strayed from the guidelines by which it is supposed to function. The legislative guideline set for the Service is the Multiple Use—Sustained Yield Act of 1960. This act provides that the Service must insure that our national forests are devoted equally to five purposes: outdoor recreation, range lands, timber growth, watershed, and wildlife and fish conservation. Yet numerous studies and reports have all agreed that the current priorities of the Service are incongruous with the Multiple Use Act. It is stated that much more emphasis has been placed on timber production than on forest management. The Forest Service study of the Bitterroot, Mont., National Forest stated:

There is an implicit attitude among many people on the staff of the Bitterroot National Forest that production goals come first and that land-management considerations take second place.

Yet Bitterroot is not the only—nor the worst—national forest in this respect. More than 500 letters from Forest Service personnel, rangers, and forestry professors were received by the Bolle Commission, which also released a critical report on the conditions of the Bitterroot forest, after it released its report, and four of five confirmed the report's findings in their own areas. Overwhelming evidence proves that most of our 154 national forests are being improperly utilized for the production of timber at the expense of the other four purposes of the forests as dictated by the Multiple Use Act. Our national forests were not created to be economically profitable ventures; rather, they were to be the last strongholds of America's nature at its majestic peak.

The Forest Service has, by its own admission, been out of balance in favor of timber production. What is more catastrophic are the results of this rampant production. The two most flagrant violations of nature a timber production operation can make are: First, irresponsible clear-cutting, and second, lack of adequate reforestation. The Forest Service and the timber companies cutting Service forests are guilty of both of these.

A clear-cut is sometimes necessary to combat tree disease or for other beneficial purposes. However, the Service and the timber industry have abused this practice. Guy Brandborg, retired former



supervisor of the Bitterroot Forest, said in a Reader's Digest article by James N. Miller:

A clear-cut should be maybe 30 or 40 acres at most. Some of the cuts on the Bitterroot approach a thousand acres. They're wiping out animal habitats. They're scraping logging roads out of steep slopes where the gashes in the soil pour mud in the streams. They're destroying some of the forest's most beautiful trails and campsites. They're no longer a multiple-use agency, they've sawlog foresters.

Sixty percent of the recent national forest timber harvest has been clear-cut, more than double the proportion on public and private lands generally. In West Virginia's Monongahela National Forest, clear-cuts have been up to a mile wide, totally, ruining the ecological balance of the forest there. Excess erosion and siltation due to "improper, low-cost logging operations" is as serious a cause of river pollution in the Northwest as are pulp mills and municipal sewage plants there, according to a 1970 report of the Federal Water Pollution Control Administration. Irresponsible clear-cutting is a blight on our forests, destroying them for all our future generations.

The effects of Forest Service timber production are magnified by the lack of sufficient reforestation. Reforestation is essential to the continued life of a forest. This is specifically the meaning of "sustained yield" in the 1960 act. The act states roughly that the Service may not cut down trees at a pace faster than it replaces them. The Forest Service and the timber industry have been negligent in this area. Dr. Edward C. Crafts, former second-in-command of the Forest Service, told a congressional hearing in 1969:

The Service is cutting about twice as much softwood sawtimber (the principal type of construction lumber) as it is growing. This situation cannot last.

Eighteen million acres of productive land—in terms of sawtimber, the equivalent of 30 national forests—are currently inadequately forested. The future beauty of our forests depends solely on the amount and effort of reforestation in them.

Mr. Chairman, the Congress is now being asked to authorize \$75 million per year in section 32 funds for reforestation of our forests. I am firmly committed to the reforestation of our national forest system, but we cannot now afford to cut funds from our tremendously worthwhile feeding programs being funded by section 32. I propose, therefore, that the timber industry assume the responsibility for reforesting our national forests. It is not unreasonable to ask the timber industry to correct what they have destroyed.

The industry owes the Federal Government a great debt for the tax benefits it has received. Let me detail the tax benefits accorded the timber industry and the industry's abuse of them.

The Revenue Act of 1943 was passed in the heat of World War II, when lumber was in tremendous demand. The act recognized timber as a capital gain for owners who cut it or owners who sold it before cutting. President Franklin D. Roosevelt vetoed the act, calling it a tax bill for "the greedy, not the needy." The

act was passed over FDR's veto, but the timber industry has dramatically borne out his words.

The capital gains provisions have resulted in much lower rates for the timber industry than for other industries. In 1971 the timber industry paid taxes at a rate of approximately 30 percent, while many industries were taxed at rates close to the statutory 48 percent. In 1971 Weyerhaeuser Co. and its subsidiaries earned \$166.1 million but it appears to have had Federal corporate taxes of only \$44 million.

Due to large investment credits, Westvaco, a timber and paper corporation which had \$430 million in sales and a net income of \$4,016,000, paid absolutely no income taxes in 1971 and actually received a tax refund of \$7,695,000. The Treasury has lost millions and millions of revenue dollars due to the preferential capital gains treatment of the timber industry.

Though the provisions of the Revenue Act of 1943 ostensibly were to create equity for and in the timber industry, the results have been just the opposite. Let me quote from a 1969 joint publication of the House Committee on Ways and Means and the Senate Committee on Finance:

The tax advantage of capital gains treatment of timber accrues mainly to large corporations and high-income individuals. Small corporations with taxable income of less than \$25,000 do not benefit from the capital gains provision. In 1965 there were 13,251 corporate returns filed in the lumber and paper industries. Of these, sixteen corporations with assets over \$250 million reported 64.8% of the long-term capital gains. The sixty-three corporations with assets over \$50 million reported 80.4% of the long-term capital gains. In fact, five companies reported 51.3% of the long-term capital gains.

The corporations with income below \$25,000 do not benefit from the capital gains provisions, because their income is only taxed at about 22 percent, whereas the capital tax rate is 25 percent. The larger a corporation, the greater are its tax benefits. Many large corporations have abused their capital advantages in order to minimize their tax rates. The joint report cited above further stated:

An examination of Table 1 indicates that the average large firm has nearly minimized its tax liability by having almost 100% of its taxable income taxed at the preferential capital gains rates. It presumably was the intention of Congress in 1943 to provide capital gains treatment only for the income derived from the increase in the value of standing timber. However, it appears that large integrated corporations with income from logging and later manufacturing are able to shift all their income into the lightly taxed capital gain category. This would not appear to accord with the purpose of the special treatment.

To sum up, Mr. Chairman, the timber industry has saved tremendous amounts of money due to the capital gains treatment provided by the Revenue Act of 1943, and much of this saving has been contrary to the intentions of the act.

The timber industry cannot claim that they do not have the financial resources to successfully reforest our national forests. As of February of this year, most types of lumber were selling for over \$100

per thousand board feet, and, due to the upswing in housing, prices were rising. Yet the retired manager of the Western Timberlands region of Georgia-Pacific Corp., Rae L. Johnson, has stated:

First, you get the crop. Then it costs about 10¢ a thousand board feet (of the harvested crop) to re-forest. What can you do so cheaply and get a better return on your money?

This is an excellent point, Mr. Chairman, especially when one realizes that the timber industry saves approximately \$150 million annually due to Federal tax benefits.

The timber industry should reforest our national forests. The timber industry is financially capable of assuming this burden. The industry has admirably served America's lumber and paper needs, but now I urge it to take upon itself the task of rebuilding the last refuge of wilderness in the United States, our national forests.

By regrowing our national forests as we cut them, and by exercising responsible harvesting methods, we can increase the productivity of our national forests without permanently harming them. Good forestry will uphold the noble purposes of the Multiple Use—Sustained Yield Act.

I am writing to the Secretary of Agriculture and requesting that he alter the contract the Forest Service offers to prospective timber cutters to include clauses requiring the harvester to reforest the land he damages.

In the near future, I will also introduce legislation to revise the tax laws as applicable to the timber industry to insure that the industry does not continue to take unfair advantage of the capital gains provisions. This legislation will incorporate conservation incentive features to stimulate better forestry. Such a bill will finally lead to the timber industry assuming the forestry responsibility it has so far refused to bear, especially in our national forests.

Mr. Chairman, reforestation of our national forests is crucial to the natural beauty of America. Due to the mismanagement of the Forest Service and irresponsible harvesting practices by the timber industry, tree cutting has far outdistanced tree planting in our national forests.

The public should not be now asked to repair the damage done to public lands by the timber industry. The industry has made tremendous profits at the public's expense. This abuse and subsidy must be stopped.

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of H.R. 13089. And at the very outset, I think we owe a vote of thanks to the timely action of both the distinguished gentleman from Iowa (Mr. KYL) and the equally distinguished gentleman from Washington (Mr. FOLEY) for bringing to our collective attention the dangerous trend in the management of our national forests which has unquestionably led to an urgent need for accelerated reforestation.

In view of the fact that in 1970, the most recent year for which we have complete statistics, 11.5 billion board feet were harvested from these national for-

ests, it is not surprising to find that reforestation efforts have not kept pace. Certainly, there will be corresponding growth in consumer demand for valuable forest products in the decades ahead. There is a particularly urgent need for replanting some 5 million acres of national forest land which have been damaged by fires and epidemics or else were marginal to begin with when first acquired by the Forest Service.

What a violation of a sacred trust it would be—what a betrayal of generations of Americans yet to come—should we ever fail to act to replace this majestic bounty of God's earth as soon as possible after it has been taken, in accordance with sound principles of forest management. When we begin to slip too far into arrears, be certain that it will be our sons and daughters and all generations who come after us who will pay the price of such shameful improvidence.

The bounty we enjoy today is properly their inheritance tomorrow, and it is a spiritual as well as a temporal inheritance—as anyone will attest who has ever had the experience of walking through a stand of stately Douglas-fir or Ponderosa pine. In Oregon, where well over half of the land is already held by the Federal Government, we appreciate this fact—as well as the fact that the Federal Government is the best guarantor against careless management of this national treasure. Strongly conservation-minded, the vast majority of Oregonians would enthusiastically endorse not only the accelerated reforestation of our national forests as provided for in this bill but even the acquisition of more lands threatened by commercial exploitation, to be placed under the protective mantle of the U.S. Forest Service where, on a sustained yield basis, we would continue to enjoy their commercial bounty as well as their majestic beauty.

I again congratulate the authors of this legislation who have provided us not only a way to preserve these priceless national resources, but the means to pay for it as well.

Mr. KYL. Mr. Chairman, I yield back the balance of my time.

Mr. FOLEY. Mr. Chairman, I yield back the balance of my time.

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of Agriculture shall establish a "Supplemental National Forest Reforestation Fund", and transfer to that fund beginning with the fiscal year commencing July 1, 1972, and ending on June 30, 1987, from moneys made available to carry out the provisions of section 32 of the Act of August 24, 1935 (49 Stat. 774, as amended, 7 U.S.C. 612c), amounts equal to the gross receipts from duties collected under the customs laws on wood and paper, and printed matter (including wood and wood products, cork and cork products, wood veneers, plywood, and other wood veneer assemblies and building boards, paper, paperboard, and products thereof, and books, pamphlets, and other printed and manuscript material).*

Sec. 2. Moneys transferred to the National Forest Reforestation Fund under the provisions of this Act shall be available to the

Secretary of Agriculture, for expenditure upon appropriation, for the purpose of supplementing programs of tree planting and seeding of national forest lands determined by the Secretary to be in need of reforestation. Such moneys shall be available until expended, and shall be provided without prejudice to appropriations or funds available from other sources for the same purposes, including those available pursuant to section 3 of the Act of June 9, 1930 (46 Stat. 527, 16 U.S.C. 576b). Any money transferred to the fund and not subsequently authorized for expenditure by the Congress within two fiscal years after which such money was transferred to the fund shall be retransferred to the fund established by section 32 of the Act of August 24, 1935.

Sec. 3. The Secretary of Agriculture shall, within one year after the date of this Act, provide a report to the Congress which sets forth the scope of the total national forest reforestation needs, and a planned program for reforesting such lands, including a description of the extent to which funds authorized by this Act are to be applied to the program. The Secretary shall annually thereafter make a report to the Congress on the use of funds authorized by this Act and the progress toward completion of his planned national forest reforestation program.

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

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

There was no objection.

Mr. HALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think there is no question about the long-range economic feasibility—or investment, as it has been referred to—of this bill. I come from an area where the sodbusters have done the same thing to national prairie hay that the lumber cutters have done and are continuing to do to the forests primeval or even the reforested lumber areas.

I think it has been well pointed out there are two problems involved. One is that we are resorting to expedience in order to finance this reforestation, and perhaps that is well if we can wait for 37 years for the regrowth and additional harvesting. There is no question about the paramount need for lumber as we further build America, especially when the Government subsidizes housing by such devices as section 235 of the Housing Act, so the entrepreneurs can expedite it, parlay investments and profits, and get tax writeoffs in the process.

Then, of course, there is the paradox of the so-called clearcutting, and I would only say: Fee fi fo fum, I smell the blood of a lumberman. If it is efficacious to clearcut in certain areas, it certainly is not because there is automatic reseedling or regrowth. One has but to drive through this country where clearcutting has been licensed—and incidentally licensed without the requirement of reseedling—to see the great gashes in the verdant Mother Earth beneath the pine needles, beneath the humus that is established and as the subsequent water-fall rushes to the nearby streams and muddies them and carries off tons upon tons of silt. Try to sell clearcutting to anyone who knows the basic principles of land management? Ridiculous.

Try to sell it to anyone who really knows the true principles of recycling rain at the point of infall, predicated on the root structure, contouring, or any of the other measures of seed and soil retention along with recycling moisture? Clear cutting is ridiculous.

Try to sell those who might participate in any modern mechanism of determining lumbering, who are interested in the environment, on clear cutting, which is paradoxical to the need of this bill, when those who would profit from the harvest should be required to replant in the first place? It is a paradox beyond conjecture.

I think I shall vote for this bill, because I do think it is a good long-range investment, although I do not plan to be around here in 37 years, let alone 50 or 100 years, for the regrowth and harvest. I hope my grandchildren will be.

I know we should have done this long since. Indeed, we should have made it a requisite to the licensee for stumpage and for lumberage in the first place. There is no question about that.

I think the people who are today shouting about environment practices should take a lesson from good farming practices and restoration of the soil. Of course we can regrow in 37 years what used to take 437 years in the forest primeval. If we overfly defoliate the brush, winged-elm, cedar, et cetera; and seed and weed properly, and if we fertilize with modern techniques we can do it. We should take full advantage of this.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I should like to commend the gentleman from Missouri for the position he has expressed on clear cutting. I, too, plan to support this bill, although I do have some reservations which the gentleman shares, and also reservations about the matter of funding.

I believe the gentleman has really hit the nail on the head when he has outlined some of the damages which result from this practice in my State and in his State and in many other States. I commend him for the position he has taken.

Mr. HALL. I thank the gentleman for his contribution and repeat that we have pointed out the expediency herein plus the paradox involved.

Mr. Chairman, I yield back the remainder of my time.

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

Mr. Chairman, I listened to the gentleman from California (Mr. LEGGETT) earlier this afternoon. I believe he stated that this bill would not cost the Federal Government a cent. I wonder if he could explain where the money is coming from?

Mr. LEGGETT. I am glad the gentleman asked the question.

It is my understanding, of course that all surplus funds from trust funds are invested in bonds, and, of course, the money is spent, these funds, for bonds.

But I understand that, in addition to this, the Government has on deposit with Chase Manhattan, Bank of America, and some of the other very large banks around the country on the order



of from \$3 billion to \$11 billion of money at all times, which the Government uses as a sort of revolving amount, which is used by these banks interest free to handle their own affairs and sometimes to handle the affairs of the Government.

Merely drawing on the surplus for purposes like this, and the additional use for section 32 purposes in drawing down of the required \$300 million reserves, it is my understanding of economics, would have no effect whatsoever upon the Treasury.

Mr. GROSS. But that does not get away from the fact that these are still Federal funds. This is money derived, as I understand it, from duties on imports.

Mr. LEGGETT. Right; so the money comes in.

Mr. GROSS. Which otherwise, if not earmarked for this purpose, would go into the Federal Treasury. Is that not true?

Mr. LEGGETT. No; I think the gentleman misses the point. I know the gentleman is a student of national economics. The Government does have all these taxes that are collected that it does not need on a daily basis.

So it does maintain these very high reserve balances in banks all over the country. We are merely talking about maintaining a required technical paper reserve on the one hand as required by section 32 and where we in fact maintain large physical reserves which are not required by law for which we get not one dime's worth of interest, which is the main point here. The mere fact that we want to deplete the reserves does not affect the Federal Government one iota.

Mr. GROSS. Interest or no interest—that is beside the point as far as my question is concerned. This is Federal money that is being expended. I do not see why the gentleman would beat around the bush about it.

Mr. KYL. Will the gentleman yield?

Mr. GROSS. Yes; I will be glad to yield to anyone who can give me an answer.

Mr. KYL. The gentleman from California (Mr. LEGGETT) makes a theoretical economic argument. I do not want to have this bill approved on such a basis.

Mr. GROSS. I do not want theory. I want somebody to answer the question directly.

Mr. KYL. That is just exactly what I am getting ready to do. I do not want to get off the subject before us here.

Any time you spend money which is any kind of a governmental fund and any time you take money which would otherwise go into the Treasury of the United States in real practice it means that you diminish the amount of money that the Government has to spend for other things. The gentleman is right.

Mr. GROSS. That is obvious.

Mr. KYL. But we think the money that we take for this purpose in this fashion is the only means by which we can get long-range guaranteed funding, No. 1, and No. 2, we agree that there is certainly money expended here, but we think it is a wise investment.

Mr. GROSS. I am not talking about the merits or demerits of the proposed legislation. I am saying that, slice it thick or thin, it is Federal money that will be used.

Mr. KYL. The gentleman is, of course, correct. There is nothing that is free.

Mr. GROSS. Does the gentleman from Iowa know whether the objections of the Department of Agriculture have been met in the terms of this bill? The Department seems to think this money ought to be provided under the normal appropriation procedure.

Mr. KYL. Since the gentleman asked the question I will try to give him a serious and complete answer.

The Department of Agriculture has never been opposed to this bill. The Office of Management and Budget, which is about as close as you can get to God in Washington, D.C., is opposed to it and always is opposed to every other bill that comes to the House or to the Senate, as a matter of fact, if there is an expenditure of money concerned. The Department of Agriculture is trying to present a case here, and they said we could do this another way and we could do that in some other way, but the answer is simply that they never have done it another way.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Gross was allowed to proceed for 1 additional minute.)

Mr. GROSS. I ask for this time in order to permit the gentleman from Iowa to finish his explanation.

Mr. KYL. Will the gentleman yield further?

Mr. GROSS. Yes, of course.

Mr. KYL. In further response to the gentleman I have to point out this fact: We have had a great deal of discussion in the country in recent weeks about the necessity of having Congress take back some of its prerogatives from the executive branch. Here we are doing that.

I think Congress is supposed to. I think that the Congress is supposed to appropriate the money, and I am not one who is turned off or on because someone in an administrative branch downtown says that the Congress shall not do something at any given time.

Mr. LEGGETT. Will the gentleman yield for a further answer to his question?

Mr. GROSS. Yes.

Mr. LEGGETT. The law provides that we have to maintain this \$300 million reserve at the present time. If, on the other hand, we are not collecting any interest on that \$300 million reserve, which I am sure the gentleman from Iowa will agree we are not, then, if we change the law by this particular bill and say that the reserve can be less than \$300 million or, for example, can be \$225 million, then it is obvious that it will not require any additional taxes to fund this bill. We may be eating into an asset of the Federal Government but, considering the fact that we never intend to recapture that asset, it is not costing us anything on an annual basis.

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

Mr. GROSS. Mr. Chairman, I ask for 1 additional minute.

Mr. FOLEY. Mr. Chairman, reserving the right to object—

Mr. GROSS. Mr. Chairman, I withdraw my request for 1 additional minute.

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

Mr. Chairman, I do this for the purpose of assuring the gentleman from Iowa—and I will be glad to yield to the gentleman—that as the one handling the bill for the majority side, I concur in the remarks of the gentleman from Iowa (Mr. KYL).

We are not suggesting to the committee that this bill will not cost any money.

What this bill proposed to do, however, is only to make available funds which have to be further appropriated by the Appropriations Committees for reforestation purposes. If that figure is \$65 million or \$75 million of funds a year, that is an expenditure. We cannot quarrel about the fact that it is.

Again, without intruding into the discussion between the gentleman from Iowa (Mr. Gross) and the gentleman from California, I want to assure the gentleman that we hope for the expenditure of Federal funds to the extent of, perhaps, \$75 million a year if the Appropriations Committee sees fit to approve. We feel that this level of appropriation would represent a most valid investment in the future welfare of the country. We do not dispute the fact that there is involved a potential substantial expenditure of funds in this bill. And indeed we hope and trust that such will be the case.

Mr. GROSS. That is my only point. I disagree with any statement that this is something for free; that this does not cost the Federal Government anything. That is my only point.

Mr. FOLEY. Yes, and I think the gentleman has made that point very clear and I concur in it.

Mr. GROSS. The only place you find free cheese is in a mousetrap.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FUQUA, 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. 13089) to provide for acceleration of programs for planting of trees on national forest lands in need of reforestation, and for other purposes, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 371, nays 5, not voting 56, as follows:

## [Roll No. 135]

## YEAS—371

Abbitt  
Abourezk  
Abzug  
Adams  
Addabbo  
Anderson,  
Calif.  
Anderson, Ill.  
Andrews, Ala.  
Andrews,  
N. Dak.  
Annunzio  
Archer  
Ashbrook  
Ashley  
Aspin  
Aspinall  
Badillo  
Baker  
Baring  
Barrett  
Begich  
Belcher  
Bell  
Bennett  
Bergland  
Betts  
Biaggi  
Bingham  
Blackburn  
Blanton  
Blatnik  
Boggs  
Boiling  
Brademas  
Brasco  
Bray  
Brinkley  
Brooks  
Broomfield  
Brotzman  
Brown, Mich.  
Brown, Ohio  
Broyhill, N.C.  
Broyhill, Va.  
Buchanan  
Burke, Fla.  
Burke, Mass.  
Burleson, Tex.  
Burlison, Mo.  
Burton  
Byrnes, Wis.  
Byron  
Cabell  
Camp  
Carey, N.Y.  
Carlson  
Carter  
Casey, Tex.  
Cederberg  
Chamberlain  
Chappell  
Clancy  
Clark  
Clausen,  
Don H.  
Clawson, Del.  
Cleveland  
Collier  
Collins, Ill.  
Colmer  
Conable  
Conte  
Conyers  
Corman  
Cotter  
Coughlin  
Crane  
Culver  
Daniel, Va.  
Daniels, N.J.  
Danielson  
Davis, Ga.  
Davis, S.C.  
Davis, Wis.  
Delaney  
Dellenback  
Dellums  
Denholm  
Dennis  
Dent  
Derwinski  
Devine  
Dickinson  
Donohue  
Dorn  
Dow  
Downing  
Drinan

Dulski  
Duncan  
du Pont  
Edmondson  
Edwards, Ala.  
Edwards, Calif.  
Ellberg  
Erlenborn  
Esch  
Evans, Colo.  
Evins, Tenn.  
Fascell  
Findley  
Fish  
Fisher  
Flood  
Flynt  
Foley  
Ford, Gerald R.  
Ford,  
William D.  
Forsythe  
Fraser  
Frelinghuysen  
Frenzel  
Frey  
Fuqua  
Gallagher  
Garmatz  
Gaydos  
Gibbons  
Gibbs  
Goldwater  
Gonzalez  
Goodling  
Grasso  
Gray  
Green, Oreg.  
Green, Pa.  
Griffin  
Gross  
Grover  
Gubser  
Hagan  
Haley  
Hall  
Hamilton  
Hammer-  
schmidt  
Hanley  
Hanna  
Hansen, Idaho  
Hansen, Wash.  
Harrington  
Harsha  
Harvey  
Hastings  
Hathaway  
Hawkins  
Hays  
Hechler, W. Va.  
Heckler, Mass.  
Heinz  
Helstoski  
Henderson  
Hicks, Mass.  
Hicks, Wash.  
Hillis  
Hogan  
Hollifield  
Horton  
Hosmer  
Howard  
Hull  
Hungate  
Hunt  
Hutchinson  
Ichord  
Jacobs  
Jarman  
Johnson, Calif.  
Johnson, Pa.  
Jonas  
Jones, N.C.  
Jones, Tenn.  
Karth  
Kastenmeier  
Keating  
Keith  
Kemp  
King  
Kluczynski  
Koch  
Kuykendall  
Kyl  
Kyros  
Landrum  
Latta  
Leggett

Lennon  
Lent  
Link  
Lloyd  
Long, Md.  
Lujan  
McClary  
McClure  
McCollister  
McCormack  
McCulloch  
McDade  
McDonald,  
Mich.  
McEwen  
McFall  
McKay  
McKevitt  
McKinney  
McMillan  
Mahon  
Mailliard  
Mallary  
Mann  
Martin  
Mathias, Calif.  
Mathis, Ga.  
Matsunaga  
Mayne  
Mazzoli  
Meeds  
Melcher  
Michel  
Mikva  
Miller, Calif.  
Miller, Ohio  
Mills, Md.  
Minish  
Mink  
Minshall  
Mizell  
Monagan  
Montgomery  
Moorhead  
Morgan  
Mosher  
Moss  
Murphy, Ill.  
Murphy, N.Y.  
Myers  
Natcher  
Nedzi  
Nelsen  
Nichols  
Nix  
Obey  
O'Hara  
O'Konski  
O'Neill  
Passman  
Patten  
Pelly  
Pepper  
Perkins  
Pettis  
Peyser  
Pickle  
Pike  
Pirnie  
Podell  
Poff  
Powell  
Preyer, N.C.  
Price, Ill.  
Price, Tex.  
Pucinski  
Purcell  
Quile  
Quillen  
Rallsback  
Randall  
Rangel  
Rarick  
Rees  
Reid  
Reuss  
Rhodes  
Riegle  
Robinson, Va.  
Robison, N.Y.  
Roe  
Rogers  
Roncallo  
Rooney, N.Y.  
Rooney, Pa.  
Rosenthal  
Rostenkowski  
Roush  
Roussellot

Roybal  
Ruppe  
Ruth  
Ryan  
St Germain  
Sandman  
Sarbanes  
Satterfield  
Saylor  
Scherle  
Schmitz  
Schneebell  
Schwengel  
Scott  
Sebelius  
Shipley  
Shoup  
Shriver  
Sikes  
Sisk  
Skubitz  
Slack  
Smith, Calif.  
Smith, Iowa  
Smith, N.Y.  
Snyder  
Spence  
Springer

Staggers  
Stanton,  
J. William  
Steed  
Steele  
Steiger, Ariz.  
Steiger, Wis.  
Stephens  
Stratton  
Stuckey  
Sullivan  
Symington  
Talcott  
Taylor  
Teague, Calif.  
Teague, Tex.  
Terry  
Thompson, Ga.  
Thompson, N.J.  
Thomson, Wis.  
Thone  
Tiernan  
Udall  
Ullman  
Van Deerlin  
Vander Jagt  
Veysey  
Vigorito

Waggonner  
Waldie  
Wampler  
Ware  
Whalley  
White  
Whitehurst  
Widnall  
Wiggins  
Williams  
Wilson, Bob  
Wilson,  
Charles H.  
Winn  
Wolf  
Wright  
Wyatt  
Wylder  
Wylye  
Wyman  
Yates  
Yatron  
Young, Fla.  
Zablocki  
Zion  
Zwach

## NAYS—5

Abernethy  
Landgrebe

Seiberling  
Vanik

Whitten

## NOT VOTING—56

Alexander  
Anderson,  
Tenn.  
Arends  
Bevill  
Biester  
Boland  
Bow  
Byrne, Pa.  
Caffery  
Carney  
Celler  
Chisholm  
Clay  
Collins, Tex.  
Curlin  
de la Garza  
Diggs  
Dingell  
Dowdy

Dwyer  
Eckhardt  
Edwards, La.  
Eshleman  
Flowers  
Fountain  
Fulton  
Gallfanakis  
Gettys  
Griffiths  
Gude  
Halpern  
Hébert  
Jones, Ala.  
Kazen  
Kee  
Long, La.  
McCloskey  
Macdonald,  
Mass.

Madden  
Metcalfe  
Mills, Ark.  
Mitchell  
Mollohan  
Patman  
Poage  
Pryor, Ark.  
Roberts  
Rodino  
Roy  
Runnels  
Scheuer  
Stanton,  
James V.  
Stokes  
Stubblefield  
Whalen  
Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Celler with Mr. Arends.  
Mr. Hébert with Mr. Gude.  
Mr. Runnels with Mr. Halpern.  
Mr. Macdonald of Massachusetts with Mr. McCloskey.  
Mr. James V. Stanton with Mr. Bow.  
Mr. Young of Texas with Mr. Collins of Texas.  
Mr. Stubblefield with Mr. Kee.  
Mr. Anderson of Tennessee with Mrs. Dwyer.  
Mr. Fountain with Mr. Long of Louisiana.  
Mr. Fulton with Mr. Mills of Arkansas.  
Mr. Byrne of Pennsylvania with Mr. Biester.  
Mr. Stokes with Mr. Whalen.  
Mr. Carney with Mr. Curlin.  
Mr. Roberts with Mr. Eshleman.  
Mr. Roy with Mr. Gallfanakis.  
Mr. Madden with Mr. Scheuer.  
Mr. Rodino with Mr. de la Garza.  
Mrs. Chisholm with Mrs. Griffiths.  
Mr. Clay with Mr. Boland.  
Mr. Metcalfe with Mr. Mollohan.  
Mr. Dingell with Mr. Mitchell.  
Mr. Diggs with Mr. Eckhardt.  
Mr. Jones of Alabama with Mr. Kazen.  
Mr. Alexander with Mr. Caffery.  
Mr. Bevill with Mr. Flowers.  
Mr. Gettys with Mr. Patman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have

5 legislative days during which to extend their remarks on the bill just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON DISTRICT OF COLUMBIA TO FILE REPORT ON H.R. 14718, PUBLIC ASSISTANCE TO MASS TRANSIT BUS COMPANIES IN THE DISTRICT OF COLUMBIA

Mr. CABELL. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia have until midnight tonight to file a report on the bill H.R. 14718.

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

There was no objection.

## PEAR MARKETING ORDERS

Mr. FOLEY. 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. 14015) to amend section 2(3), section 8c(2), section 8c(6) (I), and section 8c(7) (C) of the Agricultural Marketing Agreement Act of 1937, as amended.

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

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. 14015, with Mr. Fuqua 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 Washington (Mr. FOLEY) will be recognized for 30 minutes, and the gentleman from California (Mr. TEAGUE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

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

Mr. Chairman, I have had the honor of serving for the past 8 years on the distinguished House Committee on Agriculture and I know I reveal no secret in informing the Members of the Committee of the Whole House on the State of the Union that it is seldom that the Committee on Agriculture is able to report a bill to the floor of the House with respect to which there is not some dispute or disagreement among major agricultural organizations.

However, I have the happy opportunity to report to the committee today that this bill to establish a marketing order for pears for canning and freezing has the support of all the great farm organizations of this country which have commented upon it.

Mr. Chairman, on that ground alone



this is a rather exceptional bill. Its purpose is fivefold.

First, it would authorize marketing orders for pears for canning and freezing.

Second, it would authorize any form of marketing promotion including paid advertising under a marketing order for pears. It would also provide that when the handling of any commodity for canning or freezing is regulated under a marketing order, research and development projects providing for any form of marketing promotion including paid advertising under such order may deal with the commodity or its products in canned or frozen form.

Third, it would require a favorable vote of two-thirds of the growers voting or two-thirds of the volume voted in each State of the production area, for issuance of an order applicable to pears for canning or freezing.

Mr. Chairman, I want to emphasize the next purpose of this bill.

Fourth, the bill would require that processor and producer representation on any agency selected to administer such an order shall be equal.

This bill not only provides for the processor representation on such an agency board to administer the marketing order, but it provides for the equality of such representation. There would be a balance of representatives from the processing as well as the producing sectors and that balance would be maintained in each State which participates in the marketing order.

Finally, it would require that at least a majority of each State's representatives on such agency concur in any recommendation for proposed regulation.

This is another point I would like to emphasize: this bill provides that processors have equal participation with producers in the administration of the marketing order and any regulation promulgated has to be recommended by a majority of the representatives. This means that no regulation recommendation can go to the Secretary unless there was some concurrent judgment on the part of both the producers and the processors from that State.

The bill has had strong bipartisan support in the Subcommittee on Domestic Marketing, and in the full Committee on Agriculture.

Why do we need a marketing order for pears for canning and freezing? There are three Federal marketing orders presently existing regulating the handling of fresh pears. One order covers Bartlett-type pears produced in California, one covers similar pears produced in Oregon and Washington, and there is a third order for winter pears for similar varieties for all three States. But all of these marketing orders presently in existence deal only with fresh pears, they do not deal with pears destined for canning or freezing processing.

The percentage of the crop in the three States—Washington, Oregon, and California—which is destined to processing has been increasing. During the 1945 to 1949 period, 40 percent of the U.S. pear crop was processed. That portion of the crop processed increased to 59 percent

during the 1965 to 1969 period. But in the States of Washington, Oregon, and California, Bartlett pears are now processed to the extent of 79 percent of the total crop.

So marketing orders that exclude these basic processing channels are not really dealing with a very great percentage of the total crop, and for this reason it is necessary to amend the basic act to include authorization for marketing orders for pears for canning or freezing.

Now, under the provisions of this bill, before a marketing order could be promulgated by the Secretary there would have to be a referendum or vote by the producers in the proposed marketing area. The bill provides, as past bills have provided, that two-thirds of the producers by number, or two-thirds by volume, must concur before the Secretary of Agriculture may promulgate the order. As a practical matter the Department has never promulgated a marketing order where the referendum has not shown the requisite support of two-thirds by number as well as two-thirds by volume.

In previous approaches to this legislation there was no specific requirement for processor participation on the administering board. I repeat again that under this legislation as a matter of law any marketing order for pears for canning or freezing must include a provision that 50 percent of the representatives to be appointed to the administering agency must be selected from the processing industry. This same ratio would have to exist in each one of the three State delegations that would be members of the board.

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

Mr. FOLEY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I thank the gentleman from Washington for yielding to me and for getting the committee's attention.

Mr. Chairman, I would like to go back to a prior point about the requisite two-thirds in order to promulgate a marketing order—and the gentleman may recall that I asked the same question on September 8, 1968, when similar legislation was before the body. Could this be voted en bloc by cooperatives, or organizations?

Mr. FOLEY. Yes.

Mr. HALL. Or would it be required that each individual farmer or producer cast his own ballot?

Mr. FOLEY. Cooperatives could vote by bloc under this bill.

Mr. HALL. I would say that would be a defect in the bill. But I thank the gentleman again for yielding.

Mr. FOLEY. I know the gentleman has raised this point before. It is, I might say, a characteristic of almost all marketing orders that cooperatives have been permitted to cast a bloc vote. But I emphasize again the Department policy of not promulgating any marketing order unless two thirds of the producers by number and volume have supported the marketing order.

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

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

Mr. PEYSER. As to the effect of put-

ting this under a marketing order, can this have a possible effect on the price of canned pear products? Would this have the effect, for instance, of bringing the price up?

Mr. FOLEY. No; its purpose, I might say to the gentleman, is to stabilize marketing conditions for particular commodities.

We have seen serious price instability in the marketing of many commodities—commodities where there is no marketing order and no provisions for regulation or control of marketing conditions. With such commodities, marketing and price conditions are often so volatile that one year prices will double and the next year fall to below the cost of production. There is no advantage to the producer or the consumer under these conditions.

There is no desire here to artificially boost prices on canned or frozen pears. After all, I think all producers realize that these products have to be competitive with other products on the market, and their hope is that by establishing some grade and quality standards and proposing some sort of method of dealing with large surplus crops which sometimes occur that the general economic conditions for producers can be stabilized and that the quality and desirability of the product can be improved for the consumer.

Mr. PEYSER. I thank the gentleman.

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

Mr. FOLEY. I yield to the gentleman.

Mr. HUTCHINSON. I understand under this bill, as it stands, the marketing order on pears for processing could be put into effect by a vote of two-thirds of the producers; is it?

Mr. FOLEY. By number or volume.

Mr. HUTCHINSON. By number or volume it requires two-thirds?

Mr. FOLEY. That is right.

Mr. HUTCHINSON. But the processors under the bill, as it stands, would have no vote on whether or not the crop should be subjected to a marketing order?

Mr. FOLEY. That is correct.

Mr. HUTCHINSON. In that regard, it is different from other fruits presently involved in marketing orders for processors such as cherries, for instance.

Mr. FOLEY. I would have to say to the gentleman, there is a cherry marketing order in which the processors have a vote on the creation of a marketing order. But that is one of the exceptions and not the rule.

In the vast number of marketing orders that we have established by law, the processors or handlers have no voice in the setting up of a marketing order. That is a matter that is left to the producers.

Mr. HUTCHINSON. Is that true with reference to cranberries?

Mr. FOLEY. There is an order on cranberries and on cherries in which the processors do have participation in establishing the order.

To my knowledge, those are the two active order exceptions. Every other active marketing order does not provide for processor or handler participation. In the establishment of the order, authority exists for two order processor participation orders but they are not in effect.

Mr. HUTCHINSON. Is it not true that it is ordinarily in the case of fruits that processors participate in the creation of the marketing order?

Mr. FOLEY. I would have to insist and say to the gentleman with the exception of four marketing orders—two active and two not active—that the processors have no participation in creating the marketing order.

There is a marketing order on cherries and cranberries which does provide for processor participation. These have been established. There is authority for marketing orders for grapefruit and apples that have not been proposed or established—but for which authority exists.

In every other case involving over forty marketing orders for fruits and vegetables, the processors or handlers do not participate in the marketing order referendum.

In this particular bill, we have, however, required equal participation of the processors' representatives on any agency set up to administer the order. I would have to insist that this bill is really more typical of the average marketing order that we have established than the cranberries and cherry orders that the gentleman has cited.

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

Mr. FOLEY. I yield to the gentleman.

Mr. HUTCHINSON. Can the gentleman indicate a marketing order now in existence involving fruits in which the processors do not have a voice in the creation of the marketing order.

Mr. FOLEY. We have the fresh pear marketing orders that I mentioned to the gentleman earlier, three of them on the west coast. None of these, to my knowledge, requires participation by processors.

Mr. HUTCHINSON. Yes, but, if the gentleman will yield further, the fresh pear marketing orders would apply only to the fresh fruit market; is that correct?

Mr. FOLEY. Yes. I thought the gentleman asked if there were areas where the fruit marketing order requires the participation by processors.

Mr. HUTCHINSON. I did. What I was getting at—and I think the gentleman misunderstood the purport of my question—I am searching for a case which would parallel the case which the bill would provide. In other words, the creation of a marketing order for processed fruits to which the processor had no voice in the creation of the market.

Mr. FOLEY. There is no precise parallel in fruits for processing but it has been the policy of the Committee on Agriculture to frame marketing orders in each case in accordance with the conditions of that particular commodity. We have not in fact dealt with these products on the basis of what some conditions might be or might not be in another marketing order. There is no tendency to establish one marketing order as a carbon copy of another. The committee has always rejected that approach and has had, instead, individually analyzed the particular commodity, its geographic area and so forth. This marketing order, if it is adopted, will have no precedent

effect on the creation of any other marketing order in the fruit and vegetable field. Each commodity will have to stand on its own merits.

Mr. HUTCHINSON. If the gentleman will yield one further time, is the gentleman aware of any area of the country in which a processing and marketing order on pears is contemplated except along the west coast?

Mr. FOLEY. No. At every stage of the consideration of the bill it was always known to be a bill which is limited to Washington, Oregon, and California.

Mr. HUTCHINSON. I thank the gentleman.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

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

Mr. TEAGUE of California. Further in response to the gentleman from Michigan, is it not true that there are other Federal marketing orders in which processors are not represented on the board?

Mr. FOLEY. Oh, yes, indeed. The majority of marketing orders do not have processor or handler participation in establishing them, and there are examples, as the gentleman just pointed out, of marketing orders where the processors or handlers have no role either in creating the marketing order or in administering it. I thank the gentleman for bringing that point forward.

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

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

Mr. WALDIE. In reading the report, I came across a sentence:

The exemption of such a large proportion of the crop from regulation makes it difficult to attain the objective of the Act to improve returns to producers.

I did not quite understand the gentleman's answer to a question seeking information as to the impact of this act on consumers. If we improve returns to producers, do we not have an adverse impact on consumers?

Mr. FOLEY. No, indeed. I think the consumer is not necessarily hurt by such returns to the producers. We have great surpluses of many of our vegetable crops. If problems connected with them arise one year, the price falls drastically for the producers. The result often eliminates some producers entirely. It may be that the next year, through crop damage or other adverse conditions there is a short crop and the prices skyrocket. It is not in the interest of stable marketing conditions, either for the welfare of the producer or the consumer to have these great peaks and valleys in supply and price. One of the purposes of the marketing order is to try to establish a standard of quality, grade, and size of the product. Another purpose is to approach the problems of surplus conditions so that the producers can obtain more economic benefit from their labor and investment. But stable working conditions and grade and quality standards are in the interest of consumers as well.

I would say, as I said to the gentleman on the other side of the aisle, the producers are not benefited by being priced

out of the market for the crop they produce. They have an interest in seeing that the consumer gets a high quality product at a reasonable and competitive price.

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

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

Mr. WALDIE. The report further states:

Marketing orders customarily provide for an administrative body comprised of members selected from the industry. The interests of both growers and handlers should be considered in arriving at decisions under any regulatory program affecting them. Provision in the act for representation as specified would assure growers and processors of appropriate representation in the administration of any marketing order applicable to pears for canning or freezing.

I ask the gentleman if the concern is to involve the processors, why are they precluded from voting on the adoption of the marketing order?

Mr. FOLEY. It has been the feeling in the past in the committee that the question of whether a marketing order should be established is basically a question for the producers. The producers pay the cost of this marketing order. The cost of the order is collected by the processor who either passes it on to the consumers or deducts it from the price paid to the producer.

The purpose of the act is to help the producers establish orderly marketing conditions. I do not think it is any secret that this bill has been opposed by processors now and in the past. The whole concept of the marketing order is generally opposed by certain portions of the industry. To let the processors participate in a judgment of whether a marketing order should be established is really giving the processors a double veto over the marketing order.

In order to be absolutely fair to the processors' interests, we have amended this bill with the consent of its sponsors to include equal representation on any agency administering the marketing order, but that apparently is not satisfactory for some in the processing industry. They want to have a veto even over the creation of the marketing order.

I feel we have gone absolutely as far as we can in being fair to the processor industry. Indeed, under the terms of this bill the industry is given not only participation but equal participation in administering a marketing order once established. In addition once the marketing order has been established the industry representatives have an effective veto over any specific regulations recommended to the Secretary of Agriculture.

But I do not think it would be fair to the producers to amend a bill that ostensibly gives producers an instrument of self-help with a requirement of the approval of those who are sincerely opposed to the instrument itself.

Mr. WALDIE. If the gentleman will yield further, if I understand the thrust of the bill, it is an attempt to settle a dispute between growers and processors and provide growers with greater bargaining power in dealing with processors.

Mr. FOLEY. No, this does not reach



questions of specific bargaining between processors and producers. It is not a bill for that purpose. Its purpose is to set up certain standards, certain procedures, for dealing with grade, quality, size, and with the pooling of excess crops, and so on. The producers still deal individually with processors for their crops and for the terms of price of their crops. This does not establish farm bargaining machinery or anything like that. The gentleman from California (Mr. SISK) has proposed legislation for that purpose which is under consideration in the Subcommittee on Domestic Marketing and Consumer Relations.

Mr. WALDIE. And it is not designed to limit production?

Mr. FOLEY. No, except as limitations of production are necessary to smooth out enormous surplus problems. It is not designed artificially to short the market in order to create price increases.

Mr. WALDIE. And there is the conviction on the gentleman's part that the growers will exercise that restraint and not attempt to limit production in order to increase the price?

Mr. FOLEY. I must repeat the administration of this act must take place through recommendations made to the Secretary for those particular regulations, and those particular regulations cannot go forward to the Secretary unless a majority of the representatives from each State concur in them, and the majority means including processors, because half the board is made up of processors.

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

Mr. FOLEY. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I thank the gentleman for yielding. I missed a part of the colloquy between the gentleman in the well and the gentleman from California, and perhaps the gentleman has already answered the question. It is my understanding the processors are covered in certain of the areas in certain vegetables and fruit, such as cherries, cranberries, apples in certain States, and grapefruit, I believe.

If they are allowed to participate in the referendum in those areas of fruits and vegetables, why is it that they are not allowed in the pears.

Mr. FOLEY. The gentleman may recall the colloquy, but let me repeat it. The committee has always approached these individual marketing orders with great specificity. We have always wanted to have the particular commodity analyzed in terms of a request for a marketing order, and we have not tried to copy the terms of another order.

The gentleman pointed out correctly that there are two active marketing orders, one in cherries and one in cranberries, where the processors can participate in the election to determine whether the marketing order should be set up. But in the vast majority of the fruit and vegetable marketing orders we have no such rule.

In addition, I might say there are marketing orders where producers alone are represented on the administering board and the processors have no part at all.

In this bill we give the processors 50

percent representation and require that there must be a majority decision before regulations can be proposed to the Secretary.

If we want to consider it as such, the processor has a veto over any proposed regulation before it will go to the Secretary. Why is that not adequate protection?

The gentleman suggests, why not let the processors have a vote? My reaction personally is it is inappropriate to do that. The question of whether the marketing order should be established is primarily one for the producers. If the processors have to be given equal representation and participation on the board, that is a protection against any abuse of the marketing order approach.

Mr. DOWNING. Did I understand the gentleman to say that the producers pay for the cost of the marketing arrangement?

Mr. FOLEY. In effect the producers do pay, because the handlers and processors collect that cost of running the marketing order. But it is passed on, as the gentleman knows.

Mr. DOWNING. But the processor actually pays for it, and in effect he taxes the producer?

Mr. FOLEY. He taxes the producer.

Mr. DOWNING. But the processor pays for it.

Mr. FOLEY. If the gentleman thinks that a processor who acts as a collector pays for it, and that the person from whom it is collected does not pay for it, he knows the alternate effect of the burden differently than I do. The cost comes out of the funds of the producers. The only role the processor has is as a collector.

Mr. DOWNING. Will this tend to increase the price of pears?

Mr. FOLEY. As I said to other Members who have asked that question, I cannot predict what will happen to future pear crops, or future pear prices. They may well drop as they have in recent years. This legislation does not have the purpose of directly increasing prices. It does have the purpose of trying to stabilize a very unstable market, trying to set up quality and grade standards, and perhaps helping to control excess surpluses which diminish the price.

I do not believe it is in the interest of consumers to have this supply and price instability.

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

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

Mr. LEGGETT. Is it not a fact that this legislation already is compromise legislation, that it is much different from the bill we had on the floor before, and that we have given the canners and processors now not only an equal voice but also a veto in the implementation of any program as to which any marketing order is passed by the farmers?

Mr. FOLEY. I want to be very accurate about this so as not to mislead any Member of the committee. We do not give processors a veto over whether the marketing order is to be created. That is a determination of the producers. Whether a marketing order is approved or not is determined by the producers rather than

the processors. Once approved, the specific regulations under which the order is administered are recommended to the Secretary by a board made up of equal numbers of producer and processor representatives.

Mr. LEGGETT. And an order is not an actual program, and the program is what the canners have control of by the requirement of a majority vote of the board.

Mr. FOLEY. Again I want to be accurate. Neither the producers nor the processors have total control over the board. The bill requires joint equal membership and majority concurrence in certain decisions.

The question of whether a marketing order is voted or not in this bill is a question for producers only, but its implementation and regulation and so on are mutual responsibilities of processors and producers.

Mr. TEAGUE of California. If the gentleman has more requests for time on his side, I will be glad to yield him some of my time later.

I just want to make a brief statement to you which is in reference to the question asked by the gentleman from Virginia.

I had the owner of one of the finest restaurants who came into my office and asked me about the effect of this. I tried to explain to him about pear marketing orders, and he said to me, "It sounds like a great idea. You would be surprised at how many times I get green, semimature pears. I would buy a whole lot more of them if I could be sure that the quality would be what it ought to be."

Mr. FOLEY. I thank the gentleman. This is really one of the important reasons for any marketing order, that is, to maintain standards of the very highest quality.

Mr. HALL. Will the gentleman yield?

Mr. FOLEY. I will be glad to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding.

Will he tell us quickly whether or not this bill is different from the one that was lost when we debated in the well of the House back in 1968?

Mr. FOLEY. It is different in two respects. First of all, under this bill by law there must be equal participation by processor as well as producer representatives on any board or agency to administer the marketing order. That is the first difference. The second difference is that there must be a majority of representatives from any State that must concur before recommended regulations to implement the program can be forwarded to the Secretary.

I want to say it was designed to protect the State's interest, but also it has the effect of giving the processor's or the producer's representatives, either one, a veto over any proposed regulation which they do not wish to see go forward to the Secretary.

Mr. TEAGUE of California. Mr. Chairman, I shall be very brief, and if there are Members on the Democratic side of the aisle who wish time, I have very few requests—as a matter of fact, only one of 2 or 3 minutes' duration—so there will be ample time for further discussion.

Mr. Chairman, it is very unusual for me to be here supporting a bill coming out of the Committee on Agriculture on which I have served for 16 years. I find myself, I am afraid, at least half of the time opposed to the bills that we bring out, but I have no hesitancy at all in supporting this bill.

There is no purpose in going over in any further detail the excellent explanation made by the gentleman from Washington (Mr. FOLEY). I am not a member of the subcommittee, I am not as familiar with the details as the gentleman is.

I would remind my Republican colleagues that the bill was voted out unanimously from the committee, and it does have the approval of the administration and of all the farm organizations.

In that connection, Mr. Chairman, I would like to read this letter dated May 2, 1972:

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., May 2, 1972.

HON. CHARLES M. TEAGUE,  
House of Representatives.

DEAR MR. TEAGUE: This is in response to the request from the Committee on Agriculture for our views on H.R. 14015. H.R. 14015 would authorize marketing orders for pears for canning or freezing. Also, it would provide for any form of marketing promotion, including paid advertising, under marketing orders for pears.

The Department recommends that H.R. 14015 be passed.

H.R. 14015 was substituted for an earlier bill, H.R. 5825, by the Committee on Agriculture. These two bills are identical except for the provision relating to the vote of the agency established to administer any marketing order under the bills in making recommendations for regulations. H.R. 14015 requires that a majority of the representatives from each State on such agency concur in the recommendations for regulations. However, H.R. 5825 required that only at least 50 per centum of the representatives from each State on such agency concur in the recommendations for regulations.

We filed a legislative report recommending H.R. 5825 and also testified in favor of it at a hearing held on June 1, 1971.

We do not object to the change in H.R. 5825 that is incorporated into H.R. 14015.

Sincerely,

RICHARD LYNG,  
Assistant Secretary.

There is no question of the fact that the administration does support this bill. I support it mainly because it is a means of self-help rather than a subsidy for the farmers. It is fair to the processors in that they have in effect a veto power over the details and operation of any marketing order.

I urge that the bill be favorably acted upon.

This bill is not like the average farm bill that comes to the floor of the House calling for the expenditure of millions and millions of dollars. It is instead a bill that amends the self-help structure of the Federal marketing order law to add pears for canning and freezing to the list of commodities for which these Federal orders can be issued.

Let us understand at the outset that a Federal market order is nothing more than Government rule or mandate that requires processors to market only the size, quality, grade, and maturity of a specified farm commodity. Under the law, the terms and conditions of these

orders must be approved by farmers voting either individually or through their cooperatives. This bill, in addition to making pears for canning and freezing eligible for marketing orders, is also designed to protect the interests of producers in the States that produce pears. It specifically requires a two-thirds vote—either by growers or by volume—in each State of the production area. That means that the producers in Washington and Oregon can be assured that the larger production areas in my State of California will not dominate or dictate the terms of any new marketing order on pears for canning and freezing.

The bill also makes another change in existing law and in this respect makes it quite different from the earlier bills considered by the House in past years. This bill specifically awards processor representation on the marketing agency that is selected to administer the program. In fact, the bill requires there be equal representation on this body. It also requires that at least a majority of the representatives from each State on this agency must concur in any proposed regulation.

Boiled down to its simplest terms, this means that pear processors will not only participate in a methodical application of the terms of the order but will also, for all practical purposes, have a veto over these terms and conditions. For example, if the State of Washington were to place two members on the board that administers the program, one of them must be a processor, and if a majority of these two representatives must vote for any proposed change, the vote has to come out to two-to-nothing. A majority of two is two. Thus, Mr. Chairman, I feel that the processor interest has been fully accommodated in this legislation and will be given most fair treatment.

A final provision in the bill relates not only to pears for canning and freezing but also to any other commodity for canning and freezing that is regulated under an order and wishes to have a research and marketing program.

In summary then, this bill adds pears for canning and freezing to the list of commodities for which Federal marketing orders may be applicable. It protects the rights of producers in pear-producing States outside as well as within California. It provides processors with a direct participatory role in the administration of the program. Finally, it extends to all commodities for canning and freezing, the benefits of research and advertising.

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

Mr. TEAGUE of California. I am glad to yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I rise in support of H.R. 14015. This legislation extends the benefits of marketing orders to growers of pears for canning and freezing.

The pear producers of my State need this legislation. Unless they are able to cope with market extremes of supply and demand and cost in the pear industry, they cannot stay in business.

We all need this legislation so that the

consumers of this Nation will have reason to expect an adequate supply of reasonably priced, high-quality pears.

The pear industry today is plagued by demands which call for continually larger crops from larger orchards on the one hand; and on the other hand, a collapsing market that can mean bankruptcy at anytime. In recent years, consumers have been irritated with shortages of pears, low-quality products and high prices one year; and the producer by surpluses and economic ruin the next.

As if this were not enough, the American pear producers have no idea when they will be faced with imports from Australia, Italy and South Africa.

The farmers of the west coast have attempted to meet this dilemma through formulation of cooperatives, through independent research and by just plain gambling on what will happen next year. The result has been, as stated on this floor today, that many of our farmers are being driven from the land. This legislation provides the only reasonable solution. It allows for advance planning by the producer, the handler, and the processor. It provides for research and development, and thus for an improved quality product for all of us. The farmers, in particular, who are attempting to make their living by providing quality food for American consumers, deserve at least reasonable market stability and individual security.

I urge my colleagues to vote for this legislation, to benefit both the industry and the consumer.

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

Mr. TEAGUE of California. Yes, I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, in the course of the past few days we have all been deluged by telegrams from a few cannery spokesmen urging defeat of the canning pear marketing order bill H.R. 14015.

Gentlemen, the arguments presented by the canners can most politely be described as deceptive in the extreme. Every one of their objections was presented to the Agriculture Committee; every one was examined and rejected. The bill was reported without objection from any member of the committee: Democrat or Republican, liberal or conservative.

Now the canners are attempting to take advantage of the fact that marketing orders constitute a highly technical subject with which most Members of Congress have had no experience. They are trying to present their side of the story in the hope that Members will be too busy to listen to the other side.

I am now going to help present the other side: the case for the bill, which every member of the Agriculture Committee found to be persuasive, as has the Agriculture Department.

First, let us briefly run through what the bill does.

It permits the implementation of marketing orders for pears for canning and freezing, as is presently the case with olives, grapefruit, cherries, cranberries, and asparagus, as well as fresh pears and many other fresh fruits. States have hundreds of local orders for commodities,



A Federal marketing order for canning pears under this bill could permit a program to sponsor research into pear tree diseases, to establish and administer grading systems for quality and size, to engage in advertising to encourage people to eat more canned pears, to deal with projected surpluses in an equitable manner, and for other purposes of lesser significance. All of these activities would be financed entirely by the pear growers through assessments levied on them.

Now it is important to understand the procedure that must be followed before a marketing program can be established.

First, the Secretary of Agriculture drafts the order and distributes it to all pear growers.

Second, the growers have an up-or-down referendum on the marketing order. Passage requires a two-thirds vote, either by number of growers or by volume of pears produced.

Third, the Secretary appoints a committee in each State containing pear growers and processors to vote a proposed program under the marketing order. Each State representative must be evenly divided between growers and processors, and passage requires majority approval by every State representation. Some processors must agree.

This last step is most significant, and I want to direct your attention to it. In 1968 the House defeated a pear marketing order bill by a vote of 165 to 111. This earlier bill contained no such provision for processor representation on the administrative committee. So we have responded to the objection of the canners and given them full and equal representation.

I have here a telegram from the Campbell Soup Co. which says:

Food processors would not be allowed to vote in the referendum on a proposed order. This is unconscionable.

Gentlemen, what is unconscionable is the deceptiveness of the Campbell Soup Co., who incidentally do not can pears. It is true the processors would not be able to vote in the referendum, but they have no need to.

Since they make up 50 percent of the administrative committee and an outright majority in the committee and of the representatives of each State covered is required for approval, the processors have a clear veto over anything the referendum approves.

I repeat; they have an absolute veto. They have no need to participate in the referendum. No program can be put into effect over the opposition of their committee representatives.

Since the processors can veto any marketing order, why then do they oppose the bill? The answer, I suggest, lies in the canners' general attitude. The number of processors has become progressively fewer, which means that each processor has become progressively more powerful. In contrast, the producers are small and there are many of them. Just as management once opposed any attempt on the part of workers to organize for any purpose no matter how moderate, so the processors oppose any attempt at organization on the part of producers.

There is no reason why we should be a party to maintaining an unfair balance of power. There is no reason why we should prevent the peargrowers from working together constructively to improve the production and marketing of their product.

The canners say the bill is anticonsumer because it will raise prices. It is true that in years of great surplus, marketing orders can be used to prevent prices from falling through the floor. But the ability to raise prices above the norm is very sharply limited by two factors:

First, producer's prices constitute only about one-fourth of the price of the final canned pear. Thus, an 8-percent increase in farm prices would produce a mere 2-percent increase to the housewife. In fact, there is little relationship between what the peargrower receives from the canner and what you and I pay for canned pears at the market.

Second, prices are limited by foreign competition. Pears are also produced in Australia, South Africa, and Italy. The American product must meet this ever-increasing competition in domestic and overseas markets. Growers know unless this is accomplished they will face even larger surpluses.

Remember, American pear producers receive no subsidy or price support of any kind.

So this is why I believe the objections to the bill to be invalid. But what are the positive reasons for the bill? Why do we actually need it?

We need it because the American farmer, the most efficient producer of food in the world, has not shared in the economic progress our Nation has made. In the past 21 years, the dividends have increased 200 percent and wages have increased 229 percent, but farm prices have increased only 9 percent and the farmer's share of the retail food dollar has decreased 22 percent. This is particularly true of specialty crops such as pears where the growers are facing a disastrous future.

As I said a moment ago, peargrowers are not subsidized and they do not ask for subsidy now. They ask merely for an opportunity to work together under programs which must be approved by the canner representatives and by the Secretary of Agriculture. I urge you to give them this opportunity.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. Yes, I yield to my colleague from California.

Mr. JOHNSON of California. Mr. Chairman, as a cosponsor of H.R. 14015, I am, of course, very appreciative of the consideration which the House of Representatives is giving to this legislation.

The benefits of the Agricultural Marketing Act program are available to several specialty crops including fresh Bartlett pears.

This legislation which we have before us today would extend these same benefits now available to the growers and processors of the fresh fruit to the growers of canning pears.

Virtually all of the canned pears sold throughout the Nation are grown in the west coast States of California, Oregon, and Washington.

Representatives in Congress of the west coast pear growing areas are virtually unanimous in support of the proposal.

This includes Senators from all three States and several Members of the House of Representatives.

This legislative proposal has the full endorsement of all farm organizations.

This broad base of support indicates the importance which those of us representing farm producing areas attach to marketing order programs.

The legislation before us is enabling legislation giving the growers in the individual States the right to ratify the marketing order programs on a State-by-State basis.

If the States do not ratify the program by a two-thirds majority then the marketing order will not be applicable in that State.

Pear producers in small States are assured that programs they may not endorse cannot be forced upon them by producers in larger States.

The cost of the program will be borne by the growers who are the prime advocates of the legislation.

This procedure has worked very effectively for California producers who during recent years have operated under State legislation patterned after the 1937 act.

All reports I have received indicate that the cooperative administration in California canning pear program has been effective.

Thus we have a proven program and one which, I believe, should be expanded to include the neighboring States to the north, Oregon, and Washington, as the three States together are the principal canning pear growers in the Nation.

This, of course, would have to be accomplished through a Federal marketing order, such as is already in effect for asparagus, olives, grapefruit, cherries, and cranberries all going into the canning and freezing market.

Mr. Chairman, this legislation received the blessing of the House Agriculture Committee during the 91st Congress.

You will recall that because of objections on the floor, the House bill failed to achieve the two-thirds majority required under the suspension of the rules.

Since that time some changes have been worked out and I believe that the legislation now meets the objections which were raised at that time.

Processors have been assured that producers will bear the entire cost of all assessments.

Additionally, the processors have been given equal representation with producers including voting rights on the administrative committee.

And finally the bill clearly exempts pears in the can, except for trade promotion.

The bill is fair and reasonable.

Mr. Chairman, I believe that we have before us a realistic approach which will stabilize the future of the pear industry.

There will be little cost to the Federal Government because basically we have a nonsubsidized industry which is standing on its own feet.

I believe that the legislation will help the industry to continue to stand on its own feet.

Thank you.

Mr. TEAGUE of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. I thank the gentleman for yielding.

Mr. Chairman, I must confess at the outset that I will be forced to vote "present" on this bill due to the fact that I have an unquestioned conflict of interest. I happen to own and operate a small pear orchard.

So, the balance of my remarks, which are in favor of this bill, will be only for the purpose of conveying to the House, if it is interested, the plight in which the pear growers of California find themselves and what the situation actually is.

I will be frank with the Members of the Committee. I am trying to do my best to become an ex-pear grower. I have my place listed for sale and have relisted it at a drastic reduction due to the fact that the market has fluctuated so violently that one simply cannot rely upon pear production as a sound business investment.

Mr. Chairman, this is an important bill which will allow the pear growers and the processors to get together and do something to stabilize their industry, to promote their product, and to improve their product quality. It is my considered opinion that it will not result in an increased price to the consumer.

Mr. Chairman, this is not the bill which I opposed several years ago, and opposed strenuously. This is an entirely different bill.

This bill provides that the processor shall have 50-percent representation. Though the producers will pay most of the cost of the bill, the processors will still have 50-percent representation on the board. They will have a veto power. I truly believe, although I cannot vote for this bill due to a conflict of interest that this is in the best interest of the pear growers who need help and who need the opportunity to help themselves.

Mr. Chairman, I sincerely hope that the bill passes.

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

Mr. GUBSER. I am glad to yield to the gentleman from Washington.

Mr. FOLEY. I just want to take the opportunity to thank the gentleman from California (Mr. GUBSER) for his remarks.

I had the occasion to be managing the last effort on this bill when it was in a different form and I remember with particular vividness the effectiveness of the gentleman from California in opposing it.

So, I am delighted to know that with his experience as a pear grower and his skill as a parliamentarian, he has come over to our side in support of the bill and we welcome him enthusiastically.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to my colleague from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of this legislation. I believe everything that needs to be said has been said.

Mr. Chairman, I appreciate having this opportunity to express my strong

support for the passage of H.R. 14015 which will authorize marketing orders for pears used for canning and freezing.

As one who has introduced companion legislation to achieve this goal, I am pleased that the Agriculture Committee has responded to an obvious need to assist producers in the orderly marketing of their crops. A marketing order exists for fresh pears but there is none for processed pears.

After long negotiations, agreements have been reached to insure fair and appropriate representation on the marketing board for both the growers and the processors. With the agreement in hand, the Congress should move to permit establishment of the marketing board.

Marketing orders provide an improved opportunity for farmers to regulate the quality and availability of their products and a means to advertise to consumers the value of their products. By insuring quality and availability, marketing orders are equally as beneficial to the consumer as to the growers and processors.

I am not aware of any objections to the bill within the pear industry and the growers in my congressional district fully support this legislation. I trust the House will give it favorable consideration.

Mr. VANDER JAGT. Mr. Chairman, I will support the amendment that will be offered by the gentleman from Pennsylvania (Mr. GOODLING) and I strongly urge its adoption. My support in this matter is based on substantial experience with marketing orders in the past, particularly in regard to tart cherries, in which Michigan leads the Nation in production and in which my district leads production in Michigan.

Until several years ago producers of tart cherries and processors of these products fought each other vigorously over a cherry marketing order. Producers wanted a marketing order, but processors did not. And the processors won those early battles. However, in time it became apparent that in order to continue in the production of tart cherries, producers badly needed a marketing order to help them survive periods of over production and consequent low price. Processors acknowledged a need for stable production. It became apparent to both sides that a marketing order was essential. I had the opportunity to help mediate this dispute and bring about voluntary agreement to establish a marketing order. And I believe it to be in the best interests of all parties involved that such agreements be voluntary. In our society voluntary agreement is constructive agreement.

The amendment being offered to H.R. 14015 would allow the application of voluntary agreement to the establishment of a pear marketing order. I am certain that the logic of such an approach is apparent to the Congress.

I am also certain that the experience we have had with the tart cherry marketing order legislation provides a sound basis for satisfaction that a similar approach for pears will be successful. I urge adoption of the amendment.

Mr. VANIK. Mr. Chairman, I am opposed to this legislation, H.R. 14015, which would provide for marketing orders for pears, either canned or frozen.

This kind of legislation extends to this

fruit the same kind of cartel controls that prevail extensively in other fresh food products. The controls which are created can be used to control competition, to limit market supplies and increase the cost of the ultimate product to the consumer.

It is interesting to note that the agency administering these orders does not include consumer representation.

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:*

(1) Section 8c(2), as amended, is further amended by inserting "pears," after the words "canned or frozen" where they first appear and also before "olives" in subdivision (a) in the first sentence thereof.

(2) Subsection (I) of section 8c(6), as amended, is further amended by striking "fresh" immediately before "pears" in the proviso and by adding at the end thereof the following: "and when the handling of any commodity for canning or freezing is regulated, then any such projects may also deal with the commodity or its products in canned or frozen form."

(3) Section 8c(7) (C) of the Act is amended by inserting "or pears," immediately after "a marketing order applicable to grapefruit" and by replacing the period following "in such order" with a colon and adding: "Provided, That in a marketing order applicable to pears for canning or freezing the representation of processors and producers on such agency shall be equal."

(4) Section 8c(19) is amended by adding at the end thereof the following: "For the purpose of ascertaining whether the issuance of an order applicable to pears for canning or freezing is approved or favored by producers as required under the applicable provisions of this title, the Secretary shall conduct a referendum among producers in each State in which pears for canning or freezing are proposed to be included within the provisions of such marketing order and the requirements of approval or favor under any such provisions applicable to pears for canning or freezing shall be held to be complied with if, of the total number of producers, or the total volume of production, as the case may be, represented in such referendum, the percentage approving or favoring is equal to or in excess of 66 2/3 per centum except that in the event that pear producers in any State fail to approve or favor the issuance of any such marketing order, it shall not be made effective in such State."

(5) A new paragraph (J) is added to section 8c(6) to read as follows:

"(J) In the case of pears for canning or freezing, any order for a production area encompassing territory within two or more States or portions thereof shall provide that the grade, size, quality, maturity, and inspection regulation under the order applicable to pears grown within any such State or portion thereof may be recommended to the Secretary by the agency established to administer the order only if a majority of the representatives from that State on such agency concur in the recommendation each year."

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

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

There was no objection.



## AMENDMENTS OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I have three technical amendments, and I ask unanimous consent that they may be read and considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. FOLEY: Page 1, line 9, strike "(a)" and insert "(A)";

Page 2, line 7, strike out the period after the word "form", and

Page 2, line 9, strike out the comma after the word "pears".

The CHAIRMAN. The question is on the amendments offered by the gentleman from Washington (Mr. FOLEY).

The amendments were agreed to.

## AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 1, line 10, strike the period after the word "thereof" and insert the following: "and Section 8c(2)(B), as amended, is further amended by inserting the word 'pears,' after the word 'cherries,' where it appears in the second sentence thereof."

Mr. GOODLING. Mr. Chairman, the purpose of my amendment to H.R. 14015 is to correct what I regard as a basic inequity of the legislation—an inequity that undoubtedly contributed substantially to rejection to similar bills in prior Congresses. As reported, H.R. 14015 would modify the long established exemption from marketing order controls for fruits and vegetables for canning or freezing by authorizing the establishment of marketing orders for pears for canning or freezing solely on the basis of the vote of the producers within each State in which that commodity is grown.

At this point a bit of history should be in order. The Agricultural Marketing Agreement Act of 1937 originally authorized marketing orders for a large class of agricultural commodities, except that fruits and vegetables for canning or freezing were deemed not to be appropriate for regulation in this manner. The only limitation on this exception was to authorize controls for both olives and asparagus for processing.

Since the enactment of the basic act there have been repeated proposals that the exception for fruits and vegetables for canning or freezing be lifted, or alternatively that the exception be rendered inapplicable to particular commodities. Time after time Congress has considered and rejected these proposals, in apparent recognition of the fact that fruits and vegetables for canning or freezing should not be regulated, or at least not on the basis solely of a producer referendum and approval.

Only four times since 1937 has Congress deemed it advisable to limit the exception for processing fruits and vegetables. In 1954 orders were authorized for grapefruit for canning or freezing, and in 1961 authorization was added for cherries, cranberries, and apples produced in certain States. In each case, however, the act was further amended to provide that marketing orders could not be adopted for these processing fruits unless the order was approved not only by producers,

but also by processors of more than 50 percent of the total volume of the affected commodity.

The effect of these changes down through the years was thus to provide that marketing orders for grapefruit, cherries, apples, and cranberries for canning or freezing would be authorized, but only with the approval of at least two-thirds of the growers of the commodity by number or volume, and with the approval of the processors of more than 50 percent of the commodity. Congress recognized the joint interest of producers and processors of these processing fruits in the establishment of regulatory controls that would significantly affect the production, processing, and marketing of the product. It was concluded that the imposition of drastic supply controls for these commodities could not hope to succeed unless the controls were developed with the consideration and approval of both producers and processors.

The pattern of congressional action in this area is thus quite clear. At no time in recent years have marketing order controls been authorized for any fruit or vegetable for canning or freezing without a corollary amendment to provide for at least 50 percent processor approval. Indeed, at one time an effort was made to repeal the provision for processor approval of marketing order controls for cherries for canning or freezing, and that attempt was voted down on the floor of the House. In the two immediately past Congresses attempts were made to push through legislation to authorize regulation of pears for canning or freezing, but without provision for processor approval. These attempts were, of course, unsuccessful.

My amendment would simply remedy this basic defect in the legislation now before the House. It will provide processors not only with the opportunity of participating in the administration of any order that might be adopted, but also to have an opportunity to express their views concerning the wisdom of the adoption of the basic controls. My amendment is consistent with every congressional action in this area in the last 30 years. It would recognize the inequity of authorizing controls over the processors of a commodity without providing those processors participation in the development and approval of these controls.

In summary, Mr. Chairman, my amendment would extend to pear processors the same legal rights that are enjoyed by cherry, cranberry, apple, and grapefruit processors.

It would give the pear industry—from producer through processor—the opportunity to work together, not at loggerheads.

It would make this program both workable and equitable, and I hope it will be adopted.

(Mr. GOODLING, at the request of Mr. ABBITT, was granted permission to proceed for 1 additional minute.)

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

Mr. GOODLING. I yield to the gentleman.

Mr. ABBITT. Mr. Chairman, as I understand the gentleman's amendment, it simply puts pears on a parity with cranberries and cherries; is that right?

Mr. GOODLING. My amendment will do that—yes.

Mr. ABBITT. In other words, as of now the present bill does not provide the same standards that it does for orders for cranberries and cherries, and your amendment will simply say that so far as pears are concerned, the processors will have the same rights and prerogatives that they have as to cranberries and cherries.

Mr. GOODLING. My amendment would put pears in the same category as the four fruits.

Mr. ABBITT. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(Mr. GOODLING, at the request of Mr. TEAGUE of California, was granted permission to proceed for 1 additional minute.)

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman.

Mr. TEAGUE of California. Is it not true that in the case of cherries and cranberries that the processors do not sit on the board which administers the marketing order, as it would, and have an equal opportunity and they would under the bill before us now?

Mr. GOODLING. I am sorry I did not hear the gentleman.

Mr. TEAGUE of California. Is it not true that in the case of cherries or cherry marketing order, the processors do not have the veto power which they have under the proposed pear marketing order that we are considering here?

Mr. GOODLING. Yes, I think that is a fair statement.

Mr. TEAGUE of California. So there is still a very important distinction.

Mr. LEGGETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will say that the gentleman from California, the gentleman from southern California (Mr. TEAGUE) just brought up the very point—that in the situation of cherries and cranberries, the canners have this two-thirds veto at the marketing order level.

In this legislation we have here before you, the canners have been given a veto at the program implementation level.

I would say that they are not entitled to a double veto. I can also say that pears are as different from cherries as bananas are from oranges. All of these things are different items. They all relate to a particular situation. The pear industry is a three-State industry in the West.

This bill in its current form, after being very substantially amended and modified, passed the Committee on Agriculture by 100 percent and passed the Committee on Rules by a 100-percent vote.

It is in support of the 1937 Agricultural Marketing Agreement Act that was intended to give producers a plebiscite on the implementation of the marketing order.

The canners exerted their heavy hand at that time and excluded themselves from the act.

Now we are making an exception to that old law in bringing this commodity in to give the canners a very heavy wea-

pon to control in appropriate action by producers.

So I say the amendment should be rejected. The canners have plenty of protection and the bill should be passed as it was passed out by the committee.

Mr. TEAGUE of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would simply point out, if I am correctly informed, that should this amendment be adopted, there is one processor, one alone, which is large enough, with just one vote, that it could prevent the creation of a marketing order.

Therefore, Mr. Chairman, I urge that the amendment be rejected.

Mr. PEYSER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the question I raised before when the chairman of the committee was speaking on this bill was: Would this have any effect on the consumer, the purchaser of canned or frozen pears in the marketplace?

In listening to the argument and in reading the report, and particularly the reference in the report on page 4 where it states:

The exemption of such a large proportion of the crop from regulation makes it difficult to attain the objective of the act—

And that is the objective of the act we are talking about—  
to improve return to producers.

It seems very clear to me that, regardless of the question whether we have surplus years or bad years in the marketplace, the establishment of a quality control has nothing to do with what the price is going—whether it is a good year or a bad year has nothing to do with it, but the establishment of a quality control is definitely going to bring about a change in the price to the consumer. I support the amendment the gentleman from Pennsylvania has offered because it seems to me, at least, the processor involved in this program will have a greater awareness of the consumer reaction to any change in price.

Personally I feel, unless I can be convinced otherwise, that I would be opposed to the entire bill on the basis of really putting the burden right in the consumer's lap, where I find the quality of canned pears and frozen pears today to be excellent.

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

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

Mr. LEGGETT. We have a situation in California today where we have an overproduction in the peach industry. It so happens that if you have a small overproduction, and your price goes down about 50 percent, you go below your cost. We are trying to build up farm wages in this country. We cannot do it unless we get adequate prices for our commodities. In the peach industry, in order to control production, we had to physically remove from the ground 17 percent of the trees last year, in 1 year alone. In addition, we shook the trees until 10 percent of the green peaches dropped from the trees, in order to control production. We have done this for many years. We have not taken quite so many trees out of the

ground. We came up with a local bill in the State to try to control the situation so we would not have quite so many plantings, and so farmers would not go quite so bankrupt, so we could get some supply-and-demand control.

That bill went to the Governor, the canners got to the Governor, and he vetoed that bill. If the gentleman is concerned about prices to consumers in New York, I would remind the gentleman that in the past 21 years dividends have increased 200 percent, wages have increased 229 percent, and farm prices have gone up 9 percent. The farmer's share on the average has gone down by 22 percent. Any increase that goes to the farmer would only be reflected by those percentages.

If he were to get 8 percent, there would be only a 2-percent increase in food prices. So I say to the gentleman that we are selling pears today as we were selling pears in 1969—at 1952 prices, and if you think that that is sufficient, and if you think that CHARLIE GUBSER is wrong when he tells you that he has put his farm up for sale and he is going out of the business, you really ought to come out and see the fruit industry in California.

Mr. PEYSER. I appreciate the gentleman's comment. What I am confronted with in New York, and others are in many other areas of the Nation, is that for 4 to 5 months we have seen food prices across the board increase anywhere from 20 to 30 percent. That includes canned food products. I just think that, if we are attempting to pass legislation that will obviously again increase the price to the consumer, I find it very difficult to support such legislation today, and I think there is no other way around this.

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

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

Mr. GUBSER. I should point out to the gentleman that if he would check, he would find that the wholesale price of the canned pears in the last year has gone down. So if canned pears on the shelf have gone up, I think the gentleman should look to the retailers and some of the food chains.

To emphasize what the gentleman from California (Mr. LEGGETT) has been saying, and also to explain the fact that wholesale prices of canned pears have gone down in the last year, the year before last—or was it 2 years before last—one or the other—the price of pears to growers was \$125 a ton.

The very next year it was \$80, less than the cost of production. So it is that kind of violent fluctuation that this marketing order seeks to avoid. I think the gentleman will agree that from \$125 in 1 year to \$80 the next year is too much of a dive.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The question was taken; and on a division (demanded by Mr. GOODLING) there were—ayes 15, and noes 25.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises. Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FUGUA, 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. 14015) to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended, pursuant to House Resolution 952, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GOODLING. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit the bill H.R. 14015 to the Committee on Agriculture.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

#### TITLE AMENDMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the title of the bill (H.R. 14015) just passed by the House be amended to read as follows: "To amend section 8c(2), section 8c(6), section 8c(7)(C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended."

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

There was no objection.

The SPEAKER. Without objection, the bill H.R. 5825 is laid on the table.

There was no objection.

#### GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 14015) just passed.

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

There was no objection.

#### AUTHORIZING CLERK OF THE HOUSE TO APPOINT AND FIX COM- PENSATION OF SPECIAL COUNSEL

Mr. HAYS. Mr. Speaker, I offer a privileged resolution (H. Res. 955) and ask for its immediate consideration.



The Clerk read the resolution as follows:

H. RES 955

*Resolved*, That the Clerk of the House of Representatives is hereby authorized to appoint and fix the compensation of such special counsel as he may deem necessary to represent the Clerk and the interests of the House in any suit now pending or hereafter brought against the Clerk arising out of his actions while performing duties or obligations imposed upon him by the Federal Corrupt Practices Act, 1925, or the Federal Election Campaign Act of 1971; and be it further

*Resolved*, That any expenses incurred pursuant to these resolutions, including the compensation of such special counsel and any costs incurred thereby, shall be paid from the contingent fund of the House on vouchers approved by the Committee on House Administration.

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

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

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

Mr. GROSS. Does this give the Clerk of the House carte blanche authority to hire at will anyone he wants and to pay anything he wants?

Mr. HAYS. If the gentleman listened to the last paragraph, it is with the approval of the Committee on House Administration, and that will not be very easy to get.

This comes out of the fact that the Clerk already has been served in a lawsuit filed by Mr. John Gardner and an outfit called "Common Curse" or common something—anyway, it is common—in which they want to say how much the House shall spend for computer equipment to get them information they want in a hurry, and then they want to tell the House how much the House can charge them for it.

The Clerk already has been served, and a restraining order has been served on him, so there is an emergency and the privileges of the House are involved.

Mr. GROSS. This has nothing to do with elections?

Mr. HAYS. Yes, it has to do with elections. These are copies of election reports which some Members who have had primaries have filed under the 1971 elections law.

Mr. GROSS. But it has nothing to do with yesterday's election in Ohio?

Mr. HAYS. No; that is in three or four other courts already.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Ohio yield?

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

Mr. GERALD R. FORD. In further response to the gentleman's inquiry, a meeting was just held in the Speaker's office. It was agreed that counsel should be employed and that the watchful eyes of the gentleman from Ohio (Mr. HAYS) and the gentleman from Ohio (Mr. DEVINE) would protect the House interests as to getting good counsel and also protect the House on the fees that are to be charged.

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

Mr. HAYS. I yield to the distinguished majority leader.

Mr. BOGGS. I believe the RECORD should show that a suit has been filed. An

answer is required. A date has been set for this coming Friday, and the Clerk must act. This legislation is most essential.

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

Mr. HAYS. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the emergency part of this situation. As the gentleman says, with the coverage in the last paragraph I think it is probably all right. Certainly we want the best provided against these people who would harass and repetitively attack what is going on in the Congress as to attempts to reestablish proper reform of election laws.

Was consideration given by the Committee on House Administration to perhaps using the Counsel of the Joint Committee on Congressional Operations, which the Reorganization Act of 1970 purportedly had established for this purpose?

Mr. HAYS. That was discussed, as well as using counsel of the Committee on House Administration, and others, but the Parliamentarian, who was present was unable to give us a quick ruling as to whether that would be a conflict of interest.

If there are going to be a lot of harassing law suits filed I will say that my committee will give some consideration to hiring permanent year-round counsel for the House of Representatives.

Mr. HALL. For too long a time there has been a paradox. With all of the lawyers we have in our own House, the Congress of the United States has no counsel it can turn to, as the executive branch turns to the Attorney General.

Mr. HAYS. That is right. We may have to do something about it.

To give a quick rundown for the House, these people under the law were not satisfied to get a 10-percent xerox copy. They wanted them on computers, wanted them on a scanner, and wanted to press a button and get it right now. We were perfectly willing to have a girl go to a file cabinet and put it on xerox and give them a copy for a dime.

What is required, as a beginning, is:

Two Recordak Retiant 700 Microfilmers with accessories at \$431.77 per month rental each.

Three page search reader printers at \$220 per month rental; one Xerox model 3600 duplicator, which is a computer-type thing, at \$575 a month rental; and one model 7000 at \$800 a month rental, and three people to operate them at a total annual salary of \$25,000.

That is just the beginning, but this great organization, whose motto is "Send me \$10 and harass your Congressman" wants to load all of this cost on the taxpayers of the United States.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### APPOINTMENT OF A. LEON HIGGINBOTHAM, JR., AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. NEDZI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution

(S.J. Res. 173) to provide for the appointment of A. Leon Higginbotham, Jr., as citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES 173

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That A. Leon Higginbotham, Junior, a resident of Philadelphia, Pennsylvania, be appointed a member of the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, for the statutory term of six years.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### APPOINTMENT OF ROBERT FRANCIS GOHEEN AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. NEDZI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 175) to provide for the appointment of Robert Francis Goheen as citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 175

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Robert Francis Goheen, of Princeton, New Jersey, be appointed a member of the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, for the statutory term of six years.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### APPOINTMENT OF JOHN PAUL AUSTIN AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. NEDZI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 174) to provide for the appointment of John Paul Austin as citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 174

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That John Paul Austin, of Atlanta, Georgia, be appointed a member of the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, for the statutory term of six years.*

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDING THE ATOMIC ENERGY ACT OF 1954, TO AUTHORIZE THE ATOMIC ENERGY COMMISSION TO ISSUE TEMPORARY OPERATING LICENSES FOR NUCLEAR POWER REACTORS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 953 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 953

*Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14655) to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute. 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.*

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

Mr. Speaker, I know of no opposition to this rule.

I reserve the balance of my time.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 953 which would make in order for consideration H.R. 14655 under an open rule, with 1 hour allotted for general debate. This bill, which was reported from the Joint Committee on Atomic Energy, would add a new section 192, "Temporary operating license," to the Atomic Energy Act. In essence, this new provision would authorize the Atomic Energy Commission to issue a temporary operating license for a nuclear power reactor whose electrical energy is needed to meet energy needs in its service area. Prior to the issuance of such a license, the Commission must first determine that the plant can be operated safely on a temporary basis, and with adequate protection of the environment.

In connection with this, I want to emphasize that the temporary license would not deprive the public of a full review of the health and safety and environmental issues which may be contested. The issuance of a temporary license would not prejudice in any way the rights of parties who are participating in contested hearings on the full-term license nor would it prejudice the actions which the final decision on the full-term license may require in the interest of additional conditions pertinent to full-term operation. Interested parties would be given an opportunity initially to express their views on the petition in the form of affidavits, and a hearing on the petition would be held by the Commission under expedited procedures. If the Commission determines that the affidavits raise a substantial issue of merit in connection with the proposed temporary operating license, interested parties would be given an opportunity to present evidence and question witnesses on that issue under the expedited procedures. Finally, if any temporary license is issued by the Commission, the Commission action would be subject to judicial review under the Administrative Orders Review Act of 1950.

So I think it is fair to say, Mr. Speaker, that this is a sound bill, a reasonable bill, and a balanced bill in terms of competing interests. I noted with interest an article in Saturday's Washington Post which quoted environmental lawyer Anthony Z. Roisman to the effect that this bill contains, in his words, "elements responsive to our concerns."

Mr. Speaker, in addition to being a sound, reasonable and balanced bill, this is a necessary bill, responsive to the concerns of millions of Americans who live in areas which will be affected by power shortages in the latter part of this year. Areas which merit special attention this summer are northern Illinois, Wisconsin, Iowa, Virginia, the Carolinas, and Florida where estimated reserves are well below the accepted 20 percent reserve level. And regions which will be most adversely affected next winter include New England, the Virginia-Carolinas areas, Florida, the Tennessee Valley, and the Rocky Mountain area, where in some instances reserve levels will fall below 5 percent.

Additional reserve capacity could come from 13 nuclear plants which have already been constructed and which the Federal Power Commission has identified as critical for peak power needs this summer and next winter. There are currently some 41 nuclear plant license applications pending before the AEC, and the temporary operation of some of these could help to avert the threatened power shortages. Some of these plants are now the subject of contested AEC hearings, and Commission Chairman Schlesinger has testified that the AEC needs additional licensing authority to permit the interim operation of such plants under expedited procedures. The bill before us today is responsive to that request as well as to the concerns of those who want an opportunity for a complete review of the safety and environmental aspects of nuclear powerplant operation. I, therefore, urge its adoption.

Mr. BOLLING. 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. PRICE of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14655) to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

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. 14655, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentleman from California (Mr. HOSMER) will be recognized for 30 minutes.

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

Mr. PRICE of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us, H.R. 14655, is for the purpose of giving the Atomic Energy Commission explicit authority to issue a temporary operating license for a nuclear power reactor if the electrical output from the plant is needed to supply essential power needs, and in that event, only if the Commission makes the required safety and environmental findings for purposes of the temporary operation.

The bill is an emergency measure of the type which officials of the executive branch and of the major utilities have testified before the Joint Committee on Atomic Energy and other committees is needed to be responsive to power shortages of an emergency nature expected in certain parts of the country commencing this summer. Data available at present indicate that the shortages will continue through the summer of 1973.

This is emergency type legislation and the licensing authority would be limited for the period of the emergency identified, which is through October 30, 1973.

The bill was unanimously adopted by the Joint Committee on Atomic Energy, on which I have the honor to serve as vice chairman. It was reported out by our committee without a dissenting vote after deliberate and lengthy consideration.

The bill had its origin in the administration proposal, H.R. 13731, considered by the Joint Committee on Atomic Energy at hearings on March 16 and 17. The legislation which H.R. 14655 embodies is responsive to the administration's request for the temporary licens-



ing authority and to concerns expressed that interested members of the public who qualify for intervention in AEC licensing proceedings should be permitted to express their position in a meaningful way in a licensing proceeding. I believe that, at this time, the committee has struck a sound and reasonable balance between the public interest involved in taking all reasonable steps to help meet emergency power situations and the interest of certain members of the public to participate in the licensing proceedings.

It should also be understood that this is simply a stopgap measure. It in no way reduces the need for the prompt consideration of legislation on powerplant siting which would remove some of the existing complexities and uncertainties regarding the approvals needed for nuclear as well as other types of generating facilities. It emphasizes the need for permanent changes which would establish a legislative system for the early approval of powerplant sites and the related approvals under such a system. Hopefully, the emergency situations of the type which have been presented to us could be avoided by such a system; and without doubt, costly delays in the millions of dollars could be avoided.

At the outset it should be clearly understood that the amendment which is being considered in no way relaxes or lifts any of the safety requirements which are now in the law. The Atomic Energy Commission is still responsible for making the necessary safety determinations. That responsibility will continue without change. The statutorily independent Advisory Committee on Reactor Safeguards and the Joint Committee on Atomic Energy also maintain a close interest in the manner in which the Commission handles its important safety responsibilities.

I will now briefly summarize the contents of H.R. 14655.

The new licensing authority would enable the Atomic Energy Commission to license for temporary operation nuclear powerplants which have been constructed, but whose full-term, full-power operating license is the subject of a contested hearing. Under the present act, the AEC does not have explicit authority to issue a temporary operating license if the permanent license is contested. In the absence of a contest on the permanent license, the AEC now has the authority to issue any appropriate license for which it can make the necessary findings. This new authority could be used only if the electrical energy from the plant is needed to supply essentially needed power from the plant, and in that event only if the Commission makes the necessary safety and environmental determinations for purposes of the temporary license.

The temporary license would not deprive interested members of the public, who qualify under the AEC's regulations for intervention in a licensing proceeding, of a full review of the health and safety and environmental matters which they have contested. All substantive requirements of applicable law would have to be satisfied. The report of the statutory

Advisory Committee on Reactor Safeguards on the plant would have to be available as well as the safety evaluation of the AEC's regulatory staff.

Mr. Chairman, I would like to emphasize that interested members of the public who qualify as intervenors under AEC regulations would continue to participate in the AEC licensing hearings. Such interested parties would be given an opportunity to initially express their views on the proposed temporary operation in the form of affidavits. A hearing would be held on the petition for a temporary operating license under expedited procedures which the Commission deems appropriate. If, in the view of the Commission, the affidavits raised a substantial issue of merit in connection with the proposed temporary operating license, interested parties would be given reasonable opportunity to present their views to the Commission under expedited procedures which the Commission deems appropriate. The Commission is given the authority to develop flexible procedures which would be adequate to deal with the circumstances of individual cases.

No one can predict in advance whether, in the Commission's judgment, there will be a substantial issue raised with regard to the temporary operating license findings. Thus the Commission should not be put in a procedural straitjacket on the assumption that such substantial issues will be raised and will have to be considered in the decisionmaking process for the temporary license. In other words, the Commission is given the authority to tailor the prescribed procedure and the conduct of the hearing to meet the actual practical exigencies of individual situations, with preservation of the opportunity for qualified intervenors to raise meritorious questions regarding the proposed temporary operating license.

In the absence of meritorious issues, specific proffers by intervenors on the facts they propose to adduce on such issues, by what witnesses, etc., the decision on the temporary operation could be rendered on the pleadings, and the hearing with regard to temporary operation would be pro forma. Any broad conceptual demand for a trial type hearing which is not, in the judgment and discretion of the Commission, buttressed by the foregoing—meritorious issues, facts proposed to be adduced, witnesses, and so forth—should be rejected. In other words, intransigent opponents of a nuclear powerplant or any other action which, in the judgment of the Commission, is consistent with a desire for protracted delay, should be rejected.

Mr. Chairman, the bill provides an opportunity for judicial review of any Commission decision authorizing temporary operation under this new section 192.

The bill would also specifically require the Commission to include all necessary terms and conditions in the temporary operating license. One condition which is specifically identified in the legislation is that the temporary licensee not retire or dismantle any of its existing generating capacity on the ground of the avail-

ability of the capacity of the facility which is operating under the temporary license. The purpose of that condition is to assure that such actions do not perpetuate the need for continuing a temporary operating license.

The authority under this section could be used in proceedings in which the issuance of the full-term license is being contested on the date of the enactment of this legislation. Further, if procedures have already been followed in any such contested proceeding in connection with a request for partial operation which is pending on the date of enactment of this legislation and which, in the judgment of the Commission, are adequate to comply with the procedures under section 192, these procedures would not have to be repeated. Specific examples of such procedures are the requirement for publishing notice of petition for temporary operating authority, and the opportunity for parties to express their positions on that petition.

Even though a temporary license is issued, the licensee must still pursue with due diligence his application for the permanent license. If the licensee does not meet its test, the Commission is directed to vacate the temporary operating license. The purpose of this is to assure that the temporary license is not viewed by anyone as being an adequate substitute for the permanent license.

Mr. Chairman, it should be apparent from this summary that the effectiveness of this legislation will depend in large measure on the Atomic Energy Commission's implementation of it. In that regard, I include in the RECORD my May 1, 1972, letter to Dr. James R. Schlesinger urging the Commission to anticipate the enactment of the legislation and have the implementing regulations available for immediate use.

The letter referred to follows:

JOINT COMMITTEE ON ATOMIC ENERGY,  
Washington, D.C., May 1, 1972.

HON. JAMES R. SCHLESINGER,  
Chairman, U.S. Atomic Energy Commission,  
Washington, D.C.

DEAR MR. SCHLESINGER: As you are aware, the Joint Committee on Atomic Energy reported (House Report 92-1027) H.R. 14655 to the House on April 27. That bill may well be passed by the House this week, and by the Senate in the near future. A key feature of the bill, if the Commission is going to be successful in meeting emergency type licensing situations, is the implementation of the authority given to the Commission to provide for flexible procedures which may be tailored to the circumstances of each individual case. These procedures, under the bill, are those which the Commission deems appropriate by rule, regulation or order to facilitate timely decision-making as regards a petition for a temporary operating license.

In view of the emergency nature of this legislation, and the importance of the Commission's procedures to implement it, the Committee would like to receive within a week from the date of this letter, or such earlier date as may be practicable, the Commission's regulations implementing H.R. 14655 or a draft thereof. If the Commission has any question concerning the scope of the authority which it would be given under this legislation, I would like to be informed promptly. Also, after the Commission submits the initial draft of its procedures implementing the bill, it is requested that you provide the Committee on a weekly basis

with the results of your staff's efforts to further develop and refine the need regulations. In other words, the Committee wants the Commission to be in a position to be able to use this new authority as soon as it is enacted into law. It would seem highly desirable for the Commission to anticipate the enactment of this legislation and have the necessary implementing regulations published at the earliest date, even prior to the enactment.

Sincerely yours,

MELVIN PRICE,  
Vice Chairman.

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

Mr. PRICE of Illinois. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I rise in support of the bill, H.R. 14655.

Mr. Chairman, H.R. 14655 is soundly conceived legislation which is responsive to the administration's request for licensing authority to deal with emergency power situations. I think it is indeed unfortunate that our inaction has been one of the many contributors to a variety of causes of the pending emergency. To avoid or reduce the need for similar measures in the future we have to develop, and do so on a priority basis, national energy policies and means for them to be carried out. Among other things, this probably will require some changes in the executive and legislative branches.

As far as the immediate situation is concerned, here are some of the problems disclosed in the hearings held by the Joint Committee on March 16 and 17 on the proposed legislation from which H.R. 14655 emerged:

First. That the combined effects of two judicial decisions, the so-called Calvert Cliffs and Quad Cities cases, on the AEC licensing process have contributed substantially to delay in that process. As a result, many nuclear powerplants are not coming on the line as scheduled.

Second. Electric power reserves in several regions of the Nation could fall quite low during peak load periods this summer, next winter, and the summer of 1973.

Third. The low reserves during these periods will present very real risks to the adequacy and reliability of the power supplies in these regions.

Fourth. The consequences to the health and safety of the people and to the economy of any shortages of or interruptions in the power supply could be serious.

Fifth. These threatened power shortages stand a good chance of being avoided or ameliorated by the passage of legislation to authorize the Atomic Energy Commission to issue temporary operating licenses for plants which are ready to go into operation, except that its permanent license to operate is being contested.

Sixth. The temporary operating licensing authority could only be exercised if the Commission made the necessary safety and environmental findings for purposes of the temporary operation.

Seventh. Issuance of a temporary operating license would not prejudice in any way any parties' right in the contested hearing on the permanent license, nor any action which the licensee may ultimately have to take as a result of the contested hearing.

Eighth. In view of the need for the legislation, the precise manner in which it deals only with the emergency situation, I urge my colleagues to promptly pass H.R. 14655. The arguments for its speedy enactment are compelling: The consequences which could occur if it is not enacted are real and serious; no one will be adversely affected by the enactment of H.R. 14655; there is everything to gain by the prompt enactment of this legislation.

One further point, Mr. Chairman:

I would like to comment briefly in connection with the provision in H.R. 14655 which is intended to assure that the temporary operating authority shall not be used by the licensee as a device upon which to base the dismantling or retiring of existing generating capacity. The temporary authority is intended to provide for capacity which is needed in regions where predicted reserve margins are not adequate. It is obvious, therefore, that a nuclear powerplant licensed for a temporary period on the basis of inadequate reserve capacity should not be utilized in place of plants owned by the utilities which are in serviceable condition and could be used to provide reserve margin during that same period. In order to assure that such a situation does not prevail, the committee included in the bill the following sentence (p. 4, lines 11-17):

The temporary license shall contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for the extension thereof, and the requirement that the licensee not retire or dismantle any of its existing generating capacity on the ground of the availability of the capacity from the facility which is operating under the temporary license.

Although, as a practical matter, it does not appear that an electric utility would want to take such action during the early period of operation of a new large generating unit on its system, the committee nevertheless believed that it would be prudent to include this proviso in the bill.

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

Mr. PRICE of Illinois. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I strongly support H.R. 14655 and urge that it be passed by this body. Dr. James R. Schlesinger and others have testified that there is a clear need for this legislation to give the Commission necessary licensing flexibility to anticipate power need situations for the coming summer, for the winter of 1972-73, and for the summer of 1973.

This is transitional legislation to deal with the emergency situation for the period ending with the summer of 1973.

By no means should this legislation be viewed as a panacea for energy problems. Instead, it is an early symptom of more serious problems we are going to encounter if actions are not taken soon. The House Interior and Insular Affairs Committee, which I am proud to serve as chairman, last month held extensive hearings on our Nation's energy problems. During this decade and beyond,

there will be many challenges which have to be met if we are going to maintain our position of strength domestically and in world affairs. Without adequate supplies of energy, no nation can continue to be strong at home and abroad. Policies must be carefully developed and implemented. To assure that the necessary actions are taken, organizational revisions are needed in both the executive and legislative branches. We need a united and coordinated effort to establish vitally needed national energy policies. There is no time for agencies, departments, or congressional committees which have various pieces of the energy action to work at cross purposes. This will continue to be nonproductive and counterproductive.

If we do not meet these challenges, future emergencies will, in my view, be much more serious than the ones which face certain areas of the country through 1973. And for the future, we may not be as fortunate as we are now to have plants which are already constructed and are, for the most part, ready to operate except for a proliferation of administrative redtape, which to some considerable degree has been caused by laws which the Congress has enacted.

My position as a staunch supporter and protector of our Nation's public lands and their resources for the benefit of all of our people is well established. I support the objectives of recently enacted laws to protect them and the rest of our environment. But, I simply do not believe that broadly worded legislation which permits a field day for plaintiffs in courts and chaos in the administrative process is in the public interest. These are not recent views. In this Chamber in 1969, I informed my colleagues that fundamental and wide-ranging changes were being made in the administrative decision-making process by the National Environmental Policy Act. Although I support the objectives of NEPA, there was practically no thought or meaningful guidance given in the legislation for its practical implementation. And, regrettably, little or no guidance has been given by the Council on Environmental Quality. I am informed that the pleas of AEC representatives were also unheeded by those involved in the legislative process which ultimately resulted in the enactment of the National Environmental Policy Act.

If we are to meet the energy challenges of this decade and those which are to follow in this century, we simply have to coordinate our efforts and talents and develop meaningful policies which can be practically implemented.

For the current emergency, H.R. 14655 is carefully drawn legislation which is designed to meet the specific energy shortage problems now foreseen through the summer of 1973. I commend its precise approach to drafters of future environmental legislation. Surely legislation which would give the Atomic Energy Commission the flexibility, provided it makes the necessary safety and environmental findings, to license plants on a temporary basis to meet emergency power needs is in the interest of our citizens.



I urge its passage by this body and its speedy enactment into law.

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

Mr. Chairman, Mr. PRICE of Illinois, the distinguished vice chairman of the Joint Committee on Atomic Energy, has ably summarized the principal features of H.R. 14655. I would like to elaborate on the purpose of the bill and the urgency which surrounds this requested authority.

At the hearings conducted by the Joint Committee on March 16 and 17, both the administration and the utility witnesses testified to the threatened power shortages commencing this summer in certain parts of the country. Essentially the same testimony has been presented at the joint hearings of the Senate Committees on Public Works and Interior and Insular Affairs, before the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries, and the Senate Committee on Interior and Insular Affairs.

Five regions merit special attention in evaluating power supply conditions in the summer of 1972: New York; northern Illinois-Wisconsin; Iowa; the Virginia-Carolinas; and Florida areas. Without the output from the nuclear plants which have already been constructed, the estimated reserve margins will be 17.4 percent in New York; 8.7 percent in northern Illinois-Wisconsin; a negative 1.5 percent in Iowa; 3.9 percent in the Virginia-Carolinas; and 11.5 percent in Florida. These levels will be reduced if the fossil plants scheduled to come into operation are delayed. In the winter 1972-73, the regions most adversely affected, if the planned generation additions from nuclear plants are not allowed to operate, are New England, the Virginia-Carolinas area, Florida, the Tennessee Valley, and the Rocky Mountain area.

No one can say with certainty that the expected power shortages in these areas will materialize or, if they do, that they could be avoided by a temporary licensing of these plants. Responsible officials of the Government and officials of the utilities have testified both before the Joint Committee and before other committees that threatened power shortages stand a good chance of being avoided or ameliorated by the passage of this legislation. The administration has recommended urgently the passage of such legislation.

The undisputed testimony received by the committee indicates that at least 2 months' leadtime is needed for testing before completed nuclear powerplants can operate at full power.

As noted by Mr. PRICE, this legislation in no way adversely affects the right of interested members of the public to participate in the AEC licensing process. It permits such participation to continue under the existing requirements of the Atomic Energy Act, but provides additional licensing authority under which the public interest can be served by a temporary operating license when the energy from a complet-

ed plant which the Commission has found can be operated safely is needed to meet energy needs in particular service areas.

Over the past several years considerable attention has focused on the hearing phase of the AEC regulatory function. To some lesser degree, attention is also focused on the application review process which is conducted by the AEC's regulatory staff and the statutorily independent Advisory Committee on Reactor Safeguards. Some people would have us believe that everything about the safety of a nuclear power reactor depends on their having the right to be heard. And, if a reactor is allowed to operate without a hearing with adversary courtroom procedures, there will be no control over the reactor from the standpoints of health and safety, environmental matters and so on. This is simply not so. The Atomic Energy Commission has the responsibility not only to make the necessary safety and environmental determinations for purposes of initial licensing, but the continuing responsibility in that regard for the full term of the license.

The operation of a nuclear power reactor under an AEC license must be in accord with applicable terms and conditions placed in the license by the Atomic Energy Commission; applicable rules and regulations of the Commission; and applicable requirements of law. The operation of a nuclear power reactor is subject to the continuing regulatory control of the Atomic Energy Commission. If, as a result of the Commission's own compliance and inspection programs or upon petition by an interested member of the public, the need for compliance action is evident, the Atomic Energy Act requires the Atomic Energy Commission to act. This kind of continuing regulatory responsibility, and the opportunity for any interested member of the public to bring to the attention of the Commission facts or other matters which he believes warrant the Commission's attention and regulatory action, continues throughout the term of the license. In other words, the opportunity for officials and interested members of the public to present their views to the Commission on the operation of a nuclear power reactor is not limited to the specific time when the question being considered is whether an operating license should be issued.

As noted by Mr. PRICE of Illinois, H.R. 14655 has been reported by the Joint Committee without any dissent. I am confident that the bill which the Joint Committee has recommended to the Congress is a sound one and I trust that we will have the support of the House when the time comes for a vote.

Mr. Chairman, at the present time there are two licenses that are required in connection with nuclear reactors for power. This bill would add a possible third.

Now the first license that is required is a license to construct a nuclear powerplant. That is before any brick or mortar is put in place (down) and the con-

struction permit is only issued after an intensive study of the proposed reactor by the Atomic Energy Commission, analysis of all the requirements for safety, and the other things that are involved.

The second license now on the books is a license which is required to operate a nuclear reactor. That comes after all of this construction is completed and the installation is ready to go and start turning out kilowatts.

Now the period of time between the construction permit and the time for the operating license today amounts to around 7 years.

Now what has happened in the 7 years since many construction permits were issued and these reactors have been built was the passage of the National Environmental Policy Act of 1969. That act has interposed a requirement in connection with this operating license, that a very comprehensive environmental analysis be made—so comprehensive in fact that there has not been time even since January 1, 1970, over a year ago to complete the number of such analyses as required by law in time to finish them before these reactors are ready to go on the line.

As a matter of fact, there are about 13 reactors involved that are ready or will be ready either this summer when the power peak occurs or next winter when another power peak occurs that will not have the benefit of the completion of these environmental studies.

A couple of weeks ago, the gentleman from Michigan (Mr. DINGELL) brought a bill (H.R. 13752) in here which would partially meet that problem. We passed the bill and sent it over to the Senate. It proposed to allow a reactor to be licensed when there was a power shortage in its service region and under certain other circumstances even though this lengthy environmental study had not been completed. This was a kind of suspension, for a particular purpose, of the Environmental Protection Act under very, very limited and discrete conditions. But that did not take care of our other problem which was the Atomic Energy Commission's lack of authority to license plants under these circumstances. That is what we are in here for today, to amend the Atomic Energy Act so that you can have a simplified procedure in these situations where there is a power shortage to get an interim, temporary license issued in order to take care of a power shortage to the extent of freeing those plants that otherwise are ready to go on the line.

There are safeguards, and many of them—many discrete ones—in this legislation. It has to be established that the plant would be safely operable and there would be adequate protection of the environment before such temporary license could issue. Also, there must be a report on the safety of that reactor by the Advisory Committee on Reactor Safeguards and also a completed safety evaluation by the AEC regulatory staff.

In the event that such an interim license is issued, it is always cancelable for any good reason concerning the environment or safety, or even cancelable if, in fact, a utility does not go ahead and

pursue the getting of its regular full-term license with due diligence.

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

Mr. HOSMER. I yield to the gentleman from Kansas.

Mr. SEBELIUS. What kind of public hearing would be held on an interim license application for a nuclear power-plant?

Mr. HOSMER. The hearing required to be held on a petition for a temporary operating license is purposely not specified in the bill or required to be an "on the record" adjudicatory-type or trial-type hearing. If this were not the case, this legislation would hardly have been needed.

As the House report on the bill makes clear, the requirement for trial-type hearing was not considered appropriate to provide the procedural flexibility needed for the Commission to be responsive to emergency situations. This is underscored by the fact that the adjudicatory proceeding on the full operating license will continue unaffected by the interim licensing proceeding. While the Commission has the necessary latitude to tailor the hearing procedures to the circumstances of the case at hand, it is a requirement of the bill that those procedures be "expedited procedures."

Thus, it is expected that rarely, if ever, will extensive cross-examination as such be either needed or allowed. The basic purpose of the hearings is to amplify, to the extent necessary, matters that have been put forward in the required affidavits and pleadings.

In short, what is basically intended is a non-trial-type hearing, not the adjudicatory hearing now required on the demand of an interested person for a full-term operating license. We are facing up to potential emergency situations and what is intended is emergency procedures that can be conducted with expedition and dispatch.

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

Mr. HOSMER. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I gather the intent of this bill is to allow the issuance of a temporary license notwithstanding the passage by Congress, I believe unanimously, of a bill known as the Environmental Protection Act. Is that correct?

Mr. HOSMER. That is not correct, but in essence it gives somewhat the flavor of the situation.

Mr. SAYLOR. Therefore, what we are actually saying is that while the rest of the country, all other agencies of the Federal Government, all other agencies of State governments, and all other individuals must comply with that act, the Atomic Energy Commission alone does not have to.

Mr. HOSMER. That is incorrect. The correct situation is that the original National Environmental Policy Act was not written on a mountain and carved in stone. It was like any other piece of legislation, designed to meet a situation. Imperfectly, in some cases, it did meet that situation.

For example, it failed to recognize the fact that there might be a conflict between a pristine protection of the environment in every essence and the people's need for power in times when there were great demands for electricity. Power peaks occur in both summer and winter, and we are facing precisely and exactly that situation this summer and next winter. This measure will balance the needs of the people for power as against protection of the environment and, believe me, there is nothing inimical to the protection of the environment in this bill.

In order to have one of these temporary interim licenses issued, there must be a NEPA report. In other words, for the length of the time that this temporary license will be in force and permitting the production of power, there has to have been a competent analysis on behalf of the public—the U.S. public—to make certain that any environmental impact of operating this plant has been analyzed and balanced against the need for such temporary operation. There can be no ignoring of the potential environmental consequences of the proposed operation—the full intent of NEPA will be carried out.

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

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

Mr. PRICE of Illinois. The language on page 2, lines 8–17, of the bill specifically states the necessity for compliance with the provisions of the National Environmental Policy Act. At line 14 the language of the bill states—

The Commission must satisfy the applicable requirements of the National Environmental Policy Act prior to issuing any temporary operating license under this section 192.

Mr. HOSMER. I hope the gentleman from Pennsylvania was listening and understood. He is still on his feet. I will ask him if he wishes me to yield further.

Mr. SAYLOR. I will be happy to have the gentleman yield. I have read the report, and even though the language which the gentleman has read is in the bill, the report indicates that this is not the case because it states on page 8 the requirements would be a limited environmental review after balancing all the factors. In other words, what we are faced with right now I think might be analyzed as it was by Admiral Rickover when he appeared before our committee, that it might be advantageous to turn out a few lights and turn off a little air conditioning rather than to run this chance.

Mr. HOSMER. I suppose if the gentleman wants to incur the cost of running short on power, which in terms of what happened in Great Britain during the recent strike resulted in deaths of the old and sometimes the young, as well as other possible serious consequences, that is his business. Frankly, I advocate we avoid that kind of thing and pass this legislation.

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

Mr. Chairman, I include at this point

material which will be of value to my colleagues:

ATOMIC ENERGY COMMISSION,  
Washington, D.C., April 17, 1972.

Mr. EDWARD J. BAUSER,  
Executive Director, Joint Committee on  
Atomic Energy, Congress of the United  
States.

DEAR Mr. BAUSER: This will respond to your request for a statement of the Commission's position with respect to the interim licensing legislation now before the Joint Committee, and the letter written to the Joint Committee by the Sierra Club dated April 11, 1972.

The need for legislation has not basically changed since the time of our testimony on the pending bills on March 22. The immediate Quad Cities situation has eased, but other plants still remain in uncertain status vis-a-vis the licensing process with respect to availability in the coming summer, the winter of 1972–1973, and the summer of 1973. The cloud on the Commission's *Calvert Cliffs* NEPA regulations remains. And while we continue to take the position that these regulations are, in fact, consistent with NEPA—including continued reliance on them in the licensing process—the Commission believes the need for legislative clarification continues.

Contrary to certain comments or statements attributed to me, my position on the need for legislation is unchanged. I have repeatedly stated that a bill is necessary, and that action on legislation is necessary well before summer. The bill pending in the Committee on Merchant Marine and Fisheries, while it technically amends NEPA, is not so much an amendment of the basic purpose of NEPA as it is a clarification of the application of NEPA in the interim licensing of nuclear plants. The Commission does not lightly seek legislative relief. Were there alternatives to the passage of a bill that would be as effective in responding to the public interest in this situation, we would not have taken the affirmative position that the legislative course represented by interim licensing proposals is a necessary and proper one.

The implications with respect to the safety hearing process of the AEC inherent in the interim licensing legislation are most salutary, in our view. The interim licensing proposal would allow an enhanced degree of discretion to the Commission in its review of those safety and radiological issues put into issue by an interim operating license application. The procedures can be tailored to the circumstances, to the duration of interim operation sought, and to the power needed, pending the full hearing before the Board on the full operating license. This is a necessary option for the Commission in cases where the public interest may require and the practicalities of an individual case (and the issues raised in connection therewith) may properly allow such interim licensing without detriment to the public health and safety. The basic findings of the Act relating to public health and safety—including the ACRS letter and staff findings—would be made prior to interim operation. This is to say that all relevant findings would be made as a prerequisite to interim operation that would be made in respect to the same operation plant as to which there was no licensing contest.

The amendment in and of itself would not license a plant, and the Commission would regard its responsibilities under the amendment to be no less in respect to interim licensing than they are with respect to any other licensing action taken by the Commission upon which the public health and safety depend.

Sincerely,  
JAMES R. SCHLESINGER,  
Chairman.



# ADEQUACY OF ELECTRIC GENERATING CAPACITY IN AREAS WITH PENDING NUCLEAR PLANT OPERATING LICENSES

This section discusses in some detail the impacts of nuclear delays in several areas where critical generating capacity deficiencies could develop during the next 12 months.

Because of the uncertainty about ability to issue interim partial power permits occasioned by the recent Quad Cities court decision, no consideration has been given in the following analysis to the availability of power prior to a full license or to the effect of partial power licenses as a means of advancing the date of full commercial power. It has been assumed that full commercial power could not be available sooner than two months after issuance of a full power license. While this is believed to be a realistic interval, it is recognized that longer periods may be involved in some cases and the best information available to the FPC has been used.

As noted, in some instances the listed capacity for peak load periods includes new fossil capacity scheduled for service beyond the May 31 and October 31 cut-off dates normally used by the FPC to identify dependable summer and winter capacity levels. Experience has shown that such capacity often cannot be considered fully dependable during the first few months of operation.

## NEW ENGLAND POWER POOL

The winter-peaking New England Power Pool has an indicated reserve margin of 21.4 percent during the summer of 1972, with Pilgrim, Vermont Yankee and Maine Yankee units not available for full commercial power. (Commercial dates 12/72, 12/72, and 3/73 respectively). However, the ability of the New England Power Pool to assist the summer-peaking New York Pool will be quite limited.

For the winter of 1972-73, with Pilgrim and Vermont Yankee commercially available, the reserve margin would be 25.1 percent. However, further slippages of the units would jeopardize the winter 1972-73 power supply adequacy. Without these units the winter reserve margin would be 16.5 percent.

	Summer 1972 <sup>1</sup>	Winter 1972-73 <sup>2</sup>	Winter 1972-73 <sup>3</sup>
Net power resources, megawatts.....	14,579	16,942	15,772
Peakload, megawatts.....	12,128	13,543	13,543
Reserve margin, megawatts.....	2,451	3,399	2,229
Reserve margin, percent of peakload.....	20.2	25.1	16.5

<sup>1</sup> Without Pilgrim, Vermont Yankee, and Maine Yankee.

<sup>2</sup> With Pilgrim and Vermont Yankee, without Maine Yankee.

<sup>3</sup> Without Pilgrim, Vermont Yankee, and Maine Yankee.

## NEW YORK POWER POOL

With Consolidated Edison's Indian Point Unit 2 commercial full power availability slipping to August 1972, the adequacy of power in the summer of 1972 will be dependent upon the occurrence of heavy demands resulting from very hot weather, upon whether 1,334 MW of new fossil and gas turbine capability scheduled for June and July 1972 will be in service, and upon the rate of unscheduled capacity outages. With both Indian Point 2 and the new fossil units counted as part of the Pool capacity, the reserve margin would be 21.8 percent, a level which has not always been adequate in the past. Without Indian Point 2, the reserve margin would be 17.4 percent and, considering the character of the reserve, difficulties are probable unless supplemental power can be obtained from outside the area. Because of delays in new capacity, which has kept older units in service and required deferment of maintenance, much of the reserve has a below-average reliability.

For the Con Ed system itself, the summer 1972 projected peak load is 8,400 MW and its generating capability, assuming the full capability of Indian Point 2 and several new fossil units, will be 10,205 MW. Without Indian Point 2, its summer 1972 generating capability, assuming no delay of the new fossil units, would be 9,332 MW giving a margin of 932 MW or 11.1 percent.

The reserve margin in the winter of 1972-73 would be 39.2 percent with Indian Point 2 and 34.5 percent without it, both considered to be generally adequate.

	Summer 1972 <sup>1</sup>	Summer 1972 <sup>2</sup>	Winter 1972-73 <sup>1</sup>
Net power resources, megawatts.....	24,414	23,541	26,440
Peakload, megawatts.....	20,050	20,050	18,990
Reserve margin, megawatts.....	4,363	3,491	7,450
Reserve margin, percent of peakload.....	21.8	17.4	39.2

<sup>1</sup> With Indian Point 2 and scheduled fossil capacity.

<sup>2</sup> Without Indian Point 2.

## VIRGINIA-CAROLINAS (VA-CARS)

With late July 1972 as the earliest for some commercial power from Virginia Electric & Power Company's Surry 1 unit, and with commercial availability of Oconee 1 out of the picture for the summer because of steam generator damage, the adequacy of power in the summer of 1972 for this area may be dependent upon the occurrence of peak power demands resulting from hot weather and the availability of supplemental power from neighboring areas. Counting the Surry 1 plant as part of the available capacity, and also 1,010 MW of fossil capacity scheduled for June and July 1972, the reserve margin is a very low 7.9 percent. Since these fossil units are questionable, the reserve even with Surry 1 could be as low as 3.0 percent. These margins are substantially below required levels.

For the winter of 1972-73, the reserve margin with Oconee 1 and Surry 1, but without Oconee 2 or Surry 2 is 23.4 percent.

	Summer 1972 <sup>1</sup>	Summer 1972 <sup>2</sup>	Winter 1972-73 <sup>3</sup>
Net capability, megawatts.....	22,237	21,417	23,412
Load responsibility, megawatts.....	20,605	20,605	18,965
Reserve margin, megawatts.....	1,632	812	4,447
Reserve margin, percent of load responsibility.....	7.9	3.9	23.4

<sup>1</sup> With Surry 1, but without Oconee 1.

<sup>2</sup> Without Oconee 1 and Surry 1.

<sup>3</sup> With Oconee 1 and Surry 1, but not Oconee 2 and Surry 2.

## FLORIDA

Florida, which lacks adequate transmission interconnections within the state and with other areas, is largely dependent upon its own resources and requires more reserve margin than some other interconnected areas. Turkey Point 3, on the basis of present predictions, has an earliest full power commercial availability date of August 1972 and may assist in meeting the 1972 summer peak load if it meets that schedule. Turkey Point 4 will have a commercial full power availability date several months later than Turkey Point 3. With Turkey Point 3, the reserve margin in the summer of 1972 would be only 12.4 percent and without it a critically low 6.7 percent. On the Florida Power and Light system itself, without Turkey Point 3, the summer 1972 capability, 6,857 MW, exceeds the projected peak load of 6,500 MW by 357 MW, giving a margin of only 5.5 percent.

The reserve margin in the winter of 1972-73, with both Turkey Point 3 and 4 in service, also would be 17.1 percent.

	Summer 1972 <sup>1</sup>	Summer 1972 <sup>2</sup>	Winter 1972-73 <sup>3</sup>
Net capability, megawatts.....	13,154	12,754	14,802
Peakload, megawatts.....	11,706	11,706	12,231
Reserve margin, megawatts.....	1,448	1,048	2,571
Reserve margin, percent of peakload.....	12.4	9.0	21.0

<sup>1</sup> With Turkey Point unit 3, limited to 400 megawatts. Excludes the 300 megawatts Northside 2 unit ready for service December 1971, but awaiting water discharge permit.

<sup>2</sup> Without Turkey Point unit 3 or Northside 2.

<sup>3</sup> With Turkey Point units 3 and 4 at full combined rating of 1,450 megawatts.

## TENNESSEE VALLEY

TVA is a member of the Southeastern Electric Reliability Council, which also includes the Virginia-Carolinas sub-region and the Florida sub-region discussed above. Although the TVA system itself experiences a slightly higher load peak in the winter than in the summer, it has firm power exchange agreements with other power systems which result in summer generation demands greater than those of the preceding winter.

The Browns Ferry Nuclear Plant has three 1,065 MW units under construction, with expected dates of authorization for full power operation of October 1972 (Unit 1), July 1973 (Unit 2), and February 1974 (Unit 3). Although the slippages already experienced by Unit 1 will make it unavailable for the summer of 1972, when the TVA generation reserve margin is only 15.0 percent, it is still needed in time for the winter 1972-73 peak. With Browns Ferry 1 in service, the reserve margin in the winter of 1972-73 will be 19.1 percent, without it the margin will be 13.2 percent.

	Summer 1972 <sup>1</sup>	Winter 1972-73 <sup>1</sup>	Winter 1972-73 <sup>2</sup>
Net capability, megawatts.....	20,746	20,540	21,605
Peakload responsibility, megawatts.....	18,040	18,140	18,140
Reserve margin, megawatts.....	2,706	2,400	3,465
Reserve margin, percent of peakload.....	15.0	13.2	19.1

<sup>1</sup> Without Browns Ferry, unit 1.

<sup>2</sup> With Browns Ferry, unit 1.

## MICHIGAN POOL

If the Palisades plant, which recently received a 60 percent power license, attains full power commercial service by July 1972, the Michigan Pool reserve margin for the summer of 1972 will be 19.2 percent. Without this capability, the reserve margin would be only 12.3 percent and there could be an additional demand on the reserve power available from the East Central Area, which will probably be needed to support prospective shortages in the Northern Illinois area.

	Summer 1972 <sup>1</sup>	Summer 1972 <sup>2</sup>	Winter 1972-73 <sup>1</sup>
Installed capability, megawatts.....	12,067	11,367	12,367
Estimated demand, megawatts.....	10,125	10,125	10,295
Reserve margin, megawatts.....	1,942	1,242	2,072
Reserve margin, percent of demand.....	19.2	12.3	20.1

<sup>1</sup> With full capacity of the Palisades plant.

<sup>2</sup> Without Palisades unit.

## NORTHERN ILLINOIS, WISCONSIN, AND UPPER MICHIGAN

Recent court decisions and environmental modification requirements make highly uncertain the availability of power from Quad Cities Units 1 and 2 during the summer of 1972. The Point Beach AEC-estimated date

of June 1972 for a full power license indicates that commercial full power status is not probable before August 1972, when the summer load peak may have been already reached. It is clear that without these plants, the adequacy of power in the summer of 1972 will depend critically upon the extent of unscheduled outages and the availability of power from neighboring areas, especially the East Central area.

If the two Quad Cities units and the Point Beach unit were available for the 1972 summer peak, the reserve margin would be 14.7 percent. With none of these three units available, the reserve margin would be only 8.7 percent, which is extremely low. Commonwealth Edison itself has a projected summer 1972 peak load of 12,520 MW, and without its Quad Cities or Zion units, has a capability of 13,189 MW providing a reserve margin of 669 MW or only 5.4 percent.

Because the winter peak is considerably less than the summer peak, the reserves in the winter of 1972-73 appear to be adequate (assuming no shortage of fossil fuel), without the Quad Cities units, the Point Beach 2 unit, the Kewaunee 1 unit or the Zion Unit 1. However, some of these units may be needed in that period to allow performance of urgent maintenance on existing units which is being deferred during the current period of low margins.

## SUMMER 1972

Net capability, megawatts.....	20,920	20,018
Peak load, megawatts.....	18,414	18,414
Reserve, megawatts.....	2,506	1,604
Reserve, percent of peak load.....	13.6	8.7

<sup>1</sup> With quad cities 1 and 2, at a combined capacity of 809 megawatts due to cooling limitations, and Point Beach.

<sup>2</sup> Without quad cities 1 and 2, or Point Beach. (Note that half the capacity of the quad cities plant, up to 404 megawatts, is committed to the Iowa Pool).

## IOWA POOL

The Iowa Pool, of which Iowa-Illinois Gas and Electric Company is a member, faces the summer of 1972 with a total generating capacity that is 45 megawatts less than predicted peak load if the latter's share of the capacity of Quad Cities Unit 1 is unavailable. With only its existing capacity, and delays of new units on adjacent systems making uncertain the availability of supplemental power, the Iowa systems position is marginal. Projected Iowa Pool conditions for the 1972 summer are presented in the following table.

	Summer 1972 <sup>1</sup>	Summer 1972 <sup>2</sup>
Net dependable capacity, Megawatts.....	3,476	3,072
Peak load, Megawatts.....	3,117	3,117
Reserve margin, Megawatts.....	359	-45
Reserve margin, percent of peak load.....	11.5	-1.5

<sup>1</sup> With Iowa Pool's full share of Quad Cities 1 (404 MW).

<sup>2</sup> Without Quad Cities 1.

## UPPER MISSISSIPPI VALLEY POWER POOL

The Prairie Island, Unit 1, generation facility of the Northern States Power Company (530 MW) is scheduled for commercial service in November 1972. Because in this area the summer peak loads are somewhat greater than the winter peaks, the reserve margin in the winter of 1972-73 appears to be adequate even if the unit is delayed a few months. However, its availability for the summer of 1973 is essential, as indicated in the following table for the Power Pool. Northern States Power itself, for the summer of 1973, has a projected peak load of 3,982 MW and a capability without Prairie Island of only 3,665 MW, for a negative reserve margin of 317 MW or -8.0 percent.

	Summer 1972 <sup>1</sup>	Winter 1972-73 <sup>1</sup>	Winter 1972-73 <sup>2</sup>	Summer 1973 <sup>1</sup>	Summer 1973 <sup>2</sup>
Net capability, MW.....	6,879	6,985	7,515	7,035	7,565
Peak load, MW.....	6,185	6,086	6,086	6,689	6,689
Reserve margin.....	693	899	1,429	346	876
Reserve margin, percent of peak load.....	11.2	14.8	42.3	5.2	13.1

<sup>1</sup> Without Prairie Island 1.

<sup>2</sup> With Prairie Island 1.

## ROCKY MOUNTAIN AREA (PUBLIC SERVICE COMPANY OF COLORADO)

The Fort St. Vrain unit, with an estimated full operating license date of July 1972 and a commercial full power availability date of the fall of 1972, cannot be considered as capacity for meeting the peak 1972 summer loads. Without Fort St. Vrain, the company's summer 1972 reserve margin is only 18.4 percent even with 100 MW of leased gas turbine capacity. Because of limited transmission interconnections, little assistance can be provided from neighboring systems.

With Fort St. Vrain available for the winter of 1972-73, the reserve margin would be 22.2 percent, but without it the reserve would be only 8.8 percent. The importance of Fort St. Vrain to an adequate electric power supply is evident.

	Summer 1972 <sup>1</sup>	Winter 1972-73 <sup>2</sup>	Winter 1972-73 <sup>1</sup>
Capacity (PSC), MW.....	1,878	2,108	1,878
Peak load (PSC), MW.....	1,586	1,725	1,725
Reserve margin, MW.....	292	383	153
Reserve margin, percent of peak load.....	18.4	22.2	8.8

<sup>1</sup> Without Fort St. Vrain in service, but including 100 MW of leased gas turbine capacity.

<sup>2</sup> With Fort St. Vrain in service.

## NUCLEAR STEAM-ELECTRIC GENERATING UNITS SCHEDULED FOR SERVICE BETWEEN OCT. 1, 1972, AND SEPT. 30, 1973

Reliability council region	Utility	Unit	Megawatts	Scheduled commercial operation date
NPCC	Power Authority of State of New York	Fitzpatrick	821	June 1973.
	Vermont Yankee Nuclear Power Corp.	Vermont Yankee	514	December 1972.
	Maine Yankee Atomic Power Corp.	Maine Yankee	790	January 1973.
	Boston Edison Co.	Pilgrim	655	December 1972.
MAAC	Baltimore Gas & Electric	Calvert Cliffs 1	845	February 1973.
	Philadelphia Electric Co.	Peach Bottom 2	1,065	April 1973.
	Metropolitan Edison Co.	Three Mile Island 1	831	March 1973.
	Virginia Electric & Power Co.	Surry 2	780	January 1973.
SERC	TVA	Browns Ferry 1	1,065	October 1972.
	TVA	Browns Ferry 2	1,065	April 1973.
	Duke Power Co.	Oconee 2	886	February 1973.
	Do	Oconee 3	886	November 1973.
ECAR	Florida Power Corp.	Crystal River 3	858	December 1972.
	Florida Power & Light Co.	Turkey Point 4	693	Fall 1972.
	Indiana & Michigan Electric Co.	D.C. Cook 1	1,054	March 1973.
	Commonwealth Edison Co.	Zion 2	1,050	May 1973.
MAIN	Wisconsin Public Service Co.	Kewaunee 1	541	December 1972.
	Arkansas Power & Light	Arkansas nuclear 1, unit 1	820	September 1973.
	Northern States Power Co.	Prairie Island 1	530	October 1972.
	Omaha Public Power District	Fort Calhoun 1	457	June 1973.
SWPP	Nebraska Public Power District	Cooper	778	July 1973.
	Sacramento Municipal Utility District	Rancho Seco 1	804	May 1973.

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

Mr. HOLIFIELD. Mr. Chairman, I rise in support of H.R. 14655. The bill has the unanimous support of the Joint Committee on Atomic Energy.

Enactment of this bill is needed to enable the Atomic Energy Commission to license the operation of already constructed nuclear powerplants on a temporary basis, only if the plant is needed to supply energy requirements in the area served by the plant and then only provided the Commission makes the necessary safety and environmental deter-

minations for purposes of the temporary license.

Mr. Chairman, until comparatively recently the Atomic Energy Commission's licensing authority was statutorily limited substantially to radiological and common defense and security matters. In recent months the Commission's licensing authority has been extended to cover the consideration of all environmental matters associated with the operation of a nuclear powerplant under the National Environmental Policy Act, which became law on January 1, 1970, and subsequent judicial interpretations thereof.

Dr. Schlesinger, since his appointment as Commission Chairman last fall, has labored to make the Commission's licensing program fully responsive to the new environmental requirements. The question is no longer whether that will be the Commission's policy, but what additional resources are needed to carry out the new responsibilities and the difficult transitional problems associated with the licensing and operation of plants which were substantially constructed before the new requirements were imposed.

The Commission has assured the com-



mittee that it will be able to deal with all of these new responsibilities adequately and on a timely basis in the very near future. At the present time, however, the Commission has not been able to complete the final environmental impact statements for full-term, full-power operation for all plants which have been constructed and are ready to operate. They will be able to complete an interim environmental statement for the temporary operation of such plants. As a matter of fact, some of the interim statements have been completed.

Before nuclear fuel can be placed in a nuclear powerplant and before it can be operated, the Atomic Energy Commission must issue a license authorizing those activities. Initially after fuel loading, the plant must go through a period of low-power testing which takes at least 2 months. These tests are for the purpose of demonstrating and assuring safety of the reactor.

H.R. 13752 which was passed by the House by a vote of 284 to 78 on April 17 would accommodate that transition problem which will end on October 30, 1973. H.R. 14655 complements H.R. 13752 by giving the AEC the authority to issue temporary operating licenses.

Mr. Chairman, I would like to get to the heart of the matter and inform my colleagues why I believe that this authority is urgently needed.

At the hearings conducted by the Joint Committee on March 16 and 17, both the administration and the utility witnesses testified to the threatened power shortages commencing this summer in certain parts of the country. Essentially the same testimony was presented at the joint hearings of the Senate Committees on Public Works and Interior and Insular Affairs, and before the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries.

#### NATIONAL ELECTRIC RELIABILITY COUNCIL REPORT

A February 1972 report of the National Electric Reliability Council presents the results of an assessment of the impact on the adequacy of electric bulk power supply of potential delays of 12 months in the operation of all new nuclear and fossil-fired steam generating plants.

Based on a 12-month delay in the operation of new nuclear and fossil-fired steam generating capacity, an aggregate of 25,000 megawatts, or one-third of the scheduled generation reserves in NERC, would be unavailable during the summer 1972 peakload period. In the winter 1972-73 peakload period, 32,000 megawatts, or about 30 percent of the scheduled generation reserves would not be available. In the summer 1973 peakload period, there would be a reduction in scheduled generation reserves of about 29,000 megawatts, or 35 percent of these reserves.

The normal rule is that reserves from 15 to 20 percent are required to assure reliability of power supply. For some systems, if the reserves were cut in half—from 20 to 10 percent—the probability of insufficient capacity to carry the load increases sixty-fold. In other words, if a 20-percent-reserve level results in only one occasion in 10 years when generating capability might be insufficient to carry the load, a reduction to 10-percent-reserve level would be expected to result in six occasions per year when load curtailment would occur.

The impact of such delays is analyzed for each of the nine regions of the National Electric Reliability Council, encompassing the entire bulk power supply in the United States and parts of Canada. The study is directed to an evaluation of the adequacy of region reserves for the peak-load periods of summer 1972, winter 1972-73, and summer 1973. The conclusions of this study have been substantially supported by data supplied by the Federal Power Commission and interested State agencies.

#### SUMMER 1972

The impact of such delays would be considerably more severe in some regions than in others. In five of the nine regions—east-central, Texas, mid-America, mid-continent, and Southeastern—generation reserves would drop to 10 percent or less in the summer of 1972, reaching levels so low that periodic load curtailment would be expected. Reserves in the mid-America region would fall to less than 5 percent, and the Southeastern region to 6.3 percent, values which are extremely low for any semblance of reliability.

#### WINTER 1972-73

Reserves during the winter 1972-73 peak-load period, while somewhat higher generally than during the previous summer, would still be critically low at 12 percent in the Southeastern region and 10.3 percent in the Rocky Mountain power pool area of the Western region. Furthermore, if essential maintenance requirements during the winter period are taken into account, the east-central and mid-America regions, as well as the New York-New England subregion, would drop to marginal and submarginal reserve levels.

#### SUMMER 1973

In the summer of 1973, five regions—east-central, mid-Atlantic, midcontinent, southeastern, and southwest—would fall again to 11 percent or less, with reserves in the midcontinent region actually dropping to 4.6 percent. In addition, the mid-America region and the New York-New England subregion may well be critical in view of the fact that a substantial part of the generating capacity subject to a 12-month delay would then be scheduled for service just prior to or during the summer of 1973. Should difficulties arise in startup and this capacity becomes unavailable, reserves would drop in mid-America and New York-New England to 10.4 percent and 10.7 percent, respectively, a level which is critical.

No one can say with certainty that the expected power shortages in these areas will materialize or, if they do, that they could be avoided by a temporary licensing of these plants. Responsible officials of the Government and officials of the utilities have testified both before the Joint Committee and before other committees that threatened power shortages stand a good chance of being avoided or ameliorated by the passage of this legislation. The administration has recommended the urgent need for the passage of legislation which would authorize the AEC to license the operation of nuclear plants on a temporary basis.

The undisputed testimony received by the committee indicates that at least 2 months' leadtime is needed for testing before completed nuclear powerplants can operate at useful levels.

I would like to again express my support for H.R. 14655 and urge that it be enacted.

Include the following material:

#### ECONOMIC AND ENVIRONMENTAL IMPACTS CAUSED BY LICENSE SUSPENSION OR PROCEDURAL DELAY

Owner and plant	Capacity in thousands megawatts electrical	Additional financial burdens caused by delays in operation and construction of scheduled nuclear plants.	Replacement fossil plant environmental impact expressed in increased emission of pollutants (tons)		
			SO <sub>2</sub>	NO <sub>x</sub>	Particulate
1. Consolidated Edison Co.; Indian Pt. No. 2	873	\$4,000,000 per month; \$48,000,000 total if delayed 1 year....	29,000	16,000	1,245
2. Northeast Utilities					
Millstone Pt. No. 1	662	\$58,271,000 minimum for a 1-year suspension of operation....	23,000	15,000	1,100
Millstone Pt. No. 2	830	\$74,000,000 for a 1-year suspension and \$158,000,000 over the lifetime of the plant.	26,000	17,000	1,300
3. Northern States Power Co.:					
Monticello No. 1	543	\$21,000,000 for a 1-year suspension of operation....	80,000	27,000	18,000
Prairie Island No. 1	550	\$108,000,000 for 15-month suspension.....	150,000		35,000
Prairie Island No. 2	550				
4. Metropolitan Edison Co.:					
Three Mile Island No. 1	830	\$161,700,000 minimum for 1-year delay in commercial operation for both units.	29,000		
Three Mile Island No. 2	950		(1)	5,800	2,680
5. Wisconsin Michigan Power Co.; Point Beach No. 1	503	\$49,500,000 for 1-year suspension of operation.....	31,000	6,200	2,490
6. Carolina Power & Light Co.:					
Robinson No. 2	739	\$40,000,000 for a 10-month suspension of operation.....			
Brunswick No. 1	821	\$173,000,000 if commercial operation is delayed 18 months for both units.			
Brunswick No. 2	821				

Footnotes at end of table.

Owner and plant	Capacity in thousands megawatts electrical	Additional financial burdens caused by delays in operation and construction of scheduled nuclear plants.	Replacement fossil plant environmental impact expressed in increased emission of pollutants (tons)		
			SO <sub>2</sub>	NO <sub>x</sub>	Particulates
7. Consumers Power Co.: Palisades No. 1.....	700	\$4,009,000 per month if Palisades is not available at 100 percent power during the 1972 summer.			
8. Commonwealth Edison Co.: Dresden No. 3.....	809		300,000	35,000-70,000	18,000-30,000
Quad Cities No. 1.....	809		(2)		
Quad Cities No. 1.....	809				
Zion No. 1.....	1,100				
9. Florida Power Corp.: Crystal River No. 3.....	825	\$83,657,000 for an 18-month delay in commercial operation			
10. Florida Power & Light Co.: Hutchinson Island No. 1.....	850	\$102,882,000 for a 1-year suspension			
11. Duke Power Co.: Oconee No. 1.....	886				
Oconee No. 2.....	886	\$313,000 per day to \$330,400 per day			
Oconee No. 3.....	886				

<sup>1</sup> Given in terms of sulfur and ash content of equivalent fossil fuels to be burned: 34,698 tons of sulfur and 150,686 tons of ash in 1,629,024 tons of coal; 275 tons of sulfur in 21,986 thousand gallons of oil.

<sup>2</sup> If plants were not permitted to operate in 1972.

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

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the bill H.R. 14655, which has already been discussed by my distinguished colleagues on the Joint Committee on Atomic Energy. The bill is well-conceived, timely, and has been reported out by a unanimous vote of the Joint Committee following intensive consideration directed toward determining the best legislative approach at this time to deal with the problem before us. The committee's action in recommending this legislation is founded upon careful study of a special situation which confronts us during a relatively brief period of transition.

Specifically the problem arises in that a number of nuclear powerplants were already sited, designed, and well-advanced in construction in January of 1970 when NEPA became effective. Subsequently, a series of court decisions have caused to be brought into play a broader scope of consideration concerning the factors the Atomic Energy Commission must address itself to during the preparation, processing, and review of environmental impact statements associated with the granting of operating licenses for these nuclear plants. These statements cannot and should not be hastily prepared. They must be preceded by careful indepth study of the present state of the environs of the specific plantsite and the potential impacts which may result from plant operation. The applicant for license must perform certain initial studies, technical experts acting on behalf of Federal and State review bodies must perform their own evaluation, and the inputs of all must be weighed and balanced in the final environmental impact statement which must be completed before there can be obtained full conformance with NEPA, in its content and its intent.

Enactment of H.R. 14655 would make possible temporary licensing of nuclear plants whose electrical supply is urgently needed but only after the required safety and environmental impact determinations are made for the purposes of the proposed temporary operation.

The principal characteristic of the problem before us is one of timing. In many cases under consideration or soon

to be considered, conformance with procedural requirements rather than dispute over safety and environmental matters could cause continuing delay where such delay would be costly to power availability and would contribute little toward improving either safety or the environment.

On February 29, before this body—volume 118, page 6094—I discussed the impending shortage of electrical generating reserve capacity which plagues broad regions of our country. I shall not repeat those remarks at this time. I will simply point out that in the operation of electrical generating systems there is a continuing need to perform scheduled maintenance on equipment. This calls for planned outages of the various units of the system. In addition, unanticipated failures of items of equipment—even turbines and generators—cause forced outages of individual stations. For these reasons reserve generating capacity is needed to compensate for both types of outages. The rule of thumb is that to meet peak loads adequately one should have about 20 percent reserve capacity. Some systems, through reliable interconnection to a neighboring system or because of other characteristics can tolerate a lower reserve. However, as I pointed out on February 29, one study—by the National Electric Reliability Council—predicts that delays being encountered in bringing new fossil and new nuclear plants on the line might well result in dangerously low reserves throughout our country this summer, next winter and the following summer. I cited the very low 4.9 percent reserve predicted for the network serving my own State of Illinois and neighboring States. The southeast region would have only 6.3 percent reserve and the east-central region only 10.1 percent.

Under such conditions brownouts could become common and occasional prolonged blackouts may occur. This situation has serious public health and safety implications. Some are obvious, others less so. In this age of high mechanization and reliance upon electrical energy in industry and agriculture, intermittent electrical supply could have disastrous impact in farming States, as I pointed out on April 17, 1972—CONGRESSIONAL RECORD, April 17, 1972, pages 12972-12973.

My point is—many of us think of

power shortage or interruptions as having major impact on the health and safety of those in cities and urban areas. Let us not overlook the effects of such shortages on farm operation and income as well as the products of such operations upon which we all have dependence.

I have appended to my remarks pertinent background correspondence from the Secretary of Agriculture and from the Commonwealth Edison Co.:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D.C., April 12, 1972.

Mr. EDWARD J. BAUSER,  
Executive Director, Joint Committee on Atomic Energy, Congress of the United States, Washington, D.C.

DEAR Mr. BAUSER: This is in reply to your letter of March 31 in which you ask for information on the impact of interruption of electric service to certain livestock farming operations. I am pleased to meet your request with brief general statements as to the problems that producers might have to cope with in the event of interruptions in electrical service.

#### 1. Milk Production.

a. The impact of interruption of electric service would have a most severe effect on milk production, particularly in large dairy herds. The most severe effect would be in milk yields and actually getting cows milked twice each day at near normal intervals. Cows in most all herds are milked by electrical powered milking machines. This is particularly true in large herds. There are two alternatives. One is hand milking that would be most difficult to accomplish in large herds, but possible in the smaller herds. The other alternative is the provision of power from fuel consuming auxiliary engines. Few dairymen have them, but installations are possible and probably cheaper than hiring labor for hand milking. Unusual irregular milking would have an effect on milk yield of varying degree depending on degree of irregularity. The effect may be in the range of 10 to 15 percent decrease in production. Missed milkings would be more disastrous with effects of as much as 30 to 50 percent in daily yield. Diseases such as mastitis may increase.

b. Most milk stored on the farm is in bulk tanks operated by electricity. Loss of electric power would have major effect on milk quality and on the income of farmers.

c. Loss of a steady, dependable water supply would have major adverse effects on meeting cattle needs and for the milk handling operations.

d. Many other operations involving machines operated with electrical power would interfere with herd operations and, therefore, milk production. However, these would



be somewhat easier to cope with than milking and the keeping quality of milk.

## 2. Feedlot Operation.

a. Interruption of electrical service in feedlot operations would have less effect than in dairy. The major impact would be in powering the equipment that services the operation such as feed preparation, feeding, manure disposal, and related activities. These operations could be done with hand labor but with difficulty and with added expense. A water supply provided by electrically operated facilities if it failed would be a major factor and would otherwise have to be provided at added cost. Loss of electrical power might cause shifts in the kind and amount of rationing of cattle on finishing and adversely affect rate of gain.

## 3. Operation of Large Poultry and Poultry Product Plants.

a. The Midwest is a major egg producing area. The Southeast is a major broiler producing and egg producing area. Thus, there are numerous large hatcheries concentrated in these two areas.

b. A major proportion of the eggs and broilers are produced in large semiautomated units. Automatic feeding, egg collection, egg grading, ventilation, lighting, cooling, and manure removal systems are common and many units have complete environmental control. Most of these operations have standby emergency electric power units, but many are designed for only minimal short-term needs and would not be adequate for long duration blackouts. In most areas, adequate numbers of trained workers would not be available on an emergency short-term basis to handle the work routinely done by automation. In many cases, particularly those where birds are maintained in windowless, totally controlled environments with almost complete automation, it would be impossible to operate without electric power because of the nature of the automatic equipment and the size of the operations. Smaller production units would probably be better able to survive extended power failures because they depend less on automation. They would, however, still have need for electric power to operate ventilation, lighting, and cooling systems. Many would have need for electricity to operate water pumps. These small farms would be less likely to have standby power units.

c. If electric power were not available for a period of several hours during the summer months, it could result in a total mortality of laying hens or broilers depending on the location, type of housing, and equipment used by the producer.

d. Most hatcheries have standby electric power units, but much like other poultry enterprises, they are designed for use during short duration blackouts. Any electric power failure of several hours in length would result in a total loss of embryos in hatcheries and loss of impairment of chick embryos in those eggs in incubators.

e. Similar effects would be experienced at poultry product plants where electric power is depended on to operate machinery used to receive and prepare poultry for processing. Interruption or stoppage of the processing activity would have rather immediate effects on holding up receipt of live poultry for processing and on the availability of poultry meat in the markets. This could cause loss of income to producers and increased prices to consumers.

Sincerely,

NED D. BAYLEY,

Director of Science and Education.

INFORMATION FOR THE JOINT COMMITTEE ON ATOMIC ENERGY ON COMMONWEALTH EDISON CO.

## 1. RESPONSIBILITY TO SERVE CUSTOMERS

The attached exhibit is Page 5 from the City of Chicago Franchise to Commonwealth Edison Company. Paragraph 3.2 covers the

responsibilities of the Company to provide service to its customers. We have approximately 400 additional Franchises covering service to the communities in our service territory outside Chicago, which entail similar responsibilities to our customers in this area.

## 2. GENERATION RESERVE

In planning for the power supply to an area it is necessary to provide capacity in excess of the estimated peak loads to take care of various contingencies, the principal one being the unavailability of generating equipment due to break-downs. Other factors that may require reserve are the possibility of the load exceeding the estimate and the possibility that scheduled new capacity may be delayed. The amount of reserve capacity for a particular system will vary depending on the type of generating equipment and its reliability. The Federal Power Commission has stated that systems generally should plan for a reserve equal to 20 to 25% of their estimated peak load.

At Commonwealth Edison we believe that for our system a reserve of 14% provides adequate protection. Edison is a member of MAIN (Mid-America Interpool Network) which includes the systems in Illinois, Wisconsin, Missouri, and parts of Iowa and Minnesota. We have high voltage transmission lines in all directions from our extensive system, which covers 13,000 sq. miles in Northern Illinois. Edison is one of the most heavily interconnected systems in the world. These interconnections enable us to import power from systems distant from the Chicago area. We have purchased power from Oklahoma, the TVA, systems on the Eastern Seaboard and others. For example, on June 28, 1971, we were importing 2,300,000 kilowatts which represented about 21% of our load.

Because of this ability to receive large amounts of power from neighboring systems, we think that a 14% reserve will provide a safe margin. The advantage of a lower reserve is that it reduces the capital invested in the system and the fixed charges which have to be passed on to our customers. The reserve margin of 14% is amongst the lowest in use in the country.

On the other hand, to plan for a lower reserve, such as 5%, would not be prudent and would result in a degradation of our reliability of supply. Our experience of the last few years has shown that troubles in generating equipment can lead to a high degree of unavailability. Our records for the summer of 1971 show that on 50% of the weekdays, 22% or more of our capacity was unavailable. This example alone shows the impropriety of a reserve of 5%. Operating with too low a reserve would inevitably result in power shortages in our territory and would necessitate shedding customer load from time to time.

## 3. TEMPERATURE SENSITIVE POWER DEMANDS

Experience with the Commonwealth Edison Company system shows that during the summer peak load season with temperatures in the range of 85°-95° it is estimated that the load varies in the range of 90,000-150,000 kilowatts per degree Fahrenheit. During the winter season when the temperature is two or three degrees below zero the power demand changes about 14,000 kilowatts per degree Fahrenheit.

For the summer of 1972 it is estimated that the temperature sensitive portion of the peak power demand will be about 38% of the total or 4,600,000 kilowatts out of a total of 12,190,000 kilowatts. This percentage is increasing and by 1977 it is expected to be over 44% of the total.

## 4. EMERGENCY ASSISTANCE TO NEIGHBORING UTILITIES

In addition to releasing reserve generating capacity to assist neighbors, Commonwealth Edison applies other emergency procedures in order to provide assistance.

As an example, on June 17 and 18, 1969 a widespread heat storm in the East increased loads in that area to near and above expected peaks and all available generating capacity was in use. In response to an appeal for emergency help from the PJM\* System in the East, Commonwealth Edison Company reduced its voltage by 2½% for the period from 12:30 p.m. to 6 p.m. on July 17 and in this way released some generating capability for power export to the East.

Another example occurred on July 2, 1970, when Wisconsin suddenly lost a generating unit during the peak hour. This was a day of a widespread heat wave and systems in our region were fully loaded because Wisconsin had lost a large unit earlier in the day. To supply emergency assistance to Wisconsin, Edison resorted to a 2½% voltage reduction for over 2 hours and dropped our interruptible customers for 40 minutes.

Edison will apply voltage reductions and/or reduce its "interruptible" loads to assist a neighbor if the interconnected company has already exercised such load management procedures on its own system.

Normally we would not expect to interrupt firm customers on our system, to provide power for neighboring systems that are in difficulty. However, if the integrity of the interconnected system is threatened because of a problem originating on a neighboring system, we will interrupt firm customers to avoid a complete blackout of the area in trouble.

## FROM CITY OF CHICAGO FRANCHISE TO COMMONWEALTH EDISON CO.

Section 2. Grant. The right, permission and authority are hereby granted to Commonwealth Edison Company, an Illinois corporation, herein sometimes called Licensee, for the Term hereof, and subject to and upon all of the conditions of this ordinance, to Provide Electric Energy to consumers thereof within the City and to acquire, construct, lease, maintain, operate and remove its Utility Facilities in, upon, along, across, over and under Public Ways or Property, as herein defined.

Section 3. Management and Service. Licensee, at all times during the Term hereof, shall:

3.1. Be directed, managed and operated honestly, prudently, efficiently and economically; finance its capital requirements prudently and upon terms and conditions reasonably calculated to make lawful, and to attract and maintain investment in its Capital Securities by all classes of investors; and to the extent it legally may, pay such dividends upon its capital stock, consistently with its funds available therefor, as shall be reasonably necessary to attract and maintain investment in such capital stock by investors;

3.2. To the full extent of its ability, Provide Utility Facilities adapted for serviceable, efficient and economical Provision of Electric Energy, adequate for actual and potential users thereof in City, and operate and maintain such Facilities efficiently and economically and in accordance with the highest standards and best systems, methods and skills then reasonably available for the Provision of Electric Energy, adequate and sufficient to meet all reasonable needs and demands of the actual or potential users thereof within City;

3.3. Upon acceptance of this ordinance, file with Chicago a copy of its current Plant Report, and thereafter, on or before April 30 of each succeeding year, file with Chicago a copy of its revised Plant Report, showing such changes as have been made in the preceding year;

3.4. Not discriminate against any person employed or seeking employment with respect to hire, promotion, tenure, terms, con-

\*Pennsylvania, New Jersey, Maryland.

ditions, or privileges of employment on account of race, color, religion, national origin or ancestry, including, without being limited to, any employee \* \* \*

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

Mr. McCULLOCH. Mr. Chairman, I rise to support H.R. 14655 and urge its enactment. The provisions of this bill, its purpose, and the need for its speedy enactment have all been covered by my distinguished colleagues on the Joint Committee on Atomic Energy. There are, however, two aspects of this legislation which appeal to me, particularly from the standpoint of my service and responsibilities on the House Judiciary Committee.

This is emergency legislation which gives the Atomic Energy Commission the authority to use expedited procedures which in its judgment are warranted by the specific circumstances of each individual proceeding. The first point I want to emphasize is that notwithstanding its emergency nature, the legislation in no way casts aside any of the concepts of reasonableness and fairplay embodied in the administrative process. The AEC, the agency which has the regulatory responsibility and expertise, is given the authority to prescribe flexible, expedited procedures which can be tailored in light of a variety of emergency situations.

The second point of particular interest to me is that the legislation preserves the safeguard of judicial review of any decision which authorizes the issuance of a temporary operating license. Had the legislation been silent in this regard, it is questionable whether a reviewing court would have regarded a decision authorizing a temporary license as a final order subject to review, or as an interlocutory order not subject to review. I think the Joint Committee on Atomic Energy should be commended for not leaving this very important matter in doubt, by providing explicitly for judicial review. Such foresight in legislation serves to enhance the dual partnership played by both the administrative and judicial process in a wide variety of public interest type regulatory actions.

AEC licensing decisions are reviewable by petition to U.S. court of appeals under the Administrative Orders Review Act of 1950 (28 U.S.C. 2342 et seq.). The mode of judicial review provided for in that act evolved from long study and careful consideration by all persons concerned with the difficult questions involved. That act provides for the full protection of parties seeking review of agency decisions by, among other features, providing for the taking of evidence either by the agency or in the district court, when for one reason or another that is necessary because a suitable hearing was not held prior to the initiation of the proceeding in the court of appeals.

H.R. 14655 is sound legislation to deal with an emergency. I urge its early enactment.

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

Mr. HOSMER. Mr. Chairman, I yield

such time as he may consume to the gentleman from Idaho (Mr. Hansen).

Mr. HANSEN of Idaho. Mr. Chairman, as a cosponsor of this bill, I rise to associate myself with the views on H.R. 14655 expressed by Mr. PRICE, Mr. HOLIFIELD, and Mr. HOSMER.

The committee's discussion of the legislative proposals which preceded its agreement on H.R. 14655, focused in large measure on two factors. The first is the need for emergency-type licensing legislation which would be responsive to the public interest in having power shortages prevented or alleviated without any relaxation of safety requirements. The second is an emergency licensing procedure which would permit interested members of the public who have qualified for intervention in the proceeding to present their views on material issues of fact which, in the Commission's judgment, relate to the findings the Commission is required to make regarding temporary operation.

I am convinced that the approach taken in H.R. 14655 is a sound one and would facilitate timely decisionmaking when the need for power so requires. An essential feature for the success of the emergency authority is the action which the Commission takes to implement it procedurally. The committee has urged the Commission to proceed immediately with the development of implementing regulations so that they will be available on the date this legislation is enacted into law. This new authority gives to the Commission the procedural flexibility which it says it needs to tailor expedited procedures to individual licensing statutes. The Commission should prepare itself so that it is ready to use that authority when the legislation is enacted.

In regard to the safety finding which the Commission must make for purposes of temporary operation, the applicable substantive findings required by section 185 of the act, which are prerequisites for the issuance of an operating license, would have to be made with respect to the temporary operating license. In making these findings, the Commission would take into account the temporary duration of the license, and the nature of the activities to be licensed on a temporary basis. These findings for purposes of temporary operation could be made even though there is a contested hearing either in progress or requested on the permanent license.

The authority given to the Commission to adopt and follow expedited procedures is, in my view, a part of the genesis of the administrative process that its flexibility permits adoption of approaches subject to expeditious adjustment in the light of the particular exigencies of individual situations. Further, those procedures would preserve opportunity for interested parties to participate in the process in a meaningful way if they have something meaningful to contribute.

Under the proposed legislation, if an interested party after being given the opportunity to file an affidavit in opposition to a petition for a temporary license

does not raise any substantial issue of material fact, or identify the kind of facts they propose to adduce thereon, and by what witnesses, there should be no excuse for any delay in the licensing process. Prompt action in the light of an absence of a substantial issue is not some strong innovation either to the administrative or judicial process. Under such circumstances, the Commission, in its discretion, could make a decision on the basis of the pleadings and any other supporting submissions without having any kind of oral presentations. In any event, a hearing under such circumstances would not be of the trial or evidentiary type and should be initiated and completed promptly if held at all.

One further point is that even in the absence of an emergency, there is considerable latitude in the present law for the Commission to expedite hearings. The presentations and contentions of parties can, in most cases, be fully and fairly considered by procedures other than prolonged hearings. Incidentally, I understand that the Commission has taken the position over the years that the hearing requirements now in the Atomic Energy Act are statutorily of the evidentiary type. I find nothing in that act or its legislative history which says that these hearings must be "on the record" or that the Commission lacks authority under present law to control the manner in which hearings are conducted and the type of hearing held. There may well be a role for such hearings if there is something to adjudicate. But the fortuity of an agency's use of adjudicatory proceedings when there is nothing to adjudicate should not be available for certain groups to abuse that process and thereby the interest of a majority of the public as well. A procedure which permits a selected few, who are not responsible to the public, to control the wishes and interest of the majority is not compatible with government through elected and appointed officials, and can result in an unwarranted abuse of the administrative process. Procedural maneuverings and similar actions which are consistent with, and perhaps attributable to, a desire for protracted delay must not be tolerated either in an emergency or a routine licensing situation.

I fully support H.R. 14655. I will append to my remarks some pertinent excerpts which emphasize the need for additional actions to help avoid future emergency-type measures:

EXCERPT FROM JOINT COMMITTEE ON ATOMIC ENERGY REPORT NO. 91-315 AUTHORIZING APPROPRIATIONS FOR THE AEC FOR FISCAL YEAR 1970

*Comprehensive site planning.*—As suggested above, current conflicts between production and distribution of electricity and protection of the environment—regardless of the fuel employed—are a prelude to larger long-term problems. The seriousness of the siting situation has been reviewed by the committee during recent hearings. Also, it is emphasized by recent reports noting that the United States will require more than three times its existing generating capacity within the next 20 years. An interdepartmental study, "Considerations Affecting



Steam Powerplant Site Selection," sponsored by the Office of Science and Technology, pointed out last year that "The need for coordinated planning to identify the prime sites that will best satisfy the many economic and environmental requirements for future plants is rather obvious." The Chairman of the Federal Power Commission underscored this point earlier this year when he observed:

"Undoubtedly, the major problem that the industry faces is the sharply increased concern of the United States over environment and esthetic considerations. Electric utilities are now barred from burning certain fuels in some major cities in this country; electric utilities can no longer select a site for a generating plant exclusively on the basis of where it fits most effectively from the point of view of system design; no longer is it prudent for utilities, regardless of form of ownership, to keep their plans for powerplant sites and transmission line rights-of-way close to their chest; no longer are hydroelectric sites on the Nation's rivers automatically developed because engineering studies disclose the tremendous electrical potential available from such facilities. In short, there is a new day."

The industry trade magazine, *Electrical World*, has asserted that—

"One of the utility industry's most pressing needs is for a long-term policy approach that will assure the availability of generation plant sites in the decades ahead."

"The pinch is already being felt. Hardly a region in the Nation has escaped some kind of hassle over powerplant siting. At the moment, two or three of the larger utilities are in a bind either because they are being restrained from using the sites they have acquired, or because the sites they have considered do not satisfy certain requirements."

"There are several reasons why the problem of plant siting promises to become more critical in the years ahead. First, the expanding population with its increasing industrial and recreational needs is preempting land areas suitable for siting. Second, the geometric expansion of power generation, involving single units in the 1,000-megawatt range, greatly escalates the physical requirements—particularly the water requirements—for sites. Third, society's increasing sensitivity to environmental values is already greatly reducing the availability of sites."

The magazine cited site identification surveys, State-sponsored reservations or zoning, and advance utility purchases as means of overcoming the problem, and concluded:

"But whatever approach is taken, we think that the public interest will be served by reserving, designating, or acquiring plant sites as far ahead as possible. Further, we think much is to be gained by informing the public as far in advance as possible of the planned use of such sites. Unless some thoughtful, constructive approach is worked out, this problem of plant siting will go from worrisome, to critical, to disastrous in the years ahead."

In the eyes of the Joint Committee the problems of electric generating plant siting has already passed the "worrisome" stage—it is becoming critical. Intense and strengthened followup actions are essential to the initial efforts on the Interdepartmental Steam Power Plant Siting Study. Therefore, the committee urges that the Nation's electric utilities and appropriate agencies of government at all levels redouble their efforts and join forces to establish realistic, long-range plans for the selection and utilization of sites for large generating facilities so as to best meet the dual public demand for electric power and environmental protection. A half century ago, procedures were initiated for rational, regional development of the power potential of our Nation's rivers. Now more meaningful efforts should be directed toward applying similar comprehensive plan-

ning principles to systematic solution of siting difficulties associated with the burgeoning number of thermal stations and their power transmission systems. Reliance on ad-hoc plant-by-plant arrangements has already proved inadequate; a bold new approach is long overdue.

**Legislation regarding AEC licensing procedures, 92d Congress, First Session.**—The Joint Committee's Subcommittee on Legislation held extensive public hearings on June 22, 23 and July 13 and 14, 1971, on legislation proposed by the AEC to amend certain of the existing provisions of the Atomic Energy Act of 1954, as amended, which concern the licensing of nuclear facilities (S. 2152 and H.R. 9286 and S. 2151 and H.R. 9285). An opportunity was also afforded sponsors of related bills referred to the committee to testify. The related bills concern Federal-State regulation of radioactive effluents from nuclear facilities (H.R. 997, H.R. 1743, H.R. 3683, H.R. 6933, H.R. 7539, and S. 2050); and the transfer of certain AEC regulatory authority to other agencies (H.R. 1197, H.R. 1742, H.R. 6310, and H.R. 9542). The four-volume record of these hearings has been printed ("AEC Licensing Procedure and Related Legislation").

The testimony presented at the hearings emphasized the need for procedural changes to improve the licensing process for nuclear power reactors. Although the objective of the AEC's proposed early site legislation of providing for early resolution of environmental issues was generally viewed favorably by the witnesses, numerous valid questions were raised regarding its practicability. Such matters as the relationship between the early site and construction permit proceedings, the relationship of the early site authorization proceeding to other requirements such as the review required to comply with the National Environmental Policy Act (NEPA), requirements under water quality legislation, and the permits under the Refuse Act of 1899, the opportunity for hearing at the operating license stage, and the compatibility and harmony of the siting provisions in H.R. 9286 with general powerplant siting legislation currently pending before other committees were not thoroughly developed in the testimony. Furthermore, considerable doubt was expressed as to whether sufficient information could reasonably be made available at the early site authorization stage to settle with finality all significant site-related environmental matters.

There was general agreement that the Commission, under its existing legislative authority, could take many procedural steps to improve the licensing process.

In view of such questions and in the absence of any clear showing by the AEC that the proposed legislation would resolve any short-term problem even if enacted this session, the Subcommittee on Legislation announced on October 19 (JCAE Press Release No. 665) that it would appear more prudent for legislative action to await further developments on overall powerplant siting legislation currently pending before other committees. An objective of overall powerplant siting legislation should be to recognize the AEC's responsibility for all radiological considerations associated with nuclear plants, and to place in State and regional authorities the general responsibility for deciding other environmental matters. The press release stated that it is hoped that such legislation, which is vitally needed to provide our Nation with a coherent and rational powerplant siting policy, will soon be enacted; and in the meantime, the Commission was urged to work with States, such as Maryland, which have recently enacted powerplant siting legislation to assure that appropriate State officials are aware of applicable requirements for the approval of sites for nuclear plants and that everything is done to coordinate the required approvals.

A Joint Committee on Atomic Energy staff analysis of the testimony presented at the regulatory hearings was published in the CONGRESSIONAL RECORD, volume 117, part 29, page 38597.

Subsequent to the completion of these hearings, a major influence upon the licensing process was the Calvert Cliffs decision rendered by the U.S. Court of Appeals for the District of Columbia Circuit on July 23, 1971. Practically all of the basic problems raised by that decision stem from interpretation of NEPA and the Water Quality Improvement Act of 1970. Corrective legislation, if needed, would be under the cognizance of the committees responsible for NEPA and water quality legislation and could address the problems involved which are not concerned solely and directly with the licensing of nuclear powerplants—they affect all Federal activity within the scope of those basic acts. In this regard, the Senate Interior and Insular Affairs Committee held hearings on November 3 on the impact of the Calvert Cliffs decision. If it is demonstrated that corrective legislation is needed and that it is not forthcoming from others, the subcommittee stated that it will carefully consider proposals relating to the implementation of NEPA in the limited sphere of licensing of nuclear powerplants. It is noted that the Commission has published regulations, which it believes will be adequate, to meet the dual challenge of environmental protection without undue delay which would threaten the vitality of regional power supplies. That view was expressed by Commission witnesses at the November 3 hearing and at a hearing held on November 15 by the Subcommittee on Public Works of the House Appropriations Committee.

During the hearings held in June and July, it was announced that additional hearings might be held at a later date to receive testimony from interested members of the public on matters associated with nuclear powerplant licensing other than in connection with H.R. 9285 and H.R. 9286. These additional hearings also await the corrective action taken under existing authority, and a reasonable opportunity will be afforded the Commission to act in that regard. It is noted that, during the closing months of this session, the Commission appeared to be acting positively to help alleviate some of the problems identified in the June-July hearing record and in subsequent committee correspondence with the Commission.

In that regard, Congressman Price, in his letter of October 19, 1971, to Dr. Schlesinger, forwarding the press release (No. 665) of the same date on the AEC's bills referred to above, said:

"The press release also reiterates several earlier suggestions by the Committee that the Commission act under the existing authority bestowed on it to make procedural changes in the licensing hearing process which are long overdue. . . .

"Although these matters have been discussed and considered for some time, the remedial action has been slow. It would be very much appreciated if the Commission would advise me of the specific procedural changes which are being considered, and the target dates for their implementation. I would also like to know the extent to which the services of the Chairman of the Administrative Conference of the United States and other interested persons will be used in this effort. I would like to be informed of any obstacles which are foreseen to implementing the procedural changes which may be needed to provide for more effective public participation in the licensing process and to restore vitality to the administrative licensing process."

"I close in noting that the press release also stated that if it develops that needed procedural changes will require additional legislative authority, the Committee stands

ready upon request to consider carefully any proposal which the Commission forwards to the Congress."

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. BAKER), who now represents the Atomic Energy Commission's Oak Ridge National Laboratory.

Mr. BAKER. Mr. Chairman, by an act of the Tennessee Legislature, my congressional district has been extended to include Oak Ridge in Anderson County, Tenn.

As everyone knows, Oak Ridge has been one of the centers of research and development of atomic energy in this Nation.

Several weeks ago, I had the opportunity to make an initial visit to Oak Ridge and crowded into a heavily scheduled day were meetings with the officials of the Oak Ridge National Laboratory, the Atomic Energy Commission, and the Oak Ridge Associated Universities. They gave me a most comprehensive briefing on activities which are underway at this critically important scientific complex.

During an information-crowded 2 hours, so much was thrown at my brain it is impossible to recall all the intensive development which is taking place across a broad spectrum. I do recall that emphasis was placed on the exploding demands for energy throughout this Nation and the rapidity with which these requirements continue to recur.

Our electrical energy needs, I was told, have doubled in each 10-year period since 1930. Experts considered it impossible for these demands to double during the 1960's—but they did. Again to double during the 1970's seems impossible—but prudent men must benefit from statistics as they reflect for them the future which is described by the past.

We are launching on the development of a nuclear breeder reactor which will utilize a lower level of uranium so that we will literally burn the rocks and the minerals of the ocean. A great deal of concern is being expressed by environmentalists relative to the safety surrounding these facilities. I am taking this opportunity to strongly suggest that the experimental breeder reactor project be located as near as possible to Oak Ridge and the National Laboratory where nuclear scientists and their families can live close by. They thus prove to the Nation that every precaution is being taken to make this energy effort completely safe to the extent that they will feel no hazard to their families or to themselves by living constantly close to nuclear installations.

I am deeply impressed with the diligence which has been manifested by these dedicated scientists in Oak Ridge where an unimaginable concentration of scientific training, knowledge, and experience is located.

I have absolutely no reservations in granting to the Atomic Energy Commission the authority to issue temporary licenses for nuclear power reactors and would not hesitate for a moment to give their evaluations full faith and credit beyond any evaluation which may be made

by any private or governmental agency, including the Environmental Protection Agency.

Mr. Chairman, I urge the passage of this legislation as necessary to the comfort and well-being of the people of this Nation.

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

Mr. PRICE of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Mr. Chairman, I believe that the passage of this bill by a simple ye-and-nay voice vote offers more potential dangers to this Nation than might be immediately perceived. H.R. 14655 provides that the Atomic Energy Commission can issue temporary licenses for nuclear powerplants deemed essential to meet energy needs. It will authorize the emergency use of nuclear powerplants during emergency periods—that is, during blackouts. Such usage will be feasible even though a plant's full-time license is being contested.

I believe that such an authorization is dangerous in this sense. We all know of the energy shortage which threatens our country. We have already suffered more than one blackout in major metropolitan areas. What most people do not realize is that energy usage in this country has the habit of doubling every 10 years. Thus what appears at the outset—and is—an energy shortage is more than matched by an energy habit. Driving down any major interstate highway at 4 o'clock in the morning, you will perceive a fully illuminated expanse of concrete, stretching mile in end, with almost no one on it. This is energy usage, based on an energy habit. The same manifestation can be witnessed in those enormous skyscrapers in cavernous Manhattan, lit from the lobby to the top floor from dusk until dawn.

What I am trying to say is that we are in the habit of increasing our use of energy far over our resources. Should this habit continue, blackout shall follow blackout. Our invocation of H.R. 14655 will become no emergency at all, but a habit, a constant way of life, with all of the resultant environmental and safety problems that can be expected from plants whose full-time licenses are still being contested.

As a matter of fact, such plants may begin operating full-time, even though on paper they will still function only in emergencies. This would be an extremely dangerous situation. The passage of H.R. 14655 by the House today opens the door to such a possibility. My hope is that it will not come to pass. My fear, however, is that it may.

And there is another danger. Competent geologists assure us that there are only about 30 years worth of uranium beneath American soil. My fear is that this will become depleted through emergency usage before we can develop the fast-breeder reactor so that it can be used commercially. Thus, we may well find that we have depleted all or most of our uranium stockpile before we can turn it into a resource, through usage of the fast-breeder reactor, which will

truly close the gap between energy needs and energy resources in this country.

Should we do that, Mr. Chairman, it would indeed be a tragedy for America. And once again it is my fear that H.R. 14655 opens the door to such a likelihood.

Mr. BINGHAM. Mr. Chairman, H.R. 14655 is a bill which would amend the Atomic Energy Act of 1954 to provide for the issuance, under certain circumstances, of licenses for temporary operation of nuclear powerplants. This bill is a far different one from the interim licensing proposals introduced several weeks ago—H.R. 13731, H.R. 13732, and H.R. 14060. Most importantly, Mr. Chairman, H.R. 14655 retains the right of the public and interested parties to participate in the decisionmaking process by having such temporary operating authority issued only after a hearing and certain specified findings.

Section 192a first provides that a petition for temporary operating authority may not be filed until after the Advisory Committee on Reactor Safeguards has issued its report, the Commission has completed and published the regulatory staff's safety evaluation, and all of the applicable requirements of the National Environmental Policy Act are complied with. Thus, a petition for temporary operating authority cannot even be filed until after the administrative review has been completed. This section further provides that a mandatory public hearing must be held on any such petition and that upon completion of the hearing, the Commission must make findings that the plant has been constructed properly and will operate in accordance with the rules and regulations of the AEC; that there will be adequate protection of the environment; and that limited operation of the facility is essential to meet the power shortage which is the subject of the petition.

The hearing required by H.R. 14655 is an adjudicatory hearing, so that parties opposing the license will have the opportunity to investigate fully the facts which are alleged in support of the temporary operating authority. Thus, the Commission's ultimate decision in connection with an issuance or not of a temporary operating license will be made after all parties have had an opportunity to be heard, which includes the traditional rights of discovering valuable and relevant information in support of each of their positions and of cross-examination of persons holding opposing views. Thus, the bill does not disturb the present and salutary concept in sections 181 and 189 of the Atomic Energy Act, as supplemented by the relevant sections of the Administrative Procedure Act—5 U.S.C. sections 554, 556, and 557—that public hearings and public participation are an important check upon in-house administrative review.

It is clear that the bill provides for the issuance of temporary operating authority to meet a power shortage only after it has been demonstrated that all safety, radiological and environmental problems associated with such limited



operation have been resolved satisfactorily in accordance with the Atomic Energy Act and the National Environmental Policy Act. Since the bill would not permit the issuance of a temporary operating license when there remains outstanding in a contested operating hearing an unresolved safety issue which is also related to temporary operating authority, H.R. 14655 would not permit the bypassing of adjudication of unresolved safety issues by virtue of an expedited hearing in connection with the issuance of a temporary operating license.

Finally, H.R. 14655 permits the Commission to issue rules and regulations—not inconsistent with the purposes of H.R. 14655—to expedite the hearings in connection with the temporary operating license. That is, the Commission could devise rules and regulations which could shorten the discovery process prior to the actual hearing by, for example, requiring that all information in support of the petition and the various administrative reviews be made publicly available upon the filing of the petition for a temporary operating license; but the Commission could not issue rules and regulations to expedite temporary operating hearings which would do away with the traditional rights of a party to a hearing, to discovery, to cross-examination and to a full opportunity to be heard.

Mr. Chairman, I opposed the various interim licensing bills proposed in the Joint Atomic Energy Committee. Although H.R. 14655 mains public participation and an adequate adjudicatory process in the granting of interim operating licenses, nevertheless I consider it unwise, unnecessary, and I oppose it. As I argued during consideration of the sister proposal, H.R. 13752, which amended NEPA to create an interim licensing exception for nuclear power plants, the AEC has the authority to grant, in effect, "interim licenses" without new legislation. Moreover, the proponents of the bill have failed to show one plant which would go into operation sooner for this summer's peak energy period because of H.R. 14655.

Mr. BADILLO. Mr. Chairman, I rise in opposition to H.R. 14655. Although this legislation is intended to authorize the AEC to issue only temporary operating licenses for certain nuclear powerplants, we have had sufficient experience with similar measures to know that "temporary" often becomes permanent.

Further, I fail to be reassured that the public interest and the environment will be fully protected by the bill's requirement that public hearings be guaranteed. All too often these hearings are simply pro forma and the goals of narrow special interests manage to be railroaded through the proceedings with hardly any meaningful consideration.

Certainly we must effectively cope with the serious problem of being assured of inexpensive, reliable electrical power. However, the manner in which we meet this urgent need must be wholly consistent with the protection of our environment. The answer to this problem is not the construction and

operation of nuclear powerplants which are potentially dangerous to people and surroundings and create a further ecological imbalance.

Last summer I introduced legislation to establish a national power grid to achieve electric reliability while protecting the environment. Joined by Representatives TIERNAN and ABOUREZK and Senator METCALF in sponsoring this measure, I pointed out at that time that by connecting all our major power systems we would create a spinning reserve available to take care of any emergency.

The answer to our electrical energy crisis is not more nuclear facilities. I am convinced that the best interests of the public and the environment will not be served by H.R. 14655 and believe the "protections" attributed to it are deceptive. I urge our colleagues to join with me in defeating this measure.

Mr. FLOOD. Mr. Chairman, I have not opposed H.R. 14655 because I consider that this bill will not in any significant way change the safety hearing process for nuclear powerplants. The public will still be able to raise legitimate issues concerning nuclear safety. The public will still be able to present testimony, to rebut evidence and to cross-examine witnesses as is the course in the trial-type safety hearings now being conducted. The public will still be guaranteed that the hearing will meet the provisions of the Administrative Procedure Act. In short, H.R. 14655 does little more than slightly modify the timing arrangements for the conducting of the hearing and change slightly some minor legal procedures.

This bill is far different from H.R. 13752 which I strongly opposed. That bill seriously affected the application of the national environmental policy as related to the licensing of nuclear powerplants. H.R. 14655 is also far different from H.R. 13731, H.R. 13732, and H.R. 14065 which were under consideration by the Joint Committee on Atomic Energy. Those bills would have essentially cut out the public's right to the airing of safety issues relative to the licensing of nuclear plants. The public would only have been able to take part in a legislative type hearing and would not have been assured any judicial review. Had any of these bills reached the floor I would have opposed them.

H.R. 14655 assures the public's rights and for this reason I support it. Discussions on floor today by members of the Joint Committee on Atomic Energy attempting to create legislative history are unnecessary, are confusing, and serve no purpose. H.R. 14655 is a very carefully drawn piece of legislation that was reported out of committee as a compromise measure. My support for this bill is based solely on a careful reading of H.R. 14655 and my understanding that it protects in every way the public's rights to a fair hearing and due process. It is not based in any way on various members of the committee construing on the floor that the legislation means this or that.

Mr. FRENZEL. Mr. Chairman, I rise today in support of H.R. 14655. I wish to commend the Joint Committee on its action in bringing this particular pro-

posal to the floor rather than the original version, H.R. 14065. The bill reaffirms the Atomic Energy Commission's existing authority to issue operating licenses for interim plant operations. It also firmly reconfirms the public right to a hearing on that interim license.

The permits issued under H.R. 14655 are intended to be utilized solely for emergency purposes. They exist only for the duration of the emergency period or until the full NEPA and safety reviews are completed, whichever occurs first.

This bill guarantees that these hearings will meet the requirements of the Administrative Procedure Act (5 U.S.C. secs. 554, 556, and 557) and the Atomic Energy Act (secs. 181 and 189). These guarantee a public hearing on any order for the insurance of a license by a Federal agency (5 U.S.C. sec. 554(c)(2) and 42 U.S.C. sec. 2239(A)).

As a minimum these hearings would include the right to submit relevant documentary and oral testimony. Included also would be the rights of conducting cross examination to disclose factual information and the use of rebuttal material. The language of the committee report specifically confirms that the right to discovery and cross examination by stating they shall not be abused.

Also, consistent with present AEC procedures, H.R. 14655 maintains these requirements that findings on safety and environmental matters must be made by the Hearing Board. This applies in any case where a hearing has been properly requested.

Mr. Chairman, I support this bill in the form which the Joint Committee endorsed and I am hopeful that its original intent will be maintained. I am particularly pleased with what is apparently a new attitude within the Joint Committee which is dramatized by the substitution of H.R. 14655 for earlier, more objectionable versions.

Mr. EILBERG. Mr. Chairman, I support H.R. 14655, for I believe that, although it allows a shortened and speeded up safety hearing process for the issuance of temporary operating licenses for nuclear powerplants, it in no way eliminates or substantially alters the right of the public to an adequate safety hearing and to the due process as guaranteed by the requirements of the Administrative Procedure Act. I strongly opposed H.R. 13752 when it was before this body on the grounds that amending the National Environmental Policy Act would serve no purpose since there was not at that time and is not at this time one single nuclear powerplant in this country that is being held up for any NEPA considerations. I argued that H.R. 13752 was actually a subterfuge for speeding up the licensing process while ignoring the increasing number of nuclear experts who have now openly expressed grave doubts about the operability of the emergency core cooling system. The system of last resort to prevent a major nuclear accident. During the floor debate last month, I stated that I was not willing to compromise public safety and I want to emphasize that point again. Surely, there is no one in the Congress today who would be willing

to risk a major nuclear accident by speeding up the hearing process to omit the adequate consideration of the safety issues posed by the construction and operation of nuclear powerplants.

H.R. 14655 does alter the right of the public to a hearing on an interim license. However, such hearing will meet the minimum requirements of the Administrative Procedure Act (5 U.S.C. 554 556, and 557) and the Atomic Energy Act (secs. 181 and 189) which guarantee a public hearing on any order for the issuance of a license by a Federal agency (5 U.S.C. 554(c)(2) and 42 U.S.C. 2239(a)). Intervenor in this hearing would have the minimum right to submit relevant documents, present oral testimony, rebut evidence and conduct cross-examination to fully disclose the facts. The only procedural changes this bill authorizes are a substantial and liberalized discovery process before the hearing—to save hearing time—a fixed length to be established for the hearing, and the establishment of ground rules whereby areas of cross-examination and the issues would be defined. The committee report confirms the right to discovery and cross-examination by indicating that they shall not be subject to abuse, meaning the applicant's abuse of discovery by refusing promptly to produce all data requested and the intervenor's abuse of cross-examination by using it in lieu of discovery.

A most important provision is that H.R. 14655 is only to be used when an emergency exists and when an independent investigation of an emergency power claim has been substantiated. This means a thorough study would have to reveal that alternatives such as the availability of alternate sources of power were considered and found not to exist. The Committee on Merchant Marine and Fisheries report on H.R. 13752 contains a good discussion of the definition of "emergency" and while the report leaves the discretionary power with AEC, a recommendation made on page 9 of the report is worth noting here. The report states:

Efforts to avoid this contingency (declaring an emergency) should probably include the curtailing of interruptible power (since this was purchased at substantially lower rates with the prior understanding that service may be cut off) . . .

It is clear that a utility should not be able to claim an emergency to institute the procedures contained in H.R. 14655 if the utility is doing this just to maintain its "interruptible power" service, a service which the utility has said by definition is not essential.

Finally, H.R. 14655 is intended to be used only as long as an emergency exists and the AEC is charged with assuring that there is no delay in the completion of the full operating license permit procedure.

Mr. WOLFF. Mr. Chairman, when H.R. 13752 was being considered by the Joint Committee on Atomic Energy, I vigorously opposed it as a needless and dangerous amendment to NEPA. I am supporting H.R. 14655 because while its objective is also the interim licensing of

nuclear powerplants, its method for achieving that objective are consistent with the principles of due process of law and with the National Environmental Policy Act.

Unlike the other interim licensing proposals, H.R. 14655 guarantees the public's right to a hearing and full judicial review under the provisions of sections 554, 556, and 557 of title 5 of the United States Code. Equally important is the fact that H.R. 14655 narrowly defines the conditions under which its authority may be utilized by establishing that no emergency warranting interim licensing shall be deemed to exist until the applicant has thoroughly exhausted available electric power resources and alternatives to interim licensing, or until an appropriate reserve requirement as historically deemed necessary has been established to measure available supply against, or until the ability of the plant to meet the problem has been proven.

In this respect, the utility has a heavy burden to establish by a detailed factual presentation—not merely by opinion testimony—that it has met these preconditions to the issuance of an interim license. These factual presentations even where they are supported by the FPC or other Federal agencies, will be subject to the public's right of cross examination. No issue shall be deemed foreclosed in the hearing unless the hearing board determines that there is no genuine issue of fact with respect to that issue.

A recent example of utility industry's ability to develop imaginative sources of power when nuclear plants are not available underlines the desirability of the AEC requiring a utility to exhaust completely all possible alternatives prior to considering interim licensing. The Consolidated Edison Co. of New York has alleged that it needs more electric power for this summer in New York City. Originally it claimed that all possible sources for electric power other than its Indian Point No. 2 nuclear plant had been exhausted and that it needed the plant to operate during the summer. However, several problems including a fire and a safety modification to the steam valves, made it impossible for the plant to be available to generate electricity this summer. Suddenly, Con Ed found a solution. Today Con Ed is attending a hearing for the purpose of purchasing electric power from other sources. I am sure that if they had to, other utilities could be equally inventive.

I am gratified that as a result of my efforts, and those of many who joined with me in opposing earlier interim licensing efforts, the committee has reported to the floor a bill which provides both for licensing and for protection. The key factor is that nuclear powerplants can, under this legislation, be licensed for operation only when there is no other alternative. The retention of the hearing and judicial process should insure adequate environmental safeguards.

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

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby added to the Atomic Energy Act a new section 192 to read as follows:*

"SEC. 192. TEMPORARY OPERATING LICENSE.—

"a. In any proceeding upon an application for an operating license for a nuclear power reactor, in which a hearing is otherwise required pursuant to section 189 a., the applicant may petition the Commission for a temporary operating license authorizing operation of the facility pending final action by the Commission on the application. Such petition may be filed at any time after filing of:

(1) the report of the Advisory Committee on Reactor Safeguards required by subsection 182 b.; (2) the safety evaluation of the application by the Commission's regulatory staff; and (3) the regulatory staff's final detailed statement on the environmental impact of the facility prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 853) or, in the case of an application for operating license filed on or before September 9, 1971, if the regulatory staff's final detailed statement required under section 102(2)(C) is not completed, the Commission must satisfy the applicable requirements of the National Environmental Policy Act prior to issuing any temporary operating license under this section 192. The petition shall be accompanied by an affidavit or affidavits setting forth the facts upon which the petitioner relies to justify issuance of the temporary operating license. Any party to the proceeding may file affidavits in support of, or opposition to, the petition within fourteen days after the filing of such petition, or within such additional time not to exceed ten days as may be fixed by the Commission. The Commission shall hold a hearing after ten days' notice and publication once in the Federal Register on any such petition and supporting material filed under this section and the decision of the Commission with respect to the issuance of a temporary operating license, following such hearing, shall be on the basis of findings on the matters specified in subsection b. of this section. The hearing required by this section and the decision of the Commission on the petition shall be conducted with expedited procedures as the Commission may by rule, regulation, or order deem appropriate for a full disclosure of material facts on all substantial issues raised in connection with the proposed temporary operating license.

"b. With respect to any petition filed pursuant to subsection a. of this section, the Commission shall issue a temporary operating license upon finding that:

"(1) the provisions of section 185 have been met with respect to the temporary operating license;

"(2) operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection of the environment during the period of the temporary operating license; and

"(3) operation of the facility in accordance with the terms and conditions of the temporary operating license is essential toward insuring that the power generating capacity of a utility system or power pool is at, or is restored to, the levels required to assure the adequacy and reliability of the power supply, taking into consideration factors which include, but need not be limited to, alternative available sources of supply, historical reserve requirements for the systems involved to function reliably, the possible endangerment to the public health and safety in the event of power shortages, and data from appropriate Federal and State governmental bodies which have official responsibility to assure an adequate and reliable power supply.



The temporary license shall contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for the extension thereof, and the requirement that the licensee not retire or dismantle any of its existing generating capacity on the ground of the availability of the capacity from the facility which is operating under the temporary license. Any decision or other document authorizing the issuance of any temporary license pursuant to this section shall recite with specificity the reasons justifying the issuance. The decision of the Commission with respect to the issuance of a temporary operating license shall be subject to judicial review pursuant to the Act of December 29, 1950, as amended (ch. 1189, 64 Stat. 1129).

"c. The hearing on the application for the final operating license otherwise required pursuant to section 189 a. shall be concluded as promptly as practicable. The Commission shall vacate the temporary operating license if it finds that the applicant is not prosecuting the application for the final operating license with due diligence. Issuance of a temporary operating license pursuant to subsection b. of this section shall be without prejudice to the position of any party to the proceeding in which a hearing is otherwise required pursuant to section 189 a.; and failure to assert any ground for denial or limitation of a temporary operating license shall not bar the assertion of such ground in connection with the issuance of a subsequent final operating license.

"d. The authority under this section shall expire on October 30, 1973."

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

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

There was no objection.

The CHAIRMAN. If there are no amendments to be proposed, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FOLEY, 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. 14655) to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes, pursuant to House Resolution 953, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to in-

clude pertinent matter on the bill just passed.

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

There was no objection.

#### REPORT ON INTERNATIONAL TRADE PROBLEMS

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

Mr. GAYDOS. Mr. Speaker, if the \$2 billion trade deficit this Nation suffered last year, our first in nearly 100 years, did not open the eyes of Congress and the administration about our international trade problems, perhaps the latest report from the Department of Commerce will.

According to DOC, we have, in just 3 short months, nearly equaled that record. In the first quarter of 1972, we have posted a trade deficit of \$1.5 billion, getting off to the worst start in our history. Projected over the remainder of the year, we face an unbelievable deficit of \$6 billion.

All is not gloom, however. The DOC links its ominous announcement on trade with a cheerful report on the Nation's economy. The reason for our lousy start in trade, DOC says, is because our economy is in such good shape as compared to that of other countries that America is the best place for them to sell their goods.

That should come as heartening news for nearly 6 million Americans who are paying the high cost of food these days from their unemployment checks.

#### STATEMENT OF CONGRESSMEN BOB MATHIAS AND B. F. SISK, IN THE HOUSE OF REPRESENTATIVES, MAY 3, 1972, ON NATIONAL RAISIN WEEK

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

Mr. SISK. Mr. Speaker, in the interests of bipartisanship my colleague, Congressman BOB MATHIAS, of Visalia, and I are joining in a statement on a distinctly nonpartisan issue and one on which there certainly is no partisan disagreement—the delectability of California raisins.

The 63d National Raisin Week, which we are celebrating through May 7, gives special recognition to the California raisin industry, which, in a normal crop year, produces, processes and markets one-half the world's supply of raisins.

National Raisin Week, the Nation's oldest food festival, calls attention to a quarter-billion dollar industry which directly involves many thousands of people in the production, distribution, and sales of raisins in the retail grocer and industrial and institutional handling of raisins in all forms.

California vineyards and the related industries engaged in producing, processing, and distribution supply an average of well over 200,000 tons of delicious raisins a year for eating out of hand, for cooking, for use in baked foods, and in gourmet dishes.

Unfortunately, a severe frost has sharply curtailed this year's raisin variety grape crop, and various raisin industry organizations are urging growers to make as nearly a normal supply of raisins as possible to maintain domestic and export markets.

High commendation for its work in this effort and for its activities in the fields of research, promotion, and advertising, is merited by the California Raisin Advisory Board.

Utilizing funds provided by participating producer and processor members, CALRAB carries on its program of aggressive advertising and promotion not only domestically but in countries throughout the world by utilizing market development funds from the U.S. Department of Agriculture's Foreign Agricultural Service.

The California Raisin Advisory Board has developed the practically nonexistent Japanese market to the No. 1 export outlet, which now consumes more than 20,000 tons of California raisins each year. CALRAB is now exerting maximum effort to supply the Japanese and other markets during this year of crisis in the raisin industry.

I also wish to point out the important role of the Raisin Bargaining Association, in this and other efforts. During a brief span of less than 6 years, the RBA has brought raisin growers together in a concerted effort to give them a better voice in determining the price they will receive for their products.

Raisins packers are also deserving of praise for their early acceptance of an RBA price offer designed to encourage greater raisin production.

Also meriting special commendation in the raisin industry is the work of the Federal Raisin Advisory Board and the Federal Raisin Administrative Committee, who operate under Federal marketing orders which have done so much to bring about the orderly marketing of our raisin crops and have also been instrumental in the development of export markets.

The raisin industry, which effectively utilizes the self-help tools of sales promotion and advertising in the best American tradition, well deserves a special salute during this National Raisin Week.

#### RETIREMENT OF CHARLES A. QUATTLEBAUM AFTER LONG SERVICE TO CONGRESS

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

Mr. BROYHILL of Virginia. Mr. Speaker, May 31, 1972, will mark the retirement of a man who for more than 35 years has performed unique service in the field of education to Congress and thus to the Nation. Mention the Federal role in education here on Capitol Hill, or anywhere throughout the education world, and to many the name Charles A. Quattlebaum immediately will come to mind.

Mr. Speaker, I believe we owe this man respect and appreciation.

Mr. Quattlebaum, a long-time resident of Arlington, Va., obtained his formal education at the University of Georgia; the George Washington University in Washington, D.C.; and Northwestern University in Evanston, Ill. After some years of experience as a public school administrator, he began his career in the Federal Government. Since 1937 he has borne the responsibilities of the top position in the subject field of education in the Congressional Research Service—formally the Legislative Reference Service—of the Library of Congress, which is widely recognized as being one of the world's greatest educational institutions.

In response to requests from congressional committees and individual Members of Congress, through the years Mr. Quattlebaum has not only carried out extensive research undertaking, but has also provided information through conferences with Members, and through numerous written, analytic reports.

In 1951, Mr. Quattlebaum completed the first comprehensive study ever made of Federal educational activities and educational issues before Congress. This was first published in two volumes, as committee prints of the Committee on Education and Labor, and later as a House document, which was widely distributed throughout the Nation. This became generally known as "the Quattlebaum Report" and was so identified in some other publications. Because of the disclosures in this report, Chairman Graham A. Barden of the Committee on Education and Labor referred to Mr. Quattlebaum on the floor of the House as "the best research man in Washington."

In response to requests from the chairmen of the Committee on Education and Labor, in 1960 and again in 1968, Mr. Quattlebaum made comprehensive studies of "Federal Educational Policies, Programs, and Proposals." Each of the reports was published in three volumes, the 1960 report in the form of committee prints and the 1968 report in the form of a House document.

Altogether during his career in the Congressional Research Service Mr. Quattlebaum has written more than 30 congressional documents and committee prints. To meet the nationwide demand for copies, each of a number of these reports has been reprinted several times, even though the first edition has sometimes run as high as 25,000 copies. One of the reports was ordered printed by three different congressional committees, as each committee wanted its own edition.

Several agencies in the executive branch of the Government, and also non-governmental agencies, have, from time to time, paid for the printing, or purchased from the Government Printing Office, large numbers of copies of one or another of the "Quattlebaum reports." One Government agency several years ago authorized one of its officials to order "5,000 copies of any official report prepared in the future by Charles A. Quattlebaum."

As an unofficial activity throughout the years, Mr. Quattlebaum has written many articles that have been published in educational journals and reference

works, including articles in the *Encyclopedia Americana* and a chapter in the 1960 Yearbook of the American Assembly. He recently served over a period of 2 years as an editorial advisor to a large publishing house in connection with the preparation of a 10-volume "Encyclopedia of Education."

However, it is with regard to his long and unique service to Congress in one of the subject fields of greatest legislative activity that I feel we should take this note of his pending retirement from his career in Government, express our thanks and wish him success in whatever new career he may undertake.

#### BAD ELECTIONS

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

Mr. KEATING. Mr. Speaker, the apparent difficulties in the election procedures that occurred in Cleveland during the Ohio primary point up the urgent need for action in the area of election administration.

I proposed an amendment, that was adopted, to the Federal Election Campaign Act of 1971.

Section 308(c) provides for the Comptroller General to serve as a national clearinghouse for information in respect to election administration.

What happened in Cleveland may have been avoided if they had been able to get the experience of other bad elections that have occurred across the Nation. At the present time, there is no one central place where information on election administration can be obtained.

In Cincinnati, Ohio, during the city council race there were no election returns until the Sunday after the election. The voters of Cincinnati had to wait 5 full days before the results of their election was known. Detroit had a serious election breakdown in both 1970 and 1971. In one of their elections many ballots were never counted, as they were destroyed in a rainstorm.

In November of 1971, the Detroit Free Press reported "for the second time in a row the counting of Detroit's new punch-card ballots turned into a colossal foulup Tuesday night." Some computers broke down.

Election administration problems have also occurred in San Francisco, Atlanta, and Philadelphia.

Election day is the most important in any democratic nation. When the Government fails to function efficiently on this day, a tremendous credibility gap occurs between the Government and the people.

This amendment, which is now law, provides for the Comptroller General to act as a national clearinghouse for information ranging from the personnel working on election boards to the voting and counting methods.

The incidents last night in Cleveland only were the most recent in a long line of election foulups. With a major presidential election coming up this November, the time for action is now.

I insert a letter I am sending to El-

mer B. Staats, Comptroller General of the United States:

CONGRESS OF THE UNITED STATES,  
Washington, D.C., May 3, 1972.

HON. ELMER B. STAATS,  
Comptroller General of the United States,  
General Accounting Office,  
Washington, D.C.

DEAR MR. STAATS: During consideration of the Federal Election Act of 1971 I proposed an amendment to establish the Comptroller General as a clearinghouse of information on election administration. This amendment was accepted and is Section 308(c) of the new law—P.L. 92-225. The serious election day troubles in Cleveland only point out the need for immediate study in this area. With a major Presidential election coming up this November, it is essential that information be made available to local officials on how to avoid these mistakes.

I urge you to send investigators to Cleveland and other cities that have had election day difficulties.

My own study done during the development of my amendment showed that serious breakdowns in the election process had occurred in Cincinnati, Ohio; San Francisco; Atlanta; and Philadelphia. I am sure there are other cities that have experienced similar problems.

The most recent difficulties in Cleveland only point out the need for immediate action. Thank you in advance for your cooperation.

Very truly yours,

WILLIAM J. KEATING,  
Member of Congress.

#### INTRODUCTION OF "TRANSPORTATION PAYMENT ACT OF 1972"

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

Mr. ADAMS. Mr. Speaker, I am today introducing the "Transportation Payment Act of 1972." This legislation, recommended to the Congress by the General Services Administration—GSA—will eliminate or alleviate transportation payment problems which are costly and cumbersome to both the Federal Government and transportation carriers. It will do so by facilitating preparation or elimination of documentation, simplification of transportation procurement practices, reduction in number of lost Government bills of lading, improvement of administrative, and financial flexibility, reduction of billing problems, and facilitation of the audit function.

This legislation resulted from recommendations made by the Joint Agency Transportation Study Group, a group called together to investigate allegations of "excessive" billing points, unwarranted delays in the payment of bills for freight and passenger service, and related administrative cost problems. Its report found that \$8.6 million could be saved annually if appropriate administrative and legislative changes were made in the Government transportation business.

Among others, the bill will eliminate the "consignee's certificate of delivery," a practice which is based on an 1823 law and which today clearly is unnecessary. Substitution of a certificate of delivery by the carrier, as authorized by this bill, provides adequate protection to the Government. In addition, this legislation will



permit the GSA's bill of lading system to show actual, rather than estimated, transportation charges and will allow payment to be made to carriers on a periodic basis without the necessity of carrier billing. This will reduce sharply the administrative costs of both the Government and the carrier.

Mr. Speaker, I hope this bill will be favorably considered during this session.

#### THE U.S. POSTAL SERVICE CONCEALS INFORMATION FROM CONGRESS

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

Mr. ALEXANDER. Mr. Speaker, since March I have tried to secure a copy of a certain option to purchase real property from the U.S. Postal Service. I have been denied this information.

One report that has come to me from within the Postal Service reveals that the Postal Service has paid \$713,250 for an unrecorded option to purchase property in Memphis, Tenn., on which it intends to build a regional bulk mail facility. The postal officials will not produce the document and I am unable to determine the accuracy of this information.

Why does the Postal Service refuse a Member of Congress information which should be available to every citizen of the United States? Does it need time to cover up its mistakes? Is it afraid of the truth?

It is my belief that the arrangements made by the Postal Service for the announced site in Tennessee are secretive, excessively expensive, and in violation of congressional intent.

The Congress has a right to know the affairs of the Postal Service. I bring this travesty to the attention of my colleagues.

#### SUPPORT FOR VOA BROADCASTS TO RUSSIA IN YIDDISH

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

Mr. KOCH. Mr. Speaker, we will shortly have before us a bill which will contain moneys for the U.S. Information Agency. I am already receiving mail, as I am sure other Members are, urging that I resist efforts to cut the funding of that Agency.

Over the last year, many Members of this House have urged USIA to allot some time in its broadcasting to the Soviet Union for the express purpose of providing broadcasts in the Yiddish language; but USIA had refused to do so. In correspondence which I and many others have had with the State Department and USIA, it became clear that their opposition has not been predicated on any technical problem but rather on policy.

We in this House who are concerned about the plight of Soviet Jews have expressed that concern by the passage of House Concurrent Resolution 471 by a vote of 359 to 2. We made it clear that we wish to assist the Jewish minority in the U.S.S.R. in whatever reasonable

way they can. One way would be to have Yiddish language broadcasts. It is not that the Soviet Jews do not read and write in the Russian language that we make this request. No, it is made because those familiar with the plight of the Jews in the Soviet Union know that their spirit will be buoyed up by such an acknowledgment by the United States of this national language no longer taught in the Soviet Union while other groups are encouraged to learn in their national language. Even so, great numbers of Jews in the Soviet Union hold fast to their mother tongue—the Yiddish language, notwithstanding the efforts of the Soviet Union to engage in cultural genocide.

I am appending a letter to USIA Director Frank Shakespeare sent today by 16 of our colleagues, including myself, informing him of our intentions to seriously consider eliminating funds for all VOA broadcasts to Russia unless it changes its position on this matter:

HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 3, 1972.

Mr. FRANK SHAKESPEARE,  
Director, USIA,  
Washington, D.C.

DEAR MR. SHAKESPEARE: We the undersigned wish to inform you that we are dissatisfied with U.S.I.A.'s response to the requests made many times to your Agency for the initiation of broadcasts into the Soviet Union in the Yiddish language.

Our correspondence and meetings with you have been to no avail and our requests have apparently fallen on deaf ears. Furthermore, the reasons for your refusal to include a broadcast in Yiddish have never been adequately defined nor have those offered been satisfactory.

We appreciate that the Congress has authorized you to make decisions on programming. Ultimately, however, the authorization of the entire program rests with the Congress.

We wish to advise you that unless our request is met with a commitment that the VOA will initiate regular weekly broadcasts in Yiddish to the Soviet Union, we will consider a move to eliminate funding for all VOA broadcasts to the USSR when the foreign aid bill comes before the House.

We would appreciate receiving your response in this matter as soon as possible and if you would like to meet with us, we would be pleased to arrange a convenient time.

Sincerely,

EDWARD I. KOCH.

The following Members have authorized the appending of their names to this letter: William Ryan, Mario Biaggi, John Dow, Bertram Podell, Lester Wolff.

Benjamin Rosenthal, Jonathan Bingham, Hamilton Fish, Jr., Melvin Price, Joshua Ellberg.

Abner Mikva, John Buchanan, Claude Pepper, James Scheuer, Robert Drinan.

#### VOICE OF AMERICA BROADCASTS IN YIDDISH

Mr. RYAN. Mr. Speaker, on May 26 of last year, I introduced a resolution in the House, House Resolution 454, calling upon the Voice of America to institute broadcasts in the Yiddish language to the Soviet Union. Over 100 of my colleagues have joined in cosponsoring this measure, a clear indication of the strong support that exists for this resolution. I have repeatedly urged the Director of the U.S. Information Agency, through correspondence and in meetings with

USIA representatives, to begin Yiddish broadcasts. Yet the USIA has remained adamant in its refusal to initiate these broadcasts.

After the introduction of my resolution and after a meeting which I arranged between concerned Congressmen and State Department and USIA officials, the USIA decided to broadcast twice a week a 10-minute Russian language—not Yiddish—program of "news of particular interest to Jews in the Soviet Union." As I said at the time, that was an inadequate and disappointing response.

Certainly, the precedents exist for Yiddish broadcasts. Currently, the Voice of America broadcasts to several population groups within the Soviet Union whose numbers are less than the total of Soviet Jewry. Reliable estimates place the number of Soviet Jews at 3 million and Yiddish-speaking Jews at 1.25 to 1.75 million. How can the Voice of America continue to justify its policy of allocating 7 hours a week in each of Estonian, 1.4 million population; Latvian, 1.43 million; Lithuanian, 2.1665 million; Georgian, 3.245 million; and Armenian, 3.559 million; whereas only about 20 minutes is broadcast to 3 million Soviet Jews? There is no justification for this warped set of priorities which simply illustrate the lack of understanding of the desperate situation confronting Soviet Jewry.

Soviet Jews are engaged in nothing less than a struggle for survival—a struggle to maintain their religious and cultural identities in the face of a systematic attempt by the Soviet Government to obliterate what remains of a rich cultural and religious heritage. They are being denied the fundamental rights of cultural and religious freedom at the same time as they are prohibited from emigrating to countries where these rights would be honored.

Soviet Jews are prisoners who have committed no crime but have been sentenced to life in a cultural and religious vacuum. How can we continue to refuse them a powerful psychological uplift in the form of broadcasts in their mother tongue? How can we continue to refuse them tangible evidence of our concern about their continued existence as a viable cultural and religious entity?

I say that we cannot, and we must not, sit back while 3 million people yearn for a sign of hope. Let us give them that sign. Let us demonstrate that our commitment to justice and freedom does not stop at our borders but extends to all mankind.

#### OPPOSITION TO THE WAR

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

Mr. RYAN. Mr. Speaker, today and tomorrow—throughout the Nation—millions of Americans will participate in activities designed to demonstrate their peaceful, nonviolent yet total opposition to the continuation of the war in Vietnam.

This House must heed their call.

The war must end. And the Congress must end it.

For over a decade, this Nation has fueled the fires of war in Southeast Asia. The price for this mistaken tragic venture has been incalculably high—in terms of lives lost and blood shed, in terms of opportunities missed and resources squandered, in terms of division and alienation within our own society.

Yet the war drags on—sapping the very lifeblood of America and bringing untold devastation to Indochina.

The events of the past few weeks should have dispelled whatever illusions may have remained as to the administration's Vietnam policy. Vietnamization is a failure and a fraud. While the President has attempted to reassure the American people with a scene of a war dwindling away, the truth is that the administration is engaged in a massive reescalation of the war.

Behind the facade of such terms as "Vietnamization" and "protective reaction," the facts of Vietnam remain as stark and as brutal as ever.

No amount of Presidential rhetoric can mask the fact that the President's policy is not one of peace—but of continued death and destruction.

A bloodbath has not been prevented in Southeast Asia—it has been created. The self-determination of the Vietnamese people has not been protected. But the Vietnamese people have been subjected to a corrupt military dictatorship.

This dreadful conflict has drained our resources and stained our conscience. It has sacrificed thousands of our most precious possessions—our young men—to the jaws of death. It has warped our priorities. It has brought the twin plagues of unemployment and inflation to our economy. It has brought bitterness and division to our people.

Yet while the administration speaks out of one side of its mouth for peace, it opts for military adventurism—reescalating the war—out of the other. The war is not winding down—it is raining down, raining down ton after ton of devastation dropped from American war planes.

Vietnamization must now be seen for what it is: a device designed to screen from the American people the bankruptcy of our military intervention in Southeast Asia. It is a public relations effort to tranquilize the American people, while the administration heaps coals upon the fire of war in Indochina.

In an effort to keep this policy from coming apart at the seams for all to see, President Nixon has recklessly ordered massive air strikes against the North, spreading as far as Haiphong and Hanoi. A tragic reversion to the discredited bombing policy of the past, this is not the path to peace but the road to more war. The failure of the bombing strategy has been apparent throughout the past 7 years. And it is glaringly apparent now. It has not broken the will of the North Vietnamese to resist, but it has yielded untold death, vast devastation, and millions of refugees. Under President Nixon, the air war has more than continued; it has skyrocketed, with more bomb tonnage being dropped during 1969, 1970,

and 1971 than in the previous years of the war.

Last week, on April 26, the President addressed the Nation to explain the current situation in Southeast Asia. Tragically, his address merely echoed the same litany of disaster that was heard time and time again during the Johnson years. After so many years, after so many lives, one would think that the administration would have learned that bombing is not the path to peace; that it would realize that the regime of General Thieu does not promote the real interests or desires of the Vietnamese people; that it would learn that the only course for this Nation to take is to extricate itself entirely from this dreadful war—immediately.

But it has not. Rather than learning from the mistakes of the past, this administration is intent on repeating them. The President's speech of April 26 could easily have been given by President Johnson years ago. Although this week marks the seventh anniversary of the first vote in the House of Representatives on appropriations for the Vietnam war, the policy remains the same.

But there is one difference. On that day in May of 1965, only seven of us in the House voted "no" to war. Now, the vast majority of the American people are with us in our quest for peace.

Time and time again, the people of this country have demonstrated their steadfast opposition to this ghastly war—in the voting booths, in public opinion polls, in the streets. Yet, this administration—as deaf as its so-called majority is silent—has ignored the voices of the people and has fed the fires of war. Not only in direct opposition to the will of the people, but in direct opposition to the law of the land as well.

Section 601 of the Military Procurement Act of 1971—Public Law 91-156—declares it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina and to provide for the withdrawal of all U.S. military forces at a date certain subject to the release of all American prisoners of war.

Yet as we meet here today, American bombers are spreading the ravages of war throughout Southeast Asia, expanding our involvement in this terrible conflict.

This policy must stop. And it is the Congress that must stop it.

As I said on May 5, 1965:

We cannot bomb people into democracy, nor can we bomb people into negotiations.

It is high time our policy in Indochina reflects this fact.

As I have pointed out time and time again on this very floor, it is the Congress—and only the Congress—which has the constitutional responsibility over war and peace. And the Congress must exercise that responsibility—now.

This House cannot close its ears to the demands of the American people any longer.

This House cannot close its eyes to the horrors of war any longer.

This House cannot shirk its responsibilities any longer.

We have an obligation to our country and to ourselves to do everything within

our power to bring the bloodshed and devastation in Vietnam to an immediate halt. I call upon my colleagues to join with me in demanding that the President order an immediate and complete halt to all American air strikes; end our military involvement; and promptly withdraw our forces. I call upon my colleagues to join with me in voting against appropriations for the war.

As I have said time and again on the floor of the House, Congress can end the war by exercising its power of the purse and cutting off all funds for conducting it. That is the how to curb a President who deliberately ignores the will of Congress. That is how to assert congressional responsibility in response to the overwhelming desire of the American people.

At this point in the RECORD I include a perceptive article by Anthony Lewis from the April 17, 1972, *New York Times*, which points out the damage the renewed bombing has caused to America's place in the world as well as the domestic consequences:

#### SLAUGHTERHOUSE SIX

(By Anthony Lewis)

LONDON, April 16.—In my generation we grew up believing in America. We knew there was a fundamental decency and humanity in our country, whatever its wrongs, and openness: The wrongs could be changed by reason and persuasion.

The violent anti-American rhetoric of the radicals and the young has therefore repelled us. To call the United States an aggressive country, so tightly controlled that only revolution could change its course, seemed the stuff of fantasy. A general might talk about bombing the Vietnamese back to the Stone Age, but our political system would never allow it.

That faith in America has been sorely tested in these last years, but never more terribly than by Richard Nixon's bombing of Hanoi and Haiphong. For the truth is now impossible to escape if we open our eyes: The United States is the most dangerous and destructive power in the world. And its political leadership seems virtually immune to persuasion by reason and experience.

It is seven years—seven years!—since Lyndon Johnson began bombing North Vietnam. Literally millions of tons of American explosives have been dropped on Indochina since then, but the peninsula is no more "secure"—secure for the American system that we want to impose on it. Only a fool or a madman could believe, now, that more bombing will bring peace to Indochina.

Why are we bombing? To keep Nguyen Van Thieu in office in Saigon. To make sure that Nixon is not the first American President to lose a war. To teach the Russians a lesson about supplying arms to our enemies.

Those are some of the reasons that are advanced. To state them is to laugh, because none of them could remotely justify the disproportionate cost of the bombing in human or political terms.

Proportion: That is the terrible failure of American policy in Vietnam. Of course the Communists are fighting the war too, and attacking in the South, and killing human beings. But they are doing so in what they regard as their own country, for a genuine cause and at immense sacrifice to themselves. The United States is dropping bombs from 50,000 feet above a country thousands of miles from our shores, for no cause that Americans can state. How different the moral equation would be if the officials and the generals who give the bombing orders ever found their own lives at risk.



It is the old question of means and ends. For American leadership in the world there is no more important question. Our allies have accepted our leadership because they believed we would exercise our power with restraint and wisdom.

Englishmen and Frenchmen will not easily lose their affection for America, and certainly not their fear of Communist tyranny, but they can hardly help noticing that it is not the Russians or the Chinese but the Americans who are bombing a distant country for reasons of pride and pique.

Yes, pique. Thinking about it, one realizes that that is the real reason for the escalation: Richard Nixon does not know how else to react to the Communist's advances on the ground, so he has chosen to punish them by slaughter in the mass. That is the ultimate disregard of the relationship between means and ends. It passes mistake and approaches crime.

The effect on Indochina will be to delay still further the adjustment to political reality that must some day take place—reconciliation among the people who inhabit the peninsula. Bombing can only destroy and embitter.

For America's place in the world, too, there must be damage. The reason was expressed the other day—before the expanded bombing—by a German known to American strategists as an outstanding thinker on alliance problems. Theo Sommer, deputy editor of *Die Zeit*.

Writing in *The Financial Times* of London, Mr. Sommer said: "It would be sad to see South Vietnam go down, but fatal to see the United States go in again." For "re-escalation" by the American side, he said, would make more likely an eventual American "revolution" against military commitments elsewhere, notably in Europe.

But the most disastrous effects of the bombing escalation must be inside the United States. For no society can be at peace within when it begins to see itself as a destroyer outside.

What is left to say to those who question the very nature of America? After seven years, it is not possible to go on saying that it will all work out, that peaceful change within the political system will have its effect eventually. I cannot believe myself that violence improves the lot of mankind. The only hope left is that somehow—in some new form of protest—the decent strain in American life will make itself felt. The alternative is black despair.

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

Mr. RYAN. I yield to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, the President's reescalation of the immoral war in Southeast Asia continues. Out of the ashes of his Vietnamization policy, another phoenix of death and bloodshed arises. And there is no end in sight.

The American people are tired of their complicity in this senseless conflict which has already cost the lives of over 1 million human beings. The rhetoric of "national pride" and "defending our free-world allies" is stale and empty.

Excuses? There are no excuses for the resumption of American bombing of North Vietnam and intensified bombing of South Vietnam.

Democracy? Not in Saigon where a regime as cruel and undemocratic as any in the world reigns with an iron fist.

Peace? Peace will not come from more strafing and more destruction. Peace will not come from hollow words or B-52 bombers. Peace will only come when all

American military forces come home from Southeast Asia, when America pledges itself instead to fight standard housing, racism, drug abuse, inadequate health services, and unemployment at home.

The enemy? Who is the enemy? Is the enemy the men, women, and children of Indochina who seek to determine their own destiny? Or is the enemy in reality those who view war as a game of wits and who seek more and more Pentagon war toys with which to ravage the earth?

And the American people? Do not they have a say in this matter? Congress has time and time again refused to heed their words of protest against the war. The majority of our countrymen cry out for peace and are drowned out by the sounds of bombs dropping.

Tomorrow, May 4, has been set aside as Emergency Nationwide Moratorium Day, a day for the people of this country to peacefully send a message to the White House that the war is wrong and that it must end now.

If the American people cannot influence Congress and the President, then who can?

Mr. RYAN. Mr. Speaker, I certainly thank my distinguished colleague, the gentleman from New York, for his kind remarks. I know how concerned the gentleman has been about the continuation of this war, the effect it has had on the people of his congressional district, and what it has meant in terms of programs which have gone unfunded, intensifying the lack of housing, the lack of educational opportunities, and the lack of hospital care. This war must end, so we can get on with the reconstruction of our cities and eliminate the conditions which are far too widespread in the Harlems and Bedfords-Stuyvesants of this country.

Mr. DOW. Mr. Speaker, may I inquire of the gentleman from New York whether I may have some of his time.

Mr. RYAN. Mr. Speaker, I am glad to yield to the gentleman from New York (Mr. Dow) as much time as the gentleman desires to consume.

Mr. DOW. Mr. Speaker, I take this time to congratulate the gentleman from New York (Mr. RYAN) because no Member of this House has been more steadfast, nor more fervent, in his opposition to the war. Even in the darkest days when it seemed to be most unpopular, the gentleman stood firm and resolute. He was a tower of strength amongst the small group that spoke for peace in the early part of the 7 years that the gentleman alludes to. I do not think we can take up the subject any too often, nor do I think that we can fail to congratulate the gentleman from New York (Mr. RYAN) any too often for his leadership.

Now, Mr. Speaker, I should like to make a statement, if I may, and I can do that from this position, I am sure.

Mr. Speaker, our Nation and our President are confronted suddenly with a new aspect of the war in Vietnam. After 7 years of warfare which stayed on course, where surprise was absent, we now have a sudden and ominous situation to meet.

Faced with this tremendous but un-

certain challenge, in the high councils of our country the leadership is largely silent. The President himself, when he speaks, stays close to the old words we have heard for so long. Yet everyone knows that our response or nonresponse to the military advances by the other side must soon be determined, and this will indeed require "agonizing reappraisal."

From the words of the President, I judge he realizes the situation is agonizing. But we can detect little in his statements that indicate any reappraisal. The danger is great that the President will still assess the situation in Vietnam on the same old inaccurate scales that have long outlived their usefulness. In his evening talk last Wednesday, he speaks as usual of "naked and unprovoked aggression across an international border." Is this value judgment, raked up across the span of decades, to be the basis for our decisions now in 1972? Still convinced of "Communist aggression," the President says:

We will not be defeated; and we will never surrender our friends to Communist aggression.

This is a next-to-certain assurance that our reaction to the latest military change in Vietnam will be a major input of force.

Not only is the President still standing four-square on the nebulous base of "Communist aggression," but he sees the present events in Vietnam as a challenge to the Office of President of the United States, where any setback will cause that Office to lose respect. And he said on May 1:

But if the United States at this time leaves Vietnam and allows a Communist takeover, the office of President of the United States will lose respect, and I am not going to let that happen.

The President, being human, might even conceive that such a loss of respect coming at this time would affect his chances for reelection.

What is in the President's mind, then, has much to do with the decision that has to be made, and very soon, to meet the unexpected situation in Vietnam. It is most disturbing that the President appears to be animated by worn-out and discredited concepts of the threat to us that exists in Southeast Asia, the shibboleth of Communist aggression, and the rationalization which he utters from time to time that military activities in Vietnam are a prerequisite to peace throughout the world.

With all the emphasis that we command, it must be made known to the President that the foundations of his concepts about our involvement in Southeast Asia have crumbled long ago in the face of fact. What he calls "Communist aggression" is really the effort of a once-colonial people to free themselves from Western domination, first French and now American. Since World War II, millions of colonials have secured their release from such domination. It happened all over Africa; India and Pakistan were freed from British rule; Indonesia from Dutch rule; and we, ourselves, granted freedom to the

Filipinos. Freedom was denied to the Vietnamese. Yet, the urge for it burns so strongly that they are fighting still. The determination of their forces, no better armed than the Saigon military group, is a clear indication of the inspiration that Vietnam nationalism instills in soldiers on the other side.

The barley-veiled intention of the President not to be "defeated" in his purpose to bar a "Communist takeover" suggests an ominous and unpredictable exercise of options. Since the use of our principal option, in the past, the employment of ground troops, is still being renounced, we can only speculate in a very vague way about the options still open. After 7 years of bombing, how can we expect more bombing to resolve the situation in a military way? Will there be a sudden landing of the Marines in North Vietnam, predicated on the fact that North Vietnam is largely denuded of troops? Will we bomb Russian ships in Haiphong, or mine the harbor, or use other weapons, too awful to contemplate? Each of these options involves the most practical objections, to say nothing of their moral and political bankruptcy.

Given the declared attitude of the President, it behooves us to bring home to him the fact that immense numbers of Americans no longer accept the simple prejudices and reasonings of the past. We no longer accept the possibility of a military solution in Vietnam.

When he says that respect for the office of the President is at stake, let me answer that respect for the office might be greater on the unique occasion when he admits that Presidents of the United States have made mistakes in Vietnam. I do hope that our President is up to this level of coolness and resolution.

Mr. RYAN. Mr. Speaker, I commend the gentleman for his splendid statement on the situation in southeast Asia. He has been one of the most courageous Members of the House on this subject since he came here to represent the people of his district.

Mrs. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I will be glad to yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Speaker, as hundreds of thousands of Americans prepare to act on moratorium day, May 4, to demonstrate their opposition to the war in Indochina, once again the House of Representatives is notable for its failure to act and its failure to assert its constitutional authority to help determine whether this Nation shall be at war or peace.

I participate in this special order with a sense of frustration because when there is so much that we as an elected legislative body can do, all that we choose to do is to talk.

Personally, I believe that the House should call a halt to all routine business and focus its attention on legislation that will cut off funding of the war and make clear to President Nixon that the Congress will not longer be an accessory to his disastrous and deliberately deceptive policy in Southeast Asia.

As I have indicated on previous occa-

sions, there are many courses of action open to the House. It could immediately call up any number of bills, especially the Gravel-Drinan bill, for action. I hope that the Committee on Foreign Affairs, which has been instructed by resolution of the Democratic caucus to take action in setting the date for stopping the bombing of North Vietnam and, contingent on the release of our prisoners of war, the leaving of Indochina, will act to report out that bill, which provides for the stopping of bombing immediately and total withdrawal of our forces within 30 days thereafter. It could censure the President for his continuing violation of Public Law 92-156, which called on him to set a specific date for withdrawal of all American forces from Indochina, contingent only on the release of prisoners of war. It could at the very least demand from the executive branch, through the resolution of inquiry device, basic information on the extent of the bombing, the status of Vietnamization, and the present military situation.

At the moment, all we know is what we read in the newspapers, and the headlines tell us that Vietnamization is in a state of collapse, that the South Vietnamese Army is being routed, that Saigon's troops are deserting in huge numbers, and that the response of the United States is to bring in still another aircraft carrier and more bombers.

As in Cambodia and Laos, President Nixon has once again presided over a debacle for American policy, and probably the only surprising aspect of the current military happenings is the coolness with which the President is attempting to cover up the mess he has made in Indochina. I am certainly not known as an admirer of Mr. Nixon, but I do marvel at his nerve in the current crisis and his gall in perpetuating the same lies and policies that have cost the American people so heavily in the past decade.

If there were the House of Commons, the President would have been called on the carpet to defend in person the rationale for his Vietnam policy. Here, the House does not even bother to summon his deputies to explain why the American people should let this war continue for another day.

By default, the Members of this Congress place their seal of approval on policies that are stupid and blundering, at the very least, or, in my opinion and that of many other Americans, actually criminal.

By default, the Members of this Congress must share the President's reputation as the greatest bomber of all time. I call to your attention an editorial that appeared in the Washington Post on April 9, 1972, which noted that:

Mr. Nixon has dropped more than one ton of bombs per minute during every single minute of his administration. He has become—here is a "first" for you—the man who has assembled and let loose more devastation from the sky than anyone else in the history of creation; all this, mind you, while "winding down" the war.

The Post editorial continues:

President Nixon's general bombing rationale, as restated by the American com-

mand in Saigon just the other day, has been "to help protect the lives of the diminishing United States forces in South Vietnam." Yet virtually none of the remaining Americans are in a combat role (except in the air) or in a combat zone; their lives are not threatened. Asked on Thursday about the current raids, Admiral Moorer, chairman of the Joint Chiefs, candidly avoided the customary misleading bows to "protective reaction" and protecting American boys. The bombing will continue, he said, "so long as the battle that is currently going on is supported with resources from North Vietnam . . . as long as there are valid military targets supporting this operation." Defense Secretary Laird confirmed the point on Friday.

For at least the span of "this operation," then, we are back essentially to the Johnson policy of regular daily attacks on North Vietnam. A record 500 tactical aircraft and a record 100 B-52's are on the job; a record fifth carrier is being readied to steam into the waters off Vietnam. The ranks of American P.O.W.'s are again being increased.

In sum, having established himself as the greatest bomber of all time, having surpassed Lyndon Johnson in havoc wrought to the land if not also to the people of Indochina, having failed nonetheless to break the will of Hanoi or to deter its largest offensive since Dienbienphu, and having addicted Saigon more than ever to a reliance on American air power even while proclaiming ever greater success for Vietnamization—having done all this, Mr. Nixon is bombing still more, while the Russians, undeterred, are providing ever heavier firepower, in the form of artillery and SAM missiles, to their North Vietnamese allies."

So, the Washington Post concludes:

In what conceivable sense can this be described as "winding down"—let alone ending—the war?

The answer is, of course, in no sense at all. Instead, the Nixon administration is responsible for a military policy that merges war crimes with warfare on the electronic battlefield. These are the words of Raphael Littauer, a professor of physics at Cornell University, who for the past year has been coordinating the research by a team of Cornell investigators into the facts about the biggest air war in history.

In an article in the New York Times this morning, Professor Littauer says that escalation is built into the Nixon air strike policy.

He points out:

The trend to computerized warfare increases remoteness and removes the last psychological inhibitions which might have had a humanizing influence. War crimes merge with warfare on the electronic battlefield. Indochina has in fact been our proving ground and the costly new technologies (over \$3 billion through June, 1971, perhaps reaching \$20 billion by the end of the decade) generates powerful new pressures for proliferation.

Territories under enemy control are subjected to sustained bombardment to deny the enemy the fruits of his victory—the population resources he has come to control. An uglier phrase for this is scorched-earth policy. An unspeakable price is exacted from the people of Indochina in return for "saving" them.

The threat of retaliation against North Vietnam, an explicit element of U.S. air war policy, requires frequent saber-rattling to maintain "credibility." The cost must be reckoned not only in the lives of the victims but in a hardening of positions on both sides. The Communists, after decades of struggle,



are in no mood to be deterred. The U.S. closes off its options for more moderate, politically oriented policy choices. We back ourselves into a corner from which only a frustrated lashing out is possible.

Professor Littauer goes on to point out that the character of the air war is changing, with B-52's delivering an ever-larger fraction of the bombs.

One must know a little about these bombers to appreciate them fully, Professor Littauer notes. "They carry over 100 bombs each, to a total of 30 tons, and shed them rapidly from close-formation flight at high altitude. The bombs explode in a dense pattern covering, for a typical mission of six planes, 1.5 square miles with 150 tons of explosives. Such a B-52 box of distributed tonnage is lethally effective. It is easy to calculate that the blast overpressure will exceed 3 PSI (pounds per square inch) everywhere within the pattern, enough to knock down any residential structures other than reinforced concrete. Six hundred points will be hit directly by bombs, and all locations in the area will be within 125 feet of such a hit.

The nighttime retaliation raids against Haiphong and Hanoi included enough B-52's for three such 1.5 square-mile missions. The Red River delta is the most densely populated region of Indochina. No wonder these raids, which included about 75 fighter-bombers as well, caused a certain repugnance in the American public. In a saner moment such acts of retribution would be recognized as essentially un-American.

But the tip of the iceberg is not all, and unfortunately we are less aware of the rest. Over 130 B-52's are now working in Indochina, completing more than ten such six-plane missions (or their equivalent) every day. The number of fighter-bombers is soaring so rapidly, both on land and at sea, that current figures do not stay current for long. America is dumping over 3,000 tons per day in this regular exercise. The dollar cost can be reckoned conservatively at \$20 million per day. But who would count dollars when confronted with the costs imposed on the hapless recipients of this cargo?

Professor Littauer calls Nixon's air war of horror "essentially un-American." It certainly is if one has any respect for the principles upon which this Nation was founded and any veneration for the individual's right to life, liberty and pursuit of happiness. But the air war itself is totally American, in conception, execution and financing, and the responsibility is ours. We are responsible, too, for the continuation of the ground war because the fact is that the Nixon administration has it within its power to end the war tomorrow on terms that would be acceptable to the American people.

Instead, Mr. Nixon chooses to stake the prestige of the Presidency on the perpetuation in power of General Thieu's Saigon regime, an American creation that was sanctified last fall in a non-election.

The President has enmeshed himself in a policy of military escalation that is based on a big lie. In his Vietnam policy statement of April 26, the President claims that the only thing his Government has refused to do in pursuit of peace is "to accede to the enemy's demand to overthrow the lawfully constituted Government of South Vietnam and to impose a Communist dictatorship in its place."

The President knows that this is not true. He knows that this is not what is holding up a political settlement in Paris.

When Le Duc Tho of the North Vietnamese Government returned to Paris on April 30 to reopen negotiations, he stated:

In South Vietnam what we want is a government of national harmony. . . . We in no way want to impose a "Communist regime" in South Vietnam, such as Mr. Nixon has fabricated, but our people is also determined not to permit the American administration to establish a puppet power in place.

This position has been stated over and over again by spokesmen for the North Vietnamese and the National Liberation Front. I have heard it directly myself.

On the weekend of April 21 I went to Paris with Congresswoman Patsy Mink on a factfinding mission at our own expense. We conferred for 6 hours on April 21 with Madame Binh, head of the Provisional Revolutionary Government—the governmental arm of the NLF—and for several hours the following day with Minister Thuy, head of the North Vietnamese delegation to the Paris peace talks, which had been unilaterally suspended by the United States before the current military offensive began. We also met with U.S. representatives at the American Embassy and with nongovernmental Vietnamese.

Madame Binh told us, and I took careful notes, that the forces she represents "adopt a realistic point of view. The NLF since 1960," she said, "has called for an independent, peaceful, neutral, democratic South Vietnam."

In spite of the deep-rooted aspiration for reunification, she said:

The NLF is not demanding socialism or communism, as Nixon says we do. We are only demanding independence, neutrality, and the right of self-determination.

Madame Binh and, subsequently, Minister Thuy, made clear that their peace terms call for an agreement by the United States to withdraw all its forces from Indochina by a specific date and withdrawal of support from the government of General Thieu. They favor a neutral, nonaligned, nonsocialist government in South Vietnam. They propose the election of a three-segment coalition government that would include representatives of the NLF; the Buddhists, Catholics and other religious, political, and social groups; and members of the present Saigon government, with the exception of General Thieu himself. They stated specifically that any member of the Saigon government who subscribed to the goal of a neutral, peaceful, nonaligned coalition government would be acceptable, even the present chief of police. The sole exception, they said, would be General Thieu, and they stated that Thieu's removal is also the demand of many members of parliament and the Thieu administration in Saigon. If a coalition government is elected, committed to a policy of peace and neutrality, they said, such a government would want to receive aid from all countries, including the United States. But, they added, such aid would have to be based on mutual respect and interest.

I believe the American people should know that the Nixon administration's insistence on retaining General Thieu in power is the major obstacle to a political settlement that would result in the

election of a neutral coalition government in Saigon. I believe that it would be in the best interests of the people of Indochina and the people of the United States if General Thieu would immediately announce his resignation and we could then get on with establishing peace.

I believe the American people should also know that under General Thieu the policy of Vietnamization, which has been the linchpin of Nixon's rationalizations for continuing the war, has been a farce and a failure. I think they should also know that the Nixon administration was told in early 1969 that the outlook for the success of Vietnamization was gloomy, and yet President Nixon embarked on a policy allegedly based on Vietnamization that resulted in thousands of more American casualties and unspeakable horrors for the people of Indochina. I refer to prognosis in National Security Study Memorandum 1, a set of documents on Vietnam prepared by Henry Kissinger's staff for Mr. Nixon soon after he took office.

Some day the war in Indochina will end. We in the House must move to end it now. We have a deep responsibility in this matter. What we do can literally determine whether more Americans and more Indochinese will suffer and die, or whether they will be allowed to live. When will we face that responsibility? When will we act?

Mr. RYAN. Mr. Speaker, I thank the gentlewoman from New York for her contribution.

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

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

Mr. DOW. Mr. Speaker, I merely want to congratulate the gentlewoman from New York (Mrs. Abzug) for her fine and consistent observations about the crisis in Vietnam. I think it is very timely that we are speaking here today on this issue because of the serious situation that exists in Vietnam which calls for a decision from the United States. We must reassert the prerogative of the Congress to participate in this decision, and to make sure that any decision which the President provides will be weighted by the consciousness that not only the Congress but millions of the American people want new and fresh thinking, and a new and fresh resolution of this critical problem at this hour when a decision must be made, and made soon.

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

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

Mr. DRINAN. Mr. Speaker, I thank the gentleman for yielding and I wish to commend the gentleman from New York for trying once again to highlight the sense of futility and frustration felt by Members of the Congress and by the whole Nation. We stand appalled as the level of violence increases, and as the pilgrimages of thousands upon thousands of refugees once again enter our consciousness. These refugees are not fleeing from the alleged blood bath that the President talks about which allegedly would be inflicted by the Vietcong; these refugees are fleeing from the blood bath

that will come from American bombers after a city has been taken by the North Vietnamese.

Today U.S. fighter-bombers flew 606 strikes, one of the largest invasions on any day during the last 4 years.

I am not going to repeat how on four occasions during the past year this House of Representatives failed to stop this war.

On June 17, 1971, this House refused to enact the Nedzi-Whalen bill; by a vote of 254 to 158 this House refused to live up to its legal and constitutional duties. On that very day also the Mink amendment, a provision stronger than the Nedzi-Whalen amendment, was defeated by a vote of 327 to 79.

There was some hope, though, with the enactment of the Mansfield resolution by the House of Representatives, but that hope was dashed by the defeat of the Boland amendment on November 17, when only 163 Members of this House voted to stop the war, the objective of the Boland amendment.

But, Mr. Speaker, with the hope that perhaps finally a new day has come. I will ask unanimous consent to insert at this point in the RECORD a copy of H.R. 14055, a bill filed by myself, along with a list of the 78 cosponsors in the House of Representatives. This has been called the Gravel-Drinan bill, which I hope will be enacted into law in the very near future together with a list of the cosponsors.

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

There was no objection.  
(The bill referred to follows:)

H.R. 14055

A bill to provide for the cessation of bombing in Indochina and for the withdrawal of United States military personnel from the Republic of Vietnam, Cambodia, and Laos

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

SECTION 1. That subject to the provisions of section 3 of this Act, no funds heretofore or hereafter appropriated may be expended for longer than thirty days after the enactment of this Act to support the deployment of United States Armed Forces or any other military or paramilitary personnel under the control of the United States in or the conduct of military or paramilitary operations in or over the Republic of Vietnam, the Democratic Republic of Vietnam, Cambodia, or Laos.

SEC. 2. (a) That no funds heretofore or hereafter appropriated may be expended after the date of enactment of this Act to conduct offshore naval bombardment of, or to bomb (including the use of napalm, other incendiary devices, or chemical agents), rocket, or otherwise attack by air, from any type aircraft, any target whatsoever within Laos, Cambodia, Thailand, or the Democratic Republic of Vietnam.

(b) No funds heretofore or hereafter appropriated may be expended after the date of enactment of this Act to conduct offshore naval bombardment of, or to bomb (including the use of napalm, other incendiary devices, or chemical agents), rocket, or otherwise attack by air, from any type aircraft, any target whatsoever within the Republic of Vietnam unless the President determines any such bombardment of air operation clearly to be necessary to provide for

the immediate safety of United States Armed Forces during their withdrawal from the Republic of Vietnam, and submits to the President pro tempore of the Senate and the Speaker of the House for immediate transmission to the respective bodies of the Congress, within forty-eight hours of each such bombardment or operation (or if the Congress is not in session, as soon thereafter as it may return), a written report setting forth the time, place, nature, and reasons for conducting such bombardment or operation.

SEC. 3. (a) If, by twenty days after the date of enactment of this Act, the Democratic Republic of Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by the date in section 1, of all such prisoners—

(1) the date in section 1 shall be extended for thirty days, and

(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

(2) Nothing in this section shall be construed to affect the authority of the President to arrange asylum or other means of protection for individuals who might be physically endangered by the withdrawal of United States military or paramilitary personnel from the Republic of Vietnam, Cambodia, or Laos, or to arrange for the return of United States equipment or stores from the Republic of Vietnam.

PRESENT 78 COSPONSORS OF H.R. 14055, STATE BY STATE  
ALASKA

Nick Begich.

CALIFORNIA

Glenn Anderson, Phillip Burton, George Danielson, Ron Dellums, Don Edwards, Gus Hawkins, Paul McCloskey, Thomas Rees, Edward Roybal, Jerome Waldie.

FLORIDA

Claude Pepper.

HAWAII

Spark Matsunaga, Patsy Mink.

ILLINOIS

Ken Gray, Ralph Metcalfe, Abner Mikva, Sidney Yates.

INDIANA

John Brademas.

IOWA

Fred Schwengel.

MAINE

Peter Kyros.

MARYLAND

Gilbert Gude, Parren Mitchell, Paul Sarbanes.

MASSACHUSETTS

Ed Boland, James Burke, Silvio Conte, Harold Donohue, Robert Drinan.

Michael Harrington, Margaret Heckler, Louise Day Hicks, Thomas O'Neill, Torbert Macdonald.

MICHIGAN

John Conyers, Don Riegle.

MINNESOTA

Bob Bergland, Don Fraser, Joe Karth.

MISSOURI

Wm. Clay.

NEW JERSEY

Henry Helstoski, Frank Thompson, Joseph Minish.

NEW YORK

Bella Abzug, Joseph Addabbo, Herman Badillo, Jonathan Bingham, Hugh Carey, Emanuel Celler, Shirley Chisholm.

John Dow, Seymour Halpern, Edward Koch, Bertram Podell, Charles Rangel, Benjamin Rosenthal, Wm. F. Ryan, James Scheuer.

NORTH DAKOTA

Arthur Link.

OHIO

John Seiberling, Charles Vanik.

PENNSYLVANIA

Bill Green, Fred Rooney, Robert Nix, Joshua Ellberg.

RHODE ISLAND

Robert Tiernan, Fernand St Germain.

SOUTH DAKOTA

James Abourezk.

TENNESSEE

Wm. Anderson.

TEXAS

Bob Eckhardt.

WASHINGTON

Brock Adams, Lloyd Meeds.

WEST VIRGINIA

Ken Hechler.

WISCONSIN

Bob Kastenmeier, David Obey, Henry Reuss, Les Aspin.

DISTRICT OF COLUMBIA

Walter Fauntroy.

Mr. DRINAN. Mr. Speaker, I would also ask unanimous consent to have inserted in the RECORD at this point a resolution that was adopted by the Democratic Caucus on April 20 of this year.

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

There was no objection.

(The material referred to follows:)

RESOLUTION AS ADOPTED BY THE DEMOCRATIC CAUCUS, APRIL 20, 1972

Resolved, that it is the sense of the Democratic Caucus of the House of Representatives that in the 92nd Congress of the House of Representatives that the recent bombings of North Vietnam represent a dangerous escalation of our role in the Indochina war and a direct contradiction of the Administration's stated policy of "winding down" the war;

Resolved further, that the national interest in obtaining a permanent peace with security would best be served by promptly setting a date to terminate all U.S. military involvement in and over Indochina, subject only to obtaining the release of our prisoners of war and all available information on the missing in action;

Resolved further, that the Democratic Caucus of the House of Representatives hereby directs the Democratic Members of the House Foreign Affairs Committee to prepare and report within 30 days legislation designed to accomplish these specific objectives; and

Resolved further, that in the 92nd Congress the House of Representatives should condemn the current military invasion of South Vietnam by the forces of North Vietnam.

Mr. DRINAN. I hope that the adoption of the foregoing resolution will be the beginning of a new day and that finally the majority of the majority party will recognize that we cannot drift on and allow all these abominations to continue.

That resolution was strongly supported by Common Cause and if I may, Mr. Speaker, I would like to insert at this point a letter sent out on April 17, 1972, by John W. Gardner, the distinguished chairman of Common Cause to every Member of the House of Representatives.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:



## COMMON CAUSE,

Washington, D.C., April 17, 1972.

HOUSE OF REPRESENTATIVES,  
Washington, D.C.

DEAR CONGRESSMAN: Common Cause strongly endorses the end-the-Indochina war resolution that will be put before the Democratic caucus on April 19th. We urge your support of the resolution sponsored by Majority Whip O'Neill, Congressmen Drinan, Anderson, Burton, Matsunaga, Reuss, and Vanik. It is an effective and immediate response to the reckless escalation caused by the United States' bombing in the Halphong and Hanoi areas.

During 1971 Common Cause strongly supported legislation and numerous amendments in the House and Senate to establish a termination date for all U.S. military efforts—ground, naval and air—in Vietnam, Laos, and Cambodia. We will continue to do so in 1972.

In our view there is only one legitimate U.S. condition to ending our military participation in the war—obtaining the return of all prisoners and all available information on the American men missing in action. That principle will best be accomplished by setting a date certain for ending our total military participation. The principle is fully embodied in the resolution under consideration by the Democratic caucus.

We propose further that before debate begins on the resolution the Caucus take this opportunity to outlaw closed-door Caucus meetings and secret Caucus votes, permanently and with no exceptions.

We believe that the House Democratic Caucus has no more right or reason to meet behind closed doors than does the House itself. The majority Caucus is one of the most powerful institutions in America. It nominates the Speaker, it selects the majority leader, it effectively chooses committee chairmen, it has the power to nominate Democratic Congressmen to legislative committees and it lays down substantive policies of the majority party. These are public functions. Nothing could be plainer!

Each Congressman's position on the pending end-the-war resolution, and any amendments thereto, should be made known to the public on April 19th just as though a record vote of the House had occurred. If there is a call for a quorum the absent Congressmen should be listed.

We strongly urge you to be present and vote in support of the proposed end-the-war resolution.

Sincerely,

JOHN W. GARDNER,  
Chairman.

Mr. DRINAN. Mr. Speaker, we should recognize the leadership of the chairman of the Democratic study group, Mr. Phillip Burton, and I would like to commend him for not merely his leadership in changing the position of the majority of the majority party, but also for his letter under date of April 20, 1972, which I ask unanimous consent to insert at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

DEMOCRATIC STUDY GROUP,  
Washington, D.C., April 20, 1972.  
STATEMENT BY DSG CHAIRMAN  
PHILLIP BURTON

Adoption of the O'Neill resolution by this morning's Democratic Caucus by an overwhelming margin is a magnificent victory for the American people. I am proud of the Democratic Study Group and its Members, who provided almost all the votes to pass this resolution and worked tirelessly to get this issue before the Caucus.

For the first time, we in DSG have broken through the parliamentary barricades erected by the Republican/Dixiecrat conservative coalition and forcefully condemned the Nixon Administration's unnecessary prolongation of this bloody war.

The majority of the majority party in the House—the legislative body closest to the people—has spoken, and the Nixon Administration ignores the message at its peril. The American people want out, their Representatives in Congress want out, and this Administration had better get us out—Now.

The Democratic Caucus has in addition taken the historic step of establishing its authority over the committees of the House and their chairmen. For the first time, the Caucus has directed—not “urged” or “recommended”—that a chairman and his committee report legislation to accomplish the will of the Caucus.

We have instructed the Democratic members of the Foreign Affairs Committee to bring legislation to the floor of the House within 30 days to get our troops, planes, and ships out of Indochina before the end of this Congress. By previous resolution of the Caucus—also initiated by DSG—we set the date certain for total withdrawal of our military forces as within the 92nd Congress. We in DSG will now direct our effort to getting such legislation out of the Foreign Affairs Committee.

Victory has many fathers. Many outside groups and Members of Congress participated in this effort, but particular credit goes to Common Cause and its members, under the leadership of John Gardner, for mobilizing and coordinating public concern for passage of the resolution. I also want to commend the initiative and leadership of Rep. Robert Drinan (D-Mass.) in this effort. His foresight and determination to get this issue before the Caucus were essential to success. But above all, credit for this victory goes to the American people, who for some time have known that what we are doing in Indochina is wrong. Thank God their Representatives in Congress have at long last received this message.

Mr. DRINAN. Mr. Speaker, it is also very relevant that we know that the majority whip of the Democratic Party under date of May 1, 1972, has issued a letter to all of the members of the Democratic Party in Congress stating that this is, in fact, a binding resolution.

I wish to commend Congressman O'Neill, the distinguished whip from Massachusetts for his very clear, precise, and cogent presentation of this particular point. If I may, I ask unanimous consent to insert that letter in the RECORD at this point.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 1, 1972.

DEAR COLLEAGUE: As you know, there is a great deal of confusion and misunderstanding regarding the obligation of Members who opposed the Indochina resolution adopted by the Democratic Caucus April 20.

Since I offered those portions of the resolution which are involved in the misunderstanding, I may be able to help clarify the situation.

The resolution I offered in caucus was intended to accomplish two purposes: It was intended to express certain views regarding re-escalation of our role in Vietnam and the urgency of terminating that role, and it was intended to “direct” the Democratic members of the House Foreign Affairs Committee “to prepare and report” a bill setting a date for terminating “all U.S. military involvement in

and over Indochina” in order that the House might have an opportunity to vote directly on this vital matter.

However, my resolution was not intended to direct how Members should vote on such legislation on the House floor after it has been reported from committee. Regardless of whether the resolution was approved by a two-thirds vote or a unanimous vote, it does not make sense that Members could be bound to vote on the House floor for legislation which does not yet exist and a date which is still unspecified.

Thus I do not consider any Member to be bound under Caucus Rule 7 as to how he votes on the House floor. Caucus Rule 7 does not apply to this action of the Caucus.

By the same token, I do not see how the provisions of Caucus Rule 7 can be used by Democratic Members of the Foreign Affairs Committee who oppose the proposed legislation to exempt themselves from compliance with the direction of the Caucus.

It is my strong feeling that the Democratic Members of the committee—including those who may be opposed to such legislation—are absolutely bound as agents of the Caucus “to prepare and report” a bill setting a date for terminating all U.S. involvement in and over Indochina.

This does not mean that Democratic Members of the Committee who oppose the legislation cannot argue against it in committee, file views recommending it be amended or defeated by the House, and actually vote against it on the House floor. But while in committee they must abide by the will of the majority of Democrats on the committee as to how they vote on amendments and reporting the bill.

In short, I think the Democratic Members of the committee are obligated in this instance to report a bill in accordance with the Caucus resolution regardless of whether or not they support it, just as I believe I am obligated as a member of Rules Committee to provide for House consideration of legislation I may not support.

I hope this letter will clear up any present misunderstanding and help avoid any future conflict regarding Members' obligations in regard to the April 20 Caucus Resolution.

Sincerely,

THOMAS P. O'NEILL,  
Member of Congress.

Mr. DRINAN. Mr. Speaker, as dreadful as this subject is, I think we should face the fact that the American people and perhaps even many Members of Congress are really largely unaware of the full nature and extent of the antipersonnel technology that is now in use in Indochina.

Somehow the media in America have not really presented to the American people the truly horrendous nature of the weaponry that we are using in South Vietnam and North Vietnam and in Laos and Cambodia—and that this weaponry is designed only to kill and maim human beings.

I ask permission, Mr. Speaker, to insert at this point in the RECORD the statement on antipersonnel weaponry, done by an expert, Mr. Fred Branfman, director of Project Air War, a gentleman who spent many years in Indochina. Mr. Branfman describes in the paper which I insert in the RECORD the unbelievable and savage weapons that we are using to torture individuals, to destroy life and to plant mines in a way unprecedented in any war at any time in all of recorded history.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

STATEMENT ON ANTI-PERSONNEL WEAPONRY  
(By Fred Branfman, Director, Project Air War)

The widespread use of antipersonnel weaponry in Indochina is one of the most striking and prominent features of today's air war. From 1969-71, for example, I interviewed several hundred victims of American bombing in Laos. The vast majority of these civilian casualties were caused by antipersonnel bombs. From our research on the air war both out in Indochina and with Project Air War here at home, from 1970-72, we would concur with Professor Pfeiffer and Westing's estimate that at least 1/2 the total tonnage dropped on Indochina is antipersonnel in nature. For example, I was told in November 1970 by an airforce captain in charge of the ordnance dump at Udorn Air Force base that about 75-80% of the ordnance on hand was antipersonnel.

But although the use of antipersonnel bombs has been reported since 1966, the American public to this date remains largely unaware of the full nature and extent of antipersonnel technology in use in Indochina. Few Americans are aware of the many kinds of antipersonnel bombs in use, the frequency with which they are deployed, and their effects on the human body.

We are not aware, for example, that any major newspaper or magazine in this country has ever published a major piece containing the information revealed in the supplement to this statement.

The reason is clear. Almost all information about antipersonnel weaponry has been classified out of public reach.

This material does not appear to be classified because publishing it would aid the people against whom these bombs are directed. As the film "U.S. Technique and Genocide in Vietnam" makes clear, the DRV, PRG, Pathet Lao, and FUNK are fully aware of the technology deployed against them. It would appear, rather that secrecy has been followed for fear of the domestic repercussions that might result from full disclosure, and because much of the weaponry is outlawed by international law.

The U.S. Army Manual on the Laws of Land Warfare, for example, states that the use of "irregular-shaped bullets" and "glass-filled projectiles" is illegal. The United States is using both in the form of flechettes and plastic casings which break into hundreds of un-x-rayable jagged slivers, 1/8th by 1/16th of an inch at this very moment.

It is a sad commentary on the state of public knowledge of the war today that one must turn to the Democratic Republic of Vietnam for knowledge of what our leaders are doing in the name of America.

It is even more distressing to note that the use of anti-personnel weaponry continues to increase under the Nixon Administration without public and congressional awareness or restraint.

Whether or not one agrees that the Administration has the right to employ this anti-personnel weaponry in Indochina, this much seems clear:

1. It is clearly antithetical to the laws of the land that any small group of men would unilaterally develop, produce and deploy such weaponry without the knowledge or consent of the public or Congress.

2. The unceasing refinement of weapons designed only to kill or maim human beings is one of the most important developments of our time. At the very least, it ought to be reported in full to the general public by the media, so that some kind of national debate can be undertaken.

ANTI-PERSONNEL WEAPONRY

Anti-personnel weaponry is designed to kill or maim human beings. Although sometimes used in other ways, such weaponry cannot

destroy a factory, a bridge, an anti-aircraft site. Its objective is human flesh.

American involvement in Indochina has been characterized by unceasing refinement of new ways to kill from the air. The varieties and variations of anti-personnel weaponry are innumerable. What follows are only some examples, divided into three main categories: anti-personnel projectiles, incendiary bombs, and anti-personnel mines.

*Anti-Personnel Projectiles: These are dropped by jets and B52s when there is some target in mind; intelligence justifying their use is generally some sign of human life: cut grass, tire tracks, smoke or heat from fires, ploughed fields, or metal sound, or movement picked up by electronic sensors or infra-red detectors. In a guerrilla war, such bombs are almost never dropped on a clearly identifiable military force out in the open:*

1. The Pineapple anti-personnel bomb is a yellow-colored, cylindrical-shaped bomblet which contains 250 steel ball-bearing pellets which shoot out horizontally on impact. One sortie with a full load carried 1000 such bombs, which means that one sortie sends 250,000 steel pellets shooting out horizontally over an area the size of 4 football fields. Anything above ground is hit.

2. The Guava anti-personnel bomb (BLU 24/26) is an improvement over the pineapple. Gray in color and round in shape, without the pineapple's fins, the guava is thus smaller, allowing one plane to carry 4-500,000 steel ball-bearing pellets. It also rotates on its axis and will either explode in the air or on impact with the ground depending upon the type of fuse. In either case, it avoids the pineapple's problem of sending its pellets out horizontally, which thus explode harmlessly over the heads of people hiding underground. The guava's pellets shoot out diagonally so they'll go into holes where people are hiding.

3. The Fragmentation anti-personnel bombs, including the smooth orange, striated orange and BLU 63 fragmentation projectiles, are also designed as improvements over the pineapples and guavas. Unlike the latter two projectiles, they do not employ steel pellets. Rather they break into hundreds of jagged fragments which do far more damage to the human body.

4. The Flechette Rockets are even more destructive to the human body. The flechettes, fired from rockets in the air war (as well as M79 grenade launchers and artillery in the ground war), are tiny steel nails with larger fins on one end and a sharpened point on the other. They peel off the outer flesh, enlarge the wound as they enter the body, shred the internal organs, and lodge in the blood vessels. Extremely delicate surgery is necessary to remove them.

5. The plastic bombs consist of a pressed plastic casing which breaks up into hundreds of tiny jagged slivers, 1/4th of an inch by 1/16th of an inch. These slivers are un-x-rayable so that if a person is hit with enough of them and they must be removed, he must be laid on the operating table (if surgical care is available), his body opened up, and the doctor then tries to pick through his body removing what slivers he can find.

*Incendiary bombs:* Interviews with pilots and other U.S. airmen and targeting officers have made it clear that incendiary bombs, while designed for a wide variety of purpose, are in practice primarily used as an anti-personnel weapon. Since they cover such a wide area and destroy all human life above and often below ground through burning or suffocation, they are regarded as a particularly effective weapon.

1. Most Americans are aware of Napalm. Few, however, are aware of the fact that they are also using Napalm B, Supernapalm, Napalm Paragel, all improvements on the original napalm. These later variants burn at a higher temperature, explode over a wider area, and have greater adhesiveness.

2. Even few Americans are aware of white phosphorous and magnesium. These sub-

stances burn on an oxidation principle, which means that they cannot be rubbed out or even put out by water (they take the oxygen out of water and continue burning under the skin). In fact, the more one rubs, the more they burn. If a person is hit with incendiary bombs containing these substances, he must wait until they burn themselves out, which usually means they have to burn their way down to the bone.

3. And I have met no one who is aware of thermite, a substance which greatly increases temperature at which incendiary bombs burn.

4. These substances are all combined in the most destructive incendiary bomb yet developed, the napalm-phosphorous-thermite bomb. It explodes over an extremely wide area, cannot be extinguished until it burns itself out, and burns at 3,500 degrees centigrade as compared with 900 degrees centigrade for conventional napalm.

*Anti-Personnel Mines:* Unlike anti-personnel projectiles or incendiary bombs, anti-personnel mines are not used with any particular target—whether suspect or confirmed—in mind. Rather they are simply strewn over 100's of square miles as part of an officially-designated "Area-Denial" program designed to make whole areas of Indochina uninhabitable for human life. The scope of the use of these mines staggers the imagination. For example, a Honeywell contract that we have signed calls for the production of over 200,000 of one of these types of mines (the WAAPM) in a single month. In the November 1970 Electronic Battlefield Hearings, the Air Force Revealed that this area denial program has been installed throughout one-half of southern Laos. This is an area inhabited by over 200,000 people, according to the estimate of the U.S. Embassy in Laos. The area denial program has also been implemented in northeastern Cambodia, northern Laos, North Vietnam, and portions of South Vietnam. These mines include:

1. The Gravel and Dragontooth mines, which come in small cloth bags and metal containers disguised to look like leaves or animal droppings. One F4 sortie will drop 7,500 of such mines.

2. The WAAPM (Wide-Area-Anti-Personnel-Mine) mines, which are round in shape and emit 8 cords each 8 yards in length. A person tripping on one of these cords will cause an explosion of a charge sufficient to kill or maim him. The other side has charged that some of these mines also emit a noxious gas.

3. The Button Bomblets are even smaller charges, strewn in the 10's of 1000's, and extremely difficult to detect with the human eye.

Nothing explains the nature of the air war today more than the expansion of the area denial program under the Nixon Administration. It is clear that these anti-personnel mines cannot distinguish between human beings and animals, let alone military and civilians. The deployment of the area denial program violates the very basis of international law calling for at least some minimal attempt to distinguish between military and civilians in time of war.

Mr. RYAN. Mr. Speaker, I want to take note of the efforts of the gentleman from Massachusetts to put the Democratic Party in the House on record with respect to the war in Vietnam. Two weeks ago the Democratic Caucus voted to condemn the bombing and also took the unprecedented action of directing the House Foreign Affairs Committee to report back within 30 days legislation to set a date for the termination of the war. The gentleman is entitled to great credit for diligently pursuing that objective.

I recall the great compassion Father



DRINAN showed approximately 1 year ago when he accompanied me to the Washington Coliseum where thousands of young people were being detained, having been arrested in dragnet, unconstitutional fashion during the demonstrations. We spent most of the afternoon and night doing our utmost to see that their rights were protected. It has been a privilege to serve with him in the House where he has constantly raised the moral issues of the war.

Mr. DRINAN. Mr. Speaker, again I commend the gentleman from New York (Mr. RYAN) for his leadership and initiative in this matter. It was Congressman RYAN's leadership, initiative, and moral sense of outrage many, many years ago that started this Congress on the way, hopefully on a pilgrimage toward peace. I commend him because he is the father of all of us in the peace movement.

Mr. RYAN. I thank the gentleman very much.

I yield back the remainder of my time.

Mr. SEIBERLING. Mr. Speaker, tomorrow, May 4, is the anniversary of one of the saddest days in the recent history of our country. I live in the neighborhood of Kent State University and have many friends among the faculty and students there. The city of Kent has recently been added to the congressional district which I represent. The tragic events that took place there 2 years ago tomorrow epitomize for all the country and all the world the terrible divisions which have been brought about by our Government's actions in Indochina.

It is incredible that 2 years later we should be debating the wisdom of yet another escalation by the administration in a war in which we should have never been involved at all. It is incredible that the President who promised 4 years ago that he had a secret plan to end our involvement in Vietnam should have said only last week that he would not accept a defeat in Vietnam.

We should be debating the best way of healing the divisions in this country, repairing the terrible damage we have inflicted on the land and the people of Vietnam, and groping our way once more toward the kind of policies that will restore the faith of the people in their Government's honesty and humanity and will regain the confidence and trust of decent people everywhere in the world. We cannot do that so long as we are engaged militarily in Vietnam. Sooner or later, we must begin. Will there be any better time than now?

As a first step, the members of the House Foreign Affairs Committee can report to the floor with a favorable recommendation, H.R. 14055, which is designed to bring about cessation of bombing, the early release and repatriation of American prisoners of war, and the prompt withdrawal of all U.S. forces.

As a second step, we can insist that the administration cease its endless outpouring of false information about Vietnam. On this point, I submit for the Record, an editorial which appears in today's edition of the Cleveland Plain Dealer, entitled "Lies on Viet Blot U.S. History," the text of which follows:

#### LIES ON VIET BLOT U.S. HISTORY

The appalling misinformation given to the American people about Vietnam is a blot on the history of this country. The fall of Quang Tri comes within two or three days of reports from the White House that all was going well.

The outpouring of lies about how well our side has been doing in Vietnam during the Johnson and Nixon administrations, constitutes a major breaking of faith between the government and people of this country. The corruption of the Saigon regime, the ineffectiveness of Vietnamization and the failure of the American involvement there are obvious to all.

If Henry Kissinger is not able to make a deal with Le Duc Tho in Paris, President Nixon could be in a political box from which he cannot escape.

Because most American troops have been withdrawn from Vietnam, there is no way for the United States to shore up the South Vietnamese except by massive bombing. Bombing largely is ineffective in guerrilla warfare and has been overrated generally. This was proved in World War II. Studies of bombing show that while innocent citizens always are killed, the tenacity and ability of a bombed people to resist actually is greater than before the bombing. Supplies and production facilities for war are shifted and the resistance is stiffened, according to assessments of strategic bombing.

President Nixon, in an address last week, said he would not put up with a defeat in Vietnam. With massive American ground forces removed, with only ineffective bombing raids to try to counter the successful enemy attacks, what is President Nixon talking about? If the President has in mind a real escalation of the war, he will face uprisings at home and certain political defeat on the same issue that forced his predecessor out of office.

The next two or three weeks will decide a lot of things, perhaps also the political future of President Nixon. If the President escalates the war, his political position will deteriorate at home. If he allows the enemy to continue its successful operations, he will be contradicting what he said on television last week. Either way the President will lose something.

The only hope is that Kissinger can make a deal in Paris, but under the circumstances the North Vietnamese will drive a very hard bargain.

Mr. ROSENTHAL. Mr. Speaker, tomorrow, thousands of Americans across the country will participate in moratorium day activities in order to dramatize their opposition to the continued American involvement in the Indochina war. Millions more will sympathize with their efforts. In fact, Mr. Speaker, an overwhelming majority of our citizens know that the Vietnam war is a tragic and senseless conflict which should have been brought to a conclusion many years ago.

A "balance sheet" on the effects of the war adds up to an incredible indictment of those who continue to excuse our Government's conduct in Southeast Asia. On the negative side of the ledger: It has killed and maimed thousands of soldiers and civilians on both sides of the conflict; it has created a mination of refugees; it has caused the capture and prolonged the detention of American servicemen and it has made prisoners of war out of loyal young Americans who went to jail or to Canada rather than participate in an illegal and immoral war; it has bankrupted our country both morally

and financially; it has turned American against American; it has precipitated an incredible distrust of Government by the people; it is a major cause of inflation; and, it has caused a wasteful diversion of our resources from areas of pressing domestic need. On the positive side there is nothing.

The recent reescalation of the war, through the bombing in the North, is just another tragic example of the administration's misguided policies. Each bomb dropped explodes the Nixon campaign pledge to end the war and demolishes the promised success of his Vietnamization plan. The bombing represents a reprehensible return to the discredited policies of the Johnson administration and the "brinkmanship" of the Dulles years. It shows that the President is more attuned to the political ambitions of President Thieu and the demands of the military-industrial complex, than to the voices of the American people.

Mr. Speaker, President Nixon's speech to the Nation last week on the situation in Southeast Asia was more a locker room pep talk to a weary Nation than a rational and responsible explanation of why the war has not ended. It is becoming increasingly clear from the President's words and deeds that for this administration we are only at "half-time" in this tragic game of war. The Nixon administration may be committed to an indefinite military involvement in Vietnam—at the expense of our prisoners of war and our domestic tranquility—but the American people and, hopefully, their Representatives in Congress, are not.

Mr. Speaker, all that can be gained from this war is not worth the agony of even a single American captive; it is not worth the despair of one serviceman's family; it is not worth the destruction of one peasant's hut; it is not worth the disillusionment of an entire Nation. The war can and must end now.

The recent action of the House Democratic Caucus in ordering the Foreign Affairs Committee to consider and approve legislation to end the war in 30 days is a hopeful step. The Foreign Affairs Committee, on which I serve, and the entire Congress, have an opportunity at last to end our involvement in the war in Southeast Asia. If ever there was a need for resolve, it is now. If ever there was a need for true patriotism, it is now. If ever there was a need to save the soul of our Republic, it is now. Each of us has a vital and historic role to play in writing a fitting end to a very tragic chapter in American history.

Mr. MIKVA. Mr. Speaker, tomorrow, millions of people across the country will pause at midday to protest the continued U.S. involvement in Southeast Asia. At rallies, silent vigils, and prayer meetings, they will ask Congress and the President to stop the bombing, to end the killing, to generate peace in Southeast Asia, and to bring the troops and the prisoners of war back home. It is not an unreasonable request—not after 10 years of an American war that has cost more than 50,000 American lives. After all that, we have very little to show for it except perhaps

a picture of two countries torn by war: Vietnam by the physical destruction wrought by the napalm, the herbicides, and the high explosives; and the United States by the moral destruction wrought by the immortality of this war, the doubt, and the stubborn refusal to admit a mistake.

Besides the death and destruction, this war has generated an incredible lapse of confidence in our Government. Through almost 20 years—and four administrations, two Democratic and two Republican—the American people have not been told the truth about Vietnam. Instead, the people and the Congress have been spoon fed, told only as much as each administration thought they would stomach. It has the characteristics of a geometric progression, so that by this year the people believe very little of what they are told. More than any other, this administration has not trusted the people and, more than any other, the people have returned that mistrust.

Over the years, the American people have been given any number of "justifications" and "explanations" and even rationalizations for our continued presence in Southeast Asia. Like his predecessors, the President is testing us with this latest escalation of the war, testing the people to see if they will accept just a few more years in Southeast Asia.

There have been tests before and, each time, the American people have been given a new reason for throwing their men and their dreams into the jungles of Southeast Asia. First, it was because the South Vietnamese needed help so they would be able to elect their own democratic government. Then, after any dissent was crushed and two mock elections were held, it was because the Communists had to be stopped before they reached the west coast. Then, after we sent half a million men there to protect the Vietnamese, it was because we had to protect our own troops. Now, we are dropping a ton of bombs every minute of the day on Southeast Asia to shore up the South Vietnamese army—an army the administration told us would not need to be shored up—to protect the Thieu regime, and to prove a point to the Soviet Union. The Government in George Orwell's 1984 used slogans to justify its violence, and the American people have been given an eerie reminder of one of those slogans: "War is Peace."

The latest escalation of the air war provides the latest example of that. The administration said it bombed Hanoi and Haiphong to cut off North Vietnam's military supply so the tanks and weapons used in the invasion would not be used against American troops. As the revelations of Dr. Kissinger's "secret" document NSSM-1, indicate, the bombings have had little, if any, effect on North Vietnam's military ability and would have little, if any, effect on the current offensive.

That memorandum indicates something even more disturbing. When the United States decided to bomb Hanoi and Haiphong, it did so with the knowledge that there would be civilian casualties—perhaps extensive casualties, given the bombing pattern of B-52's. The administration and the Pentagon responded

by saying that some civilians "might" be hit, but the targets were strictly military and "every effort" would be made to avoid civilian areas. There now is evidence that even the justification for the justification has been false.

The Chicago Sun-Times of April 28 carried a story quoting a British physician who had been in Hanoi shortly after the bombing. He saw some of the dead and wounded civilians and said that they had been riddled by plastic pellets from a new antipersonnel bomb—a bomb designed to damage people, not trucks and warehouses. Let me read briefly from the article:

(Dr.) Harvey said that the pellets penetrate the victims' bodies at 1,300 feet a second, creating heat so intense that the flesh vaporizes. "They can fracture a bone without even making contact with it," he said . . . they had no effect on property or structures.

In addition to every other shocking aspect, these pellets do not even show up on X-rays, so that they become most difficult to remove.

I have asked Secretary of Defense Melvin Laird to comment on the article and, if it is true, to explain why this bombing is apparently designed to kill civilians. The report by the British physician casts serious doubt on earlier statements made by Secretary Laird and the President that only military and defense targets are being attacked.

By now, most of the people in this country agree that the United States should get all of its forces out of Southeast Asia now. Certainly, the immorality of our involvement and the wall of doubt and mistrust that it has erected between the people and their Government are primary reasons. The bombing of Hanoi and Haiphong—and the use of antipersonnel bombs in the process—are examples of both that immorality and mistrust. It is made all the worse by the refusal of the administration to tell the truth or even admit the truth about our involvement in Southeast Asia. Throughout it all, there is that awful feeling of *deja vu*—a feeling that the administration does not comprehend. One is reminded of something the poet and philosopher Santayana said:

Those who cannot remember the past are condemned to repeat it.

We are repeating the mistakes of the past in Southeast Asia, and it is a frightening experience.

The article follows:

PLASTIC POSES PROBLEMS: U.S. BOMBS SHREDS STUN HANOI

(By Harold Jackson)

LONDON.—A new type of antipersonnel bomb dropped on Hanoi by American aircraft is causing severe medical problems for the North Vietnamese, according to a British consultant physician who has just returned from the northern capital.

The physician, Dr. Philip Harvey, who works at St. Stephens Hospital in London, arrived in Hanoi on April 8 to carry out an extensive medical education program at the invitation of the medical faculty at Hanoi University. On Sunday, April 16, a week after he arrived 60 U.S. aircraft bombed the city, causing extensive damage to eight residential districts.

Harvey said he visited one of the areas, about a kilometer from his city center hotel,

and examined some of the dead and wounded.

"I saw the body of one woman—she was pregnant—and she had been riddled with plastic pellets from an antipersonnel bomb," the doctor said. "This is a new development. The pellets used to be metal but now that they are using plastic it is impossible to locate the pellets by normal X-rays. They can be found with the use of ultrasonic vibrations but the North Vietnamese do not have such equipment." A full ultrasonic-vibration unit costs \$50,000.

Harvey said that the pellets penetrate the victims' bodies at 1,300 feet a second, creating heat so intense that the flesh vaporizes. "They can fracture a bone without even making contact with it," he said. The wounded people seen by Harvey all had multiple penetrating wounds caused by cubic pellets.

Harvey said six or seven brick-built thatched houses had been destroyed in the area he visited. Two persons were killed and eleven injured, five seriously. Later two of the injured died, and another two bodies were found in the ruins. The bombs dropped seemed to be an equal mixture of high explosive and antipersonnel. The latter, Harvey said, had no effect on property or structures. "I dug some pellets out of the brickwork and they had only gone in about a quarter of an inch."

Mr. TIERNAN. Mr. Speaker, I join with my colleagues today in expressing grave concern over the escalation of bombing in Southeast Asia. Four years ago Richard Nixon said he had a plan to end the war, but the war continues and the plan has yet to be revealed. American deaths have decreased dramatically, but their positions on the death rolls have been quickly assumed by South Vietnamese casualties. With little fanfare we recently passed the 1 million mark; 1 million human beings dead and our Government still refuses to come from behind its shield of false patriotism.

The recent escalation of fighting dramatically proves the failure of our Vietnamization program. Reports from the Quangtri and Hue areas tell us of chaos and panic hitting not only civilians, but the South Vietnamese troops as well. And throughout these hectic days the man upon whom President Nixon has placed so much faith remains questionably silent. Where is President Thieu now that real leadership is needed? Is he the man we must depend on to lead the South Vietnamese into the promised land of "peace with honor?"

Let me say that the leaders of our own country also concern me. After 10 years have they not learned that the American people want and deserve the truth? Just this week Secretary of State Rogers was quoted as saying:

We are encouraged by the courageous fighting of the South Vietnamese.

Mr. Speaker, the people of this country are not blind; they need not continue to be treated like children who must have their pills coated with candy. It is high time President Nixon and his advisers begin to be candid with the public.

One October 9, 1968, while campaigning for the Presidency, Richard Nixon stated:

Those who have had a chance for four years and could not produce peace should not be given another chance.

President Nixon has had his chance and he too has failed. The Congress has



the right and responsibility to end this war. The State Department now warns that the United States may again refuse to participate in public peace talks if Hanoi refuses to discuss the North Vietnamese invasion as the first order of business. Once again, negotiations will be stalled and the killing will continue. We will continue to contribute to the bloodbath we are supposedly there to prevent.

Our hope now lies here in the Congress. I urge the Foreign Affairs Committee to report out the Drinan bill, of which I am a cosponsor. Only by enacting this legislation can we truly end American military involvement in Southeast Asia.

Mr. HELSTOSKI. Mr. Speaker, behind the glaring headlines, the Presidential pronouncements and the Pentagon press releases, there is a human side to the Vietnam war. It is to be seen in the terror-stricken expression of a refugee, in the face of a child horribly scarred by napalm, or in a million graves. After a decade of merciless slaughter in Indochina I fear we have, as a nation, become immunized against feelings of horror at what is going on in Southeast Asia. At the very least it is all too easy to close our eyes to the daily slaughter and suffering.

It was gratifying, therefore, though discomfiting, that CBS news last Friday night focused its cameras on the human impact of the fighting just south of the DMZ. As is all too characteristic of the entire Indochina war, the worst victims of the fighting were civilians. A truck carrying dozens of women and children refugees heading south to the relative safety of Hue, hit a land mine and was destroyed. In the aftermath, the mangled bodies of women and children littered the side of the highway as far as the camera's eye could see.

On another television news report, the American people were informed of the case of a small Vietnamese boy who needed corrective facial surgery. It seems this child had found a phosphorus grenade near his family's hut in the countryside and brought the curious device home. It detonated, killing two of his brothers and sisters and blinding his grandmother. The boy was more lucky. He lived, but his face was unbelievably scarred by the weapon and his eyesockets destroyed. His eyes were literally falling out of his head. Two major operations later, the sockets were restored and there was a chance that the boy's eyesight might be saved.

Such atrocities are the rule rather than the exception in an Indochina racked by 25 years of continuous warfare. But the blame for these tragedies cannot be laid exclusively at the feet of the insurgent Vietcong and North Vietnamese. The military and civilian leaders of this Nation who have engaged in a relentless air war and who have callously employed all manner of anti-personnel weapons, many of which are outlawed under international conventions, share a large portion of the blame as well for the continued decimation and maiming of the civilians of Indochina. Nor can a Congress which has complacently appropriated billions for this

cruel war's prosecution and which has refused to legislate an end to the insanity, escape blame. Many years will pass before the stain of what we have done to the peoples and lands of Southeast Asia is washed from our hands.

Mr. Speaker, I am well aware that apologists for the administration on both sides of the aisle point to the atrocities committed by the Communist forces, as some kind of justification for this Nation's policies in Indochina. This is obviously a diversionary tactic employed to distract our attention from the real moral issues raised by our involvement in this war.

I know of no Member of this House who does not condemn every act of terror committed by the North Vietnamese. But this House is only accountable for the policies of the United States.

We appropriate funds for the American war machine in Southeast Asia. We are, in the final analysis, responsible for what our leaders and our missiles and our airplanes do there. The antiseptic terminology of the President and the Pentagon—free-fire zones, protective reaction air strikes, and all the rest—cannot mask the unspeakable consequences of unlimited bombing, of a thousand My Lais of the air. One might legitimately ask why not one word of outrage or protest has been heard from the President's defenders about these atrocities stemming from our military actions.

A curious sort of moral short circuitry seems to afflict the President's apologists. Apparently, according to their logic, if the foe executes a village chief or otherwise murders civilians, the President should feel free to loose the B-52's regardless of how many more thousands of hapless civilians die, are maimed, or witness the destruction of their homes and land. According to this rationale, peace will be brought to Indochina only through more escalation of the violence.

If there is any lesson to be learned from our tragic, misguided participation in that war it is this: The only peace which the United States can bring to Vietnam is the peace of the grave. Only after every last village has been bombed into rubble, after every last civilian is killed, and after every last refugee drops in his tracks, will the President's plan for "peace with honor" be a reality. The Vietnamese people, I think, care little for that kind of peace and even less for the honor that comes with it. To paraphrase the now famous remark of an American GI during the Tet offensive, it has become necessary to destroy Vietnam in order to save it.

Mr. Joseph Kraft of the Washington Post recently articulated the fears of many about the perversion of honor and decency which is the sum and substance of the President's Indochina policy:

The fact is that decency knows no excuse for the President's willingness to bomb cities the better to prove he is tough. Honor offers no support for the view that it is all right to destroy a country to maintain what Mr. Nixon is pleased to call "respect for the Presidency."

This last point provides a shocking insight into Mr. Nixon's moral astigmatism

which blinds him to all considerations associated with the destruction of the Indochinese peoples. This theme of "respect for the Presidency" has recurred more and more frequently in the Presidents' public utterances of late. In his address to the American people on April 26, the President stated:

In the 18 countries I have visited as President, I have found great respect for the office of President of the United States. I have reason to expect, based on Dr. Kissinger's report, that I shall find the same respect for the Presidency when I visit Moscow.

If the United States betrays millions of people who have relied on us in Vietnam, the President of the United States, whoever he is, will not deserve nor receive the respect which is essential if the United States is to continue to play the great role we are destined to play of helping to build a new structure of peace in the world.

And this past weekend, at a cozy breakfast of bread with scores of Texas millionaires at the Connally ranch, Mr. Nixon returned to his favorite theme of "respect for the Presidency."

... the office of President—not the man, but the office of President—of the United States is respected in every country we visited. I think we will find that same respect in Moscow. But, if the United States at this time leaves Vietnam and allows a Communist takeover, the office of President of the United States will lose respect, and I am not going to let that happen.

"Respect" becomes a hollow and abstract word in contrast to the very real suffering in Southeast Asia. Will the people and leaders of the world be expected to respect a President who employs all the horrors of modern technology to crush the insurgents in a civil war in an agrarian society half a world from our shores? Will the world respect a President for whom "peace with honor" means unlimited war, "free world forces" means the minions of a military dictatorship, and "pacification" means the decimation of a civilian population.

Will the world respect a President whose official vocabulary, so replete with terms like "peace with honor" and "respect," is devoid of words like "decency" and "compassion."

Mr. Speaker, the longer this insane war continues, the more divorced from reality becomes the rhetoric of those prosecuting the war. At first we fought in Vietnam to prevent a set of imaginary dominoes from crashing down, one after another, along the rim of the Asian Continent. Next we learned that latter-day George Washingtons and Thomas Jeffersons had taken up residence in the Saigon Presidential Palace and that it was our sacred duty to keep the lamps of democracy burning brightly in South Vietnam. Soon it became apparent they were never lit. And behind every Vietcong foray into every hamlet we saw the hand of international communism. Now the President is reduced to justifying the 11th year of our combat involvement in this war with appeals to preserve respect for the Presidency. It is tragic that he cannot realize that his prosecution of this immoral war has done more than anything else to undermine that respect. There have been too many American and Vietnamese lives lost for the result to be otherwise.

One by one the intellectual underpinnings of this house of cards known as our Vietnam policy are crumbling. It is only a matter of time, a few weeks perhaps, before the whole structure comes crashing down around the heads of those policymakers whose moral insensitivity and utter divorce from reality have led us to this sorry state we find ourselves in. Future historians, I fear, will look back at the records of the past decade of involvement in Vietnam and rub their eyes in disbelief.

Mr. Speaker, there is really nothing left to say about the horror of this war, except that we must stop it and stop it now.

#### GENERAL LEAVE

Mr. RYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

The SPEAKER pro tempore (Mr. Foley). Is there objection to the request of the gentleman from New York?

There was no objection.

#### POLISH CONSTITUTION DAY—1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Pucinski) is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, today marks the 181st anniversary of Polish Constitution Day, or it was on May 3, 1791, that Poland adopted its Constitution. In doing so, Poland led the way in showing her continental neighbors that she was desirous of entering the age of enlightenment and reason.

This is a day of joy, celebration and remembrance for Poles around the world for it is a day of recommitment to the principles of freedom.

In many communities throughout the United States, Polish-Americans will hold observances and celebrations to honor Polish Constitution Day as a reaffirmation of their patriotic feeling, for May 3 is a landmark in the struggle of men to provide government by the consent of the governed. With the adoption of the Constitution, Poland helped to shape the ultimate quest of other nations for greater individual freedoms, for elimination of class distinctions, for removal of economic barriers, and for liberty to worship God as individuals wish.

This day has come to symbolize for all Polish-Americans the struggle for freedom which has characterized the spirit of the Polish people for over 1,000 years. But May 3 is not only a Polish holiday. It is a day of reaffirmation for all people who cherish their freedom.

Two of Poland's greatest statesmen, Casimir Pulaski and Thaddeus Kosciuszko, fought in the American war for independence and thus were greatly instrumental in helping the United States adopt her Constitution.

In the 16th and 17th century, Poland produced prominent men in the fine arts,

the sciences and politics, such as Copernicus, Modrzewski, Goslicki, and many others who matched the finest minds of Western nations.

Many historians believe that the signers of the Declaration of Independence were influenced by Goslicki, who first espoused a theory for establishing a commonwealth, which was later to become the basis for the American system of government.

One must study the past to understand the indomitable spirit of the Poles, a magnificent spirit which has survived more than a thousand years of turmoil and persecution in its stubborn defense of freedom and human dignity.

Poland's peculiar geographic position made her prey for her rapacious neighbors, and she suffered many partitions by Prussia, Austria, and Russia.

Throughout, this bastion of Christianity never gave up hope for a better day and refused to compromise with tyranny, regardless from which quarter it came. Poland's tortured history inspired many poets and romantic writers of many nationalities throughout the centuries. Poland's history is, indeed, a breath-taking chronicle of endurance against man's inhumanity toward his fellow man. It is a rippling litany of unparalleled bravery which is heralded around the world.

Jean-Jacques Rousseau described it best when he wrote:

Poles. If you cannot prevent your neighbors from devouring your nation, do your best to make it impossible for them to digest it.

It has always been stated that the greatest works of man came from those who were oppressed in their own countries. One cannot help but marvel, then, that in between her unyielding struggles for survival, Poland was able to make so profound a contribution to the cultural development of Europe and the world. One can only describe as incredible the monumental cultural contributions of Chopin and Paderewski, of Nobel Prize winners Sienkiewicz and Reymont, of Mickiewicz and Slowacki, of Copernicus, Marie Sklodowska Currie, and many, many more.

From their earliest beginnings, the Poles exemplified the Christian belief that there is more virtue in defending a right than in denouncing a wrong. Thus, Polish writers have long preached doctrines of fundamental justice and equity. During the reformation, it was Modrzewski who evolved the concept of a system based on Christian principles of equality of men before God and before the law. This concept went far beyond the accepted ideas of the time, and it is notable that this concept is part of our American heritage today.

Mr. Speaker, even though Poland is today ruled by the Communists, the people will never accept totalitarian communism. For over a thousand years, the Polish people have never accepted any principle or ideology save that of freedom and liberty, which were embodied in the Constitution of 1791.

As history is our teacher and guide, we can be sure that the day will soon

come when Poland has a renaissance of her past glory, a resurrection of her Christian freedom, and a resumption of her historic role as humanist and defender of man's right to control his destiny. When that day comes, I am confident that other enslaved nations will follow the guiding spirit of the indomitable Poles. When that day comes, apostasy everywhere will fall by the wayside, and free people in all lands will join together to rededicate themselves to a new era guided by the majesty and blessings of Almighty God. When that day comes, fear, oppression and tyranny will be no more, Armageddon will be behind us, and the dawn of a new Genesis will be before us.

With great honor and humility, I am proud to take part in observing Polish Constitution Day.

Mr. HELSTOSKI. Mr. Speaker, today, May 3, is the 181st anniversary of the adoption of Poland's Constitution. It is the anniversary of the first democratic constitution, and the Polish people, in and out of Poland, join in commemoration of this great national event. The adoption of the Constitution in 1791 constitutes one of the brightest and most significant landmarks in Poland's entire history. The event came at a time when nearly all of the nation was parceled out among the three greedy monarchs of Austria, Prussia, and Russia. Yet a small band of patriotic, farsighted, and dauntless Poles dared to draft and to present to the country the document of freedom.

That Constitution made Poland a constitutional monarchy with a responsible, cabinet form of government. Ancient class distinctions and privileges were wiped out, and the government was strengthened by bringing the peasantry under the protection of the law. What is perhaps even more significant for those days and that part of the world was the fact that the Constitution guaranteed absolute religious freedom. In this and other ways, the Polish Constitution was in the vanguard of democracy's advance into Central and Eastern Europe.

In commemorating the 181st anniversary of the adoption of the Polish Constitution, we are paying our respects to the memory of its creators—some of the most valiant figures in the heritage of Western democracy.

Those figures are part of the American heritage today. The deeds and sacrifices, and the views and the ideals, of men like Pulaski, Kosciuszko, and Chopin are, indeed, an integral part of our traditions. These men, and many others I could name, developed from the same ideological ferment that produced George Washington, Benjamin Franklin, and Thomas Jefferson in our own land.

The Polish Constitution of 1791, the French Constitution of 1792, and the American Constitution are among the great landmarks in the growth and development of constitutional law the world over.

Throughout the years, there have come to our land millions of men, women, and children of Polish birth. They have brought to this country the rich heritage of their own culture along with the pas-



sionate love of freedom and order under law which was their birthright. These traditions and qualities have been amalgamated into the tradition that we call American. America has been enriched and Western civilization has been enriched by this process.

In this period prior to World War I the cause of Poland rapidly became a cause of universal concern. The presence of thousands of Polish men and women in the United States served as a constant reminder to Americans of the unfortunate nation beyond the Atlantic shores. Exiles in Britain and France also emphasized the plight of Poland in its struggle for freedom.

When the war ended, bringing on the defeat of Germany and the collapse of the Russian Empire, Poland regained its historic position among the states of Europe as a free and independent nation. The principles of democracy, which had been pitted in this world struggle against the tyranny of militarism and autocracy, were victorious. With universal acclaim the Polish people, proclaiming their support of the principles for which the war was fought and won and reaffirming the fundamental concepts set forth in their Constitution of 1791, adopted a new Constitution in 1918 through which was created the Republic of Poland. By this act the Polish people resumed their rightful place in Western Europe and rejected categorically the ties which had bound them to Russia.

The tragic fate of Poland in World War II and the lamentable aftermath need no recounting here; the facts are well known to all of us. Once again Poland, overthrown by enemies at home and from abroad, was prostrate beneath the heel of another oppressor. Once again these proud people were enslaved without a remnant of its former freedom. Once again the democratic constitution, the tradition of which extends far into the past of Polish history, was thrown aside. Once again the Polish nation as we knew it was no more.

We in America had a major part in bringing back to life the Polish Republic after World War I. Yet at Yalta and Potsdam we apparently forgot the advice of Woodrow Wilson, when in a speech to Congress on January 8, 1918, he outlined as one of his 14 points the following position regarding Poland.

An independent Polish state should be recreated to include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

Instead of attempting to fight for the creation of an independent Polish nation after the Second World War, the framers of our foreign policy took an opposite course.

With over a 1,000 years of national existence, Poland ranks among the oldest of European nations. There was a time when she constituted one of the major powers of Europe, when princes and monarchs sought her favor and aid; but at no time has she sought her neighbors' pos-

sessions, or sinned by invading their lands and terrorizing their people. If Poland grew territorially, it was not through conquest, but as a result of concord with the adjoining countries which freely desired a permanent union with her. For through alliance with Poland they found the realization of the freedom and personal liberation which no other country offered.

Mr. Speaker, as we join in this tribute to Poland on this anniversary, the United States of America is indebted to Poland for its many contributions to our progress and well-being. It is indebted to Poland for the millions of its citizens who came to this country to help build it into the greatest nation of all time. The same zeal and warm desire for freedom, that same determination to develop itself further, which characterized the Poles through the ages, has been a dominant factor in the growth and development of our great Nation.

This annual commemoration of the Polish constitution in this American House of Representatives provides a forum through which we pay tribute to the men who forged the inspiring document and also to those brave souls who through the years have sacrificed their lives so the ideals embodied in the constitution of 1791 might take root and prosper.

Mr. ANNUNZIO. Mr. Speaker, today, May 3, is the anniversary of an event of momentous significance in the history of the people of Poland. It was on this day, 181 years ago, that Poland adopted its first democratic constitution. It is with a sense of great honor that I join millions of Americans of Polish ancestry and Poles everywhere in the commemoration of this event.

The May 3 constitution not only serves the Polish people as a symbol of progressive government under the democratic principles of human dignity and honor, but serves as well those men and women the world over who are ceaselessly striving toward the goal of freedom from any coercion, be it coercion of the body or of the spirit.

It was through the constitution of May 3, 1791 that Poland stepped out of medieval times and emerged as a land of limited monarchy with a constitutional government. Tragically, however, only 4 years after the adoption of the constitution, Poland was partitioned and conquered by several powerful and autocratic neighbors.

Thus, the exemplary ideals promulgated in the infant constitution came only to represent the aspirations of a people who desired to be free and not the reality in which they found themselves. The lofty principles embodied in that constitution such as "All power in civil society should be derived from the will of the people," came to be cherished in the hearts of Poles and men of good will everywhere as goals to work and struggle for as long as persecution and injustice oppressed mankind.

The Polish people know only too well the terrible price in human suffering that sometimes must be paid for the acquisition, maintenance, and enlargement of even the most basic and fundamental

freedoms. For the Poles of the 20th century there has been little, if any, progress made in their struggle for self-determination and for a revival of the spirit of the constitution of 1791.

Two devastating wars have been fought on Polish soil and when not directly occupied by foreign troops, Poland has been within the sphere of influence of and directly subject to governmental policies decided not by Poles for Poles, but by foreign powers manipulating Poland for their own self-interest.

This 3d day of May, therefore, is an important day not only for Polish-Americans, but also for the whole of mankind. It is a time to reconfirm our moral commitment to and encouragement of those who continue the fight for human dignity and liberty.

I join my colleagues in the Congress in recognizing the rich history of achievement of the Polish people, in Poland itself, and in the new homelands to which they went seeking refuge and freedom.

In spite of the adversity which characterizes much of Polish history, the indomitable spirit of the Polish people has been and will continue to be a beacon-light of inspiration to those who treasure the concept that the individual himself should have the right to make and pursue his own destiny without interference from tyrants.

Mr. Speaker, as Americans of Polish ancestry all over the country commemorate the 181st anniversary of Polish Constitution Day, I join with the tens of thousands of Polish-Americans in my own city of Chicago in a tribute to those who have struggled and are continuing to struggle in order to transform into reality the noble ideals expressed in the Polish constitution of May 3, 1791.

Mr. ZABLOCKI. Mr. Speaker, today we are commemorating one of the important events in the history of man's advancement in freedom. That milestone is the Polish Constitution of May 3d, adopted by the people of Poland in 1791.

It is fitting for us in the Congress of the United States to pause in our deliberations to consider that remarkable political document.

The Polish Constitution provided for the separation of powers between the executive, legislative, and judicial branches of the government. It was based on the principle that all power in civil society is derived from the will of the people, that sovereignty resides in the citizenry, not in the state itself.

It is in the preservation of this spirit that we commemorate this 181st anniversary of Poland's famous Constitution of May 3d.

Our world today is still beset by many problems. Examples of international violence and suppression are still before us. Issues which have troubled relations between countries since the end of World War II are still on the scene—and still unresolved.

In a real sense, the world atmosphere today is not unlike that which prevailed in Poland at the end of the 18th century.

Dark clouds of pessimism, frustration, and disappointment obstruct our vision of the future.

Yet it was during such a time that the Polish people rose to great heights in adopting its famous constitution.

On this anniversary of the Polish Constitution of 1791, I submit we should restate our determination to further the basic principles—respect for freedom and justice, the dignity of man, and the responsibility of the State—embodied in this great document. These principles are as valid today as they were in 1791.

As we pause to observe this anniversary, Mr. Speaker, may we all derive encouragement and the hope of a better tomorrow from this great milestone of human progress. The spirit of the Polish Constitution of May 3d shall continue to live in the hearts of the Polish people and shall hopefully hasten the day when the principles embodied in this document shall once again be proclaimed and practiced openly and freely in Poland.

#### TRIBUTE TO J. EDGAR HOOVER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, President Nixon and J. Edgar Hoover shared much in common. And one thing they shared in common was confused critics who were not inhibited by the truth or the facts in their frenzy to scream that everything they do is wrong. There are many among us who think that everything this country does is wrong, and everything that our enemies do is right.

They lose sight of the fact that the North Vietnamese invaded South Vietnam and are determined to destroy that free country. The Representative from New York went to Paris, she tells us, to talk to the Communist negotiators, and it is obvious that she swallowed everything they told her. But it occurred to me as I was listening to her why she did not ask the North Vietnamese to call off their invasion of South Vietnam. She calls upon President Nixon to stop the bombing. It seems it would be only right that she ask the other side to call off their invasion, but I am sure that did not occur to her, because it is much easier to criticize President Nixon.

But those of us who are not confused on this issue know that President Nixon has withdrawn over a half million men from Vietnam and has drastically reduced our casualties there.

Mr. Speaker, I did not take this special order today to debate the Vietnam war, because the House has, on a number of occasions, overwhelmingly indicated its support for President Nixon's policies in ending the war there. But I could not resist the opportunity to comment on this unwarranted criticism which the previous speakers have leveled at President Nixon.

I am sure that the President has become accustomed to unjust criticism as J. Edgar Hoover became accustomed to it during his lifetime. Unfortunately, it seems that this is part and parcel of public service. In fact, when I saw Mr. Hoover in his office a few weeks ago we discussed the matter of all the unjust

criticism which has been leveled at the FBI, and he laughed it off, as is typical of the man, and he joked that when these critics stopped criticizing him, he would become worried that he was no longer doing his job.

It is interesting that now, now that he has passed from this earth, his harshest critics are begrudgingly paying tribute to his accomplishments during his outstanding career.

The real monument to the memory of J. Edgar Hoover, of course, is the FBI which he built, but today I have introduced legislation to create a tangible memorial to this great American. I have introduced a bill which would require that the new FBI Building now under construction on Pennsylvania Avenue between 9th and 10th Streets be named the J. Edgar Hoover Building.

There has been a great outpouring of praise from our colleagues in regard to Mr. Hoover since his death, and I am pleased that so many Members are participating with me in this special order and the one which I had yesterday for the purpose of eulogizing Mr. Hoover.

At this time I would be happy to yield to the gentleman from Indiana.

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Speaker, I would like to begin my remarks by commending the gentleman on his remarks in memorializing and eulogizing J. Edgar Hoover. I would certainly also like to commend the gentleman, for I know he was a member of the Federal Bureau of Investigation for some 10 years and served our country in that Bureau very well.

I also recall so well the occasion when the gentleman from Maryland stood in that very spot in the well of this House and answered specific critics and their criticism of J. Edgar Hoover. I commend the gentleman at this time for the action he took at that time.

Mr. HOGAN. Mr. Speaker, I thank the gentleman from Indiana.

Mr. HILLIS. Mr. Speaker, I would like to add a few words expressing my deep sense of loss at the passing of this great American.

When I think of J. Edgar Hoover, I automatically think of "Mr. Law and Order." I know this is true for most of the residents of Indiana's Fifth Congressional District—and I know it is a title Mr. Hoover would be proud to bear.

For some people, "law and order" represents repression of minorities or elements of change. For others, it represents a maintenance of the status quo. For J. Edgar Hoover, it meant maintaining an orderly society with change by evolution, not revolution.

It is well established that Mr. Hoover, as FBI Director, had tremendous power. But he also had a tremendous respect for individual rights and freedoms, and was a staunch defender of the American system. That is why I personally admired him so much.

Despite the power he wielded, this man would have no association with the repressive measures associated with dictatorships—he found Gestapo methods repugnant. Because of men like Hoover,

these methods will not become a part of American law enforcement.

J. Edgar Hoover stood for something very important to the bulk of American citizens. He represented the right to walk down the block without fear of being attacked. He stood for the assurance that our laws will be upheld, that criminals will be tracked down and brought to justice, yet individual rights of every citizen will continue to be upheld. Only in a society which maintains this respect for law and individual freedoms can citizens go about their business feeling secure and safe. Only in an orderly society can we progress and work steadily toward solving our social problems.

Mr. Hoover built the FBI into the greatest law enforcement body in the world. He and the FBI have apprehended untold numbers of criminals, broken up numerous criminal rings, and maintained a constant vigil over the internal security of this Nation. They have organized crimefighting into a profession—one which has kept pace with the times in terms of modern criminology, yet one which is solidly based on the age-old value of order with freedom.

Mr. Hoover himself was a true professional—and instilled this quality into the FBI. He understood the importance of receiving criticism without retribution, and held no personal vendettas against his critics, despite the power to do so. Further, he must hold a record for being one of the only major Government servants to serve under four Republican and four Democratic administrations. This record accentuates his bipartisanism and unquestionable value to this country, regardless of which political party was in power.

Certainly, the FBI will continue its fine record in the future, carrying on the strong traditions established by Mr. Hoover. However, on this day I feel it is proper for us to honor the great contribution to America which this one man made. He will long be remembered in the history books. I hope he and the values for which he stood will also be long remembered in our hearts.

Mr. HOGAN. Mr. Speaker, I thank the gentleman from Indiana for his contribution and all Members for their contributions to this special order eulogizing J. Edgar Hoover.

Mr. Speaker, a great American leader has been called from this earth and no longer walks among us, but his spirit is still with us. It lives on in the men and women of the FBI and in their carrying on of the work which he began.

J. Edgar Hoover's dedication to his principles and his unselfish service to this country and his untiring devotion to others should be a continuing inspiration to all Government employees.

Mr. HUNT. Mr. Speaker, the United States has suffered a great loss with the passing of FBI Director J. Edgar Hoover this morning and I will miss his longtime personal friendship.

May 10 would have been Mr. Hoover's 48th anniversary as Director of the FBI. Just a year ago I joined with a number of other Members in honoring the Director in words that I would like to repeat in part:



I am proud to be in the company of those whose recognition of Mr. J. Edgar Hoover on his 47th anniversary date as Director of the FBI is a tribute to this giant of a man whose contributions to law enforcement and the internal security of this Nation are unequalled.

The continuity of service which Mr. Hoover has brought to his office during the recent years of turmoil, civil disobedience, and a rapid growth of subversive activities, is something for which we as Americans should be thankful.

I say thank God for Mr. Hoover and those of his character whose loyalty to country, devotion to God, and dedication to duty ought to be, and are in my mind, marks of distinguished respect rather than targets for the subtle degradation of the institution for which he stands.

Mr. Speaker, while Mr. Hoover's passing is mourned, his contributions to liberty, justice, and the sanctity of our form of government are monuments that rank him among the most able and patriotic men who have ever served this Nation. The void left by the Director will be a challenge to fill, but I am confident the President will seek out someone who will exemplify the qualities that distinguished Mr. Hoover.

Mr. QUILLIN. Mr. Speaker, it is with a sense of profound grief and personal loss that I join my colleagues today in paying tribute to a great American, Mr. J. Edgar Hoover.

It was at this time last year that I participated in a special order to honor Mr. Hoover on his 47th anniversary as Director of the Federal Bureau of Investigation.

To millions of Americans, Mr. Hoover was considered the Dean of Law Enforcement. He did more for the cause of law and order than any other person in the history of this land.

During his years as director of the FBI he transformed an infant agency into the most potent and respected force for law and order in American history.

He was a man of great power and influence who used these qualities in constructive measures for the good of all Americans.

He has been admired by young and old alike for decades, and he became the symbol of basic American values of decency, fair play and respect for the law.

We have all come to depend on the FBI largely due to the job he did to protect the peace and preserve the security of our country.

It seems unnatural to even think of anyone replacing Mr. Hoover, although we know the FBI will go on, and able men who have been trained under Mr. Hoover will continue their work to uphold the Constitution of the United States.

Mr. Hoover's death truly marks the end of an era—a dedicated, unselfish, and courageous career of public service.

Mr. CARTER. Mr. Speaker, let us pause at this time to reflect upon the life of the dedicated citizen whose contributions to his country and impact upon the world will live long past his death.

We now pay tribute to a man who established a record of 48 years of distinguished service under eight Presidents of the United States.

The highly effective organization that this man constructed virtually out of his own will and determination has lost a firm and able Director. This man was one who realized a deep sense of duty and was successful in following it. He was a man who sought personal fulfillment in his work, and truly he achieved it.

I join with my colleagues today in giving a final measure of praise for the late Director of the Federal Bureau of Investigation, J. Edgar Hoover.

Mr. SHRIVER. Mr. Speaker, today the body of J. Edgar Hoover lies in state in the Rotunda of the U.S. Capitol. It is highly appropriate that the American people have this opportunity to pay last respects to this great American. It is fitting that he be so honored.

J. Edgar Hoover was a giant among Americans. Under his personal direction he moulded the Federal Bureau of Investigation into the most effective law enforcement organization in the world.

The internal security of this Nation is stronger because of the vigilance of the FBI under Mr. Hoover.

The aggressive FBI campaign waged against organized crime achieved unprecedented success last year with the recording of a new high of 631 convictions of hoodlum, gambling, and vice figures.

J. Edgar Hoover was a man of unquestioned integrity and character, and he insisted upon the same standards from those who served with him in the FBI.

Mr. Hoover, in recent years in particular, was not without his critics and detractors. At the opening of hearings on the FBI appropriations for fiscal 1973, he told the subcommittee:

I have a philosophy. You are honored by your friends and you are distinguished by your enemies. I have been very distinguished.

Mr. Speaker, one of the great American patriots is dead. His 48 years of devoted and outstanding service as Director of the FBI stands as a perpetual memorial to J. Edgar Hoover. On behalf of the people of the Kansas 4th District, I express our heartfelt sorrow on the death of Mr. Hoover. We owe him a lasting debt for what he did for our country.

Mr. KYROS. Mr. Speaker, today we mourn the death of a man whose long years of public service and dedication to the enforcement of the Nation's laws will cause him to be remembered as one of the great Americans of the 20th century.

For 48 years and under eight Presidents, J. Edgar Hoover served as Director of the Federal Bureau of Investigation. He left a personal mark on our system of law enforcement that is indelible and unparalleled in our history.

It cannot be denied that J. Edgar Hoover was a highly controversial figure in his later years. This will always be part of his living memory. How important it is, then, that in remembering him we also recognize the simple fact that 48 years ago he took charge of a politics-ridden organization and molded it, almost singlehandedly, into a serious and effective law enforcement agency

that is respected and emulated the world over.

J. Edgar Hoover's life was one of great personal achievement. And his was an outstanding record of creative innovation and modernization in the field of law enforcement. The centralized fingerprint file, which now contains over 200 million marks; the National Crime Information Center; the National Police Academy, which set a world standard of professionalism—these are only a few of his personal creations, and they are testaments to his ability and dedication.

Even those who most vigorously disagreed with J. Edgar Hoover saw in him a man whose personal qualities commanded respect. He was a man of extraordinary discipline, unquestioned loyalty, and great personal integrity.

I am proud to join my colleagues today in honoring the memory of this outstanding American.

Mr. BRASCO. Mr. Speaker, J. Edgar Hoover's death leaves a massive void in the life of our country. Every American shall miss him.

His standards of excellence provided America with an organization that shall always be his monument. Taking over the FBI when it was ridden with scandal, corruption, and political favoritism, he turned it into a law enforcement organization that today is the envy of every similar operation. The FBI sets a standard for excellence, and this is Mr. Hoover's doing.

Insisting on the elimination of politics from the Bureau, he put teeth into Federal law enforcement activities. He created an image of the Federal officer that replaced the favorable image of criminals which had previously prevailed in the mind of much of the great American public.

Mr. Hoover served America well for almost 48 years, devoting his entire life to the cause he believed in so fervently. Rarely has such single-minded devotion ever been seen in any kind of service.

The list of FBI credits is almost endless. Law enforcement all across the country evolved in an image shaped for it by Mr. Hoover. Professionalism in a thousand categories became the order of the day, as FBI training was given to several generations of American law enforcement officials.

Scientific law enforcement was given its showcase in FBI work, resulting in revolutionary advances in dozens of different fields. As a direct result, criminology as we know it came into its own, to the benefit of our entire Nation.

Mr. Hoover served under eight different Presidents, earning the thanks of a grateful Nation in the process. He managed to bring to the bar of justice several generations of our Nation's enemies and lawbreakers. From bootleggers and Nazi sympathizers to Communists and hijackers, his personal example, men, and organization put the cause of our country first.

All America is the better overall for his life's work.

It is my hope that the new FBI Building on Pennsylvania Avenue, now in the process of construction, will bear his name.

I know that all Americans feel that a respected, sincere, and devoted man has left us. He has set an example of service for others to emulate.

Thank you.

Mr. MATHIS of Georgia. Mr. Speaker, I am extremely proud to join with other Members of Congress in paying tribute to J. Edgar Hoover. No man in this century more epitomized constitutional law and the preservation of the American way of life than Mr. Hoover. His name was synonymous with law and the protection of liberty. Although he was criticized throughout his later years Mr. Hoover never once compromised his position and he steadfastly remained the inspirational leader of the world's best law enforcement agency. I personally never had the opportunity to meet Mr. Hoover but this did not lessen my respect for him. The people of my district can feel extremely proud of the fact that on the morning he died, a delegation from Tifton, Ga., was scheduled to present Mr. Hoover a plaque expressing their appreciation for the diligent work and leadership he has rendered in his career. The Tifton delegation was truly representative of the deep respect held for Mr. Hoover by the citizens of my district.

Mr. ICHORD. Mr. Speaker, it is with a feeling of deep personal sadness that I join my distinguished colleagues in mourning the passing of a truly great American, the Honorable J. Edgar Hoover. Millions of Americans throughout the length and breadth of our Nation will mourn his passing and will remember him in their prayers for the blessings of freedom they and their families now enjoy.

Mr. Hoover's death, which came to me as a great shock, leaves a void that is wide and deep. He was a great patriot. The American people held him in high esteem and regard him as a giant among men. Few men have been as universally admired or will be missed as greatly. The memory of Mr. Hoover will forever serve as a guiding beacon for high performance in public office.

There were many facets to the character of this remarkable man. He was a dedicated civil servant. He was an advisor to numerous Presidents and Attorneys General. He was an able administrator, building and guiding the Federal Bureau of Investigation from its inception on a course to become the finest law enforcement agency in the history of the world. He was a faithful friend to police officers throughout the Nation and at the same time far ahead in safeguarding the rights of persons suspected and accused of crime. As a bitter foe of communism and as one who intimately recognized its dangers to our free way of life, he carried the burden of informing the public of this menace that would destroy our free society. Mr. Hoover's honesty, integrity, and dedication to liberty under law were unquestioned. The outstanding reputation of the FBI stands as an everlasting tribute to this one man and the ideals he imbued in employees of the organization. His great courage and energy were employed with wisdom and discretion to back up his convictions.

Mr. Hoover was one of the great men of our century and his name will forever be inscribed on the rolls of great Americans. His deeds and accomplishments will serve as their own memorial to a life lived fully and well. The Christian life he led was exemplary. He has indeed left his mark on all of us and on the history of our country. His memory will be deeply emblazoned in the hearts and memories of the people of this Nation and shall be a perpetual monument to him.

Mr. NICHOLS. Mr. Speaker, our hearts are deeply saddened as we pay tribute to the loss of a great American, John Edgar Hoover, the builder and Director of the Federal Bureau of Investigation. J. Edgar Hoover has made a remarkable record in the service of his country and will be long remembered in the annals of our Nation's history.

As a result of his tireless efforts the FBI was transformed from an insignificant agency in the Department of Justice to the most elite crime-fighting organization in the world. When the late Director took command of the Bureau in the early 1920s it totaled only about 500 agents. Today, the Bureau's organization numbers about 15,000 employees. Yet this increase in size has not resulted in a loss of efficiency for the Bureau, as it has in some agencies.

Under Mr. Hoover's leadership the FBI has been responsible for cracking many shocking crimes and ending the reign of terror imposed on society by many notorious criminals. During times of national and international crises the Director also was diligent in thwarting the efforts of those who would endanger our survival as a free nation under God.

Mr. Speaker, some months ago an Alabama State trooper visited my congressional office. As a long time admirer of Mr. Hoover he requested that his Congressman might go with him to achieve a life long dream of his in being able to personally meet and shake hands with this great law enforcement officer. Together we walked into the hallowed office displaying the momentos of America's worst criminals who had been apprehended and convicted as a result of the excellent work of officers of Mr. Hoover's organization. The Director was most cordial and when I inquired if we might make a picture of my Alabama State trooper and the Director, Mr. Hoover replied:

I would be most honored—after all we are partners in crime fighting.

Mr. Speaker, America has lost a great patriot in J. Edgar Hoover. This great American was indeed a legend in his own time, and his influence will continue to be felt in our Nation for many years to come.

Mr. WHALLEY. Mr. Speaker, our Nation has lost a dedicated public servant and a great American. We join those from across the land in mourning the death of J. Edgar Hoover.

Centuries ago a great teacher declared:

To whom much is given, of him much shall be required.

By that exacting standard, J. Edgar Hoover patterned his life, both public and private.

As Director of the Federal Bureau of Investigation for nearly half a century, Mr. Hoover embodied those qualities of vigilance, enterprise, and prudence which not only made the FBI the most effective investigative organization in the world, but won for himself the deep respect and admiration of even his most vocal critics.

Mr. Hoover was steadfast in his defense of the ideals of his Nation and his God. And this honesty and integrity was reflected in the rank and file of the FBI—from his top assistants to secretaries and clerks. Throughout the history of the FBI, no agent has ever been dismissed for dishonesty.

J. Edgar Hoover was legendary in his own remarkable lifetime. He will be succeeded, but never replaced. While we mourn his death, let us give thanks for his life. History will surely rank J. Edgar Hoover among the great patriots of this or any time. His legacy will be with us always.

Mr. PRICE of Texas. Mr. Speaker, it is time to pause and mark the passing of a man—not just any man, but a man who was the embodiment of all that is good about America, a man whose integrity, strength of character, and courage could never be defeated.

Today we pay tribute; we offer a generous portion of accolades, some from the heart, and others from those who now regret previously uttered intemperate, unkind, and undeserved remarks. But this man really does not need our eulogies, for long after most of us are gone and forgotten and our words are buried in the dust of antiquity, the name of this man will be remembered and revered. We cannot dedicate that which is already immortal, for this man who was bigger than life was already a legend in his own time.

To say we owe this man a debt would be a grave understatement. His relentless battle against the forces which have sought to divide and destroy our Nation and to upset the fragile balancing forces of a democratic society is known to every American—indeed, every living generation of Americans. A unique man, whose love of this great land shall be his legacy—who among us shall ever rise to the stature of J. Edgar Hoover?

Mr. LUJAN. Mr. Speaker, no man has contributed more to the internal security of our Nation, nor to the insecurity of organized crime, than Mr. Hoover. To those of us brought up with the traditions of "G-Men" and "Gangbusters," he has long been a living legend. The Federal Bureau of Investigation stands as a monument to his dedicated patriotism, but the greatest legacy he leaves us is his unswerving vision of a morally straight America where good must always triumph and where lawlessness must always give way before the law. I hope we never lose that vision.

Mr. RHODES. Mr. Speaker, it is a privilege to join my colleagues in paying tribute to J. Edgar Hoover.

The dedicated man's passing should be mourned by every American. He was a



great American and the country will miss his dedication and influence.

Probably more than any other individual Mr. Hoover raised the status of police work in this country. Under his direction the FBI set high standards for professionalism and proper conduct in police work. This example has done a great deal to make law enforcement a respectable career.

Mr. Hoover came to the FBI in 1924. From that time on the record speaks for itself. His is a record of achievement, public service and patriotic discipline.

In nearly 48 years as Director of the FBI he was neither partisan nor partial in his use of the enormous power of this national investigative agency. Following his policies the FBI established a reputation for honesty, credibility, and devotion to the law; a reputation that is unequalled anywhere.

The Nation, and each citizen, owe Mr. Hoover a sincere thank you. His job was his life, and his job was a job well done.

Mr. CRANE. Mr. Speaker, our Nation has suffered an irreparable loss in the death of J. Edgar Hoover, Director of the Federal Bureau of Investigation.

Mr. Hoover's record of public service since 1924, under eight Presidents, and his selfless devotion to principle were an example to us all. For nearly a half-century this great American patriot displayed the fairness, courage and dedication necessary in building the most effective law enforcement agency our Nation has known.

Mr. Hoover's constant loyalty to country and the principles of justice and fair play never flagged, despite the trials and bitter criticism he often faced. He demonstrated that he was truly worthy of the mantle of greatness he had assumed. Mr. Hoover will be deeply missed by us all.

Mr. BRAY. Mr. Speaker, J. Edgar Hoover: In memoriam—

Exert your talents and distinguish yourself, and don't think of retiring from the world until the world will be sorry that you retire. I hate a fellow whom pride or cowardice or laziness drives into a corner, and who does nothing when he is there but sit and growl. Let him come out as I do, and bark.

The above, attributed to Dr. Samuel Johnson, sometime in the 18th century, might well serve as an epitaph for one of the very few men in the history of our Republic who were legendary symbols during their lifetime and who passed immediately into the pantheon of American heroes at the time of their death.

Measure the man, and his life, by his enemies. I am sure he was always proud of the fact that the most dedicated of his enemies, and the most vicious of his detractors, were also the most deadly and unswerving enemies of the American Republic and its citizens.

Measure the man, and his life, by his deeds. I am equally sure he must have counted it a signal honor to be the symbol of the forces that stood between these people and his country.

He made the FBI. He was the FBI. He always will be the FBI. This organization, the wonder of the law enforcement world, was outstanding for a multitude of reasons and one of the most significant was that in its history it had never had an inner scandal arising from a cor-

rupted agency or agents. I have often seen this fact dwelt upon; people ask why this should have been so. I believe the answer is basically simple, in that it lay in J. Edgar Hoover himself, and the example he set, and can be summed up in a statement made by Oliver Cromwell in 1643:

If you choose godly, honest men to be captains of Horse, honest men will follow them.

No one will ever know the inner motives and reasons and thoughts of the then-Attorney General—and later Chief Justice of the United States—Harlan Fiske Stone, who named Hoover as head of the old Bureau of Investigation in 1924. But Stone's injunction to Hoover, and his remarks at the time, indicate to me that somewhere and sometime Stone had read Cromwell's remarks.

Stone wanted high standards; he felt—

That the organization itself should be law abiding; that all appointees should be men of intelligence and some education; that they should be subjected to a thorough course of training for their work.

Said Stone:

I am firmly convinced that officials of the Department of Justice can more effectively perform their duties by acting the part of gentlemen than by resorting to tactics of a different character. The work of gathering evidence and of conducting litigation should be done in a gentlemanly way.

Stone was a remarkable prophet. So was Hoover's high school yearbook, which said this of him:

A gentleman of dauntless courage and stainless honor.

His life showed what one man can do. A grateful Republic will never forget what this one man did.

This is the legacy he has left his fellow countrymen, and it is best summed up in the following line from Shakespeare's Henry VIII:

Be just, and fear not. Let all the ends thou aim'st at be thy country's, and thy god's, and truth's.

Mr. SNYDER. Mr. Speaker, the best eulogy we, as Americans, could provide J. Edgar Hoover is the emulation—in our personal convictions and political lives—of the dedication with which he served his country.

I do not speak here simply of working long hours to effect the completion of a preordained project or someone's mechanical conception of how to run a Government agency efficiently. Detractors and admirers are agreed in those respects. For decades Mr. Hoover ran a tight ship, an efficient and constantly improving arm of our Government. He obeyed orders—and performed a vital function. But the same could be said of other dedicated public servants—although not all public servants.

Some are motivated by achieving the top pay grade; others by a driving desire for the thrill of competition; still others by the urge for quiet efficiency. J. Edgar Hoover stepped beyond the common motivations for dedication and into the realm of the extraordinary. What drove him in his often seemingly thankless task was the firm and fervent love

of his country which characterized his work, his life, and the organization he headed since its very inception.

He was a man who clearly perceived the enemies of America and her spirit—and fought tirelessly to turn them back from success. You might say that his unblinking perception was too good at times—for the enemies he saw, identified, and relentlessly pursued were not so readily identified by others less perceptive. And they criticized him for it.

He was, at different times, the idol and the ogre. To a great majority of American citizens he was the permanent embodiment of the patriot. To students of communism, he was the foremost authority on the domestic practice of subversion. To the voter and taxpayer he was the stanchest bulwark against organized crime and the exploitation of the innocent. But to some others—a minority, but a vocal one—he represented the American equivalent of a Gestapo or KGB chief. I join the above-mentioned three categories in rejecting the latter one. I rejected it while he was living and I reject it at his death. History will vindicate me in this judgment—just as history will vindicate the man.

And if America's destiny means what he believed it to mean, he will stand in the annals of our land astride the harbor to the Nation's soul—like a bronze colossus of unshakeable conviction.

Others may eulogize by enumerating his services, his tenure, his loyalty—and rightfully. But in death I believe he would want his eulogy to be one of action, his memorial to be inscribed in the hearts of his fellow citizens. J. Edgar Hoover is dead. America is alive. That is what he worked for—and that is how he would be remembered. We can do no better in eulogy than the furtherance and reaffirmation of his legacy.

Nations look to their heroes for guidance and inspiration. Heroes represent the highest traits of which a country feels itself capable. Heroes are legends for children, models for citizens, pillars for peoples.

J. Edgar Hoover lies today, in state, in the rotunda of the Capitol of the United States—a place reserved for heroes.

Mr. ANDERSON of Illinois. Mr. Speaker, when J. Edgar Hoover came before the Rooney Subcommittee on Appropriations in early March, he said:

You are honored by your friends and you are distinguished by your enemies. I have been very distinguished.

It is certainly true that the late Director was distinguished by his enemies, but this sustained tribute here this afternoon bears ample testimony to the fact that he was also distinguished and honored by his friends. Few Americans of any era could command the respect and admiration which has been so evident in the eulogies delivered here this afternoon.

I would like to add but one brief thought to those which have already been offered by my colleagues. At a time when our proudest institutions have been under attack, when changing values have confused our young people and troubled their elders, he has stood firm and proud

as a defender of those institutions and an embodiment of those values which, even in troubled times, rest as the bedrock on which our Nation was built—integrity, courage, imagination, perseverance.

Mr. Speaker, today we mourn the passing of a man who symbolized not only an ideal, but an epoch. His rest is well deserved, as are the honors we bestow upon him here.

Mr. BROYHILL of Virginia. Mr. Speaker, we have been privileged in this century to share with two noble patriots of this Nation, two matchless men of honor, dignity, and greatness, their dreams and their efforts to keep America strong, free, and secure.

Several years ago, death reached into our hearts and hopes when it claimed the life of General of the Army Douglas MacArthur. It did so again yesterday with the passing of J. Edgar Hoover. I equate their place in history, Mr. Speaker, as unsurpassed in devotion to their country.

We will miss J. Edgar Hoover, Mr. Speaker. We will miss his leadership. We will miss his integrity. We will miss his humanness and his devotion and determination.

Let us never forget that he worked a lifetime for the American people. Let us never forget that he served a lifetime in behalf of the American people. Let us never forget that he died of age and weariness, deepened by his devotion to the American people.

We are short of heroes with his passing, Mr. Speaker. But his life, and the memory of those patriots of yesterday who shared with him a love for his country, will be the monuments for tomorrow's leaders who can only excel by matching the majestic record of his own public service.

Mr. CELLER. Mr. Speaker, we all mourn the loss of J. Edgar Hoover. His was a life of accomplishment. He was indeed an activist—a doer. Although controversy swirled around him, he held steadfastly to his philosophy.

He and I had our personal differences, particularly with regard to civil liberties and civil rights. Nonetheless, our relations with each other were always most cordial and friendly.

Edgar Hoover was a truly dedicated public servant, having served under nine Presidents of the United States. His is indeed an unbeatable record. His passing spells the end of an era.

Mr. SIKES. Mr. Speaker, it is highly fitting that we in the House express the regrets of this great deliberative body at the passing from the earthly scene of one of the truly outstanding leaders of modern America. I think it can be said without qualification that J. Edgar Hoover was not only one of our outstanding modern leaders, but he was one of America's all time greats. I am confident that his memory will be properly honored by a grateful nation for he was a man whose lifetime was a symbol of devotion to a sound and strong nation, a nation with respect for law and order and a nation which loves God. His was a long and faithful service to the public, one of the longest tenures in responsible office in the annals of our country. Appropriately

he died in harness. This is way he would have wanted to go.

The clamor against him by a few, some of it based on his opposition to crime and communism, two evils which so often go together in America, is lost in the plaudits of the multitude who saw in him a man of dignity, a patriotic American who was willing to give his life for his country and who did that very thing.

I had known him for many years. I had worked with him as a Member of Congress and of the Appropriations Committee which funded his budget requests. I was proud to share his friendship and the grief which I feel at his death is that which comes with the death of a good friend who not only was a man of great stature, but one whose services have been vital to our country.

Mr. BROWN of Michigan. Mr. Speaker, the passing of J. Edgar Hoover is a loss of greater import to this Nation than just the loss of a dedicated and capable public servant; with his passing an era ends.

I submit that no other function of the Federal Government has been so molded, organized and structured by the input of one man as has been the Federal Bureau of Investigation under J. Edgar Hoover. His accomplishments are all the more unique when one considers for a moment the delicate nature of the function of Government served by the FBI and the minimal criticism that has been lodged against that organization throughout its existence and while guided by Mr. Hoover.

Mr. Speaker, Mr. Hoover was not an ordinary man. Insisting upon a high level of professionalism and high level of dedication for both himself and those who worked with him in the Bureau, Mr. Hoover was still a man of great compassion and understanding with respect to the needs and concerns of those who had difficulty in understanding the commitment of the Director and the agency he headed.

The years during which Federal investigations have been conducted by an organization headed by Mr. Hoover, from the beginning with the Bureau of Investigations to the present Federal Bureau of Investigation, have seen many critical times and law enforcement has never been an easy business. Nevertheless, the FBI, under Mr. Hoover's direction, has developed into an investigatory and law enforcement agency unparalleled in history for its competence and freedom from criticism, either professional or popular in nature.

In mourning the loss of Mr. Hoover, we pay our respects not only to the man but to the essential function of government he so ably headed, the Federal Bureau of Investigation.

Mr. RAILSBACK. Mr. Speaker, J. Edgar Hoover became our country's No. 1 policeman over 40 years ago when Calvin Coolidge was President and the Bureau of Investigation was a small, ineffective, and scandal-ridden branch of the Department of Justice.

Since that time, Mr. Hoover almost single-handedly transformed the FBI into a professional organization of world-

wide reputation. He was a hero to millions of Americans, serving justice with dedication and wisdom.

He was a legend in his own time. In fact, because of the cries of his fervent admirers and just as fervent enemies, J. Edgar Hoover was practically a "national issue."

Born and reared in Washington, D.C., Mr. Hoover worked as a messenger for the Congressional Library and studied law at George Washington University. In 1919, he was appointed special assistant to Attorney General Palmer, and, as such, was the director of the newly created General Intelligence Division.

In 1921, J. Edgar Hoover was appointed an assistant director of the FBI, and within 3 years he was the Director. From the very beginning, he demanded that the Agency be one of the finest, most efficient law enforcement agencies in the world. He replaced untrained and unqualified men, and set up rigid rules and requirements for employees of the Bureau. He eliminated political influence in appointments. He had the foresight to promote highly scientific methods of dealing with crime—such as the fingerprint collection which has proved an indispensable resource in arresting criminals.

He had always devoted full time to his job, and our country has benefited by his dedication. Presidents have paid him homage. And now the Nation will mourn his death. We have truly lost a great man.

Mr. ANNUNZIO. Mr. Speaker, it is with sadness I rise to eulogize the passing of J. Edgar Hoover who served as Director of the Federal Bureau of Investigation under eight American Presidents.

His tenure of service spanned 48 years, and during that time, Mr. Hoover was responsible for building the FBI from a small Bureau in the Justice Department to an agency with a \$334 million budget and 19,000 employees. Not only has the FBI grown in strength under Mr. Hoover's capable leadership, but in stature as well, for it is regarded by many as being the most outstanding law enforcement agency in the world.

Over the years, J. Edgar Hoover made a genuine and lasting contribution toward effective law enforcement in our country. His dedication and devotion to America were unparalleled, and his courage and patriotism were evidenced throughout his long and productive career.

J. Edgar Hoover will long be remembered for his steadfastness of purpose, his integrity, and his competence. And he will be missed by his colleagues, his associates, and his friends, for America has lost a dedicated public servant and a distinguished citizen.

Mr. EVINS of Tennessee. Mr. Speaker, I join with my colleagues in expressing sorrow in the passing of J. Edgar Hoover, for 48 years—almost half a century—Director of the Federal Bureau of Investigation.

J. Edgar Hoover was a great American, an uncompromising patriot, and an excellent administrator. He built a weak bureau into the world's greatest crime-fighting organization. He became an in-



stitution himself as Director of the FBI. His integrity and professional competence were his hallmarks, together with his outstanding ability as a leader.

His record of public service, his commitment to protecting the United States from criminals and subversives, and his unflinching dedication stand as monuments to his contributions toward preserving, promoting, and perpetuating the cherished American way of life.

J. Edgar Hoover was an American giant—a man among men—and America owes this legendary leader a deep debt of gratitude.

Mr. MILLS of Maryland. Mr. Speaker, I join other Americans in mourning the death of a great man and a great leader. The death of J. Edgar Hoover is a great loss to all of us who believe in our Nation's system of law and order.

Mr. Hoover took over the helm of the Federal Bureau of Investigation way back in 1924. Until his death, this man steered a good ship. The FBI has grown, under his direction, into one of the world's great law enforcement agencies. A man of high and disciplined principle, Mr. Hoover led the Bureau with a firm but fair hand. Those same principles of honesty and integrity which were ingrained in the spirit of J. Edgar Hoover have become the principles on which the Bureau stands.

America does not mourn his loss alone. Mr. Hoover may be considered the father of modern professional law enforcement. People around the world, searching for law and order, looked to him, and he inspired them. His greatness rests not only in his great accomplishment, but in the man himself.

J. Edgar Hoover was a great American and a great leader. He earned the respect and gratitude of a nation. I join America in mourning his loss. We lost the man but time and even death cannot take his spirit from us.

Mr. HATHAWAY. Mr. Speaker, it is with a deep sense of loss that I join my colleagues today in eulogizing Hon. J. Edgar Hoover.

The United States has lost a very dedicated public servant with the death of J. Edgar Hoover. The Federal Bureau of Investigation, under Mr. Hoover's direction, has become the most effective crime-fighting organization ever to function in a free society.

Sometimes the methods of the Bureau appeared to contradict some of the principles of the society which it served. To be sure, this was the exception rather than the rule. The freedom and security which we enjoy today as citizens of the United States are due in great part to the men and women of the FBI, directed and inspired by J. Edgar Hoover.

Mr. Hoover's dedication to the preservation of the domestic peace and security of the American people can never be called into question. For this dedication, which has spanned four decades, he deserves our sincere gratitude and deepest respect.

Mr. LLOYD. Mr. Speaker, with the ending of the era of J. Edgar Hoover, we profit from evaluation of contributions made to the Nation.

The name J. Edgar Hoover stood for honesty, courage, fidelity to highest prin-

ciples, and respect for the basic traditions upon which this country was founded.

J. Edgar Hoover and the G-men became models of achievement for American boys who are attracted by higher character. In Utah we felt a particular attachment to Mr. Hoover through the experience of Samuel P. Cowley. On June 1, 1934, Mr. Cowley, a 34-year-old Utahan and former Mormon missionary, was assigned to take charge of the search for John Dillinger, America's public enemy No. 1. Dillinger was killed on July 22, 1934, outside a movie house in Chicago by Cowley's team of FBI agents. Cowley was commended for his work in the Dillinger case and promoted to inspector. Four months after Dillinger's death, Cowley and another agent were killed during a gun battle when they attempted to capture Baby Face Nelson and another gangster near Barrington, Ill. Samuel Cowley's body lay in state in Utah's Capitol as thousands of people paid their respects to the finest example of law enforcement.

The name J. Edgar Hoover has become synonymous with obedience to law and respect for law. The law enforcement profession has assumed a greater distinction because of him and because of that, all of us have been immensely benefited.

Mr. SPENCE. Mr. Speaker, fearless, incorruptible, thorough, objective, effective, brilliant, considerate, a rock of strength, a fine neighbor, a devoted public servant, a loyal and dedicated American, a legend in his own time, a living institution.

These adjectives—and many, many more—flow into the pages of history in well-deserved tribute to the late Honorable J. Edgar Hoover, who for nearly half a century has served as our first and only Director of the Federal Bureau of Investigation. And even such superlatives cannot begin adequately to describe what J. Edgar Hoover meant to this Nation. Nor are words adequate to convey the sense of shock and loss we all feel in his death, even as we remind ourselves that all men are mortal and Mr. Hoover had a wonderfully long and useful life.

I regret that I did not have the chance to know Mr. Hoover as well and as personally as did many Members of this body. But I am extremely proud of the fact that I had several occasions in which to publicly pay tribute to his leadership and to defend his record and that of his Agency while he was still at its helm. His very thoughtful, gracious notes of appreciation, responding to my remarks, will always be among my most treasured communications.

It has always been inconceivable to me that people could be so blind as not to appreciate and applaud the work of this great man. Men who came to this floor to criticize should have been here expressing eternal gratitude. To their credit, some who have criticized in the past are now paying tribute, but praise of the dead makes small amends for unjustified criticism of the living.

In recent years—indeed, as recently as the day before his death—small people with access to the public ear have taken it upon themselves to castigate the FBI

and Mr. Hoover personally. It is so disturbing to me to find people who have contributed nothing to our society but complaining and bellyaching making attacks on a man who has done so much for his country.

I believe J. Edgar Hoover appreciated, perhaps above any other living public official, the truth so eloquently expressed by William James in 1897 in his oration upon the unveiling of the Robert Gould Shaw Monument when he said:

The deadliest enemies of nations are not their foreign foes; they always dwell within their borders. And from these internal enemies civilization is always in need of being saved. The nation blessed above all nations is she in whom the civic genius of the people does the saving day by day, by acts without external picturesqueness; by speaking, writing, voting reasonably; by smiting corruption swiftly; by good temper between parties; by the people knowing true men when they see them, and preferring them as leaders to rabid partisans or empty quacks.

J. Edgar Hoover not only recognized the danger from internal enemies and devoted his life to protecting America from them, but he had unwavering faith in the civic genius of our free people. It is a tribute to the people of America that, knowing true men when they see them, the vast majority had faith in J. Edgar Hoover.

His critics delighted in referring to Mr. Hoover as authoritarian. It is an understandable reaction from people who have no appreciation for the worth of spiritual and moral discipline. It is that quality of spiritual and moral discipline and the value he placed upon it which, above all else I think, distinguished J. Edgar Hoover from his critics and which set him apart as one of the remarkable figures of our time.

Mr. ROSTENKOWSKI. Mr. Speaker, as Director of the Federal Bureau of Investigation for more than 45 years, J. Edgar Hoover carved for himself and for his Nation, a reputation of excellence by developing the world's most important law-enforcement agency. Although Mr. Hoover credited Attorney General Harlan Fiske Stone as the "father of the Federal Bureau of Investigation," few would deny that J. Edgar Hoover's character, pride, and strong-willed determination were the true foundation of the Bureau. Hoover often said that "to tell the story of the FBI is to recite the history of men and women seeking to make America more secure."

Mr. Hoover was a man of immovable patriotism and integrity. From the 1930's to the 1970's the FBI, under his direction, served as a massive crime-combatting force. Hoover's unprecedented service under eight Presidents and his legendary bipartisanship brought respect and admiration from every level of government. His high-principled approach to law enforcement, his demand for well disciplined, expertly trained agents, and his constant crusade against communism became legend long ago. Above all, Hoover's unwavering commitment to preserving democracy—to assuring the survival of Americanism—sets him apart. His devotion to his country was unquestionable.

The death of J. Edgar Hoover is not only a great loss to the Bureau and to the

Government he served, but also to the people he protected. Before him, this country had seldom witnessed such untiring allegiance to an ideal. He leaves behind him his beloved FBI—a constant tribute to a life devoted to securing internal peace in the United States.

Mrs. GRASSO. Mr. Speaker, J. Edgar Hoover was zealous and indefatigable in his service to the Nation he loved. He gave of all his strength and effort to the duties of the department of which he was first chief and gained the praise and appreciation of Presidents and his fellow countrymen.

He will be missed at the Office of Chief of the Federal Bureau of Investigation where he served with commitment and a devotion that made his name synonymous with the office to which he had been appointed and reappointed in every administration from President Calvin Coolidge to President Nixon. His tenure as FBI Director spanned long years of turbulence and dissent as a maturing nation strove to fulfill the American dream of justice and equality under law, and the war on crime which reflected his concern for the protection of our people from violence and lawlessness.

Mr. ZABLOCKI. Mr. Speaker, the Nation is saddened by the passing of a truly great patriot and American, the Director of the Federal Bureau of Investigation. The 48 years of his distinguished service to the Nation as the major contributor to law enforcement with the building of the FBI are a monument to his dedication and perseverance.

In spite of the many challenges he had to face in the process of constructing the well-disciplined, highly principled, and incorruptible law enforcement agency, he demonstrated total dedication to public service and a sincere desire to do what he thought best for the country. He was a man motivated by strong religious principles. In his dealings with all, whatever their rank or station, he was forthright, humble, and honest. The courage of his convictions was never underestimated, and he was respected by those in his profession.

Mr. Hoover became an American legend and his contributions to the protection, safety, and welfare of his fellow man will be long remembered. He was a great man and a great American, all of us owe him a debt of gratitude. All who were privileged to know and work with him have benefited from his experience. In these troubled times, when the knowledge of what is right, the courage of convictions, and the determination to carry them out is so vital, it behooves us all to not only recognize these qualities so clearly demonstrated by J. Edgar Hoover, but to resolve to emulate him.

Mr. HORTON. Mr. Speaker, I wish to join with my colleagues today in paying our respects to J. Edgar Hoover.

Mr. Hoover's unstinting efforts to develop an effective system of law enforcement have earned him a unique place of honor in our Nation's history. We are indebted to Mr. Hoover for devoting almost 50 years of his life to building and directing the Federal Bureau of Investigation. Few institutions in this country have so completely reflected the work of a single individual. We must be grateful

that this powerful man applied his own principles of integrity and strict discipline when shaping our country's primary investigative service.

Together with Mr. Hoover's very tangible accomplishments, he was a highly controversial public official. Yet, even his sharpest critics have unhesitatingly voiced respect for J. Edgar Hoover's extreme dedication to public service. It is an unusual man who can earn such tribute from both friend and foe.

Mr. MICHEL. Mr. Speaker, earlier today we witnessed the ceremony placing the casket of J. Edgar Hoover upon the historic catafalque that was originally used for Abraham Lincoln when he lay in state in the Capitol Rotunda.

The last time it was used prior to today's ceremony was for the late departed distinguished Minority Leader, our dear friend, Senator Everett M. Dirksen. In my eulogy to him I made reference to the "indestructible man" and there sure is a similarity today as we eulogize again one of the greatest Americans of all time, Mr. J. Edgar Hoover. No one in public service throughout the history of our country has had the image of being such an institution himself for the agency he served. The Federal Bureau of Investigation and J. Edgar Hoover were synonymous.

He was Mr. Integrity on all counts. He instilled in his agents and administrative personnel esprit de corps that has been unexcelled in our history.

There are so many, many nice things that could be said about Mr. Hoover and will be said for a good long time to come. I am just ever so glad that I had the privilege of knowing him personally. Less than a year ago it was my good fortune to take our oldest son, Scott, into his office for a personal visit and the taking of a picture that we shall treasure for the rest of our lives.

Mr. Speaker, an editorial appearing in today's edition of the Chicago Tribune together with a column by Bob Wiedrich who writes the Tower Ticker for the Tribune capture the essence of J. Edgar Hoover and his career, and I include them in the RECORD at this point:

[From the Chicago Tribune, May 3, 1972]

J. EDGAR HOOVER

After 56 years in the Department of Justice, within a few days of his 48th anniversary as director of the Federal Bureau of Investigation, J. Edgar Hoover is dead, and such a national institution was he that it is as if the Washington Monument was no more.

His great talents for organization, his judgment of the men who became his agents, his rigid discipline, and his cool-minded judgment made the FBI what his former superior, Atty. Gen. John N. Mitchell, called "the finest investigative organization in the world." Mitchell called Hoover "a great and dedicated American."

J. Edgar Hoover served under eight Presidents and had the confidence of them all. Entering the Justice Department in 1916 as an agent in the Alien Enemy Registration Service, he was called five years later to the post of assistant director of what was then known as the Bureau of Investigation. On May 10, 1924, at the age of 29, he was named director of the bureau by Atty. Gen. Harlan Fiske Stone, later a justice of the Supreme Court.

The bureau was in disarray when Hoover

took over. He was equipped with a law degree and was tough-minded. The job he faced was formidable, for the bureau had degenerated into a scandal-ridden haven for political hacks. Hoover's thoro housecleaning turned things around. In a short space of time the FBI was on its way to becoming a respected, world-famous organization, admired for its detachment and integrity.

Under Hoover it vigorously moved against the prohibition mobsters and such outlaws as John Dillinger, the Ma Barker gang, Alvin Karpis, and George [Machine Gun] Kelly. Its careful investigation produced the evidence which sent the notorious Al Capone to prison.

During World War II the bureau investigated espionage, sabotage, and subversion. It caught German saboteurs landed by submarine. At the end of the war it caught up with the naturalized British atomic scientist, Klaus Fuchs, and such Communist agents as Julius and Ethel Rosenberg, Morton Sobell, Harry Gold, and David Greenglass, who were instrumental in passing along the secrets of the atomic bomb to the Soviet Union.

Hoover had no illusions about communism. He recognized it as the greatest threat to the United States. Party members, he said, are owned body and soul by the party, and, abetted by fellow travelers, are able to achieve ends out of all proportion to their numerical strength. In his book, "Masters of Deceit," he warned that the objective of the Communists was to achieve a Soviet United States—"to steal your rights, liberties, and property... now, in your lifetime."

His view of the New Left, student revolutionaries, and such organizations as the Black Panthers was equally severe, but his organization also moved against such organs of the totalitarian Right as the German-American Bund, the Ku Klux Klan, and the Minutemen, and it served as an arm for the enforcement of civil rights legislation.

Hoover had his enemies in plenty and they were forever screaming charges against him and the bureau and demanding that he step down. But in no instance was the smearing sustained, and long after the mandatory retirement age of 70 he continued in his post, serving longer than any other public official in memory. He served his country well and gave it a quality of performance the like of which we are unlikely to see again. The task of replacing him will be difficult, and we trust that President Nixon will see that the directorship will be filled by a man of conspicuous character and attainments.

TOWER TICKER

(By Bob Wiedrich)

This nation lost a great American yesterday and we lost a man we counted as a friend from afar.

Just Monday, we received a portrait autographed with best wishes by J. Edgar Hoover, director and guiding spirit of the Federal Bureau of Investigation for 48 years.

It is perhaps one of the last signed by Mr. Hoover. Thus, we will cherish it even more, for he had become an historic figure in his lifetime.

In our judgment, no finer man ever served more devotedly this land we love so well.

J. Edgar Hoover was a revered man, an honored man, and, at the same time, a much maligned man, especially in recent years when revolt and rebellion seemed to rule the nation and it was fashionable among some public figures to hurl barbs at the foremost symbol of law and order in the United States.

But Mr. Hoover stood firm, his ardor and dedication to duty and country undiminished, his detractors ignored for the most part in the pursuit of a job that had often meant the difference between a well-ordered society and chaos.

We have a letter from Mr. Hoover dated May 17, 1971, in which he discussed a series of unwarranted, unfounded attacks upon the



FBI by Rep. Hale Boggs of Louisiana, a man apparently tortured by hallucinations of being spied upon.

Boggs was never able to sustain his charges. They were quickly discredited.

But they gained credence thru wide circulation by the media and that is why we wrote a column at the time deflating in detail the fabric of Rep. Boggs' allegations.

The letter is one of three Mr. Hoover wrote us in that period when there was an obviously well organized cabal dedicated to destroying the man who had forged and tempered the finest weapon for law enforcement in the world.

Mr. Hoover closed that letter with these words, words we will treasure in the years to come: "Your support certainly means a great deal to me."

We are grateful for having had the opportunity to support this man who gave so selflessly of himself during more than a half century of federal service.

We are glad Mr. Hoover did not resign in the face of renewed attacks upon his integrity and that of the FBI. We are glad he died while still in his post.

J. Edgar Hoover loved this country and served it well.

And in passing, he left it a living legacy in the men and women of the FBI, one for which this nation can be eternally thankful.

The Passing Scene: Typical of the attacks upon the FBI has been the reaction of top commanders of the Chicago Police Department, a handful of whose men have become the target of a Justice Department probe of alleged bribery and corruption.

The brass have sought to dismiss as politically motivated in an election year both the investigation and the indictment of some of the men.

But no matter how you slice that hunk of baloney, it remains just that. The FBI launched its inquiry long before anyone was thinking about the election.

Therefore, let us hope that when Mayor Daley and several hundred civic leaders meet this morning in City Hall to discuss community relations with the police the real core of the problem is not lost amidst the rhetoric of partisan complaints.

Inevitably, there will be charges of brutality, maladministration of justice, and discrimination against minorities. Some of these charges will be real; others blown far out of proportion. All, however, must be explored.

But the real heart of the problem confronting efficient law enforcement in this city is the dishonesty of a small group of men who use their badge of office as a passport to a few lousy bucks.

That is what has proven most demoralizing to the 13,000 dedicated men and women of the Chicago Police Department who each day serve and protect the citizens of Chicago.

Yet, it is these same few men whom the top command would seek to dismiss behind a shameful facade of political excuses rather than admit the slightest flaw in their personal performance as leaders.

The men who are targets of the FBI are thieves, not policemen. That distinction should be made eminently clear. They have long ago lost any right to that honorable label.

If that is understood by the people who gather in City Hall this morning, then perhaps the department can be rid of the scum who would soil its record of distinguished service. Certainly, the city will be the better for it.

Mr. BOB WILSON. Mr. Speaker, J. Edgar Hoover's passing represents an almost irreplaceable loss to this country. Beginning almost half a century ago, he took over a corrupt and ineffective agency and built it by sheer force of determination and ability into the most effective

law enforcement organization in the world. News that his FBI had entered the search for a criminal caused all citizens to breathe more easily. He was feared and despised by lawbreakers and subversives, respected and revered by the law abiding. His FBI academies have trained many thousands of police throughout the Nation. His innovations in scientific crime detection are without number, and have been emulated the world around.

I feel a special personal loss at his passing as do many of his friends in San Diego which he frequently visited, but all America will mourn him. He was a great and loyal public servant. I fear we shall not see his like again.

Mr. DERWINSKI. Mr. Speaker, J. Edgar Hoover was one of the most dedicated public officials ever to serve the American people. His death is a great loss to our Nation.

J. Edgar Hoover was a man of the greatest integrity. He was absolutely incorruptible. He was unswerving in his devotion to his country. He was a great American who served his Nation faithfully, steadfastly, and honorably. Under his leadership, the FBI achieved a worldwide reputation for excellence. He developed an organization whose crime-fighting record is outstanding. He transformed the FBI into the superlative law enforcement agency that it is.

J. Edgar Hoover professionalized crime-fighting. He made crime detection a real science. He made the FBI a proud organization, and the American people are proud of its service to our country.

We in Congress who had the responsibility and privilege of working with him surely realize what a great loss his passing is to our Nation. I know that he will long be remembered by citizens throughout the land who live in a strong, safer country because of his dedicated and effective public service.

Mr. WYMAN. Mr. Speaker, I am deeply saddened by the untimely passing of J. Edgar Hoover. America has lost a dedicated patriot and public servant without equal.

Appointed Director of the Federal Bureau of Investigation in 1924, J. Edgar Hoover molded a fledgling and ill-organized effort into a modern highly efficient crime-fighting organization without peer. More than any one person, J. Edgar Hoover was responsible for eliminating gangland crime in the 1930's. During the Second World War, he and his team formed the impenetrable main line of defense against Nazi infiltration and sabotage. With the onset of the cold war in the 1950's, J. Edgar Hoover, in the face of mounting opposition, took on the task of reminding the Nation there were those actively dedicated to and seeking the overthrow of the United States operating within our free society.

While J. Edgar Hoover was a masterful administrator and vigorous crime-fighter, his major contribution has been his scrupulous honesty and unswerving patriotism. His goal was to protect his country and J. Edgar Hoover put nothing ahead of that objective. America has seldom been served with such devotion and has suffered a tragic loss.

Mr. FREY. Mr. Speaker, yesterday morning one of our Nation's greatest leaders passed away. The loss of this man, who was the symbol of law enforcement for many, many years, will be felt deeply by all Americans, regardless of their personal philosophies.

J. Edgar Hoover joined the Justice Department in 1917. In 1921 he became the Assistant Director of what was then called the Bureau of Investigation. In May of 1924, 48 years ago this month, Mr. Hoover became the Director of the FBI. Since that time he has accomplished what to others would have been impossible.

He kept politics out of the Bureau while he continually improved the training, ability and professionalism of the men working with him. He was directly responsible for the arrest of many of the gangsters of the twenties and thirties. In the forties he and the Bureau were instrumental in stopping and apprehending many Nazi espionage agents. Even to the day of his death he was dedicated to fighting the criminal elements within our society. J. Edgar Hoover was a man who made the news. He was a very controversial figure, but few will disagree that when the chips were down this man was responsible for the professional law enforcement work of the FBI. He was the man who got the job done.

Mr. SCHERLE. Mr. Speaker, he was hated by a few, feared by some, loved by many and respected by all. Now J. Edgar Hoover, the intrepid Director of the Federal Bureau of Investigation, is gone. His passing leaves us with a great sense of personal and national loss, but there is some comfort in the reflection that only death could accomplish what his enemies tried to do for 48 years: to dislodge him from the unique position of power he forged for himself and his organization.

Hoover's influence and the strength of the FBI were not built on graft and corruption. He eschewed politics and relied instead on unshakable integrity and firm discipline. Hoover was not only the Nation's toughest cop—a popular accolade he wore with pride—he was also one of the Federal Government's best administrators. Imbued with personal and professional dedication, he transformed the weak and scandal-ridden FBI into one of the most efficient law enforcement agencies in the world. He challenged the enemies of national security in all their various guises for nearly five decades and, in most cases, his vigor and determination triumphed over them all, from gangsters to Nazis and Communists.

As a result of nearly half a century of achievement, Hoover has earned a secure place in history and in the hearts of his fellow countrymen. Even death cannot dislodge him from the pedestal he occupies in our esteem. Now more than ever, he symbolizes the values he sought to realize throughout his life—courage, patriotism and reverence for the rule of law. When the solemn funeral rites are over and the chorus of tributes dies away, we will still remember him. We can pay no greater honor to Hoover's memory than to emulate him, to keep alive the virtues he cherished, and to

continue the work to which he devoted his life.

Mr. KEMP. Mr. Speaker, it is with a deep sense of personal loss that I join my colleagues today in paying tribute to a great American and patriot, J. Edgar Hoover.

I know that Americans everywhere share this grief at the sudden passing of one of our Nation's most dedicated public servants. For almost half a century, under eight Presidents, he served our country with quiet integrity. Through his efforts the FBI became the finest law enforcement agency in the world.

John Edgar Hoover selflessly devoted his life to the preservation of those values on which this Nation was founded. His life and accomplishments stand as an example for every American who would better serve his country.

He will be sorely missed.

Mr. Speaker, respect for the law was a keystone of J. Edgar Hoover's philosophy. In tribute to Mr. Hoover, I include in the RECORD at this time his statement on Law Day 1972 which clearly points out that where there is no law there can be no freedom:

MAY DAY IS ALSO LAW DAY, USA  
(By John Edgar Hoover)

Extremists of all stripes in our society ceaselessly attempt to discredit the rule of law as being biased and oppressive. They have no conception of—or purposely choose to ignore—its role and history. It is not surprising that these divisive elements concentrate their abuse on the law enforcement officer. Above all, he stands firmly in the path of mindless actions that would reduce our government of laws to mob rule or the whims of lawless men.

To permit such attempts to damage the reputation of our government by law is, of course, a necessary condition of democracy. While it must tolerate the lawfully expressed views of extremists, its citizens cannot thru their own ignorance be entrapped with sympathy for bankrupt doctrines that would lay waste the foundations of their nation.

In observing Law Day, USA, this May 1, we have an opportunity to view our laws in their proper perspective and appreciate the role they have played in developing our nation. This day is also a time to renew our obligation of support to law enforcement officers, 126 of whom selflessly gave their lives last year in upholding the law.

Our greatest democratic heritage is the rule of law. It is the foundation for and the guardian of the rights, liberties, and orderly progress we enjoy. It is also the soil that has nurtured the "American dream" implicit in the Declaration of Independence pledge to provide "... Life, Liberty, and the Pursuit of Happiness" for all our citizens.

The tests of time and challenge in our nation's history have more than proven the majesty of the law. Were this not so, our country would not have endured its strife to now stand before the nations of the world as a model of freedom and accomplishment. This is not to say the law has always been right, but that it has been organized to ultimately seek justice. Recognition of its power for good is not merely the experience of our nearly two centuries of democratic government. The struggle to insure the rights of the individual and his social organizations by written decree has roots which reach far back into antiquity. The authors of our Constitution were mindful of this legacy when they drafted that historic document.

Nor was the importance of a definitive rule of law lost to the general public of our infant nation. Worn by the ravages of the

Revolutionary War, our expectant forefathers appealed for and got amendments to the Constitution which formed the Bill of Rights—specific guarantees of law that responded to the heart of their grievances. Together the Constitution and the Bill of Rights gave birth to our rule of law and it is the flesh and blood of our nation.

The law is dynamic because it responds to change as it did for those who argued for and received the Bill of Rights. And our nation's history has been a chronicle of change. But the process of change in a democracy requires discipline and responsibility that will not unleash unrestrained forces that would rip the fabric of our freedoms. That fabric derives its strength thru the warp and woof of laws that orderly guide the process of change of defining our individual and corporate duties. Change in our society would otherwise simply result from those who could impose their will on others without regard for the validity of their arguments or the rights of those who do not share their views.

Law Day honors an indispensable commitment of a free society: that democracy be dynamic but not self-destructive. If we do not value this commitment by both honoring and obeying the rule of law, the tyranny of extremists may inevitably result.

Mr. LANDGREBE. Mr. Speaker, I proudly join my colleagues in recalling almost half a century of unexcelled law enforcement. However, I am most saddened by the death of the great man that established that record.

In the 48 years that J. Edgar Hoover directed the Federal Bureau of Investigation, the Nation has seen a Federal crime-fighting organization develop into the greatest law enforcement agency in the world.

Mr. Hoover demanded expertise and perfection and he got it. The result was lives saved, property restored, and saboteurs routed out. But most important, Americans see a greater and safer life thanks to the watchful eye and protective hand of this great American.

I grieve the death of a loyal citizen and a devoted public servant. I grieve the passing of an era. I grieve the death of the Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover.

Mr. CAMP. Mr. Speaker, J. Edgar Hoover was a tremendous man who devoted his life to his work. I grieve his loss with his friends and employees, and with the millions of Americans to whom he was the ultimate in honest law enforcement.

Mr. Hoover was an American institution. Taking over the Federal Bureau of Investigation in 1924 at only 29 years of age, he built the Bureau into the world's most effective and formidable law enforcement agency. He served under eight Presidents for nearly five decades. Through the years, he was consistently and deservedly identified as the foremost defender of law and order and decency in America.

I think it is fitting that the Director worked a full day as usual on Monday before his death. He was active to the end in the job that made him famous.

America now mourns the death of a great citizen whose memory will be revered throughout the country and the world.

Mr. FUQUA. Mr. Speaker, the Nation mourns the passing of J. Edgar Hoover, and rightfully so. As Director of the

Federal Bureau of Investigation for almost half a century, he led the fight against crime in a manner that demanded the respect of each and every citizen in our country. Though some may have been critical of Mr. Hoover during the past several years, I do not believe that any red-blooded American could honestly say that he ever acted other than as a concerned and dedicated law enforcement officer. He will be remembered by all as a man of the highest character and integrity whose shoes can never be filled.

Mr. DICKINSON. Mr. Speaker, I join with millions of Americans in expressing my deepest regret at the death of FBI Director J. Edgar Hoover. This giant of law and order dedicated his entire life to impartial enforcement of our Federal statutes.

J. Edgar Hoover devoted 48 years to the FBI, serving under eight Presidents and 16 Attorneys General. He is solely responsible for the impeccable reputation enjoyed by that organization.

Over the years, Mr. Hoover slugged it out with the deadly enemies who threatened the welfare and security of our country. During the 1930's he directed the FBI's hard-hitting attack against the gangsters in the United States. During World War II the FBI, under the direction of J. Edgar Hoover, assumed the responsibility of protecting our Nation against espionage, sabotage, and subversion and became a top-flight intelligence agency. Most recently Mr. Hoover directed the campaign to stop the spread of communism in America. Mr. Hoover was devoted to crushing any threatening element to our freedom.

Probably no man since Sir Robert Peel, who reorganized the English police in the early 1800's, has contributed so much to the improvement of law enforcement as J. Edgar Hoover. His dedicated hard work and genius are chiefly the reason the FBI is a highly respected, complex, and modern law enforcement organization.

Over the years, Mr. Hoover adhered to the highest ethics and principles. His words, "Fidelity, Bravery, Integrity," have become more than just a motto. They are the qualities J. Edgar Hoover exhibited in his life and the qualities he taught the men of the FBI.

America owes a tremendous debt of gratitude to J. Edgar Hoover. All Americans can be grateful for the example he provided to all hard-working, dedicated, loyal public servants everywhere.

J. Edgar Hoover has truly given of himself to this Nation as have few men in our history, and all law-abiding citizens are the beneficiaries.

The Nation has lost a great man—a man who was the epitome of "crime's arch enemy." We will miss him.

Mr. ABBITT. Mr. Speaker, all Americans are saddened by the sudden passing of J. Edgar Hoover, the remarkable longtime director of the Federal Bureau of Investigation. Few men in our time have reached the pinnacle of success and public admiration which J. Edgar Hoover achieved, and the FBI and our society has suffered a profound loss in his departure from the American scene. J.



Edgar Hoover was an institution whose name was so inexorably tied to the Federal Bureau of Investigation that the two have for many years been synonymous in the thinking of the average American. What he has made of the FBI in the 48 years of his leadership is a monument to his memory.

J. Edgar Hoover's passing is more than the loss of another great American. He stood for the high principles of law and order, decency and patriotism which should be the goal of every American. Unfortunately, in our time there are many who, through their permissiveness and laxity, have strayed from the high ideals which he tried so successfully to inculcate among his associates at the FBI. So long as Mr. Hoover held control of the Bureau, many Americans felt a sense of security amid the uncertainties of our changing times.

Millions of words have been written and spoken about the tremendous impact which this man had on the American Government and law enforcement throughout the world. I believe that the greatest measure of his place in our society will be best determined in the search which now must be made to select his successor.

J. Edgar Hoover believed unapologetically in positive law enforcement. He was a fair man, but he held fast to the concept that the society in which we live cannot and must not be destroyed simply to preserve the unfettered rights of those who seek to undermine it. He was a champion of the fundamental belief that civil rights for all Americans should be protected and that no single agitator or organized group has the right to tear down the fabric of our society simply to prove their point or for political expediency.

He was a quiet man who often became a center of controversy, but I can recall no instance in which the position he took was not in the best interest of America. His fight against gangsters and racketeers won him wide recognition, and his steadfast opposition to Communists should be applauded by all Americans. He was a stern disciplinarian who ran his department efficiently and well, and his successor will inherit an institution whose foundation has been laid with careful hands and a dedicated sense of purpose.

Mr. MILLER of Ohio. Mr. Speaker, this country will miss J. Edgar Hoover.

His tough character, his blunt, bulldog honesty, his loyalty to the eight Presidents he served as well as his unrelenting adherence to law and justice were all the marks of a man millions have admired.

For more than 48 years, J. Edgar Hoover commanded one of the most difficult operations in the country. Under his guidance, the Federal Bureau of Investigation grew from a small bureau in the Justice Department to the most extraordinary investigative machine in the country tracking down America's "10 Most Wanted" and, in the process, emerging as the symbol of the Nation's criminal watchdog.

I concur with President Nixon's evalu-

ation that Mr. Hoover was "a legend in his own lifetime."

The President eulogized:

For millions, he was the symbol and embodiment of the values he cherished most: courage, patriotism, dedication to his country, and a granite-like honesty and integrity.

J. Edgar Hoover knew his job; and the record shows that he did it well—extremely well, in fact. Had he been a coach, he would have doubtlessly been a winner. Had he been a soldier, he would have been a general. Had he chosen to enter business, he would surely have been a success.

J. Edgar Hoover was first and foremost a doer; and for what he did for America, he will long be remembered and respected.

Mr. MINSHALL. Mr. Speaker, we mourn the passing of a great and unique American, J. Edgar Hoover, who single-mindedly devoted his life—almost literally every waking moment of it—to his country's service.

His courage, his patriotism, his incredibly high standards of performance awed not only this Nation but the entire world for almost half a century as Director of the Federal Bureau of Investigation. He built the FBI from an insignificant, politics-ridden little investigative agency into the world's finest, most effective crime-fighting organization, respected and emulated around the globe.

He will stand for the ages as one of our most shining symbols of integrity, fearlessness, and complete devotion to America.

Yes, he was all that, and more. Those of us who had the privilege of knowing Mr. Hoover were acquainted with the sharp wit, the enormous sense of humor, the warmth that lay behind the stern public image of the Nation's No. 1 "G-Man". He was a kind and gracious gentleman. His reputation and his noble deeds will be his best memorial.

Mr. CLANCY. Mr. Speaker, this is a mournful day for all Americans. John Edgar Hoover is dead.

For most of our lives, and for all of the lives of millions of citizens, there has been an inborn feeling of security in America. Mr. Hoover was a source for much of this feeling. We have always felt that the Federal Bureau of Investigation was on guard for America. We have believed that no enemy could land on our shores without being immediately apprehended. We have developed a trust, a faith, that subversives and spies would be stymied before they could commit espionage. We have known that organized and unorganized criminals would be tracked down and insulated from good, honest citizens.

But J. Edgar Hoover has done more for Americans than to organize and direct the Federal Bureau of Investigation in its unerring and dogged flight against enemies and criminals. By his example and by his demands on the Bureau and its employees, he has exalted the images that are America and American. He lived by his beliefs and his beliefs were in America. He was alert, courageous, and loyal to family and country. Even his enemies, who distinguished him by their

fear and hate, respected him for his constant dedication. He was hard working and willingly spent long hours in the cause he knew was just and right. He was always on call. No one who knew him questioned his honesty and integrity. Americans usually cited those two qualities as the outstanding characteristics of Mr. Hoover and the Federal Bureau of Investigation.

J. Edgar Hoover believed implicitly in freedom for the honest and the innocent. It was he who opposed the isolation and encamping of foreign nationals when World War II broke out and frightened Americans called for the collection and virtual imprisonment of foreign nationals.

He believed in justice but his agents were advising suspects of their civil rights long before the Supreme Court rulings. He was a lawyer who used the law as his guide.

Foremost of all, the man who commanded the FBI for 48 years was tough. He knew full well that America's enemies were cunning, tough, and dedicated—to greed and power. Mr. Hoover fought them with every weapon at his disposal, particularly with the law and science, but always within the rules of justice.

Tough as he was, he was a compassionate man. With tender, loving grief, he interred his pets as they died in a beautifully kept cemetery. Time after time, he gave his support to charitable causes and various boys organizations.

As he believed all Americans should, Mr. Hoover put his trust in God. He said he read the Bible regularly, drew inspiration from it and lived by its teachings in all of his 77 years.

In truth, J. Edgar Hoover devoted his life to his country. Few patriots in history have given more than he. There were countless times when he was alone and lonely. He sacrificed personal comfort and recreation. He went without many close friendships. The Director chose to serve his country as most of us would serve our families. He loved it and he protected it.

Mr. McCLODY. Mr. Speaker, I join today in tribute to FBI Director J. Edgar Hoover whose long and colorful career ended in his passing on Monday, May 1.

Mr. Speaker, in addition to his unrelenting personal dedication to his duties and the successful administration of this greatest of all law enforcement offices, it seems well to recall at this hour, the inspiration which J. Edgar Hoover provided to the entire law enforcement segment of our society as well as to virtually all law-abiding citizens of our Nation.

Mr. Speaker, millions of our young people, including those who experienced their youth throughout the entire 48-year period that J. Edgar Hoover served as Director of the FBI—have been provided with his example to respect and emulate.

Mr. Speaker, many of the improvements which have been developed in the FBI under J. Edgar Hoover's leadership are patterns which other units of government have followed. I am thinking of the scientific research and advanced

techniques which have characterized the FBI in the detection and prosecution of criminal elements.

Mr. Speaker, there is a mistaken view that FBI Director Hoover did not have full respect for the rights of those charged with crime. I find little basis for this charge. Indeed the practices adopted by the FBI have been quite consistent with according every constitutional right to those who have run afoul of the law. Still, his position has been firm and deliberate in behalf of our law-abiding citizens. This is as it should be, and as I hope all of our Federal and other law enforcement officers will carry out their responsibilities.

Mr. Speaker, I know that a full account of Director Hoover's career will be discussed in the course of this final tribute and I merely join in expressing respect and a sense of loss on the part of those whom I represent in this body in the passing of a great and honored American, J. Edgar Hoover.

Mr. CLEVELAND. Mr. Speaker, yesterday our Nation lost one of its greatest and most dedicated public servants, J. Edgar Hoover, Director of the Federal Bureau of Investigation for almost half a century, under eight Presidents of both parties, died at the age of 77. He was active to the end in the job he loved and made famous.

Today his body lies in state in the Capitol rotunda, an honor offered to only 20 other great Americans before him. Thousands are taking the opportunity to pay their respects and say thank you to this man who served them the best way he knew how until the day of his death.

J. Edgar Hoover will not soon be forgotten. A man of character, integrity, and boundless energy, he dedicated his whole life to fighting those who threatened to destroy the United States and the principles on which it was founded, especially respect for the law.

Mr. Hoover was first appointed Director of the Federal Bureau of Investigation by Attorney General Harlan Fiske Stone, who recognized his unique qualities. At this time I remember vividly going to Chesterfield, N.H., where Mr. Stone was born and raised. It was in 1948 and a commemorative postage stamp was being issued in his honor. Surely one of Chief Justice Stone's greatest of many contributions to the law was his appointment of J. Edgar Hoover, the man who has personified the law and respect for the law for so many, for so many years.

Under the leadership of J. Edgar Hoover the Federal Bureau of Investigation became a very effective and unquestionably honest law enforcement agency. Despite its powerful position, the FBI never became involved in partisan politics. In this regard, it again followed the example of its leader. It was an institution in which all but a few could, and did, have faith and confidence.

Often a controversial figure, J. Edgar Hoover was never questioned on his patriotism, honesty, or courage. He was respected by friend and foe alike and will be missed and remembered by all Americans. He loved his country, and his country owes him a debt of gratitude.

Mr. FASCELL. Mr. Speaker, the death of FBI Director J. Edgar Hoover marks the end of a public service career unequaled in our Government's history.

The Director exemplified the ultimate in integrity, dedication, diligence, and determination in his role as the Nation's chief law enforcer. Only a man with these qualities and with his outstanding administrative skill could have molded the world's foremost law enforcement agency as he did.

Indeed, the greatest living tribute to Mr. Hoover is the organization he built. Because of his insistence of strict adherence to administrative procedures he developed throughout the nearly 48 years he served as Director of the Federal Bureau of Investigation, that agency will, I am sure, continue to function with the efficiency and excellence we have all come to expect. It must be said, however, that while Mr. Hoover will be succeeded, he will never be replaced.

The forcefulness of J. Edgar Hoover's influence will be missed by all in the law enforcement community and by all Americans.

Mr. HALPERN. Mr. Speaker, America has lost a trusted and highly respected public servant with the death of J. Edgar Hoover. His record reads like the almost legendary success story that it was. As the only Director that the Federal Bureau of Investigation ever had, Mr. Hoover made it the world's single greatest law enforcement agency.

J. Edgar Hoover's life bore the stamp of the true professional—and he put his imprint upon the FBI to the extent that the Bureau stands today as a living monument to his organizational genius and single-minded devotion to law, order, justice, and the protection of the United States of America.

He took over, on May 14, 1924, what was then a small bureau that had become encrusted by politics—and, in a few short years, turned it into the modern standard by which investigative agencies around the world are judged. He made the word "G-man" a household word in the 1930's and drew the attention of the public away from the front-page antics of those who defied the law to where it properly belonged—with those who met the challenge of crime through professional, highly skilled law enforcement.

There have been some who have regarded Mr. Hoover's efforts to build the FBI into the highly respected organization it became as overly intent upon publicizing the activities of the Bureau. J. Edgar Hoover's answer was best stated after the infamous Kansas City massacre of June 17, 1933—after newspapers had ran banner headlines on the crime, and countless details of the killings. He said:

If there is going to be publicity, let it be on the side of law and order.

And down through the years the reputation of Mr. Hoover and his Federal Bureau of Investigation has grown, founded upon 48 years of his dynamic leadership and unblemished record. He was an innovator who believed in the need to modernize crime fighting, in order to fight crime that had come of age in the 20th century.

Many are the landmarks left by J.

Edgar Hoover. The centralized fingerprint file, which he established in 1925, at the Bureau's identification division now contains over 200 million prints. The FBI crime laboratory was created in 1932, and is a high point in the application of science to police work.

He constantly fought to upgrade the standards for law-enforcement personnel, and to elevate the status of the police profession. The National Police Academy was opened in 1935 to train the leadership of local forces throughout the Nation. And he recruited accountants and lawyers to staff the special agent core of the FBI.

He fought crime in peace and international counterespionage in times of both hot and cold wars. "Public enemy" became a catchword for those who made the FBI list of 10 most wanted criminals. The list was a changing one—for the FBI invariably apprehended those whose notoriety preceded their capture. The agents of J. Edgar Hoover's wartime FBI arrested German saboteurs within mere days after Nazi submarines had landed them on the darkened shores of the Atlantic coast—and, to his everlasting credit, not a single act of successful enemy sabotage was committed within the United States during World War II.

J. Edgar Hoover was an individual whose single-minded devotion to duty was such that any attempt at writing a eulogy inevitably become almost synonymous with writing the story of the FBI. For such was the man that whenever the words Federal Bureau of Investigation are spoken, whenever reference is made to the FBI and its massive and impressive history, there will come to mind the rugged features and firm countenance of J. Edgar Hoover.

He once told a reporter that "the greatest enemy is time." Now time has taken him, but his legacy of public service lives on as an undying inspiration to all Americans.

Mr. BROWN of Ohio. Mr. Speaker, I wish to add to the remarks of my colleagues on this occasion of eulogizing one of the most dedicated public servants this Nation has known, J. Edgar Hoover.

Mr. Hoover spent his life in complete and unswerving service to building one of the most remarkable institutions in the world. He had the respect and loyalty of the people who have made the Federal Bureau of Investigation, during the 48 years of its existence, the efficient, restrained and successful and respected organization it is.

But that respect and loyalty has not been just for Mr. Hoover. It has been for the work and ideals of the agency in carrying out its public trust. Last night, for example, one news commentator made the point that no FBI agent has ever been indicted for a crime connected with his work as an FBI agent. That is probably the greatest legacy that the Director could leave to the FBI. Hopefully, it will be a legacy the American public will insist upon maintaining. Mr. Hoover's example must be maintained in the years ahead if the FBI is to continue to do the job to which it has been committed by Mr. Hoover. America and



his agency will not be the same without Mr. Hoover—who stood bigger than life in the minds of the vast majority of Americans. But the bigger than life legend will survive and continue to serve as an example of complete dedication to the goal of frustrating crime, protecting freedom, and maintaining America as the last best hope of earth.

So while it saddens me to speak of the death of J. Edgar Hoover, it gives me the greatest confidence that the spirit of his life and work will be long remembered and practically applied in the continuing fulfillment of the FBI's task. During his life, I am certain that J. Edgar Hoover's goal was also to that end. May we all thank him for it.

Mr. HAMMERSCHMIDT. Mr. Speaker, the Nation has lost one of its finest and most dedicated public servants with the death of J. Edgar Hoover. I join with millions of Americans in expressing deep sorrow over this great loss and in paying sincere tribute to the countless and enduring contributions which Mr. Hoover made to his beloved country.

His outstanding leadership as Director of the Federal Bureau of Investigation made J. Edgar Hoover a symbol of the effective law enforcement which his Agency could be depended upon to provide. Mr. Hoover's name has long been virtually synonymous with that of the FBI.

Holding the position of FBI Director for 48 years, J. Edgar Hoover served under eight Presidents and 16 Attorneys General. In unceasing efforts during these many years, Mr. Hoover built the FBI from a small bureau in the Justice Department in the early 1920's into the great law enforcement agency that it is today.

The FBI has become a model of law enforcement and crime detection techniques for law enforcement agencies throughout the world. Today's FBI is an agency with 19,000 employees, including 8,000 agents across the land. As only a part of its far-reaching responsibilities, the FBI carries the burden of the fight against organized crime, internal security threats, drug traffic, civil disruptions, aircraft hijacking, and interstate car thefts.

Under Mr. Hoover's able leadership, furthermore, the FBI's contributions to effective law enforcement extended to officials at every governmental level throughout the country. Mr. Hoover coordinated the Bureau's activities with every police and sheriff's office in the United States. The Bureau acts as a storehouse of information, conducts training schools, and assists thousands of law enforcement officers annually on new techniques and methods of investigation.

It is, of course, the American people who have benefited most from the effective law enforcement provided through the leadership of J. Edgar Hoover. The United States was founded on the principle that ours is a nation of laws and not men; that the rights and privileges of our citizens are guaranteed by law and are not dependent upon the political preferences or whims of governmental leaders. J. Edgar Hoover dedicated his

life to this principle and to upholding the laws based upon it.

The legacy left by this great American includes far more than what is considered to be the world's finest law enforcement agency. The legacy includes the qualities and character of the man himself. The courage, honesty, integrity, and unswerving devotion to his work and to his country exemplified by J. Edgar Hoover have served and will continue to serve as an inspiration for millions of Americans.

#### GENERAL LEAVE

Mr. HOGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with this special order and eulogy of J. Edgar Hoover.

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

There was no objection.

#### LEGISLATION TO INCREASE VIETNAM VETERANS' EDUCATION BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, amid the outpouring of words in the Congress concerning American policy in Vietnam, too little attention has been given to the future of the hundreds of thousands of brave Americans who have served and continue to serve our Nation.

Those who have volunteered or been called to duty are deserving of not only our gratitude but of a tangible expression of that gratitude.

With this continuing obligation in mind, to our veterans I am introducing legislation today which would double GI educational benefits beyond those currently provided by law.

Such an increase is fully warranted in view of the rising cost of living in recent years and the continuing skyrocketing of education costs, even in our State universities. Because of these cost increases, many of our Vietnam veterans have been unable to avail themselves of their GI educational eligibility because of the inadequacy of benefits.

My bill would double the present \$500 ceiling a year for tuition, books, and other fees to \$1,000 annually, provide a \$175-a-month subsistence allowance and establish a Veterans' Administration guaranteed loan program for educational assistance to provide veterans a wider choice of educational opportunities.

I consider that America's investment in such a program, which would be available to some 7 million veterans, is in the long-term interests of our Nation. The veterans who availed themselves of GI benefits after World War II have more than repaid the country they served in terms of productivity, improved technology and other contributions.

Beyond these considerations, we face the high unemployment rate of veterans who, having interrupted their schooling

and civilian jobs to serve in the Armed Forces, have returned home to find they have neither the skills nor training to compete with contemporaries who were not called to serve.

Mr. Speaker, during the past weekend, I had the privilege to participate in the 23d annual Loyalty Day parade ceremonies sponsored by the Erie County Council, Veterans of Foreign Wars and to attend the Erie County Council of AMVETS' 28th annual convention.

The members of these organizations, including members of the American Legion and others who dedicate their efforts to assist the millions of men who have served our country, in wars past and in Vietnam, are deeply aware of the needs of former servicemen and fully back the legislation I am introducing.

Finally, Mr. Speaker, I should like to bring to the attention of my colleagues an essay which was brought to my attention by Chaplain Kydson Powell of the Erie County AMVETS.

The essay, which won honorable mention in the "Greatest American" contest, was written by 17-year-old Michael D. Papero of Erie County who recently enlisted in the Air Force.

This young man's following words, I believe, reflect the feeling of millions of Americans who feel, as I do, that we are grateful to those who have helped defend the freedom of so many, the veterans of America:

#### THE GREATEST AMERICAN (By Michael D. Papero)

Hut, Hut, Hut, One, Two, Three, Four,—Hut, Hut, Hut, One, Two, Three, Four, Back and Forth, Up and Down, one soldier marches in perfect coordination in front of a huge marble tomb at Arlington National Cemetery. Twenty-four hours a day, seven days a week, Honor Guards keep up the vigil. What great American receives such treatment? Surely he must be famous and well-known to his fellow countrymen! Was he a President, a General, or a great Statesman? No! He is known but to God, for he is the American Unknown Soldier.

Who is this honored American? Maybe he is a sailor lying entombed in his ship on the bottom of the sea, or a marine killed in some foxhole in the jungles of the South Pacific. He may have been an airman killed instantly when his bomber received a direct hit and exploded over Germany. He may even have been a soldier who never even reached the beach from his assault craft.

When did he die? It could have been during one of the terrible shelling of World War I or during a huge naval battle in World War II. Maybe he was killed in Korea or Vietnam, but it really doesn't matter. What counts is that he gave his life for his country. He may have been afraid of death or have been resigned to his fate, but regardless of his personal feelings, he made the supreme sacrifice.

Why do we treat this man with such renown and honor? The reason is that he represents the thousands of unidentified Americans who never came back. Although many of their mortal remains are resting in foreign soil, this monument at Arlington National Cemetery is a symbol to the whole world of the great pride and feeling of gratitude that we have toward our fellow Americans who were called upon to make the supreme sacrifice.

Granted, the identity of the Unknown Soldier will never be known, but we can at least honor his memory in a tomb of fitting glory. This is why we honor the Unknown Soldier who is known but to God.

# U.S. MULTINATIONAL INVESTMENT IN MANUFACTURING AND DOMESTIC ECONOMIC PERFORMANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, many statements and articles have appeared in the RECORD on the subject of the multinational corporation. These have included surveys of the effects of the American-based multinational firms upon domestic employment. Some surveys, however, have been criticized because they represent only a limited sample, concentrating on firms with favorable stories to tell, or because they counted increases in employment due to acquisitions and mergers.

As a further contribution on this subject I am submitting the summary of a study recently released by the Center for Multinational Studies, which is affiliated with the International Economic Policy Association. The study was undertaken by Prof. Robert G. Hawkins of the New York University Graduate School of Business Administration. Dr. Hawkins' study is based not upon survey data or samples; but on the aggregate data available in official Commerce Department and other Government sources.

The study divided U.S. industries into those with high and low intensities of foreign direct investment. It then measured domestic performance indicators involving domestic employment growth, domestic sales growth, the balance of trade, and changes in the ratios of imports and exports to sales. The conclusion was that industries with the highest investment abroad have had, on average, the fastest growth in American employment and production.

This, of course, does not prove that the higher rates of investment in manufacturing abroad have caused superior domestic performance, for many other factors could also contribute to this result. Rather, the significance of the study is that if the charges were true that the multinational corporation has "exported jobs"—by virtue of its investment in foreign manufacturing affiliates—then those industries with the greatest degree of such investment should show below average domestic performance. Since the reverse is shown to be the case by Dr. Hawkins' study, the notion of significant net displacement of U.S. jobs by multinational firms on an aggregate basis is pretty well disproved.

The study points out that there are some dislocation burdens, because jobs created in the United States, because of the multinationals' operations abroad are often in different skills than those which may be displaced. Although in such cases the net burden, if any, may be small, the human economic and social costs in individual cases can be severe. The summary follows:

## U.S. MULTINATIONAL INVESTMENT IN MANUFACTURING AND DOMESTIC ECONOMIC PERFORMANCE

(By Robert G. Hawkins)

Contrary to the allegations of organized labor that multinational corporations have displaced or "exported" many American jobs, industries with the highest investment

abroad have had, on average, the fastest growth in American employment and production.

The study finds that:

1. Industries with high foreign investment intensity tended, on average, to have export surpluses. As the overall trade balance of the United States deteriorated substantially in the late 1960's, high foreign investment industries experienced less deterioration or greater improvement in their export-import position than did relatively low foreign investment industries.

2. The increase in the portion of U.S. production of goods which was exported in the late sixties was also positively related to the intensity of foreign direct investment by industry.

3. Average growth in U.S. employment proved to be higher, on average, in industries with high intensities of foreign investment than in those with low; a similar relationship was found for growth in U.S. production.

It has been argued that production and employment in particular fields might have been still higher had there been less foreign investment. The evidence of this study is that sectors with heavy foreign investment have, in fact, significantly outperformed those with lower investment in terms of growth rate of sales, exports, and employment. Whether this above average growth might have been still higher with less investment can never be known, since in economics, as in history, the "might have been" situation cannot be proven—although many individual case studies have shown that the option of expanding production domestically instead of abroad did not exist.

Consequently, the real and measurable test of the "burden" posed by foreign investment for the American economy and employment is that of absolute displacement; i.e., actual declines in employment and production.

The findings of this study, as well as some others, indicate that actual reductions in domestic production or employment in the same industries where foreign investment is occurring is quite rare. More often, production by U.S. foreign affiliates has increased to serve expanding foreign markets while local production in the United States expands at the same time to fill growing U.S. markets and for export. This has been the case almost universally, with a few notable exceptions, such as electronic components and consumer electrical equipment. In these cases, foreign production may, in fact, have been accompanied by actual reductions in domestic employment in certain localities or occupations, although this would not be true on an industry-wide basis as other production and employment expands in the same industry.

These conclusions are derived from a statistical analysis based on data for the 1960's. A rank-ordering of manufacturing industries by intensity of foreign investment was established. For example, chemical, nonelectrical machinery, electrical equipment and transport equipment are among the manufacturing industries with the highest intensity of foreign investment. Textile, clothing and food products are some of those at the "low" end of the foreign investment spectrum.

The central question addressed in the study is whether the industries with high intensities of foreign investment had greater domestic difficulties, greater adjustment problems, and poorer foreign trade performance than industries with lower intensities. This should be the case if the arguments of the multinational critics are correct—that is, MNC operations should have led to actual disruptions in domestic markets, as measured by poor "performance" in those industries having the greatest incidence of such foreign operations. But in fact, the opposite appears to be the case—suggesting that efforts to restrain foreign direct investment

are a misplaced remedy for problems which have other roots. For example, in the electrical equipment industry, which has a high intensity of foreign direct investment, exports increased by 97 percent between 1963-64 and 1969-70, while domestic sales rose by 41 percent and domestic employment by 25 percent. At the other extreme, the apparel industry, with a low foreign investment ranking, experienced only a 39 percent increase in exports, a 37 percent increase in domestic sales and only a 5 percent increase in domestic employment.

This analysis reveals that multinational firms in manufacturing are most often found in the dynamic and rapidly growing industries in the United States. Local sales expand, as do exports, concurrently with foreign investment and expanding production by foreign affiliates. It is, of course, impossible to prove statistically that high foreign investment causes superior performance in those industries. A positive correlation between superior economic performance and high foreign investment intensity might be the result of informed and aggressive management seeking out the rapidly expanding fields and markets, including those abroad. But regardless of the direction of causation, efforts to constrain U.S.-based multinational operations might adversely affect the economic performance of these firms, and hence suppress the dynamism of the economy.

Establishing cause and effect is, however, not essential to the issue of the study, which is whether there have been significant absolute displacements or declines in domestic employment and production in those sectors where foreign investment has been heavy. The study shows that the answer is negative in general.

A wide range of estimates can be made on the total jobs created or displaced by the expansion of production by American affiliates abroad. But all depend on their assumptions about the extent to which markets could have continued to be served from American production. Reasonable assumptions on both the job displacing and job creating effects of U.S. multinational firms tend to create roughly the same range of estimates for both effects, that is a "wash-out." In any case, even the gross displacement, if any, due to the annual increases in foreign production—a more relevant question than estimated cumulative totals—is small in relation to increases in the labor force or current unemployment levels. The magnitude of job dislocations is small because both the American and foreign markets served by the MNC's expanded rapidly enough, except in a few cases, to accommodate the dramatic expansion of production abroad while maintaining and increasing production and employment in the United States.

Since superior domestic performance with respect to employment and sales growth and international competitive position tends to occur in industries which have invested heavily abroad, the adjustment and job dislocation burden on the economy in those sectors is relatively less than that which arises in other industries with lower foreign investment. The study recommends, however, that such dislocations as do occur should be met with positive programs, such as better adjustment assistance, advanced warning systems by business of contemplated plant closings, and more thorough governmental technological and economic forecasting. This would permit better programming of manpower needs and incentives for investment in labor surplus areas and retraining in skills likely to be in short supply.

## EXEMPTIONS FOR SMALL BUSINESSES FROM WAGE AND PRICE CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentle-



man from Ohio (Mr. J. WILLIAM STANTON) is recognized for 5 minutes.

Mr. J. WILLIAM STANTON. Mr. Speaker, in removing 5 million small firms from the wage and price controls program, the Cost of Living Council has followed the congressional mandate to provide such exemptions for small businesses as may be feasible without impeding the goals of the stabilization effort.

As ranking minority member of the Banking and Currency Subcommittee on Small Business and a member of the Select Committee on Small Business, I think this is a sound move at this time. It eliminates burdensome redtape in the stabilization program in a manner that is equitable and in keeping with our national effort to combat inflation. The small enterprises are not as well equipped as larger businesses to comply with the recordkeeping requirements and information demands of the program.

The Council, in taking this action, recognized that the administrative burdens to small businesses outweigh the value of the controls. These firms are not the source of a cost-push inflation and maintaining direct restraints on them hinders the effectiveness of the stabilization machinery. By concentrating its resources on the larger economic units the program will be better able to maintain effective controls over the firms which do have a serious inflationary impact. While these smaller units are no longer under direct regulation, their prices and wages will be restrained by competitive forces in the marketplace. The large companies within an industry—which are subject to the strict pricing guidelines—can be expected to exert some price discipline over smaller firms. Wage settlements, too, are influenced by the pattern of settlements affecting the big units which remain subject to the program.

In announcing the exemptions Council Director Donald Rumsfeld said that the Council would watch carefully the pay and price behavior of small firms to see that they do not create inflationary problems. He also said that the Council is "calling on these companies to function and conduct themselves in a responsible way, in recognition of the anti-inflationary goals that have been put forward."

As one who has worked closely with the small business community, I am sure that small businessmen will respond to this plea for assistance in rebuilding our economy—as they have in the past.

I do not think this action should be interpreted as a step toward ending controls on wages and prices. The stabilization agencies still maintain direct controls over 72 percent of annual sales.

While the Nation is making progress in its efforts to cut the rate of inflation it has not yet reached the goals set for the program. This refinement of the controls mechanism which is in keeping with the intent of Congress should aid the stabilization agencies in reaching the objectives.

Mr. Speaker, I strongly support the Council's action and I am certain that the small businessmen who are affected by this move will continue to operate in such a way as to help the Nation achieve economic prosperity.

#### LET'S GIVE OUR VETERANS THEIR DUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker during the the first session of the current 92d Congress, I introduced H.R. 9610, a bill to provide for automatic cost-of-living increases in VA compensation, dependency and indemnity compensation, and pension payments. The concern that veterans and their families receive the full and true amount of the pension or compensation due them is, I believe, a reflection in the operation and intent of my bill.

As the cost of living rises, higher prices eat into the small, semifixed compensation or pension provided by the VA. The veteran living on this income must use up some of his savings or cut his consumption of very basic items in order to make do with this pension of compensation payments while waiting for Congress to enact an increase in the pension and compensation rates that would restore the purchasing power of his VA payment. Often it is a year or more before an increase reaches him. Simply, it is to reduce this "lag" between rises in the cost of living and congressional action that I have introduced this bill.

In the face of our current inflation, the purchasing power of those on fixed incomes, such as people who depend on VA pension and compensation payments, suffers significantly. These men and women are usually too old or disabled to work and consequently do not get the benefit of rising wages. In addition, these people, many of them aged, are often unable to shop around and take advantage of the best prices thus increasing the impact of inflation. This group of low income, aged, and disabled citizens must depend on congressional action to match rising prices and maintain the value of their incomes.

In the past, Congress has responded generously and fairly to maintain the real value of veterans' pensions and compensation. The last of these periodic adjustments was the comprehensive increase in payments made 2 years ago in Public Law 91-558—to take effect January 1, 1971. Though this was largely in response to the 15-percent social security raise which cut into many pensions, it also provided an increase in VA pension and compensation payments which roughly covered the rise in prices since the effective date of the last increase—January 1969. But even with the increases Congress has provided, there still remains the problem of the veteran who had to live on his fixed income during the 2 years between increases and must now pay prices that have risen almost 5 percent since the effective date of the last pension increase in January of this year.

Unfortunately, we in Congress are limited in the time we can devote to consideration of these necessary increases and adjustments of pension and compensation payments. Prompt and frequent as our action can be, there is still a lag between the time a veteran or his survivors need an increase in pension

or compensation payments—because of the increased cost of living—and the time congressional action becomes effective.

My bill would, by providing automatic quarterly adjustments in veterans' pension and compensation payments based on the Consumer Price Index, act to maintain the value of pensions and compensation in the face of inflation and remove the necessity of waiting for congressional action. Basically, H.R. 9610 reduces to a practical minimum the impact inflation has on those receiving VA-provided incomes. It would relieve Congress of the extra burden, in an already heavy legislative schedule, of enacting periodic pension and compensation increases to counter inflationary trends.

The system mandated in my bill would operate in the following way:

Each calendar quarter, the Veterans' Administration would determine whether the Consumer Price Index, measuring general cost-of-living increases, has increased more than 3 percent in the previous quarter, compared to a base quarter. If the VA finds that the Consumer Price Index has risen more than 3 percent, then veterans' benefits would be increased by the same percentage—with provisions for rounding off the results. The new increase added to the previous payment would then become the new base for the next computation.

The benefits of these increases would go to those receiving compensation for service-connected disabilities, dependency and indemnity compensation for service-connected death, pensions for non-service-connected disabilities, death, or service, and those receiving "old-law" pensions.

In conclusion I would point out that this legislation is not designed to reduce congressional authority over pensions and compensation payments or, in effect, to reduce the generous pension increases that, in the past, Congress has provided. I am aware that, over the long history of the VA pension and compensation programs, Congress has provided a total increase which has gone well beyond the rise in the cost of living. And, I am sure that Congress will continue to review the pension and compensation programs and revise them when it finds inadequacies in their operation or the rates of payment. Rather, my bill frees Congress to act on pressing needs for change in other areas of veterans' affairs and for comprehensive review of existing and proposed programs—including pension and compensation programs—while leaving the necessary periodic adjustments to the operation of a cost-of-living escalator.

I therefore plan to urge favorable action on H.R. 9610 in the Congress, so that the modest compensation and pensions that we provide those who sacrificed so much for their country will maintain their real value in the face of any present or foreseeable inflation.

#### REVENUE-SHARING BILL SHOULD INCLUDE REVENUE-RAISING TAX REFORMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, when the

revenue-sharing bill (H.R. 14370) comes before the House, an effort will be made to attach to it two revenue-raising tax reforms. I join with Congressmen DONALD FRASER, CHARLES VANIK, and DAVID OBEY in this proposal, and I urge our colleagues to join with us in the effort.

H.R. 14370 is scheduled for floor action in the House shortly. While views differ on its merits, there is general agreement that the bill attempts to share revenues the Federal Government simply does not have. Huge and unproductive budget deficits—unproductive in the sense that they are not reducing the present severe unemployment—once again threaten the international stability of the dollar.

We propose to offer a fiscal responsibility amendment to the revenue-sharing bill. The amendment would raise \$5 to \$6 billion in additional revenues a year, and thus meet the estimated costs of revenue sharing. It would do so by plugging two of the more outrageous loopholes in the Federal tax system:

One. The asset depreciation range system, a giveaway to corporations of some \$2 to \$5 billion a year. It permits corporations to depart from true depreciation schedules by as much as 20 percent, thus reducing the income taxes they pay. It is a largely wasted investment incentive, since it applies to plant and equipment that corporations were going to invest in anyway, traditionally about 10 percent of GNP, year in and year out. This tax gimmick, therefore, is the same as an across-the-board tax reduction for corporations.

Second. The minimum tax, first legislated by Congress in 1969, has proved to be ineffective in forcing large-scale tax avoiders to pay even a modest minimum to the Treasury. Despite the minimum tax, nearly 400 people with incomes over \$100,000 escaped all Federal income taxes in 1970. The fiscal responsibility amendment would raise an additional \$2 to \$3 billion a year by increasing the minimum tax rate from 10 to 20 percent, eliminating the deduction for regular taxes paid and reducing the present \$30,000 exemption to \$12,000. Even with the amendment, the minimum tax would still result in many wealthy taxpayers paying less than an average wage earner—but it would greatly reduce the loophole.

The fiscal responsibility amendment will not, it is true, come to grips with many other tax reform problems, such as the oil depletion allowance, capital gains at death, and tax-exempt bonds. But what is needed is action now, and curing these other loopholes probably does require detailed work by the tax-writing committees. The two reforms in the fiscal responsibility amendment, however, are appropriate for floor consideration. The changes they make are simple ones—principally changes in rates and numbers—and no long and complex draftsmanship is necessary. Furthermore, the issues involved are familiar ones, the ADR system having been considered by Congress just last December, and the minimum tax in 1969.

The fiscal responsibility amendment is particularly suitable to the revenue-sharing bill. It will provide an appropriate amount of revenue to share. Moreover, by at least partially reforming the Fed-

eral tax system, it will give States a better base on which to impose their own income taxes under the "piggy-back" option of the revenue-sharing bill.

We shall ask the House Committee on Rules for a rule which will permit us to offer the fiscal responsibility amendment to the revenue sharing bill, and waive points of order in connection with it.

If the Rules Committee does not grant such a rule, we will then move on the floor to amend the rule so as to permit our amendment to be offered. The critical rollcall vote will thus come when we ask Members to vote down the previous question on the rule so that it can be amended.

Wiseacres have been saying that all tax reform this year is impossible, because of the implacable opposition of President Nixon and Secretary Connally. They could be wrong.

#### SAN GABRIEL VALLEY HOSPITAL CELEBRATES SILVER ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, the San Gabriel Valley Hospital is celebrating 25 years of providing quality health care to the residents of the San Gabriel Valley with a special anniversary dinner this weekend. My colleague, Representative JOHN ROUSSELOT, of California's 24th District, joins me in giving tribute to the hospital which serves residents of both our districts, and to its dedicated supporters, staff, and volunteers on this occasion of their silver anniversary.

The hospital was started in 1947 by five general practitioners who took the initiative of building a hospital sufficient to meet the health needs of the small suburban community of San Gabriel. As a result of their efforts, a 48-bed structure was erected. By 1954, just 7 years later, the growth in population and medical staff had necessitated the addition of 34 more beds.

The population of San Gabriel has now grown to approximately 30,000 and the hospital's role and responsibilities have increased. The present building was designed for medical care of a much simpler era and on this 25th anniversary the hospital is looking forward to the development of a new structure while maintaining the high-quality delivery of health care that has been its heritage.

The dedication of the employees throughout the years has been extraordinary, as exemplified by their long tenure of service not characteristic of most hospitals.

Another distinguishing feature of San Gabriel Valley Hospital is its orientation toward the practice of family medicine. While providing the skills of 26 medical specialties, this hospital continues to stress the importance of treating the whole patient, in an age of increasing reliance upon specialization and fragmentation.

It is an honor to take this occasion to congratulate the San Gabriel Valley Hospital on its 25 years of outstanding service. The following letter was sent by

Mr. ROUSSELOT and myself to the administrator and chief of staff:

JAMES A. BAILEY,  
Administrator,  
JAMES A. BONGARD, M.D.,  
Chief of Staff,  
San Gabriel Valley Hospital,  
San Gabriel, Calif.

DEAR FRIENDS: We would like to commend all of those who are responsible for this proud occasion, the Silver Anniversary celebration of the San Gabriel Valley Hospital. Congratulations are due those who first had the vision to plan and work for the future health care needs of the people of San Gabriel. Congratulations and continuing thanks belong to those who have kept that vision alive in the intervening years by their own dedicated service and concern for the years ahead.

It is valuable to gather on this occasion to reflect on the achievements of the past and the growth of the hospital staff and facilities that provide outstanding professional and personal medical care in the community of San Gabriel. It is equally significant to continue to plan for improvements that can expand the capabilities of the hospital to keep abreast of advances in medical knowledge and to serve new generations.

We commend, also, the supporters of San Gabriel Valley Hospital, for their commitment during the past twenty-five years to which this evening pays tribute.

Very truly yours,

GEORGE E. DANIELSON,  
Member of Congress.  
JOHN H. ROUSSELOT,  
Member of Congress.

#### WEST HARTFORD LEAGUE OF WOMEN VOTERS HOLDS ENVIRONMENTAL CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, as we are all aware, the League of Women Voters has performed and continues to perform outstanding services in the public interest.

On June 13, 1972, the League is holding an environmental conference to stress individual efforts in environmental programs.

I have been fortunate in securing the advice and counsel of League members on a number of issues. This advice on ecology combined with my own deep concern over ecological problems has prompted me on numerous occasions to vote to strengthen antipollution legislation. Just recently I worked for amendments to strengthen the Clean Water Amendment of 1972. I believe that our Nation should be mobilized—both in the Government and in the private sector—to end water pollution by the 1980's. To accomplish this goal, I believe the Government should provide both positive incentives and when necessary negative restrictions. It is obvious to me that we cannot allow environmental decay to continue.

With the enactment of the clean air amendments, various antinoise bills and in the near future, the clean water amendments, I believe we are witnessing positive and constructive Federal action.

We are not naive enough to believe that just passing legislation will be enough. The problems of environmental abuse require constant attention and ac-



tion by both the Government and the individual.

It is individual action that in large measure will determine the success of this effort to purify our air and water and conserve our natural resources.

I have read an interesting booklet, which proposes some constructive steps for individual participation in the fight against environmental decay. For the benefit of the readers of this RECORD and the participants in the Women's League of Voters' conference on ecology, I am including an abbreviated version of this informative pamphlet:

#### GUIDELINES FOR CITIZEN ACTION ON ENVIRONMENTAL PROBLEMS

ENACT—Environmental Action for Survival, Ann Arbor, Mich.

#### RECIPES FOR ENVIRONMENTAL ACTION

The crisis now facing our environment demands that all of us take immediate effective action. It is not enough simply to be aware and concerned. We all must act, even if the action is only in our back yards. There are ways that YOU can help resolve environmental problems. The first thing is not to add to the problem through your own actions. The real enemy, as Pogo has said is "US." We all must be willing to make personal commitments and sacrifices to protect the environment. The following is a beginning; a list of suggestions of what you can do to reduce your own contributions to environmental degradation.

#### AIR POLLUTION

1. Do not burn leaves or trash. Why not start your own compost pile to return to the soil the nutrients in leaves and other wastes?

2. Do not let your automobile idle unless this is necessary. The automobile is the single greatest source of air pollution; conscious efforts should be made to reduce its contribution to unclean air.

3. Whenever possible, walk, bicycle, or use rapid transit rather than your car. If you must drive, form driving pools.

4. When buying a new car, ask for detailed information about pollution control equipment. Compare the cars you are considering and buy that one which has the best abatement device. In general, smaller engines cause less pollution than larger, more powerful ones.

5. Check to see if your town has an air-pollution control ordinance. If it does not, or if one it has is ineffective, obtain copies of model ordinances from the National Air Pollution Control Administration.

6. A tuned car emits fewer pollutants. Keep your car well tuned. Air pollution control devices also need constant upkeep.

7. Make an oral or written statement at hearings on air pollution and insist on enforcement of air pollution laws. Report offenders.

8. Stop smoking. The average New Yorker takes into his lungs the equivalent in toxic materials of 38 cigarettes a day. Don't add to the problem—for your own body and for your environment.

9. Inefficient incinerators cause much unnecessary pollution. Check or inquire about incinerators in schools, public buildings, offices, etc. Large users of paper should bale and re-cycle their paper not burn it.

#### WATER CONSERVATION

1. Gently place a brick in the flush tank of every toilet you use. This will reduce the amount of water used without decreasing the efficiency of the toilet. Potential savings in a city of 100,000 equal 300,000 gallons a day.

2. Do not use colored tissue, colored paper, or colored napkins. Dyes released in the man-

ufacturers' effluent pollute streams visually and biologically.

3. Turn off or request that officials turn off all drinking fountains or bubblers that flow continuously in hallways, public places, etc.

4. Let your lawn or yard go "natural." Instead of undertaking massive watering or irrigation efforts, plant vegetation of a variety of species that can flourish under normal rainfall conditions.

5. Switch light bulbs not used for reading to lower wattage bulbs. Be conscious that lower electrical power consumption reduces home or office operating costs and reduces thermal water pollution loads at electrical generating plants. Do you really need an electric toothbrush?

6. If your bathtub has a shower, the next time you take a shower put the plug in position to measure how much water you use during your shower. After comparing the volume used for a shower with that used for a bath, use whichever procedure saves more water.

7. Make arrangements with the local sewage treatment plant and/or water purification plant to provide tours for organization to which you belong.

8. Discover who the three worst water polluters in your region are and call each one to ask what you personally can do to help reduce the problem. If efforts are unsuccessful, pressure law enforcement agencies to do their job.

9. Determine how much leakage takes place in your community's water supply system and learn what steps need to be taken to reduce that loss.

10. Collect waste water or effluent from public or private water users and deliver it to the company or agency as a reminder that their activity is frowned upon and corrective action should be taken. Personally visit the plant manager.

11. One of the worst power users, at perhaps the worst time, is the air conditioner. Well insulated houses shaded by trees and vines help reduce the need to use coolers.

12. Use detergents, toothpaste, shampoos, and other household commodities that have the least detrimental effect on the water environment where they will eventually end up. Demand information on effects of content by writing to company presidents and sending copies of letters to political representatives.

13. Discourage the practice of street washing unless the advantages clearly outweigh the disadvantages in your city. Too often this practice is left over from the days of manure in the streets.

14. Take personal steps to see that oil and other products do not leak out of your car onto the streets and driveways.

15. Demand that only limited application of salt be permitted on your city streets. Salt does extensive damage to lawns, trees, water conditions, and soil drainage.

16. "Brighter than Bright." A great deal of pollution comes from the phosphate chemicals in the detergents, scouring cleansers, floor cleaners, and dish washing powders you use. The new bio-degradable detergents merely cut down the foam. They still contain phosphates that fertilize algae and vegetation that help make the green scum that increasingly borders our lakes and rivers. You as a consumer can hasten the production of non-polluting detergents. The following is a list of the percentages of phosphates in major detergent brands. (The fewer phosphates, the less the product harms our lakes and rivers.)

Write the manufacturers and urge them to change!

17. Avoid buying white clothes, sheets, or other items that require strong detergents to make them "white." The difference, if any, between colored items washed in the high phosphate detergents and those washed in

more desirable cleaning agents is not significant.

18. Soap and soda will clean your clothes nearly as well as phosphate detergents. Before adopting the soap and soda method, however, you must first remove any detergent residue to avoid yellowing of some clothes. Do this by washing all clothes using only washing soda and your regular wash cycle. Repeat this process until the water is sudsless and all the detergents are removed.

19. Periodically check faucets for leakage, since this is one of the greatest water wasters. Washers are easy to replace when worn.

20. Does your community have a soil conservation and sedimentation ordinance? The U.S. Soil Conservation Service can advise you of simple and effective ordinances that will prevent erosion in the construction of houses, subdivisions, shopping centers, etc.

#### PESTICIDES

1. Chemical poisons should not be used for pest control except when absolutely necessary for health or economic reasons. Chemical poisons should never be used for nuisance pests like midges or mosquitoes. Never dispose of pesticides by emptying them into a water supply. Call local health offices for disposal advice.

2. Consider alternatives before using chemical poisons. If you must use a chemical poison, follow these guidelines:

a. Use only recommended dosages.

b. Use at the proper time of year.

c. Do not use the following compounds under any circumstances (check labels carefully):

DDT, dieldrin, lindane, chlordane, heptachlor, endrin, aldrin, BHD, 2,4,5, 4-D, toxaphene, or any compound containing lead, mercury, or arsenic.

d. Recommended pesticides include such brands including Rotenone, Sevin, Malathion, Pyrethrum, and Methoxychlor.

e. Avoid direct contact with the pesticides used, including the mists. Some, such as Parathion, can be absorbed through the skin, directly and cause serious damage.

f. Apply pesticides carefully and only where necessary. Never use them near food or water.

g. Planting a mixture of trees, shrubs, or garden plants instead of a mono-culture reduces the chances of an insect outbreak.

h. Removal of dead or diseased plants reduces the sources of pest populations.

i. Remove weeds in lawns by hand rather than by applying herbicides.

3. Many natural predators are available to control pests naturally and harmlessly. Birds like purple martins and wrens, for example, consume large volumes of insects. Providing homes and habitat for such birds will help control pests. Some insects, such as the ladybug and the praying mantis, also feed on undesirable insects. These predacious insects can be purchased.

4. Accept produce with blemishes caused by insects or plant diseases. Farmers are often forced to use chemical sprays merely to save the appearance of produce.

5. Block the use of herbicides on roadside vegetation. Encourage the development of hedgerows with a pleasant visual effect. Varied roadside vegetation serves as a valuable source of insect predators.

6. Use organic fertilizers rather than chemical ones, which contain herbicides.

#### SOLID WASTES

Solid wastes cause either land pollution or, if burned, air pollution. Every effort should be made to cut down on the volume of such wastes. The average American generates about five pounds of solid wastes a day. The general answer is to minimize wastes by curtailing excessive packaging and to recycle wastes.

1. Use returnable bottles not throw-aways or cans.

2. Don't purchase liquids sold in milk-

white plastic containers. This material is polyvinyl chloride. When burned, polyvinyl chloride produces a very strong hydrochloride acid mist that can destroy nearby vegetation as well as the inside of an incinerator.

3. Don't buy products with merely decorative, unnecessary packaging. Toothpaste and shampoo containers, for example, don't need outside paper boxes.

4. Develop compost piles that cut down on the volume of organic matter you throw away.

5. Take your own basket shopping to cut down on the use of paper bags.

6. Reuse paper bags, boxes, envelopes, plastic bags, and other containers.

7. Carry a litter bag with you and collect the litter your fellow citizens cause. It costs the State of Michigan 32c for every piece of litter its road crews have to pick up. That's your hard earned tax money.

8. Conduct regular paper and metal can drives in your community to encourage recycling.

9. Use handkerchiefs and cloth napkins, and towels instead of paper products.

10. Flatten containers before discarding.

#### NOISE

1. Support local noise pollution ordinances and demand strict enforcement.

2. Be sure your own muffler, radios, air conditioners, TV's, etc., are not part of the noise problem.

3. Be sure that motorcycles, model airplanes, construction equipment, boats, etc., have adequate noise control devices.

4. Support efforts to ban sonic booms.

5. Make a tape recording of your local environment and play it back at city council meetings to support demands for noise control.

6. Demand that new airports be zoned away from population centers.

7. Encourage the Federal Aviation Agency to set noise abatement standards for airlines.

#### VISUAL BLIGHT

1. Check to see that your community has a strong sign ordinance and make sure it is enforced. Do not do business with offenders.

2. Keep your own environment clean and attractive. Do not litter.

3. Seek landscaping ordinances that require shopping centers, housing projects, and schools to include landscaping and open space in their developments.

4. Encourage the use of easements and buffer strips along highways and roads.

5. Encourage groups to plant flowers and other vegetation in your community.

6. Pressure city officials to provide and maintain on a regular basis attractive litter barrels. Local service organizations, artists associations, and schools can sponsor community projects to clean, paint, and decorate such receptacles.

7. Organize your own group of volunteers to paint over graffiti on bridges, walls, and buildings.

#### GUIDELINES FOR CITIZEN ACTION

A major part of the task of maintaining or restoring a quality environment must be assumed by local governments in cooperation with and with the support of business interests, private organizations, and private citizens.

How, if at all, will your community meet the challenge of providing environmental quality? What programs are needed to attain and maintain a quality environment and how will these programs be implemented? If you do not attempt to influence local policy on such issues, who will? Will anyone? Many environmental programs fail to materialize, not because they were strongly opposed, but simply because no one promoted them.

This pamphlet suggests several action steps and guidelines for effective citizen

action. Although local conditions will often call for modifications, these guidelines are suggested as general measures for improving the chances for success.

#### Define the problem or issue

The first thing that must be done is to define the problem. A concise analysis of the problems facing the environment is necessary if you are to understand the problem, formulate specific action plans, and communicate your ideas to others.

#### Become informed

Once you have satisfactorily defined the problem, it is important to obtain the additional facts. You should seek to gather whatever information is relevant to the particular situation, and to keep up to date.

The mass media—radio, television, the newspapers, and magazines—are increasingly presenting their audiences with pertinent information on current issues. Although frequently limited to a brief examination of particular issues, their content quality is normally very good. Local radio, television, or newspapers may focus in depth on environmental problems facing the community. Encourage yours to do so.

Attending public meetings, hearings, and conferences provides further opportunities to gather and disseminate facts and opinions. On such occasions the alert observer could obtain substantive economic and political information and could estimate the extent of support for various positions while identifying the nature of that support. Information exchanges with the opposition can be extremely valuable because they often give rise to the possibility of devising an acceptable compromise. It should be recognized that more than one satisfactory solution to a problem may exist.

Whenever possible, gather information through first-hand observation. Individual or group field trips, for example, to a proposed park site or wildlife sanctuary, a polluted water resource, or a source of air pollution may prove extremely helpful.

Individuals and groups can acquire much information through their own efforts in researching the literature, attending public meetings and hearings, conducting or attending group discussions and conferences, and making personal observations.

In addition to government officials in your own community, agencies in state government and state universities are good sources of information. Several federal agencies also maintain offices on the local level. Representatives of the United States Soil Conservation Service, for example, are located in nearly every county in the nation. Check your telephone directory under your state government and federal government listings.

#### Develop a plan

Whether you form a new group or join an existing organization, the next step is to develop a plan of action. Your plan should include, to the extent that it is possible, a listing of the sequences of the events and activities to be accomplished and of individuals, both in and out of public office, to be contacted; a description of the nature of petitions or information to be conveyed; a summary of tactics for gaining public support; and a schedule of meetings, conferences, and hearings to be organized or attended, and other necessary arrangements to be made.

It may be desirable to develop a time schedule for the implementation of various phases of your plan of action so that it is possible to evaluate your actual progress against that expected at the outset. The proper timing of activities for maximum effect and the early recognition that the fulfillment of certain conditions is prerequisite to later events should be facilitated by a carefully conceived, time-budgeted plan of action. If various parts of the plan are to be

accomplished by different committees, it is important to coordinate committee activities so that your position will be heard before policy is officially formulated—before, in other words, it is too late.

Your goal is to turn your ideas into action. Local circumstances may require variations, but ordinarily the public officials of your community are a good place to start. If you have previously solicited their assistance for data or advice and have kept them informed of your progress in formulating a proposal to achieve your objectives, a major task may have already been accomplished. They may well already appreciate and even sympathize with your intentions, particularly if they helped to formulate your group's objective. If they are not familiar with your preparatory efforts, attempt to inform them with a concisely stated history of your endeavor. They are probably aware of the research and thought that has gone into your proposal and the intensity of support behind it.

A variety of methods may be used to publicize your ideas and gain public support for your proposal: letters to the editor, editorials, or feature articles in the local newspaper; weekly environmental action columns, radio and television announcements, panel discussions, "talk" programs, documentaries, or other informative programs; handbills or fact sheets; and organized speaking tours.

The above examples of measures to gain support for your policy proposal are, obviously, illustrative and far from exhaustive. Knowledge of the local community and the nature of your proposal should suggest some measures as highly applicable and others as obviously inappropriate.

Whatever endeavor you undertake, Think Big! That is, develop and recommend a plan that will adequately serve the purpose; one that will achieve the proposed objectives. Consider the long range effects of your proposal and the ramifications of its adoption on the environment and on your community. Think and act in the broadest ecological terms and urge others to do likewise.

(Second edition prepared by: Dr. William B. Stapp, Dr. James Swan, Dr. Spenser Havlick, Mr. Chris Hard, Mr. Doug Fulton, Mr. Fred Kingwill—editor.)

#### INVESTIGATION OF USO IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, I am publicly releasing today new statements revealing that Sam Anderson, USO's executive director was aware of and may have benefited from, alleged corrupt practices in USO Vietnam operations.

I have written to Maj. Gen. Francis Sampson—USA, retired—requesting that he remove Mr. Anderson from any involvement in the USO's current investigation.

It is my belief that since such serious allegations have been leveled at Mr. Anderson, questioning not only his judgment but possible involvement in illegal activities, he should not be involved in the investigation in any way.

If what my informants have told me is true, then Mr. Anderson has presided over and very possibly benefited from a major multimillion-dollar scandal involving the cheating of our GI's in Vietnam.

As many of my colleagues may know, the USO is presently conducting its own investigation of the growing scandal. The



Department of Defense is also investigating.

One of the statements I am releasing today was made by Mr. Michael Moriarty, a former USO staff aide and security guard. Mr. Moriarty believes that Mr. Anderson was made aware of the stealing of gifts and packages sent by U.S. companies to Vietnam. He was also told by two other USO officials, Judy Grenburg and Shirley Warner, that Anderson benefited from a 35-percent rakeoff collected from concessionaires by USO Saigon director, Chuck LaMoy. Mr. Moriarty also personally saw LaMoy's books which revealed the 35-percent rakeoff. Mr. Anderson sponsored, either personally or with USO funds, a Vietnamese singing group giving them \$3,000 worth of equipment and automobiles valued at \$10,000. While USO personnel were using a broken down scout vehicle, the Vietnamese singers had brandnew cars.

Another one of my informants has told me that Richard Shireman, Mr. Anderson's successor as USO director in Vietnam, was told to hide from the military the illegal purchase of \$70,000 worth of merchandise by former USO club director, Richard Alexander.

We do not have legal proof that Mr. Anderson was engaged in illegal activities, but the belief that he was is apparently widespread and based in part on specific allegations. Not removing him completely from the present USO investigation, makes a mockery and farce of that investigation.

I am also today asking Secretary of Defense Melvin Laird to disclose the extent and the nature of the brewing USO scandal.

The American people must be assured that funds given to USO are helping our GI's, not promoting a syndicate that exploits them.

Several additional witnesses, like Mr. Moriarty, have come forward since I first announced this investigation of the alleged USO scandal. What is shocking is that many former USO employees like Mr. Moriarty felt earlier that blowing the whistle was useless because top USO officials like Sam Anderson would suppress any investigation.

The testimony and the letters to General Sampson and Secretary Laird follow:

#### INTERVIEW

B. This is an interview.

P. OK it's Tuesday April 25, 8:00 PM, the interview is with Mike Moriarty, Bill Broydick, Peter Gruenstein.

B. Mike what did you do while you were in Vietnam for U.S.O.

M. I was in charge of security for the USO for about 11 months.

B. You were the security guard responsible for the security at the USO Saigon building in the evening.

M. Yes, I locked up every night, checked, personally searched all Vietnamese entering and leaving so they didn't steal anything. I locked myself in completely, there's no other way in.

B. What could you tell us about what you heard in general about Mr. Anderson, who was then in charge of USO in Vietnam.

M. It was my understanding through other people not directly that I can particularly prove that he was, the other people that I talked to and with that were staff

members USO and directors of USO's they told me that he was involved in setting up concessionaires and taking commissions over and above what the bookkeeping department had records of as well as setting up Pat Lam and the Shot Guns, which is a musical group that entertained every Wednesday and usually Saturday for USO in Saigon as well as at various times at other USOs.

P. Who is Pat Lam?

M. Pat Lam is a I think he's about a private in the Vietnamese army and the rest of his group is also military and they are active in the military, although they stay in some sort of capacity which allows them freedom unlike other military, they are always entertaining or whatever pull they get in some high place.

P. Can you describe in some depth some of the illegal activities that Anderson was as I understand it is the head of USO world wide was involved in.

M. The activities involved were utilizing the U.S. planes, that is planes that were supposed to be for military personnel serving in Vietnam for R & R purposes or leave purposes, whatever. As far as seating capacity allows, the capacity being say two flights a year for a years tour, free flights which are given to USO personnel as though they were military. So these personnel were allowed more than two flights due to his arranging the paper work and misappropriating US planes.

P. Now this is not a question of getting special favors from friends he had in the Army, but actually it was involved with paper work, is that right?

M. That's true. They were going out and buying, they were going out, not on R & R trips specifically but on buying trips in which they went out and bought items which were sold in concessions which they had shipped in and didn't have to pay customs on coming through USO. And in other words they were cheating the Vietnamese economy as tax dollar coming in as imports. And they were selling this merchandise through a fake concessionaire, in other words the GI was lead to believe that the person he was buying the stuff from was sort of the one in business who bought the stuff and actually sold it but in fact they were just selling it for the USO for a substantial profit.

P. And they were cheating the U.S. military out of R & R by getting extra flights illegally for USO personnel right?

M. That's correct.

P. What about how do you know that Anderson had personal knowledge of these activities or had personal gain by it.

M. Well I talked to his bookkeeper.

B. What's her name?

M. His, he's got a male bookkeeper, that for the life of me I can't think of his name, but he is Vietnamese, his bookkeeper at various times is disgruntled with the way things are running as well as several of the other Vietnamese staff which confided in me because I was the only one that was a friend to them because I was an English teacher in the Vietnamese area.

P. What specifically did he tell you? the bookkeeper.

M. Well the bookkeeper at various times indicated to me that there were extra high profits, that there were things that were being written up that weren't correct, that he was keeping two separate sets of books, more or less, whether they are still available I don't know. For instance they showed on their books that the concessionaires paid the USO most of them paid 15% but in fact were paying 50 and the records of the USO should show 15% but the concessionaires were testifying I think that they actually paid 50, and 35% goes into somebody's pocket.

P. And Anderson had direct responsibility for these books and worked directly with him, is that right?

M. The way it worked most of the time was before the concessionaires was allowed to operate, they had to they were pretty well interrogated quite a lot, they usually came from the better families and they were usually Chinese, which is why Miss Phu didn't like them. I know one was fired because of complaining about the amount of money she had to pay into the USO and I know Miss Phu knows who that was I think that was the only Vietnamese they ever had in the concessions.

B. Who fired him?

M. She was fired from the head office which would mean Mr. Anderson's office.

B. What was the reason she was fired?

M. No one would actually come right out and say it but they said he was complaining about Vietnam but she was actually getting a kickback after . . .

B. Do you have any particular, who was told you the difference that 35% was in fact going into Anderson's pocket?

M. The past director of USO TanSoHnut and a temporary director of USO Saigon.

B. And what were their names?

M. Judy Grenburg who is now in Seattle.

B. How do you spell her name?

M. G R IN BERG, GRENBURG, I'm sorry, had indicated to me that this was going on as well as these. Shirley Warren, who was director.

P. OK, Now going back to the bookkeeping operation for the moment, the bookkeeper was hired by Anderson, Anderson had authority to fire him or her and presumably was directly responsible to Anderson and Anderson would have known for instance if I assume to understand if there were two sets of books being kept. Is that right?

M. That's correct. To the best . . . profits they were taking in say in the restaurant facility usually no restaurant could compete with the finest restaurants in town. No question as far as income. They collected the cash register in fact three times a day because of the amount of money that was in there.

B. What's unusual about that, they were doing a lot of business.

M. The amount of money running through the cash register versus what their expenses were was a tremendous difference, as well certain items like that were donated, for instance coco-cola, that comes in donated I assume by the U.S. government or coco-cola bottling company or whatever. It just comes in donated and that is for the GIs and sometimes they would wind up across the counter for 20 cents.

P. You mean there was.

M. It was donated for—

P. For the expressed purpose of being given to the GIs?

M. That's correct, as well as sometimes they were sold to both Vietnamese for instance the staff that worked there as well as other US Personnel which were not authorized to use the PX, in other words—

B. Who sold them the coco-cola—

M. Well various staff or whatever that they were directed to do by USO. For instance, there was a price list which is in the mail room, the price list on the wall in the mail room told how much certain items would be sold for across the counter to U.S. personnel or who ever came in and wanted it which was in violation of the PX regulations because they weren't authorized PX facilities.

P. Now how do you know that money was used went back into the pockets of Anderson and other USO personnel and certainly didn't go back into USO funds was used by USO for quite legal purposes.

M. Well there seemed never to be enough money since in conversations I used to have direct access for instance to Tansohnut's books because while I worked out there I

worked with them on the books because for a while when Judy came there she didn't trust Miss Phu who was the bookkeeper. Naturally being a new director she suspects everybody and wants to know what was going on so I checked Miss Phu's books on several occasions and this was under the direction of her and I'm sure that Anderson didn't know I was doing this.

B. What was wrong with books?

M. Her books were fine but the difference would be between her books and the books in the office as well as the amount of money.

B. Did you ever have a chance to compare Miss Phu's books with the books that were in the main office?

M. Not at the same time but I had been able to look at, not month for month but one opportunity I did see USO Saigon's books for all of Vietnam showing exactly the income per month for every one of the USO's the expenses per month for every USO.

B. Did the income contain for Tansohnut at the USO at Saigon live with what you found in Miss Phu's books?

M. No, they didn't.

B. What was the difference approximately?

M. The difference was pretty great not knowing completely how they worked the change from one to the other. I think part of the change was in the amount of money that supposedly they paid for a lot of items for instance, while USO had to buy items across the counter meaning from the Vietnamese economy sometimes. And when this would happen this would give them a good chance to change the books because they would end up with paper showing they paid a lot more than what they did which would bring the books it would allow an escape of money for instance, paying for entertainment, paying for supplies if so its virtually easy to put a receipt in your books saying you paid someone a certain amount of money when there is no way to check how much they did pay. Because with the Vietnamese, for instance, if you paid them partly mpc and partly piasters which was Vietnamese currency, they are not going to complain because there are getting way ahead by getting mpc.

P. MPC is military currency?

M. Yes.

P. What sort of specific things did you see in the books which made you believe that there was actual graft and accounted for the discrepancy in these two sets of books that you were talking about?

M. It was easy to get a receipt, nothing is actually done businesslike as we do here in the U.S. They don't give an exact receipt for what you buy, in other words, if I went in and bought some Vietnamese camera, I could have any sort of receipt I wanted. I could have a receipt saying that I paid, what I paid, less or more depending on what my purposes would be. If I wanted to sell it to someone else I could get a receipt saying I paid more. If I wanted to take it to the U.S. I'd get one less. They are doing the same thing with all the miscellaneous invoices, the art work, the jewelry, the pictures they had an Artist painted and supplied them with pictures of which they were doing the same sort of thing. In other words, inflating the prices so that it looked like it was higher than they bought it, actually paying a lot less which meant that somewhere they had a margin of money which they wouldn't have to account for.

P. This is a specific example where they might import jewelry from Bangkok and put it at a dollar per piece, get a receipt say for 3 dollars whatever, and then sell it at 3 dollars or 4 dollars.

M. Sell it for 30, say they buy it for a dollar and they get a receipt saying they paid 10 and sell it at 30, well the commission would be to the USO supposedly 15% of 30 dollars while they also have a set figure

which they paid the Vietnamese for selling the stuff, so the difference between 15% they are suppose to get and the actual amount that was the difference between what the Vietnamese were paid for selling the item and the cost, shipping and sale price is the money that they don't have to account for which usually I would say would amount to about say a \$30 sale pretty close to 20.

B. How do you know that this is true, did you see this in the books, how could you.

M. I didn't see it in the books myself. I was told by a director in the USO that she suspected it going on and that she had been told it was going on through the Vietnamese staff. This operation was in progress in this sort of arrangement.

P. This sort of arrangement going on would require knowledge I assume by USO personnel at the highest levels at least at the specific USO.

M. The USO highest level is the organization which sets up all the concessionaires. If let's say I wanted to be a concessionaire in the USO I would not just go to that director, I would have to be approved by that director and then sent in to talk to Mr. Anderson, his inner-office group and be accepted by them at their terms, before they would allow me to.

B. In other words, Anderson was the only guy who was authorized to assign a concession to.

M. That's true, as well as, for instance there was one group that was kicked out of the concession and there was quite a bit of complaint and hard feelings whatever and it was pretty hard to find out what exactly happened through the Vietnamese that worked at USO Saigon. I was told that this was pressing because they didn't want to pay. They just were tired to paying the high amount of money the USO required in order to allow them a concession.

P. What other evidence do you have that Anderson himself either covered up or squelched possible investigations of wrongdoing within his organization or being benefited himself from wrongdoing?

M. Well there was a fire in USO Saigon in 1969 and they were supposed to have an investigation into the fire to find out what the actual reasonable cause for the fire and when the fire inspectors came to check the place, because I had reported to them that I knew something was wrong the day before, meaning that at 4:10 in the morning the lights came on while I was there, the switch was on in the building and the only one with access to the control panel would turn the lights on. I reported to them that morning that the lights had been rewired, the whole wiring system and no one had it checked the following day the building burned down to the ground claiming to be a wiring deficiency which is gross negligence because there is no way you can turn the wires on or turn the lights on without rewiring all the switches because like I had a panel of switches about two and a half feet long just to double throw switches, and whenever they are off I went out and checked them when the lights came on at 4:10 in the morning, being the only one in the building I was terrified and I went out and checked the switches, the switches were still off. I turned the switches up to see if I could break the circuit and obviously the switches had been all rewired around and I reported this in the morning.

B. Who did you report it to?

M. I reported it to Fern, which is the head of aides. I don't know what her last name is, her first name is Fern, she's been there around 6 years, part of the furniture. I reported it to Chuck LaMoy when he came in, Jack Rogers, who is the head of the telephone, and he also quit because he couldn't take it, he's a good one and he could be found I reported it to nearly everyone, I was quite shaken to say the least I sat there and—

B. Did you tell Anderson about it?

M. I don't know if I told him personally at that time I may have told him, I know I told at least Brownie, which is one of his staff aides. Before leaving I have—I teach school in the morning at 7:00 as part of my military duties, so I opened the USO at that time when the first aid comes on and then leave and come back at night and I did report to at least half a dozen people what had happened, the surprising thing about it was when the Fire Marshall came, I was not to talk to him, in other words, I was never given the opportunity to talk to the Fire Marshall.

B. Who decided who talked to the Fire Marshall?

M. This came from the inner office from Mr. Anderson. For instance I was told that see, there were a few multi-million dollar projects involved that are under Senate Appropriations that had something to do with funds in the USO and they couldn't afford to have anything at all come out, it may squelch some of the appropriations for whatever use that they operate and they didn't want any sort of investigation to go any further than necessary in order to keep from slowing down these funds or whatever.

P. What motive was behind the fire, what, why are you suspicious what did they have to hide?

M. As far as I'm concerned the time that the fire occurred I being there all the time I know when the place is full or when it's not and it seemed to me that we were running about half or less than the normal stocks that we did supply. The only thing that we had an abundance of at that time was coco-cola and it was all stored on stage. There is a possibility that some of the records, they wanted more money from people the USO hadn't been getting, I know at that time had not been good support from the states and this operation required a lot of donations when it hit the papers that the USO Saigon had burned down which was the head of the office of the USO Saigon they wouldn't be able to get their money together and so on and there were a lot of donations coming in at that time which had been very slight up to that point because I myself was asked to try to see if I could find someone to raise money for a film that we wanted to show, a film that I think the United Artists sponsored where you pay \$320 and get on their mailing list and they send you wired film a week, not the current ones but the old ones which we wanted to show. Saigon USO they wanted appropriations for supposedly. And suddenly there became all kinds of money for everything.

P. Doesn't it sound a little far fetched Mike that they would burn down one of their main buildings in order to promote contributions. In any event that wouldn't reflect personally on Anderson's personal profit motives would it? Or any body else's.

M. This is something that is pretty hard to say. At that time they wanted to do extensive work on the buildings, for instance they wanted to build a new stage for drama club or whatever that they were hoping to get started. They had a lot of things that they wanted to do that supposedly there was no money for. They had purchased a couple of new pieces of equipment but some of the older equipment was about the end of its leg, for instance, the freezers and so on.

P. So you do believe the reason that was the only possible reason assuming it was done intentionally.

M. I don't know what their fire insurance was and if there was any or exactly how far this thing could go but there was serious damage to say the least. It brought a lot of good publicity for the USO and during the way the wiring had happened and no one taking any notice of it and it was indicated to me by some of the USO staff that they had felt for quite a long time that some



of the other buildings in the same block that USO was on had been wired through the USO system because the amount of the electricity in some of the USOs was about 5 times what a normal building that size would consume.

B. But all of the electricity charges were charged to the USO?

M. All of the electricity charges were charged to the USO in some \* \* \*.

B. And what buildings were near there that might conceivably be using the electricity?

M. There were several apartment buildings in which USO staff did live which had air-conditioning all of the stuff which required high voltage which could very easily be charged into this system, in other words supply these other buildings and—

B. Who lived in these USO staff apartments?

M. Just various staff some of the Tansohnyt staff lived there some of the Dion staff lived there, just various people that had affiliations with USO.

P. Now did these people live generally, let's take Anderson because he's the most important. Did you know what approximately his salary was?

M. I would say his salary was about \$15 to \$16 thousand a year.

P. Did he live beyond his means?

M. Well if you considered giving vehicles that were approximately \$10 thousand a piece away as living beyond your means.

P. Could you go into that in more depth.

M. For instance, Pat Lam was given a vehicle.

P. Pat Lam again is the Vietnamese private?

M. He's a private?

B. Is he Chinese by origin?

M. That I'm not sure but he may be partly. He's intelligent for a private in Vietnam.

P. Let's go back to the car—who did he give the car to.

M. That's what I'm getting to.

P. Oh I see, OK, I'm sorry.

M. The girl who ran the Vietnamese pottery, art work and so on which was all imported also was given a car.

B. Given, when you say given a car did USO give her a car?

M. Mr. Anderson or somehow they were appropriated a car through the USO.

B. And was she—they actually were giving new cars or? What kind of cars?

M. They are foreign whatever type I'm not, sure, I think they are French.

P. How do you know they came from USO?

M. Well because they said they came from USO given people in the USO, the head, the guy who does all the buying of the groceries for the USO had been given a car.

B. What was his name.

M. I don't have it, he was there.

P. Pat Lam obviously couldn't have been making a hell of a lot of money if he was merely a private in Vietnam.

M. About \$216 a year.

P. But he was very close was he with Anderson? What was their relationship?

M. Their relationship was more a business venture, Mr. Anderson completely sponsored Pat Lam so far as advertising, he bought all of his equipment approximately \$3,000 worth of electronic equipment for the band, he—

B. You say he bought this, did he buy it personally or did he have the USO buy it?

M. That I don't know, somehow it came from the office of the USO.

P. Were they personal friends, how did the director of USO get to know a private in the Vietnamese Army anyway.

M. That I don't know, I was never told they were, it was a special relationship was more like someone would treat Mr. Anderson treated Pat Lam more like he was his son. I

think most everyone felt that Mr. Anderson had almost adopted Pat Lam as his son.

B. Did you ever hear about Mr. Anderson and Pat Lam having a joint bank account?

M. No.

B. Did Pat Lam's wife ever have a concession in the USO when you were there?

M. I believe she did.

B. What was her name do you remember? Does LuLu strike a bell?

M. No but I have a picture of her.

P. Do you recall what kind of concession she had?

M. No. I think she's either the one that had the artists on display and took care of all of the outside traditional Vietnamese dress, which was a mail order business that GIs would pick up a cheap fill in the measurements of the girl friends supposedly send these in with a certain amount of money about three times twice to three times what the dress costs to have made on the Vietnamese economy and they would send this into the USO and supposedly get a dress back in the mail.

B. Did they get the dress back?

M. I don't know, I didn't ever order one and didn't have any actual contact with it. That was a mail order business in the USO.

P. Going back to the cars, you mentioned two people that either Anderson or USO bought cars for, about how much did these cars cost?

M. They are probably worth about \$10,000. \$10,000 in Vietnam and that's due to the import tax which is 300%.

P. And of course all these cars had to be imported.

M. That's true.

P. Do you know of any other instances where Anderson and the USO bought cars for people?

M. No. I know that they had problems securing vehicles, in fact 4 of the actual paid American staff, they had extreme difficulty in getting vehicles. They had an old scout that was on his last leg that was always being repaired, they had a military jeep which was evidently stolen.

B. Stolen from the USO or military?

M. From the military.

B. And eventually got into the hands of the USO?

M. That's true.

P. How do you know it was stolen from the U.S. military?

M. Because it was a U.S. jeep and was a reasonably new one. They are not available on the market unless they are stolen.

B. Could you tell us in detail about money manipulations that allegedly some of these people were involved in, how they went about getting the money out of Vietnam.

M. The money manipulations are quite easy, they have a general in the Vietnamese air force that converted green to mpc at approximately 4 to 1.

B. Green to MPC at 4 to 1?

M. Greens to MPC. In other words for a dollar green is worth green being \$1 in Vietnam worth \$4 mpc which the USO could easily bank in their account at the Chase Manhattan, which does all their banking into the Chase Manhattan bank and turn right around and write themselves or some fictitious company or whatever a check for a certain amount and deposit it anywhere they like which would be converted back to green. For instance, if they had a bank in the United States they would send the check on to Chase Manhattan Bank to the bank in the U.S. and have the bank or have someone else mail in simply greens. \$1,000 today on the market would be \$4,000 tomorrow. Or say convert back which would be \$16,000 the following day. It always multiplies 4 to 1.

P. How do they get the green in first place, aren't they worried about?

M. Well they fly the green, they have been flying the green in they buy from U.S. and

other miscellaneous sailors that come ashore off different cargo vessels because.

B. When you say they you mean USO?

M. USO. The office staff aids are not authorized to do it but the staff aids are told to send anyone with green to their main office and they will convert it for them. The Vietnamese banks are not allowed to take green.

B. Was it legal for the USO to convert green.

M. No. It's a violation of United States regulations.

P. Let me ask one preliminary question. How, why was green worth so much more than mpc, after all mpc was worth vertical when you got finished with it to a green, right?

M. Well the difference being that it's worth more to the Vietnamese on the economy because the GI will not take or not GIs let's say the people who actually run the show in Vietnam, the people who the Vietnamese officers who own the buildings, the hotels, the houses of prostitution, all of this. They take in a vast amount of mpc and mpc is worthless to them so they have to buy green so in order for them to buy green because green is the only thing that is any good to them when they leave the country or if they want to leave the country, they in turn will pay 4 to 1 to get this green so that they can get it out of the country.

P. Now getting into the specifics again, how the USO personnel specifically what USO personnel were dealing in the green exchange. How do they get the money other than gaining other USO GIs that they were taking the green from and getting mpcs and returning using the greens.

M. Not GIs; GIs were not allowed to authorize greens in Vietnam?

B. Sailors.

M. The Sailors are not Vietnamese, they are international, in other words they are off international ships, they would be a Dutch ship or whatever foreign ship is carrying goods to Vietnam that would come in. They also brought in other excursions out of the country for instance, if someone flew out of the country to on a trip to Bangkok they might just happen to bring back in say \$10,000 in green.

P. Was any body ever caught carrying greens in?

M. There was a major in the Air Force who had been dating one of the USO staff that was caught at the airport after he arrived in Saigon with I was told around a quarter of a million dollars.

B. In green? What happened?

M. This was a preliminary investigation which in other words it came out in Stars and Stripes and he was released.

P. He wasn't from USO.

M. No he was not USO staff but he was pretty well aligned with several of the people.

B. Why do you think the investigation ended?

M. I think and a lot of other people think that Mr. Anderson had something to do with it because he would get anything he wanted anytime. He had complete cooperation with the military.

P. Do you have any evidence that Anderson himself was involved with exchanging of greens?

M. No but I had inquired as if I had wanted to exchange greens because I had MPC's only, where one would convert green if they had it on the market in order to get the prime rate, for instance there were several rates for green. You can get 2 to 1, 3 to 1, 4 to 1 where everyone was being the prime rate. If one wanted to convert it and they had several thousands of dollars for instance, where do you convert? In other words, I was told by Brian Sweeney told me where to convert money being about two blocks away from Tansohnyt USO.

B. Did he tell you that he converted money there?

M. Well, he said that is where the money is converted so I took his word for it and went out just curiosity and wanted to see who came. I saw him there. I saw several of the USO staff coming from this particular location.

B. Who?

M. I have never seen Mr. Anderson, but some of the other people that work in and around that area, some of the female personnel, just

M. Chuck LaMoy was one, yes.

B. The public relations gal?

M. I don't know if I ever saw her there, they generally have some body else doing their running for them, the Vietnamese.

P. What were you saying about Anderson? You said that somebody did anybody ever see Anderson doing it? Did anybody ever tell you about Anderson?

M. Mr. Anderson is a very careful man. He runs a dictatorship among some of this staff as well as his, he allows certain people within his staff to run a dictatorship, for instance, in the kitchen the guy that runs there who is in charge has a car, that is in charge of buying all the foods and so on. If someone, for instance, rubs him the wrong way he'll fire him. He may have him beaten up or whatever.

P. He has them beaten up?

M. Yes, what ever he feels is necessary.

P. Do you have any evidence on that?

M. I have been told that a couple of them had their arms broken.

P. Told by who?

M. Some of the staff were terrified of this guy.

P. Of Anderson?

M. No of kitchen supervisor.

P. And they had their arms broken because of whom?

M. Because of the way they were doing things, maybe they were stealing, no one knows exactly because it was sort of an inner click, most of the kitchen staff only speak Chinese or Vietnamese.

P. Who broke their arms?

M. Well it was done through the supervision of the Vietnamese, I'm sorry Chinese fellow that runs the kitchen.

B. What's his name, can you remember?

M. I'll think of it.

P. Anderson didn't order it?

M. No, its sort of a relationship whereby Anderson gave this guy absolute authority to do whatever he feels is necessary in order to keep the security whatever—they really fear this guy.

P. Did people, USO personnel that you had contact with generally feel that Anderson was in on the take, were there any exceptions, did anybody you came in contact with think that any USO personnel or other people that you came in contact with think that he was honest?

M. No.

B. Did they think he was incompetent rather than corrupt?

M. I've heard he was incompetent most of the people that I knew him could not understand how he managed to secure his position as long as he had.

P. It was the case that people thought he was incompetent or not anybody thought that he was consciously crooked, not just.

M. Hard to say crooked because for instance at each USO realizing the vast amounts of profits that came in to any USO. For instance the amount of money that they were given to work with supposedly being

P. Let me digress for just a moment. Why did you leave USO and when did you leave USO?

M. Let's see, 14th September 1969, Shirley Warner was transferred out of USO Saigon to Chuon USO to become the director there.

She and Judy Grenberg worked together as director and assistant director at the USO Saigon and Judy Grenberg was transferred to Tansohunut where she left from Danang and become the director for USO in Saigon. Both Shirley and Judy were quite unhappy with their transfers and I talked to them several times after they were transferred Shirley quit the USO before her contract and left and got married and part of this was due to her distant . . . she would have stuck it out and finished it away. Judy Grenberg stayed her term and quit the USO.

P. Let me ask you why you, did you quit or were you fired?

M. I was told approximately that sometime in February that my position would no longer be required by the USO.

B. February in what year?

M. February in 1970. My position would no longer be required and they weren't going to fill it but in fact a friend of mine did fill the position and when I left, the reason being I think Chuck LaMoy realized that I was a threat to him because he knew that I knew too much about his personal affairs with the USO. And he paid me two weeks severance pay and the whole works which really I shouldn't have gotten it was sort of just paying to keep me going. But when he took over USO in September we sort of immediately had a run in because he didn't want me to have access to any of the records anymore, he didn't want me to have any access to anything. His office was usually kept locked.

P. Why would you as a security guard have access to his office anyway?

M. I had access to everything simply because of the lights, the air-conditioners, everything had to be checked, turned off and so on. Sometimes the staff, some of the Vietnamese would be working. LaMoy has secretaries, Anderson had secretaries and bookkeepers and all this sort of thing which did stay sometimes. Beyond their hours which I let out, closed, and locked up.

P. So then you were in effect fired and paid because you knew too much and because you were straight and they were worried that you would have information on them and would blow the whistle.

M. I think that they had felt that I had taken pretty much and seeing as much as I was going to take because at that time it was beginning to bother me quite a bit and I was at that time very consciously trying to and put together a record of what was going on in the event that there would ever be an investigation. Unfortunately about 6 months ago I dumped most of that stuff because nothing never happened.

P. Does that account for all the notes you have and that you've saved \* \* \* be an investigation . . .

M. That's correct. For instance I have in my possession a letter from a Swiss bank that came for Mr. LaMoy and it was concerning his Swiss checking account.

B. Did he have a numbered Swiss bank account?

M. He had a numbered Swiss account, I have the number in my other \* \* \*

B. You are sure you had the number of his account?

M. Yes and at one time I knew the number of the account.

B. How did you get a hold of that letter?

M. That letter just happened to be on his desk one day when I was in there after the explosion and the fire at the USO. Explosion being the gas bottles that were in the kitchen that blew when the electricity got too hot. I simply left that office open because it was about the only place I could be and be concealed should someone come in USO. So I often times slept in Chuck LaMoy's office on three of his big cushions that lay on the floor. So I was usually in his office at night which is a pretty good size office.

P. Let me just go back to the circumstances

surrounding your \* \* \* in effect firing. Were you given a reference?

M. No I didn't ask for one.

B. You were in the service at the time?

M. I was in the military, yes this was not a military duty, I was hired under the capacity of a civilian guard but yet, military meaning that I had my guns and military knowledge necessary to protect the building.

P. I see. The military paid your salary?

M. The military paid my salary normally for teaching English, which was my day job which consumed five hours a day five days a week. The rest of the time I spent working for the USO.

P. So you were a USO employee? OK you didn't ask for a reference?

P. The last question was why you didn't ask for a reference.

M. I didn't ask for a reference because I was so disappointed in the U.S.O. as being a charitable organization and actually being so corrupt that it turned my stomach. I had written to various other people during this time that I was there working for them and with them. I was just interested in anything that would do anyone any good in the event that there would be some sort of an investigation.

P. Now, would you have gotten the reference, do you believe you would have gotten the reference that you asked for?

M. I think he would have given me a reference.

B. Who's he?

M. Mr. Lamoy would have given me a reference solely out of worrying about himself concern more than something that he'd want to do as a favor to help someone.

P. He wasn't a charitable fellow. He stepped on a lot of people.

P. I see. Now, you have any reason to be bitter about Lamoy? I mean, after all, he was the guy who, in effect, fired you.

M. Let's see. He paid me—I was paid up until two weeks before I was discharged from Vietnam.

P. And you would have left the U.S.O. at that point anyway?

M. Anyway. In other words, he let me out two weeks earlier than I'd planned to quit, but he paid me for two weeks anyway.

B. So it really didn't make any difference to you?

M. Right. The financial difference was simply that when he took over the U.S.O. back in September of '69, he did not like the salary which I had been working under. I don't recall exactly what it was, but I believe it was approximately \$3.00 an hour, let's say, for security duty. A good part of the time I was sleeping, so it was pretty good pay because generally my duty was simply—you lock yourself in as though you are someone there and they had a night buzzer, for instance, if somebody had beer there or they had whatever they were going to have a party they could come by and ring the buzzer, I'd come down. Lamoy very often was just stone drunk and come in there, you know.

P. So this was when he was drunk? In what . . .

M. He was extremely friendly to say the least. He tried to be. You know, if you can put someone down like that a few times, eventually they wise up, but.

P. Friendly?

M. In a homosexual matter, yes, trying to be.

P. With you?

M. Yes. Not only with me, but with the other guard that finally took my place. I think also with the guard before me because he'd warned me about it.

P. The guard. The guard warned you that you might be approached by Lamoy?

M. Right. The guard before me that had left the country.

P. And you told me about your salary, being at \$3.00 an hour, he thought that was too high?



M. Right. So he put. I wasn't actually salaried, I was paid by the hour at that price. And when he took over, he busted me down to so much money per month. I don't exactly recall what it was, but it was in the neighborhood of \$350 a month.

P. So it would have been a drop if you were working—what were you working? Forty hours a week?

M. I was working more than 40 hours a week.

P. 50?

M. I was making in the neighborhood of \$550-\$600 a month.

P. So that was a drop of \$200-\$250, is that correct?

M. Correct.

P. Did that drop occur after you had shunned his advances?

M. That drop happened the first, I was notified in written form the first of January of 1970. In other words, he paid me at the old contract. In other words, our old agreement, up until January of 1970 and then he came in one day and he said, look, he says, we don't know if a guard here or not, but if you're going to stay, it's going to be at this rate.

B. But the question was, was that before or after he had made the advances?

M. This was after. He, He made.

P. How much before?

M. I can't say. He made some initially along the way, in other words, someone who is a homosexual, I've known many, in other words, they just kind of feel someone out. Supposedly trying to find out if they are likewise and obviously, he thought I wasn't and didn't pursue me. There was a few times, by homosexual pursuit, he was sort of free with the hand and would come up and sort instead of patting you on the back, he'd reach down and grab your butt, or something like that.

P. What.

B. Did you suspect that there was any connection between any member. Be careful. I don't want to suggest that you didn't actually think of it at the time, but did you suspect or believe that there was any connection between the drop in salary and your resistance to his sexual advances?

M. I think that this was about the time that he started his Swiss bank account. He opened his Swiss bank account in November, I believe of '69.

P. But the question was, do you believe that there was a connection between reduction in your hourly rate and the fact that you...

M. I don't really know for sure on that, but I think what he was trying to do, was he trying to channel more money into his pocket.

P. So you think that he took the excess.

M. Off of me, as well as several other people had cuts in pay.

B. But that you... You do have... Have you seen any document that would indicate that your salary was kept at the old level and the money was funneled to landy?

M. There is so way that I would have any way of showing this. Likewise, the records supposedly that the Vietnamese are paid. They are paid in little envelopes that come out of Mr. Anderson's office. They are paid supposedly in plasters which is the current over there. The money supposedly is passed to them through the head man that runs the kitchen and if he's controlling them, he can take out anything he wants out of those envelopes after they come out of the head office which gives him a chance to take what he wants out.

B. Did any of the Vietnamese employees tell you that this guy had stolen money from them? Had taken money out of the envelopes?

M. Several of the people had told me that this had happened, but no one would go up and testify against him because he is a

dictator, more or less. He is an extremely powerful man in the community, you know. In Vietnam, it is very easy to have someone harassed by the police to the point of having them broken up. I've seen other people broken up by the police. In other words, I've seen a lady on the curb jumping around this sort of thing. You know, very inhumane. In other words, if he would say to the Vietnamese police, you know, like, this guy has been giving us some trouble or they may give us some trouble, harass them a bit. A, they might come out and find that their bicycle has been impounded by Vietnamese police and it will cost them \$100 to get it back and the bicycle is worth peanuts. But things like this happen and they happened while I was there.

P. One thing I don't understand is, in general, is the money manipulation, that is exchanging money for MPCs seems too simple but also so profitable. You have in our... almost perpetual motion sort of arrangement, you know, where your wealth increased geometrically. And the, I don't understand why with the ease of that particular operation, why a guy like LaMoy would get involved in cutting your salary by a couple hundred bucks a month so that he can take...

M. The problem is simply getting the money back in the U.S.O. funds so that it doesn't look like any has been put in. In other words, if he has an excessive amount of MPCs, green or whatever and he wants to get it into his account, he either has to set himself up through one of the concessionaires so that the money is paid to one of the concessionaires comes back to him. In other words, direct. Or he has to find some method due to the monetary controls, they can only buy \$200 worth of money orders which used to be the way that everyone got illegal currency out of the country. You would just go in to the nearest post office and buy a money order and send it home.

P. MACV is what?

M. MACV is the military systems command Vietnam. Which is in charge of all of Vietnam. The only people who don't fall under MACV regulations so far as currency control were civilian employees such as R&K, VRJ Construction Company and U.S.O. personnel. Later, due to investigations into the black market by CID, the restrictions were clamped also onto these personnel.

P. So the basic problem, the reason why they haven't LaMoy and others had to go through rather intricate sort of operations such as cutting your salary so that they get more themselves, was because they had to find ways of getting it into their accounts without it showing up?

M. Right.

B. Also, getting money out of the country is a problem too?

B. Getting money out of the country is no problem because the U.S.O. which right until the day I left paid me illegally for, for instance, every time. I was given a check every instead of Mack V regulations require that any personnel in Vietnam not being paid in a negotiable instrument or green, they be paid only in MPC. But the whole time I was there, I received checks, which are directly negotiable. Bartering, I would get 4 to 1 for my check if I so desired.

B. Is that true for everyone else in U.S.O.?

M. That's true for everyone else in the U.S.O., which means anytime you get a salary, say someone would be paid \$1200-\$1500 a month, they could turn around and take that money and convert it 4 to 1. And then fund it back through the U.S.O.

P. How many of them did that?

M. There is no way of knowing.

P. How come you resisted all of this stuff? I would have, temptation would have overwhelmed me.

M. Temptation never was overwhelming.

Right until the last, I was glad to get out. I was about ready to take... and some of the easy money because it was just too much of it going on. And it got to the point where everyone I know was doing it.

P. Were they very open about it?

M. They were very open about it because after I'd been there a while and they realized that I knew what was going on, especially when I questioned them about where all this money actually goes, you know.

B. Who was open about it now?

M. Ever, the whole thing.

B. Everyone assumed that everyone else was involved, had been involved in money manipulation or was involved in doing another kind of dishonesty.

M. The whole thing. The whole money manipulation, selling on the black market, everything.

P. There must have been suspicions of you at least, you know, I assume they all knew you were straight.

M. I assume they knew I was straight. I, for instance, for my time, I spent 5 hours a day teaching English. I went to school at the University of Maryland, Overseas Division, 3 hours, 4 nights a week which was just before just prior to 9 o'clock. In other words, I came in at 9 o'clock, searched everybody and locked up. So from 6 to 9 every night I went to class and then I came there, I studied, I virtually, you know, when you have a security position such as you are the only one there with nothing to watch, nothing to check. You know, you're alone, any sound would be the alert that you'd want. As well as there is a Vietnamese guard in front who sleeps most of the time... I used to go down and wave at the Vietnamese guard just to keep him awake, especially during times that I knew that we had a lot of activity in the area. We had several bomb threats and so on.

P. I'm surprised these people knew you were straight...

M. But, you see, it's sort of assumed. In a way they peg you and everything that you're going to do just like they are. In other words, if they give you a convertible instrument, for instance, their checks, I guess that they assume that you're going to take right out and get some.

B. So you would dispute the assertion by the U.S.O. that only 5 or 6 people were involved in illegal activity?

M. Oh, yes.

B. GIs were allowed only a percent of the—\$200 a month. Now, how would a GI be able to black market or manipulate more than \$200 a month.

M. Well, for a GI, it wouldn't work, but for a civilian contractor U.S.O. staffer as executive staff the people that had access to the books and direct control of the finances of the U.S.O. could very easily write themselves under false business names, saying that they paid more a particular purchase price for anything, the difference between what they paid and what they claimed they paid into their own accounts, whatever.

B. Did you ever see any specifically checks that were like that were in fact...?

M. No, I didn't see any checks like that except Mr. Cam, the head of the kitchen, told me that they had done this before with the kitchen supplies(?)

B. Who had done it before?

M. He had done it for the U.S.O.

B. Under whose orders? Do you have any idea?

M. No. You see, he was the purchaser for the whole U.S.O. of Vietnam meaning... not solely...

B. Not just the kitchen in Saigon?

M. Not just the kitchen in Saigon, all the supplies that came through U.S.O. Saigon.

P. Did you ever see large amounts of cash either with U.S.O. personnel or in safes or whatever?

M. Yes, I have had initially when I came to work for the U.S.O. I was given combinations of the safes under a different director, that is, the Saigon U.S.O. safes. At which time, there was amounts taken of something like \$10,000. After the administration changed, they became completely, the combinations were changed on the safes supposedly to keep people out that they didn't want to know what was going on. And at one time, I didn't know that when they had left the safe open, one time when I was there for security, that there was at least \$30,000 in the safes which I didn't count, by the way.

B. \$30,000 in green or MPC?

M. MPC and some miscellaneous green, maybe \$200 or \$300 worth. Small notes. The safe downstairs on the first floor had miscellaneous funds in there, totalling \$1,000 or so. The main safes inside Mr. Anderson's office I have seen a couple of times that I have been in there for miscellaneous business. Pretty good stacks of 20s—several thousand dollars—30 or 40.

B. 30 or 40 thousand dollars?

M. Yes.

P. In some safe?

M. Yes, in one safe.

B. And how many safes are there all together?

M. In the total U.S.O. building there, perhaps 4, perhaps 6 that contain money.

P. Now, can you think of any possible explanation for having that much cash on hand?

M. No, there is not supposed to be that much cash on hand, I am certain of that. I know that one of the small safes that was involved in the fire had over \$10,000 when they pulled it out of the rubbish. Which is much higher than what might be allowed somewhere.

P. Was it dangerous having that much money in the safes, do you think?

M. It was very dangerous because to start with, there is not supposed to be money like this available due to the high crime rate in Saigon. In other words, if any of the AWOL GIs, anyone that could have been a crook would have thought or dreamed that there would be say \$50,000 or \$100,000, or whatever loose in the U.S.O. would they all crack safes. You know, a 16 year old boy can —. It would be extremely dangerous.

P. What was your conclusion about why there was so much money on hand?

M. I think the reason that the money was there was they had to figure out a way to channel it back through. In other words, this was sort of a storing place. They didn't have to really account for it because no one ever came into to check their safes.

P. So that money would either then go where from the safes?

M. Well, it's supposed to be channeled through Mac V or Chase Manhattan Bank, but apparently it works its way out in the west.

P. Why do you say apparently? How do you know?

M. Well, I, for one thing, if they had this sort of money and they didn't start making deposits of say \$20,000 or \$30,000, I think they would have raised a little suspicion as to where all this money was coming from.

B. Now, was this the money for all the U.S.O. offices and operations in Vietnam or just for U.S.O. Saigon?

M. There was the one safe in Chuck Camoy's office had about \$30,000 one day which would have been supposedly just U.S.O. Saigon's funds.

B. What does U.S.O. Saigon consist of? Isn't it a restaurant, a game room and a number of concessions? Isn't it conceivable during a week's time that \$30,000 would accumulate in U.S.O. Saigon?

M. Well, it probably would, except for the fact that they normally make regular deposits and so on of this money.

B. Daily deposits?

M. I'm not sure. I'm not certain that it's daily deposits, but I know that they make a lot of deposits. They collect the cash registers from the restaurant either two or three times a day. I think it's 3 times.

B. So what you're saying is that it's unusual to have that amount of money, given the fact that they were making regular deposits at least several times a week?

M. I would say yes.

This is April 26 at 9:37 a.m.

B. Could you tell us a little bit about the books that you saw that Mr. LaMoy, as director of the U.S.O. Saigon kept with his concessions? Did you ever see them?

M. Yes, I saw them. I was used to seeing the books on several occasions before that because I worked quite closely with some of the other directors previous to LaMoy. When Mr. LaMoy came on, he was very secretive about everything. He didn't want anyone to know anything about what went on.

B. Including the Assistant Director?

M. Including the—well, I don't know about the Assistant Director specifically, but most of the staff that had previous combinations to the safe in order to take care of the petty cash funds that they kept for purchases and this sort of thing. The safe combinations were changed so that no one had access to this sort of thing.

P. Why is that unusual? I would think he would want to be careful with access to the safe.

M. Well, he wouldn't . . . this is, say, your smaller safe which just contained miscellaneous petty cash funds so maybe \$1,000 or \$2,000 that might accumulate. Say a GI was going on leave and he would leave his money there to be held safe so that none of the bar girls wouldn't take it from him. But, it's quite strange because it's a policy that had been going on for quite some time and they'd never had any problem. Most of the staff had been there a couple of years anyway, so there would be no need to doubt their honesty. Or they should have been fired. But on a couple of occasions before I had seen the books under different directors, because when a new director come on, they generally are leary of all the staff, knowing how much money is passed around through the U.S.O. and naturally, they all come not really trusting anyone to the point they should, so they sort of double check everyone to make sure that most people are on, doing things the way they want it done. But when I'd seen how Chuck La Moy's copies of his financial statement, he was shocked that profits were substantially less than what they had been up to that time, for no apparent reason, seeing that business had been the same.

P. How do you know that?

M. Well, being there every day. I—

P. You mean, the operations weren't that complicated? You could see whether business was the same?

M. That's right.

P. Just in terms of how many people were there?

M. Yes. For a while I had a door count of how many people came per day. It was generally in excess of 1,000. When you have 1,000 people coming in, nearly everyone buys something, so you can just sort of guess yourself. Hardly anyone can get out of the U.S.O. without spending a dollar. So the amount of money that they received . . .

P. OK.

B. Now we talked before a little about the existence of a discrepancy which between what the U.S.O. said it was extracting as commission from its concessionnaires and what in fact the U.S.O. chief personnel were extracting from their concessionnaires. You mentioned figures that seemed to be something like 15% compared to 50%. How do you know, in fact, that that's true? Did you see the books at all?

M. Yes. I've seen some books indicating that this was going on as well as I had been told by at least 3 or 4 directors of the U.S.O. in Saigon that they felt that this was happening.

B. I just want to make this very clear. You saw two sets of books that were kept by U.S.O. By whom. By LaMoy?

M. These books are kept by either—I'm not sure whether LaMoy makes all the entries or whether he just takes care of them or they have two people that take care of the books in U.S.O. Saigon. A male and a female—both Vietnamese.

B. OK, but the point is that there, that you saw two sets of books, one of which indicates that there was a 15% commission coming from a concessionnaire. Is that right?

M. That's correct.

B. And was that the official U.S.O. what U.S.O., let's say back in New York, was told about?

M. That's correct.

B. And the second one was what kind of books?

M. Well, the sort of book that they would keep their own personal records as to how much money was coming into the individual director. In other words, this would be probably his personal property as he would take it in, which is in the form of ledger sheets.

B. But how do you know that there was this discrepancy between the 15% and the 50%? And could you see it in the books?

M. You could see it because they often listed the names of the concessions and so on along with, in other words, what the concessionnaire gross was, what the percentage pay was and what his profit was and so on.

B. And then would you see entries with the names of the concessionnaires in the second set of books?

M. That's where these things were, as well as in the first set.

B. I see. In the set, which indicated a 50% one that in La Moy's personal, in effect, almost personal books, you saw an entry increase of a concessionnaire and what his gross was and what his—I don't want to say kickback—what his percentage pay back was and what his profit was?

M. That's right.

B. Does that strike you as a little strange?

M. Well, it struck me as strange, but I think that you'll find that with the U.S.O. staff, many of the directors—the ones that are no longer with the U.S.O.—knew this was going on and were very disappointed. There seemed to be no way of stopping.

B. Who told you, for instance about, You saw the books, but who told you about the existence of the books?

M. The existence of the books was told to me, I was told by Judy Renberg.

P. What do you suppose was happening to the money that he was handling?

M. Well, back in November and December, in fact, in December I picked up—

B. December of 1969?

M. In fact, its dated December 15, 1969. I have a letter from Chuck LaMoy's bank called the Overseas Development Bank, in Rome for — and Geneva, Switzerland, that Dear Client: We take much pleasure in informing you that your Overseas Development Bank has become a member of the Swiss check system. Indicating that he does have a Swiss bank account and it was numbered.

B. Have you seen the number?

M. Yes, I have seen the number and one of his balance sheets. But at that time, it was a new account and it was extremely low. I think this was, I think he opened his account in November because of the paper work that was lying around. That was the first time I saw anything on the Swiss account.

P. What was the balance of his account at that time?

M. It was pretty low—maybe \$15,000 or \$20,000. Something like that.



B. How did Chuck LaMoy make as a . . .

M. I think Chuck LaMoy made around \$9,000-\$10,000 as director of the U.S.O.

B. Did you ever have any indication that he was independently wealthy? For instance, parents?

P. Or had any legitimate outside sources of income?

M. Chuck La Moy didn't have much money. At least not on the outward appearance. He wasn't what you'd call a brave man as far as the other people knew him. He spent a lot of money on booze and parties. Just in general, saying he had nice clothes or anything, he didn't show any money at all.

P. Did he have a college education?

M. Yes, he must have.

B. To be a U.S.O. director? To be a U.S.O. professional staff guy, you had to be, you had to have a college education?

M. Yes.

B. One question, why would he have a Swiss bank account? Do you know or did you have a feeling that any other U.S.O. personnel having Swiss bank accounts?

M. I believe that most of the U.S.O. personnel in the head office had Swiss accounts. At one time I asked about a Swiss account to find, just to sort of sound out, to find out.

B. You asked sort of like as a cover up how do I get a Swiss account?

M. Right. And they indicated to me, not this particular bank or any other bank, but that it could be arranged so to speak.

P. Who told you that?

M. Chuck LaMoy.

P. Then why do you believe that others and what's your source of information for believing had Swiss bank accounts?

M. Obviously, Chuck got his overseas bank address and that was through someone else, and the only friends he had in Vietnam that were adult were U.S.O. staff, so . . .

P. But that's your only source of information?

M. Right.

P. You mean you never heard of, say, Anderson, or anybody else having a Swiss bank account?

M. No, but there was some who did take care of all the mail and that would be a lady by the name of Fern. She would know whether or not any mail came in.

B. You don't remember her last name?

M. No.

B. Think about it. OK.

P. Tell us what would happen to gifts that were sent to the U.S.O. for distribution to GIs.

M. Well, sometimes the merchandise was given in small amounts usually. There was a warehouse which they stored a lot of these free items—for instance, the coca cola—at about Christmas time English Leather and Jade East sent huge Christmas parcels of which some, I would say maybe a third of it was passed out to people in the U.S.O.

B. To U.S.O. staffers—not to GIs?

M. No, to U.S.O. or to GIs in the U.S.O. The rest of the stuff was taken by the U.S.O. staff in large quantities. I have seen several of them carry full cases.

B. Who have you seen carry full cases?

M. Frazier Browning, Chuck La Moy, just miscellaneous people—I can't think of all the names. But different people carrying the stuff out to their cars and I've seen it for sale on the market, which means that it was the only source that it could have come from because it's just not available and when you walk along the streets and you see some of the stuff sitting in boxes along the sidewalks, you realize that there is only source.

B. Well, wouldn't a lot of these things be stamped "sample" not for sale? Most of the things I have seen in this country . . .

M. No, this is simply promotion. In fact, I still have some if you want the batch numbers. "Cause, you know, I don't use that stuff and I just happen to have some full bottles."

B. What kind of items besides Coke, what other items were brought in?

M. Sometimes the record companies would send records—miscellaneous promotional records supposedly for the use of the GIs within the U.S.O. Those would often wind up in the homes of U.S.O. staff personnel for their own personal enjoyment instead of for the enjoyment of the GIs in the U.S.O.'s.

P. Did anybody ever complain about this? It's hard to, you know, for me to believe that nobody ever got a little upset about this, even the people who might have been on the take in other areas such as money manipulation, that would, you know, it's hard for me to believe that some people wouldn't have said, hey, this has gone too far. It sounds like a very petty sort of . . .

M. I think this was the case with most of the directors, many of the directors, in fact, had several heated discussions. I think nearly everyone I know had some confrontation, at least one large confrontation with the head officer to the point of nearly quitting over such things as where is all this money going and what's happening to it all. The inter office is a very tight circle. They don't tell the directors what is happening, but the directors realize something is going, let's say turning a certain amount of money and when they need money for operations and it's not there.

B. Could you cite us a specific example of some kind?

M. A specific example would be one time with the U.S.O. in Saigon. We needed \$310 for a film fair that we wanted to have where we would show one film in an exchange program, I believe Universal City Studios, where we would show one show film a week that they would send us older films and \$310 was more or less the postage for this service.

It was more of a donation and U.S.O. wouldn't come up with the money for \$310.

B. You said before that they had \$30,000 lying around in safes and that was just one safe. It's impossible for me to imagine that they couldn't come up with \$310.

M. That's just the way things were. It didn't make rhyme nor reason sometimes. There were many times when things would be needed and they wouldn't be able to get just due to the fact that the head office said that there wasn't any money available.

P. A moment ago you were talking about directors going into the head office. Did Anderson ever do that?

M. Yes, Anderson many times had heated discussions. He had one with me that I don't recall the facts—but I don't recall what that was about. One pet peeve that Anderson had was he did not want, he would not hire any military personnel that would wear a uniform. He hated the U.S. uniform. If, for instance, if I came on duty and I had my uniform on, you know, I was practically blackballed. You know, I really got pretty stern talking to, so to speak. In other words, when I was in the U.S.O. army I would not wear the uniform.

B. Why was that?

M. Just a thing he has about U.S. military uniforms. Being U.S. military, I couldn't wear civilian clothes on the street, but within the U.S.O., I had to finally paper work put through to do it just in order to keep the job and to keep Mr. Anderson off my back.

P. Let's get back to the thing we were talking about a moment ago—directors being upset because a lot of these gifts supposedly for free distribution to GIs were not being used for that purpose. The question was, did Anderson ever go to the mat on that? Did he ever try and do anything about it? Was it brought to his attention?

M. I'm sure it was brought to his attention by Shirley Warner and one of the directors by the name of Paul who was the director of Diar U.S.O., because Paul and Shirley, as well as Renberg had talked to me about

this at different times. They were concerned about all this sort of thing and as well as the possible false publicity that was concerned with some of the gifts. In other words, where they had the stuff stacked up and a few guys standing around, you know, like it was going out to all these different people, but in fact, you know, they'd show this and send it back as though it had all went and that was the only place the stuff was disseminated.

P. So what did Anderson do? You mean it was definitely brought to his attention?

B. There is not doubt in your mind that Anderson was aware of the black marketing of these gift packages. That he was aware of the money manipulation? He was aware in general of what was going on in Vietnam?

M. That's correct.

P. Let's just stick to this one instance. He . . . it was brought to his attention that things like the Jade East were not getting to the GIs.

M. In fact, yes, it was stored, part of it was stored in his inner office room. In other words, say there is a center hallway and maybe 3 or 4 offices on either side. His office is the front one which heads right on to the hallway. And I know that one time a lot of this stuff was stacked in there where the U.S.O. staff was either giving it to other certain people for favors or what ever they wanted to sell and they were swapping for whatever, which wasn't what the gifts were intended for at all.

P. How do you know he never tried to do anything about it? That he contacted the Head office?

B. You mean in New York.

P. Yeah, or CID, for instance.

M. If it's going on right in front of him within his inner office, and he didn't you know, he seemed to condone the matter because he allowed it to go on time after time after time. It wasn't a one time instance. The U.S.O. continually received gifts of one kind or another—be it cigarettes, cups, saucers, plates, all kinds of promotional things that the companies send and often times this stuff would be found in, for instance, the U.S.O. party house which is under his direct control.

P. If he wanted to stop it how hard or easy would it be for him to do so?

M. Well, if he wanted to stop it, all he'd have to do, he has absolute control over any U.S.O. personnel. He could have them sent out of the country back to New York or whatever if he felt that there was any corruption.

B. Did you ever hear of anyone who lost his job or was disciplined or reprimanded for any kind of illegal activity in Vietnam by Anderson?

M. No. Never. I know he did try and cover up one instance, Chuck LaMoy in DaNang was arrested on morals charges, morals charges were filed against him. Be it with Vietnamese or American personnel who filed the charges, we don't know but all of the staff knew that that's why he was transferred rather abruptly from the U.S.O. in DaNang to Saigon. Within a couple of days so to speak. With leaving U.S.O. in DaNang without a director for a period of time because they had to find someone that they could ship there.

P. How did they find out that he'd been charged with morals?

M. I think the assistant director to Chuck LaMoy that was there had told somebody in the U.S.O.

B. Who, what was his name?

P. Do you have any specifics about what the morals charges was about?

M. No.

B. Mike did you ever know about or hear about or see any kind of food that was intended for U.S.O. being sold on the black market?

M. Yes, I have. In fact, myself, I bought some steaks for a party on a couple of occasions.

B. From whom?

M. From, you know, just the U.S.O. director, in fact.

B. From?

M. Chuck LaMoy's staff, um.

B. Sold you steaks. Was it at an inflated price or was it just . . .

M. Well, it was an inflated price because he got them for nothing, but it was about the same that I would pay for them say here.

B. What do you mean, he got them for nothing?

M. U.S.O. in order to get steaks and a lot of this sort of thing drew them as favors from the military. In other words, their commanders because of this or that or whatever often times would just, for instance, when they'd go to pick up food, just throw in a couple extra this or extra that, or whatever cases, or steaks. . . .

B. But the commanders were doing that with the idea that it was going to GIs.

M. That's correct.

B. But, it wasn't going to the GIs?

M. That's correct.

B. Now, when you paid for this, did you pay for it in greens or MPC?

M. MPC.

B. And what happened to the MPC? Did he just pocket it?

A. Well, you know, there is no way of knowing to the MPC.

B. And did you ever hear of other instances?

M. Yes. The other U.S. staff that U.S. personnel also sold nationals that did work at U.S.O. national being someone who was not Vietnamese or American but did either work or have association with the U.S.O. Philippine or whatever they may be, had bought stuff from the U.S.O.—eggs, milk, you know, different commodity items from the U.S.O. which they were not authorized to buy from the PX as well as the head man, Mr. Kon, often took home big bunches of groceries.

P. This is all food that would be going to the GIs either at reduced prices or in some cases for free?

M. That's correct.

P. How widespread is it? I mean, that's a tough question, but how long did it occur and what kinds of foods were involved?

M. There is no way of knowing how much food went out the back door. I mean through Mr. Kan because Mr. Kan had sort of a special arrangement with the U.S.O. There were about five nationals, meaning either Vietnamese or Chinese, that were not ever to be searched or . . .

B. What do you mean, were not ever to be searched?

M. Well, part of my duty as a security guard was to check purses and persons themselves to make sure they're not walking out with anything.

B. Who told you not to search these people?

M. Chuck La Moy as well as the head office, protecting the, say the bookkeeper and so on that work in Mr. Anderson's office. But you see, with this back door arrangement, anything that he wanted to go out the back door, his car was parked out behind the building, he could just take out, he had sole access to that door and you know, whatever he wanted to go could easily just be taken out and put into his car. And taken somewhere. As well as, for instance, beer for a party and this sort of thing could be drawn from the PX unrationed for use of the U.S.O. and then resold through, say, third country nationals or whatever, that were not authorized.

B. In other words, the PX would think, the PX would assume that they were giving unrationed beer to the U.S.O. to be used at, say, a U.S.O. party? But in effect, the third country nationals were taking the beer and sell it on the black market. Now, who got the money for that beer?

M. That's something I don't know. I didn't ever see the money passed, whether it's through favors, or however they worked this. But Pam Lam and the shotguns, the group that Mr. Anderson privately sponsors or through the U.S.O. sponsors, or whatever, often times they lived as well as the top Vietnamese politicians which are, you know, the richest men in Vietnam. They had their own villas, cars, the whole thing, which is an impossibility.

B. That that was the private in the Vietnamese army?

M. Right, which is impossible.

P. Going back to the question about how widespread the, what the quantities of stuff involved were, can you just describe some of the, you know, in some more detail, food sold by U.S. personnel—U.S.O. personnel?

M. Well sometimes, the food that was sold or consumed by U.S.O. staff for parties and so on was often times stuff that was donated free. Sometimes we'd get peanuts and coke, cookies. That's one thing that kind of disgusted me was the cookies the U.S.O. staff took the cookies they liked when they in a Christmas time.

P. Cookies coming in from what Companies?

M. Cookies coming from individual families that they'd been sent, you know, just gift packages for the U.S.O. to rediburse. They always this stuff to see what was in it and then disbursed it.

P. You mean they were like families of GIs who were not giving . . .

M. Not just individual families . . .

B. People who make up gift packages and send them?

M. So this is just the gift packages from anyone U.S.A. so to speak.

B. To any GI?

M. To any GI. And that's the way they're labeled. You know, through the U.S.O. Saigon.

P. So they actually opened the package and looked at them and took out the chocolate cookies and then passed the rest on. Or did they just lift out whole packages?

M. If they liked what was there, they'd take out the whole package.

P. It's incredible to think that these guys go through individual packages looking for the kinds of cookies they like.

M. This is actually the way it was carried on.

P. Incredible. They actually had the time to do it.

M. Between counting their money and opening their packages have all that they can do.

P. In general, were there, there seems to be—

P. In general there seems to have been a hierarchy in the USO clear difference between the men who were running it and the women who were assistant directors and were lower down on the hierarchy. Was there also a difference in terms of women getting paid as much as the men, is there any way you can generalize about that sort of thing?

M. Yes, in general I say women were more naive, they weren't aware of what was going on, they had suspicions, most the women who talked to me about it before and some of the men, and very seldom, there was something going on but they didn't know how or where, none of them understood money conversion or any of this.

B. Did you ever hear of a gal named Lucey Guinn?

M. Yes.

B. Did you ever hear anything about whether she was straight or whether she was involved in any of these things?

M. I have no way of knowing for sure on her, I think, yea there is no way I can say on her particularly, because I didn't have much contact with her. P.

P. What are you saying in general then

was the women were clearly less aware, were they also more honest?

M. I think the women involved in the USOs in Vietnam were really sincere about their efforts in take care and serve the GIs in the way of hospitality versus, I think most of the men out there are trying to make a fast dollar and the GI was just an instrument to this means.

B. What in your judgment in general about the USO operation in Vietnam? If you were to describe it or categorize it in general. Did it serve the GIs, was it a disservice to the GIs, were they cheated, were they held, after having been there as a GI and also as a USO employee, what's your overall judgment?

M. My judgment of the USO is really sort of a rotten organization they did cheat GIs in service, for a non-profit organization they made one hellava lot of money.

P. Now they meaning the organization?

M. The organization as well as the individuals.

P. Explain that, how did the organization make more money?

M. The organization actually made a lot of money unless somehow they managed to cover it up with exorbitant expenses.

B. You mean in terms of high prices.

M. In terms of high prices and miscellaneous quantities of whatever they received or used.

P. Presumably the money that the USO as an organization made was winding up in the hands and pocketbooks of individuals, right?

M. Both things, I'm sure. Meaning that for instance just say for the record that Pat Lam is a concessionaire. Some of the inner office staff is the way it's supposed to work. In other words the inner office staff apparently took his cut and a lot of the other guys took his cut and it was sort of like a cover up, you know you pat me on the back and I'll pat you.

B. There were kickbacks all up the line.

M. All up the line.

P. What do the GIs think of USO? Just the average GI.

M. Well the average GI felt the prices were too high that I talked to, that their service was not what it was suppose to be for, and not very many of them really knew how much money was going through except through say the restaurants and they could see the vast amount of money that was there. When you have to pay more for a hamburger in USO in Saigon with all donated material and labor that's 20¢ an hour, then you have in a fancy restaurant in downtown Washington for instance but you realize that there is some going somewhere.

P. But a lot of the GIs use the USO, you mentioned that there were thousands in the city.

M. The USO is about the only place in Vietnam that the GI can see a real round eyed girl and that's the main attraction, round-eyed meaning European or American.

P. You mean USO personnel?

M. Right, that was the main attraction for the USO, just that a man could have a look at a real, for instance, Mobs Snyderly.

P. Can you think of any other or can you think of a services which the USO provided that were the GIs liked, that were really providing services to the GIs?

M. Quite often they had they tried to keep several things going keep the GI's interested, keep their minds from going hay wire and keep them active, for instance, a drama club was started to keep people off the streets and miscellaneous other things. They had card parties and certain things like this, but I think the main attraction was somebody could come in speak to a round-eyed girl. I don't know of a single GI that's ever come in and didn't make it a point to go over and at least say hi to one of the USO staff being a round eyed.

P. How in general would you say the morale of the USO personnel was?



M. The morale of the USO personnel was poor. Because they all believed that they were being deceived, through the head office, because of the amounts of money that they turned in to purchases, all this sort of thing, versus the amount of money that are given back to them to hold programs with and this sort of thing.

B. The USO has said probably two things, that I'd just like to find out what your comment is: One is that no USO funds were involved in any of the admittedly illegal activities that went on.

M. That's false. For instance, another example might be Pat Lam and the Shotgun, Mr. Anderson's group, whereby the things in their apartments a lot of that stuff came from the PX and this sort of thing where somehow it was channeled from the PX through whatever channels to them, which should never have happened.

B. And you also disagree with the USO assertion that there was no damage or defrauding of any American GI?

M. I know several GIs that complained about miscellaneous things that had been right, for instance, they are sort of at USOs mercy, especially the guys that come out of the fields and don't know what's happening in Saigon. They get taken for a ride down the streets, but they don't realize that oftentimes the prices within the USO are as much as 200% higher than what they could buy off the street which is already 200% higher than what you could buy.

P. Let me ask you this, why didn't, you know what you know presumably what other USO personnel who were straight knew, why didn't you, let me ask you personally, why didn't you do something about this? Why didn't you go to somebody?

M. The reason I didn't go to anyone is because there has been investigations in the past of the USO and they had been stopped because I was told through Mr. Anderson.

P. By Mr. Anderson?

M. By Mr. Anderson, a powerful man.

P. Just because of his position?

M. Because of his position solely as the director of the USO he has the power.

B. Now you are saying that CID had undertaken an investigation of USO in the past and they were squashed by the direct intervention of Mr. Anderson?

M. The CID or some, whatever investigation authority, in conjunction, that there had been some sort of investigations into activities and so on that they all were squashed as well as, another example would be the fire situation, whereby they had about 10 men checking what happened and there was no interview for instance with myself, the wiring situation what happened.

B. You were the only person there in the building right.

M. Right no one took any notice whatever of the switches being rewired they took it as the sun comes up every morning, so what.

P. So the reason you didn't go to anybody while you were in the USO was because you felt the previous investigations had been squashed.

M. That's correct as well as knowing at that time having more information than I have now because I had written back at one time I even had some figures off the balance sheets, but I was afraid in that with the power that Mr. Anderson and some of the others had that they could come forth and say at that time if I started anything well this man had been a security guard here and he had taken \$10,000 out of the safe and we were just depending on his honesty to put it back some time ago, I didn't want to leave myself open to an open attack like that which I couldn't prove, having access to the safe.

P. In other words you were afraid that if you came out with something you might be framed?

M. Right, at that time, which would be very simple for someone with power that he has.

P. And when you got out of the USO and were back in the states did you ever think about going to the press or going to military authorities?

M. I thought about it before and in fact I discouraged anyone that I know of this thought about dumping them on to the USO. Because the money not going to where it supposedly intended to go to the GIs and I talked about this to maybe a hundred people just different people that I've met and have talked to me about Vietnam and my services with the USO and so on, they haven't been aware of what's going on. But seeing that there is not much I didn't feel there was any use in using this until perhaps someone within the USO himself had brought it before a congressional committee and I think.

P. How would you categorize the structure of USO in relation to these wrongdoings that you described?

M. Well I would consider in the order of a syndicate, very strong, very protective, very tight group, very well protected with a great deal of influence such as to squelch an investigation or coverup anything, they had complete control over either their personnel to the point where their personnel are terrified of any decision that could be made . . . which had all the authority and power over it anyway.

The following is an additional interview conducted April 14, 1972, with a former woman staff member of the USO:

I'd hate to know that that slob was down in his villa eating them and I said that I'd think this is wrong and as far as I know he never even mentioned it to him. It certainly didn't stop.

B. So he was stealing stuff.

M. Well you know it sounds trivia to talk about care packages.

B. Yea but it is important to the GI.

M. And some of them were very nice can pound hams and salamis and really nice things and this slob would go in there and help himself.

B. I see.

M. This could get serious about this and he didn't seem to get really too concerned about it.

B. Is there anything else you can think of that you think is important that we should know about.

M. Well I know right before I left Vietnam I saw a memo Richard Alexander had purchased something like \$70,000 worth of merchandise in plasters and the CID called the head office and wanted to know what in the hell was going on and I saw a memo.

B. What did Shireman tell him.

M. Well I saw he didn't know so they went down to investigate and he got in touch with Sam in NY and I saw a memo because I thought at the time I should make a copy of it and anyway it said try to keep this from the military don't let them find out.

B. Find out what.

M. That it was illegal.

B. It was illegal to bring.

M. What would USO be doing with \$40,000 worth of merchandise from India?

B. And who said we should keep it from the military?

M. The memo, Sam Anderson said that.

B. And who was Anderson writing the memo to?

M. Dick Shireman.

B. I see what did Shireman do?

M. I don't know it was about one week before I left Vietnam.

B. What was the \$70,000 worth of merchandise. What was it?

N. It was stuff to sell in the clubs.

B. What was Alexander going to do with it?

M. I don't know see he wasn't authorized to see everything.

B. Anderson wrote a memo to Shireman that it was illegal.

M. He said try to keep it from the military don't let them find out.

B. Why not?

M. Number 1 you weren't suppose to order anything for the USO unless it went through the office and Alexander ordered this stuff without telling anybody and \$70,000 worth of stuff from India is a lot of stuff.

B. It sure is.

M. But I don't know what happened I don't think Dick Alexander is over there any more.

B. Have you talked to anyone else doing this investigation?

M. The only person I talked to is oh I beg your pardon I talked to the OSI.

B. The Air Force people what did they ask you about?

M. Oh about the same thing you have.

B. What do they plan to do, do you know?

M. I don't know they just called me one day on the telephone and said that they had some questions from the Defense Department and wanted me to come out there and spend about an hour and a half.

B. OK could you hold on for just a second?

M. Yea.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C. May 2, 1972.

Maj. Gen. FRANCIS SAMPSON (U.S.A., retired),  
President, United Services Organization, New York, N.Y.

DEAR GENERAL SAMPSON: I am sure that you share my concern about the proper operation and functioning of our U.S.O. clubs around the world. As you probably know, I have publicly released testimony by several individuals which contain allegations regarding some former U.S.O. employees. These witnesses and others have also made allegations concerning Mr. Anderson, the former director of U.S.O. Vietnam and presently U.S.O.'s executive director.

I am writing to you today to request that you remove Mr. Anderson from any involvement in the U.S.O.'s current investigation. Since such serious allegations have been leveled at Mr. Anderson, questioning not only his judgment but possible involvement in illegal activities, he should not be involved in the investigation in any way.

If what informants have told me is true, then Mr. Anderson has presided over, and very possibly benefited from, a major multimillion dollar scandal that has cheated our GIs in Vietnam.

Several of my aides who have been conducting interviews with former U.S.O. personnel have been told that they believe Mr. Anderson had personally benefited from illegal black marketing and money manipulation while head of U.S.O. in Vietnam.

We do not have legal proof that Mr. Anderson was engaged in illegal activities but the belief that he was, is apparently widespread and based in part on specific allegations.

Not removing him completely from present U.S.O. investigation would make a mockery and a farce of that investigation.

I am also writing to Secretary Laird requesting that he disclose the extent and nature of the brewing scandal in U.S.O. The American people must be assured that funds given to U.S.O. are helping our GIs, not promoting a syndicate.

You may be interested to know that some of the witnesses like Mr. Michael Moriarty who served as a U.S.O. staff aide in Saigon have come forward since I first announced this investigation.

What is shocking is that many former U.S.O. employees, like Mr. Moriarty, felt earlier that blowing the whistle was useless because top U.S.O. officials like Sam Anderson would suppress any investigation.

I still believe that U.S.O. has served many of our GIs around the world. I am hopeful that U.S.O. will continue to serve them in the future. But I am afraid that from what I have been told, that there has been a serious scandal within U.S.O. that may possibly

reach the very highest levels of administration officers in the organization.

If I can be of any further assistance to you or to anyone else in U.S.O. in conducting this investigation, please do not hesitate to call upon me.

Sincerely,

LES ASPIN,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 3, 1972.

The Honorable MELVIN R. LAIRD,  
Secretary of Defense, Department of Defense,  
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: As you may know, I have been investigating the current scandal in the United Services Organization.

I share your concern that some individuals within U.S.O. have been responsible for allegedly illegal acts. U.S.O. has been of great service over the years to many of our GIs around the world, but it is becoming increasingly apparent if these allegations are true, that a major scandal, possibly reaching the highest administration levels of U.S.O., has occurred.

I am enclosing the testimony which I have released recently, which I hope may be of assistance to you in pursuing the investigation.

Thank you very much for your attention to this matter.

Sincerely,

LES ASPIN,  
Member of Congress.

#### MR. HARRINGTON IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 15 minutes.

MR. O'NEILL. Mr. Speaker, our colleague (Mr. HARRINGTON) recently returned from an official inspection trip to South Vietnam and Thailand. He was accompanied on his trip by William Wasserman, his former administrative assistant, who is a newspaperman by profession. On their return, Mr. Wasserman wrote an interesting and thoughtful review of their activities which was printed in the North Shore newspapers, which Mr. Wasserman publishes.

Because of their compelling interest on a subject of critical importance to all of us, I insert these articles by Mr. Wasserman into the RECORD at this time:

#### AIR WAR SECRECY IS MOST FRIGHTENING (By Bill Wasserman)

You can be frightened after a week in Southeast Asia that U.S. policy is not successful.

You can be even more frightened when you see that we are rigidly pursuing that same policy of failure, and perhaps widening it to include Thailand.

But you can be most frightened by the effort of the U.S. government to conceal the whole business from the U.S. public, and even from a Congressman who votes the authorization for all U.S. military programs.

After three days of intensive briefings and tours of the five U.S. air bases in Thailand, Congressman Harrington learned from a newsman that several shifts in squadrons and aircraft were shortly anticipated which would increase the fighter squadrons in the area.

"That newsman's information is remarkably good," we were told by an Air Force officer.

"Why wasn't I told about it?" asked Cong. Harrington.

"You didn't ask," said the Air Force officer. At Udorn Air Base in Thailand, a civilian pilot staying in the civilian hotel where I was billeted told me very openly that all Air America helicopter flights over Laos originated from Udorn Air Base. Air America is a contract airline paid by the American government, and presumed to be a CIA operation.

When Congressman Harrington asked the base commander at Udorn, "What is that squadron of helicopters over there?" pointing to the lined up aircraft.

"I don't know, sir," said the base commander. "Those are contract flights and I don't know anything about them."

A press association reporter who has spent five years in Thailand and has consistently sought to report on American air bases there, as reporters freely do in Vietnam, said that he has been unable to obtain permission to go on the bases. "The U.S. officials say 'Ask the Thais.' The Thais say 'Ask the U.S.'"

Craig Whitney, chief of the N.Y. Times bureau; Peter Osnos, Washington Post; Kim Willenson, United Press International; Don Sutherland, Christian Science Monitor—they have all tried and so far been refused permission to report first hand on the U.S. air war being waged out of Thailand.

Yet the U.S. has about 26,000 airmen in Thailand and its five bases account for about 5 million dollars a day. We have invested billions of dollars in Thailand, and from these bases we are bombing Laos, Cambodia, Vietnam, and now North Vietnam. We have nearly twice as many airmen in Thailand as in Vietnam. It is a gigantic effort, but it is concealed from the U.S. public.

One reason given for concealing the air war from the U.S. is "security"—

But momasans, Thai women, come on the U.S. bases in droves every day to do the house chores of the U.S. airmen. They clean the barracks. They wash airmen's clothes. With their children, and their washtubs, and their picnic lunches, they make a colorful sight squatting between the GI barracks at lunch hour. Along with Thai men who work on the base, they can easily be the cover for any hostile agent seeking general information about the airbase. To suggest that what they know as common knowledge cannot be available to the American public just doesn't make sense.

#### SOUTHEAST ASIA, WHERE THE UNITED STATES PRACTICES A POLICY OF MAKE-BELIEVE

(By Bill Wasserman)

(North Shore Weeklies' publisher Bill Wasserman traveled with Cong. Michael J. Harrington to Vietnam and Thailand for 10 days from March 29 to April 8. In Vietnam they visited Saigon and DaNang. In Thailand, they were in Bangkok and Udorn, and Mr. Harrington visited four other air bases. Harrington spent his days being briefed on the military operations which he, as a member of the Armed Services Committee, oversees. Wasserman interviewed airmen, civilians and newsmen.)

Ambassador Ellsworth Bunker, tall, patrician and gracious, leaned forward, his hands folded, and said, "You must look at the whole picture, not just the military. You must see the economic side too. The military, however, is now working."

That was less than three weeks ago. Ambassador Bunker had received me before Congressman Harrington's arrival in Saigon because he was leaving for a week's trip over Easter to visit his wife, the U.S. Ambassador to Nepal.

It was a calm, sunny day in Saigon. We sat in comfortable chairs at one end of the Ambassador's large, air conditioned office in the embassy. The Ambassador's youngest son had been my roommate in school for two years, and now, after catching up on family histories, he told me about Vietnam.

The U.S. initially had failed, said Mr. Bunker, to appreciate the need to provide the wherewithal for the South Vietnamese. "It was a new experience for the U.S. to be involved in a civil war and a war from without at the same time."

The Tet offensive in 1968, psychologically a blow to the U.S., had been the source of fresh determination by the Vietnamese, continued Bunker. They saw the need to be better armed, and, the Ambassador observed, the U.S. supplied M-16's. The ARVN (Army of the Republic of Vietnam) was modernized and expanded and now numbered 1.1 million.

The Ambassador dwelt on the economic development in the south. "I drove recently with President Thieu through the countryside. The farmers used to have bicycles. Now they have Hondas and tractors, radios and tv's, outboard motors for their sampans."

He urged me to arrange an air trip for Cong. Harrington over the delta to see the prosperity and to see, also, to the north towards An Loc—now the scene of desperate fighting—how air interdiction had not meant total destruction but selected destruction.

What Bunker was clearly saying was that Vietnamization was working, that we should on this trip pay attention to the broad, civilian achievements under President Thieu. He mentioned land reform, specifically.

As the interview drew to a close, the erect septogenarian who had completed a successful business career before joining the government, noted that he had served five Presidents. "Of course, I expected to stay here a much shorter time."

He smiled and described how President Nixon had arranged for him to visit his wife in Nepal regularly. "But that was impossible. It was so busy here—seven days a week, it used to be. It's better now," and he made a little joke about how he had to make this particular trip because his wife surely would not permit him to be absent over Easter.

Forty-eight hours later, the North Vietnamese offensive was underway. And within those few hours, Quang Tri and Hue, major bastions in the north, were threatened.

The American public at home was also calm as our trip to Vietnam took shape. One local newspaper even queried, "Why go?" Cong. Harrington, their editorial suggested, would do better to stay home and tend to his district. Going to Vietnam now, they said, was a junket.

In general it seemed the American public felt that the war was almost over. Casualties had almost disappeared—U.S. casualties, at least. Our troops were leaving. The air war? What was that? A distant war, Cong. Harrington said it needed seeing, it needed exposure. He suspected, but could not get firm figures that it was costing \$10 to \$20 billion dollars a year, and devastating three countries.

A gentle breeze swayed the palm trees over the ornate Buddhist temple while saffron robed young men, monks in training, strolled by. This was Thailand, where the people, commented the Air Force captain escorting me, were "very easy going and gentle," and where the U.S. now maintains its major Southeast Asian air bases.

Down the dirt road in front of the pagoda walked a young couple hand in hand. He was obviously American in his khaki trousers and sport shirt. She was obviously Thai. "Who would that be?" I asked.

"One of the guys from the base, and his girl," was the reply.

I was in Udorn, 30 miles from the Laotian border and the location of our largest fighter base in Thailand.

The airman was one of 26,000 airmen now stationed in Thailand. That is already many more than we have left in Vietnam. We have five bases in Thailand, bases which have cost us billions to construct, and from which we mount an operation costing about \$5 million



a day. Out of Thailand we fly about 500 aircraft, although that figure has been augmented within the last few days in response to the current hostilities. The aircraft include B-52's, F-4 fighter bombers, gunships, observation aircraft, reconnaissance planes, and highly complex electronically geared control planes and bombers which work the Ho Chi Minh trail.

Indeed, from gentle Thailand it is only about 20 minutes to targets in Laos, Cambodia, and Vietnam, and it is to Thailand that the air war has quietly shifted.

Thai bases are reckoned as desirable duty by U.S. airmen. The civilian population is friendly, and airmen are free to come and go in the land—like the young airman and his girl. Our B-52's take off from a base bordering the Gulf of Siam, and the crews, upon return from their high altitude runs, come back to an earth which includes beaches, cabanas, and Thai girls.

Capt. M., a young black graduate of the Air Force Academy, told me he was very happy in Thailand. An F-4 co-pilot, he said he loved to fly, and next to that, he liked being in Thailand. Yes, he had been fortunate to make friends with several Thai families in Udorn. He found them wonderful people.

Coolly, like an athlete detailing a difficult and exciting game, Capt. M. described avoiding the Soviet-built Sam missiles, missiles which follow their target and must be outmaneuvered as in a dogfight against another airplane. But as for the warfare itself, that was, he said, all quite distant when you are traveling hundreds of miles an hour in a modern jet.

Another pilot had said, "You can't see the war. Just little puffs of smoke occasionally. That's all."

The pilots are not the only ones who can't see the war. The ground crews and the support crews in Thailand see no war either. They have no contact with the land to which they send the war; they neither see the people nor experience any connection with them politically or socially.

Nor does the American public see this air war from Thailand. It was, in fact, no accident that I was at a Buddhist pagoda instead of interviewing men on the flight line for Cong. Harrington. As a journalist, I was, despite my temporary status on Cong. Harrington's staff, severely restricted. Journalists are not allowed on U.S. bases in Thailand, and this policy, consistently enforced for a decade, has kept the profile of U.S. presence in Thailand low in American newspapers. It is a policy which contrasts sharply with that in Vietnam, where newsmen are not only allowed on bases, but often fly on combat missions.

U.S. Ambassador to Thailand Leonard Unger told Cong. Harrington that the reason for restricting newsmen was because the Thai government made that stipulation.

"They are so exposed, so close to China and North Vietnam. They have gone out on a limb to associate themselves with us. They don't need it publicized."

A newsmen, however, said that the Thai government refers him to the U.S. government when he asks permission to go on the bases.

Clearly it is a mutual program of keeping the newsmen out. "We are concealing as much as possible the extent of the U.S. involvement, the cost of the air war, and the kinds of warfare we are conducting, including highly experimental destructive devices," Cong. Harrington has reported.

In my own case, I was denied permission in Thailand, (not in Vietnam) to fly with Cong. Harrington, an action which effectively limited me to one of the five bases. Cong. Harrington sought to contract privately for the transportation, was quoted a price which he accepted; the price then doubled. A reservation by commercial airline was made

for me but the embassy booker made a mistake, and the plane left an hour prematurely. Arriving finally at Udorn air base, a consular officer met me and immediately drove me off base.

"Where are you taking me?" I asked. "Downtown to your hotel."

"No," I replied heatedly. "You are taking me to Cong. Harrington."

We argued. I insisted, and he drove me to a base office where I contacted Cong. Harrington by phone. We agreed that I should interview on base before joining him. Our escort, an Air Force major from Saigon headquarters, told me I could go anywhere on base for interviews.

But once in a government car, I was denied access to the flight line crews. I could take no pictures. I was followed by an Air Force captain and the consular officer, the kind of escorts no reporter needs on a casual interview with an ordinary soldier.

"Hi, I'm on base with Cong. Harrington, and I wondered what you think of things over here?" . . . and the airman checks the brass with me and says, "Yes sir."

I had one moment of satisfaction. I edged into a group of airmen standing at a corner. To my delight a bus pulled up. In a moment I was on the bus and it was moving and I was talking to soldiers. My escort was left behind.

The suppression of news is remarkably effective as a device of downplay our role.

It is true that in 24 hours at Udorn I learned a lot about our military activities. On the airplane to Udorn a pilot returning from leave told me about the increasing SAM missiles fire on the Ho Chi Minh trail. At the civilian hotel in which I was billeted, an Air America pilot flying over Laos described his work. In an airport waiting room, the wife of an air officer detailed life in Laos. But that's a slow, not very precise way to accumulate a story, and the Department of Defense knows it. The result is that few stories get written, and they lack the authority of official confirmation; they are exposes rather than statements of accepted fact and they get published with some suspicion. How different it would be if our airmen were regularly interviewed about their jobs and their lives, and if the air bases were easily visited by newsmen.

Behind the wall of secrecy are thousands of competent, ordinary guys who do the best job they can, and who don't have ideological objections to their work.

The Air America pilot with whom I talked had spent 10 years flying for the private group which is known to be cover for the CIA. He was dressed in khakis and wore silver wings.

"Yes, I like it," he responded. Then he volunteered, "There are about 600 of us in Laos, and a smaller group of Continental pilots doing the same thing."

The contract pilots mostly fly helicopters to deliver supplies to anticommunist groups. They also fly rescue missions to retrieve downed pilots. Some are forward observers in light aircraft.

"Have many pilots been in Laos as long as you have?"

"No," replied this lean, weathered man in his late 40's. "But lots have been there six years."

He cited how useful the Air America pilots were when U.S. pilots were shot down. "We really know the country. Air Force pilots are only over here a year. They can't find their way as quickly as we can when a man's reported down."

"Aren't you scared, doing that kind of work?"

"Naw," he shrugged. "A few guys get scared and quit at the very beginning, but once you know your way around, it's not bad."

A microbus drove up. It was nearly 7 a.m. My companion said goodbye, grabbed a small suitcase and joined a dozen others in the bus,

probably in a trip to the airfield since most Laotian missions originate from Udorn. He went off to work like a commuting businessman, but his work has for 10 years been "classified"—so classified that Cong. Harrington was unable to get answers to his questions regarding Air America activity in Laos.

A flight crew chief from Oklahoma characterized what many felt about their service. "Hell, this is a job to be done, and we're doing it."

A young airman from Braintree, recently arrived in Thailand, said he enlisted so he could travel and learn a profession. He complained that his schooling in the Air Force had not been as good as he anticipated, but he didn't mention the war.

At Da Nang, two airmen were moving aircraft cannon shells. They complained that the city was off limits. "All there is to do here is work," said one of them. "Work and go to the movies."

I asked about the work. It looked dangerous.

"Ammo?" said one of them with a grin. "Don't make no difference to me. Why I used to load those great big ones for the B-52's. It ain't nothin'."

Often there was an expression of teamwork. "When this plane goes out, those are our guys on it. We're part of that team. We want to be sure everything goes right for them," said a mechanic as he tightened a rivet on a black, night gunship flying out of Da Nang.

Some men who had thought about their role as warriors, had a positive feeling about their duty.

A career major in the Army helicopter business was returning to Vietnam for his third tour of duty. His job was to turn over helicopters to the Vietnamese. "We haven't wasted our time over here," he said, "I think it has worked. You have to have seen it in '63 and '67 to understand."

Now, said the major, the ARVN was showing capacity. The unit with which he had most recently been serving he termed "excellent."

"I've had just as good cover from ARVN helicopters as from our own. And they know the land. That gives them great tactical advantage. They don't have to ask 3 or 4 people where they are and how to get there."

These views were echoed by a fighter pilot, a lieutenant colonel who had been flying since World War II. "They're fine pilots," he said of the VNAF (Vietnam Air Force) jet pilots with whom he flew. "They're well trained in the U.S. and then once on duty over here, they fly more than our pilots and they know the land. They're better to fly with than our own boys."

If there was resentment about the war, and the demand that Americans serve in it, it came chiefly from the men who had served or were serving in Vietnam.

An Air Force sergeant from Louisiana was with a Caribou group ferrying artillery ammunition. He was being reassigned from Vietnam to Thailand. But he was angry.

"They're just moving us out of Vietnam into other areas—Thailand, Taiwan, the Philippines. And for what? We're not accomplishing anything."

A career Air Force man, he claimed many Air Force personnel were bitter. He said the sortie figures being released were dishonest and that the Air Force had no business being secretive in Thailand.

"Are many Air Force personnel as angry as you are?" I asked.

"Damn right," he replied. "These people over here don't want us to tell them what to do. It's crazy."

Then he cited the time it took for a B-52 to fly a sortie from Guam to Vietnam. "18 hours round trip," he said.

My fact sheet showed that each B-52 sortie cost an estimated \$41,000. A BU professor has estimated each flight, counting equipment

and back-up and logistics, really costs \$1 million.

A 20-year-old helicopter gunner had been shot down six times in his 10 months tour. With a back wound from his last flight, he was reluctant to climb back into the small Loch helicopters often used to draw fire from the enemy, thus exposing them as targets for higher flying gun ships.

"I've played hero enough for these damn people. They don't care anyhow," said the gunner. "I came over here thinking I would help fight to make them free. But they don't want to be free."

The small fixed wing airplane taxied to a stop at the Da Nang airport. It was a two seater, but only one man was aboard. The hood went up, and a lieutenant from New Jersey wearily climbed out of his forward air control observation aircraft, a plane used for flying low and spotting targets, then directing attacks upon them.

The offensive was underway just north of Da Nang.

"There's been about a 2000 percent increase in enemy fire," said the pilot.

Then he added, "Boy, I'm tired. I've been scared for four hours. That makes you tired, being scared all that time."

Further down the runway at Da Nang, an airport which is busier than O'Hare in Chicago, an F-4 fighter bomber returned from its mission of attack bombing. As the pilot and co-pilot climbed down from their sleek \$4 million machine, I asked how their mission had been.

"Lousy," said the blond, crew cut pilot. "Can't see a thing. It was a radar mission."

"Yeah," picked up his co-pilot, "somebody just wanted to report a sortie, so they sent us out. It's a waste if you can't fly visual."

"Do you know what you are hitting when you drop your radar?"

"What, are you kidding?" said the pilot, and he turned to go off the flight line for another mission's briefing.

Cong. Harrington shook his head tiredly. It was evening after a full day and he had just come in from a briefing with top level air commanders. "I just can't get an answer. It's not that they don't want to give an answer. They don't have it."

He sat down. "I ask them whether the bombing is stopping the traffic of supplies on the Ho Chi Minh trail, and they show me a picture of a truck being blown up. That doesn't answer my question."

A veteran news service reporter who has concentrated on the air war, sat on the grass outside the Public Information office at Da Nang Air Base, home of the only fighter wing left in Vietnam.

"The cost of getting one North Vietnamese truck I calculate at about \$1 million," he said.

The reporter looked up as an F-4 took off. With a swish and a roar the exciting plane was up and moving out of sight. Thirty seconds later its flight companion followed.

He shook his head. "That plane was built for the defense of Western Europe. At its speeds and with its equipment, it just is not an effective weapon in jungle warfare. The World War II propeller planes we have given the Vietnamese are better equipped to do the job."

On board an airplane which flew us north to Da Nang was a French priest, Father Dozance. He was the head of the Foreign Paris Mission, a group of 84 French priests serving in Vietnam. His trip was a sad one for he was flying to Hue to say a funeral Mass for one of his priests killed two days before by the Viet Cong.

"We have lost 12 in Vietnam," he said. "Five near Hue."

Father Dozance, a large, strong man in his sixties, was interested in our trip and happy to converse about Vietnam.

"What will happen in South Vietnam,

Father?" I asked this missionary who first served in China; then in 1954, when he was evicted from China, came to Vietnam.

"Thieu can survive only if the Americans support him," he replied.

"How?"

"Oh, you must continue your air support and economic support. Without it—poof, he goes."

Cong. Harrington asked again, "Look, we've been bombing the Ho Chi Minh trail consistently. We have sensors, electronic systems for detection of traffic, we have television bombers, we have laser bombs. We're so wired and computerized that we can even hear the North Vietnamese talking on that trail. How then have the North Vietnamese moved enough equipment down that trail to mount a major military offensive in a variety of locations in South Vietnam?"

Driving through the teeming city of Da Nang, the junior State Department officer pointed to the wired off and vacated American bases. "We had more than 100,000 troops here last year. Now at the air base and with one infantry brigade, there's only about 15,000. It's made a big hole in the local economy."

"Will it work?" I asked. "Can the Thieu government survive?"

Even with bombing and air support from the U.S., said the consular officer, he questioned if Thieu would survive. Without our air support? Not a chance.

A Vietnamese professor, who holds a masters degree from Harvard and studied at the Sorbonne, sits on an economic council which advises the government. "But we don't meet," he observed.

He predicted economic chaos as the Americans withdrew and said already unemployment was on the rise. Profiteering, said this economist, was rampant. Billions of dollars of war surplus were making a few people fortunes instead of being used broadly for the country.

Thieu could not survive, he said.

"The Thieu regime will probably fall as we pull out. And that's not so appalling as some suggest."

For the State Department officer in Saigon to make that statement came as a surprise. I had expected a more doctrinaire line.

"No, I don't think there'll be such a blood-bath, either," he continued. "Most of the people will be accommodated in a new government."

"How about the people out there?" I asked, waving at the hundreds of Vietnamese hurrying through Saigon streets. "Don't many of them work for the military?"

"Even the military employees, they'll be all right. If they weren't too aggressive. They'll get six months retraining, then they'll be absorbed. Of course, some will have to leave, but they already have their money and children out of the country."

Peter O'Loughlin, Associated Press chief in Thailand, put down his cup of coffee and sat back in the French restaurant in Bangkok. "The trouble is," he said, "the people who failed in Vietnam are now in Thailand pushing the same kind of deal."

The Thais have an insurgent movement against the government. It's small, it's scattered in four sections of the large country. "The reaction to these insurgents should be a police operation," said Mr. O'Loughlin. "But we have given the Thais helicopters and tanks. The Thais are becoming over muscled. They won't be able to maintain their army themselves. Who makes spare parts for helicopters in Thailand? No one!"

In a Udorn barracks, a career Air Force sergeant corroborated what O'Loughlin had said. The sergeant had just reported in from a small American base in the central part of Thailand where Thai forces had been operating against insurgents. "The Thai army is neither efficient nor effective," said the sergeant.

That same master sergeant commented broadly about the war. "We're not winding it down. I am in communications and I know that the air traffic in Thailand has been increasing. The war is just moving westward."

"I've been here nearly 18 months. My tour is over and it's almost time to leave," said Peter Osnos, Washington Post reporter in Saigon. "And it's time to leave. It's—it's so depressing here really, such a feeling of failure."

"Yes," acknowledged the diplomat. "Most of the personnel in the embassy have had previous tours in Southeast Asia."

I had asked for the backgrounds of each ranking U.S. state department officer in Thailand, but already from first hand observation the answer was clear. Area specialization was a tenet of State Department career programming. No longer are diplomats shipped helter skelter around the world; today they become experts in a given part of the world and they learn the languages, the customs and the politics of their areas.

From one point of view, that has to be a plus for our officers.

From another point of view, it can be disastrous.

Ambassador Leonard Unger in Thailand formerly was the assistant secretary for Southeast Asia in Washington, and before that served in Laos. Deputy Ambassador Charles Whitehouse in Saigon served earlier in Vietnam as a senior provincial advisor. George Muller, political military officer in Thailand, served before in Vietnam—indeed so did most of the department's personnel.

"Without malice, I suggest that these officers are captive to their own past," said Cong. Harrington. "They have to believe in the ultimate success of Vietnamization and a defeat of the North Vietnamese in order to justify their own earlier existence."

Graffiti, say sociologists, is a meaningful expression of what is just below the surface in men's minds. Udorn was so remote, and so pleasant, I had not suspected the anti-war sentiment, but an airman told me to look around—to dig a little deeper. He was right.

Most of the latrine walls at Udorn in the half a dozen barracks I visited were newly scrubbed and freshly painted. A sophisticated statement on one latrine door clearly attacked the management—the base command—for the apparently relentless policy of cleaning the walls.

"Removing graffiti from latrine walls is a textbook case reflecting immature paranoia and deviate sexual aspirations," said the legend.

In one barracks I had apparently arrived ahead of the scrub and paint brigade.

"Why are we killing people who kill people to show people that it is wrong to kill people?" said the first one.

"By destroying Southeast Asia, are we saving the USA?" said the next.

And then, in a more traditional barracks expression, "Booze is the only answer."

The next wall went back to the anti-war theme. "We have spent a little time—12 years—and a few expendable lives—50,000."

The final text paraphrased an old line which General Douglas MacArthur made famous in his swan-song Congressional appearance. It said, "Old soldiers never die . . . The young ones do!"

#### "WE FACE A HARD CHOICE . . ."

Cong. Harrington said upon his return from his trip, "In my inspection of American, South Vietnamese and Thai military installations, I found no one in any responsible position who honestly believes that the South Vietnamese can carry on the war on their own without American military involvement. The American people deserve to be told the truth: we face a hard choice in South Viet-



nam, notwithstanding the optimistic rhetoric of the Administration about successful Vietnamization. We were not able to impose a settlement of our choosing with 500,000 American troops. We are no more likely to succeed in doing so with 50,000.

"Several weeks ago the United States unilaterally broke off the public peace talks in Paris. And last week, an attack by North Vietnamese and Viet Cong—an attack which our government had told us they knew was coming—revealed the complete inability of the South Vietnamese Army to hold their ground in the absence of full-scale American military support from the air and sea.

"Taken together, these events mean one thing: that current American policy requires us to maintain our involvement in the Indochinese War for the foreseeable future. As long as we remain committed to the maintenance of a pro-American regime in Saigon, and as long as the pro-American forces are unable to sustain themselves in power, American men, money and weapons will be deeply engaged in that war."

#### WE MUST LEARN ANEW TO COMPETE FOR TRADE ABROAD

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

Mr. SIKES. Mr. Speaker, in the wake of dollar devaluation and in the midst of the President's wage-price freeze program, there are continuing reports the U.S. trade position abroad is deteriorating.

These reports go to make up a sad story for American business and the American workingman.

There are things which can be done to turn the tide of trade deficits, among them tougher positions on the part of the U.S. trade negotiators with regard to imports. Steps should be taken to assure that tax incentives granted American business for the purpose of financing plant and equipment expansions do not go instead to pay for larger and more efficient factories in foreign countries.

The United States must adopt an aggressive attitude to stimulate foreign markets for American goods. In this there is a role for the State Department which, according to American businessmen, now often leaves them to fend for themselves in efforts to develop overseas markets.

I believe the time has come to seriously consider adopting policies followed by other nations in support of domestic business firms. Trade delegations financed by governments of other nations roam the world in search of new business. Trade missions operating under official auspices maintain residence in concert with legations and embassies of America's overseas business competitors. The effectiveness of these operations is evident when one compares the record of trade between the United States and foreign nations. The picture is clear: our exports are dwindling and our imports are soaring.

Some among us explain this disturbing situation in part by saying that American products are pricing themselves out of the world marketplace, and to an extent this is true. But price alone has never been the sole basis of the demand for American goods abroad. American-made goods have long been sought after

abroad because American-made goods are well made, are unique in nature, or advanced technologically. These factors remain in force today, but, somehow, we are not making sales.

The result is that American workers are losing their jobs to foreign imports, American business is fast becoming multinational in nature with U.S. capital expended overseas to develop—not markets for U.S.-made goods, but factories in which our competitors work—and the future prospects for business at home become gloomier in consequence.

So, Mr. Speaker, the time has come to take a new look at our trade position. If it is necessary to provide official Government help in the development of foreign markets, then let us get on with it before the situation becomes critical. If our trade negotiators are not stern enough in their dealings with foreign governments, let us reverse that policy before the U.S. market abroad dwindles to nothing and before we become hopelessly dependent on other nations for the goods we need. If tax incentives are being misused to expand abroad rather than at home, let us have a tougher policy on tax incentives.

But let us not sit on the sidelines of world trade, wringing our hands, and wondering why it is that our role as a leader in world trade has slipped so seriously.

#### THE WAR POWERS ACT IS A PROPER STEP

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

Mr. SIKES. Mr. Speaker, the April 13 action by the Senate in passing the War Powers Act is a proper step toward filling a need which long has existed.

Although seen by some as a curb on the President's constitutional responsibility as Commander in Chief, the act is nothing more than the establishment of procedures whereby the Congress can exercise the war-making powers granted only to the Congress by the Constitution. The act neither confers nor detracts from the President's duty and authority to protect the United States and its people from hostile action by another nation.

For good reasons, the Founding Fathers carefully constructed the Constitution to deprive a Chief Executive of the power to engage in war solely on his own initiative. Until recent years there has not been a requirement to establish the machinery whereby the Congress would assume that responsibility. But now we have fought two undeclared wars.

American Presidents have taken us into conflicts in Korea and in Vietnam without congressional authority. Whether Congress would have declared war in these instances is not as important as the fact that a dangerous precedent has been established. This practice cannot continue.

The War Powers Act as passed by the Senate does not tie the hands of the President. It provides he can take steps that are necessary to protect American interests and citizens, including the commitment of American Armed Forces, so

long as he officially notifies the Congress promptly that he has taken such action. It is then up to the Congress to grant him, within 30 days, the authority to continue the use of those troops. But, the President also may continue to use the troops beyond the 30-day period provided he certifies in writing the need for continued use as being in the best interests of the United States.

The act received broad philosophical support in the Senate and this is commendable. I hope the same will be true when the House considers this vital legislation.

The War Powers Act should quickly and favorably be considered by the House and signed into law by the President.

#### FEDERAL INCOME TAX CREDIT FOR ELDERLY HOMEOWNERS AND RENTERS

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

Mr. BINGHAM. Mr. Speaker, today, I am introducing legislation which would ease the property tax burden for senior citizens. Specifically, the bill would provide a Federal income tax credit or refund of up to \$800 for low- and middle-income homeowners or renters over the age of 60 years. The bill would virtually end property taxes for older citizens with incomes under \$5,000 and living in homes valued at \$25,000 or less, and would provide some property tax relief for older taxpayers with incomes up to \$15,000 a year.

The property tax is one of the most regressive taxes in the fiscal arsenal. Generally, low- and middle-income families, whether owners or renters, spend a greater proportion of their income for housing, than do high-income families. Further, taxes on housing are relatively higher for them than any other consumer commodity. And for the elderly, rising taxes on property take a disproportionate share of scarce family funds. It is time the Federal Government provided some relief against this unfair threat to citizens at or approaching retirement on limited fixed incomes.

The following is a chart of the tax burden in various cities across the Nation. It is based on figures for FHA-insured property with mortgages of \$25,000, compiled for the period April-June 1971. The chart demonstrates not only the disparity of property tax charges throughout the Nation, but the relative burden on low- and middle-income families. For my own city of New York, the figures reveal that homeowners and apartment dwellers, pay one of the highest tax in the Nation—almost \$800 on a \$25,000 home:

PROPERTY TAX BURDENS—HOW THEY VARY  
(From a survey in the April-June 1971 period of new homes financed with FHA mortgages)

Average tax on new home with actual market value of \$25,000	
Metropolitan area (central city and suburbs):	
Albuquerque	\$493
Anaheim-Santa Ana, Garden Grove	575

Atlanta	\$343
Austin	483
Baltimore	503
Birmingham	233
Charlotte	345
Chicago	528
Columbia, S.C.	203
Columbus, Ohio	440
Dallas	455
Denver	663
Detroit	583
El Paso	520
Fort Lauderdale-Hollywood	293
Fort Worth	530
Greensboro, Winston-Salem, High Point	358
Honolulu	260
Houston	428
Jackson, Miss.	188
Jacksonville	520
Kansas City	416
Knoxville	293
Las Vegas	370
Little Rock-North Little Rock	340
Los Angeles-Long Beach	648
Louisville	273
Memphis	398
Miami	348
Minneapolis-St. Paul	763
Montgomery	158
Nashville	295
New Orleans	115
New York	795
Norfolk-Portsmouth	280
Oklahoma City	355
Orlando	313
Philadelphia	745
Phoenix	473
Portland	463
Reno	365
Richmond	230
Sacramento	630
St. Louis	500
Salt Lake City	370
San Bernardino-Riverside, Ontario	570
San Diego	588
San Francisco-Oakland	638
San Jose	595
Seattle-Everett	488
Shreveport	245

Tampa-St. Petersburg	\$338
Tucson	580
Washington, D.C.	405
Wilmington	298

Source: U.S. Department of Housing and Urban Development.

The inequities of the system hit older Americans hard for another reason. Many tenants and homeowners over the age of 60 wonder how they will be able to maintain their home after retirement. This uncertainty can plague them for a long time and can seriously disrupt communities. By reducing or ending the burdensome property tax, older Americans would have greater security and could look toward those years knowing their investment would not be wiped out by the burden of property taxation. Also, this security would go a long way to insuring greater stability in our communities.

The mechanics of the bill are quite simple. A household with a taxpayer over the age of 60 years would be able to file a claim for tax credit or a refund based on his income and the eligible tax—the expense of the property tax for those who own their home or one-fourth of the annual rent for those who rent their homes, up to \$800. Where the allowable claim exceeds the income tax due, the taxpayer would receive a refund check from the Federal Government for the difference. Where the allowable claim is less than the income tax, the tax would be reduced dollar for dollar. Applying my formula, persons with adjusted income of \$5,000 or less per year would receive 100 percent credit for their taxes. For those with adjusted income between \$5,001 and \$15,000, the credit would be progressively reduced. The following chart describes the progression:

I "If household income is—		II Then the allowable claim is the product of— (percent)	III Times the amount of the eligible property taxes and rent	IV plus— (percent)	V of household income in excess of—
At least—	but not more than—				
0	\$5,000	100	Tax	0	
\$5,001	6,000	90	Tax	5	\$5,001
6,001	7,000	80	Tax	5	6,001
7,001	8,000	70	Tax	4	7,001
8,001	9,000	60	Tax	4	8,001
9,001	10,000	50	Tax	3	9,001
10,001	11,000	40	Tax	3	10,001
11,001	12,000	30	Tax	2	11,001
12,001	13,000	20	Tax	2	12,001
13,001	14,000	10	Tax	1	13,001
14,001	15,000	0	Tax	1	14,001

Mr. Speaker, there is a growing recognition of the fact that the Federal Government must make clearer its commitment to aiding the elderly. I believe that property tax relief must rank high on our list of priorities for providing security and additional resources for the older American.

#### MOBILE CLINICS TO TREAT DRUG ADDICTS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, crime, and the drug problem which is its cause, are limiting the effectiveness of too much of our legislation. Consider our efforts to

improve the physical environment. We want clean air and attractive parks, yet our children cannot even play in them because their safety is threatened.

We want to clean the garbage from our streets, yet our citizens cannot walk on those streets at night because they fear for their safety.

We want to beautify our cities, yet we cannot effectively protect our cities, or their residents, from the scourge of vandals who are intent upon defacing, destroying, and desecrating.

Mr. Speaker, it is time that we tried to clean up our social environment.

Fortunes have been spent to improve our cities, with little noticeable improvement.

The police try, but they cannot deal with crime all by themselves. They need

the help of the community and everyone in it who is interested in a crime-free environment.

Beyond the need for more money then, beyond the need for more police, there is need for more imagination in dealing with crime. The concurrent resolution I introduce today is an imaginative, effective and simple way to deal with one aspect of the crime and drug problem. My resolution calls for the support of mobile methadone treatment clinics, rather than large institutional centers for drug addicts.

The resolution expresses the sense of Congress that in the administration of Federal programs of assistance for drug abuse treatment programs priority should be given to those treatment programs which utilize mobile facilities.

The intent of the resolution is to clarify and reinforce the "congressional findings" in the Drug Abuse Office and Treatment Act of 1972 as it was signed into law on March 21, 1972.

Specifically, it serves to focus the attention of the special action office for drug abuse prevention on the desirability and the need for establishing "mobile" drug dispensing and addict treatment centers in high-density population centers. Large concentrations of addicts reporting regularly to institutionalized facilities frequently attract increased numbers of drug pushers. The explosive situation thus created is often followed by an increase in crime in the immediate area of the facility.

It is a phenomenon familiar to those who have worked in addict rehabilitation, and to those in law enforcement who must cope with flareups in community crime.

In addition to that particular problem there has been an increase of drug theft from treatment facilities—drugs that inevitably find their way into the community. This has been particularly prevalent in the methadone maintenance programs, so much so that it was the subject of a recent Food and Drug Administration order removing methadone from prescriptions and drugstore shelves to eliminate diversion to illicit use. Methadone will not be available only through government approved treatment programs that are closely monitored.

The already complex medical and psychological problems associated with treating addiction are further complicated by locating addiction treatment centers in local communities. The people do not want them. There is strong resistance from the community to the establishment of institutionalized centers that attract large numbers of hard-core addicts. That fact is recognized in the guidelines set down by the National Institute of Mental Health. The Institute will not fund a drug center to which a community strongly objects.

During March 1972 the Addictions Services Agency of New York City treated nearly 40,000 drug addicts, mostly heroin users, representing less than one-third of the known addicts in the city. The city spends from \$1,500 to nearly \$4,000 per patient per year. Yet, the New York centers are closing for lack of funds and the drug abuse problem continues



to grow. Most of those treated were in methadone programs.

My proposal is to establish mobile methadone units that keep a prearranged schedule in high drug abuse areas and at times and places that lend themselves readily to crime control. They would operate much the same as blood mobiles and X-ray mobiles now operate. They would go to where the problem is as an extension of an outpatient clinic of a participating hospital. And the cost of operating them would be considerably less than that of negotiating long-term leases and converting old buildings into clinics in neighborhoods that object to them in the first place.

I suggest this plan as an alternative to the bulldozer approach too frequently used until now where hundreds of millions of dollars have been dissipated in drug rehabilitation with insignificant results. This plan would bring more services to more of the people who need them, at a lower cost, and without upsetting community life by concentrating large numbers of addicts for long periods of time in neighborhood situations.

#### DISABLED OFFICERS AWARD BANQUET HELD IN MIAMI

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

Mr. PEPPER. Mr. Speaker, on April 22 it was my privilege to attend the Disabled Officers Association awards banquet in Miami, Fla., where the highlight of the evening was the eloquent and able address of Lt. Gen. A. O. Connor, commanding general of the 3d U.S. Army at Fort McPherson, Ga. Included in General Connor's inspiring address was an expression of the appreciation of the U.S. Army to all of those in Florida who have done so much to make the "Operation Florida Sunshine" program the great success it has been. I join with General Connor in commending the individuals and organizations in south Florida who have made it possible for some 500 to 600 wounded soldiers to enjoy a few days in the relaxing sunshine of Miami and Miami Beach. It gives me great pleasure, therefore, Mr. Speaker to include General Connor's inspiring address in the RECORD immediately following my remarks:

#### REMARKS OF LT. GEN. A. O. CONNOR

After the tremendous banquet meal we had tonight I'm reminded of a story which I'd like to share with you. You have to be a TV fan to appreciate this one. (Story about Noah and his party trying to find the ark to preserve it for posterity. Asked elephant if he remembered where they left it. Asked giraffe if he could see it. Finally noticed a termite sitting on a board picking his teeth mumbling to himself—"I can't believe I ate the whole thing.")

The hour is growing late and I won't detain you with lengthy remarks. But I would like to take a few moments to express my profound thanks and the appreciation of the United States Army for the efforts of the many people of greater Miami who have made Florida Sunshine possible.

I came across an article recently, which said something to the effect that if you are wondering if there is anything right about

America, look beyond the massed ills of the cities, look beyond the clouds of war and rumors of war, look beyond the strife and dissent we hear so much about, and see the people—and you will find the stability that has long sustained our nation.

The Florida Sunshine project is a perfect example of the truth of that observation and give it substance. Through the efforts of many individuals and organizations here in south Florida some 500 to 600 wounded soldiers have been able to enjoy a few days in the pleasant, friendly atmosphere of Miami and Miami Beach. They were accommodated in the hotels and motels, entertained in your homes, guests at luncheon and dinner parties, shows, athletic events, and many other activities too numerous to mention.

The benefits derived from these trips are immeasurable—especially in terms of the morale boosts. This was your way of saying to these groups of wounded GI's "We appreciate what you have done for America."

I often think as I'm sure you do also, of another group of Americans, many of whom are wounded and who can't be reached directly by this project. I refer to our prisoners of war and missing in action in Southeast Asia. I say they aren't directly affected by this project but I believe that indirectly and in a very meaningful way they are. I'm convinced that the greatest assist the American people at home can give those fellow Americans is through a show of appreciation, support, unity of purpose, and most of all the will to keep our nation's commitments to its own sons and to fellow nations.

And so as I view it, the effect of your efforts go well beyond the soldiers you've hosted and entertained here.

With the sharp decline in ground fighting for our soldiers in Southeast Asia, there has been a corresponding decline in the number of wounded patients in our hospitals. At present we don't have enough wounded soldiers in hospitals in the Third Army Area to fully support the program. I'm pleased to note that the steering committee is still functioning and that the project has been expanded to include military representatives from the other services. I understand that through their efforts a contingency of wounded servicemen from Valley Forge General Hospital will be arriving the last weekend of this month for 5 days of sun and fun in Florida.

In a few months I will retire from active service and step down from the position of commander of Third Army. And I will look back over the last 3 years that I have been in command here and view them as among the most satisfying of my 35 years in uniform. For here in the southeast I have found more people with an appreciation of the fundamental problems we face as a people, and who are willing to give of themselves to solve these problems.

I would like to close this evening by reading to you a Freedoms Foundations award winning paper for 1971. The paper was written by U.S. Air Force Capt. Arthur L. Barnes and is entitled, "What is an American."—Because I know that you are Americans.

#### WHAT IS AN AMERICAN

If one can look at America's tall, snow capped mountains and realize that she is beautiful, and see her miles upon miles of waving fields of grain and realize that she is fruitful, and watch her mighty rivers flowing to the sea and realize that she is powerful, then He is An American.

If one can look at America's vast, dry wilderness and know that she is harsh, and walk through her lush, green forests and know that she is wild, and observe her soggy, damp swamps and know that she is full of adventure, then He is An American.

If one can gaze at America's towering skyscrapers and know that she is progressive, and watch her men walking on the moon and know that she is constantly seeking knowledge, and watch machines probing into her

abundant natural resources beneath the earth and know that she is rich, then He is An American.

If one stands a little taller when he hears her National Anthem, and senses a thrill when he sees her flag waving in the gentle breeze, and realizes her freedom when he watches her great bald eagles winging silently in space, then He is An American.

If one can be proud when she is faithful, and hurt when she has been wronged, and fearful when she is restless and violent, then He is An American.

If one is willing to speak in her behalf when she has been criticized, and willing to fight for her when she has been threatened, and willing to die for her if she calls him to her aid, then He is An American.

If one can watch her long, straight lines of men in uniform and know that she is strong, and watch her gather the world's needy to her bosom and know that she is compassionate, and observe her courts in process and know that she is just, then He is An American.

If one can speak one's thoughts without fear of punishment, and write one's ideas for the whole world to read, and simply be allowed to be one's self without fear or criticism from others, then He is An American.

If one can sing when America sings and shout when she shouts, and laugh when she laughs, and pray when she prays, and struggle when she struggles, and cry when she cries, then He is An American.

The people who have given of themselves, their time and money since the inception of Florida Sunshine in November of 1967, and are still carrying on that good work—these are Americans.

Thank you.

#### POLISH CONSTITUTION DAY

(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, today people of Polish descent all over the world commemorate the 181st anniversary of the Polish Constitution of 1791. This Constitution converted Poland into a hereditary limited monarchy with ministerial responsibility, and provided for biennial meetings of Parliament. Much of the obstructive machinery of the old system of government was forever abolished, and Polish towns, in a special bill confirmed by the new Constitution, received full judicial and administrative autonomy, as well as a measure of parliamentary representation.

The adoption of the Constitution not only marked Poland's first step toward a constitutional democracy, but also led to other changes for the citizens of Poland. The possession of land and access to public office, once special privileges of the gentry, were thrown open to the townsmen. The peasants were placed under the protection of the law, and their serfdom was mitigated with a view toward its eventual abolition. Absolute religious toleration was established, and provision was made for further periodical reforms by subsequent Parliaments.

The absolutists regimes of Russia, Germany, and Austria, however, would not allow this new liberalism to flourish, and in 1795 these three countries invaded Poland and subsequently partitioned her. The history of Poland documents the long struggle of the Polish people for freedom and independence in the face of numerous invasions and harsh foreign

dictatorships. They are still fighting to regain their natural rights and liberties which today are being denied them by a Communist government that functions in the shadow of the Soviet Union.

Polish citizens have been prominent in the causes of other nations and have aided many countries to achieve independence. The friendship of the people of the United States for the people of Poland has its roots in our own Revolutionary War days and has been strengthened through the years by the many valuable contributions made by Polish immigrants to America.

The ideals of local government and judicial autonomy, of private ownership and free enterprise, of religious freedom and unrestricted access to public office, are still cherished by the people of Poland. These are the concepts of government which the Polish people first wrote into their Constitution on May 3, 1791, and to which they have aspired ever since. I think it only fitting that on Polish Constitution Day we salute these brave people who have kept alive their dream of a free society and who continue to long for the day when Poland will once again be numbered among the free nations of the world.

#### NADERISM

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

Mr. BROYHILL of Virginia. Mr. Speaker, on Wednesday, April 19, the gentleman from Ohio, (Mr. DEVINE) was kind enough to place notice in the RECORD concerning the latest publicity gimmick of Ralph Nader which involves an investigation of Congress. The endeavor consisted of sending volunteer interviewers to congressional offices to ask a huge list of questions.

Because the significance of Mr. DEVINE's warning was not clear, I lost many hours of staff time and 4 hours from the busy day of our 10th district Republican chairman, all for a purpose that hardly warrants 10 minutes time from a file clerk. Further, the interviewer is still calling to request the waste of a large amount of my personal time.

I am taking this means to add emphasis to Mr. DEVINE's notice and to state the significance bluntly. Members who are lured into serving as pawns in Nader's game will suffer a great imposition to provide a benefit for one person: Nader.

I can assure the Members that this investigation of Congress is actually an investigation purely for purposes of publicizing Ralph Nader.

As my colleagues know, the close proximity of my district to Washington makes my office one of the busiest, if not the very busiest, on Capitol Hill. My administrative assistant, who sees an average of 20 constituents daily, and talks to more than a hundred by telephone, in addition to managing my office and seeing to it that constituent services are provided, set an appointment for one of Nader's interviewers not knowing that he would be expected to answer more

than 100 detailed questions. He said the questions were overly simplified and often ridiculous, indicating a total absence of information on the part of the interviewer or whoever prepared them about the simple basic operation of a congressional office. In short, he felt he had wasted 2 hours of costly time without providing the interviewer with information which would be essential to anyone seeking to evaluate the operation of a congressional office. Further, he said most of the questions were unrelated to office functions and showed obvious bias against any office holder.

Next, Nader's people contacted the 10th district Republican chairman, Mr. William Stanhagen. Mr. Stanhagen's experience is described in his own words in an article in the Northern Virginia Sun dated April 21, 1972.

Might I point out that Bill Stanhagen is a successful and busy attorney who holds office as 10th district Republican chairman at sacrifice to himself in both time and money because he believes in representative government and feels he should contribute to it. He has always been willing to make time to discuss the 10th district Republican organization and its candidates with anyone seeking information. I have never known him to be ruffled or visibly annoyed with those seeking information from him. His description of the visit of one of Nader's presumptuous investigators is, therefore, fair and unbiased, and deserving of the careful attention of all my colleagues.

According to Nader's instructions to interviewers, each person interviewed is to be told that information he gives does not preempt a later interview with the Member himself. Unless some of our colleagues have nothing to do for a day or so, I do not see how they can possibly give this group the time they demand to satisfy their egos, particularly when they can show no credentials proving them either worthy or able to evaluate the Congress of the United States.

For my own part, I do not intend to deny my constituents the hours of my time I should devote to their problems in order to respond to hundreds of questions from self-styled experts bent on building up the reputation of their organization and accomplishing whatever political programs or objectives they may now have in mind.

Under leave to extend my remarks I insert the text of the Northern Virginia Sun article at this point in the RECORD:

#### NADERISM

(By William H. Stanhagen)

I think "Naderism" has gone full circle, or at least is fast on its way there.

While at first providing a much-needed focal point for consumerism, Nader's organization now has become as bureaucratic and, in his words, "inhuman," as many of the institutions he is challenging.

I received a call about three weeks ago from a "researcher" from "Ralph Nader's Congress Project." He wanted to see me for about three hours, he said, but couldn't do so until Friday, April 14, at 10 a.m. When I asked him what on earth he needed three hours for, he said he had a long series (I forget the number, but in excess of 100) of questions to ask me in my capacity as chairman of the 10th Congressional District Republican Committee. Fridays are tough days for me and I

would like to have scheduled the three hours—which turned out to be four—on another day. Nothing doing. It had to be Friday.

In a further effort to save time, I suggested that he send me the questionnaire so that I could answer the routine questions at my convenience, or at less inconvenience. "No way," His words.

When the young man arrived in my office, he announced that he had already been to see my counterpart in the Democrat party. They were studying the 1970 elections, so this meant he had already seen Gus Johnson. He further announced that his report was due the following Monday. In other words, unfair questions are asked orally, with answers required without an independent record being made.

An inexperienced reporter sets the answers down and reports on them. Then a study is put together and the press has a field day with innuendo, half-truths and the like. I also was concerned about the number of questions asking me what I thought of Harold O. Miller. What the hell difference does that make? Or for that matter, what difference does it make what Miller thinks of Broyhill, or me? If Nader wants facts, then he should go to the record. Why ask opinions? Obviously, he doesn't want facts—opinions are more fun.

Every dog has his day, and it is well known that many ideas have their day. Sometimes, an idea is so past due, so loaded with current meaning, so timely and even so needed, that, in a phrase, its "day" has arrived. Consumerism is one of those ideas. And its day has indeed arrived.

Throughout history, opportunistic individuals have ridden an idea that has arrived, to the pinnacles of glory. Nader is riding consumerism for all it's worth. His reputation of aestheticism confuses the issue. One does not have to be materialistic to be glory mad. If my experience with Naderism is a typical one, he has grown too big for his britches, and his organization has become like those he criticizes—callous and "inhuman."

No one is a stronger advocate of fair campaign practices than I, and no one could be more in favor of a study aimed at upgrading campaign practices and procedures and making Congress more effective and responsive. But precious few questions were asked that, in my opinion, were directed at anything other than headlines.

I thought then, and think now, that it was curious he had seen all the Democrats first. One wonders what instructions were given him. As the question and answer game progressed, it became clear that many, if not most, of the questions were elementary and could easily have been answered ahead of time, as I had expected. When I referred to my original request to have the questionnaire sent ahead of the questioner, and pointed out that most of the questions lent themselves to that approach, he said that was not possible as they wanted oral, spontaneous, off-the-cuff comments. Obviously, I thought to myself, to trip the individual being questioned into something inimical to his best interest, or that of the Congressman. In fact, many of the questions were structured in a fashion to elicit an answer that more often than not would give a less than complimentary impression of Congress and the individual Congressman. Indeed, it was impossible to answer some of the questions in a way that was fair to Congress as an institution or to the individual congressman.

I was further chagrined by the fact that the researcher was obviously abbreviating what I said, and on several occasions, when I asked him to read back my answer, he had my words so jumbled up as to give not only an unfair, but an erroneous, answer.

Now don't get me wrong. I don't mind Congress being studied. There isn't an institution going that doesn't need an in-depth study once in a while. But I object to the



way this one is being done. When one takes into account the undue publicity this particular study will receive when published, then the (as Ralph Nader would say) "inhumanity" of it is compounded.

I have a suggestion for Ralph Nader. Instead of coming at us with loaded questions and neophyte questioners, why not send experienced designers of polls to members of Congress and their District chairmen throughout the country, and ask us what questions ought to be asked. I have a few in mind. I wouldn't eliminate the question asked of me, "How much of your money comes from land speculation?" But I would add a question which wasn't asked of me, "How much of your money comes from unions?"

And I would leave those I had questioned with a copy of the questions. Here is why. I was asked "How many people worked in the 1970 Broyhill campaign." I gave a candid answer and then inadvertently noticed that the figure written down eliminated one zero, and my answer was set down as 10 percent of what I said! Now I could be wrong on this. I could have read it wrong and it might be corrected on the final reporting, but anyone who handles questionnaires knows full well that the best way to get error is to ask a question orally, get an oral answer and write it down without allowing the person questioned to review what was said, in its written form.

In the words of Ralph Nader, the whole experience was inhuman.

#### RUMSFELD EXPANDS PARKINSON'S LAW: NUMBER OF FIRMS CONTROLLED DECREASED; GOVERNMENT EMPLOYEES INCREASED

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

Mr. SAYLOR. Mr. Speaker, on May 1, Donald Rumsfeld, Chairman of the Cost of Living Council announced a major departure from the administration's wage and price control policy. Chairman Rumsfeld announced the exemption from regulations for small businesses and their employees affecting companies with 60 or fewer employees. The reason given: too much redtape involved. Naturally, the argument was dressed up and a short story was made long, but the fact remains that the administration is finding it difficult to control everything in this diverse country of ours. Perhaps this augers well for the future and the American economy will soon be unleashed from the dead hand of governmental interference with free enterprise, but that is a separate story.

The real point of this statement Mr. Speaker is to point out that while the number of firms to be controlled by the Government is decreased, the Price Commission and the Pay Board are to have more employees to meet this reduced work load.

Tucked away on page 8 of the 9-page statement, Mr. Rumsfeld says that Price Commission will increase its staff from 445 to 595, or a 33-percent increase and the Pay Board will expand its staff from 137 to 174, or a 27-percent increase.

It appears that the Cost of Living Council has inflated Parkinson's Law—"work expands to fill time available"—by well over the 5.5 percent guidelines it established for the rest of the country.

#### MOORHEAD URGES POSTPONEMENT OF EFFECTIVE DATE OF NEW PRESIDENTIAL EXECUTIVE ORDER ON SECURITY CLASSIFICATION SYSTEM

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

Mr. MOORHEAD. Mr. Speaker, when news of the draft of the administration's new security classification Executive order was leaked to the press last February, I took the floor of the House of Representatives to urge the President not to play politics with truly vital defense secrets by prematurely issuing an Executive order without adequate time for consideration, review, and reflection. At the same time, I formally requested the White House to make available to our subcommittee a copy of the draft of the new order so that our Members and staff experienced in this field could make constructive suggestions. This request was refused and the new order was issued shortly thereafter on March 8.

On March 21, I placed into the CONGRESSIONAL RECORD a detailed, section-by-section comparative analysis of the existing and proposed new Executive order that revealed what we believe to be massive technical defects and major loopholes that will make the new order dangerous and unworkable. I have invited rebuttal from Mr. Young of the National Security Council and other architects of the order from the executive branch to the subcommittee analysis to show us where we are mistaken in our interpretation of the new order. Mr. Young has not been permitted to testify. Defense and State Department witnesses yesterday did not address themselves in rebuttal to the specific defects we have pinpointed in the new order.

But, another serious problem was also raised at the hearings yesterday. The subcommittee learned from Mr. J. Fred Buzhardt, General Counsel of the Defense Department, and from Mr. William D. Blair, Assistant Secretary of State, that the National Security Council has not yet issued its guideline directive to departments and agencies affected by the new Executive order. This is despite the fact that the new order is to take effect on June 1, less than 28 days from now. No departmental or agency directives or regulations can be written until such guidelines are received. Even after they are drafted, they must be reviewed, cleared, printed, promulgated, and physically delivered to U.S. military and diplomatic stations in the far-off corners of the globe. Moreover, since the new order differs greatly from the old in some respects, extensive familiarization and training of personnel will be required to make it fully effective in safeguarding the legitimate security interests of our national defense and foreign policy.

Mr. Speaker, I am, therefore, calling on the President of the United States to indefinitely suspend the effective date of the new Executive order. Its inherent defects and the lack of time to fully implement it make it imperative that he act promptly to prevent further chaotic con-

ditions that could adversely affect our national defense and foreign policy.

While the existing Executive Order 10501, governing the security classification system is far less than perfect, it has been in effect since 1953. The hasty, ill-conceived replacement classification system provided for in the new Executive order is not the answer. The delay in the effective date of any new system would be a rational approach and in the national interest.

Mr. Speaker, this delay will also give the Congress adequate opportunity to consider a statutory alternative to the Executive order approach in this vital area of security classification which we all agree is necessary to protect our national defense and foreign policy interests. I will introduce such a bill in the near future and expect that many of my colleagues in the House will join me as cosponsors.

#### LETTUCE BOYCOTT

(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, yesterday in Los Angeles Cesar Chavez announced that United Farm Workers would begin another nationwide boycott of lettuce growers in an effort to obtain collectively bargained contracts for our Nations' farm lettuce workers.

That is an attempt to preserve human decency and dignity. Farm laborers in this country, who are subjected to the most inhumane working and living conditions, must confront hazardous pesticides in the fields, poor field sanitation, and wages far below those earned by statutory workers covered by the Labor-Management Relations Act. Agriculture is exempt from the State-Federal unemployment insurance system; only a minority of farmworkers are covered by social security and agricultural laborers are still excluded from the maximum hours provision of the Fair Labor Standards Act.

The Counsel to the NLRB filed an injunction in March to enjoin the United Farm Workers' secondary boycotting of retail wine merchants, although the NLRB is not authorized to take such action against an agricultural labor union, as stipulated in Public Law 92-80. But they did, ignoring a 37-year-old policy which specifically excluded farm labor from the secondary boycott prescription, as well as every other provision, of the NLRB.

Although a Defense Department regulation states that "military departments shall remain impartial in, and refrain from taking a position on the merits of, any labor dispute," during the Delano grape strike, and the lettuce boycott of 1970-71, the Pentagon purchased excessive quantities of grapes and lettuce.

My bill, H.R. 1659, which I introduced in January 1971, to limit the excessive procurement by the Department of Defense of lettuce produced by growers not affiliated with the United Farm Workers Organizing Committee, is still pending,

and I shall continue to press for its adoption so that the Department of Defense will understand that any repeat of last years' actions, with regard to the new lettuce boycott, will meet substantial congressional opposition.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. GRIFFITHS (at the request of Mr. Boggs), for May 3 and 4, on account of official business.

Mr. ASPINALL, from 4 p.m. May 4 until 4 p.m. May 9, on account of official business.

Mr. BYRNE of Pennsylvania (at the request of Mr. Moss), for May 3 and 4, on account of illness.

#### 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. PUCINSKI for 60 minutes, today; to revise and extend his remarks and to include extraneous matter on Polish Constitution Day.

(The following Members (at the request of Mr. SEBELIUS) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. HOGAN, for 1 hour, today.

Mr. KEMP, for 10 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. J. WILLIAM STANTON, for 5 minutes, today.

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM), to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. ASPIN, for 20 minutes, today.

Mr. O'NEILL, for 15 minutes, today.

Mr. RANDALL, for 60 minutes, on May 8.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BOLLING, and to include extraneous material.

Mr. RYAN to follow Mr. KOCH's 1 minute speech.

Mr. PICKLE in the Committee of the Whole today on H.R. 13591.

Mr. GERALD R. FORD, today, in the Committee of the Whole on the bill H.R. 13591, immediately following the remarks of Mr. VANDER JAGT.

Mr. ROUSSELOT following the remarks of Mr. KYL on H.R. 13089.

Mr. PRICE of Illinois and to insert a letter with his remarks during general debate on H.R. 14655.

Mr. HOLIFIELD and to include pertinent material in his remarks on H.R. 14655.

All Members (at the request of Mr. DRINAN) 5 legislative days to revise and extend their remarks and include ex-

traneous matter on the subject of the special order of Mr. PUCINSKI, today.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous material:)

Mr. HEINZ.

Mr. BURKE of Florida.

Mr. ERLBORN in four instances.

Mr. HOSMER in three instances.

Mr. HUNT.

Mr. TERRY in two instances.

Mr. QUILLLEN.

Mr. WHALLEY.

Mr. HALL.

Mr. KEMP in two instances.

Mr. CARTER.

Mr. FRELINGHUYSEN.

Mr. SCHWENDEL in three instances.

Mr. DERWINSKI.

Mr. PELLY.

Mr. SHRIVER in two instances.

Mr. FRENZEL.

Mr. LUJAN.

Mr. BROWN of Ohio in two instances.

Mr. WYMAN in two instances.

Mr. BROOMFIELD.

Mr. BOB WILSON in two instances.

Mr. CONTE.

Mr. J. WILLIAM STANTON.

Mr. LLOYD.

Mr. HALPERN.

Mr. SPENCE.

Mr. WHITEHURST.

Mr. BELL.

Mr. WARE.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. ROGERS in five instances.

Mr. HAGAN in three instances.

Mrs. HICKS of Massachusetts in two instances.

Mr. BEGICH in five instances.

Mr. ANNUNZIO in six instances.

Mr. HELSTOSKI in 10 instances.

Mr. ST GERMAIN.

Mr. HAMILTON.

Mr. HUNGATE in six instances.

Mr. PUCINSKI in six instances.

Mr. CORMAN in 10 instances.

Mr. BERGLAND in three instances.

Mr. WOLFF in five instances.

Mr. DOWNING.

Mr. MATHIS of Georgia.

Mr. MOLLOHAN.

Mr. DONOHUE.

Mr. MAHON.

Mr. ROY in two instances.

Mr. REID in two instances.

Mr. HARRINGTON in two instances.

Mr. WALDIE in six instances.

Mr. HAWKINS in three instances.

Mr. EVINS of Tennessee in two instances.

Mr. BIAGGI in 10 instances.

Mr. MIKVA in eight instances.

#### ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11589. An act to authorize the foreign sale of certain passenger vessels.

#### 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. 2743. An act to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

#### ADJOURNMENT

Mr. DRINAN, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 1 minute p.m.) the House adjourned until tomorrow, Thursday, May 4, 1972, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1923. A letter from the Assistant Secretary of Defense (Comptroller), transmitting certification that no use was made of funds appropriated in the Department of Defense Appropriation Act, 1972, or the Military Construction Appropriation Act, 1972, during the 6 months ended December 31, 1971, to make payments under contracts for any program, project, or activity in a foreign country except where it was determined that the use of currencies of such country was not feasible because the Treasury Department was not holding excess foreign currencies in the country involved; to the Committee on Appropriations.

1924. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on the total amount of assistance-related expenditures for Laos for the first two quarters of fiscal year 1972, pursuant to section 505(f) of Public Law 92-156; to the Committee on Armed Services.

1925. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determination 72-13 that overriding requirements of the national security of the United States justify the waiver of the ceiling on military assistance and sales to Latin America for fiscal year 1972, pursuant to section 339(c) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

1926. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with the Perkin-Elmer Corp., Pomona, Calif., for a research project entitled "Development of an Optical Carbon Monoxide Detector System," pursuant to Public Law 89-672; to the Committee on Interior and Insular Affairs.

1927. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of March 31, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1928. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report on educational practices affecting Mexican-Americans in the Southwest, pursuant to Public Law 85-315; to the Committee on the Judiciary.

1929. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality



Act, as amended; to the Committee on the Judiciary.

1930. A letter from the Administrator, Environmental Protection Agency, transmitting the fifth annual report on the national requirements and costs of water pollution control, pursuant to section 26(a) of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

1931. A letter from the Secretary of Labor, a report on experience under the Emergency Unemployment Compensation Act of 1971 during the period January 30 to March 25, 1972, pursuant to section 206 of the act; to the Committee on Ways and Means.

#### RECEIVED FROM THE COMPTROLLER GENERAL

1932. A letter from the Comptroller General of the United States, transmitting certification that all funds previously appropriated and thereafter impounded during fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education, and Welfare have been released for obligation and expenditure, pursuant to section 658 of the Foreign Assistance Act of 1971; to the Committee on Foreign Affairs.

#### 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. PRICE of Illinois: Committee on Standards of Official Conduct. House Resolution 933. Resolution expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes; (Rept. No. 92-1039). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 956. Resolution providing for the consideration of H.R. 13918, a bill to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes; with amendment (Rept. No. 92-1040). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 957. Resolution providing for the consideration of H.R. 4383, a bill to authorize the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government which are created to advise officers and agencies of the Federal Government; with amendment (Rept. No. 92-1041). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 958. Resolution providing for the consideration of H.R. 6788, a bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the Act of December 31, 1970, and for other purposes; with amendment (Rept. No. 92-1042). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 959. Resolution providing for the consideration of H.R. 11627, a bill to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes; with amendment (Rept. No. 92-1043). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 960. Resolution providing for the consideration of House Joint Resolution 55. Joint Resolution proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and

commemoration of the Seabees of the U.S. Navy; with amendment (Rept. No. 92-1044). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 14718. A bill to provide public assistance to mass transit bus companies in the District of Columbia, and for other purposes; with amendments (Rept. No. 92-1045). Referred to the Committee of the Whole House on the State of Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 14723. A bill to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 14724. A bill to amend title 5, United States Code, to include as creditable service under the civil service retirement system certain additional service performed on a temporary or indefinite basis by employees in regular positions covered by such system, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 14725. A bill to provide relief to certain individuals 60 years of age and over who own or rent their homes, through income tax credits and refunds; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 14726. A bill to amend the act of May 11, 1954 (ch. 199, sec. 1, 68 Stat. 81; 41 (U.S.C. 321), to provide for full adjudication of rights of Government contractors in courts of law; to the Committee on the Judiciary.

By Mr. CURLIN:

H.R. 14727. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. FRASER:

H.R. 14728. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning women, and for other related educational purposes; to the Committee on Education and Labor.

H.R. 14729. A bill to provide for the establishment of an Older Workers Conservation Corps, and for other purposes; to the Committee on Education and Labor.

By Mr. GARMATZ (for himself, Mr. DINGELL, Mr. PELLY, Mr. KARTH, Mr. MAILLIARD, Mr. NEDZI, Mr. GOODLING, Mr. MOSS, Mr. CONTE, Mr. LEGGETT, Mr. McCLOSKEY, Mr. ANDERSON of California, Mr. STEELE, Mr. KYROS, Mr. FORSYTHE, Mr. TIERNAN, Mr. METCALFE, and Mr. HANNA):

H.R. 14730. A bill to provide protection for the fish resources of the United States including the freshwater and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself, Mr. SAYLOR, Mr. OBEY, Mr. DON H. CLAUSEN, Mr. EDWARDS of California, Mr. FREY, Mr. HANNA, Mr. KARTH, Mr. LENT, Mr. O'HARA, Mr. DINGELL, Mr. PELLY, Mr. DOWNING, Mr. MAILLIARD, Mr. LEGGETT, Mr. GOODLING, Mr. BIGGI, Mr. McCLOSKEY, Mr. McDONALD of Michigan, Mr. ANDERSON of California, Mr. RUPPE, Mr. KYROS, Mr. FORSYTHE, Mr. TIERNAN and Mr. METCALFE):

H.R. 14731. A bill to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish and other animals from aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. GUDE:

H.R. 14732. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 14733. A bill to amend title 38, United States Code, to permit eligible persons training under chapter 35 to pursue programs of education at certain educational institutions outside the United States; to the Committee on Veterans' Affairs.

By Mr. HAYS:

H.R. 14734. A bill to authorize appropriations for the Department of State and for the U.S. Information Agency; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H.R. 14735. A bill to establish National Centers for Spinal Cord Injuries; to the Committee on Interstate and Foreign Commerce.

H.R. 14736. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, to make peacetime compensation rates equal to wartime rates, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 14737. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to \$3,000 and \$4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 14738. A bill to amend the Internal Revenue Code of 1954 to provide tax relief for homeowners; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 14739. A bill to name the new Federal Bureau of Investigation building the "J. Edgar Hoover Building"; to the Committee on Public Works.

By Mr. JARMAN (by request):

H.R. 14740. A bill to amend the act of September 7, 1957, authorizing aircraft loan guarantee, in order to expand the program pursuant to such act; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. BADILLO, Mr. CONYERS, Mr. DELLUMS, Mr. EDWARDS of California, Mr. HALPERN, Mr. MITCHELL, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 14741. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on Interstate and Foreign Commerce.

By Mr. MONTGOMERY (for himself, Mr. TEAGUE of Texas, Mr. TEAGUE of California, Mrs. HICKS of Massachusetts, Mrs. GRASSO, Mr. ZWACH, Mr. SAYLOR, Mr. WYLIE, Mr. CARNEY, Mr. DORN, Mr. DULSKI, Mr. HALEY, Mr. HAMMERSCHMIDT, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. HILLIS, Mr. KYROS, Mr. PUCINSKI, Mr. ROBERTS, Mr. RUTH, Mr. SATTERFIELD, Mr. SCOTT, Mr. WINN and Mr. WOLFF):

H.R. 14742. A bill to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60; to the Committee on Veterans' Affairs.

By Mr. PERKINS:

H.R. 14743. A bill to provide for the addition of approximately 4,000 acres of land to

the Kehoe Lake project on Little Sandy River and Tygarts Creek, Ky.; to the Committee on Public Works.

H.R. 14744. A bill to provide for the conversion of dam No. 3 on the Big Sandy River in Kentucky to a fixed-type structure, and the repair of the same, in the interest of water supply and other benefits to local interests; to the Committee on Public Works.

By Mr. REID:

H.R. 14745. A bill to amend the Internal Revenue Code of 1954, as amended, to allow a deduction to tenants of houses, apartments, or other dwelling units used as their principal residence; to the Committee on Ways and Means.

By Mr. RHODES (for himself and Mr. STEIGER of Arizona):

H.R. 14746. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law-enforcement officers' grievances and to establish a law-enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 14747. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, and the possession of handguns, except for or by members of the Armed Forces, law-enforcement officials, and as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 14748. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. STAGGERS:

H.R. 14749. A bill to amend the Railroad Retirement Act of 1937 to increase annuities and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON:

H.R. 14750. A bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 14751. A bill to amend the Federal Aviation Act of 1958 so as to limit the power of the Secretary of Transportation to delegate his authority to examine medical qualifications of airmen; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (for himself, Mr. TEAGUE of California, Mr. CARNEY, Mr. DORN, Mr. DULSKI, Mrs. GRASSO, Mr. HALEY, Mr. HAMMERSCHMIDT, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HILLIS, Mr. KYROS, Mr. MONTGOMERY, Mr. PUCINSKI, Mr. ROBERTS, Mr. RUTH, Mr. SATTERFIELD, Mr. SAYLOR, Mr. SCOTT, Mr. WINN, Mr. WOLFF, Mr. WYLLIE, and Mr. ZWACH):

H.R. 14752. A bill to provide for the conversion of Servicemen's Group Life Insurance to Veterans' Group Life Insurance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TERRY:

H.R. 14753. A bill to name the new Federal Bureau of Investigation building the "J. Edgar Hoover Building"; to the Committee on Public Works.

By Mr. THOMPSON of New Jersey:

H.R. 14754. A bill to amend section 518 of the National Housing Act to broaden and

improve the existing authority of the Secretary of Housing and Urban Development to protect homebuyers by correcting or compensating for substantial defects in mortgaged homes; to the Committee on Banking and Currency.

H.R. 14755. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 14756. A bill to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions; to the Committee on Agriculture.

By Mr. THONE:

H.R. 14757. A bill to amend title 23 of the United States Code to authorize a demonstration project for the relocation of certain railroad facilities; to the Committee on Public Works.

By Mr. WYATT:

H.R. 14758. A bill to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes; to the Committee on Agriculture.

By Mr. BLATNIK (for himself and Mr. HARSHA) (by request):

H.R. 14759. A bill to authorize appropriations for the construction of certain highways and public mass transportation facilities in accordance with title 23 of the United States Code, to establish an urban transportation program, and for other purposes; to the Committee on Public Works.

H.R. 14760. A bill to amend the Highway Safety Act of 1966, title 23, United States Code, section 401 et seq.; to the Committee on Public Works.

By Mr. BLACKBURN:

H.R. 14761. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. CELLER (for himself and Mr. MIKVA):

H.R. 14762. A bill to amend title 18 of the United States Code to protect more fully certain constitutional rights; to the Committee on the Judiciary.

By Mr. DOW (for himself, Mrs. ABZUG, Mr. BADILLO, Mr. COLLINS of Illinois, Mr. FRELINGHUYSEN, Mr. GALLAGHER, Mrs. GRASSO, Mr. HELSTOSKI, Mr. RYAN, and Mr. WALDIE):

H.R. 14763. A bill to amend the Federal Aviation Act of 1958 to prohibit the expenditure of Federal funds for certain airport development projects unless the Secretary of Transportation certifies that there has been afforded the opportunity for public hearings to consider the economic, social, and environmental effects of such development and its consistency with local planning, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself and Mr. SEIBERLING):

H.R. 14764. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. EVINS of Tennessee:

H.R. 14765. A bill to authorize the establishment of the Big South Fork National River and Recreation Area in the States of Kentucky and Tennessee, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GIAIMO:

H.R. 14766. A bill to amend title 18 of the United States Code to permit certain broadcasts and mailings of advertisements of State-operated lotteries; to the Committee on the Judiciary.

H.R. 14767. A bill to amend title 39 of the United States Code to exempt State-operated lotteries from the group of enterprises with respect to which certain matter is nonmailable; to the Committee on Post Office and Civil Service.

By Mr. KEMP:

H.R. 14768. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MANN:

H.R. 14769. A bill to amend the Social Security Act to provide that medical records relating to an individual shall be made available to such individual upon his request if the physician or health facility involved consents to their disclosure; to the Committee on Ways and Means.

By Mr. PREYER of North Carolina:

H.R. 14770. A bill to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 14771. A bill to repeal chapter 44 of title 18, United States Code (relating to firearms), and to reenact the Federal Firearms Act; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 14772. A bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.J. Res. 1184. Joint resolution designating May 1-7, 1973, as "National Bikeology Week"; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.J. Res. 1185. Joint resolution designating the J. Edgar Hoover FBI Building; to the Committee on Public Works.

By Mr. SCHMITZ:

H.J. Res. 1186. Joint resolution proposing an amendment to the Constitution of the United States to insure that due process and equal protection are afforded to an individual from the moment that he is conceived; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself, Mr. BYRON, Mr. BLANTON, Mr. STUCKEY, Mr. HASTINGS, Mr. DENHOLM, Mr. MATHIS of Georgia, Mr. MOSS, Mr. ROONEY of Pennsylvania, Mr. SARBANES, Mr. CARNEY, Mr. KYROS, Mr. LONG of Maryland, Mr. YATRON, Mr. PODELL, Mr. HELSTOSKI, Mr. TIERNAN, Mr. ROY, and Mr. THOMPSON of Georgia):

H.J. Res. 1187. Joint resolution to suspend temporarily the authority of the Interstate Commerce Commission to permit the abandonment of a line of railroad or the operation thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H. Con. Res. 601. Concurrent resolution expressing the sense of Congress that in the administration of Federal programs of assistance for drug abuse treatment programs priority should be given to those treatment programs which utilize mobile facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. DEVINE:

H. Res. 961. Resolution to name the new Federal Bureau of Investigation building the "J. Edgar Hoover FBI Building"; to the Committee on Public Works.



By Mr. FINDLEY:

H. Res. 962. Resolution expressing the sense of the House to release rural electrification funds; to the Committee on Appropriations.

By Mr. HAYS (for himself and Mr. Fuqua):

H. Res. 963. Resolution providing for the withdrawal of U.S. forces from Indochina; to the Committee on Foreign Affairs.

By Mr. GRAY:

H. Res. 964. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

By Mr. PERKINS (for himself, Mr. THOMPSON of New Jersey, Mr. ASHBROOK, and Mr. ERLINBORN):

H. Res. 965. Resolution authorizing the Speaker to appoint delegates and alternates to attend the International Labor Organiza-

tion Conference in Geneva; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII,

384. The SPEAKER presented a memorial of the House of Representatives of the State of Missouri, relative to the Federal Government making payments to counties on the land owned by them in the same ratio that the county collects taxes on similar privately owned land; to the Committee on Interior and Insular Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and several referred as follows:

By Mr. BROWN of Michigan:

H.R. 14773. A bill for the relief of Mrs. Terri McCullough; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H.R. 14774. A bill for the relief of Jack Bradshaw, Jr.; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 14775. A bill for the relief of Hipolito Mangampat Resngit; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 14776. A bill for the relief of Luis Francisco LiDonni; to the Committee on the Judiciary.

By Mr. MANN:

H.R. 14777. A bill for the relief of Maude Cantrell; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

224. The SPEAKER presented a petition of the city council, East Lansing, Mich., relative to the war in Southeast Asia; to the Committee on Foreign Affairs.

## EXTENSIONS OF REMARKS

### HONORING EDWARD J. DALY

#### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1972

Mr. WALDIE. Mr. Speaker, today I am extremely pleased to recognize the splendid achievements of a good friend and constituent, Mr. Ed Daly of Orinda, Calif., who has been named the recipient of the 1972 Outstanding Citizens Honor Award presented by the Bay Area Friends of the National Jewish Hospital and Research Center.

This award is being given Mr. Daly for his outstanding accomplishments in assisting the Bay Area community's philanthropic organizations and educational institutions.

Ed Daly is chairman of the board and chief executive officer of World Airways, Inc., of Oakland, Calif.

Despite the time-consuming nature of those positions, Ed Daly has worked tirelessly to help those who need it.

He is a member of the advisory council of the San Francisco Area Council of Boy Scouts. He is a member and past chairman of the Board of Regents of the University of Santa Clara. He is also active in such organizations as Boys' Club, American Irish Foundation, United Negro College Fund and the Bay Area Council.

One of the most impressive of Ed Daly's accomplishments was his sponsorship and guidance of FIPCO, a minority-owned and managed aircraft service firm in Oakland. While many people express their concern for the problems of providing blacks with job and business opportunities, Mr. Daly used his resources and the resources of his company to do something very real about minority underemployment.

When the World Air Center, an aircraft maintenance base owned by World Airways, was completed, Ed Daly worked with the black community to establish

FIPCO—which operates with the World Air Center as its principal customer.

FIPCO has progressed very well since its inception and an on-the-job training program is maintained at FIPCO to teach employees the skills that will permit them to qualify for technical positions at the Air Center itself.

In 1968, President Johnson appointed Ed Daly as the Oakland chairman on the National Alliance of Businessmen. This appointment has proved to be an enlightened one as Ed Daly has been reappointed to this position by President Nixon and now has the distinction of having served as a metropolitan chairman longer than any other chairman in the Nation.

The National Alliance has spearheaded a crucial program in the Oakland area called job opportunities in the business sector, or JOBS.

JOBS has been a very successful program in the Bay Area placing many who were considered unemployable into meaningful jobs. Much of the credit for JOBS' success is due Ed Daly.

Also in 1968, Mr. Daly was appointed by President Johnson to serve as one of 16 incorporators of the National Corporation for Housing Partnerships. This organization has as one of its goals the construction of an average of 600,000 housing units a year for low- and moderate-income families. The program provides for community participation in the planning of new projects and will provide jobs for the people in the area of construction. As with his reappointment to the chairmanship of the National Alliance of Businessmen, Mr. Daly was also reappointed to the National Corporation for Housing Partnerships by President Nixon.

Two Presidents and thousands of people throughout the Nation know Ed Daly's contributions to his community and his country. Thus, Mr. Speaker, I am delighted to honor this great man and recognize his latest achievement as recipient of the Outstanding Citizens Honor Award of 1972.

### POLISH CONSTITUTION DAY

#### HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 3, 1972

Mr. SCHWEIKER. Mr. President:

All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and good order of society, on an equal scale and on a lasting foundation.

Mr. President, those words are taken from the Constitution of the Polish People's Republic. Today, May 3, is Polish Constitution Day, and I would like to join with Polish-Americans throughout Pennsylvania and the Nation in commemorating the day, 201 years ago today, that the Polish Constitution was adopted.

Polish Constitution Day, 1972, is a special day for me because the burgeoning tide of ethnic pride in this country has given birth to two long-awaited legislative measures, both of which I am proud to sponsor. The first is S. 973, the bill to make Philadelphia's Thaddeus Kosciuszko Home a National Historic Site, which passed the Senate March 28. Gen. Thaddeus Kosciuszko fought in the American Revolution and later returned to his native Poland to lead a revolution to secure freedom for his own people. After returning to the United States he gave the moneys awarded to him by Congress to the cause of freeing the slaves. I believe it is fitting to honor the memory of this great Polish-American patriot in this way.

The second measure that has met with success in recent months is S. 23, the Schweiker Ethnic Heritage Studies Act, which was approved by a Senate-House conference committee as a part of the Omnibus Higher Education Bill. The Ethnic Studies Act is intended to foster ethnic pride and ethnic identity throughout the Nation, and it has received considerable support from such organiza-