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PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, June 7, 1972*

The House met at 12 o'clock noon.

Rev. Floyd H. Gayles, pastor, St. James Baptist Church, Washington, D.C., offered the following prayer:

Create in me a clean heart, O God; and renew a right spirit within me.—Psalms 51: 10.

Almighty and Everlasting God, who dost govern all things in heaven and earth, mercifully hear our prayers, and grant unto us all things that are needful.

We thank Thee, Almighty God, for the rich heritage of this great land.

Help us to seek unity and harmony among men. Deliver us from the power of evil. Visit us now, we pray Thee, in the darkness of these times, and let Thy truth and righteousness shine forth among us.

Grant wisdom to our statesmen and integrity to all in authority.

Take from this world fears which oppress mankind, and the wrongs which torment and blind us; help us to live within the power of justice and the freedom of Thy truth and light—through Jesus Christ, our Lord. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 17, 1972:

H.R. 13753. An act to provide equitable wage adjustments for certain prevailing rate employees of the Government.

On May 18, 1972:

H.J. Res. 1174. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1972, and for other purposes; and

H.R. 13334. An act to establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes.

On May 19, 1972:

H.R. 9212. An act to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes;

H.R. 13591. An act to amend the Public Health Service Act to designate the National Institution of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes; and

H.R. 14070. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

On May 27, 1972:

H.R. 14582. An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

On June 2, 1972:

H.R. 5199. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes;

H.R. 8116. An act to consent to the Kansas-Nebraska Big Blue River compact; and

H.R. 14655. An act 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1074. An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year;

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968; and

H.R. 13034. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

The message also announced that Mr. BAYH be appointed as a conferee on the bill (S. 2770) entitled "An act to amend the Federal Water Pollution Control Act" in lieu of Mr. TUNNEY, excused.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill for fiscal year 1973.

Mr. MICHEL reserved all points of order on the bill.

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

There was no objection.

DEATH OF MRS. JAMES BARRY LOSS TO CREDIT UNION MOVEMENT

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

Mr. PATMAN. Mr. Speaker, on May 5 following a long illness Mrs. James Barry, wife of the managing director of the Texas Credit Union League, died in Dallas. Marge Barry was indeed an extraordinary woman. Not only was she active as a credit union supporter, but she devoted much of her life to helping others. She was the past president of the Dallas Deanery Council of Catholic Women, a past president of Christ the King Mothers Club, and a member of the Dallas Diocesan Board of the National Council of Catholic Women. As a member of NCCW, she had been extensively engaged in interdenominational activity through a group of women known as Church Women United and had been active with the National Conference of Christians and Jews. She had written book reviews for America magazine, a publication of the Jesuit Order.

She was a member of the Women of Rotary, organized the Dallas chapter of Kappa Gamma Pi Honor Society, and had served as chairman of the Camp Committee for the Dallas Area of the Girl Scouts of America. For many years she was active with the Committee for Foreign Visitors to Dallas.

Mrs. Barry was also an inspiration in his credit union work to her husband who developed the Texas Credit Union League into one of the finest in the Na-

tion. In fact, when Mr. Barry was drafted into the Army in 1944, soon after becoming managing director of the Texas Credit Union League, Mrs. Barry took over as office secretary and was the only employee of the league while her husband was in the service. Thus, during the war years, Mrs. Barry was the Texas Credit Union League.

As I said earlier, Marge Barry devoted much of her life to helping others. And the work that she has done will never go unnoticed by those who were fortunate enough to have come in contact with her.

PROPOSED APPROPRIATIONS BILL FROM WAYS AND MEANS COMMITTEE

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

Mr. MAHON. Mr. Speaker, this morning the House Committee on Appropriations approved a $28 billion appropriation bill for Labor, and Health, Education, and Welfare, which is scheduled to be before the House next week.

Next week there is also scheduled to be before the House a $30 billion appropriation bill out of the Ways and Means Committee.

Mr. Speaker, this Ways and Means Committee bill does not raise one penny of revenue. It is an authorization bill and it is an appropriation bill for 5 years. It bypasses the established authorization process involving a number of major legislative committees, and it bypasses the established appropriations process which we have known for the last 52 years.

Not in the history of Congress that I can find has an appropriation bill come to the floor under a closed rule, which is now proposed for this Ways and Means Committee bill.

I say it is indefensible that the appropriation bill of $30 billion should come before the House next week under a closed rule. Members should have the right to make points of order and offer amendments. I propose to do what I can to open up the rule so the House can work its will on that appropriation bill, just as it does on other appropriation bills.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of said District for the fiscal year ending June 30, 1973, and for other purposes.

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

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 further consideration of the bill H.R. 15259, with Mr. MCFALL, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on yesterday, the Clerk had read through line 8 on page 2 of the bill. If there are no amendments to be proposed, the Clerk will read.

The Clerk proceeded to read the bill.

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

The CHAIRMAN pro tempore. Evidently a quorum is not present. The Clerk will call the roll.

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

[Roll No. 191]

Abernethy	Ford, William D.	Passman
Abourezk	Fraser	Pelly
Alexander	Frelinghuysen	Pepper
Anderson, Tenn.	Gallagher	Peyser
Aspin	Gibbons	Price, Tex.
Badillo	Gray	Pryor, Ark.
Baring	Griffin	Rangel
Bell	Griffiths	Reid
Biaggi	Gude	Riegle
Blatnik	Halpern	Robinson, Va.
Burton	Hébert	Rodino
Carney	Holifield	Rooney, N.Y.
Celler	Horton	Rosenthal
Chappell	Koch	Roybal
Clark	Kyros	Runnels
Clawson, Del	Long, La.	Scheuer
Clay	Lujan	Schmitz
Conyers	McClory	Schneebeli
Daniels, N.J.	McCloskey	Springer
Danielson	McEwen	Steed
Dellums	McKinney	Stratton
Denholm	McMillan	Stubblefield
Dennis	Macdonald, Mass.	Stuckey
Diggs	Metcalfe	Teague, Calif.
Dowdy	Miller, Calif.	Teague, Tex.
Dwyer	Minshall	Van Deerlin
Eilberg	Mitchell	Waldie
Esch	Moss	Whitten
Eshleman	O'Konski	Wilson, Bob
Fish		Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, 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. 15259, and finding itself without a quorum, he had directed the roll to be called, when 343 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC SAFETY

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioner; cash gratuities of not to exceed $75 to each released prisoner; purchase of one hundred and fifty-five passenger motor vehicles for replacement only (including one hundred and forty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of $400 per vehicle for police-type and $600 per vehicle for fire-type use above such limitation); $181,700,000, of which $7,854,600 shall be payable from the highway fund (including $112,000 from the motor vehicle parking account): *Provided*, That the Police Department and Fire Department are each authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

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

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. HALL. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from Missouri will state the point of order.

Mr. HALL. Mr. Chairman, I make a point of order against the language on page 4, line 11, after the semicolon, the phrase: "cash gratuities of not to exceed $75 to each released prisoner;".

I believe this is not authorized by law, and I make that point of order against this phrase.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard?

Mr. NATCHER. Mr. Chairman, the gentleman from Missouri is correct; and we concede the point of order.

The CHAIRMAN. The Chair would like to ascertain exactly the language to which the point of order was directed.

Mr. HALL. Mr. Chairman, the point of order is raised to the language on page 4, line 11, following the word "Commissioner", and semicolon, the phrase "cash gratuities of not to exceed $75 to each released prisoner" and the semicolon.

The CHAIRMAN. (Mr. FASCELL). The Chair will state that the point of order has been conceded, and the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

GENERAL OPERATING EXPENSES

General operating expenses, $65,029,000, of which $629,700 shall be payable from the highway fund (including $72,400 from the motor vehicle parking account), $94,500 from the water fund, and $67,300 from the sanitary sewage works fund: *Provided*, That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, $5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of $100 per diem: *Provided further*, That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That $2,500,000 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That not to exceed $100,000 of this appropriation shall be available for settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each: *Provided further*, That not to exceed $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, open to amendment at any point, and subject to any points of order.

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

There was no objection.

POINT OF ORDER

Mr. HALL. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman from Missouri will state his point of order.

Mr. HALL. Mr. Chairman, my point of order should lie on page 3, line 8, following the colon, against the phrase:

Provided, That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary:

In other words, Mr. Chairman, I am raising a point of order against all after the colon on line 8, through the colon on line 13.

This was not authorized, and it is an appropriation bill without authorization.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that that part of the bill to which the gentleman has raised his point of order was previously read prior to the unanimous-consent request.

Mr. HALL. But, Mr. Chairman, I submit that the unanimous-consent request was granted to the entire bill, that it be open to amendment and open for points of order at any point. This request was granted and therefore I have gone back to this point of order.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order raised by the gentleman from Missouri?

Mr. NATCHER. Mr. Chairman, the gentleman from Missouri (Mr. HALL) is correct, and we concede the point of order.

The CHAIRMAN (Mr. FASCELL). The point of order is conceded, and the point of order is sustained.

Are there any further points of order?

Are there any amendments to be proposed?

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with the Act of August 7, 1946 (60 Stat. 896), as amended, and payments under the Act of July 2, 1954 (68 Stat. 443), construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), August 20, 1958 (72 Stat. 686), and the Act of December 9, 1969 (83 Stat. 320); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, $131,394,000, of which $12,227,700 shall be payable from the highway fund, $2,420,000 from the water fund, and $1,760,000 from the sanitary sewage works fund: *Provided,* That $4,332,000 shall be available for construction services by the Director of the Department of General Services or by contract for architectural engineering services, as may be determined by the Commissioner, and the funds for the use of the Director of the Department of General Services shall be advanced to the appropriation account, "Construction Services, Department of General Services": *Provided further,* Notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90–495, approved August 23, 1968), for which funds are provided by this paragraph, shall expire on June 30, 1974, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse: *Provided further,* Notwithstanding any other provision of law, any authorization for a capital outlay project, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90–495, approved August 23, 1968), for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such projects were or will have been obligated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefore shall lapse.

The Clerk read as follows:

Amendment offered by Mr. REUSS: Page 9, strike out lines 10 through 13, and insert in lieu thereof the following: "available until expended, $131,429,000, of which $2,420,000 shall be payable from the water fund, $1,760,000 from the sanitary sewage works fund, and $12,262,700 from the highway fund: *Provided,* That of the funds payable from the highway fund $35,000 shall be available for the construction of a bicycle route network in the District of Columbia: *Provided further,* $4,323,000 shall be".

Mr. REUSS. Mr. Chairman, this amendment would simply restore a rather small sum, $35,000, which was in the budget request, but which does not appear in the bill before us. That $35,000 was requested by the District government to build bicycle routes from various areas in the city downtown.

For $35,000, plus help from the highway fund, the District would be able to build ramps from the curbs, so that your bicycle does not jolt, and would be able to put striped painted bicycle lanes down, and would be able to put up signs telling motorists and truck drivers that this is a route on which bicyclists will also travel. There will be a whole series of accesses to downtown—from the Georgetown area downtown, Connecticut Avenue area downtown, the Capitol Hill area downtown, and from the Southwest Redevelopment Area downtown.

Already some 6,000 of us do commute on bicycles. It is a safe and healthy and efficient use of space. The bicycle, unlike the automobile, does not present an air pollution hazard.

Bicycle sales are up in Washington. More people want to use them. But in order to prevent danger to bicyclists, there ought to be this kind of a simple setting aside of parts of paths and highways which should be available for the use of bicycles.

A pollution test recently conducted shows that the monoxide pollution level in this city is bad, and is getting worse. If we are going to come to grips with it at all, we should encourage bicycle riders.

I understand that a not very notable case was made for this in the subcommittee hearings. I cannot find anything in the hearings about it. I have talked to the distinguished chairman of the subcommittee, and I would hope there would be no objection to this item, which, though small in amount, only $35,000, can do an awful lot of good for traffic to encourage a healthful form of locomotion, and relieve congestion.

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

Mr. REUSS. I will be glad to yield to the gentleman.

Mr. GROSS. This sounds to me as though it is not the first cost but the upkeep that we should look at. To my way of thinking, it sounds like a foot in the door to a much greater expenditure. Is that not true?

Mr. REUSS. I honestly do not think so, Mr. GROSS. This money in this amendment would be used for just three purposes: getting rid of the 6-inch decline when the curb hits the street and putting a little ramp in so that you can drive the bicycles on them; painting the lanes; and putting up signs saying "Motorists watch out; there are bicyclists here." The upkeep cost would be very small. This is listed as a capital cost, and I think properly so. Therefore I do not believe it is the camel's nose under the tent, for which the gentleman from Iowa is a great watcher-outer.

Mr. GROSS. It seems to me when Congress is appropriating $185 million of Federal funds for the District of Columbia that money ought to be spent for purposes more essential than this at least until the District of Columbia shows a disposition to run the municipal government on an economical and sound basis.

Mr. REUSS. The subcommittee has made some very well-deserved criticisms of management in the District of Columbia, with which I concur. However, I would not think it relevant to apply those strictures to a proposition to make $35,000 available to put into effect a clean and nonpolluting form of locomotion like bicycles.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I said yesterday, Commissioner Walter Washington presented to the committee and we in turn are presenting to the House a good budget for the District of Columbia.

As I said yesterday Mr. Chairman, I think Walter Washington is trying to do a good job and he is making a good Commissioner. When he prepared his budget and submitted the budget to the City Council there was no provision in the budget for $35,000 for the use that the gentleman now incorporates in his amendment.

When the budget was presented to the city council the council decided that $35,000 should be added for a bicycle route network.

Now, when they brought the budget before the committee as the members of the subcommittee will remember we had no strong advocate speaking for this particular project. The Commissioner did not want it. He did not add it in the budget. And this is a facility and a project that is not necessary at the present time.

Mr. Chairman, you will recall several months ago in Rock Creek Park and in certain other sections of the city, the Department of the Interior decided to have an experimental bicycle lane. They set this lane up and it was in operation from September 13, 1971, until September 20, 1971.

During this time they made a careful survey to determine as to whether or not these lanes were used and by actual count they ascertained that on the inbound traffic they had 85 bicycles using the lanes and 80 bicycles using the lanes on outbound traffic. In the morning and during the rush hours 85 bicycles coming in and in the afternoon on the outbound traffic 80 bicycles going out.

Here in our Nation's Capital we have 640,000 automobiles that come into this city every morning bringing people to work. And when you say $35,000 to set up bicycle lanes you are talking about confusion. I say to you that Walter Washington is correct. This is a matter that should have considerable study before it is adopted by the Commissioner or the City Council or the House of Representatives.

With all due respect to my friend from Wisconsin (Mr. REUSS), Mr. Chairman, I ask that this amendment be defeated.

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

Mr. NATCHER. I yield to the gentleman.

Mr. DAVIS of Wisconsin. Mr. Chairman, I take this time to inquire of my colleague, the gentleman from Wisconsin, as to the explanation of the $9,000 reduction in construction services by the Director of the Department of General Services that is provided for in the last line of his amendment.

Mr. REUSS. I am somewhat baffled by the gentleman's question.

Mr. DAVIS of Wisconsin. The bill as written provides for $4,332,000 to be available for construction services by the Director of the Department of General Services.

The gentleman's amendment changes that to $4,323,000.

Is that simply a transposition of figures or is there an intention to reduce the funds available for that purpose?

Mr. REUSS. I am wondering if the gentleman is reading from my amendment. My amendment is on page 9. It would merely add $35,000 to the capital outlay funds. There is no language in there——

Mr. DAVIS of Wisconsin. Oh, yes, there is language. That is why I am asking the question.

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

(By unanimous consent, Mr. NATCHER was allowed to proceed for 2 additional minutes.)

Mr. NATCHER. I yield to my friend from Wisconsin.

Mr. DAVIS of Wisconsin. The gentleman, on line 13, has changed the figure "$4,332,000" to "$4,323,000." I am inquiring whether that is merely a typing mistake or whether the gentleman intends to reduce the figure in the bill.

Mr. REUSS. The gentleman makes a good point.

Mr. Chairman, I ask unanimous consent that the figure in my amendment "$4,323,000" be changed to "$4,332,000." I thank the gentleman. I had not seen that.

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

There was no objection.

Mr. DAVIS of Wisconsin. Mr. Chairman, if my chairman will yield further——

Mr. NATCHER. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I think it should be pointed out that this amount, which is small, is not the whole story. It represents the seed money for additional funds that would come either from the Federal Government or in later appropriations for the District of Columbia. I must join my chairman in opposition to the amendment.

Mr. NATCHER. Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The question was taken; and on a division (demanded by Mr. REUSS) there were—ayes 6, noes 27.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MYERS

Mr. MYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MYERS: On page 15, add a new section after line 24 as follows:

"No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, further, or accommodate the promotion or influencing of legislation or other governmental actions of the United States Government or the District of Columbia, or for partisan political activities, but this shall not prevent officers or employees of the United States or its departments or agencies from communicating to Members of Congress on the request of any Member of the Congress. Nothing is intended to prohibit the availability of school buildings for the use of any community group during non-school hours."

Mr. MYERS. Mr. Chairman, back in March the District of Columbia schools, with the help of the administration of the schools and the school board, encouraged students and faculty members to engage in a demonstration within the District of Columbia. They used school facilities to send out materials encouraging the young people, the students themselves, to be used as pawns for a political motive here in the District. They used all the communicative routes of the District of Columbia school system to send out this material to the homes of the children.

They further stated that the students, the young people who would attend this demonstration around the Capitol here, and the White House, would have protection from the school system, that school buses would be used. They generally gave all types of help. There was implied protection by school officials for the young people.

Then later on, about 3 weeks ago, a member of the school board encouraged and led a group of high school students from Eastern High School, over the objection of the principal of that high school, who said that the students in Eastern High School needed to work on their curriculum much more than they needed to demonstrate here in the Capitol. Over the objection of the principal of that high school to having the students used for that purpose, a member of the school board led those students to demonstrate in the Capitol.

The purpose of this amendment is to help the school system and the young people, the schoolchildren of the District of Columbia, to prevent them from being used in the future as a pawn or as a tool to encourage action for or against any particular legislation or to be used in a demonstration.

As has been said before in debate here, our school systems are in difficult problems enough in the District of Columbia, and they certainly do not need to be engaged in any further activities such as this that will be a means of diminishing or taking away support from the local schools.

The National Achievement Tests that have been given have shown a large number of students failed, so the students themselves cannot afford to be taken out of their school at this time.

We have some built-in protection here that does not prevent the students or teachers or administrators from individually coming up and testifying before a committee or taking part in some kind of legitimate activity within the schools. This is protected in the amendment.

Also we have a provision that the schools themselves, the buildings and facilities can be used for political meetings, for legitimate political meetings or other community activities. It is not the intent of this amendment in any way to deny use of public buildings for other public services, but I personally feel that this amendment is needed to protect the students and the school systems.

There is not a member of the subcommittee who will not agree that our schools in the District of Columbia need to be improved. They need all the help they can get.

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

Mr. MYERS. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Chairman, for purposes of clarification, the gentleman's language refers to "officers

or employees of the United States or its Departments or Agencies."

I am wondering if the gentleman is certain that the employees or officers of the District of Columbia would be included in that language, and whether the District of Columbia is a department or an agency of the Federal Government. I think that is, perhaps, somewhat questionable. I would wonder what the gentleman's true intent is with respect to that language.

Mr. MYERS. I am happy to respond to the gentleman.

I think the gentleman shares with me the concern that we do not want to prevent any legitimate complaint to the Congress, or the opportunity to be able to testify before one of the committees or to come to a Congressman by any member of the District of Columbia, including the school system.

This language, verbatim, is taken from the District of Columbia Code. It is already existing law, this particular section we are speaking about and which the gentleman is questioning. It is taken from the District of Columbia Code, and it can be found in the District of Columbia Code 47, section 145.

Mr. DAVIS of Wisconsin. My question is, then, in that code and in other related legislation, is the District of Columbia referred to as a department or agency of the United States?

Mr. MYERS. I think it certainly is, because this is not the United States Code I have taken this from. It is taken from the District of Columbia Code. I am sure it directs itself, and it is my intention here, that it refers to all departments or agencies of the District of Columbia government as well as the Federal Government.

Mr. DAVIS of Wisconsin. That is not what the gentleman's amendment says. The gentleman's amendment says "officers or employees of the United States or its departments or agencies." At least, that is the way my copy reads.

Mr. MYERS. This is what it says, and this is what the District of Columbia Code says, and it is already enacted into the District of Columbia Code. I have taken the language which has already been accepted in the District of Columbia Code.

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

(On request of Mr. GIAIMO, and by unanimous consent, Mr. MYERS was allowed to proceed for 5 additional minutes.)

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

Mr. MYERS. I yield to my friend, the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I appreciate what the gentleman is trying to accomplish with his amendment, and that is to eliminate the political controversy type activities which have taken place in the school programs of the District of Columbia.

For example, there was a recent march on the White House to demonstrate against the President's welfare program, and a peace march which took place with the coming of schoolchildren to the Capitol Building. I assume these are the types of activities which the gentleman feels should not be a proper part of the school curriculum.

The thing which bothers me, however, is that in trying to legislate against activities of this type we might get ourselves into a real legislative bind. It is very difficult to write language which will accomplish the job we are trying to do, and in fact we may find ourselves prohibiting the use of school buildings for quite proper activities. Or, on the other hand, we may find, for example, if we say that the school system shall not encourage, participate in or finance any type of controversial political activity, that immediately we get into a legal question as to what is controversial or what is not.

Is a United Nations day celebration controversial? They will tell you, as in fact the superintendent and the chairman of the Board of Education told us, it is.

I wonder if the gentleman would be satisfied if we suggested some changes. We can try to accomplish this by unanimous consent.

I believe we are all trying to arrive at the same purpose, which is to eliminate the inciting and stimulating of schoolchildren to take part in things which quite frankly they really know nothing about.

I wonder if language of this type would be satisfactory to the author of the amendment:

No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate or further partisan political activities.

We could leave out, then, the "accommodate the promotion or influencing of legislation or other governmental actions of the U.S. Government or the government of the District of Columbia."

In effect, what we would be prohibiting would be the use of these funds to encourage, facilitate, or further partisan political activities.

This might not go the whole way the gentleman intends to go, but I believe it would be a start. It would be the beginning. Certainly it would serve notice on the Board of Education and the superintendent of schools that the Congress is dead serious about this situation and does not want to see a repetition of it.

If they continue to ignore Congress, then we could take additional steps in the future.

If the gentleman would be agreeable to that type of language, we could ask unanimous consent to change the amendment. I believe we could gain additional support for it here in the Chamber in that way.

Mr. MYERS. The "influencing of legislation or other governmental action" also was taken from the existing law.

I can fully appreciate what the gentleman is trying to accomplish here. I certainly agree with him.

However, what is "partisan political activities"? How would one define that?

For instance, what about the so-called march down here for welfare rights? That was not partisan, at least so the witnesses said. Dr. Scott and the chairman of the school board, Mr. Barry, said all of this was not partisan political activity at all.

How do we really stop this action of using young people, the youth, for that type of activity, if they maintain it is not political activity?

Mr. GIAIMO. Certainly the march on the White House was partisan politics.

Mr. MYERS. Not in the minds of the school officials was it considered political.

Mr. GIAIMO. What we are trying to do here is to narrow rather than to broaden the purpose of the definition, which is going to create a very real problem in respect to whatever kind of language we write here.

All I suggest is, let us try to simplify it, which will in effect eliminate some of the pitfalls and problems, and still serve notice on them downtown that they have to cut this out.

We do have additional weapons. The fact is that we are appropriating money. Ultimately, if they do not listen, we will have to hurt them where it hurts, in the pocketbook, and then they will begin to listen.

(By unanimous consent, Mr. MYERS was allowed to proceed for 5 additional minutes.)

Mr. MYERS. Along the line the gentleman spoke of, regarding the use of school buildings and facilities, he and I discussed it and we accepted that language in the last paragraph to make sure that school buildings will not be denied for legitimate purposes, and I agree with that. However, I cannot completely agree with the gentleman's line of reasoning here that we are denying individual rights of students to participate on their free time here or the rights of faculty members or administrators to participate on their own time. We are merely talking about the use of school facilities during school time and using schoolchildren during school periods or for organizing a march or activity during school hours. I think you need that language in order to do that.

Mr. OBEY. Will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. You talk about students. Well, I am not a lawyer, and I kid my lawyer friends by saying that every time someone assumes I am one I stand up and defend my character, but I read this language to mean no member of the school board or officer of the schools could come up here and testify on their budget under your language. I do not think that any teacher, regardless of what you might think of a pay raise, could come up here and support a bill that contained a pay raise for teachers.

Mr. MYERS. If the gentleman will allow me, it says this shall not prevent employees or officers of the U.S. departments or agencies from communicating with the Congress.

Mr. OBEY. I do not have that language on this side.

Mr. MYERS. We changed that. It comes out of the District of Columbia Code. It gives the people the opportunity legitimately to come to testify before a committee or a Member of Congress.

Mr. OBEY. I will grant you that. I hope if a teacher wants to come up and lobby for a bill that contains funds that provide for increased salaries for him, he could come up under this. They are not officers of the school system.

Mr. MYERS. I do not think they can lobby during school hours, but after school hours or in the evening, if an individual wants to come in and talk about something, I do not think that we could deny him that right. As individuals I do not think we could. I certainly would not want to. But I do not think we are doing that here.

Mr. OBEY. I have one other question. If you have difficulty in defining "partisan political activity," then what does the langauge mean when it says, "influence legislation or other Government action of the U.S. Government"? If you cannot define partisan political activity, then how do you define that?

Mr. MYERS. I think to influence legislation as an example was used before our committee for about two sessions when Dr. Scott and Mr. Barry came and testified that it was legitimate for them to engage in actions like this, in this activity, in school. They said it was not a partisan political activity. Time and time again they said they did not consider it as political, but merely were objecting to the use of welfare funds and inadequate welfare funds.

Mr. OBEY. I ask you how do you define it. That is the question. I can accept the language as suggested by the gentleman from Iowa or Connecticut, but I cannot buy this.

Mr. GIAIMO. Will the gentleman yield?

Mr. MYERS. I am glad to yield to the gentleman.

Mr. GIAIMO. I do not want to argue the merits of the gentleman's original amendment or the language I am suggesting as opposed to it, but in the interests of succeeding in this area, if you would ask unanimous consent to modify it, I believe you will gain greater strength for the passage of the amendment.

Mr. DAVIS of Wisconsin. Will the gentleman yield?

Mr. MYERS. I yield to the distinguished minority leader of the subcommittee, the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I rise again to inquire of the gentleman, for apparently the gist of my previous question did not reach the point that I am concerned about. Where the gentleman's amendment reads "officers or employees of the United States," I am sure the gentleman means to say "officers or employees of the District of Columbia." Is that not correct?

Mr. MYERS. That is correct. I ask unanimous consent at this point, then, that a comma be inserted after "the United States," and add the words "the District of Columbia."

Mr. DAVIS of Wisconsin. I want to be sure that has relevance with respect to officers and employees of the District of Columbia, and if the gentleman can secure unanimous consent for this I think it would accomplish that purpose.

The CHAIRMAN. Will the gentleman from Indiana restate his unanimous-consent request, please?

Mr. MYERS. Mr. Chairman, I ask unanimous consent that the amendment be further amended that after "employees of the United States," add these words:

the District of Columbia, or its departments or agencies from communicating to Members of Congress.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Indiana?

There was no objection.

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

Mr. MYERS. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Do I understand that your wording would prevent a student from testifying at a hearing before the Committee on Appropriations?

Mr. MYERS. Not at all. That is not what we are speaking about—that as individuals they have every right, but to be organized at their schools, and then to be used as fronts or tools, this would be prohibited. As to their individual rights it would not be at any time or any place prohibited.

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

Mr. Chairman, I would like to direct a question or two to my distinguished friend, the gentleman from Indiana (Mr. MYERS), a member of the subcommittee. And, Mr. Chairman, I do so not in opposition to the amendment nor as to the problem that the distinguished gentleman from Indiana has in mind. The gentleman from Indiana is an able member of this subcommittee, and during the hearings when this matter was brought to our attention he, along with other members of the subcommittee, spent considerable time trying to develop why this took place in the District of Columbia.

I would like to ascertain from the distinguished gentleman from Indiana if he would be willing to strike from his amendment the words that I will omit, with the amendment then reading as follows:

No funds appropriated herein for the Government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes, may be used to permit, encourage, facilitate—

And I would add the words, after "facilitate":

or further partisan political activities.

Thereby striking out the words "or accommodate the promotion or influencing of legislation or other governmental actions of the U.S. Government, or the Government of the District of Columbia." Then the balance of the amendment, I would say to my friend, the gentleman from Indiana (Mr. MYERS) would read:

Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

Now, Mr. Chairman, I call this to his attention because I have been a member of this subcommittee for a number of years and on a number of occasions school teachers, presidents of colleges, and other officials in the District of Columbia, have appeared before our committee on numerous occasions, and they have brought students with them. Now, I say to the gentleman that they may have come here in a bus, and if they did I think it is all right. I think they ought to have the right to come up to appear before a hearing of our committee with teachers, and with the principal, and if they come in school property, I think it is all right.

Mr. Chairman, I believe if the distinguished gentleman from Indiana would agree to the elimination of the words that I think any court of the District of Columbia would declare to be unconstitutional and strike them, I believe that the gentleman from Indiana will have a sound amendment, and would accomplish the purpose that he has in mind.

Mr. MYERS. Mr. Chairman, would the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I ask unanimous consent that my amendment be further amended to strike the words that the gentleman from Kentucky (Mr. NATCHER) has just indicated.

The CHAIRMAN. The Chair would ask the gentleman from Indiana if he would enlighten the Chair as to just exactly the words to be stricken.

Mr. MYERS. Certainly.

Mr. NATCHER. Mr. Chairman, if the gentleman from Indiana will permit me to interrupt, may I say that the amendment would read as follows:

No funds appropriated herein for the Government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes, may be used to permit, encourage, facilitate, or further partisan political activities.

And then it would continue:

Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

Is that correct?

Mr. MYERS. That is correct, and, Mr. Chairman, I hope that the unanimous-consent request will be agreed to.

The CHAIRMAN. The Chair would inquire of the gentleman from Indiana whether the gentleman from Indiana intends to delete the language that was previously modified under the earlier unanimous-consent request?

Mr. MYERS. Yes, Mr. Chairman, if the gentleman from Kentucky would yield to me to permit me to say so, that is what I believe the gentleman from Kentucky asked me to do, that that language would be deleted.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana for the reading of the amendment as just read by the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. MYERS: On page 15, add a new section after line 24 as follows:

"No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities.

Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during non-school hours."

Mr. FAUNTROY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I simply want to ask a question of the gentleman from Indiana (Mr. MYERS).

Would the amendment as now offered prevent a party from securing school premises for a forum, during the course of a party primary?

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

Mr. FAUNTROY. Certainly I yield to the gentleman.

Mr. MYERS. I think the language clearly defines it and gives every opportunity for the services of facilities and buildings and so forth.

The last paragraph reads, and I will read it again—

Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during non-school hours.

Mr. FAUNTROY. So that you would allow that?

Mr. MYERS. That is right. It is the intention of this amendment to permit that kind of use.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. MYERS).

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the distinguished chairman of the subcommittee, Mr. NATCHER, a question or two concerning the bill.

Is there any language in this bill that is designed in any way to provide for a Federal contribution to be used for the guaranteeing of District of Columbia bonds of any description?

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

Mr. GROSS. Yes, I am glad to yield to the gentleman.

Mr. NATCHER. The answer to the gentleman's question is "No."

Mr. Chairman, I want to say to the gentleman that I certainly agree with him and this is a very important question.

As far as the guarantee of bonds is concerned there is no provision in this bill along that line. I think that before any consideration is given to such a proposal there should be considerably more study given to any such idea.

As I said, the answer is "No."

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

I asked that question in view of the fact that only a short time ago it was reported that the per capita income of District of Columbia residents jumped 11.1 percent in 1971 over 1970, almost twice the national increase according to the Department of Commerce figures. At that rate of income increase, so far as I am concerned, the District of Columbia is pilfering the pockets of the taxpayers of the country, including Kentucky and Iowa, beyond all reason when it gets a handout in this bill of $185 million.

May I ask the gentleman another question. How much of a contribution do the taxpayers of the entire country, through the process of contributions to the District of Columbia, make to the payment of interest on the bonds for that white elephant stadium in the eastern part of the city?

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

Mr. GROSS. Yes; I am glad to yield to the gentleman.

Mr. NATCHER. As the gentleman well knows, at the time the stadium was constructed, I was a Member of the House and on the floor when the distinguished gentleman now standing across the aisle from Iowa asked the question as to how much the stadium would cost. The answer to the gentleman was between $5 and $6 million. As the gentleman well knows, it cost a little over $20 million. It requires $831,000 a year to pay the interest on the bonds. We have to borrow that money out of the Treasury of the United States. Not one single bond has been retired, and the money that is borrowed, of course, must later on be paid. This, then, of course, is a part of the Federal payment.

So, therefore, in the end a part comes out of Federal money, because the $831,000 in interest must be paid each year.

Mr. GROSS. So we continue to pay interest on those bonds, not a dollar of which has been retired since the stadium was built. We pay in the percentage of the Federal contribution to the District of Columbia. Is that the situation?

Mr. NATCHER. The gentleman is correct.

Mr. GROSS. And yet our former colleague from Arkansas, Mr. Harris, one of the advocates of the stadium, told us on the floor of the House, and repeatedly, that the stadium would never cost the taxpayers of the country one single dime.

Mr. NATCHER. The gentleman is correct.

Mr. Chairman, as you know, the original legislation provides that in the year 2001 the stadium would then be turned over to the Department of the Interior. We tried on a number of occasions, I will say to my friend from Iowa, to get the Department to take it over, and the gentleman knows the answer to that move.

Mr. GROSS. And I have no doubt that by the year 2001 that edifice down in Foggy Bottom, known as the Cultural Center, will also become the property of the Department of the Interior.

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

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

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. DAVIS of Wisconsin. I take this time only for purposes of clarification and to suggest to the gentleman from Iowa that while there is legislation pending, at least requested, which would permit the District of Columbia to issue bonds for the purposes stated, there is no existing legislation of that kind.

There is also legislation that has been requested to provide for the guarantee of $1.2 billion in bonds for purposes of financing continuance of the subway construction. That, too, has not yet been written into law. But under existing law, in lieu of the bonds, the borrowing of the District of Columbia is done directly from the Treasury of the United States, and they pay the going rate for Treasury borrowing at that particular time.

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

Mr. DAVIS of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. I wish to commend the committee, although I am opposed to this bill, for not having inserted any language in this bill which will eventually trap all the taxpayers of the country into either of those proposals with a request that will probably come upon the Congress sooner or later for the taxpayers of all the country to guarantee $1.2 billion of bonds for subway construction or to guarantee the payment of the bonds pertaining to the stadium.

Mr. DAVIS of Wisconsin. Even if we were so inclined, if we had attempted to insert any such language, it would have been subject to a point of order, and I am sure the diligent gentleman from Iowa would have seen that that language was deleted.

Mr. GROSS. I will say, if the gentleman will yield further, there are several other legislative provisions in this bill that were not challenged here today, and I think for sufficient reason. I do not make points of order against all provisions in all bills, because some of them are meritorious, and in that case I do not make points of order.

I thank the gentleman for yielding.

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

Mr. Chairman, I take this time simply to advise the House at this time that, as a member of the Appropriations Subcommittee, I will not vote for this bill. However, it is not because the committee has not done a good job—it has—my vote is in protest of the present sloppy District administration.

There may be some who do not understand the depth of my criticism of the District of Columbia government. I wish those colleagues of mine who maintain that one or another District of Columbia official is not implicated in this wholesale mismanagement would tell me who they think is responsible. Former President Harry Truman had a sign on his desk which read: "The buck stops here." It is apparent that almost no one in the District of Columbia government is willing to be a buckstopper. They are all champion buckpassers. Most assuredly the distinguished chairman and ranking

minority member of this committee would not consider Commissioner Washington's latest outburst to be proper. No one in this House can substantiate the Commissioner's remark that, if he replied to criticism, the committee would "cut another million dollars off our budget." Such a remark is the height of irresponsibility and everyone knows it. If what I have said in my supplemental views in the subcommittee report and on the House floor in the last couple of days applies to anyone, let him take it to heart.

The committee has worked diligently to cut out the waste and extravagance that permeates the government of our Nation's Capital. Our esteemed chairman, the gentleman from Kentucky (Mr. NATCHER) with years of experience at his command, has provided a good bill considering the obligations that we have and the roadblocks set up by District officials that we confronted.

My vote is primarily a protest against the mismanagement, hypocrisy, and total arrogance of the District of Columbia officials. Never in my life have I found so many people who would testify before this committee using falsehoods and half-truths. They have tried to sweep under the rug as much as possible. They operate as if under "home rule" with all the independence of total local revenue.

Once again, this is no reflection on the committee, but reflects the experience I have had.

As one member of the committee, I can promise this. If I serve on this committee next year, or if a supplemental bill is requested later this year from our committee, unless the attitude of the District officials changes radically, they might just as well save their time and their breath, because I will not support additional budgetary requests.

We all think a great deal of the District. It is our Nation's Capital. It belongs to each and every one of us. We have not been chintzy with the District of Columbia. They have been given all the money they could use wisely, but results prove they prefer "not" to use it wisely. We are not a committee of condemnation. Too many people have appeared before us and provided us with only half the picture, yet they try to put the blame on this committee for lack of support. There is absolutely no truth to that. Consistently generous appropriations have proved the opposite.

I personally ask that the Members of the House take time to read the hearings, or at least the supplemental committee report. You will find much to agree with. Decide for yourself whether or not we have a major problem here that could be corrected if we had some candid cooperation and support from downtown.

A case in point I would like to mention briefly today was included in the District of Columbia budget request. It would have provided a tenfold increase for free uniforms for District of Columbia highway department employees. Last fiscal year, the District of Columbia government spent $949 for free uniforms for these employees. This year they plan to spend $10,000. The officials, under questioning, admitted they did not know of any other State highway department which provided free uniforms.

They also requested $50,400 to provide free laundry service for the free uniforms.

As I said before, we do not mind assisting the District of Columbia. However, some of these proposals are just a bit ridiculous. You will be pleased to know that the subcommittee refused to take the taxpayers to the cleaners for this boondoggle. But do you think the District of Columbia hierarchy will learn anything from this? Do not bet on it. Considering their perpetual "gimme" attitude, next year they will probably request tuxedos for the 481 employees receiving over $25,000 a year, plus patent leather shoes and free 75-cent cigars.

The people downtown should reevaluate their attitude in testifying before the committee. Hopefully they will correct some of the situations cited. Otherwise they will suffer serious consequences.

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

Mr. SCHERLE. I yield to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, there is another matter which has not been mentioned and which I hope the Appropriations Committee will look into. A short time ago, according to District of Columbia rule, one school could not spend more than 5 percent more than other schools, and so on, and the method that was used to try to equalize the situation, as I understand it, was this.

The teachers and the salaries were put on a computer. If one school were a little high in the expenditures per pupil, the highest paid teacher in the school, usually the person with the greatest tenure, was simply transferred to another school where they were below the average. This resulted, as I understand it, in one case, for instance, where a little school in the District wound up one Monday morning with three music teachers when they needed one.

As I understand it, in the computation of the amount spent per pupil only the District tax funds were taken into consideration. The Federal funds under title I were not. So actually they had been adding money to schools which were spending more per pupil, but not more per pupil under District of Columbia taxes.

Mr. SCHERLE. We are aware of this and many other fiscal shenanigans by the elected school board.

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

Mr. Chairman, the gentleman who has just spoken, from the State of Iowa, and a member of our subcommittee, is one of the able Members of the House. He is one of the most conscientious Members to serve on either side of the aisle.

During the hearings on the District of Columbia budget for the fiscal year 1973 the distinguished gentleman from Iowa attended every day. He was there when every witness, according to my knowledge, appeared.

I know that during the hearings this year a number of matters were brought to the attention of the committee which certainly were right frustrating and confusing to the committee.

I have served, Mr. Chairman, for a period of 17 years on the District of Columbia Budget Subcommittee. I have had the honor of serving as chairman of this subcommittee since January of 1962. I serve on three subcommittees. I was No. 2 on each of my subcommittees.

As you will recall, Mr. Chairman, the distinguished gentleman from Michigan, Louis Rabaut, who was one of the greatest Members who ever served in this Congress, was the chairman of this subcommittee, and he died. At the time Mr. Rabaut died I was named to be chairman of the subcommittee.

Since I have been the chairman of this subcommittee, Mr. Chairman, I have had the honor and privilege of serving with some outstanding people in the District of Columbia. I believe some of the most dedicated people I have met since I have been a Member of Congress have been and are associated with the District of Columbia government.

I know that at the present time we have problems in education. We have problems with crime. We have problems concerning welfare.

I say to you quite frankly that when this budget was presented to our subcommittee some of the witnesses who appeared were right unusual, to say the least, insofar as the information we were trying to secure is concerned.

I know the gentleman is right frustrated as a member of this subcommittee. This is his second year on this subcommittee.

But, Mr. Chairman, in all fairness to the District of Columbia, I believe I would be remiss as chairman and remiss in my duties as chairman of this subcommittee if I failed to state to the Members of this House that I believe Walter Washington is doing a good job. Mr. Chairman, I believe he is trying. He has problems every day, and they are serious. He is making a good Commissioner.

I know that on the City Council from time to time we have had one or two members who have been in direct conflict with the Commissioner. That has not been to the best interests of our Capital City.

But I want you to know, Mr. Chairman, as one member of this subcommittee I believe we have a number of outstanding people serving in our District government, and I say to you frankly that they are trying to do a good job.

This is a difficult subcommittee to serve on, Mr. Chairman. We have in all, I believe, 21 standing committees of this House, including the District of Columbia Committee. On that committee serve men like my friend EARLE CABELL, who is sitting here on the floor; JOHN MCMILLAN; Mr. FAUNTROY, the nonvoting delegate, who is on the floor; my friend ANCHER NELSEN, who sits on that side. These men, Mr. Chairman, are trying to do a good job. They serve on a right difficult committee.

But in going back to the major premise I wanted to bring to the attention of this committee, and the major point, Mr.

Chairman, I believe the Commissioner is doing a good job.

He is trying and we have a number of serious problems here. I, for one, Mr. Chairman, believe with a little help we are going to solve all of these problems.

Mr. DAVIS of Wisconsin. Will the gentleman yield?

Mr. NATCHER. I will be delighted to yield.

Mr. DAVIS of Wisconsin. The gentleman from Kentucky preceded me in what I wanted to say. I do not believe a blanket indictment of those who appeared before our subcommittee or of officials in the District government can be justified. I think it would do harm if the record were not made clear and if we kept our silence, that we might infer that this is the case. My experience with the men who headed the testimony before our subcommittee—and that, of course, refers to Mayor Washington and to Comer Coppie, the budget officer of the District—is one of candor both on the record and off the record and one of helpfulness in our attempting to get the information that we were entitled to have from some of the reluctant people who did not display that candor in responding to some of the questions that were legitimately raised.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 5 additional minutes.)

Mr. NATCHER. I yield to my distinguished friend.

Mr. DAVIS of Wisconsin. So, while I can agree that we did have some instances where we were frustrated and we did have some witnesses who we felt were there to conceal rather than to inform, that that did not apply to the major responsible witnesses we had before us.

I am glad that the chairman preceded me in stating what I felt was necessary to say in the interests of fairness for my colleagues in the House.

Mr. NATCHER. I yield to my distinguished friend from Minnesota, the ranking minority member on the Committee on the District of Columbia and a man who has done a good job in serving on this committee all through the years.

Mr. NELSEN. I thank the gentleman for yielding. I want to thank him also for his reference to Walter Washington.

In the work we have been trying to do to bring about a better design in city government our efforts have been closely coordinated with Walter Washington in every respect as he cooperated with us. I think when our report is finally filed and made available you will find that he will be given the tools whereby he can do a better job for the people of this area and for the people of the United States.

I want to make it very clear he has cooperated entirely with us, and I think he has done a remarkably good job under the circumstances under which he had to work.

I thank the gentleman for yielding.

Mr. HALL. Will the gentleman yield to me?

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

Mr. HALL. Mr. Chairman, I appreciate the distinguished gentleman from Kentucky, the chairman of the subcommittee, who is handling this very difficult chore and task yielding to me, but I am a little bit disturbed about some of the allegations and counterallegations; and as just one elected Member from an equal number of taxpayers across the length and breadth of the country who is proud of our Capital City, believes in the principle of a Federal City, and who has pride therein, I am concerned about whether we are not as a reaction to a blanket implication defying the law of responsibility where accountability lies. Command and high office has its responsibility and function, as well as its privilege.

Certainly, Mr. Chairman, the appointed members or the elected members of any government, be it municipal, State, quasi-State, Federal, or otherwise must be responsible. There must be some time and some place where for example, a great loss of school funds has to be accounted for and where those responsible for either the election or the appointment of comptrollers, overseers, budget officers, or commissioners or even mayors; must take this problem by the nape of the neck if over $185 million of Federal taxpayers contribution is involved—including some of the interest payments alone that the gentleman referred to in his colloquy—and solve the mystery or replace heads.

I think it is proper that we consider this matter on the floor of the Congress because the taxpayers have a right to know, and I for one say this: that I shall vote against such largesse on the part of the taxpayers as contained in this bill, whether in the blessed name of welfare, charity, human rights, or anything else, so long as these things are swept under the rug and the accountable officer is not held responsible.

Mr. NATCHER. Mr. Chairman, in answer to the distinguished gentleman from Missouri (Mr. HALL), I think that the last statement applies to every Member of the Congress of the United States. I think every Member of this House and every Member of the other body would feel the same way as far as sweeping anything under the rug is concerned. Anyone guilty of malfeasance or nonfeasance should march up on the line like they do everywhere else, and be held accountable. I think every member of this committee feels the same way. But, Mr. Chairman, when you come into this committee and make one sweeping statement and allegation applying it to every member of the District of Columbia government, this to me, Mr. Chairman, with all due respect to my friend, is a mistake.

Mr. BROYHILL of Virginia. Mr. Chairman, I want to commend the gentleman from Indiana (Mr. MYERS) for the amendment he offered previously and which has been adopted.

We witnessed one example of the pied pipers of radical education abusing District schoolchildren by forcing them to march on our public streets. We witnessed another just last week when they marched them from their classrooms to the Capitol steps to demand that we legislate to their liking.

One example should be enough to convince Congress, as I am sure it has our taxpayers, that quality education in the District of Columbia is impossible under the present free-wheeling radicalism of some of our so-called educators unless Congress provides some plain and objective restraints.

An educated child of any race, color, or creed is a national asset, Mr. Chairman, nowhere in the world is intense educational training more vital than in the city of Washington, D.C.

Congress and the American taxpayers have been generous in providing funds to secure quality education for our young, if it is spent for the purpose for which it is appropriated. The time has come to see that it is.

All this amendment asks on behalf of parents in the District and taxpayers throughout the Nation is to affirm that the basic function of education is to teach our children in the classrooms and not on the streets of the Nation's Capital.

These so-called educators who use toddlers for political propaganda are not straining the quality of education, they are obliterating it. We cannot allow this to happen.

Overseeing the educational standards of the Nation has become a covenant of the Congress of the United States. To maintain it is a matter of public faith. We have reaffirmed that faith today by approving the gentleman's amendment and stopping this nonsense in the public schools of the District of Columbia in its tracks.

Mr. LONG of Maryland. Mr. Chairman, I oppose the appropriation of $33.5 million for District of Columbia subway construction, which is contained in the fiscal 1973 District of Columbia appropriations bill.

I oppose the building of the District of Columbia subway for five broad reasons.

First, I oppose the subway for financial reasons. Now the subway's sponsors admit that it will cost $3 billion. The chairman estimates that it may cost as much as $5 billion, and I respect his judgment on this estimate.

If we take the $3 billion figure, it would buy a new home, on the basis of the 1970 census reports, for every one of the 150,000 families in the average congressional district. If each of the 13 metropolitan areas of the United States now planning subways builds one, the costs are going to run between $50 and $75 billion.

My second reason for opposing the subway is its probable lack of use. People do not want to use mass transit. Just incidental to this is the problem of subway crime. If in New York City 3,200 police ride shotgun on the subways to keep law and order, imagine what it is going to be like in Washington, where we have a higher crime rate per capita than they do in New York City. The real reason people are loathe to take subways is that they just do not find it convenient to use mass transportation.

In 1955 Marquette University surveyed 1,000 households, 56 percent of the re-

spondents said they would use their automobiles to go to work, no matter what was done to improve transportation.

In his authoritative book, "Metropolitan Transportation Problem," Wilfred Owen wrote:

> Where facilities do not now exist, and would have to be constructed, the contention that rail solutions can be adopted on any large scale to the accommodations of today's traffic pattern is dubious. Even in older communities like New York and Chicago, which have grown up around mass transportation, the trend in patronage is downward.

What are the implications of this unwillingness to use the subway? In order to get the people to use it, you would have to close the city to auto traffic. If you do this, express buses can be used at lower initial cost, at lower operating cost, and at greater convenience and greater flexibility so that subways would not be necessary.

My third reason for opposing a District of Columbia subway is that it is one more case in which people of ordinary means, in your district and in mine, are going to be asked to subsidize people of high income in the Washington area. The beneficiaries will be mostly Federal employees already enjoying higher salaries and fringe benefits than the taxpayers back home. Can we justify asking your people and mine to pay more taxes and to get along with pollution and inferior schools so that high paid Federal workers can get to work a little quicker at the taxpayer's expense? Most of the really high paid workers will not use it. What they have in mind, I think, is to let the poor people use the subway and keep their cars at home so that the well-heeled can get through the streets faster with their own automobiles.

My fourth reason for opposing the subway is that even if the subway should be ultimately necessary and practicable, which I deny, it is totally unnecessary to plunge into a $3 to $5 billion program for building new rapid rail facilities in Washington when these already exist.

A 1968 Senate study of the metropolitan area transportation situation pointed out that—

> Existing railroad rights of way in Metropolitan Washington . . . run end to end through all but one of Washington's suburban development corridors and provide (or could easily be made to provide) reasonably direct access to downtown Washington. An expanded and improved commuter railroad service utilizing existing area tracks provides a very practical way of promoting development goals and offering a significant measure of interim highway congestion relief in the form of an attractive transportation alternative . . . which could be relatively inexpensive in terms of capital outlay, would involve virtually no disruption to existing land use, and could be operational within a year's time.

Why does the District of Columbia not undertake this quick, cheap, minimally disruptive program? Probably because it does not cost enough, there is no profit for the engineers, the designers, the contractors, the equipment manufacturers, and the investment bankers.

My final objection is that mass transit is not the answer to the congestion of our large cities, especially here in Washington.

The answer is to stop locating so many Government agencies in Washington and to decentralize our Government back home—in your district and mine.

In closing I want to quote Lewis Mumford's "Culture of Cities":

> While congestion originally provided the excuse for the subway, the subway has not become the further excuse for congestion.

I continue to oppose the construction of the District of Columbia subway.

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, 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. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of said District for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

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

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

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

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

Mr. SCHERLE. 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 302, nays 67, not voting 63, as follows:

[Roll No. 192]

YEAS—302

Abourezk	Badillo	Brooks
Abzug	Barrett	Broomfield
Adams	Begich	Brotzman
Addabbo	Bennett	Brown, Mich.
Alexander	Bergland	Brown, Ohio
Anderson, Calif.	Betts	Broyhill, N.C.
Anderson, Ill.	Biaggi	Broyhill, Va.
Anderson, Tenn.	Biester	Buchanan
Andrews, Ala.	Bingham	Burke, Mass.
Andrews, N. Dak.	Blanton	Burleson, Tex.
Annunzio	Blatnik	Burlison, Mo.
Arends	Boggs	Byrne, Pa.
Ashley	Boland	Byrnes, Wis.
Aspin	Bolling	Cabell
Aspinall	Bow	Caffery
	Brademas	Carey, N.Y.
	Brasco	Carlson
	Brinkley	Carter
	Casey, Tex.	Hicks, Wash.
	Cederberg	Hogan
	Chamberlain	Horton
	Chisholm	Hosmer
	Clausen, Don H.	Howard
	Cleveland	Hull
	Collier	Hungate
	Collins, Ill.	Hunt
	Conable	Ichord
	Conte	Jacobs
	Corman	Jarman
	Cotter	Johnson, Calif.
	Coughlin	Johnson, Pa.
	Culver	Jones, Ala.
	Curlin	Jones, N.C.
	Daniel, Va.	Karth
	Davis, Ga.	Kastenmeier
	Davis, S.C.	Kazen
	Davis, Wis.	Keating
	de la Garza	Kee
	Delaney	Keith
	Dellenback	Kemp
	Dent	Kluczynski
	Derwinski	Koch
	Dingell	Landrum
	Donohue	Latta
	Dorn	Leggett
	Dow	Lent
	Downing	Link
	Drinan	Lloyd
	Dulski	Long, Md.
	du Pont	McClure
	Dwyer	McCormack
	Eckhardt	McCulloch
	Edmondson	McDade
	Edwards, Ala.	McDonald, Mich.
	Edwards, Calif.	McFall
	Eilberg	McKay
	Erlenborn	Macdonald, Mass.
	Evans, Colo.	Madden
	Evins, Tenn.	Mahon
	Fascell	Mailliard
	Fish	Mallary
	Flood	Martin
	Flynt	Mathias, Calif.
	Foley	Matsunaga
	Ford, Gerald R.	Mazzoli
	Forsythe	Meeds
	Fountain	Melcher
	Fraser	Michel
	Frenzel	Mikva
	Fulton	Mills, Ark.
	Fuqua	Minish
	Galifianakis	Mink
	Garmatz	Minshall
	Gaydos	Mitchell
	Gettys	Mollohan
	Giaimo	Monagan
	Gonzalez	Moorhead
	Goodling	Morgan
	Grasso	Mosher
	Gray	Murphy, Ill.
	Green, Oreg.	Myers
	Green, Pa.	Natcher
	Hagan	Nedzi
	Hamilton	Nelsen
	Hammer-schmidt	Nichols
	Hanley	Nix
	Hanna	Obey
	Hansen, Idaho	O'Hara
	Hansen, Wash.	O'Neill
	Harrington	Patman
	Harvey	Patten
	Hastings	Pelly
	Hathaway	Pepper
	Hawkins	Perkins
	Hays	Pettis
	Hébert	Pickle
	Hechler, W. Va.	Pike
	Heckler, Mass.	Pirnie
	Heinz	Poage
	Helstoski	Podell
	Henderson	Poff
	Hicks, Mass.	Preyer, N.C.
		Price, Ill.
		Pucinski
		Purcell
		Quie
		Railsback
		Rees
		Reid
		Reuss
		Rhodes
		Riegle
		Roberts
		Robison, N.Y.
		Roe
		Rogers
		Roncalio
		Rooney, Pa.
		Rosenthal
		Rostenkowski
		Roush
		Roy
		Ruppe
		Ryan
		St Germain
		Sandman
		Sarbanes
		Saylor
		Schwengel
		Scott
		Seiberling
		Shipley
		Shriver
		Sikes
		Sisk
		Slack
		Smith, Calif.
		Smith, Iowa
		Smith, N.Y.
		Snyder
		Staggers
		Stanton, J. William
		Stanton, James V.
		Steed
		Steele
		Steiger, Wis.
		Stephens
		Stratton
		Sullivan
		Symington
		Talcott
		Taylor
		Teague, Calif.
		Teague, Tex.
		Thompson, N.J.
		Thomson, Wis.
		Thone
		Tiernan
		Udall
		Ullman
		Vander Jagt
		Vanik
		Veysey
		Vigorito
		Wampler
		Ware
		Whalen
		Whalley
		White
		Whitehurst
		Whitten
		Widnall
		Williams
		Winn
		Wolff
		Wright
		Wyatt
		Wydler
		Wylie
		Yates
		Yatron
		Young, Tex.
		Zablocki
		Zion
		Zwach

NAYS—67

Abbitt	Dennis	King
Archer	Devine	Kuykendall
Ashbrook	Dickinson	Kyl
Baker	Duncan	Landgrebe
Baring	Findley	Lennon
Belcher	Flowers	McCollister
Bevill	Frey	McKevitt
Blackburn	Griffin	Mann
Bray	Gross	Mathis, Ga.
Burke, Fla.	Grover	Mayne
Byron	Haley	Miller, Ohio
Camp	Hall	Mills, Md.
Clancy	Harsha	Mizell
Collins, Tex.	Hillis	Montgomery
Colmer	Hutchinson	Powell
Conover	Jonas	Quillen
Crane	Jones, Tenn.	Randall

Rarick	Shoup	Waggonner
Rousselot	Skubitz	Wiggins
Ruth	Spence	Wyman
Satterfield	Steiger, Ariz.	Young, Fla.
Scherle	Terry	
Sebelius	Thompson, Ga.	

NOT VOTING—63

Abernethy	Gallagher	Peyser
Bell	Gibbons	Price, Tex.
Burton	Goldwater	Pryor, Ark.
Carney	Griffiths	Rangel
Celler	Gubser	Robinson, Va.
Chappell	Gude	Rodino
Clark	Halpern	Rooney, N.Y.
Clawson, Del	Holifield	Roybal
Clay	Kyros	Runnels
Conyers	Long, La.	Scheuer
Daniels, N.J.	Lujan	Schmitz
Danielson	McClory	Schneebeli
Dellums	McCloskey	Springer
Denholm	McEwen	Stokes
Diggs	McKinney	Stubblefield
Dowdy	McMillan	Stuckey
Esch	Metcalfe	Van Deerlin
Eshleman	Miller, Calif.	Waldie
Fisher	Moss	Wilson, Bob
Ford, William D.	Murphy, N.Y.	Wilson, Charles H.
Frelinghuysen	O'Konski	
	Passman	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gude for, with Mr. Price of Texas against.

Mr. McEwen for, with Mr. Schmitz against.

Mr. Metcalfe for, with Mr. Chappell against.

Mr. McMillan for, with Mr. Long of Louisiana against.

Until further notice:

Mrs. Griffiths with Mr. Esch.

Mr. Stubblefield with Mr. Robinson of Virginia.

Mr. Rooney of New York with Mr. Halpern.

Mr. Murphy of New York with Mr. Peyser.

Mr. Burton with Mr. Conyers.

Mr. Scheuer with Mr. Dellums.

Mr. Passman with Mr. O'Konski.

Mr. Stuckey with Mr. McClory.

Mr. Diggs with Mr. Roybal.

Mr. Moss with Mr. Del Clawson.

Mr. Waldie with Mr. Stokes.

Mr. Celler with Mr. Bell.

Mr. Clay with Mr. Gallagher.

Mr. Rodino with Mr. Rangel.

Mr. Carney with Mr. Springer.

Mr. Clark with Mr. Eshleman.

Mr. Charles H. Wilson with Mr. Gubser.

Mr. Daniels of New Jersey with Mr. Frelinghuysen.

Mr. Fisher with Mr. Lujan.

Mr. Gibbons with Mr. Schneebeli.

Mr. Kyros with Mr. McKinney.

Mr. Miller of California with Mr. McCloskey.

Mr. Danielson with Mr. Bob Wilson.

Mr. Van Deerlin with Mr. Goldwater.

Mr. Runnels with Mr. William D. Ford.

Mr. Holifield with Mr. Pryor of Arkansas.

Mr. Denholm with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

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

There was no objection.

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-227)

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 and ordered to be printed, with illustrations:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1971.

During that year retirement and survivor benefits totaling $1.9 billion were paid to more than one million beneficiaries. Benefits for unemployment and sickness totaling $95 million were paid to over 300,000 claimants. Cumulative benefit payments under both programs since their inception reached the $25 billion mark during the year and at its end had risen to $25.6 billion.

Legislation enacted in August 1970 provided for the establishment of a Commission on Railroad Retirement to study this system and to make recommendations for legislative changes to assure the continuation of retirement and survivor benefits in adequate amounts on an actuarially sound basis. The Commission's recommendations are due to be submitted by the close of fiscal year 1972.

RICHARD NIXON.

THE WHITE HOUSE, *June 7, 1972.*

APPOINTMENT OF ADDITIONAL CONFEREE ON H.R. 9580, AGREEMENT CONCERNING FEES FOR OPERATION OF MOTOR VEHICLES

Mr. CABELL. Mr. Speaker, at the request of the gentleman from South Carolina (Mr. MCMILLAN), the chairman of the Committee on the District of Columbia, I ask unanimous consent that the Speaker be authorized to appoint an additional conferee on the disagreeing votes of the two Houses on the bill H.R. 9580, to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

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

The Chair hears none; and appoints the following additional conferee: Mr. CABELL, of Texas.

The Clerk will notify the Senate.

REPORT ON RESOLUTION PROVIDING FUNDS FOR EXPENSES OF THE INVESTIGATIONS AND STUDY AUTHORIZED BY HOUSE RESOLUTION 21

Mr. THOMPSON of New Jersey, from the Committee on House Administration, submitted a privileged report (Rept. No. 92-1116) on the resolution (H. Res. 839) to provide further funds for the expenses of the investigations and study authorized by House Resolution 21, which was referred to the House calendar and ordered to be printed.

PERMISSION TO CALL UP HOUSE RESOLUTION 839 TOMORROW

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that I may bring up the resolution (H. Res. 839) tomorrow.

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

Mr. HALL. Mr. Speaker, reserving the right to object, may we have some explanation before this unanimous-consent request is granted, as to what the resolution contains and what the urgent purpose is warranting a violation of the House's reorganization rules?

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. THOMPSON of New Jersey. This is a funding resolution for the Committee on Merchant Marine and Fisheries which was referred to the Committee on House Administration and to the Subcommittee on Accounts last February. It has been held up. The committee is without funds to meet its payroll. It is the routine funding resolution. I am simply asking unanimous consent that I may bring it up tomorrow because I have three other privileged resolutions which have been printed in the RECORD heretofore.

Mr. HALL. I understand Mr. Speaker, that it is privileged but I also deduce it is not a great emergency if your subcommittee has had it since February—wherein lies the exigency or reason for a violation of the rule of having a printed bill in the hands of Members 3 days before it is considered?

Is there some extra emergency about it that we do not understand, in view of the gentleman's statement?

Mr. THOMPSON of New Jersey. No, I may say to my friend, the gentleman from Missouri, obviously I am trying to violate the rule since I am asking unanimous consent to bring it up.

The chairman of the committee, the gentleman from Maryland, informs me that the committee is without funds because of delays, with which to meet his payroll.

Mr. HALL. Mr. Speaker, that is well and good, and I am sympathetic with the gentleman and his payroll situation. But I still fail to understand why, if this committee that does such a beautiful job of dissecting, paring, and amputating, and reducing the drain on the taxpayers' money regularly, and has had it in surgery since February—that it now becomes an emergency requiring a waiver of the rule.

Mr. THOMPSON of New Jersey. I might say to my friend from Missouri this was done out of consideration for members of the Committee on House Administration, who asked that the matter be delayed at this point.

Mr. HALL. Mr. Speaker, in order to expedite the matter—I do not mean to

prolong the agony in any manner or means—has there been a reduction in the original asking in keeping with the practice of the Committee on House Administration and the Subcommittee on Budget?

Mr. THOMPSON of New Jersey. Yes, there is a committee amendment, I might say to the gentleman, and if I do get consent, I will be delighted tomorrow to yield to answer questions about it, reducing the amount by $50,000.

Mr. HALL. I say to the gentleman that after a Member gives unanimous consent, there is very little point in yielding then. The whole purpose in withholding consent is to see the privileged resolution.

Mr. Speaker, I do not want to prolong this and my friend has given me at least indirect assurance, so I will withdraw my reservation.

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

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. GOLDWATER. Mr. Speaker, on rollcall No. 192 I was unavoidably detained. If I had been present, I would have voted "yea." I ask that the RECORD so indicate.

ATOMIC ENERGY COMMISSION AUTHORIZATION, 1973

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1007 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1007

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. 14990) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, 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 rule by titles instead of by sections. 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. After the passage of H.R. 14990, it shall be in order to take from the Speaker's table the bill S. 3607 and to consider the said Senate bill in the House.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1007 provides an open rule with 1 hour of general debate for consideration of H.R. 14990, the fiscal year 1973 authorization for the Atomic Energy Commission. The bill shall be read for amendment by titles instead of by sections and, after passage of H.R. 14990, it shall be in order to take from the Speaker's table S. 3607 and consider the same in the House.

The purpose of H.R. 14990 is to authorize appropriations for the Atomic Energy Commission for fiscal year 1973 in the amount of $2,602,975,000—$2,109,980,000 for operating expenses and $492,995,000 for plant and capital equipment.

Approximately 51 percent of the estimated program costs—$1,410,338,000—is attributable to the military applications, which include primarily the nuclear weapons and naval propulsion reactors programs. Of this amount, $1,238,581,000 are for operating costs and $171,757,000 are for plant and capital equipment.

The estimated costs for civilian applications of atomic energy are about 49 percent—$1,358,962,000. Of this amount, $1,137,519,000 are for operating costs and $221,443,000 are for plant and capital equipment.

Most of the funds authorized to continue the programs presently in existence. There are some new construction projects for which $222,025,000 are recommended, which amount is $77,725,000 less than the AEC's request.

Title II of the bill is a new program to provide for a Federal-State effort for a program of remedial action to limit radiation exposure resulting from the use of uranium tailings in construction material. Tailings are the residue or clinkers remaining after smelting metal or burning fuel. The tailings at issue resulted from production of uranium concentrate by private producers under contract with the Government to provide materials deemed essential to our security and defense.

Generally there is very little danger of radiation exposure from the tailing. However, in the area of Grand Junction, Colo., the tailings were used in conjunction with other materials for foundations of homes in one or more housing developments. There was excessive radiation in some instances and families had to be removed until the situation is remedied by removal of tailings, application of sealants, or addition of external or internal ventilation facilities, or by some other means.

The AEC is authorized to enter into an arrangement with the State of Colorado to provide not more than 75 percent of the costs of a program of remedial action to correct the problem. There would be no liability on the part of the Federal Government; $5 million is authorized for implementation of title II.

Title III of the bill authorizes the Commission to charge Federal agencies fees for the licensing nuclear power reactors. Anticipated revenues from the issuance of construction permits and operating licenses are $900,000 in fiscal year 1973 and $1.14 million in fiscal 1974.

Mr. Speaker, I urge the adoption of H.R. 1007 in order that H.R. 14990 may be considered.

I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule making in order H.R. 14990 which authorizes $2.6 billion for the Atomic Energy Commission in fiscal year 1973. Of this amount, $2.1 billion is for operating expenses, and $493 million is for plant and capital equipment. The overall figure our committee is requesting is approximately 4.5 percent less than the administration's request.

Approximately 51 percent of this authorization or $1.4 billion is for military applications, that is, nuclear weapons and naval propulsion programs and nuclear materials; and the remaining 49 percent or $1.3 billion is for civilian applications of atomic energy.

The major items by cost authorized in this bill include $447 million for the nuclear materials program; $877.7 million for the weapons program; $481 million for reactor development; $281.8 million for the physical research program; $93.8 million for the biology and medicine program; and $120.1 million for program direction and administration.

Mr. Speaker, after 10 days of public hearings and 3 days of executive hearings, our committee reported out a clean bill by a unanimous vote of those present. The initial request received our most careful scrutiny and we cut where we felt necessary and added where we felt it important. I think this is a good bill and a sound bill and I urge my colleagues to join me in voting for it without amendment.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. 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. 14990) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

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

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. 14990, with Mr. UDALL 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.

This fiscal year 1973 authorization bill is the result of a searching examination of the AEC's budget request by the committee through 10 public hearing sessions and three executive hearing sessions. The bill was reported without dissent by the joint committee to both Houses and last Thursday, May 25, the Senate passed the companion bill S. 3607 by a vote of 71 to 0.

This bill would authorize appropriations to the AEC for fiscal year 1973 totaling $2,602,975,000 for both "operating expenses" and "plant and capital equipment." This is approximately 4.5 percent less than the amount requested by the AEC. The authorization is about equally divided between civilian and military programs. The committee has been advised by the AEC and the Department of Defense that the recently proposed SALT agreements relative to nuclear weapons will have no impact on the funding level required for fiscal year 1973. I shall provide a copy of the AEC and the Department of Defense letters for the RECORD at the appropriate time. Included within the total budget is $126,400,000 for the Nation's high-energy physics program. The AEC is the principal funding agent for this activity for this program alone represents almost 5 percent of the recommended AEC budget.

Turning to the provisions of the bill itself, section 101(a) would authorize $2,109,980,000 for operating expenses. Sections 101(b) and 105 would provide a total of $492,995,000 for plant and capital equipment including new construction projects, additions to previously authorized projects, and plant and capital equipment not related to construction. Tables indicating the various programs and the construction projects are set forth at pages 3 and 35 of the committee report accompanying the bill. These tables reflect the recommendations of the joint committee in relation to the amounts requested and the changes recommended by the committee reflect its judgment concerning the funding necessary to achieve the Commission's high priority goals.

Let me turn now to some of the more significant items in the bill.

URANIUM ENRICHMENT

The largest single addition recommended by the committee relates to the operation of the three gaseous diffusion plants owned and operated by the AEC. These plants represent the sole source of enriched uranium necessary to manufacture fuel for nuclear reactors as well as to supply the materials required for our nuclear weapons program. The committee has recommended the addition of $15.5 million to be applied to the operation of these facilities. Of that amount, $15 million will be for the acquisition of electric power as part of the program to restore these facilities to their full rated capacity. The AEC, in its budget request, proposed to not exercise all of its contract rights to acquire electric power for these plants. Included in the budget request was $11.2 million which must be paid by way of penalties for not acquiring some 523 megawatts of power. For that money, the Commission would receive absolutely nothing. With the addition of the recommended $15 million, together with the amount which would have to be paid as penalties, this 523 megawatts can be acquired and will provide additional separative work capacity at an incremental cost of $8 per unit. This separative work has a market value of $32 per unit, so the economic validity of the committee's recommended addition should be abundantly clear.

The other one-half million dollars which the committee recommends be added will be employed to assure the proper maintenance of these facilities—maintenance which the AEC proposes to defer. When we are considering one-of-a-kind facilities which are our sole source of supply, the committee considers the deferral of maintenance activity, particularly at such a slight saving, to represent the assumption of an unwarranted risk. These plants cost the taxpayers $2.3 billion. Their on-line value in relation to the national defense and the nuclear power industry is incalculable. I believe the validity of this recommendation also is self-evident.

REACTOR DEVELOPMENT

The committee has recommended the addition of $6.5 million to the budget for civilian power related reactor programs. Of this amount, $3.5 million is for increased research in the area of nuclear reactor safety. The committee also has recommended the addition of $1 million to permit increased effort relative to the gas cooled fast breeder reactor—GCFR—and the addition of $2 million for the thorium utilization program which is deemed necessary to develop the technology to permit recycling of high-temperature gas-cooled reactor fuel. In the last 9 months, six of these reactors have been ordered by utility companies and it is apparent that this class of reactor is now a viable alternative to light water reactors. Development of the necessary fuel technology will help assure realization of the full potential of that class of reactors.

The committee has also recommended the addition of $7 million for the space nuclear propulsion program. As my colleagues know, the administration has terminated the NERVA program to develop a flight rated nuclear powered rocket engine. The additional money recommended by the committee would permit a maximum utilization in the new program for longer range space nuclear propulsion applications of the technology and data developed during the NERVA program. It would seem to be a wise investment to insure against the loss of that valuable information.

PLOWSHARE

The other major addition to operating funds recommended by the committee is $3.7 million for the civilian applications of nuclear explosives program—Plowshare. These funds would permit a second test of a hardened, low-radioactive nuclear engineering explosive designed to permit sequential firing of these devices. It is the committee's view that the second test is necessary in the coming year to maintain the proposed schedule for the first experiment employing that technology—Wagon Wheel—which is currently scheduled for fiscal year 1974. Sequential detonation will permit the fracturing of considerably larger depths of natural gas-bearing rock with a substantially reduced seismic effect. The experiments in releasing otherwise unavailable natural gas by employing nuclear explosives have demonstrated this technology to be effective. Currently it is estimated that the amount of natural gas recoverable in this manner could more than double this country's supply and I need not belabor the current situation of high demand and low availability of this cleanest of all fossile fuels.

CONTROLLED THERMONUCLEAR FUSION

Although the committee has recommended no change in the AEC request for funding of the controlled thermonuclear fusion program, I should like to point out to my colleagues the level of effort to be employed in this field during fiscal year 1973. The AEC has requested and the committee has recommended the authorization of $38 million in operating funds for this program. This compares to the $31 million authorized last year. Moreover, there are two construction projects recommended which would establish new laser fusion laboratories at Los Alamos, N. Mex., and Livermore, Calif., at a total of $12 million. When you add in the equipment and general plant projects, the fiscal year 1973 budget approaches $80 million for fusion research and there is a considerable private investment in this research as well. I believe this adequately reflects the great promise of this technology as does the fact the AEC has established a new division solely for fusion research.

I must caution, however, that the application of this technology is not just around the corner. Hopefully, we shall see the accomplishment of proving its technical feasibility within this decade, but all of the information presented to the committee during the comprehensive hearings last November indicates that we are not likely, even at best, to see commercial application of fusion technology to generate electric power before the turn of the century.

CAPITAL EQUIPMENT AND CONSTRUCTION

The committee made its major reductions in the AEC request in the area of construction projects and capital equipment not related to construction. Here the committee has recommended a total of $163,425,000 less than the amount requested by the AEC. The major reductions were $69 million from the prototype nuclear propulsion plant for the new Trident—ULMS—submarine; $5.8 mil-

lion from a proposed addition to the AEC headquarters building in Germantown, Md., limiting that project to A. & E. only; $12 million from the bedrock waste storage project in South Carolina requiring the development of further data; and $70 million from two projects which comprise the cascade improvement program for the gaseous diffusion plants. The last does not imply in any way a lessening of the committee's sense of urgency to proceed with the cascade improvement program but rather limits the authorization to the amount of appropriations which can be effectively employed during fiscal year 1973.

TITLE II

Title II of the bill authorizes the AEC to enter into a cooperative arrangement with the State of Colorado to provide up to $5 million in financial assistance to the State of Colorado for its program to limit radiation exposure resulting from the use of uranium mill tailings as construction material in the area of Grand Junction, Colo. My distinguished colleague from Colorado (Mr. ASPINALL) will have more to say on this topic.

TITLE III

Title III of the bill would permit the AEC to charge licensing fees to other Federal agencies which obtain licenses for nuclear power reactors. At the present time, this relates only to the Tennessee Valley Authority, but that agency is embarked on a rather extensive nuclear power program. Since the general concept of Federal licensing activity is governed by the philosophy of full recovery by the licensing agency of the costs associated with issuing such licenses, it is considered appropriate that the AEC be reimbursed by the TVA for the costs associated with issuing licenses for TVA nuclear powerplants.

Mr. Chairman, this is a sound, carefully considered bill which provides for an important program. The bill has the unanimous support of the committee and I urge its favorable consideration by my colleagues.

Mr. Chairman, at this point I include the letters which I previously referred to:

ATOMIC ENERGY COMMISSION,
Washington, D.C., May 31, 1972.

Hon. MELVIN PRICE,
Vice Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. PRICE: This is in response to the Committee's May 30 inquiry regarding the impact of the proposed SALT agreement on the AEC budget.

The proposed SALT agreement in no way affects U.S. plans for the strategic offensive forces. Therefore, it would have no impact on the planned production rate for strategic offensive weapons. Similarly, the agreement does not deal with general purpose forces and would thus not affect programs for production of tactical nuclear weapons.

The SALT agreement was achieved as a result of the strong military posture of the U.S. It will remain viable only through continued strength. In this regard the Administration has indicated the importance of vigorously pursuing the Trident program, the reactor component of which is contained in the AEC budget request. More generally, the SALT agreement in no way affects research and development save for certain categories of strategic defensive weapons. Consequently, the agreement should have no effect on our research and development activities.

To summarize, the agreement would not require any changes in the FY 1973 budget now before the Congress. The complete impact of the proposed SALT agreement on the FY 1974 and beyond cannot now be ascertained without considerable further analysis.

Sincerely,

JAMES R. SCHLESINGER.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., May 31, 1972.

Hon. MELVIN PRICE,
Vice Chairman, Joint Committee on Atomic Energy, Congress of the United States, Washington, D.C.

DEAR MR. PRICE: In response to your letter of May 30 to Mr. Laird, my staff has already contacted Dr. Schlesinger's people concerning Defense support in responding to Mr. Bauser's query concerning the effects on AEC weapons-related programs caused by the recent strategic arms limitation agreements.

You also asked about the effects of the SALT agreements on the Trident Program. I am enclosing a copy of Secretary Laird's remarks at Andrews Air Force Base on May 26, 1972, which speak for themselves regarding the Trident Program for FY 1973. Secretary Laird will be testifying further before the Congress on June 6 on our strategic programs as related to the SALT agreements.

Sincerely,

CARL WALSKE,
Assistant to the Secretary of Defense (Atomic Energy).

Enclosure.

SECRETARY OF DEFENSE MELVIN R. LAIRD INTERVIEWED BY NEWSMEN ON ARRIVAL FROM NATO MEETINGS, ANDREWS AFB, MAY 26, 1972

Secretary LAIRD. Ladies and gentlemen, this has been a week in which President Nixon's strategy for peace has achieved momentous advantages in various parts of the world. The key elements of the strategy—strength, partnership, and a willingness to negotiate—indeed have global applications. If we have the determination to stick with these principles, which have proved successful, there is in my view a good chance of achieving and maintaining peace, and this of course is the objective of the Nixon Doctrine.

The agreement on the Strategic Arms limitation announced earlier today by the White House will enhance the national security of the United States. All Americans can be proud of President Nixon's major achievements as a world leader for peace in moving steadily from confrontation and towards more meaningful negotiations and success in these negotiations.

The ABM treaty and the interim agreement on strategic offensive forces represent major first steps in limiting strategic arms competition between the Soviet Union and the United States. These first steps were made possible only by the United States' determination to negotiate from a position of strength. The SALT agreements are clearly a capstone of President Nixon's journey for peace to Moscow. The agreement places the United States in a strong strategic position; they enhance our security by putting the brakes on the momentum of the Soviet strategic development, a momentum which I talked about as a Member of Congress, and which I have continually stressed in my Defense Reports as Secretary of Defense to the Congress these past 3½ years.

Indeed, they were only possible because of U.S. strength. The agreements provide a basis for continuing negotiations and both sides are pledged to do this. However, ladies and gentlemen, we still need to keep up our guard and there should be no mistake, we shall do so.

The agreements which have been announced in the Soviet Union and the finalization of that announcement will be made, in addition to the announcement which was made at the White House, in a few hours in the Soviet Union.

I am confident that the Congress will give the President its full support and in so doing will assure that adequate funds are provided for the modernization and improvement of our strategic forces here in the United States. This will require an acceleration of the Trident, formerly called the ULMS, submarine program. As you know, this program, the first of these submarines would not become available under the present program we have before the Congress until the latter part of 1978.

Today, I returned from very important meetings that had far reaching effect as far as the security of Western Europe is concerned. These meetings took place in Denmark, Copenhagen, and in Belgium at Brussels. I had a series of unofficial meetings with the Defense Ministers, including a very rewarding conversation yesterday with Minister deKoster in the Netherlands. I have found increased understanding and support for the President's strategy of realistic deterrence and the total force concept.

The communique of the NATO Defense Ministers reflects the endorsement of these strategic concepts, not only the strategic concept as far as our security planning and realistic deterrence, but also the application of total force planning to the allies of the NATO nations and this is reflected very dramatically in the communique which was issued at the close of the Defense Planning Committee.

I was pleased that additional interest has been given to the European Defense Improvement Program, which as you know is funded completely by the European allies. I believe that our Congress will be impressed with the tangible evidence of improved burden-sharing, and the application of the total force concept in the security planning councils of NATO. The decision of the Defense Planning Committee to give the "green light" to Operation Strong Express is a dramatic application of the total force approach in this large military operation in which some 60,000 military personnel of 11 NATO nations are scheduled to participate. It will be an amphibious operation, as well as a sea operation. The operation will start this September.

I am hopeful that as far as the United States participation in this the largest of the NATO exercises ever conducted, that we will be using Reserve and Guard elements in line with the policy that we have adopted here in the United States of giving increased responsibilities to these forces as we apply the total force concept wthin the military forces here in the United States. The total force planning requires that we and our allies abandon the parochial views of the past and that we make certain that we use the available resources which we have for national security to the maximum effectiveness possible, and that's what these meetings were all about.

We just can't afford to keep doing our defense business in the old and narrower viewed ways of the past. What we set out to do at the start of the Nixon Administration, we are doing, and this will continue in the President's second term in office, and that is, and I repeat, to carry out the national security program in which military strength and partnership makes possible successful negotiations.

During my NATO meetings I also had the opportunity to brief my fellow Defense Ministers on an official and on a private basis on the situation and the latest developments in Southeast Asia. These Defense Ministers of the other NATO nations listened intently as I stressed the fact that the American people would never abandon an ally confronted with aggression anywhere in the world. In these discussions on Southeast Asia I emphasized that the ultimate decision in Vietnam, with 11 U.S. ground combat divisions returned

home under our Vietnamization program, would depend on the will and the desire and the fighting spirit of the forces of the South Vietnamese. We will support them with air and naval assets, but when all is said and done, with the departure of these 11 divisions that had the ground combat responsibility in Southeast Asia during these past two years, when all is said and done, the outcome will depend upon the continuing resistance which is presently being carried out very effectively and adequately by the South Vietnamese, fighting on the ground. That was precisely what the Vietnamization program was all about.

So let me say in summary that the President's strategy for peace is working. In Moscow, negotiations of unprecedented significance have taken place to limit strategic arms, on Incidents in the Sea, on space, trade and in other areas. In NATO there is a new commitment to the principles of realistic deterrence and total force planning, a commitment that has been backed by deeds of the NATO allies. In Southeast Asia, the planned spectaculars which I talked about shortly after my trip to Southeast Asia, the latter part of last year, these planned spectaculars by the enemy and the massive invasion in MR I across the DMZ in violation of the '54 Accords and '68 Understanding, these spectaculars in MRs I, II and III have been blunted. The spectacular was a success in the early stages in capturing one provincial capital of the 44 provincial capitals in South Vietnam. The enemy is paying a tremendous price for these spectaculars. They're paying a tremendous price for the stubborn refusal of the North Vietnamese to begin meaningful negotiations on President Nixon's proposal to an internationally-supervised ceasefire, for release of our prisoners of war and the accounting for those that have been missing in action. The North Vietnamese continue to disregard this the most important and far reaching peace proposal ever made by any nation in the world.

Ladies and gentlemen, let us all hope that this week of May of 1972 will mark the beginning of a stepped up pace for the attainment of world peace. I'll be glad to respond to any questions that you may have.

Q. Mr. Laird, since the SALT agreement apparently freezes the current military balance of the two super powers, doesn't this freeze the Soviet superiority in strategic offensive weapons and also in the ballistic missile defenses?

A. I am not going to get into the specifics of the agreement. They will be announced in Moscow in about three hours. I can only say that the momentum, which I have discussed at some length in appearances before the Congress as Secretary of Defense and as a Member of the Defense Appropriations Committee beginning in 1965, will be slowed by the agreement which will be announced in detail in about three hours in Moscow.

Q. Mr. Secretary, what did you mean when you said that we would have to accelerate some of our programs? Especially, what did you have in mind in regard to ULMS?

A. I am concerned about the actions that have taken place as far as the Congress is concerned, not only in the reductions in military assistance announced in the last 10 days, but the reports of further actions in the reduction of the Defense budget which are being reviewed by the various Committees of the Congress. These bills have not been reported to the floor as yet, but on the basis of information supplied to me when I was in Europe there have been reported some tentative cuts made in various program levels. I would warn against such actions on the part of the Congress at this time. I notified the Congress over five weeks ago that we were using emergency legislation to incur deficits as we build up our insurance reserve in Southeast Asia. We are on several accounts incurring deficits and operating on a deficiency basis because of the insurance reserve and the augmentations that have gone forward, particularly in the area of sea and air power and also in the replacement of certain items of equipment which have been lost during the combat activities in South Vietnam.

As far as the strategic budget is concerned, the actions which we will be outlining to the Congress and which I will be presenting to the Congress will make even more important the work which is being done on the underseas missile launched submarine system, the Trident system, during this particular five-year period. As you know, I outlined to the Congress the Soviets were constructing a ballistic-firing submarine, the so-called Y-class, at a rate of eight a year. In my interview with U.S. News and World Report, I pointed out earlier this year and also in various Congressional cross examinations by Members of Congress, I pointed out that the Soviet Union would have the capability, continuing its present construction program, to have in the area of some 90 of these submarines before the first of the so-called Trident series could be launched.

This was of great concern to me and this concern continues to be a concern for national security planning and for the safety of our peoplle because the 41 (ship) ballistic missile submarine program which the United States has, was approved in 1958. There has been no change in that program since 1958. There are submarines that need to be replaced and should the agreement not go forward after a period of some five years, it's absolutely essential to the security and safety of this country that we have such a capacity to construct these programs and to go forward with their construction. As Secretary of Defense, I will do everything that I possibly can to see that this capability does move forward as far as the United States is concerned. It is absolutely essential as far as the period after 1978 and during the periods of the 1980s, if we are to protect our freedom, our safety, and to preserve and maintain peace.

Q. So you're talking about speeding up the Trident submarine program? How many do you want to build, Mr. Secretary, and when do you want the first one?

A. The Trident program which we presently have before the Congress and which is being considered by the various Committees at the present time is a 10-boat program. We will do everything that we can to see that this 10-boat program is approved, goes forward in the amount that has been recommended by the President and are contained in the Defense budget for Fiscal Year 1973.

Q. Is that a speedup in Trident or do you simply want to do what you've already proposed?

A. There is a speedup provided in the legislation which we have. I understand there are some Members of the Senate who feel that the speedup should be even accelerated at a faster rate than we have in our bill. It is possible to perhaps accelerate it by 12 months, but we feel that we have picked the best program and that would be that the first of the Trident submarines would be available in 1978. That is the program that has the approval of the President; that is the program that is included in the Defense budget before Congress. Prior to that time, the program's completion date, under the old schedule would have been late in 1979 or early 1980. We do not believe that we have that kind of time for planning and that that program cannot be delayed. We are going to support the program as submitted in the 1973 budget, and I will be doing everything that I can to assure the approval of that program.

Q. Sir, to what extent does the five-year agreement permit you to replace Polaris submarines with Tridents?

A. I'm not going to get into the specifics of that arrangement, but I would only say that, of course, modernization would be permitted. Of course, as you know the first 10 of the 41 Polaris-type were approved in 1958; the 41-boat program was approved in 1958; the last 31 are different types than the first 10. The last 31 can be converted to Poseidons; the first 10 cannot.

Q. What about hard site? What does this do to hard site?

A. The hard site program, we will continue to move forward on our research and development, and that is a research and development program. The hard site program in research and development as submitted to the Congress will move forward.

Q. Mr. Secretary, when you talk about keeping our guard up, do you mean we're going to have a missile race for quality now rather than quantity?

A. It's essential, I think, when you view the numbers that are involved in the agreement that the United States maintain a technological superior position. This is important in order for us to have a parity with the Soviet Union. Our program is not based upon the quantitative aspects in the strategic area. Our program is based and equated and equalized on the qualitative aspects and that's very important to bear in mind when considering the full ramifications of the agreement which will be announced in a few hours.

Q. You implied that you'll go to Congress now with some new and rather dramatic proposals. In other words—

A. I certainly will if the reports that I got that there were some individuals in the Congress feeling that somehow or other now we could have tremendous reductions as far as the B–1 program, tremendous reductions as far as submarine construction. That just cannot be. That would be the worst result of these important agreements. If we are going to be successful in obtaining the goal of the President, we must maintain during this important period of negotiations in the offensive area, a strong United States position. We will not be successful in the follow-on negotiations if the United States were to take a different position today. These follow-on negotiations are important. Now, there will be some changes we can make as a result of the SALT agreements to be announced in the defensive area, but as far as the offensive area there is a necessity for us to remain in a strong position as these follow-on negotiations go forward.

Q. What happens to the B–1 bomber, by the way?

A. We are supporting that program fully at the budget request that has been submitted to the Congress.

Q. We are not going to save a lot of money as a result of this agreement, is that what you're saying, Mr. Secretary?

A. I do not want to imply that there won't be some savings, because there will be some savings as far as moving away from the 12-site ABM program, so there will be some overall savings in that area. There will be no savings as far as the offensive request for offensive strategic weapons which have been presented to the Congress in the '73 budget.

Q. What about the ABM around Washington?

A. I'm not going to get into that discussion. I'll come down and visit with you some time soon regarding the full implications of the agreement. The agreement will be announced and I think it will speak for itself, and that will be within the next two or three hours.

Press: Thank you very much.

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

Mr. Chairman, I wish to associate myself with the remarks of the able vice chairman of the Joint Committee on Atomic Energy, in his excellent summary of the principal features of H.R. 14990, and I am pleased to join him in urging the passage of the bill.

As indicated, it was a very carefully examined document. It took the testimony of some 45 witnesses over a period of several months. Many of our witnesses were Ph. D. types from the laboratories and other parts of the Government, who could give us the benefit of their expert knowledge of the area of priorities in connection with the Nation's nuclear program.

I should like to point out something very significant which is not too often realized by the Members with respect to the funds which are appropriated annually to the Atomic Energy Commission.

Roughly, of the $2.5 billion sought approximately $500 million will be used for capital improvements of one kind or another in the very large nuclear establishment operated by the U.S. Government. Two billion dollars of the funds will be used for operating moneys.

I should like to point to a negative item in this budget, a credit against the funds to be appropriated, for moneys received by the Atomic Energy Commission over the year. That credit amounts to $328 million in the form of so-called revenues applied.

What in the world could the U.S. Government be doing to obtain that magnitude of income from somebody, somewhere? Well, let me say that the major portion of this $328 million comes from a U.S. Government, socialized, federally operated business.

Now, a lot of people may seem shocked that such things would be going on in this Nation of free enterprise, but ever since the inception of the nuclear program it has been necessary for the U.S. Government to operate a business, to wit, the business of enriching uranium.

First we had to do this so that we could get the fuel or the ingredients we needed for nuclear weapons, and we sized the plants for this purpose, which cost us over $2 billion, so that they could take care of the entire requirements of the military of the United States for enriched uranium for use in nuclear bombs. That was back in the late 1940's.

Then along came the invention of the hydrogen bomb in the early 1950's, and this tremendous productive capacity for the enrichment of uranium was indeed no longer necessary.

But at this very same time, and particularly in the year 1954, we started to turn from the military atom to the peaceful atom, and it turned out that this enriched uranium was the very fuel that is needed to carry on the Nation's nuclear power peaceful program for the production of electricity.

As the years go on we as a Nation are going to have to work out, possibly, some better means than the U.S. Government operation of this enrichment complex in order to supply this product.

However, that can be done, and it will probably have to be done simply because we as a nation probably will not want to put up the money necessary to increase the capacity for enrichment that will be required as our nuclear industry grows and grows and grows.

I hope that this gives you a feel for some of the variety of the activities that are carried on by this program. I hope you will join us in approving the words and figures of the report which have been carefully chosen to describe the nature of the activities and the priorities. I heartily recommend the passage of H.R. 14990.

Mr. FINDLEY. Will the gentleman yield?

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

Mr. FINDLEY. I thank the gentleman for yielding.

I ask for this privilege in order to inquire as to the relationship of the authorization request with the request of the executive branch as set forth in the budget earlier this year. Can the gentleman tell us how the dollars involved in the authorization compare with the request made by the executive branch?

Mr. HOSMER. As indicated a moment ago by the gentleman from Illinois, there is about a 4.5-percent cut below the various budget requests that were received. We received requests in this particular instance in two or three increments, and we finally had to consolidate them.

Mr. FINDLEY. If the gentleman will yield further; to be more precise, can the gentleman tell us how the figure in this authorization compares with the initial budget request as set forth in the budget message of the President in January?

Mr. HOSMER. The gentleman from Illinois has those figures at his fingertips, and I will yield to him for the purpose of answering the question.

Mr. ANDERSON of Illinois. If the gentleman from Illinois (Mr. FINDLEY) will look at page 4 of the committee report, I think he will find as a result of the committee recommendations there is a net reduction of $121,875,000 from the original budget request of the AEC, which was $2,724,850,000.

Mr. FINDLEY. I want to congratulate the committee. I think this is probably the most favorable relationship to the budget request that any committee reported, whether it is an authorizing or an appropriating committee. I hope that the work of this committee will be a standard that others will try to follow.

Mr. HOSMER. We are very pleased with the gentleman's remarks.

Mr. Chairman, I wish to commend the distinguished vice chairman of the Joint Committee on Atomic Energy on his excellent summary of the principal features of H.R. 14990, and I am pleased to join him in urging passage of this bill.

This measure is the result of exhaustive review by the Joint Committee. We heard testimony from the AEC Chairman and key officials, representatives of the national laboratories, and members of the public on certain programs. The committee deliberated with great care in full recogntion of the very substantial amount of public funds involved and it is our considered opinion that this bill provides for a necessary and, in reality, a rather austere program.

A major portion of the funding involved for the civilian portion of this program will be applied to assist this country in meeting the enormous demand for electric power which now faces us. Fully one-half of the total budget will be applied to insure the national security. Without the application of sufficient financial resources to each of these fundamental needs of our Nation, as we know it, will cease to exist.

The distinguished gentleman from Illinois (Mr. PRICE) has very ably stressed the most significant factors of the bill. I should like to apply what I think is an appropriate characterization of this bill:

It is an energy bill. If my colleagues will address themselves to the table on page 3 of the committee report, you will quickly note that almost $450 million is provided for nuclear materials, a major portion of which is devoted to the production of nuclear fuel to generate electric power. Part of that is also for the production of materials for our nuclear weapons. The reactor development program would be funded at a level of over $480 million. Defense related efforts will consume another $875 million. These three general areas alone provide this country with the energy needed to insure our survival, to keep our industries humming and our economy strong, and to provide a portion of the electricity for use in our homes and businesses. We have all come to take this energy for granted but never forget that it is fundamental to the standard of living which has come to be known as the American way.

Other, significantly lesser amounts, will be devoted to the development of technology which will enable us to keep pace with the future demands for energy. Here I speak of the physical research program for which the AEC provides essentially all Federal funding. Here also is funding for the Plowshare program which has at its fingertips the capacity to more than double this Nation's available natural gas, the most environmentally desirable fossil fuel.

I shall not impose upon my colleagues further by reiterating the extensive details contained in the committee's report. I shall be happy to respond to any questions. This is a sound measure, a carefully considered measure, and your support of this bill will be support for the most comprehensive and most effective energy program now being conducted by the Federal Government. The bill has the unanimous support of the committee and the identical measure has already been passed by the other body. Mr. Chairman, I commend this measure to my colleagues and urge passage of this bill.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, title II of the bill provides authority to the Atomic Energy Commission to provide financial assistance to the State of Colorado to undertake a program of assessment and necessary remedial action rel-

ative to limiting further exposure of the people in the area of Grand Junction to radiation resulting from the use of uranium mill tailings as a construction material. Title II is patterned after the Texas City Disaster Relief Act of 1955 in that it recognizes the compassionate responsibility of the Federal Government in the absence of any apparent legal liability. While it is clear that the situation existing in Colorado is by no means in the nature of a disaster, there does exist a potential health hazard for which there is no apparent remedy other than an expenditure of Federal and State moneys to aid the people affected. The mill tailings involved were generated through the production of uranium concentrate which was needed by the Federal Government in order to provide for the national security and it is only reasonable and appropriate that the Federal Government share, to a significant degree, the costs involved in remedying the resultant situation.

The bill authorizes the AEC to provide up to 75 percent of the cost of the program with the Federal share not to exceed $5 million. The program is to be administered by the State of Colorado which will itself or by its contractors perform the necessary action whether it be removal of tailings, application of sealants, installation of internal or external ventilation or some other appropriate measure. The State will see that the work is paid for and will have continuing responsibility for any tailings removed as part of this program.

The determination of what is the appropriate action is specifically the responsibility of the AEC. In reaching that determination, the Commission is to apply standards promulgated by the Surgeon General of the United States. The Commission also is empowered to issue such rules and regulations as may be necessary for it to carry out the authority granted by the bill. Upon the completion of any remedial action taken or waiver thereof, the United States is to be released from any liability related to the use of mill tailings, whatever that liability may be, and further the United States is to be held harmless against any claim which may arise out of any performance of remedial action by the State or its contractors.

A law has been enacted by the State of Colorado to provide one-half of the State share of funding for this program. I am confident that the State will meet its obligations and provide the appropriate resources in both money and manpower to assure the satisfactory completion of this program.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I too rise in support of this legislation. I think that it is a thoroughly excellent bill that, in addition to representing reductions as has already been pointed out in the original administration's budget request, the other items of this bill have been given careful consideration.

I would also certainly pay tribute to both the gentleman from Illinois (Mr. PRICE) the chairman, and the distinguished vice chairman and the ranking Republican member, the gentleman from California (Mr. HOSMER) for their enormous contributions during the time that this bill was being worked on in committee.

Mr. Chairman, last year, in its action on the AEC authorizing legislation, the Congress amended sections 31 and 33 of the Atomic Energy Act to provide authority to the Commission to engage in nonnuclear energy related research. This is in consonance with the importance attached to finding improved techniques for use of energy resources and energy converters, and the reduction of environmental impact in connection with energy applications as emphasized by the President in his June 4, 1971, energy message to the Congress. It also recognizes that the Commission's national laboratories represent an unsurpassed national asset in terms of scientific talent which should be utilized in finding solutions to energy problems outside as well as within the nuclear field.

This year's budget request of $3 million is to be applied in research on dry cooling towers, lithium-sulfide batteries, and underground transmission lines. These are important projects directly related to prospects of improving techniques for more efficient use of our electrical generating facilities and lessening their impact on our environment.

This is an appropriate funding level for this first year of nonnuclear technology effort. It has special significance, however, in that it brings to bear the talents and expertise of our AEC National Laboratories in solving energy research problems which are nonnuclear in nature.

The Argonne National Laboratory, located in Illinois, is one of the AEC laboratories—it has throughout its existence made significant contributions in the fields of nuclear physics, nuclear chemistry, engineering and high-energy physics. I anticipate with special pride the contributions which Argonne can be depended upon to make in this important new undertaking—nonnuclear technology research.

I would also like to describe briefly for my colleagues the status of the high-energy physics research program in the United States.

The Subcommittee on Research, Development, and Radiation, of the Joint Committee on Atomic Energy, conducted hearings on February 29 and March 1, 1972, to examine how the high-energy physics program of the United States was progressing under the stewardship of the AEC. In general, I conclude that the U.S. program is going well. Our efforts have kept us well in the forefront of the high-energy physics research in the world. We now not only have facilities with the greatest intensity beams, we have the facility with the highest energy beam. At about 2 p.m. on the afternoon of March 1, 1972, the energy of the proton beam at the National Accelerator Laboratory—NAL—near Batavia, Ill., reached 200 billion electron volts, the design energy, although at something less than designed beam intensity. We have been told that because of advances made while the accelerator was under design and construction, it should be possible to get to 400 billion electron volts with few changes in the system. The major requirement will be the availability of increased power from the local utility. This indeed would be a remarkable achievement.

As my colleagues may recall, the NAL project was fully authorized by the Congress in fiscal year 1970 at a total estimated cost of $250 million. Of this total amount the Congress has appropriated about $192.4 million for design and construction work through fiscal year 1972. As of December 31, 1971, all work was on schedule and progressing well. The appropriation requested this year to bring the laboratory almost to completion is $42,850,000.

Some problems were encountered during the past year because of high moisture content in the underground 4-mile accelerator ring. I am pleased to announce that these difficulties have been overcome and repairs have been made to damaged magnets and other equipment within the scope of funding estimated for the complete accelerator laboratory. I consider that a "well done" is in order for the laboratory and AEC personnel responsible for bringing this truly major program along on schedule with a design better than the original specifications, all within the original cost estimates made several years ago.

I would like to conclude by stating that a joint United States-U.S.S.R. research program is now underway, the first research program at the new facility. Batavia, Ill., is becoming as internationally famous and as well known in scientific circles as CERN in Switzerland and Serpukhov in Russia. We of Illinois are proud of this achievement.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Dow).

Mr. DOW. Mr. Chairman, under the 5-minute rule, I plan to introduce an amendment to this authorization H.R. 14990 that will decrease the total appropriation in sec. 101(a), from $2,109,980,000 to $2,082,230,000. This will reduce the amount planned for in the committee report for a liquid metal fast breeder reactor by $65,750,000, which is half of the amount designated for that type of reactor. At the same time, my adjustment of the figure in the bill will double the amount provided in the report for controlled thermonuclear research. That is, by $38 million.

There are roughly three types of nuclear reactors that offer prospect for generating electrical power. The most common type is the light-water reactor such as the present nuclear powerplants which are operating, or are recently constructed to operate, for power generation in the United States today. This type of reactor is regarded as inefficient in its

use of the uranium isotopes which provide the energy. It is also being seriously challenged on grounds of safety. The main fear is loss of coolant such that the cores of thermonuclear material may melt down and cause dangers in earth, water, and air, that are difficult to predict.

The second type of reactor that has a scientific standing for generation of power is the liquid metal fast breeder reactor. This reactor is barely at the laboratory stage; $131.5 million is proposed in the bill to provide a demonstration plant by 1980. The fast breeder system is far more efficient than the light water reactor, but is regarded as vastly more dangerous. Melting of the core could precipitate problems with the coolant even more than those we fear in the present generation of reactors. In this reactor, the uranium has been converted to plutonium which is one of the most dangerous substances known to man. Among the scientists who have issued warnings about the fast breeder are Nobel Prize winners such as Linus Pauling and Harold Urey, experts known for their pioneering in the atomic field. The purpose of my amendment is to heed these great men by cutting the outlay for the fast breeder in half. I would like to eliminate the entire authorization for this type of breeder, but I do not want to stand as an outright obstructionist who would bar all investigation of this particular endeavor.

The third type of power generation is the fusion process, often associated with the use of lasers, when it is sometimes called laser-fusion. This system is regarded as having infinitely more potential because it can use unlimited elements available in the sea, unlike uranium which is limited in supply. Moreover the fusion process is regarded as highly efficient and considerably safer than other processes. Yet this system will not be perfected for some years. My amendment would double the $38 million contained in the bill for the development of the controlled thermonuclear research leading to the fusion process.

In other words, my amendment simply says the liquid metal fast breeder is far too dangerous to implement and we must hasten the perfection of the fusion process. Let us halve the investment in the fast breeder and double the investment in the fusion process, which has such a vast potential.

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, I rise in support of this bill.

Mr. Chairman, I would like to bring my colleagues up to date on the current status of the AEC's nuclear waste management program.

In June 1971, the Commission created a Division of Waste Management and Transportation which has been assigned broad programmatic and fiscal responsibilities for the AEC's nuclear waste management programs. Included are the design, construction, and future operation of long-term storage facilities for those AEC-generated wastes now in temporary storage. Under study are plans to place the AEC-generated wastes from the reactor fuel reprocessing plants deep beneath the two major reactor product production facilities—Savannah River, S.C., and Hanford, Wash. Since 1963, at the National Reactor Testing Station in my State of Idaho, calcined waste has been stored in stainless steel bins inside concrete vaults just below the earth's surface. This may prove acceptable as long-term storage. Further studies are being made.

The new division also is responsible for the research, design, and future operation of the proposed Federal repositories for commercially generated high-level nuclear wastes. These wastes would be solidified at the commercial reprocessing facility and then shipped to a Federal repository for long-term storage.

The division will be responsible for the operation of solid waste burial facilities at AEC sites like the one at the National Reactor Testing Station. These sites generally handle materials contaminated by plutonium or other alpha emitting contaminants. Finally, the division will implement policies for the decontamination and decommissioning of AEC-sponsored facilities and will advise the Commission on transportation of radioactive materials.

My colleagues will recall that last year the AEC announced plans to build a prototype federally operated waste repository in a salt mine near Lyons, Kans. Subsequent to last year's debate on the AEC's authorization bill, data became available which indicated that the Lyons, Kans., site might not be the best location for a permanent waste repository. Reflecting this information, section 105 of the bill amends the fiscal year 1972 act by striking the words "Lyons, Kansas" and substituting therefor the words "site undetermined". Meanwhile, the Kansas Geological Survey conducted a study for the AEC and has identified other areas in Kansas which contain salt beds believed to be more suitable for a permanent repository. In addition, other geologic formations in various parts of the country are being examined and considered for repository use. Meanwhile, research is continuing at Lyons, Kans., and in laboratories on the characteristics of bedded salt and associated shale layers and their possible interaction with buried nuclear waste. Authorization by the Congress will be required before construction of any storage facility.

I would like to make it clear that the present method of holding AEC-generated high-level radioactive waste in double containment steel and concrete vessels at Savannah River and Hanford could suffice as a means of storage for considerable periods of time. Such wastes have now been stored for approximately 30 years in these containment systems. Furthermore, as announced by the AEC on May 18, the Commission is undertaking the design of engineered surface structures for storing solidified high-level waste. These will be so designed as to safely isolate wastes for centuries if necessary. Such containment systems, of course, would be suitable for the first commercially generated wastes to be delivered in 1979 or 1980. It is expected that initial construction funds will be requested for fiscal year 1975.

The committee report, at pages 11 and 12, contains the committee's comments on this program. The AEC fully recognizes the magnitude and complexity of the waste management issue and is following a course which carefully considers a variety of possible solutions. This is a prudent approach and the Commission's efforts are being carefully monitored by the committee.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 14990.

Mr. Chairman, I have carefully read the provisions of the $2.6 billion Atomic Energy Commission authorization bill H.R. 14990, now before us for approval, and the Joint Committee's report on the measure.

I believe that I am correct in my interpretation that the bill does not authorize any funds for the installation or operation of an atomic waste depository in the State of Kansas, including Lyons. It is on that premise that I shall not oppose the measure.

It is incumbent on me, however, Mr. Chairman, to make it very clear to the AEC that the people of Kansas, its State officials from the Governor down, and its newspapers, remain unalterably opposed to any legislative or administrative legerdemain that might permit the AEC to do by indirection what it professes it will not do directly.

For example, the bill before us authorizes the AEC to carry out research on the disposal and handling of atomic waste but makes clear that such research shall not be restricted to Kansas, nor indeed to any particular site in Kansas or elsewhere. That is all to the good because up to very recently, Kansas was the chosen land, the new Jerusalem to which dangerous atomic wastes from all over the United States would be shipped for interment.

Many of my colleagues will recall, I am sure, that about this time last year when the AEC authorization was before us, I fought tooth-and-nail against the AEC's preposterous proposal that an abandoned salt mine near Lyons, Kans., be made the national atomic waste depository.

Our point then was that the AEC simply had not completed its research, did not know all the facts it should know before exposing mankind and the environment to the dangers of waste burial in salt.

As is normal for the AEC, it sought to run roughshod over the wishes and even the welfare of ordinary citizens. The arrogance for which it has become notorious, as is now cited by scientist after scientist who may differ with the AEC, was evident then and remains the concern of many Kansans who do not trust this governmental agency.

The AEC is currently engaged in drilling bore holes in salt beds in other parts

of Kansas. Many people in Kansas continue to believe that the AEC will stubbornly persist in making our State a site for a waste depository. I can only assure the people of Kansas that the Joint Committee on Atomic Energy has drafted language which limits AEC operations in Kansas to research. The drilling of such boreholes is technically defined as research. Hopefully, sites "not in Kansas," to use the words of the committee, are being investigated. Hopefully, research, meaning boreholes and other more meaningful work of a geologic nature, will be undertaken in other parts of the United States.

Indeed, it is my fervent hope that the AEC eventually will select a waste burial site in a remote, unpopulated place that is acceptable to the international community of nuclear nations. It is for this reason I said a year ago, and repeat now, that I support funds for laboratory and field research, but for research that does not endanger the lives of a community, however small, nor harm the environment and its plant and animal life.

I pointed out earlier, Mr. Chairman, that newspaper editorials in our State oppose Kansas as a site for a nuclear waste dump. Indeed, carefully carried out polls show that three-fourths of the people of my district, and almost as large percentages of the people of the State, oppose the waste dump even if it could be proved absolutely safe.

I ask that two recent editorials from the Chanute Tribune and the El Dorado Times, which emphasize the distrust in which the AEC is held in Kansas, be printed at this place in my remarks.

The editorials follow:

BLACKMAIL FOR KANSAS

R. W. Clack of Kansas State University's Nuclear Engineering Department is dangling a $250 million bait in front of Kansans to lure them into easy acceptance of making our state a nuclear trash dump.

He points to the growth of nuclear power plants around the country, and suggests that a 10–20 per cent surcharge on bills from these utilities be tacked on, with the money going to Kansas. This would be our sop for taking the waste from nuclear reactors.

A cynical try, but one that probably won't get far.

For one thing, it is unlikely that Congress or the states could ever get together on providing a special tax to send to one state.

For another, and more important objection, the Atomic Energy Commission has so lost its credibility with many Kansans that even this form of blackmail payoff would hardly convince some that what the AEC is up to is safe.

As John Lear of Saturday Review pointed out in his analysis of nuclear waste disposal, the AEC has dented the public trust through its deceptions and half-measures that it may be impossible to find approval for present disposal schemes any place in the country.

The solution is for the scientists to come up with another disposal system, which does not involve storage. After all, the technicians got us into this mess, and they are the only ones who can get us out. Fortunately, such research is well underway—and it could be we need not worry about how to spend that $250 million.

AEC WON'T GIVE UP

While Kansas people cannot praise the Atomic Energy Commission's plan to make Kansas the dumping ground for its nuclear waste, it must admire its persistence.

A dispatch announces that work on the commission's search for a suitable Kansas salt bed to utilize for the purpose started this week. Tests are being run in Lincoln and Wichita counties.

All this indifference to the mounting sentiment in Kansas to refuse to accept nuclear waste for burial anywhere within the state seems surprising. Does the AEC think Kansas has no mind of its own?

Governor Docking said again this week what he, and others have said before. "I repeatedly have recommended that the Commission look beyond Kansas and beyond the continental United States for sites" to dispose of such waste, said the governor. He added the suggestion that it discuss the feasibility of storing this waste in other substances than salt.

Ron Baxter, Topeka, president of the Kansas Sierra Club, declared the intention of his agency to urge the AEC to investigate the possibility of an international agreement on a world disposal site.

If the Atomic Energy Commission thinks it is going to ferret out a site in Kansas where it believes the waste may be stored, lull the residents of the area into acquiescence to the move by spending a few millions (as it did at Lyons) and somehow manage to get the project going despite disapproval of the state in general, it has another think coming. Too many dead game "antis" are watching it now.

Mr. HOSMER. Mr. Chairman, I am very pleased that the gentleman from Kansas is this year supporting the bill.

Mr. BAKER. Mr. Chairman, I rise in support of this fiscal 1973 authorization for the Atomic Energy Commission.

Those of us who were adults in 1945 can never, it seems to me, cease to stand in awe of the capability of atomic energy.

Just as the Roman goddess of wisdom and technology sprang fully grown and armed from the brain of Jupiter, so, for most of the Nation in 1945, did Oak Ridge seem to suddenly appear on our gently rolling East Tennessee countryside.

Oak Ridge, conceived in the urgent immediacy of a vital wartime mission, has today assumed even more tremendous importance through the breadth and depth of its operations, research and development.

For this reason, although it is a relatively small item in this authorization, the National Nuclear Science Information Center—or the American Museum of Atomic Energy—at Oak Ridge is of particular interest to many thousands of visitors who come each year. The people of the Oak Ridge community have long been interested in this project and aware of the valuable contributions it could make to the Nation as a museum in the traditional sense and as a training facility as well.

Of paramount interest to all of us, of course, is the fact that energy consumption trends in this country are presenting us with an energy crisis. In this affluent land of ours, we consider as necessities many things which in other lands are considered to be luxuries. We consume enormous amounts of energy each and every day. Indeed, half of man's total energy consumption has taken place in the last 30 years—we have consumed as much energy in the last 30 years as was consumed by mankind down through all the previous centuries of recorded time.

And, along with this energy crisis, we have an environmental crisis. We have demanded, we have wasted, we have put a tremendous load on our resources and have done tremendous ecological damage.

It is no simple task to work out a proper balance between our critical energy needs and our equally vital environmental concerns.

Nuclear powerplants are at the center of both this national concern about supplies of energy and the national concern over our environment.

In view of both these crises, I believe one of the most important features of this authorization we are considering today is the authorization of funds for the commencement of construction in the TVA area of the liquid metal fast breeder reactor. This demonstration program, which seems to be progressing on schedule toward meeting the goal of operation by 1980 established by the President, will, I believe, help us to find answers to both our energy and our environmental crises.

There are problems in connection with this particular breeder reactor which admittedly must be solved, waste heat, low-level radiation, possibility of accidents, waste disposal—but with the wealth of talent at Oak Ridge, I am persuaded that the LMFBR development program can proceed with the expectation that safety and reliability will be attained, with maximum assurance that every problem will be completely solved.

Of equal importance, is the continuation of the research and development work on alernative breeder technology. I am gratified that the Joint Committee has provided increased funds for work on the light water breeder reactor, the molten salt breeder reactor—which is being done exclusively at Oak Ridge, and the gas cooled fast breeder reactor. This permits continuation of the vital research being done at our Oak Ridge National Laboratory and, thus, our scientists will be able to evaluate each reactor's technical and economic potential.

I want to commend the committee, too, for authorizing $50 million for the cascade improvement program, considerably increasing the capacity at Oak Ridge to enrich uranium 238, and for further funding the cascade power uprating program. In order to make fuel for a fission reactor, they have to enrich it. As fuel needs grow, this cascade improvement program will be increasingly important. I join with the committee in urging the Appropriations Committees and the Commissoin to proceed with these vital programs as expeditiously as possible.

As our research and development efforts in the vital fields of defense and national security continue—with the civil defense program, the naval propulsion reactors program, the space propulsion program and the space electric power program—I believe people are becoming more and more aware and interested in the truly wonderful applications of nuclear technology for the benefit of all of us.

Most meaningful, perhaps, are the applications in the fields of biology and

medicine. In the divisions of biology and medicine at Oak Ridge, we have an unusually talented group of people working on a host of our Nation's medical and biological problems. I hope and expect their work will grow as they continue their research—indeed, the work they are doing now on cancer detection and treatment indicates to me that they will play a vital role in our priority search for cancer causes and cures.

Atomic research in the development of fission and fusion breeders, on the application of nuclear energy to desalting, to agriculture and other fields, as well as the application of isotopes to medicine, seems almost impossible on the face of it. It is clear, too, that atomic research has strengthened our capacity to contribute intelligently to resolving the problems of the environment posed by nuclear energy.

One final observation I would like to make is in regard to community assistance payments to Oak Ridge. These assistance payments to the city of Oak Ridge are calculated on a tax base formula under which the AEC payment is $1,252,000, plus the percentage of that base amount by which the local property tax rate is above $2.48 per $100 of assessed value. The formula does not take into account rising property values and assessments in Oak Ridge. The total property tax paid by an individual is based on the tax rate and the properties assessed valuation.

Therefore, it seems to me that to assure that AEC pays its fair share of increasing city of Oak Ridge expenses, the AEC payment should reflect not only the local property tax rate, but the changes in assessments from the time the AEC tax base of $1,250,000 was originally formulated. In this way, AEC assistance payments would be made on an equitable basis with the taxes paid by individuals.

Mr. WOLFF. Mr. Chairman, we are all greatly concerned about this Nation's ability to generate an adequate quantity of electricity for the future. We all seek to have this power produced with a minimum amount of environmental impact. However, a look at our initiatives reveals that we have not followed these principles well. We are about to embark on a short sighted crusade to make the liquid metal fast breeder reactor this Nation's principal source of electrical energy for the future. While we propose to spend $230-plus million in fiscal year 1973 on the LMFBR program, alternative energy options are being seriously underfunded. We are being shortsighted because the LMFBR is clearly not the most promising technology available to supply energy for future generations. We should take the time and spend the money now to find out whether fusion power or solar power can become commercially feasible by the year 2020. Dr. Roy Gould, assistant director of reactor research for the AEC has stated:

A significantly expanded program, spending some $650 million in this decade would give us "greatly increased" chances of reaching scientific feasibility for fusion in the 1970's. An "all-out effort" requiring nearly $1 billion in funding would give us a "high" probability of attaining feasibility in this decade, probably by 1977.

For power supply in this decade and through the year 2020, we should depend upon improved conventional reactors and improved fossil fuel utilization techniques. I urge you to consider the inherent hazards of the LFMBR before we push ahead with this program.

Troublesome problems exist even with today's reactors: the possible diversion for clandestine purposes of the smaller—but still substantial—quantities of plutonium now in circulation; the possibility of a reactor accident, including one caused by either earthquake or sabotage, that could release huge amounts of radioactivity; routine emissions and potential accidents at the reprocessing plants where uranium and plutonium are separated from radioactive wastes in the spent reactor fuel; and the difficulties of isolating the long-lived radioactive wastes from the environment for thousands of years. It is imprudent to deploy the even more hazardous LMFBR before sound technical solutions for these problems have been developed and proven.

The LMFBR has all the drawbacks of conventional nuclear plants—such as thermal pollution, radiation releases, and no solution to radioactive waste storage—plus severe additional dangers of its own. The hundreds of tons of plutonium that will be produced by fast breeders pose a permanent threat because of its extreme toxicity—one particle can cause cancer; 1/1,000,000th of a gram can be lethal and its permanence—half-life is 24,000 years.

The liquid-sodium coolant poses an additional threat because of its violent explosive potential on contact with air and water. The fast breeder reactor, with its ton of plutonium fuel, could explode like an atomic bomb in circumstances leading to a critical configuration.

The LMFBR should not be ruled out as a long-term energy option, nor should it be propelled by Congress into a position of superiority because of a shortsighted funding commitment. The claim that the LMFBR is needed now to prevent a crisis in uranium supply is erroneous. Federal funds being sought for the hasty demonstration and deployment of breeder reactors should be spent instead on such basic problems as reactor safety, waste storage, and plutonium management. Of equal importance is increased Federal funding of other energy options, including solar power, fusion power, coal gasification, geothermal power, fuel cells, magnetohydrodynamics—MHD—and use of agricultural wastes and garbage. Together, these systems hold the promise of providing the energy we need as a great nation to meet the demands of our people in the future.

Mr. VANIK. Mr. Chairman, today we are being asked to approve a $2.6 billion authorization for the Atomic Energy Commission for fiscal year 1973. Before we approve this authorization request I believe that there are several crucial issues that must be discussed. These issues are in the areas of nuclear safety, continuing advances in energy source development, and the development of the fusion reactor. These are issues that are vitally important to all of us.

In any development of nuclear power the question of safety must be paramount. Safety is of such importance that we should examine all aspects of nuclear energy, from the daily operation of reactors to the transportation and disposal of nuclear materials and waste. Because the tremendous potential for catastrophe exists due to the nature of nuclear materials, it is imperative to ask if the AEC is devoting the considerable effort to nuclear safety that is required.

Recently, the AEC designated the liquid metal fast breeder reactor as its main priority in civilian power development. However, several serious questions remain unanswered on the safety aspects of the liquid metal fast breeder reactor, LMFBR. The LMFBR is a fuel-producing reactor, the fuel it will produce is plutonium. The danger of plutonium pollution is almost unlimited. One speck of plutonium on the lungs can cause cancer. Regardless of any real or supposed benefits of the LMFBR, the utmost attention must be paid to proper safety precautions.

Furthermore, in the advent of an overheating accident in the reactor, the nuclear reaction in the LMFBR would not be stopped as in present nuclear reactors, but the reactions could be accelerated and possible nuclear explosion could result.

One further safety question remains and that is the nature of this coolant element. The LMFBR is a liquid metal cooled reactor and its cooling element is sodium. Sodium is an element so volatile that immediately upon contact with air or water it explodes. This new coolant has vastly different properties than the water currently being used for cooling purposes. The slightest mishap in handling this volatile coolant could be disastrous. In view of these facts concerning the LMFBR, we cannot be cautious enough when considering safety factors.

In its naming of the LMFBR as the No. 1 energy priority, the AEC claimed that the LMFBR would save the Nation $20 billion over the next 50 years in power expenditures. This saving made the eventual $4 billion development cost of the LMFBR seem worthwhile. It now appears that the method the AEC used in calculating the savings figure is questionable. For example, the $20 billion savings was calculated on a discount or cost of money rate of 7 percent while George Shultz, former director of the Office of Management and Budget, set a 10-percent discount rate as appropriate for all Federal projects. This higher discount rate would reduce the AEC net savings by 75 percent.

Part of the savings benefit figure was calculated by using estimates of future electric power demand, existence of uranium reserves, and construction costs of the LMFBR. In all of these cases, the AEC used figures that have been questioned by experts in each area. None of these estimated numbers should be considered definite and thus there is no way we can accept the AEC cost savings estimate as definite.

Because of the approaching energy shortage we cannot depend entirely on any single energy development project.

We must develop other nonnuclear energy sources. One of the alternative nuclear energy sources is controlled thermal nuclear fusion which could be a clean, efficient source of energy, but our development of fusion has been slow. If more emphasis were placed on fusion research and development, would we not possibly come closer to realizing the goal of a functioning nonpolluting fusion reactor.

The energy problem requires research into nonnuclear energy technology as well as nuclear energy. A $3 million expenditure appears in the AEC authorization for nonnuclear technology, "to be used for research in the energy field." The programs funded with this money must be coordinated with other programs of energy source development carried on by other Government agencies and with those of the private sector. We must continue our research efforts into the areas of geothermal energy, solar power, and thermal gradients.

The AEC should consider as its primary goal finding and producing the means with which we can supply our future energy needs in a manner that is efficient, environmentally sound, and safe.

Mr. PRICE of Illinois. I have no further requests for time.

The CHAIRMAN. Under the rule, the Clerk will read the bill by title.

The Clerk read as follows:

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

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $2,109,980,000 not to exceed $126,400,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIAL.—

Project 73–1–a, in-tank solidification systems auxiliaries, Richland, Washington, $2,500,000.

Project 73–1–b, waste management effluent diversion control facilities, separations areas, Richland, Washington, $1,000,000.

Project 73–1–c, expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio, $1,400,000.

Project 73–1–d, component test facility, Oak Ridge, Tennessee, $20,475,000.

Project 73–1–e, radioactive waste management improvements, Savannah River, South Carolina, $1,300,000.

Project 73–1–f, safety improvements, reactor areas, Savannah River, South Carolina, $2,000,000.

Project 73–1–g, contaminated soil removal facility, Richland, Washington, $1,400,000.

Project 73–1–h, Rover fuels processing facilities, National Reactor Testing Station, Idaho, $3,250,000.

Project 73–1–i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

(2) NUCLEAR MATERIAL.—

Project 73–2–a, atmospheric pollution control facilities, heavy water plant, Savannah River, South Carolina, $4,300,000.

Project 73–2–b, improved sanitary waste treatment facilities, Savannah River, South Carolina, $1,100,000.

(3) ATOMIC WEAPONS.—

Project 73–3–a, weapons production, development, and test installations, $10,000,000.

Project 73–3–b, laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico, $5,200,000.

Project 73–3–c, laser fusion laboratory, Lawrence Livermore Laboratory, California, $6,800,000.

Project 73–3–d, classified facilities, sites undesignated, $15,000,000.

(4) ATOMIC WEAPONS.—

Project 73–4—a, new sewage disposal plant, Mound Laboratory, Miamisburg, Ohio, $700,000.

Project 73–4–b, land acquisition, Rocky Flats, Colorado, $8,000,000.

(5) REACTOR DEVELOPMENT.—

Project 73–5–a, Liquid Metal Engineering Center facility modifications, Santa Susana, California, $3,000,000.

Project 73–5–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $4,000,000.

Project 73–5–c, modifications to Power Burst Facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–d, modifications to TREAT facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–e, research building safety modifications, Mound Laboratory, Miamisburg, Ohio, $3,000,000.

Project 73–5–f, Pu-238 fuel form fabrication facility, Savannah River, South Carolina, $8,000,000.

Project 73–5–g, modifications to reactors, $3,000,000.

Project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, $56,000,000.

(6) PHYSICAL RESEARCH.—

Projection 73–6–c, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $400,000.

Project 73–6–b, accelerator and reactor improvements, Brookhaven National Laboratory, New York, $475,000.

Project 73–6–c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, $75,000.

Project 73–6–d, accelerator improvements, Lawrence Berkeley Laboratory, California, $525,000.

Project 73–6–e, accelerator improvements, Stanford Linear Accelerator Center, California, $1,025,000.

Project 73–6–f, accelerator and reactor improvements, medium and low energy physics, $600,000.

(7) BIOLOGY AND MEDICINE.—

Project 73–7–a, high-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California, $2,000,000.

(8) BIOLOGY AND MEDICINE.—

Project 73–8–a, replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee, $1,200,000.

(9) ADMINISTRATION.—

Project 73–9–a, addition to Headquarters building (AE only), Germantown, Maryland, $1,500,000.

(10) GENERAL PLANT PROJECTS.—$49,050,000.

(11) CAPITOL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $164,080,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (5), (6), and (7) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (2), (4), (8), and (9) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(10) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(10) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91–44, as amended, is further amended by striking from subsection (b)(1), project 70–1–b, bedrock waste storage, the figure "$1,300,000" and substituting therefor the figure "$4,300,000".

(b) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b)(1), project 71–1–e, gaseous diffusion production support facilities, the figure "$45,700,000" and substituting therefor the figure "$72,020,000", (2) striking from subsection (b)(1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$10,400,000" and substituting therefor the figure "$34,400,000", (3) striking from subsection (b)(6), project 71–6–a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "$600,000" and substituting therefor the figure "$3,500,000", and (4) striking from subsection (b)(9), project 71–9, fire, safety, and adequacy of operating conditions projects, the figure "$45,700,000" and substituting therefor the figure "$69,000,000".

(c) Section 101 of Public Law 92–84, as amended, is further amended by (1) striking from subsection (b)(1), project 72–1–f, component preparation laboratories, the figure "$3,000,000" and substituting therefor the figure "$25,300,000", (2) striking from subsection (b)(2), project 72–2–b, weapons neutron research facility, the words "(AE only)" and further striking the figure "$585,000" and substituting therefor the figure "$4,400,000", (3) striking from subsection (b)(3), project 72–3–b, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined" and further adding after the words *"Provided,* That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b)(5), project 72–5–a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "$345,000" and substituting therefor the figure "$1,600,000".

SEC. 106. RESCISSION.—(a) Public Law 91–44, as amended, is further amended by rescinding therefrom authorization for the fol-

lowing projects, except for funds heretofore obligated:

Project 70–2–a, rebuilding a gaseous diffusion plant cooling tower, Portsmouth, Ohio, $1,000,000.

Project 70–4–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

(b) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–3–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

TITLE II

SEC. 201. The Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

SEC. 202. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of, and appropriate remedial action to limit the exposure of individuals to, radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) that the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) that the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner of record to the State of Colorado within four years of the date of enactment of this Act and recommendation by and consultation with the State and others as deemed appropriate;

(c) that any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) that the United States shall be released from any mill tailings related liability or claim thereof upon completion of remedial action or waiver thereof by the property owner of record on behalf of himself, his heirs, successors, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) that the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) that the law of the State of Colorado shall be applied to determine all questions of title, rights of heirs, trespass, and so forth; and

(g) that the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspection as the Commission deems appropriate:

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty-day period.

SEC. 203. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this title II. Notwithstanding the provisions of subsection (a) (2) of section 553 of title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

SEC. 204. For the purpose of carrying out the provisions of this title II, there is included in subsection 101(a) of this Act authorization of appropriations in the amount of $5,000,000.

TITLE III

SEC. 301. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.".

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.

AMENDMENT OFFERED BY MR. PRICE OF ILLINOIS

Mr. PRICE of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Illinois: Page 1, line 7, after "not," strike out "tot" and insert "to".

On page 5, line 9, strike out "Administration" and insert "Administrative".

And on page 5, line 13, strike out "Capitol" and insert "Capital".

Mr. PRICE of Illinois. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOSMER

Mr. HOSMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSMER: Page 1, line 7, after "'Operating expenses'," strike out "$2,109,980,000" and insert "$2,110,480,000".

Mr. HOSMER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, during the markup on this legislation, there was a question in connection with the funds that had been requested by the administration for carrying on the nuclear-powered heart pacemaker work, as to whether or not the requested $1 million could be utilized during this fiscal year. At the time we actually marked up the bill, it appeared that this sum could not be utilized for certain technical reasons, and that $500,000 would be adequate for the purpose.

Let me point out that the nuclear-powered pacemaker is the device which is used to stimulate the heart in cases of individuals who have an irregular or low heartbeat and who need some kind of minor electrical stimulation in order to carry on a normal heartbeat pattern. The commercial pacemakers are battery powered at the present time. When they are implanted into the body, they have to be explanted and replanted whenever the batteries run low. The batteries have not lasted too long, a year or two, and we are attempting to get a nuclear-powered battery which would have a life of 10 years.

With this restoration of $500,000, it will coincide with the administration request and coincide with the action taken in the other body on this bill, if we add this sum of money. Therefore, I trust that support will come for this amendment.

Mr. Chairman, I wish to add that the triggering of this issue was brought to us by the gentleman from Pennsylvania (Mr. SAYLOR) who has kept very close watch on this. The gentleman pointed out that the money could be used, for which I thank him. I would like to yield at this point to the gentleman from Pennsylvania, and I express my thanks to him.

Mr. SAYLOR. Mr. Chairman, I congratulate the gentleman from California for offering this amendment. I think that as a result of this, our country will forge ahead and into the lead on the pacemaker that will save American lives.

Mr. HOSMER. Mr. Chairman, again I wish to thank the gentleman from Pennsylvania for his understanding and kindness and support in this matter.

Mr. Chairman, I yield now to the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I thank the gentleman from California (Mr. HOSMER) and I think he stated the situation accurately. Certainly there is no objection on this side to the adoption of the gentleman's amendment. We accept the amendment on this side.

Mr. SAYLOR. Mr. Chairman, there is no secret about the fact that I have, on occasion, been critical of the work of the Atomic Energy Commission. Our colleagues are aware that the civilian side of our atomic energy program has come under increasing scrutiny by the Congress and the public. But where plaudits are due, plaudits should be given. Such is the case with a life-saving program authorized by the Joint Committee on Atomic Energy and carried out by the Commission with respect to the "atomic pacemaker."

Without getting into a technical discussion of the radioisotope powered cardiac pacemaker development, allow me to proudly boast that this breakthrough in and for the medical sciences is being conducted by a firm in my congressional district—ARCO Nuclear Co. of Leechburg, Pa. You can see, then, why I have a particular interest in the legislation pending inasmuch as the amount requested in the fiscal year 1973 AEC authorization request would provide funds

for continuation of this marvelous, life-saving technology. The research and development connected with the program will make it possible for many thousands of Americans with malfunctioning or damaged hearts to function normally and for longer periods of time.

ARCO has kindly provided a program summary which I include here to bring our colleagues up to date on this important research. You will note that the research and development is four-fifths done; the authorization sought in the legislation today is designed to finish the job. The program summary follows:

PROGRAM SUMMARY

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to help them live with a malfunctioning heart. This number increases every year by 25/30,000 people. Their average age is 71 years, and they as a group average 6 years of life with a pacer. The United States census shows the number of people in the older age brackets is growing much more rapidly than the population as a whole and thus there is a strongly growing need for devices to increase further the useful life span of our citizens. At present, the average battery implant operates successfully for only 2 years, and the average patient is required to have 3 or more implants with the associated surgical risks and costs. A 10-year nuclear battery pacer should eliminate need for this additional surgery, hospital time, and expense for most users.

The AEC nuclear battery program is aimed at ensuring an effective, reliable unit for the users and safety for the public as they associate with these nuclear pacemaker users. The major responsibility of the program has been the development of safety and reliability standards. It has been found that it will be necessary for such a nuclear unit to withstand industrial fires of 1900°F, cremation at 2100°F, free fall at terminal velocity, direct impact from a hand gun bullet, crashing, and drowning without rupture or breach of the fuel capsule.

The other major responsibility of the AEC program is the design and fabrication of a unit which will meet these standards, and the demonstration that it can be manufactured economically.

The AEC program in FY 1973 will provide units for human implant which have demonstrated this safety and efficacy to the users and the public. During FY 1973 to facilitate the transition of these devices into general use, a system cost reduction analysis will be made and published which will demonstrate the economical production of nuclear batteries to these necessary standards of safety and reliability. Such economical feasibility will be further demonstrated in FY 1973 by fabrication of pacers using electronics obtained from commercial pacer manufacturers.

This has been a highly successful program so far. It is about 4/5 done, and the FY 1973 part of the program will bring it essentially to completion. There is still need for the program because commercial sources have not yet proposed to make available pacers which will meet the required standards.

Present models of cardiac pacemakers operate on chemical batteries. Although they are effective in providing a regular and sufficiently powerful beat to correct the condition known as heart block which deprives the body of sufficient blood, they have the disadvantage of having to be surgically replaced about every 2 years. The expected lifetime of these new atomic pacemakers is estimated between 8 and 10 years. Medical technology in this field in Europe is running considerably ahead of our present timetable; about 30 atomic-powered pacemakers have already been implanted in European patients in the last two years.

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to help them live with a malfunctioning heart. One source estimates that this number could increase by 25,000 or more each year. At present the average lifespan after installation of a pacemaker is 6 years but the battery-operated pacemakers require surgical replacement about every 2 years, subjecting the patient to the risk, trauma, and costs of serious surgery, three or more times in what has been calculated as their last decade of life. The atomic pacemaker, in addition to its increased efficiency of operation, brings with it the potential of relieving the patient of anxieties during a day-to-day existence.

I do not want to overdramatize about the pacemaker-user, nor overgeneralize about the medical technology which has brought about this life-prolonging miracle, but having known about one pacemaker-user, I can say with confidence that her contribution to society as a fulltime teacher was incalculable from the time she first underwent heart surgery to the date of her passing—5 years and two standard pacemakers later.

With the radioisotope powered cardiac pacemaker we stand at a new threshold of medical science. Full funding for this technological advance is important steps still necesary to qualify the device for human application here in the United States. I do not for a minute imply here that the advances in this field made in Europe are not safe for human use; merely that we have a duty to the whole Nation and to potential users of the atomic pacemaker, to be absolutely sure that we have the best model—in every sense of the word—on the medical market.

SUBSTITUTE AMENDMENT OFFERED BY MR. DOW FOR THE AMENDMENT OFFERED BY MR. HOSMER

Mr. DOW. Mr. Chairman, I offer a substitute amendment.

Mr. HOSMER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from California will state it.

Mr. HOSMER. Mr. Chairman, was the previous amendment offered by me accepted?

The CHAIRMAN. No. The Chair will state the gentleman from New York is offering a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) and the Clerk is about to report the substitute.

The Clerk read as follows:

SUBSTITUTE AMENDMENT OFFERED BY MR. DOW FOR THE AMENDMENT OFFERED BY MR. HOSMER

On page 1, line 7, strike out "$2,109,980,000" and insert "$2,082,230,000"

Mr. DOW. Mr. Chairman, in moving to strike the figure of $2,109,980,000 from the Atomic Energy Commission appropriation and substitute $2,082,230,000. I am aiming in two directions. One is to reduce by one-half, the appropriation for a liquid metal fast breeder reactor, a very dangerous type of reactor. The other purpose is to double the authorization for the fusion process of generating nuclear power; this is a process which is farther way in point of time but much safer, according to eminent physicists, and certainly a process not limited by the supply of uranium. The decreased appropriation for the fast breeder in my amendment is $65,750,000 and the increase for fusion is $38 million. The net of these two figures is $27,750,000, and that is the reduction in the total figure of operating expenses found in section 101(a) of the bill, on page 1. The appropriation for the fast breeder may be noted on page 14 of the committee report, and the appropriation for the fusion process, known as controlled thermonuclear research, on page 25.

The fast breeder reactor is able to take a relatively small amount of uranium of a type that cannot be used by the present generation of light water reactors and convert it to plutonium. Plutonium is among the most dangerous substances on the face of the globe. A speck on the lungs can be fatal, according to reputable authorities. With a half life of 24,000 years, as against roughly 15 years for the byproducts of today's light water reactors, the plutonium is radioactive for many millenniums. This, of course, would compound the already alarming problems in handling nuclear wastes.

Moreover, the fear is justified that such a dangerous material may be diverted for use by unauthorized parties. Just a small amount is enough to construct a nuclear bomb.

While it is true that the AEC and the power industry, under the goad of brownouts, are eager for the development of the fast breeder, nevertheless, it would be a crying shame if voices on this floor do not express the alarm among many authorities about the fast breeder. Among the scientists who have issued warnings are Dr. Linus Pauling, Dr. John Edsall, Dr. Barry Commoner, Dr. Paul Ehrlich, Dr. George Wald, Dr. Lamont Cole, Dr. George L. Weil, Dr. Ernest Sternglass, Dr. Irving Lyon, Dr. Harold Urey, and a number of others.

I want to enlarge the amounts in the bill for fusion and other engineering options to provide energy for our society.

There is a woeful failure in our national provisions for such other options which are not within the scope of the AEC. I am thinking of the small programs of the Office of Science and Technology for exploiting solar energy. I am thinking of the programs of the Interior Department for geothermal experimentation and for the gasification of coal. Someone has said that 61 different Federal agencies are concerned with the subject of our energy crisis.

We should certainly as a nation take note of these small dispersed, tentative, and speculative activities. Mr. Chairman, the Congress is not grappling with the whole vast problem of our energy resources, and the Nation will be the loser.

We have all seen legislation aimed at the overall approach to our energy crisis defeated and delayed on more than one occasion.

By offering this amendment, I raise my voice against the myopic judgment that confines our salvation from the energy crisis to the fast breeder and largely ignores the necessity for a comprehensive program considering every possibility including the safest possibilities.

Mr. Chairman, I urge the adoption of my amendment.

Mr. REID. Mr. Chairman, I rise to support the amendment proposed by the distinguished gentleman from New York (Mr. Dow) to reduce by one-half the authorization of $180.5 million for the development of the liquid metal fast breeder reactors—LMFBR.

All responsible people realize that we must conduct extensive research and development programs to produce the new technologies to meet the growing energy needs of our Nation. I believe that the energy problem facing us is one of our major national priorities. It demands that basic decisions be made far in advance of requirements. It demands also that these decisions be made on the basis of thorough exploration of all alternatives and sober evaluation of the benefits and consequences of each. Above all, we must not allow ourselves to be stampeded into a precipitous rush to develop one alternative at the expense of all others, especially in light of the very serious questions as to the consequences of that alternative for the safety and health not only of this generation but of future generations as well.

H.R. 14990 does not provide for the kind of balanced exploration of alternatives that is needed. Quite the contrary, it would devote a totally disproportionate share of the development effort to the LMFBR. It would provide funding for this controversial program at levels far in excess of those for any other energy option. The effect of this is to decide the issue long before we have the facts as to which option would be most effective and safest.

Environmental Action, one of the groups concerned over the implications of this program, has prepared an analysis of some of the more promising alternatives and the Government funding for research and development on each. I insert this revealing document in the RECORD:

ALTERNATIVES TO THE LMFBR, GOVERNMENT FUNDING FOR RESEARCH AND DEVELOPMENT

[In millions of dollars]

Reactor	Fiscal year— 1972	1973
Water cooled	5.5	5.0
Advanced converter and light water breeder	29.8	30.8
Gas cooled fast breeder	1.0	1.0
Molten salt breeder	5.0	5.0
Solar energy	1.0	4.0
Coal classification and liquification	44.8	61.3
Magnetohydrodynamics	1.0	3.0
Fuel cells	0	0
Geothermal	.7	2.5
Controlled thermal nuclear fusion	47.2	65.4

I think that it is clear that there are a number of promising possibilities and that these possibilities are not receiving the same kind of attention that is being devoted to the LMFBR.

Thirty of our Nation's most distinguished scientists have raised very serious questions about the safety and feasibility of the LMFBR. I am submitting a copy of that statement for my colleagues consideration before they decide this grave issue:

STATEMENT OF SCIENTISTS AGAINST THE BREEDER

The Atomic Energy Commission has announced that its highest priority is the development of the Liquid Metal Fast Breeder Reactor. This program has been endorsed by the Joint Committee on Atomic Energy and is the keystone of President Nixon's long-term energy policy. We believe that massive funding for the construction of the LMFBR demonstration projects at this time is a major mistake. Too many serious questions exist about the safety and environmental impact of such a project to make a commitment at this point to the commercial development of this technology.

The reactor's cooling system will utilize liquid sodium, which is highly reactive and burns on contact with air or water. Breeder reactors are inherently more difficult to control than today's commercial fission reactors, they operate closer to the melting point of their structural materials, and they generate and use much larger quantities of plutonium. Plutonium has a half-life of 24,000 years and is one of the most toxic substances known to man. Unlike the uranium on which today's fission reactors rely, plutonium can be fashioned relatively easily into a crude nuclear weapon. In an energy economy based on breeder reactors (some hundreds of them by the year 2000 according to AEC projections), enormous quantities of plutonium will have to be handled and transported. The potential for accidental release or theft by unauthorized persons will be unprecedented.

Troublesome problems exist even with today's reactors: the possible diversion for clandestine purposes of the smaller (but still substantial) quantities of plutonium now in circulation; the possibility of a reactor accident, including one caused by either earthquake or sabotage, that could release huge amounts of radioactivity; routine emissions and potential accidents at the reprocessing plants where uranium and plutonium are separated from radioactive wastes in the spent reactor fuel; and the difficulties of isolating the long-lived radioactive wastes from the environment for thousands of years. It is imprudent to deploy the even more hazardous breeder reactor before sound technical solutions for these problems have been developed and proven.

The breeder reactor should not be ruled out as an energy option for the long term. However, the claim that it is needed immediately to prevent a crisis in uranium supply is erroneous. Federal funds being sought for the hasty demonstration and deployment of breeder reactors should be spent instead on such basic problems as reactor safety, waste storage and plutonium management. Of equal importance is increased Federal funding of other energy options, including solar power, controlled thermonuclear fusion, coal gasification, geothermal power, fuel cells, magnetohydrodynamics (MHD), and use of agriculture wastes and garbage. Together, these systems hold the promise of providing significant contributions to our overall energy requirements.

In light of the serious concerns that we have about a national commitment at this time to the commercial development of Liquid Metal Fast Breeder Reactors, we strongly urge Congress to declare a moratorium on the construction of breeder reactors by rejecting the forthcoming proposal for the initial demonstration project.

During this moratorium, we urge Congress to reassess our reesarch and development commitments to energy sources. Funding priority should go to the technologies which hold the greatest promise of environmental compatibility.

Dr. Linus Pauling, Professor of Chemistry, Stanford University.

Dr. Lamont Cole, Langmuir Laboratory, Cornell University.

Dr. John Edsall, Biology Department, Harvard University.

Dr. Barry Commoner, Washington University, St. Louis, Missouri.

Dr. Harold Urey, Department of Chemistry, University of California at San Diego.

Dr. Paul Ehrlich, Department of Biology, Stanford University.

Dr. John Holdren, California Institute of Technology.

Dr. Edward Martell, National Center for Atmospheric Research.

Dr. John Gofman, Professor of Medical Physics, University of California at Berkeley.

Dr. Glenn Paulson, Environmental Scientist, City College of New York.

Harold L. Rosenthal, Professor of Physiological Chemistry, Washington University.

Dr. George Wald, Professor of Biology, Harvard University.

Dr. Roslyn Barbash, Teaneck, New Jersey.

Dr. Herman Levine, San Antonio, Texas.

Dr. David Gitlin, Cleveland, Ohio.

David Marra, Oceanographer.

Dr. Irving Lyons, Biologist, Bennington College.

Dr. George L. Weil, Nuclear Energy Consultant.

Dr. Ernest Sternglass, Professor of Radiation and Physics, University of Pittsburgh.

Patti Peterson, Professor of American Studies, State University of New York at Oswego.

Dr. Harry S. Blanchard, Limerick Ecology Action.

J. B. Nielands, Professor of Biochemistry, University of California at Berkeley.

Dr. Curtis Williams, Dean of Natural Sciences, State University of New York at Purchase.

Dr. James Watson, Biology Department, Harvard University.

Dr. Donald Geesamen, Physicist, Lawrence Livermore Laboratory, University of California.

Dr. Robert Rienow, Political Scientist, State University of New York at Albany.

Daniel S. Greenberg, Publisher, Science & Government Report.

K. Danner Clouser, Professor of Medical Ethics, Penn State University, College of Medicine.

Norman Edwards, Oceanographer.

T. A. Creswell, M.D., Chairman, County Medical Society, Environmental Committee, Saginaw, Michigan.

Affiliations listed for identification purposes only.

The LMFBR will, if all things go well, provide us with only a temporary energy source but will leave a permanent legacy of toxic wastes. Although its residue of plutonium and other radioactive wastes will remain lethally toxic for tens of thousands of years, it is considered, even by its proponents to be only a temporary energy source—in use perhaps for 50 years—until other less hazardous and hopefully renewable energy sources are developed. Let us take a hard look at the way the toxicity of plutonium is measured, in millionths of a gram, and the way the quantities to be produced are being estimated in hundreds of tons. Let us take a hard look at the fantastic disparity between cost—permanent hazard, and benefit—temporary use.

The proposal of the distinguished gentleman from New York is reasonable. It would not halt research and development

on the LMFBR. Quite the contrary, it would continue funding for this program at $90.25 million, a level still higher than any of the other alternatives. But it would bring the program back into proportion with the other effects.

I strongly urge my colleagues to heed the words of our scientific community and support the amendment before us today.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the thrust of the amendment of the gentleman from New York (Mr. Dow) is to shift energy research and development emphasis away from the breeder reactor and to nuclear fusion. This is certainly a commendable ideal. It is an idealistic goal. Unfortunately, it is totally unrealistic at the present time.

In the President's energy message of last summer he set out an immediate goal, and that was to have a demonstration liquid metal fast breeder reactor on the line by the year 1980.

If we maintain our present program of research and development and support for the breeder as it is now established in this proposed budget, we can hope that we will meet the President's schedule, and have the first demonstration breeder on the line by the year 1980. If we have the LMFBR demonstration plant on the line by the year 1980, we can hope that we may have commercial plants on the line by 1985 or 1987. Then we can expect these new breeder reactors to begin to produce new fuel to provide energy for this country. We can hope that if this program is successful, then our fissile material inventory may be brought into equilibrium. That is, we will be producing as much fuel as we are consuming.

Mr. Chairman, I cannot overemphasize the importance of this point. We must depend upon nuclear energy from fission for the next 40 to 50 years, and until we have developed such other sources of energy as the gentleman from New York would have us emphasize. Unfortunately, however, we are not advanced far enough in our technology today to talk seriously about having electricity produced from fusion on the line at any time before the year 2000. It may be that existing R. & D. programs will advance that date, but we cannot today depend upon that possibility—or cut the breeder program, because of it. The breeder reactor program, whether it is the LEFDR or the gas-cooled breeder, is designed to give us enough nuclear fuel when we will need it. If we do not have this program, we might well have to burn up virtually all our gas and petroleum and coal, and use up most of our present uranium resources between now and the year 2000 in order to provide the energy that we need.

With the breeder program we can assume we may have enough fuel to catch up by the year 2000 and to keep us in a state of equilibrium from then on.

I agree that we must emphasize fusion research. This budget today provides an increase of 25 percent in fusion research for the fiscal year 1973. This is up to about $38 million for the traditional fusion research and a very large additional amount of money, also, for laser-pellet research.

This programs are not being limited by the budget. During the month of May the Subcommittee on Science Research and Development held a series of hearings on energy research and development. On two occasions, Mr. Chairman, we had outstanding experts in the field of fusion, who, when I asked if our fusion research program is being limited by money, responded unequivocally in the negative. The research program for fusion is limited by technology alone. When we are ready to take the next steps in research and development on fusion, then the Atomic Energy Commission and the Joint Committee on Atomic Energy stand ready, I am certain, and as all of our testimony indicates, to have the necessary funds for this research. It would be foolish to put more money into this fusion today than is needed; or more than can be used. It would be disastrous to cut our breeder program, because this would cause us to slip further and further behind in provide the nuclear fuel that we need between the year 1985 and 2000.

I completely sympathize with the desires of the gentleman from New York in his wish to emphasize other areas of research and development for energy.

Although we are not carrying out the integrated energy research program I would like to see, I believe we are moving in this direction. Above all else, however, we must not cut the breeder program at this time.

Mr. Chairman, an allegation has been made that because breeder reactors produce and utilize plutonium as a form of nuclear fuel, we should discontinue the breeder reactor program. The basis for this is said to be that plutonium is highly toxic.

It is certainly true that plutonium is a toxic material; however it has been handled in considerable quantity in this country for 25 years. The toxicity of plutonium was recognized at a very early time in the atomic energy program and stringent criteria for the handling and disposition of this material have been devised and are rigidly enforced.

The point which I wish to make is that in many industries, not just the nuclear industry, on a day-to-day basis we deal with highly toxic materials in industrial quantities which could be lethal to humans if not properly safeguarded.

It may not be well known to the proposer of the amendment, but civilian power reactors which have been in operation for the past 12 to 15 years have been producing plutonium as a normal consequence of their operation. The greater percentage of the uranium fuel in a light water reactor is in the form of uranium-238, which through interaction with neutrons produced in the reactor converts into plutonium. During processing of the expended fuel from such a reactor, the fissionable plutonium and the unused uranium, which is also of a value, are recovered for subsequent use as nuclear fuel.

During the 12-year period of routine handling of plutonium in the civilian reactor program, there have been no accidents which resulted in release of this toxic material outside the confines of the nulcear facility.

In summary, we should no more give up the development of the liquid metal fast breeder reactor because it utilizes plutonium than should we give up the manufacture of chlorine—for water treatment purpose related to the preservation of the public health, or give up the manufature of commercial explosives important to construction and mining activities, because improper handling could result in damage to members of the public.

We must be extremely careful in the handling of any toxic material and I am convinced that the Atomic Energy Commission, through its licensing program does and will insist upon procedural safeguards, engineering safeguards, and other techniques designed to assure the protection of the public health and safety against exposure to any form of radioactive material.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the action sought by the gentleman from New York is to do two things both of which would be a tremendous mistake.

The first thing the gentleman wants to do is to double the amount of money in the budget for controlled thermonuclear reaction research. This is a long way, and a very long way, to talk about the very physics processes that go on on the surface of the sun, and to tame them so that we can use them right here at home to produce electricity.

Now, a number of people have had the same suggestion as the gentleman from New York, to put a lot of money into it, and then we can have this almost overnight. In the Joint Committee on Atomic Energy we held a series of hearings on that very issue of how soon could you get controlled thermonuclear fusion as an economic process for the production of electricity in America. We called in everybody who had any reason to know anything about the technology and its development. It turned out that everybody, and they were all knowledgeable, said that it would take until the year 2000 in order to perfect this technique to become an economic technology. And if you even went ahead and spent untold billions of dollars in addition to that on this research you still could not push this date up any closer than1990.

Now, this is 1972. What the gentleman wants to do is to take this period of time between 1972 and 1990, or 2000, and eliminate the other technology to fill in the energy gap in this period.

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

Mr. HOSMER. Not at this time; I will yield to the gentleman when I have completed my statement.

The technology that has been suggested—not only suggested, but it has been studied for years, and even for decades—is the liquid-metal fast breeder reactor to fill in this energy gap. You know, we will not have uranium around forever to burn in these light-water reac-

tors. We need the liquid metal fast breeder reactor in order to take advantage of the plutonium that the gentleman is complaining about as being so dangerous, but which is being made every day in the light-water reactors. The plutonium problem is not going to be compounded a bit by the development of the fast breeder reactor. But this is what has to be done in order to avoid an energy gap even worse than the one that we now anticipate in this country.

This development as a technology of the production of electricity is the only alternative we have. There are other ways of having breeder reactors—you can have a gas-cooled breeder, you can have a water-cooled breeder, you can have a liquid molten salt-cooled breeder, but this liquid-metal fast breeder reactor is the one that seems to offer the best promise, and that is the goal we want to meet. Not only we, but every other nation in the world, any other advanced nation, is doing the same thing—developing liquid metal fast breeder reactors. Half a dozen countries in Europe are doing it, and the Soviet Union has a large effort.

But this is the most atavistic thing I have ever seen. I can understand the spirit that underlies the Spanish Inquisition, and I do not condone it, but I can understand it, and I can understand the same spirit that may have underlain the burning of witches, but I cannot understand the spirit in an economic society and a highly developed society that requires this type of approach.

Does anybody seriously want to take a hara-kiri knife to this kind of development in the year 1972?

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I thank the gentleman for yielding, and I wish to commend the gentleman for his characteristic and forthright statement.

Mr. Chairman, I rise in opposition to the substitute amendment and in support of the original amendment offered by the gentleman from California.

Mr. Chairman, of late we have heard many suggestions for a new energy source to meet our burgeoning needs. These are frequently claimed to be clean, to have zero impact on the environment, to be available in the near future, and to be economical. These suggestions include solar energy, tidal energy, thermal gradients in the oceans, laser fusion, magnetically confined fusion, coal gasification, magneto hydrodynamics, wind power, methane generation by the decomposition of animal wastes, and so on.

Inevitably, though, a fundamental factor seems to be overlooked. Little if any recognition is given to the fact that all possible energy sources were carefully considered before our Nation's nuclear power program was laid out. As early as the late 1950's and the early 1960's the Joint Committee was fully cognizant of the claims made for a limitless supply of energy from our fossil fuel resources as well as the possibilities from other sources.

Accordingly, even though there was great pressure to go all out in the development of nuclear energy, the Joint Committee stubbornly insisted on a full justification of such an effort taking into consideration the claims that other sources were adequate or possibly better. It was upon the committee's insistence that the administration in the period of 1959 through 1962 thoroughly studied our energy needs and the practical ways in which we could meet those needs. These studies culminated in the 1962 report to the President on nuclear power. This report did not simply represent the views of the Atomic Energy Commission. It included the views of the Department of the Interior, the Federal Power Commission, the National Academy of Sciences, and many from the private sector who have professional competence in the development and utilization of energy.

That report concluded that we must have additional sources of energy; that nuclear energy was the only practical means for meeting our long-range needs. Nuclear energy, of course, includes both fission and fusion reactions although fission is the only nuclear reaction whose feasibility has been demonstrated and, therefore, the only practical source at this time.

Following the report the Joint Committee held extensive hearings at which both Government and private witnesses were given the opportunity to testify. The civilian nuclear power program laid out in that 1962 report to the President stood the test and the executive and legislative branches of our Government accepted the program and have been diligent in carrying out its mandates ever since.

Several years later though, as a check to determine that we were still on the right track, the committee asked the executive branch to verify the validity of the earlier conclusions. This culminated in the 1967 supplement to the 1962 report to the President which, fundamentally, reaffirmed the findings of the basic report.

Although it does not seem to be generally recognized, the Joint Committee has consistently supported other research and development programs on energy. It has not limited its interest and activity to nuclear energy. In 1962 after its review and acceptance of the 1962 program, the committee made it abundantly clear that it supported the development and utilization of our enormous coal reserves. This committee has supported research and development efforts by the Atomic Energy Commission, for example, in coal gasification. The committee has supported programs for the control of stack effluents from fossil plants. The committee has also supported the research effort on the fusion reaction to a total of nearly one-half billion dollars to date. Last year the committee amended the Atomic Energy Act to authorize the Atomic Energy Commission to perform research and development in all fields of energy so that the special competence and facilities existing in our atomic energy laboratories could be utilized to the fullest in our national interest.

Recognizing that there may always be those who will not or cannot agree, the committee remains convinced that the steps taken to establish the breeder program as a primary effort to meet our long-range needs were appropriate and the program which we are now following and which this bill will fund will meet those needs. I urge that the substitute amendment be rejected.

Mr. HOSMER. Mr. Chairman, let me add this: That the technology of the fast breeder reactor is no more dangerous than the technology of the light-water reactor, or the technology of the internal combustion engine which requires the storage of large amounts of gasoline, or with the use of other industrial processes such as those that use cyanide, or hydrochloric acid. If you take care of these things nobody gets hurt.

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

(Mr. HOSMER (at the request of Mr. ANDERSON of Illinois) was granted 5 additional minutes.)

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I certainly want to associate myself with the remarks that have just been made by the gentleman from California, in opposition to the amendment offered by the gentleman from New York (Mr. Dow).

The gentleman now in the well and I know that we had occasion just last evening to talk with the vice chairman of the European Economic Commission in charge of energy matters.

Europe is indeed ahead of us right now on this very important matter of building a liquid metal fast-breeder reactor and have already sited and are planning the construction of a 300-megawatt reactor of that kind in West Germany.

The power from that will eventually increase to 1,000 megawatts.

Here are our economic competitors, with all of this power and muscle in the Common Market that is going to be imposed against us so far as world commerce is concerned.

They have the good sense to proceed with this development. I think it is nothing short of tragic if we were to yield to the kind of know-nothingness that we should somehow do something to cut down the efforts that we are making to produce and put on the line a liquid metal fast breeder reactor.

Mr. Chairman, I thank the gentleman for yielding.

Mr. HOSMER. Mr. Chairman, I thank the gentleman very much for his remarks.

I think that we ought to understand that this is not something new.

We have the EBR I reactor.

We have the EBR II reactor.

We have the Enrico Fermi reactor.

And we have the SEFOR reactor, all right here in the United States.

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

Mr. HOSMER. I yield to the gentleman.

Mr. DOW. I would like to quote one statement from one of the scientists that appeared this week in Time magazine.

He says:

We are going in the future with only one arrow for our bow—the breeder. If it does not work out we will face a real crisis.

The gentleman from California I think erroneously suggested that I did not offer or care for any option other than the fusion process.

In my earlier remarks I spoke of the need for exploiting solar energy and also for experimentation in the geothermal area.

But this present bill does very little in that direction.

Mr. HOSMER. It has been suggested also, that the whole energy problem can be solved through the use of gas generated from manure piles. But it is not exactly practical in time to meet the problem as it rushes down upon us.

There are a number of alternatives, yes, but they are all in the area of 20 years for development, which will bring them all up in competition later.

And the gentleman probably was not listening when I recited that we do have alternates to the liquid metal breeder that we are working on.

Another probably is from the molten salt and gas-cooled breeders.

Each year about the time the Joint Committee's bill authorizing AEC appropriations reaches the floor of the House, arguments are generated against nuclear power reactors. This year we find opposition to the liquid metal fast breeder reactor being developed for electric power generation. One claim this year is that laser induced fusion powered generation is imminent and that within the next few years, at most, we could have powerplants which would utilize clean, nonpolluting fusion fuels. I can assure you that this is not the case.

On November 10 and 11, 1971, the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy held 2 days of hearings on controlled thermonuclear research in the United States and in the rest of the world. All types of fusion research were covered. Significant attention was given to the possibility of achieving controlled thermonuclear reactions using lasers to start the reaction. It was concluded that this promising field of research should continue to examine possible means of initiating fusion reactions with lasers. However, it also was concluded that practical high-energy lasers and the mechanical and optical systems necessary to create fusion reactions, even on a feasibility basis, are not expected until the end of this decade.

An apparent misunderstanding of what transpired at a recent international conference in Montreal no doubt led some of my colleagues to push for accelerated laser-induced fusion research instead of continuing with the liquid metal fast breeder reactor program. At that Montreal conference, it was stated that theoretical computer studies, conducted at a weapons laboratory, yielded results which indicated that, if it were possible to compress light elements, such as hydrogen atoms, by a factor of 10,000, it should be possible to induce a fusion reaction using lasers available today from commercial sources.

It is unfortunate that the statement made at that conference was interpreted by some as meaning such compression is possible today, because it immediately raised high hopes among those who opt for fusion over all other forms of energy generation that a means had been discovered to provide fusion now. As I indicated previously, it is not a fact that we know any way to achieve a compression of 10,000 using a laser.

Let us recall that the vice chairman of the Joint Committee on Atomic Energy in his opening statement indicated that a total of about $80 million is going into fusion research next year compared to $31 million in the current year. This will provide significant impetus but an orderly approach to the development of this remarkable, unlimited energy source of the future.

Furthermore, in consonance with the President's energy message of June 4, 1971, it is imperative that we go forward with the LMFBR program under development by the AEC so that such systems will be available to go on line by 1980.

In this regard, I recommend that we vote to reject the amendment to delete funds for the LMFBR program.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, during fiscal year 1973, the AEC will find itself at a crucial stage in the development program for the liquid metal fast-breeder reactor. Time is of the essence in the planning and execution of this program in order to meet the national goal established by President Nixon in his June 4, 1971, energy message—operation of a demonstration liquid metal fast-breeder reactor by 1980. This action by the President has brought about the development of the needed momentum, both in industry and the Government to make achievement of this goal possible.

Electric utility companies throughout the country, both public and private, have amassed a total of $240 million in pledges to be used in the design, construction, and operation of the first demonstration breeder, and to this will be added the $100 million of direct Federal assistance already authorized by the Congress.

The amendment would delete from the bill now before us is one-half of the amount proposed for the LMFBR base technology program for fiscal year 1973. This effort will lay the groundwork in terms of general engineering design, structural materials, fuels, and vital components for liquid metal fast breeder reactors. A significant portion of the effort relates to the demonstration program; the remainder will provide a long-range capability for this Nation to bring this program to successful fruition and, thereby, establish the feasibility of nuclear energy as a long-range solution to electrical energy requirements in this country.

The breeder reactor program has been a long-range program of the Atomic Energy Commission for a number of years and was formalized as such in the 1962 report to the President. It was recognized at that time that if we could not develop a breeder reactor, the uranium resources of this country would not permit nonbreeder reactors to make a significant contribution to our long-range energy problems. Present-day reactors do not utilize nuclear fuel efficiently and in the long run we must learn how to breed additional fissionable material in order to realize the full potential of nuclear energy. The feasibility of a breeder was demonstrated over 20 years ago. It is important now that we take advantage of the momentum recently generated and get on with the development and demonstration of this reactor for commercial application.

Shortages of oil, gas, and ultimately even coal have been well studied by many committees of both Houses. I am sure that the majority of my colleagues recognize the importance of finding solutions to the energy problem so that the generations to come will have an adequate supply of electricity, produced in a manner which will assure the quality of our environment.

It should be pointed out that ours is not the only effort to develop a liquid metal fast breeder reactor. The major industrial nations of the world each have their own program and some would claim that their efforts are equal or superior to ours. The U.S.S.R. earlier this year announced completion of construction of a liquid metal fast breeder demonstration reactor which provides for desalination of water in addition to the production of 150 megawatts of electricity. In addition, a 600-MWE breeder reactor is under construction by the Russians. The British are constructing a 250-MWE prototype breeder reactor and the French have nearly completed a breeder reactor of equal size. West Germany has its own program and the Japanese have put together a program to meet their own needs. Since our first demonstration reactor is not scheduled to be completed until 1980, it could be said that we are behind these other nations. The Atomic Energy Commission believes, and the Joint Committee concurs, that our program is being developed on a broad technology base requiring proof testing and safety evaluation of each component. Once these components are assembled in the demonstration facility, we believe we shall be closer to a commercially acceptable plant than others who will be trying to "de-bug" a whole facility and each component part.

All of these nations appear convinced that the sodium cooled breeder is the best approach and that it can be designed and operated in a fashion having minimal impact on the environment while concurrently providing protection to the public health and safety. Our own liquid metal fast breeder safety program is directed toward assuring that all conceivable accidents are considered and that full protection is provided to assure safety of operation.

I urge that the amendment be rejected and that the Members of this body lend support to this important program which has the goal of developing a new tech-

nology which can mean so much to this Nation's preeminence in the energy field.

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

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRENZEL. Mr. Chairman, I rise today not in opposition to H.R. 14490, nor in favor of the amendment of the gentleman from New York (Mr. Dow) merely to question the research and development priorities in this authorization. I share some of the concerns of the gentleman from New York about the LMFBR.

With the authorization of $132 million for the liquid metal fast breeder reactor, our country could be launching itself on an unknown, and perhaps unsure, energy course. However the liquid metal fast breeder reactor authorization does not cease there. The liquid metal engineering center facilities and the modifications to the EBR, the power burst facility and the TREAT programs are all primarily LMFBR items. These are items 73.5 a-d in the plant and capitol equipment requests.

Thus the authorization gives LMFBR over $230 million while other promising energy options seem to be ignored.

The committee report states that—

It is prudent to provide for continuing effort on viable alternative approaches.

Yet, two of the competing breeder concepts—the gas-cooled fast reactor and the molten salt breeder—are receiving only $1 and $5 million respectively in fiscal year 1973. The highly touted solar technologies are receiving a mere $4 million combined.

The authorization seems less a search for viable alternatives than a firm LFMBR commitment for the future. If LFMBR proves uncontrollable, unreliable, or unsuccessful, we could well be left with all our eggs in a leaky basket.

The time to evaluate our nuclear energy development priorities is now. The ratio of $230 million, or $132 for LMFBR, to $10 million for other technologies, deserves hard looks and searching questions now before the firm commitment is made and the chance for alternatives is lost.

The presentation of the gentleman from Illinois (Mr. PRICE) leads me to the conclusion that the Joint Committee has not favored the liquid metal fast breeder reactor to the exclusion of other technologies, but I would like to ask the gentleman if he would respond whether the committee is determined that the LMFBR is by far the most promising technology and why, for instance, we did not apply a few more dollars to the molten salt breeder and the gas-cooled fast reactor and the solar technology?

Mr. PRICE of Illinois. If the gentleman will yield, I could say we have studied both the molten salt reactor for many years, and some of us have seen some potential in it. We do feel it is as far along as other approaches. The fast breeder reactor, we feel at the present time, offers the best hope of producing not only the resources of energy we now need but also has a very important part in answering our fuel problem in future years.

We have followed the thermonuclear program from its inception and have been among the strongest supporters of the thermonuclear program, and I think we kept it alive for a few years, and we worked with the Commission and urged the Commission to continue and expand its research in the thermonuclear reactors.

Mr. FRENZEL. I thank the gentleman, and I accept that as a statement from the committee that they are not against these other technologies even though the auhorizations for them seem exceedingly low.

Might I ask the committee whether the committee is still enthusiastic to proceed with both the salt research in the foreseeable future and the other technologies?

Mr. PRICE of Illinois. I will say to the gentleman the committee's views on the salt reactor are expressed on page 14 of the committee's report. It certainly has not been ignored in any way by the committee.

Mr. FRENZEL. I thank the gentleman from Illinois.

I would like to ask further if, since the facility for which we appropriated in 1967 is not completed yet, the capital funds now to be applied for LMFBR can be safely spent before we complete the safety tests for it?

Mr. HOSMER. Mr. Chairman, if the gentleman will yield, if I may say, I think the gentleman probably refers to the fast flux test facility.

Mr. FRENZEL. I do.

Mr. HOSMER. That largely has to do with the neutronic testing of the fuel elements of the breeder reactor. The economics of the reactor are primarily involved rather than any of the safety elements of the reactor are, and as a consequence, we can go ahead with the demonstration program without having to have this facility in operation. The facility will make its largest contribution in the area of improvement of the economic and neutronic of the system.

Mr. FRENZEL. I thank the gentleman. I thank both the gentlemen for their careful attention to my education.

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

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

Mr. TIERNAN. I yield to the gentleman from New York.

Mr. DOW. Mr. Chairman, I thank my colleague, the gentleman from Rhode Island, for yielding. I shall only be a minute. I have a list of 32 eminent scientists who have expressed deepest concern and opposition to the fast breeder reactor because of the danger. They conclude in these words:

In light of the serious concerns that we have about a national commitment at this time to the commercial development of Liquid Metal Fast Breeder Reactors, we strongly urge Congress to declare a moratorium on the construction of breeder reactors by rejecting the forthcoming proposal for the initial demonstration project.

I wish the committee had paid a little bit more attention to these eminent men, some of whom are Nobel laureates.

I thank the gentleman from Rhode Island for yielding.

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

Mr. TIERNAN. I will yield to the gentleman from California, but before doing so I should like to ask the distinguished chairman (Mr. PRICE) of the committee a question.

Mr. Chairman, I have read the testimony before your committee, on November 10 and 11, and I read the line of answers and questions—on page 33 of the report—where in response to Senator SYMINGTON the reply was given as follows:

That is, we are very, very tight now. We are not able to do most urgent things, in my opinion.

I have read through this testimony, and listened to the arguments made by the gentleman from New York, and I, also, am concerned as to whether or not we are restricting the amounts of money for research in other areas.

I realize the necessity of the committee taking into consideration the whole line of development in this area, but I am also concerned. I do not quite favor the substitute amendment of the gentleman from New York, in the fact that it cuts back on what the committee seems to believe feasible, but I am in support of that part of the substitute amendment which would increase the amount of research for these alternate methods. I believe that is a very important point.

I wonder if the chairman could help me with a comment on that line of testimony?

Mr. PRICE of Illinois. We do have problems in the financing of these programs, as the gentleman recognizes, as we do in other areas of government where research and development is involved.

I do not believe, however, that this particular program has resulted in the reduction of any line items in the appropriation area. The Joint Committee itself has strongly supported the other research programs, and has been a staunch supporter of adequate research and development on any promising program under the Commission activities.

Mr. TIERNAN. I thank the chairman.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I am happy to yield to the distinguished gentleman from Illinois.

Mr. ANDERSON of Illinois. I should merely like to point out, in connection with the statement made a few minutes ago by the distinguished gentleman from New York (Mr. Dow) when he recited, I believe, a list of some 32 distinguished Nobel laureates, who expressed fears about the safety of the liquid metal fast breeder reactor. I am not sure I am aware of all the names on the list but I did recognize the name of George Wald, who is a very distinguished biologist, and I am scarcely ready to concede his capacity in this field.

Linus Pauling, a very distinguished scientist, is a chemist.

I believe we ought to consider the fact

that men like Glenn Seaborg, President Kennedy's Chairman of the Atomic Energy Commission, himself a distinguished atomic physicist, is one of those who appeared before this committee and testified in favor of the LMFBR program.

Lee DuBridge, a distinguished physicist, the former president of Cal Tech and the former science adviser to the President of the United States, also testified. These are the kinds of witnesses the committee listened to.

I believe, rather than to consider a long list of distinguished scientists who have great competence in their own fields, we ought to put greater weight on the testimony of men like Glenn Seaborg. and Lee DuBridge and many others who are in fact experts in this area.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. Dow), for the amendment offered by the gentleman from California (Mr. HOSMER).

The substitute amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MRS. ABZUG FOR THE AMENDMENT OFFERED BY MR. HOSMER

Mrs. ABZUG. Mr. Chairman, I offer an amendment in the nature of a substitute.

Mr. PRICE of Illinois. Mr. Chairman, has the question been put on the amendment offered by the gentleman from California?

The CHAIRMAN. The gentlewoman from New York wishes to offer a substitute amendment for the amendment offered by the gentleman from California?

Mrs. ABZUG. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will report the substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mrs. ABZUG for the amendment offered by Mr. HOSMER: On page 1, line 7, delete "$2,109,980,000" and insert instead "$1,927,840,000", and on page 6, after line 9, add the following new subsection:

"(d) The Commission may not explode or assist in exploding any nuclear weapon of any sort, nor may it use any appropriated funds in furtherance of, or preparation for, any explosion of any nuclear weapon of any sort."

POINT OF ORDER

Mr. HOSMER. Mr. Chairman, I make a point of order against the substitute amendment.

The CHAIRMAN. The gentleman will state it.

Mr. HOSMER. The second portion of the gentlewoman's amendment to add section (d) is not germane to the amendment before the House and therefore is not a proper substitute.

The CHAIRMAN. Does the gentleman desire to be heard further on the point of order?

Mr. HOSMER. No further.

The CHAIRMAN. Does the gentlewoman from New York desire to be heard on the point of order?

Mrs. ABZUG. Well, I think it is germane, because it talks in that subsection concerning the use of appropriated funds in preparation for an explosion of nuclear weapons, so I think it is germane to the reduction of appropriations proposed in this bill.

The CHAIRMAN (Mr. UDALL). The Chair has examined the gentlewoman's substitute and will state that the main amendment pending offered by the gentleman from California (Mr. HOSMER) is only a money amendment. Therefore a substitute for that amendment would have to be germane thereto.

There might be another procedure by which the gentlewoman could offer the additional part of her substitute, but the Chair under the present situation holds the substitute not germane to the pending amendment and sustains the point of order.

SUBSTITUTE AMENDMENT OFFERED BY MRS. ABZUG FOR THE AMENDMENT OFFERED BY MR. HOSMER.

Mrs. ABZUG. Mr. Chairman, I desire to offer a substitute amendment.

The Clerk read as follows:

Substitute for the amendment offered by Mrs. ABZUG for the amendment offered by Mr. HOSMER: Page 1, line 7: delete "$2,109,980,000" and insert instead "$927,840,000"

Mrs. ABZUG. Mr. Chairman, this amendment would delete $182 million authorized in this bill for nuclear weapons testing and would prohibit the Atomic Energy Commission from exploding or preparing to explode any nuclear device as part of the weapons program.

Last fall the Atomic Energy Commission detonated the "Cannikin" bomb on Amchitka Island in Alaska. The full extent of the damage which it caused to the ecology of that area is not yet known and may never be revealed fully. Thus far, we do know for certain that countless sea otters, fish, and other wildlife were killed or maimed as a result of the blast.

While the Atomic Energy Commission stated that Cannikin would be the last of the "large" nuclear weapons tests, testing of smaller devices has already begun in the Southwestern United States. Particularly in light of the arms agreements reached in Moscow last month, I cannot understand what more we have to gain from continued testing of these weapons.

I should like to remind this House that the United States solemnly pledged itself in both the limited test ban treaty and the nonproliferation treaty to work toward the discontinuance of all test explosions of nuclear weapons.

A comprehensive test ban on nuclear explosions would stabilize and retard the arms race and pave the way for further agreements among the nuclear powers with regard to mutual disarmament and limitation of strategic weapons.

Each new nuclear explosion poses a new set of undesirable questions about its possible adverse effects on the environment, release of radioactive materials, triggering of earthquakes, and permanent damage to the ecology of an area.

The Atomic Energy Commission spent over $200 million in fiscal years 1971 and 1972 for nuclear testing, and the bill before us proposes the expenditure of a like amount in fiscal 1973. This total sum of over half a billion dollars equals the annual budget for vocational and adult education. It also equals the total operating budget for the Environmental Protection Agency for a year.

For some time much of the American opposition to a comprehensive test ban has stemmed from the question of whether or not we could detect such testing. It has been made quite clear from reports on the subject, including that of the Federation of American Scientists, that we have been able to improve our seismology and such other means of detection as satellite photography and communications monitoring, enough to give us a high degree of confidence that any violation of a comprehensive test ban could and would be detected.

I believe that the United States should begin to take some initiatives with respect to creating the climate for active negotiations which would ultimately lead to a comprehensive ban on all nuclear test explosions with the Soviet Union and other nuclear powers. I think that this would slow the arms race and reduce the likelihood of other countries joining the nuclear club.

I believe that the Soviet Union has informally indicated a willingness to open additional nuclear test ban talks. I think that we should take the step here in the Congress to put a stop to this dangerous and unnecessary testing of nuclear weapons.

True security for this Nation lies not in instruments of destruction, but in the health and well-being of our citizens, the soundness of our economy, and the permanent reduction of world tensions.

Mr. Chairman, I urge the adoption of the substitute amendment.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, the gentlewoman from New York has offered an amendment which would prohibit the Atomic Energy Commission from engaging in nuclear weapons testing. The Congresswoman's major premise, and I quote from her "Dear Colleague" letter of June 5, 1972, is:

With the termination of offensive missile development and production which we will soon see should also come the termination of nuclear warhead development.

I know of no indication stated or inferred that there will soon be termination of offensive missile development and production in the United States or in other countries which now possess nuclear weapons.

She also hopes that—

A cessation of testing by the United States would be a long step in the direction of bringing about a comprehensive test ban treaty.

It apparently is expected that if the United States should unilaterally cease nuclear weapons testing, it might by some means result in other members of the nuclear weapons club following suit.

I do not understand why, in view of the great advances toward arms limitations made by the President in his recent summit trips, there remain those who would act now to jeopardize that progress made and the potential progress in future SALT negotiations.

I should like to point out that there is nothing in the Treaty on the Limitations of Anti-Ballistic-Missile Systems to prohibit the qualitative improvement of strategic forces. To the contrary, article VII of the treaty specifically states:

Subject to the provisions of this Treaty, modernization and replacement of ABM systems or their components may be carried out.

Moreover, article IV of the Interim Agreement on Strategic Offensive Arms provides:

Subject to the provisions of this Interim Agreement, modernization and replacement of strategic offensive ballistic missiles and launchers covered by this Interim Agreement may be undertaken.

Nowhere in these two documents does one find the slightest hint of a prohibition of nuclear weapons testing for the sake of arms control. It would be the height of foolishness to unilaterally weaken this Nation's position at the time when we are in a position to bargain from strength.

The reasons advanced for stopping tests, besides encouraging the other members of the nuclear club to follow suit, are manifold. Some are obvious trips into fantasy land. For instance, early in May 1972 there was a statement in the CONGRESSIONAL RECORD bemoaning the fact that if the United States did not cease testing, a test would cause an earthquake and a follow-on tsunami. It must be terrible to have such a short memory. Obviously, those who repeat these apocalyptic statements forget that the Cannikin test on Amchitka Island, Alaska, last November, a test announced as being in the megaton range, caused no earthquake and caused no tsunami.

It has been suggested that if the United States would unilaterally stop weapons testing it might stop weapons proliferation and that it might slow down the arms race. Has there been proliferation? I know of no country which has joined the nuclear club since the Chinese People's Republic detonated its first nuclear weapon in 1964.

Bear in mind the fact that India is the country most often cited as the one that would join the nuclear weapons club if the United States and the U.S.S.R. did not sign a comprehensive test treaty. However, it seems to me that India is more interested in what happens at the Chinese Lop Nor testing grounds than in what happens at the Siberia or Nevada testing sites. The People's Republic has not even signed the limited test ban treaty or the nonproliferation treaty. It is interesting to note that the Defense Minister of India recently stated that while his country was not interested in nuclear weapons, it was interested in the possible use of peaceful nuclear explosives.

I do not believe that the unilateral cessation of testing by the United States would really be a long step in the direction of bringing about a comprehensive test ban treaty. I strongly believe in the other side of the coin—the unilateral cessation of nuclear testing by the United States could further postpone agreement on a comprehensive test ban treaty, because it could significantly contribute to a weakening of our strategic deterrent.

Furthermore, I would like to point out that the cessation of underground testing would be in conflict with the four safeguards which the Senate insisted upon in 1963 when it ratified the treaty banning nuclear weapons tests in the atmosphere, in outer space, and underground. The essential purpose of the four safeguards was to protect the national security of the United States by assuring that our deterrent capabilities work. The proof of the effectiveness of our deterrence lies in our testing program. That testing program is essential for the evaluation of the effectiveness and workability of our weapons system. Several factors such as weapons storage and weapons movements are also validated by safety tests in the Nevada Test Site.

Nuclear weapons technology is dynamic. Nuclear deterrents, which are the cornerstone of our strategic policy, are dependent upon continued advances in nuclear weapons technology. A unilateral cessation at this time in history without adequate assurances of effective arms control agreements would present a grave danger to the security of our Nation. Very simply, the nuclear testing program is essential to maintain our nuclear capability which, in turn, is vital to our Nation's security.

I urge my colleagues to vote against this amendment, which would, in this critical time in history, weaken our Nation's nuclear weapons capability and the strength of our bargaining position in future discussions on acceptable arms control agreements.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I feel that this amendment is not going to be agreed to but I rise because I think the reasons why it should not be agreed to must be understood and underlined in the context of the treaties and agreements that were arranged in Moscow.

It is in the context of hard bargaining and negotiations that we are going to have a safer world. Or is it in the context of some unilateral decision on our part to forego our own defense?

I think most of us feel that a unilateral action has never in the history of the world brought a stable peace to any of the nations on the face of this world. Only by means of hard agreements that are in the mutual self-interest of the powers that have agreed to them can you achieve the stability by which peace can be imposed upon a troublesome world over a reasonable period of time.

Now, if we are just to forego all testing—and remember, remember, it was testing that made the treaty on the ABM possible—if we had not had the testing at Amchitka which was objected to by some in this Chamber, very loudly and very persistently, we would not have had an ABM system to make an agreement with the Russians about. Just think of that.

Just think of that. It was not until last November when that test was conducted successfully at Amchitka that we had the chips to put on the table to make an agreement with these people about the ABM. That was a great contribution to arms control and was only carried on and came about because we in the Congress and in the administration of this U.S. Government had the guts to go ahead and conduct this activity as it had to be carried forward in order to make an agreement.

Today we have that ABM agreement. It will be before the other body as a treaty. We also have the interim agreement on offensive missiles which will be before both bodies as an executive agreement. These two documents presuppose not only that the parties thereto will refrain from certain activities, but that the parties thereto will also carry on certain activities.

At the present moment this treaty and this agreement create a situation that is not lopsided either as to the capabilities in the nuclear strategic context of the Soviet Union or of the United States. Both of these nations have a sufficiency in nuclear capability to withstand the surprise attack of one of the countries and yet retain enough undamaged capability thereafter to retaliate to the other party's destruction, and that band of competency, that band of nuclear sufficiency that exists now, over the 5 years ahead that we have to negotiate a permanent interim agreement, will vary and will change.

As a matter of fact, it will probably disappear unless the very acts that are provided for, the research and testing of nuclear weapons, by this agreement and the other programs of nuclear weaponry are carried on as contemplated in the context in which that agreement was made; namely, the B–1 program, the trident program, and the other R. & D. programs in the strategic weapons area. If you do not want to carry those programs on, you apparently do not want to continue the stability of nuclear deterrents on both sides. You want to put yourself in a position, as the gentlewoman explained who offered this amendment, where we would do nothing but set an example while the other side, with whom we had not been able to do something because we have had nothing to bargain with them, would be free to achieve nuclear superiority. That just simply is not going to be to anybody's self-interest.

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

Mrs. ABZUG. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. HOSMER), may have additional time.

Mr. HOSMER. I object.

The CHAIRMAN. Objection is heard.

The question is on the substitute amendment offered by the gentlewoman from New York (Mrs. ABZUG), for the

amendment offered by the gentleman from California (Mr. HOSMER).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RONCALIO

Mr. RONCALIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO: Page 1, line 7, strike the figure "$2,109,980,000" and insert in lieu thereof the following figure: "$2,099,480,000."

Mr. RONCALIO. Mr. Chairman, and my colleagues, this amendment seeks to remove from the appropriations for operating expenses for the current year $10,500,000. That was a line item in the report for continuation of Project Plowshare, the procedure of atomic stimulation of natural gas in tight structures in the hope of this making a substantial contribution to alleviating the natural gas shortage, the energy shortage, in our Nation.

I reluctantly speak before this committee because I have over the last quarter of a century, since its inception following World War II, felt that this program has been one of the most successful in our Government, the Atomic Energy Commission and the Joint Congressional Committee on Atomic Energy from which the Commission gets its jurisdiction. So I speak with a bit of respect for what has been accomplished in the past, but also with something scratching my conscience called Grand Junction, Colo., where 50 to 60 people have died of cancer, though we were sure 20 years ago there was absolutely no danger whatever in the milling operations at Grand Junction.

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

Mr. RONCALIO. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I want to be sure I understood that last statement. Does my friend, the gentleman from Wyoming, have any factual material that states 60 to 70 people have died in the Grand Junction, Colo., area as a result of cancer from radiation?

Mr. RONCALIO. I have a clipping from the Associated Press in Washington, D.C., as follows:

Glen E. Keller, Jr., president of the Colorado State Board of Health, was the harshest AEC critic, saying:

We have observed the efforts of the AEC first to deny the possibility of a problem, then to admit possibility but pooh-pooh probability, then to recognize a problem and deny responsibility, and finally, in the last few weeks, to engage frantically in behind-the-scenes efforts to avoid recommendations of the Interagency Steering Committee and the Medical Advisory Committee that the tailings be removed.

I can either insert it in the RECORD or read it in the RECORD for the gentleman. It reports death rate from birth defects 50 percent higher in Mesa County in Colorado.

Mr. ASPINALL. Mr. Chairman, I have no desire to have any newspaper article placed in the RECORD.

Mr. RONCALIO. I do not know of any better way to support my position than to quote from some authority.

Mr. ASPINALL. If my friend has to depend on that for the only support he has got, the Surgeon General has made a statement before the committee that the figures that my friend has used are just not factual. That is all I wish to say, Mr. Chairman.

Mr. RONCALIO. Perhaps my figures are in error. I believe we all agree Grand Junction represents an abysmal failure, and title II of this bill is devoted to that Grand Junction failure.

Mr. Chairman, please consider the following two questions: First, is natural gas the proper fuel of the future; and second, what effect will gas stimulation have on the populations located near proposed gasfields?

Natural gas is a depletable resource; it is estimated that we will run out of it in the next 50 to 150 years. The Plowshare project assumes that the best use for natural gas is as a clean, cheap fuel. No thought is given to the fact that natural gas is also a unique and extremely important chemical resource, and that by burning more than 97 percent of our production each year, we are literally throwing away a vital resource, a resource that once it is gone, can never be replaced. We forget that natural gas is used for such common products as synthetic rubber, textiles such as nylon and orlon, plastics, drugs, sulfur, ammonia, fertilizer, solvents—items that cannot be produced from our alternative energy resources. Is it wise to continue to use 97 percent of our natural gas reserves for fuel, knowing that in 150 years, at the most, we will not have any left for fuel or nonfuel purposes? Why not be putting these funds to more positive sources of energy development, such as solar energy or nuclear fusion power, which will not deplete in the next 150 years?

Second, what effect will atomic gas stimulation have on those populations of Wyoming, Utah, Colorado, Arizona, and New Mexico who have the ill fortune to live in rich natural gasfield areas?

A case in point is Project Wagon Wheel which is proposed by the AEC and El Paso Natural Gas Co. in my State of Wyoming. It may have the following effects:

First, structural damage will occur, and it is already estimated 200 to 400 claims will be made adding up to about $65,000.

Second, five sequential blasts, each equal to 100,000 tons of TNT, will have an individual Richter magnitude of 5—6 is potentially quite destructive—and aftershock waves will continue for at least 3 weeks.

Third, it is unknown whether or not underground aquifers will be contaminated, but if they are, continuous contamination of these water reserves could be expected for 400 years.

Fourth, in April of 1972 the Atomic Energy Commission stated:

Experience from technical studies and two previous nuclear gas stimulation experiments—Gasbuggy and Rulison—suggests a high probability of success.

The use of "probability" did little to calm the fears of 275 of my constituents who live within a 15-mile radius of the blast site.

Fifth, if this experiment is successful, possibly 40 to 50 new wells will be developed in the Rocky Mountain region each year.

My amendment to halt for 1 year funding authorizations for the Plowshare project is thus based on two facts: Natural gas is an expendable resource that is wasted as an energy fuel; and the people directly affected are not certain that they want this development until some pending questions are answered.

The Plowshare project was established in the summer of 1957. In light of the new directions this Nation has taken and the vast knowledge we have obtained during the past 15 years, I am hopeful you will join me in halting the work of Plowshare for 1 year while we reassess the directions it is taking.

This program, Plowshare, as best, is premature and represents a continuing insistance in making our energy policy. It points up the fact that there is at the worst some misrepresentation and at the best some lack of candor when we term the Rulison and Gasbuggy "highly succesful," because they have not been successful.

To this day there has not been one cubic foot of gas usable from either one. To this day—and I am not talking about environmental damage here. I am not one of those who is highly concerned with the amendments before us today regarding environmental damage. If nuclear stimulation of tight gas fields would result in a substantial solution of the energy shortage, the people of Wyoming would be willing to put up with the damage of their environment, even with the sequential detonations which mean literally shaking up and doing damage to the earth, if we are in the pioneer area for the next 20 years, if that is the price, I say fine, so be it.

But if facts prove Plowshare is a continuing wastefulness of two important assets of this Nation's natural gas and U–238, I will say to my friend, the gentleman from California, that it then should no longer be funded.

I would like to quote from one of the many authorities who appeared in a meeting of about 1,100 citizens of Sublette County, Wyo., last month, attended by Senator CLIFFORD P. HANSEN of Wyoming and by me, and by radiologists, physicists, and other scientists. At that time, Mr. P. B. Henault of the Arco operations in Idaho pointed out what we are in effect doing is this. About 97 percent of natural gas in this country today is burned, when its most important use would be to continue as feedstock for the petrochemical industry.

We ought to face the fact that using uranium for atomic explosions of this kind to stimulate natural gas production is not the route toward solving our shortage in any way. It serves only to perpetuate the waste of both resources.

I would rather see the $10,500,000 used in the liquid metal fast breeder reactor, or in fusion research. These are programs that can ultimately make a last-

ing and real end to our energy crisis. Plowshare cannot; it only compounds our mistakes.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. RONCALIO. Mr. Chairman, I would like to state, to the Members of Congress, this is the case as stated by two of the best geologists I know, each of whom is responsible for bringing in one of the largest gasfields in Wyoming today.

They have said:

Teno, what is wrong with this program is that it is like going after a fly with a howitzer.

I suggest to you, my colleagues, we have now shot two howitzers after that housefly, and he is still buzzing around the Chamber. We ought not to be shooting a lot more howitzers at this fly, because we are wasting good ammunition doing it and we are making a mess of our House.

Geologically, these men have told me, the industry wanted to get permeability. Instead all it gets is a chimney. The program should be phased out.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this program was redirected 2 years ago to concentrate on underground engineering applications, particularly the stimulation of natural gas deposits not producible in any other way.

Present estimates are that we can more than double our supply of natural gas in the lower 48 States, and natural gas is the cleanest, most environmentally desirable fossil fuel.

This program has proceeded at a modest pace and, if anything, deserves more support, not less.

The two joint industry-government experiments to date—Gasbuggy and Rulison—have proved the technical feasibility of this concept. Efforts now are directed toward device development to limit residual radioactivity and to permit sequential detonation to reduce the seismic effects.

These efforts are being conducted under procedures to assure protection of the public health and safety both as to the use of the devices and the use of the gas produced.

I ask for defeat of the amendment.

Mr. HOSMER. Mr. Chairman, I also rise in opposition to the amendment.

Mr. Chairman, I believe it out to be pointed out that at the time the nations of the world engaged in the nonproliferation treaty, an obligation was assumed by the nuclear powers for the benefit of the nonnuclear powers, to provide them with peaceful nuclear-explosive services. Now, these services could include such things as the building of dams, the building of underground storage areas, and a host of nuclear-type activities—explosive they are, but peaceful also they are.

Now, if the gentleman's amendment prevails, this $10.5 million is all the money which the United States, one of the countries obliged to perform these services, has in its entire budget for the Plowshare program.

The gentleman from Wyoming is seeking to knock out not only the part that has to do with the gas experiments, but also everything else.

I believe this to be a very improvident move on an international scale.

On the domestic basis, let me say that I know the gentleman from Wyoming honestly believes there might be some detrimental occurrence in his district or in his State on account of the Plowshare project.

Let me say also, and I am sure the gentleman from Wyoming has no knowledge of this, but there are people in that part of our country who want to stop the Plowshare program for the production of gas for another reason. These are the people who own a lot of property they want to exploit for oil shale purposes. These people have come to the conclusion that if they can knock out the Plowshare program the environmentalists will be so grateful to them that they will not object to these operators exploiting the oil shale program, coming in and scooping out by strip mining the oil shale, burning it underground, with subsidence following, and all those other things.

So I suggest that the opposition to this program is not entirely sweet, clean and pure, and I exclude specifically from those remarks the gentleman from Wyoming.

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

Mr. HOSMER. I yield to the gentleman from Wyoming.

Mr. RONCALIO. I am grateful to the gentleman for yielding.

I do not speak in behalf of the interest of any particular energy source, whether it be fossil fuel on one side, or shale, or anything else.

Let me say that all of this, or substantially all of this, will be used in a program called Wagon Wheel, which will be the sequential firing of five 100,000-ton explosives sequentially, about 500 feet apart, and all of it in Wyoming.

There is no foreign government involved in this program. The next shot is wholly in Wyoming.

I am not stating that this will be put out permanently. I am stating that the environmental impact report itself, which was hastily put through by the Atomic Energy Commission and the Environmental Protection Agency, incidentally, after telling the citizens of the State that they would have ample time for statements, then turned around and issued a final draft without giving a chance or notice to the people of the State of Wyoming.

Mr. HOSMER. Mr. Chairman, I yield to to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

In further elaboration of the point already made by my distinguished colleague (Mr. HOSMER), actually Wagon Wheel, which is the project which concerns the gentleman from Wyoming, amounts to $2.4 million. It would be tragic overkill, I believe, to kill off, as your amendment would do, the whole $10.5 million Project Plowshare because of your distaste for this one project.

Let me add one other point. These are joint industrial projects. When you talk about Gasbuggy and these other projects, they are shared in by private industry which will be contributing from their own capital funds for the support of these projects. Their share will be 90 percent. There will be 10 percent Government, 90 percent private capital. I think it would be a shame to wipe out a program when we provide that kind of incentive and encouragement to private capital to come in and develop the resources of the United States.

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

Mr. Chairman, I would like to ask the gentleman from California, since he made some reference to the motivations of people, if he would give me some clarification for my benefit.

The gentleman made some remarks with regard to the motivations of people who are opposed to this and excluded the gentleman from Wyoming. I would like to know whether any of the people present in the Chamber would have a motivation that would fall in the category of the description you gave.

Mr. HOSMER. There is no one in the Chamber I know of that would fit the description I gave. Those who would fall in the category of the description I gave are operators of oil shale projects and properties in the Western United States.

Mr. TIERNAN. If the gentleman will also refer to page 28 of the committee report, it seems to me the increase in funding in this particular area resulted in an effort by you and members of the committee to increase the grants to carry on this program with vigor and with additional funding. Is that correct?

Mr. HOSMER. Indeed. In recognition of the tremendous gas shortage we have and in recognition of the fact that there is over twice the amount of gas locked in oil shale in the western regions of the United States than has been discovered and used in this country already, we figured that we should get with it.

Mr. TIERNAN. Is it correct from your remarks that the feeling of the committee and the administration is that this is not being pursued sufficiently?

Mr. HOSMER. Without funding of $3 million more than has been asked for over the last 3, 4, or 5 years we felt it has not been sufficient. Consistently, we have added about $3 million to the program with the feeling that it should be tied in at that rate rather than the slower pace indicated by the budgetary request.

Mr. TIERNAN. I thank the gentleman.

Mr. RONCALIO. Let me give a good example to the gentleman from Illinois of the magnanimity of the extent to which private enterprise has been contributing its 90 percent of costs of damage. I now read from Wagon Wheel Environmental Import Report:

Those within seven miles—fewer than 25 persons—will be requested to leave the area during detonation. Minor architectural damage to some 200 to 400 structures may occur.

Such damage is currently estimated at approximately $65,000.

This is the equivalent of $400 per citizen for the damage to their homes, to their walls, or to their feeding pens, to their fences, dams. I submit further that if you find the damage exceeds $65,000, additional appropriations will be sought from the Congress to pay the claims. It's always the people who pay. But if great quantities of gas are beneficially recovered, you know who gets the windfall profit.

Let me also state to the gentleman from California (Mr. HOSMER) with whom I have labored long and hard on many of these things in the Committee on Interior and Insular Affairs, that if this thing is a success, and a howling success, that you will have contributed less than 1.5 percent toward the solving of the shortage for energy over the next 15 years. It is not very much—at best.

I think that it is high time that we should be spending this money on nuclear fusion rather than on this wasteful, poor program which even if successful only perpetuates our wasteful habits regarding natural gas and uranium usage.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield so that I can make a brief reply to the gentleman from Wyoming?

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

Mr. ANDERSON of Illinois. I just want to point out that I think perhaps the gentleman did it unwittingly, but that in referring to the particular question of the payment of damages the gentleman has created, I am sure, in the minds of some of the members of the committee, the impression that this was in fact that damage would occur. I think it should be emphasized that it is, that it may occur, but I think the fact is extremely problematical that it may occur, or that any of these rather horrendous predictions of estimated damage would in fact occur. So I think we ought to put the stress on the word "may."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO).

The amendment was rejected.

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

Mr. Chairman, I rise in support of the bill H.R. 14990, and strongly urge its approval, including the funds authorized to provide and develop the advanced Trident missile submarine.

Mr. Chairman, the last time this body authorized a missile submarine was in 1964; that was the authorization of our last Polaris submarine. Our last missile submarine was completed in 1967. During this 8-year and 5-year period respectively the Soviets have been developing, designing, and building advanced missile submarines at an increasing rate. The Soviets have also been working very hard to develop techniques for neutralizing our missile submarines—techniques for finding them and destroying them. We believe they have not been successful to date, but it is only reasonable to expect that eventually they will be successful. Of course we do not know when but we must prepare for this day.

The best way to prepare for such an event is to develop an advanced submarine which will be able to take over in place of our older missile submarines by the time the Soviets have been successful in neutralizing them. This is the purpose in developing the advanced Trident system.

One of the most important factors in contending with this and similar complex technology and hardware programs is the time factor. It takes at least 5 years to develop an advanced nuclear propulsion plant. Any deferrals are irreversible actions. Ignoring this lead time and waiting until an absolute need develops will cause us to be 5 years late. Of course, in matters such as this, vital to our national defense posture, such a situation would be disastrous. Accordingly, delays in getting started cannot and should not be tolerated.

The funds herein authorized are essential to U.S. security and I am confident the House will vote its approval on that basis.

AMENDMENT OFFERED BY MRS. ABZUG

Mrs. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ABZUG: Page 12, after line 7, add a new section to read as follows:

"SEC. 302(a) The Commission shall not grant or renew any license permitting the Trustees of Columbia University in the City of New York to operate or fuel any nuclear reactor within the City of New York. Any such license currently outstanding is hereby revoked, effective immediately upon the enactment of this Act.

"(b) The Court of Claims shall have jurisdiction to hear and determine—

(1) whether any revocation under subsection (a) of this section constitutes a taking of private property within the meaning of the Fifth Amendment to the United States Constitution, and

(2) should it decide that such a taking has occurred the amount of compensation due from the United States for losses resulting from such revocation."

POINT OF ORDER

Mr. PRICE of Illinois. Mr. Chairman, I make a point of order against the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

The CHAIRMAN. The gentleman will state his point of order.

Mr. PRICE of Illinois. Mr. Chairman, the amendment just offered by the gentlewoman from New York (Mrs. ABZUG) in subparagraph (b) prescribes the jurisdiction of the Court of Claims. Of course, the Court of Claims is not within the purview of the legislation pending before us this afternoon.

The CHAIRMAN. Does the gentlewoman from New York (Mrs. ABZUG) desire to be heard on the point of order?

Mrs. ABZUG. I do, Mr. Chairman.

Mr. Chairman, the question involved here is not the prescription of the jurisdiction of the Court of Claims; it merely provides that should it be interpreted here that there is a taking of private property, that the Court of Claims which has jurisdiction would herein determine whether or not there is a taking of private property within the meaning of the fifth amendment. It does not impose any new jurisdiction upon the Court of Claims.

The CHAIRMAN (Mr. UDALL). The Chair is prepared to rule on the point of order raised by the gentleman from Illinois (Mr. PRICE).

The first portion of subparagraph (a) of the amendment offered by the gentlewoman from New York (Mrs. ABZUG) is in the opinion of the Chair germane to the legislation before us. However, subparagraph (b) of the proposed amendment would impose or give jurisdiction to the Court of Claims to make certain determinations. The matter contained in subparagraph (b) is not a matter within the jurisdiction of the Joint Committee on Atomic Energy, and would lie within the jurisdiction of another committee of the Congress, and of the House of Representatives.

It is therefore the opinion of the Chair that since subparagraph (b) of the amendment offered by the gentlewoman from New York (Mrs. ABZUG) is not germane, the Chair therefore sustains the point of order against the amendment.

AMENDMENT OFFERED BY MRS. ABZUG

Mrs. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ABZUG: Page 12, after line 7, add a new section to read as follows:

"SEC. 302. (a) The Commission shall not grant or renew any license permitting the trustees of Columbia University in the city of New York to operate or fuel any nuclear reactor within the city of New York. Any such license currently outstanding is hereby revoked, effective immediately upon the enactment of this Act.

POINT OF ORDER

Mr. HOSMER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. HOSMER. Mr. Chairman, I make a point of order against the amendment in that it denies the trustees of Columbia University the equal protection of the law because it singles them out and them alone as being ineligible for a license, which is within the general power of the Commission to grant.

The CHAIRMAN. Does the gentlewoman from New York desire to be heard?

Mrs. ABZUG. Yes, Mr. Chairman.

Mr. Chairman, I understood the Chair to have ruled the amendment which I have just proposed as being germane and in order.

However, I do not believe that it does that at all. It does not deny equal protection of the laws. The fact is that the Commission has the authority to either grant license or not grant a license depending upon its authority under the act.

This merely indicates it has also the power to revoke licenses upon a demon-

stration that there is a lack of safety involved.

Mr. Chairman, I think this amendment is both germane and in order.

The CHAIRMAN (Mr. UDALL). The pending bill would authorize certain appropriations for the Atomic Energy Commission and authorize certain activities.

The proposed amendment would place a limitation, a specific limitation, on those activities.

In the opinion of the Chair the amendment is germane and therefore the Chair overrules the point of order.

Mrs. ABZUG. Mr. Chairman, this amendment is addressed to a very serious problem in New York and many other places.

Despite much community protest, and over the safety-based objections of the experts comprising its own trial board, the Atomic Energy Commission has just granted a license permitting Columbia University to operate a nuclear reactor in the densely populated Morningside Heights community.

My amendment would uphold the objections of the Morningside community and the safety experts of the AEC by revoking that license and prohibiting the issuance of a new one.

Community opposition to the Triga II pulsing nuclear reactor, located at 119th Street and Amsterdam Avenue, goes back nearly a decade to the time the reactor was first proposed. Three years ago, four Columbia professors and many local residents and public officials joined in protesting the reactor as too dangerous, and community residents have participated in the proceedings before the AEC.

In April 1971, the AEC trial board recommended the denial of Columbia's application for a reactor permit on the ground that there was insufficient evidence that the reactor could be operated safely. This "pulsing" reactor, while smaller than many other reactors, pulses up to 250,000 kilowatts of atomic power once every 6 minutes At the time this pulse occurs, the reactor is as powerful and as dangerous as a substantially larger reactor.

Last month, the AEC Appeals Board reversed the decision of the trial board and granted the license, effective June 2—last Friday.

Columbia has not taken any steps to fuel the reactor, but under this last decision they are free to do so at any time. The Columbia situation is one of national significance. I am not opposed to the peaceful application of atomic energy, but we have a responsibility to guarantee that atomic reactors are not located in the midst of densely populated areas. All people have a right to be protected in their own homes and to be assured that we will not permit atomic reactors to be their next-door neighbors.

Mr. Chairman, this amendment is of great importance to the people in New York City and around the country, and I urge its adoption.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this terrible monster about which you have just heard is so horrible, in fact, that it is a machine that is used as a research tool and it is installed in many of the universities of the United States and, indeed, the major progressive universities throughout the world.

For example, there is one of these at the University of Arizona, one at the University of Illinois, one at Idaho State University, one at Reed College, and one at Michigan State University. There are other reactors on other campuses all over the country. The reason they are put there is that they are tools and devices for the enhancement of man's knowledge in technical areas, man's knowledge in medical areas, biological areas, and many other areas.

If I were to have any phraseology at all to describe the amendment, I would have to describe it as "the dark ages amendment," "turn back the clock," "stop the knowledge," "take away the research tools."

Mr. Chairman, I urge defeat of the amendment.

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

The CHAIRMAN. The gentleman from New York is recognized.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment knowing that the amendment is not going to be agreed to, but to use the opportunity to address myself to a basic question, because I think it should ultimately be the subject of legislation and be discussed in the appropriate committee. That is this: Should not a locality have the right to have standards more stringent than those the AEC requires? There have been attempts at that. I think it was the State of Minnesota that established more stringent safety standards, and they took it all the way up to the Supreme Court and the Supreme Court said no, that setting standards had been preempted by the Federal Government.

Ought we not have legislation which says that where the standards of a State are higher than those provided in the Federal law, the Federal Government shall not preempt the State standards?

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding. I think you have asked a perfectly legitimate question, but as I read section 302(a), the language of the proposed amendment states:

> Any such license currently outstanding is hereby revoked effective immediately upon the enactment of this Act.

In other words, you would be adding the power of the Federal Government here to revoke a license that had already been granted.

Mr. KOCH. No, if I understand the amendment and the situation applying in New York it is this: The license is an AEC license that has been granted to Columbia University. The language and intent of the amendment is not directed at preventing the city of New York from issuing a license, indeed it has no such power. And I want to tell you that many of the people of the city of New York do not want that reactor there. And in my judgment the city of New York would bar it if it had that power.

As I said, I do not believe we will pass this amendment, but ought this House not address itself at some time to the question of whether we, the Federal Government, shall impose a nuclear reactor on an area where the city or the State does not want it? That is the basic question.

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

Mr. KOCH. I am delighted to yield to the gentleman from California.

Mr. HOSMER. The AEC did not initiate the proceedings to authorize a license. The trustees of Columbia University wanted a reactor and a license to operate it. Why should the U.S. Congress tell the trustees of Columbia University that they cannot have a reactor when all the rest of the universities have reactors? But Uncle Sam, in the form of the United States, says, "You cannot have one."

Mr. KOCH. Columbia University is a great university, but that does not mean it has the right to endanger the city if it decides to do that. The city of New York does not have the power to bar the Columbia University reactor, because the Federal Government has preempted that power. That is what I am addressing myself to.

Mr. HOSMER. On that basis, I submit they can also prevent trucks and cars and people from coming into the city of New York. Are they going to create a duchy of New York?

Mr. KOCH. Does the gentleman equate trucks and buses with atomic energy and atomic plants? I certainly do not.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield further, is there any evidence the city of New York actually wants to take away from the university the right to operate a nuclear reactor?

Mr. KOCH. I can tell the gentleman that this project has been condemned by great numbers of community groups in the city of New York. There has been no opportunity for the city of New York to make an official judgment or decision, because the city of New York is not given a role in determining whether the reactor will be built in its jurisdiction. What I am saying is there should be legislation to permit the State of Minnesota to do what it wanted to do to give the city of New York comparable powers to say what energy sources shall be built within its city. Does the gentleman not agree with that?

Mr. McCORMACK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to point out once again that nothing the Federal Government is doing is forcing the nuclear reactor onto the Columbia University campus or anywhere else. We have established in the Atomic Energy Commis-

sion the right to license reactors. The trustees of the university have requested this reactor. If we lend our authority to the hysteria that makes people fear this reactor, this tiny research tool, as if it is going to destroy the city of New York, then we will be doing a great disservice, not only to research, but also to common intelligence.

There are a great many other reactors in the country. I cite the one in Washington, which is right on the campus, built right along the sidewalks the students walk on as they pass the student union building, and along which everybody walks to go to the football stadium. The reactor is enclosed in glass. Everybody can walk past it and see it. It is half the width of this room away from the sidewalk. The students work on their research projects on this reactor, separated only by a pane of glass from the bystanders. The people learned to accept this, because they have not been driven by hysteria into thinking this reactor is going to gobble them up and destroy their city. We have to establish that we are not going to lend ourselves to this hysteria.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from New York.

Mrs. ABZUG. It has been pointed out by the gentleman from New York (Mr. KOCH) and I will reaffirm this, that this particular reactor has been opposed by many leading scientists and community leaders in New York City. I realize that it may be the impression of my colleague, the gentleman from Washington, that we in New York are hysterical, but I think it has been evident that there are many of us who are not, and some of us who may be.

There has been serious and informed testimony—and the gentleman can read it if he wishes to—that there is considerable question about the safety of this particular nuclear reactor. There have been some indications that considerable damage can flow from even low-level plant emissions which it has been suggested can take place here.

I find it interesting that the gentleman has made it his role to defend against any effort to amend that is made in the arena of atomic energy for the safety of people, and I think it is good, because he is a scientist. However, we must reconcile the needs of atomic energy with the rights and safety of our citizens.

I think that no amount of evidence that there has been only some reactor accidents, and that there has not been accidents at every one of them, can obscure or erase the fact that community after community is being subjected to possible safety hazards.

There is no reason to have the reactors in crowded areas of cities. We should address ourselves to the question of where and how we can maintain nuclear development for peaceful purposes which will not at the same time create possible hazards to densely populated areas.

Mr. McCORMACK. Thank you.

I can only say that there is no established record anywhere of any accident for any such reactor, anywhere in the world.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, 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. 14990) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, pursuant to House Resolution 1007, 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.

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. HOSMER. 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 367, nays 2, not voting 63, as follows:

[Roll No. 193]

YEAS—367

Abbitt	Blanton	Clausen, Don H.
Abourezk	Blatnik	Clay
Adams	Boggs	Cleveland
Addabbo	Boland	Collier
Alexander	Bolling	Collins, Ill.
Anderson, Calif.	Bow	Collins, Tex.
Anderson, Ill.	Brademas	Conable
Anderson, Tenn.	Brasco	Conover
Andrews, Ala.	Bray	Conte
Andrews, N. Dak.	Brinkley	Corman
Annunzio	Brooks	Cotter
Archer	Broomfield	Coughlin
Arends	Brotzman	Crane
Ashbrook	Brown, Mich.	Culver
Ashley	Brown, Ohio	Curlin
Aspin	Broyhill, N.C.	Daniel, Va.
Aspinall	Broyhill, Va.	Daniel, Va.
Badillo	Buchanan	Davis, Ga.
Baker	Burke, Fla.	Davis, S.C.
Baring	Burke, Mass.	Davis, Wis.
Barrett	Burleson, Tex.	de la Garza
Begich	Burlison, Mo.	Delaney
Belcher	Byrnes, Wis.	Dellenback
Bennett	Byron	Dennis
Bergland	Cabell	Dent
Betts	Caffery	Derwinski
Bevill	Camp	Devine
Biaggi	Carey, N.Y.	Dickinson
Biester	Carlson	Dingell
Bingham	Carter	Donohue
Blackburn	Casey, Tex.	Dorn
	Cederberg	Dow
	Chamberlain	Downing
	Clancy	Dulski
	Duncan	Keating
	du Pont	Kee
	Dwyer	Keith
	Eckhardt	Kemp
	Edmondson	King
	Edwards, Ala.	Kluczynski
	Edwards, Calif.	Koch
	Eilberg	Kuykendall
	Erlenborn	Kyl
	Esch	Landgrebe
	Evans, Colo.	Landrum
	Evins, Tenn.	Latta
	Fascell	Lennon
	Findley	Link
	Fish	Lloyd
	Fisher	Long, Md.
	Flowers	McClure
	Flynt	McCollister
	Foley	McCormack
	Ford, Gerald R.	McCulloch
	Ford, William D.	McDade
	Forsythe	McDonald, Mich.
	Fountain	McFall
	Fraser	McKay
	Frelinghuysen	McKevitt
	Frenzel	Macdonald, Mass.
	Frey	Madden
	Fulton	Mahon
	Fuqua	Mailliard
	Galifianakis	Mallary
	Garmatz	Mann
	Gaydos	Martin
	Gettys	Mathias, Calif.
	Giaimo	Mathis, Ga.
	Goldwater	Matsunaga
	Gonzalez	Mayne
	Goodling	Mazzoli
	Grasso	Meeds
	Gray	Melcher
	Green, Oreg.	Michel
	Green, Pa.	Mikva
	Griffin	Miller, Ohio
	Gross	Mills, Ark.
	Grover	Mills, Md.
	Gubser	Minish
	Hagan	Mink
	Haley	Minshall
	Hall	Mitchell
	Hamilton	Mizell
	Hammer-schmidt	Mollohan
	Hanley	Monagan
	Hanna	Montgomery
	Hansen, Idaho	Moorhead
	Hansen, Wash.	Morgan
	Harrington	Mosher
	Harsha	Murphy, Ill.
	Harvey	Myers
	Hastings	Natcher
	Hathaway	Nedzi
	Hawkins	Nelsen
	Hays	Nichols
	Hébert	Nix
	Hechler, W. Va.	Obey
	Heckler, Mass.	O'Hara
	Heinz	O'Neill
	Helstoski	Patman
	Henderson	Patten
	Hicks, Mass.	Pelly
	Hicks, Wash.	Pepper
	Hillis	Perkins
	Hogan	Pettis
	Horton	Pickle
	Hosmer	Pike
	Howard	Pirnie
	Hull	Poage
	Hungate	Podell
	Hunt	Poff
	Hutchinson	Powell
	Ichord	Preyer, N.C.
	Jacobs	Price, Ill.
	Jarman	Purcell
	Johnson, Calif.	Quie
	Johnson, Pa.	Quillen
	Jonas	Railsback
	Jones, Ala.	Randall
	Jones, N.C.	Rarick
	Jones, Tenn.	Rees
	Karth	Reid
	Kastenmeier	Reuss
	Kazen	Rhodes
		Roberts
		Robison, N.Y.
		Roe
		Rogers
		Roncalio
		Rooney, Pa.
		Rosenthal
		Rostenkowski
		Roush
		Rousselot
		Roy
		Runnels
		Ruppe
		Ruth
		St Germain
		Sandman
		Sarbanes
		Satterfield
		Saylor
		Scherle
		Schwengel
		Scott
		Sebelius
		Seiberling
		Shipley
		Shoup
		Shriver
		Sikes
		Sisk
		Skubitz
		Slack
		Smith, Calif.
		Smith, Iowa
		Smith, N.Y.
		Snyder
		Spence
		Staggers
		Stanton, J. William
		Stanton, James V.
		Steed
		Steele
		Steiger, Ariz.
		Steiger, Wis.
		Stephens
		Stokes
		Stratton
		Sullivan
		Symington
		Talcott
		Taylor
		Teague, Calif.
		Teague, Tex.
		Terry
		Thompson, Ga.
		Thompson, N.J.
		Thomson, Wis.
		Thone
		Tiernan
		Udall
		Ullman
		Vander Jagt
		Vanik
		Veysey
		Vigorito
		Waggonner
		Wampler
		Ware
		Whalen
		Whalley
		White
		Whitehurst
		Whitten
		Widnall
		Wiggins
		Williams
		Winn
		Wolff
		Wright
		Wyatt
		Wydler
		Wylie
		Wyman
		Yates
		Yatron
		Young, Fla.
		Young, Tex.
		Zablocki
		Zion
		Zwach

NAYS—2

Abzug	Ryan

NOT VOTING—63

Abernethy	Chisholm	Dellums
Bell	Clark	Denholm
Burton	Clawson, Del	Diggs
Byrne, Pa.	Colmer	Dowdy
Carney	Conyers	Drinan
Celler	Daniels, N.J.	Eshleman
Chappell	Danielson	Flood

Gallagher	McMillan	Rooney, N.Y.
Gibbons	Metcalfe	Roybal
Griffiths	Miller, Calif.	Scheuer
Gude	Moss	Schmitz
Halpern	Murphy, N.Y.	Schneebeli
Holifield	O'Konski	Springer
Kyros	Passman	Stubblefield
Leggett	Peyser	Stuckey
Lent	Price, Tex.	Van Deerlin
Long, La.	Pryor, Ark.	Waldie
Lujan	Pucinski	Wilson, Bob
McClory	Rangel	Wilson,
McCloskey	Riegle	Charles H.
McEwen	Robinson, Va.	
McKinney	Rodino	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Del Clawson.
Mr. Chappell with Mr. Robinson of Virginia.
Mr. Flood with Mr. Eshleman.
Mr. Denholm with Mr. O'Konski.
Mr. Burton with Mrs. Chisholm.
Mr. Drinan with Mr. Diggs.
Mr. Stubblefield with Mr. Lujan.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Daniels of New Jersey with Mr. Riegle.
Mr. Colmer with Mr. McClory.
Mr. Byrne of Pennsylvania with Mr. Schneebeli.
Mr. Murphy of New York with Mr. Peyser.
Mr. Rooney of New York with Mr. Halpern.
Mr. Waldie with Mr. Rangel.
Mr. Melcher with Mr. McCloskey.
Mr. Kyros with Mr. McKinney.
Mr. Gibbons with Mr. Springer.
Mr. Celler with Mr. Gude.
Mr. Van Deerlin with Mr. Schmitz.
Mr. Stuckey with Mr. McEwen.
Mrs. Griffiths with Mr. Price of Texas.
Mr. Carney with Mr. Lent.
Mr. Leggett with Mr. Bell.
Mr. Scheuer with Mr. Dellums.
Mr. McMillan with Mr. Passman.
Mr. Rodino with Mr. Danielson.
Mr. Miller of California with Mr. Pucinski.
Mr. Moss with Mr. Pryor of Arkansas.
Mr Roybal with Mr. Gallagher.
Mr. Clark with Mr. Conyers.
Mr. Abernethy with Mr. Long of Louisiana.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, pursuant to the provisions of House Resolution 1007, I call up from the Speaker's table for immediate consideration the Senate bill (S. 3607) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 3607

An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes

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

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $2,110,480,000 not to exceed $126,400,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIAL.—

Project 73–1–a, in-tank solidification systems auxiliaries, Richland, Washington, $2,500,000.

Project 73–1–b, waste management effluent diversion control facilities, separation areas, Richland, Washington, $1,000,000.

Project 73–1–c, expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio, $1,400,000.

Project 73–1–d, component test facility, Oak Ridge, Tennessee, $20,475,000.

Project 73–1–e, radioactive waste management improvements, Savannah River, South Carolina, $1,300,000.

Project 73–1–f, safety improvements, reactor areas, Savannah River, South Carolina, $2,000,000.

Project 73–1–g, contaminated soil removal facility, Richland, Washington, $1,400,000.

Project 73–1–h, Rover fuels processing facilities, National Reactor Testing Station, Idaho, $3,250,000.

Project 73–1–i, radioactive waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

(2) NUCLEAR MATERIAL.—

Project 73–2–a, atmospheric pollution control facilities, heavy water plant, Savannah River, South Carolina, $4,300,000.

Project 73–2–b, improved sanitary waste treatment facilities, Savannah River, South Carolina, $1,100,000.

(3) ATOMIC WEAPONS.—

Project 73–3–a, weapons production, development, and test installations, $10,000,000.

Project 73–3–b, laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico, $5,200,000.

Project 73–3–c, laser fusion laboratory, Lawrence Livermore Laboratory, California, $6,800,000.

Project 73–3–d, classified facilities, sites undesignated, $15,000,000.

(4) ATOMIC WEAPONS.—

Project 73–4–a, new sewage disposal plant, Mound Laboratory, Miamisburg, Ohio, $700,000.

Project 73–4–b, land acquisition, Rocky Flats, Colorado, $8,000,000.

(5) REACTOR DEVELOPMENT.—

Project 73–5–a, Liquid Metal Engineering Center facility modifications, Santa Susana, California, $3,000,000.

Project 73–5–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $4,000,000.

Project 73–5–c, modifications to Power Burst Facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–d, modifications to TREAT facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–e, research building safety modifications, Mound Laboratory, Miamisburg, Ohio, $3,000,000.

Project 73–5–f, Pu-238 fuel form fabrication facility, Savannah River, South Carolina, $8,000,000.

Project 73–5–g, modifications to reactors, $3,000,000.

Project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, $56,000,000.

(6) PHYSICAL RESEARCH.—

Project 73–6–a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $400,000.

Project 73–6–b, accelerator and reactor improvements, Brookhaven National Laboratory, New York, $475,000.

Project 73–6–c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, $75,000.

Project 73–6–d, accelerator improvements, Lawrence Berkeley Laboratory, California, $525,000.

Project 73–6–e, accelerator improvements, Stanford Linear Accelerator Center, California, $1,025,000.

Project 73–6–f, accelerators and reactor improvements, medium and low-energy physics, $600,000.

(7) BIOLOGY AND MEDICINE.—

Project 73–7–a, high-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California, $2,000,000.

(8) BIOLOGY AND MEDICINE.—

Project 73–8–a, replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee, $1,200,000.

(9) ADMINISTRATIVE.—

Project 73–9–a, addition to headquarters building (AE only), Germantown, Maryland, $1,500,000.

(10) GENERAL PLANT PROJECTS.—$49,050,000.

(11) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $164,080,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (5), (6), and (7) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (2), (4), (8), and (9) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(10) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (10) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91–44, as amended, is further amended by striking from subsection (b) (1), project 70–1–b, bedrock waste storage, the figure "$1,300,000" and substituting therefor the figure "$4,300,000".

(b) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b) (1), project 71–1–e, gaseous diffusion production support facilities, the figure "$45,700,000" and substituting therefor the figure "$72,020,000", (2) striking from subsection (b) (1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$10,400,000" and substituting therefor the figure "$34,400,000", (3) striking from subsection (b) (6), project 71–6–a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "$600,000" and substituting therefor the figure "$3,500,000", and (4)

striking from subsection (b)(9), project 71–9, fire, safety, and adequacy of operating conditions projects, the figure "$45,700,000" and substituting therefor the figure "$69,000,000".

(c) Section 101 of Public Law 92–84, as amended, is further amended by (1) striking from subsection (b)(1), project 72–1–f, component preparation laboratories, the figure "$3,000,000" and substituting therefor the figure "$25,300,000", (2) striking from subsection (b)(2), project 72–2–b, weapons neutron research facility, the words "(AE only)" and further striking the figure "$585,000" and substituting therefore the figure "$4,400,000", (3) striking from subsection (b)(3), project 72–3–b, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined" and further adding after the words "*Provided*, That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b)(5), project 72–5–a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "$345,000" and substituting therefor the figure "$1,600,000".

SEC. 106. RESCISSION.—(a) Public Law 91–44, as amended, is further amended by rescinding therefrom authorization for the following projects, except for funds heretofore obligated:

Project 70–2–a, rebuilding of gaseous diffusion plant cooling tower, Portsmouth, Ohio, $1,000,000.

Project 70–4–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

(b) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–3–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

TITLE II

SEC. 201. The Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

SEC. 202. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of, and appropriate remedial action to limit the exposure of individuals to, radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) that the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) that the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner of record to the State of Colorado within four years of the date of enactment of this Act and recommendation by and consultation with the State and others as deemed appropriate;

(c) that any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) that the United States shall be released from any mill tailings related liability or claim thereof upon completion of remedial action or waiver thereof by the property owner of record on behalf of himself, his heirs, successors, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) that the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) that the law of the State of Colorado shall be applied to determine all questions of title, rights of heirs, trespass, and so forth; and

(g) that the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspection as the Commission deems appropriate:

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty-day period.

SEC. 203. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this title II. Notwithstanding the provisions of subsection (a)(2) of section 553 of title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

SEC. 204. For the purpose of carrying out the provisions of this title II, there is included in subsection 101(a) of this Act authorization of appropriations in the amount of $5,000,000.

TITLE III

SEC. 301. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.".

The Senate bill 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.

A similar House bill (H.R. 14990) 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 in which to extend their remarks and include extraneous matter on the bill just passed.

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

There was no objection.

RE-REFERENCE OF S. 2988, ARCTIC WINTER GAMES, TO THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of S. 2988, to authorize the appropriation of $250,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974, and that the bill be rereferred to the Committee on Interstate and Foreign Commerce.

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

There was no objection.

DEATH OF HELEN G. BONFILS

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

Mr. HUNGATE. Mr. Speaker, it is my sad duty to advise the Members of the death of Helen G. Bonfils, whose family has meant a great deal to the people of my district and particularly to the schools at Troy, Mo. The account of her death in today's Washington Post follows:

HELEN G. BONFILS DIES AT 82; CHAIRMAN OF DENVER POST

DENVER, June 6.—Philanthropist Helen G. Bonfils, chairman of the board of the Denver Post, died Tuesday at St. Joseph's Hospital after a lengthy illness marked by heart trouble. She was 82.

Miss Bonfils had expressed the desire to have employees own the newspaper and at the time of her death she personally owned one share.

The remainder of her majority holdings, about 82 percent, earlier had been placed in an employees' stock trust and in her own Helen G. Bonfils Foundation for later transfer to the employees' fund.

Miss Bonfils was the younger daughter of Post cofounder Frederick G. Bonfils, who bought the paper with H. H. Tammen for $12,500 in October, 1895. When he died in 1933, she assumed management.

Charles R. Buxton, editor and publisher of The Post, said Miss Bonfils was "a great lady, a philanthropist, actress, but most of all a newspaperwoman—one of the few in U.S. journalism history who understood, guided and loved her people so that her newspaper could achieve greatness."

Though hospitalized in recent years, "Miss Helen," as she was known to her employees, worked closely with the editors of The Post.

The newspaper and the theater were her first interests, but she also spent a great deal of time and money on charitable causes, churches and hospitals. She received a Papal Cross in 1942 for her contributions to the Catholic Church and its institutions.

In the theater, Miss Bonfils was a actress, a benefactor and the financial backer of many plays, including "Sleuth," a Tony Award winner on Broadway during the 1970–71 season.

Born in Peekskill, N.Y., Nov. 26, 1889, Miss Bonfils grew up and was educated in Denver and at the National Park Seminary in Forest Glen, Md.

She married summer stock director George Somnes here in 1936. He died in 1956 and she married a local oil man, Edward Michael Davis, in 1959. They were divorced last year.

Miss Bonfils and her sister, the late Mrs. Charles Stanton, shared equally in the $14-million estate of their father and in the $10-million estate of their mother, who died in 1935.

Mrs. Stanton sold the bulk of her shares in the newspaper to Samuel I. Newhouse, the owner of a group of newspapers and

head of the Herald Co. that now holds 14,724 shares, or about 18 percent.

Miss Bonfils added to her holdings in the newspaper by buying two blocks of stock for the corporation in 1960 and 1966.

The Herald Co. filed suit in 1968, contending The Post management had made improper use of newspaper funds in the 1960 stock purchase. The case is now being considered by the 10th U.S. Circuit Court of Appeals here following a lower court ruling that the disputed shares be sold at public auction.

Miss Bonfils made several generous gifts to the community in which her father and his father obtained their starts. Bonfils Auditorium and Bonfils Cafeteria in Buchanan High School in Troy will stand as monuments to their philantrophy. Equally important, her father, Fred Bonfils, provided a great deal of the color of frontier life in Missouri and Kansas, as well as Colorado.

Gene Fowler's book "Timber Line" describes him:

Tammen invaded Chicago's Midway with a portfolio of Jackson's Architectural Views—tinted photographs of the World's Fair.

While scouting the press room, Tammen chanced on a book of peculiar tickets. "What are these?"

The boss-printer glanced up from the Declaration.

"Oh, those? Some lottery tickets."

"Who for?" Tammen asked.

"A fellow named Bonfils. Know him? Fred G. Bonfils."

"No. What's his game?"

The printer chuckled. "He's a lulu! Kansas City. We do all his printing. This Bonfils has a million dollars salted away."

"Banker?"

The printer shook his head. "Not so's you could notice. Gambler!"

Tammen pricked up his ears. "A million, eh? How old is he?"

"I'd say about thirty-three or four. Went to West Point. Says he's a relative of Napoleon. Sounds kind of crazy."

"He's not crazy," Tammen said, "or he'd claim he was Napoleon. How'd he make his million? Lotteries?"

"He got his stake in the Indian Territory land rush of '89."

"A prairie-dog trapper," Tammen said. "Then what?"

"Well, he helped lay out the town of Guthrie. Then there was a little commotion. When the boys began peddling high-priced lots in Oklahoma City, what does this here Bonfils do? Why, he puts big ads in all the newspapers, offering Oklahoma City parcels for one-third the market value; but it seems the ground Bonfils sold was not in Oklahoma City, Oklahoma, at all, but Oklahoma City, Hemphill County, Texas!"

"A genius!" Tammen said. "Is that all you know?"

"Maybe I oughtn't to gab so much," the printer said. "I don't know who you are."

"I'm the fellow who's going to trim this Bonfils," Tammen said.

The printer laughed loudly. "Any old time! Why, just let anybody try and get a dime out of him. It's like childbirth. . . . How big you want this plate? Same size?"

"A little bigger," Tammen said. "Let's not short change the people of Chicago. . . . Say, what kind of looker is this Napoleon of the Corn Fields?"

"A dude," the printer said, "handsome and military, if he didn't wear such loud check suits."

"Big fellow?" Tammen asked.

"Say, you seem interested!" the printer said. "You ain't a copper by any chance?"

"No, a con man."

"Oh," the printer said. "Well, you see the authorities are after him. They claim Bonfils' lottery is crooked."

"They're narrow-minded," Tammen said.

"That's why them lottery tickets are still here. Bonfils was supposed to get 'em two weeks ago. But I guess he's laying low. Some new laws was passed."

"Laying low where, partner?'

The printer hesitated. "Well, it's none of my business, but he works his lottery from Kansas City, Kansas, and lives in Kansas City, Missouri."

"Skip out of one State into the other on short notice?" Tammen asked.

"Search me. Now, you was askin' about his size. Taller'n you, I'd say. About five feet ten and a half. Well set up. Like a boxer. Moves sure and fast. They say he's got a punch like a mule. Anyway, you wouldn't want to cross him. He's got the damnedest set of blazing black eyes that ever looked at five aces. A sharp-pointed moustache and curly hair, black as coal . . . How many of these you want printed?"

"I'll be back," Tammen said. "If Bonfils shows up, tell him Harry Tammen is out to trim him."

"You'll be the first one, then," the printer said.

Tammen did not find his man in Kansas City. Many other persons were looking for Frederick Gilmer Bonfils, government officers being anxious to question him concerning the Little Louisiana Lottery, which they claimed he had been operating under the alias of L. E. Winn. That interesting enterprise, said the sleuths, was fraudulent, Mr. Winn offering a large capital prize and several lesser ones, himself winning the big plum through members of his own ring.

The more Tammen learned of Bonfils, the more determined he became to contact the Napoleon of the Corn Fields. Information was plentiful. The Kansas City Star, the farmers' Bible, had been attacking Bonfils. The owner of that great publication, William Rockhill Nelson, was determined to rid the municipality and State of the swarthy Corsican. The Nelson publication declared Bonfils had operated under several aliases, such as L. E. Winn, E. Little, Silas Carr, and M. Dauphin. The last-named, said Kansas City journalists, was a fabulous person, who "had died conveniently" during some scheme or other.

As for Bonfils' biography, Tammen learned that he was a native of Troy, Missouri, the son of a Probate Judge, whose name originally had been Eugene Napoleon Buonfiglio. The family—a respected and well-to-do clan—had changed the name for purposes of simplification. Fred Bonfils' grandfather it was said, not only had been closely related to Napoleon, but as a boy in Corsica had played with the future First Consul.

The Judge, on retiring from the bench, became an executive of the Triple Alliance,* an insurance company of Troy. He had military ambitions for his son. He was delighted when Fred was nominated for West Point. The young man entered that war-foundry in the late '70's, a classmate of John J. Pershing and Enoch H. Crowder.

Stories varied concerning Bonfils' leaving West Point. One had it that he was demoted from the third to the fourth class for deficiency in mathematics; that he tried for three years to meet the academic requirements, but finally was dropped in 1881. Another version was that he resigned voluntarily to marry Miss Belle Barton, a young woman of Peekskill, N.Y. At any rate he did leave West Point before graduation.

*In the Triple Alliance policy you were assigned a number and you collected if the person with the number before or after you died. It was later declared a lottery.

It was said that he labored briefly in New York City, merchandising gas mantles from door to door. Gossipers averred he was ejected from a Knox Hat Store when giving a sales talk, and was so lastingly enraged that, during his journalistic days, he ordered a virulent editorial attack on Senator Philander Knox, who was not related in any way to the Knox Hat people. Bonfils hated the very name, Knox.

Still later, he worked in the Chemical National Bank, learning something of finance. Then, after his wedding in 1882, he moved to Canon City, Colorado. There he became drill master and instructor in mathematics at a military school. After a short sojourn in Canon City, Bonfils returned to Troy, where he engaged in the insurance business of his father, Judge Eugene Napoleon Bonfils. He heard so much of Napoleon that eventually he came to believe himself a lineal descendant of the Little Corporal.

Tammen gleaned all the reports he could concerning Bonfils and went back to Chicago.

As to what occurred when the Little Dutchman met Bonfils for the first time, one must rely upon Tammen's own account.

"I walked smack in on him," said Tammen. "He eyed me up and down, and said:

" 'Who are you? and what do you want?'

" 'Kid,' I said, 'I hear you've got a million dollars in safety-deposit boxes and I'm going to shake you down for half of it.'

"This sort of floored him. He said: 'Sit down, and we'll talk it over.' Then he imitated me. 'Kid,' he said, 'if you get a nickel out of me, you'll be doing more than anyone else ever did, or ever will do.'

"Well, I guess I'm a pretty good salesman. I told Bonfils about the new crop of millionaires out in our country. Of Stratton, Tabor and the rest; Dave Moffat and the boys of the gold fields. Then I told him about the Eveing Post, a little sheet that could hardly pay its office rent. And we went into partnership then and there. And there never was a scratch of a pen between us. There were a lot of things he didn't know. What he didn't know, I did. What I didn't know, he knew. And between us, we knew everything."

Tammen and Bonfils took lunch together, The Little Dutchman had a first taste of Bonfils' shrewd and everlasting guardianship of that which belonged to him, when time came to pay the check.

Bonfils swiftly added the figures. Then he said: "We'll each pay for his own."

Tammen studied the lithe, handsome gambler, who began a lecture on giving large tips to waiters. "It only spoils a man," Bonfils was saying, "to overpay him—to give him something that he doesn't earn. Never do it. It means you are really afraid of something—of looking ridiculous perhaps—when you give away a big tip."

It was the beginning of as strange and lasting a friendship as the West ever witnessed. The obscure meeting of these men of opposite temperament, of opposite behavior, was apparently unimportant to anyone but themselves. Yet, it was to affect the lives and thoughts of hundreds of thousands of persons, shape the destiny of a city, a state—and, within certain limits, a nation. For, from this friendship was born a blatantly new journalism, called by some a menace, a font of indecency, a nuptial flight of vulgarity and sensationalism; by others regarded as a guarantee against corporate banditry, a championing of virtue and a voice of the exploited working man. The important thing was that everyone would have some opinion of the product of this union.

Tammen was a dreamer. Bonfils was haughty, dynamic, publicly taciturn (except when his Peer Gynt temper broke through and words or fists commenced to fly).

Neither of these men ever seemed to grow old in mind or body. They didn't have time. And as diametrically opposite as they were in most respects, they had this in common: both were strong of purpose, both were aggressive fighters.

The initial agreement between the partners was that Bonfils provide the capital—$12,500 for the purchase of the Evening Post—and Tammen "the publishing brains."

The partners arrived at Denver in October, 1895. They bought the Post property on October 28 of that year.

"It's a piddling little paper now," Tammen said to Bonfils as they walked arm-in-arm up Curtis Street. "But we'll wean it on tiger-milk."

When the first week had passed, Tammen applied to Bonfils for funds to meet the editorial pay-roll.

Bonfils looked at his partner wonderingly. "Why, no, Harry," he said, "I won't advance another cent."

Tammen was deflated. "Then how in hell are we to keep on publishing?"

"That's for you to determine, Harry. You say you have the brains. I know I have the money."

"You won't put up a few hundred more?"

Bonfils embraced Tammen. "Harry, when we bought this paper, I expected it to make money from the grass up. And it will have to do just that. Not one cent more do I put in from my capital. The POST has got to earn its own way."

"Great!" Tammen said. "It will."

The first of Bonfils' many newspaper crusades was launched—it was a drive against the operation of lotteries!

CONFERENCE REPORT ON HIGHER EDUCATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Mrs. GREEN), is recognized for 60 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, the conference report on the higher education bill is scheduled for a vote tomorrow. The higher education bill as it was reported out of the full committee and as it was approved by this House on November 4 by a vote of 332 yeas to 38 nays is legislation that was enthusiastically supported by all of the higher education community. I regret more than I can say that the conference report on the higher education bill is legislation that I cannot support. The reasons for my opposition are stated very eloquently and very succinctly in the hundreds of letters and telegrams which I have received in my office in opposition to the bill. I do not suggest that all of higher education is opposed to the conference report, but it seems to me that an article in the June 2 issue of Science describes the situation accurately:

An ambiguous note is the attitude of the higher education community. The associations of universities and colleges which form the higher education lobby in Washington have given an uncharacteristically slow and uncoordinated reaction to the bill, offering either halfhearted endorsement for the bill or engaging in extended consultations with their constituents. Advocates of the bill have been counting on support from university and college officials to counterbalance the busing issue. There is considerable reluctance in the higher education community to accept even the modified antibusing features added to the bill, and there are also objections to several of the educational provisions of the bill. The bill's institutional aid formula, in particular, is viewed unenthusiastically by academia's policy makers, who would have preferred a program of direct grants to institutions to the bill's complicated formula stressing aid based on federal funds received by an institution's students.

There follows a statement by the National Association of Jesuit Colleges and Universities in opposition to the conference report:

ASSOCIATION OF
JESUIT COLLEGES & UNIVERSITIES,
Washington, D.C., May 31, 1972.

DEAR COLLEAGUE: The Association of Jesuit Colleges and Universities has reluctantly decided that it cannot endorse the Conference Report on the proposed higher education bill, S. 659. The members of this Association feel strongly that the anti-busing provisions added to the original bill have no place in legislation affecting the future of our colleges and universities.

In addition, the Association is grieved that many needs and wishes of our institutions and associations were ignored and deleted in the Conference, particularly in the matter of direct institutional aid. The small and middle-sized private college receives small comfort from this particular program as offered in the Conference Report. It hopes that such actions do not augur a trend for future legislation.

Further, the Association remains convinced that there is little promise of equity in the future for students from middle-income America. It is also clear that there is no guarantee in S. 659 that the "national entitlement" promised to students from low-income families will soon be sufficiently funded to provide all eligible students with support.

Finally, there has been no planning for or evaluation of the effect that the amounts of discretionary funds provided the Office of Education and HEW would have upon the present structure of higher education.

REV. JOHN A. FITTERER, S.J.
MR. JOSEPH KANE.

The president of every private college in my State of Oregon is on record in opposition to the bill. Their reasons are very persuasive from an educational standpoint:

STATEMENT OF OPPOSITION TO HIGHER EDUCATION CONFERENCE REPORT—SIGNED BY THE PRESIDENTS OF INDEPENDENT COLLEGES IN OREGON

Because of the many good things in the final bill, we wish we could support it—but we cannot. . . . Our objections to the bill are, we believe, basic and fundamental.

1. Although we are pleased with your general acceptance of the entitlement grant concept, the actual wording in this bill is so susceptible to political budgetary manipulations that we fear the entire program could easily be made meaningless after having raised the hopes of millions of potential recipients across the nation.

2. We are deeply concerned that the final version of "institutional aid" is—except for the very minor portion concerning graduate students—tied entirely to the question of aid to needy students. To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education. Higher education is for all students, not just needy students. Unfortunately, if this section is approved as written it may well further increase the difficulties of middle income students attempting to attend colleges of their choice. It could also tend to subvert the basic role and purpose of higher education institutions.

3. The appropriation process for this institutional aid program is so written that unless Congress were to fund the student aid programs for more than $1 billion, no funds under entitlements would flow to any institution. A real and dependable program of institutional aid should be based upon a formula having to do with the needs of the institution and should then be financed by itself, not dependent upon other programs.

4. There is a very real need to reform the veterans benefit law regarding educational assistance but the provisions, as written in this bill, would not really aid veterans to achieve attendance at the college of their choice. It does, however, establish a back door method of giving indirect aid to public colleges with their lower tuition but would not significantly assist the independent colleges.

We regret having to take this stand, but we feel the bill is deficient. We do so with the hope and anticipation that next year Congress will be able to pass an improved and comprehensive higher education bill.

Dr. Rex F. Johnston, Columbia Christian College, Portland, Oregon; Dr. David C. Le Shana, George Fox College, Newberg, Oregon; Dr. John R. Howard, Lewis & Clark College, Portland, Oregon; Rev. Christian R. Mondor, Mt. Angel College, Mt. Angel, Oregon; Dr. James V. Miller, Pacific University, Forest Grove, Oregon; Rev. Paul E. Waldschmidt, University of Portland, Portland, Oregon; and Dr. Roger J. Fritz, Willamette University, Salem, Oregon.

Dr. E. P. Weber, Concordia College, Portland, Oregon; Dr. Donald Reid, Judson Baptist College, Portland, Oregon; Dr. Gordon C. Bjork, Linfield College, McMinnville, Oregon; Dr. Robert H. Krupp, Marylhurst College, Marylhurst, Oregon; Dr. Paul Bragdon, Reed College, Portland, Oregon; and Dr. E. Joe Gilliam, Warner Pacific College, Portland, Oregon.

The nationally known and highly respected president of Duke University has stated very eloquently the reasons for his opposition to the conference report. President Terry Sanford is the former Governor of North Carolina and an outstanding leader in the educational field. He was one of the first to initiate the Education Commission of the States. He is the author of the widely read book, "Storm Over the States." It seems to me we would be wise to listen to his counsel.

(Letter from President Terry Sanford of Duke University (in opposition to the Higher Education Conference Report.) He is also the Chairman of the National Council of Independent Colleges and Universities.)

MEMORANDUM

May 22, 1972.

Re: S. 659, Education Amendments of 1972.
Memo to: Honorable Edith Green.

As President of a private, graduate university, it is quite likely that this bill is very beneficial for us. But I hope we can look beyond our private interests.

I have deep misgivings about this bill. I agree with the broad objectives of Federal participation in the support of higher education, and especially with the objective of a program that will make it possible for every qualified student to get a college education, regardless of financial disability.

However, I do not think that this bill accomplishes these national purposes, certainly not in the long run.

I am opposed, as a matter of principle, to expediency, to taking what is offered by Congress simply because it is better than nothing. We react too easily to the dollar sign. I happen to believe that nothing is much better than many courses of action. I do not think we should jump at every dollar mark held up by Congress. I think that we should be firm in insisting that Congress not start false courses that cannot later be corrected.

First of all, this bill appears to be full of empty promises. It is not likely to be funded properly, and there are too many loopholes for those who will play budget games. Unless there is 75% funding of EOG and 100% of Work-Study and NDSL there can be no funding of the new BOG (Basic Opportunity Grants), and until BOG is funded to at least 50% of need there cannot be full institutional aid. I am advised by an Office of Education spokesman that there is no chance that BOG can be started in time for the next school year.

Furthermore, I am not tremendously impressed with the concept of BOG. If EOG had been fully funded, we would not need this "new" approach.

As for institutional aid, the objective of any such assistance should be to add Federal tax dollars to the general support of higher education, something that has never been done and something that is now needed because of rapidly increasing costs if higher education is going to function adequately.

To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education, and to miss the point of the needs of students. Higher education is for all students, not just needy students.

I am an original champion of removing all financial barriers to higher education, but I cannot stretch this to a policy that suggests removing financial barriers *is the purpose* of higher education. Aid to institutions should relate to all students, for the student from the middle income group is already being squeezed out and this new philosophy does not help. It aggravates the problem and therefore cannot be considered good public policy.

There are some good aspects. I especially approve of the aid to community colleges and technical and industrial education. If this bill is defeated this special assistance can be provided before the 1973 school year, and will not, I am told, be available for the 1972 school year in any event.

The Educational Opportunity Grants, the subsidized loans, and Work-Study will take care of 100% of the requirement of needy students if fully funded by Congress.

Institutional aid should be based on students, not on just a class of students.

The four-year college, the most in need, gets very little from this bill unless it changes its function and starts recruiting a special class of students.

The provisions relating to veterans are absurd. We need right now a positive and full GI bill, but this is at best a sop and at worst a special provision for one big state.

TERRY SANFORD,
President, Duke University.

Mr. Speaker, at this point I am including in the RECORD letters from educational leaders across the country. These letters urge the defeat of the conference report because it is not sound educational policy. However, a vote against the conference report obviously cannot be construed as a vote against higher education. As these hundreds of college presidents describe the inadequacies of the conference report, they are certainly arguing for the future of higher education when many of them say that no bill at all or a 1-year extension of existing programs would be preferable to the conference report. I urge my colleagues to consider the arguments which are made by these educational leaders who are not looking at the dollar sign but rather at the long-range interests of all postsecondary education:

May 29, 1972.

DEAR CONGRESSWOMAN GREEN: I am unequivocally and unalterably opposed to the Higher Education Bill as outlined in the Conference Report. I would greatly favor the extension of existing legislation for a year, hoping for more rational new legislation a year hence. College officials have been informed that they must support the Senate version or there will be no legislation at all; I prefer none at all.

It simply is not reasonable, and neither does it ring true to the American way, to say that we will ignore—and perhaps thereby *kill*—any institution which does not have a substantial number of students on federal assistance programs. (This may include a majority of the private colleges.) I cannot be convinced that the *only* institutions rendering service worthy of support are those serving a large percentage of disadvantaged students. In actuality, many "colleges" the Conference Report proposes to aid are providing instruction at a junior high level; but they are to be rewarded for an *attempt* to provide compensatory education the public lower schools should provide (even though research has proven most compensatory efforts to be fruitless anyway).

Please do what you can to kill the legislation proposed by the Conference Report, and please understand that many college officials have "switched rather than fight" because they have been told they are in a "this or nothing" position....

Sincerely yours,

S. DAVID FRAZIER,
President, Peace College, Raleigh, N.C.

The higher education bill on which you will be voting is so tortured and defective that I cannot find much hope in it and hope you will vote against it—and vote instead for a continuation for one year of the present legislation.

The difficulty with the new bill, as I see it, is that it so circumscribes two important principles of funding as to make each almost useless. To tie everything to EOG—even institutional aid—is itself not very helpful, no matter how deeply one feels for the "disadvantaged"; to limit the proposed expansion by making it conditional on the unlikely proposition that present programs will be fully funded is, I should think, to ensure that probably unworkable scheme gets approval without even sweetening the medicine with dollars.

Because the various associations in higher education have apparently decided that a quarter-loaf is better than none, I'd really like to be of the party of consent. But the more I study this bill the more I am led to believe it offers no serious response to a very serious matter that of fiscal survival for private colleges. I would therefore be false to what I can read out of the bill and what I know about college finances were I to express even mild enthusiasm for the main provisions of the bill.

HAROLD C. MARTIN,
President, Union College, Schenectady, New York

I have received pressures from various organizations to urge the passing of the bill. I have not been convinced it was well designed, and thoroughly endorse your idea of a one-year extension of existing programs or a one-year continuing resolution at the 1972 level of funding as better solutions than the proposed legislation. I commend you for your refusal to sign the Conference Report under the circumstances. You have excellent backing when people like Terry Sanford feel as you do.

FREDERICK C. PERRY,
President, Pine Manor Junior College, Chestnut Hill, Mass.

President ROGER W. HEYNS,
American Council on Education, One duPont Circle, Washington, D.C.

DEAR PRESIDENT HEYNS: Thank you for your letter of May 22 reporting the decision of the Board of Directors of the American Council on Education to support the proposed Higher Education Act (S. 659).

I recognize that there are some commendable features of this proposed piece of legislation. However, it seems to me the undesirable features outweigh those deserving our support. I regret that the Board of Directors saw fit to endorse a piece of legislation that seems well calculated to make the position of the four-year, private college more precarious. Further, I do not believe it is in the best interest of the American Council on Education to let its decisions on higher education be influenced by the antibusing controversy in the public schools.

I recognize the need for a prompt response by the Council to proposed legislation and that the issues in this instance are quite complex. Nevertheless, I believe constituents of the Council should let their convictions be known to those who must speak on our behalf.

Sincerely yours,

RAYMOND M. BOST,
President, Lenoir Rhyne College, Hickory, N.C.

Your vote against higher education bill strongly urged. Legislation represented in this bill very detrimental to a large sector of education in America, namely private colleges. More thought must be given to meeting needs of the entire field of higher education. Urge that bill be defeated and that present legislation concerning Federal support of higher education be extended to allow time for further consideration and for the preparation of a more adequate bill during the next year.

SIDNEY E. SANDRIDGE,
President, Athens College, Athens, Ala.

. . . The Higher Education Bill is not a response to either the University, generally, or needy students in our student body.

LEON W. GILLESPIE,
Executive Vice President, Southeastern Bible College, Birmingham, Ala.

We are not at all "sold" on the bill in its present form. It seems to us at best, that it is a "make-do" situation intended as a temporary sop to those who wish aid for higher education, and yet a bill which will not meet the needs of higher education in the long run.

As representatives of private higher education, we are quite sure of the fact that this bill will not meet our needs. Our primary need, as we have stated many, many times in the past, is direct institutional aid based perhaps on a student per capita basis. We would, of course, like to see the aid to education continued under EOG, CWS, and NDEA. This is a help, but not a total solution to the problem.... Personally, we would rather see the bill postponed and the current programs continued until such time as a more satisfactory bill could be brought out of Committee.

JOHN V. TERRY,
Director of Development, John Brown University, Siloam Springs, Ark.

May 24, 1972.

DEAR MR. PERKINS: As to the substance of the conference report, again, I am disappointed. I speak as the president of a small, private, undergraduate college:

1) I cannot see that the provisions of the conference report promise much help to private colleges. "Entitlement" gives a fixed amount of aid to a student and encourages him to go to the school where the tuition is lowest. Institutional aid will follow him to that low tuition school. Therefore, the conference report does not provide significant relief from our declining enrollments and budget deficits. It seems to me that following the passage of the conference report there will be a flood of federal dollars and of

additional students into the already overcrowded state-supported institutions.

In sum, I am very much disappointed that many needs and wishes of private colleges and of educational associations were ignored and deleted in the conference, particularly in the matter of direct institutional aid as it was proposed by Mrs. Edith Green in H.R. 7248.

2) Cost of instruction payments to veterans as proposed in the conference report is even more discriminatory against the private school. Eighty per cent or more of veterans are already in public institutions where their fixed allotments from the G.I. Bill stretch further because of low tuition. Cost of instruction payments will follow them to the large public institutions.

Sincerely,

WILLIAM J. RIMES, S.J.,
President, Spring Hill College, Mobile, Alabama.

MAY 24, 1972.

MY DEAR MR. PERKINS: Thank you for such immediate dissemination of the Conference Report and for requesting comment.

As president of an institution newly coeducational and located in a geographic area the minority population of which is practically non-existent, I cannot find much in the report to elicit my enthusiastic response.

Dominican College was a woman's college until this academic year; it is gradually building an enrollment of men, but the attraction of a substantial enrollment of veterans will probably be a slow process.

Martin county is one of California's most affluent counties, and with the exception of a small largely black-populated area in southern Marin, has practically no minority inhabitants. The College attracts resident students from many states and from other countries, and has tried to make it possible for students with very little money to spend for education to attend, but again its most immediate constituents are not members of minority groups (save that increasingly threatened species, the middle class).

This college, like its small liberal arts counterparts, does some things very well and, as the only college in a 521 square mile county, genuinely serves a constituency which needs it. There is almost no provision for a college such as ours in the proposed legislation, except perhaps in the program of grants for interim emergency assistance to institutions in serious distress; I look forward to the spelling out of its details.

I am truly appreciative of the hard work and long hours which have gone into the conference committee's work, as well as of the complicated extraneous matter included, and the need for compromise. However, I sometimes wonder who in Washington (besides Edith Green) really values colleges such as ours and their contribution to the diversity of higher education in this country, for diversity seems to receive much lip service but very little support.

Very truly yours,

SISTER M. SAMUEL CONLAN, O.P.,
President, Dominican College.

Memo to: Honorable EDITH GREEN.
Re: S. 659 Education Amendments of 1972.

MAY 26, 1972.

As the President of a small liberal arts college, I concur fully with the views expressed in your letter of May 20, 1972.

I would rather see an extension of existing programs over the legislation developed by the Conference Committee. Bless you for your courage and support of sound educational policy.

Institutional aid is needed desperately by the important segment of smaller institutions if they are to survive.

Let's wait and start fresh in January of 1973.

You have my continued support.

RAYMOND DOYLE,
President, Russell College, Burlingame, Calif.

MAY 26, 1972.

DEAR MRS. GREEN: It is with a good deal of disappointment that I have observed recently that the bill which the House approved has largely been discarded by the House-Senate conference committee.

While the bill will do much for the low-income person, it will completely by-pass the needs of the middle-income person and will spell the demise for many small private colleges; 49 have died this year and predictions are that 300 more will have died by 1980—these are institutions which for the most part deserve a better fate than they will receive.

In the name of the small private college, I implore you and your colleagues to award us a better fate than that.

Sincerely,

Dr. GEORGE WILLIAMS,
President, Regis College, Denver, Colo.

MAY 30, 1972.

In re: Higher Education Bill.
Hon. EDITH S. GREEN,
U.S. House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: It has come to my attention that the Conference Committee on the Higher Education Bill has reached an agreement which does not include general institutional aid. The formula for institutional aid, I am informed, relates to needy students who are or will be receiving federal financial assistance. As worthy as this "needy student" concept might be in principle, it does not meet the urgent need for unqualified institutional aid. Furthermore, the Conference Report represents an indifference to the blight of the middle income family. All students are served by higher education, and failure to provide general institutional aid ignores this basic fact. There is little doubt that the legislation in question fails to consider the crush placed upon middle income families to educate their children.

I hope you will vote against the Conference Report. I would rather wait another year to renew efforts for general institutional aid than to be faced with a situation which represents what I consider to be an unacceptable alternative.

With best regards.

Sincerely,

WILLIAM T. O'HARA,
Director, Southeastern Branch, University of Connecticut, Groton, Conn.

MAY 30, 1972.

Re: S. 659 Education Amendments of 1972.
Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

MY DEAR MRS. GREEN: I could not agree with you more! It is far better to extend the existing programs for one more year so as to pass a proper bill for higher education than it is to vote for the provisions in this bill. Nova University, a graduate institution mission-oriented to resolve the problems facing society in the 70's, would receive almost no funding as a result of the provisions in the higher education bill. This would be so even though we are attacking a fundamental problem in American education, that of upgrading the competency and skills of elementary and secondary principals to help them bring about the changes so urgently needed in American public education.

Respectfully,

ABRAHAM S. FISCHLER,
President, Nova University, Fort Lauderdale, Fla.

MAY 30, 1972.

DEAR MRS. GREEN: In response to your correspondence regarding the educational legislation which is now before the House of Representatives, my basic feeling at this time is that we should renew and fund the present programs, provide some assistance to universities based on total population and forget the complicated percentages, formulae and quoted restrictions that appear in the new bill. The integration rider is a ridiculous imposition on the total education bill. . . .

Sincerely,

JOHN E. JOHNS,
President, Stetson University,
DeLand, Fla.

MAY 26, 1972.

DEAR MRS. GREEN: I am not able to state any more adequately my thoughts than to echo the message of President Terry Sanford. He speaks for a large number of college and university presidents, I am sure.

Unfortunately, and with some embarrassment in admitting it to you, I have responded to Representative Carl D. Perkins, Chairman of the Committee on Education and Labor just three days ago and offered support for the Conference Report. I did so, while at the same time indicating many reservations and concerns. My reason for responding positively to Chairman Perkins resulted from the information I had received from a number of sources that this was the only way to assure continuing funding of the current programs for the coming academic year.

As you already know, the continuation of the NDSL, CWSP, and EOG programs is critical for all institutions. For a few of us who have exerted extensive effort to recruit lower income students, the continuation of funding in the EOG program particularly, is crucial.

In my letter to Chairman Perkins, I indicated my strong views that it makes no sense to authorize any new programs, when those that could very well perform the services needed, have not been funded to an adequate level to make their effectiveness possible. It is my belief that the various associations that you referred to in your letter have reversed themselves on many issues, simply because they have heard the urgency of the necessity for funding the current student aid programs from their constituents. In part, I am guilty of the same in my response to Chairman Perkins.

In summary, there are a number of items in the Conference Committee Report with which I find disagreement and which I believe will prove to be unsound educational policy. If there is any hope of passing the necessary legislation to assure ongoing funding of the current aid programs, I would prefer to see the total Higher Education Bill restudied and submitted in different form next year.

Sincerely yours,

JACK B. CRITCHFIELD,
President, Rollins College,
Winter Park, Fla.

MAY 25, 1972.

DEAR MRS. GREEN: I regret that your Bill was not accepted by the Committee. I feel that the present bill is unsatisfactory for the needs of Higher Education particularly in the area of institutional aid. Apparently no consideration was given to the efforts which institutions make in providing institutional financial aid to its students. Young Harris College has always provided assistance for needy students. This has been true since 1886 and certainly before we began receiving Economic Opportunity Grants, College Work/Study and National Defense Student Loan Funds. We appreciate the financial assistance which we receive through

Health, Education and Welfare but I do not believe that the institutional aid should be tied to student aid.

The proposed program for institutional aid on the basis of veterans attending seems to me to be ridiculous. I concur wholeheartedly in the premise that some extension of the current program would be better than to complicate matters by passing a bill which has not been carefully considered. I certainly hope that the Representatives of the people will be concerned enough to read the bill before it is passed. I do not think that we should accept "second best" when it is possible with more time to receive the best. Many of our problems are the result of expedient measures and our society certainly needs excellence in all areas.

Thank you again for your support.

Respectfully yours,

RAY FARLEY,
President, Young Harris College,
Young Harris, Ga.

MAY 26, 1972.

DEAR MRS. GREEN: I thought you would be interested in knowing that I wrote a letter yesterday to Representative Perkins telling him that, as far as I was concerned, they might as well not pass the Bill. From the beginning, I have supported the position which you took relative to direct aid to the institutions of higher learning. The Conference Committee Bill is utterly useless to institutions such as my type of state institution and to most private institutions which so badly need help.

Sincerely yours,

HENRY L. ASHMORE,
President, Armstrong State College,
Savannah, Ga.

MAY 25, 1972.

DEAR MRS. GREEN: I very much support the stand you have taken with reference to the Conference Committee report on the Higher Education Bill. By all means, oppose the bill. It is not a good bill. It would be far better for us to have a one-year extension at the 1972 level than to have this bill adopted....

Sincerely yours,

THOMAS Y. WHITLEY,
President, Columbus College, Columbus, Ga.

GEORGIA SOUTHERN COLLEGE,
STATESBORO, GA., *May 25, 1972.*

DEAR CONGRESSWOMAN GREEN: I appreciate your analysis of the Conference Report on the Higher Education Bill. I must agree with you with regard to the problems which are inherent in the bill as it now stands. I have noted that the American Council on Education is supporting the Conference Report reluctantly, but I think your position is the sounder one. It appears to me that higher education would be better served by having an extension of the existing programs in order to give time for the Congress to develop a better higher education bill than the one now before the House. . . .

Respectfully yours,

POPE A. DUNCAN,
President.

MAY 29, 1972.

DEAR CONGRESSWOMAN GREEN: I am writing this brief letter simply to say two things. First, I greatly appreciate all the efforts you have been making on behalf of higher education. Second, I agree with your opinion of the Higher Education bill as worked out by the Conference Committee last week.

The colleges need financial assistance very badly. Unless the assistance can be given without too many strings attached, however, I believe it would be just as well not to give it. Many institutions like my own would benefit relatively little from the present bill.

Sincerely,

W. EARL STRICKLAND.

KANEOHE, OAHU, HAWAII.

Am in full agreement with you and with Terry Sanford. Without a doubt a one-year extension of existing programs would be a better measure, and would provide time to draft a bill that truly offers aid to higher education.

Hawaii Loa College is a new institution having just completed its second commencement. As a private liberal arts college, it is unique in Hawaii and adds an important dimension to the educational base in the state. Because of its newness and the kind of minority groups in Hawaii, we are only just beginning to be eligible for NDEA, EOG, and work-study funds, and such as we are allowed are very small. Consequently, under the proposed bill Hawaii Loa College would receive virtually no assistance from the Federal Government. I expect that most private new colleges would find themselves in the same situation....

CHANDLER W. ROWE,
President, Hawaii Loa College.

CHICAGO, ILL., *May 25, 1972.*

Congresswoman EDITH GREEN,
House Office Building,
Washington, D.C.:

Please oppose higher education amendments because of increased costs. Federal tax dollars needed for general support of higher education.

HARRY A. MARMION,
President, St. Xavier College.

BUTLER UNIVERSITY,
Indianapolis, Ind., May 25, 1972.

DEAR MRS. GREEN: I have been studying the matter for several days and feel very strongly that the Conference Committee Bill is very bad. I find that my feelings about it are similar in many respects to those of President Sanford of Duke University, as presented in the memorandum to you from him, and I agree with your feeling that it would be better to have a one-year extension of the existing programs while a new bill is prepared than to adopt the bill as it emerged from the Conference Committee.

I applaud your decision not to support the present bill when it is officially considered by the House of Representatives.

Sincerely,

ALEXANDER E. JONES, *President.*

UNIVERSITY OF
NORTHERN IOWA,
Cedar Falls, Iowa, May 25, 1972.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GREEN: With great reluctance, I write to you to oppose the Higher Education Bill as it emerged from Conference Committee. I had hoped that this would be the year when a great breakthrough would be made in federal support of higher education. The institutions of higher education in this country are badly in need. Unfortunately, I believe that the compromise worked out by the Conference Committee contains too many undesirable features.

Sincerely,

JOHN J. KAMERICK, *President.*

LEAVENWORTH, KANS.,
May 30, 1792.

Hon. EDITH GREEN,
U.S. House, of Representatives,
Washington, D.C.

I have read carefully the provisions of the conference report on the Higher Education Amendments of 1972 and find it very difficult to support the proposed legislation simply because, it is better than nothing. Instead, I would endorse your plan for one-year extension of existing programs, with full funding of each program and trust, the Congress, to work out a fairer and more authentically helpful bill in the next session.

Sister MARY JANET,
President, Saint Mary College.

GREAT BEND, KANS.

Certainly those of us involved in higher education had hoped for the passage of the Green bill during the current congressional session. The purpose of this letter, however, is to question whether the bill which came out of the Conference Committee should be passed. To our view point, it would do little to help out financial problems and might even force us into directions of educational training which would ultimately hurt our institutions.

PAUL D. HINES,
President, Barton County Community Junior College.

MAY 25, 1972.

In regard to institutional aid, it seems to me that this Bill instead of increasing stability would in the case of small colleges tend to undermine such stability because it would demand that these colleges, which are already giving beyond available resources for aid to needy students, would have to provide even greater resources of their own to match the use of Federal funds which would be necessary to enable them to qualify for the institutional aid offered in the Bill.

Furthermore, I would like to point out that the Federal Program already in effect which provides said for the lowest income group of students is now giving this group of students more financial advantages in securing a college education than the middle income group of students which are finding it increasingly difficult to finance their college education. We have a large number of under-privileged students who get a completely free ride in their education, whereas some with moderate incomes have to seek institutions where the cost is not so high in order to get a college education, and therefore we lose a large number of this group of students. An institution cannot exist if it caters solely to students who can pay little or nothing on their educational costs, and I believe that the colleges of the country are already providing a fair share of aid to the lowest income students.

I think it is wrong for the Federal Government to try to force a college into a mold which would be detrimental to other students who are just as worthy of a college education as the more needy. In addition I cannot agree with the compromise Bills conditions for granting institutional aid on the basis of increasing enrollment of Veterans by 10% and such other provisions. These types of provisions are most unfair to the smaller institutions where many educators recognize real quality education is to be found. Therefore, while I am highly in favor of Federal Aid directly to institutions as well as to students, I cannot feel that this compromise Bill should be passed into law in its present state, and hope you will consider the objections which I have tried to raise in a very concise manner. Colleges such as Sterling need general institutional aid which is not tied to needy students receiving Federal financial assistance.

Sincerely yours,

WILLIAM M. MCCREERY,
President, Sterling College, Sterling, Kans.

I am writing to you to express concern over the higher education bill which is being reported out of the Conference Committee.

In addition to emphasizing and subsidizing the institutions with a large number of students receiving Federal monies already this bill would particularly penalize a new institution such as Northern whose grants from EOG and other Federal monies are very small.

Beyond the above objections, I am very much concerned that Congress continues to see fit to appropriate money which it does not have. I am getting very tired of finding governmental units and educational institutions planning to spend, not what they have to spend, but what they claim they need to spend. It is this profligate spending which always, for domestic and for military purposes, involves enormous waste which contributes more than private spending does to run-away inflation. How long will it take Congress to understand that there is a vast "silent majority" in this country who are fed up with the assumption that more money will solve any problem.

Sincerely,

FRANK STEELY,
President, Northern Kentucky State College.

SAINT CATHERINE COLLEGE,
Saint Catharine, Ky., May 30, 1972.

DEAR MRS. GREEN: Thank you for your notice concerning the Higher Education Bill.

I am writing Congressman Perkins telling him of my opposition to this bill in its present form.

Thank you for all you continue to do for the cause of education in our nation.

Sincerely yours,
Sister MARGARET MARIE HOFSTETTER.

UNIVERSITY OF MAINE,
Fort Kent, Maine.

In view of our relatively small enrollment as well as the economically disadvantaged status of a very large percentage of our students, it is tempting to be enthusiastic over the Senate's passage of the Higher Education bill. Philosophically, and pragmatically, too, I believe that the fiscal complications involved in the bill will be self-defeating in the long run.

There is no sense to the exclusion from aid of the student who works and studies—but does so not under the federal program. There is little sense in enabling the rich to get richer. I object strenuously to the complicated processes needed for the administration of the bill.

RICHARD J. SPATH,
President.

PEABODY INSTITUTE,
OF THE CITY OF BALTIMORE,
Baltimore, Md., May 31, 1972.

DEAR MRS. GREEN: As President of an institution of higher learning, I should like to express my thanks to you for your letter of May 27, 1972, and its enclosures concerning the Higher Education bill. I am delighted that you will not sign the Conference Report or support the proposed legislation. I feel that your reasoning is sound and proper, and I should like to compliment you and assure you of my support. I am sure that many college presidents feel as I do and share your sentiments.

Sincerely yours,
RICHARD FRANKO GOLDMAN,
President.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

May I add my voice to Terry Sanford in opposing S. 659 Education Amendment of 1972 in all respects. I agree with his analysis and urge you to oppose this bill in the House since I have not had time to adequately discuss and evaluate the bill with my faculty. I speak only for myself and not the college.

PAUL D. NEWLAND,
St. Johns College, Annapolis, Md.

EMMITTSBURG, MD.

Hon. EDITH GREEN,
Congress of United States, House of Representatives, Washington, D.C.

I concur with your opinion to have a one year extension of existing program.

I believe aid should be available to students from the middle income group and to the institutions that serve them. St. Joseph College, Emmittsburg, Maryland will close in June 1973 largely for the reason that its clientele can not afford to attend the college of their choice. It is deplorable that a fine institution like St. Josephs that has educated thousands of women for leadership roles can not continue. We are not alone in our plight; many private colleges are in similar straits.

Sister MARGARET DOUGHERTY,
President.

MAY 26, 1972.

DEAR MRS. GREEN: I would like to respond to your thoughtful letter of May 20th.

Although I cannot afford to deny that "something is better than nothing" we guess that the present Higher Education Bill will do very little for this College and for many others like it which are facing a serious and deepening financial crisis. The situation for colleges like ourselves is probably more serious than it is for any other segment of higher education (with the possible exception of the private junior colleges) because we have no unrestricted funds with which to meet deficits which can be caused by various special situations (curriculum modernization, temporary enrollment declines, changes in departmental enrollments, etc.).

The present bill may be fine for the Harvards, and Stanfords, but it accomplishes these objectives either poorly or hardly at all for the smaller poorer institutions.

Not representing one of the prestige institutions I feel that it is a bit hard to get heard, particularly at the Federal level. Our only chance seems to be through associations such as the American Council on Education, but even they seem to be saying a bad bill is better than none.

In the interest of brevity I have not commented on the unwieldy complexities which would require substantial administrative support, the incongruity of basing aid on a certain class of students, coercion vs. assistance; the need to support programs for the disadvantaged rather than force them on institutions whose resources are already thinly spread.

Thank you for giving me the opportunity to express my views. Your presence in the House and your leadership on educational matters has long held my respect.

Sincerely,
RICHARD CHAPIN, *President.*

DEAR MR. PERKINS: Your letter of May 19 asked for an expression of opinion about the Higher Education Amendments of 1972. You asked for it, so hold onto your hat.

We who are running private colleges are about to go under because of our inability to compete with colleges which are supported by public funds. The Higher Education bill this year indicates either that some people cannot recognize that fact or that they just don't care.

Why do I say this? Because in tying aid to higher education to the amount of help a college gives to the disadvantaged, you have virtually assured that nearly all of this aid will go to the publicly-supported institutions.

It should be obvious that disadvantaged students usually go to public colleges and universities because their tuition and fees are much lower. When a private school helps the disadvantaged, the burden falls on the other students who must pay more to cover the increased costs. A very few heavily-endowed schools probably pay for it in other ways, but their tuition rates are highest of all.

So, if the money goes where the disadvantaged are, it goes to publicly-supported colleges.

If you want to help private colleges, *do* something for them. If you want to help the disadvantaged, do something for *them*. But please stop trying to link the two things together. It just won't work.

The Education Amendments of 1972 are simply another body blow to hundreds of institutions who are already on the ropes from government competition.

Sincerely,
GORDON B. CROSS, *President.*

WORCESTER POLYTECHNIC INSTITUTE,
Worcester, Mass., June 1, 1972.

Hon. EDITH GREEN
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSWOMAN GREEN: You have my brief telegram opposing the Conference Committee version of the Higher Education Bill. I have strongly supported the concepts in the House (your committee) version and continue to do so. May I add a few remarks about why I oppose the Conference Committee report?

WPI is a small but prestigious private college of engineering and science with an enrollment of 2,000. Half its undergraduate students are on financial aid since they come from lower to middle income families. We devote over $1 million of our funds to helping these students achieve an education that makes them productive members of society, not dropouts.

The formulas of the Conference Committee would almost completely ignore most of our students and the aid *we* give them. It would say, in effect, if you want federal support, take more rich kids and more very poor kids but ignore most of those you have educated in the past. Not a very good way to maintain the backbone of our technological society!

We have always needed and asked for more EOG, Work-Study, and NDSL funds than have ever been available. It is hard to see how the Conference Committee bill improves this situation at all.

Finally may I point out that a much better approach all around would be federal matching of institutional support efforts. Public institutions can support larger *numbers* of students with fewer *dollars* because of their large influx of *state* TAX DOLLARS. But private institutions spend more *dollars* helping their students. Would it not provide the greatest equalization of opportunity for the greatest number of students if *dollars* of institutional support were matched by federal *dollars*?

The efforts we are all making for veterans, for women, for minorities are not really helped by the Conference Committee bill. I urge you and your colleagues to develop a more realistic and useful program for assuring the useful survival of higher education.

Sincerely,
GEORGE W. HAZZARD, *President.*

SIENA HEIGHTS COLLEGE,
Adrain, Mich.

I am in firm belief that the Higher Education Bill as it stands now should not be passed, and that further study be given to it for the extension of another year. It is important at this point in time that the existing programs be continued for a year and be given greater consideration for fuller appropriations. It was essential that awards be made to students for the Fall term with some hope that the Regional Boards' approvals would be met to a reasonable degree. Rather than rush new regulations, it would seem more reasonable to me to do something about the existing ones in order to avoid hardship for the 1972–1973 year. In our situation, I am requesting a greater consideration in the CWSP, EOG, and NDSL Programs.

The biggest objection in the aid bills centers around the word "Needy student." The term is fine but the actual connotation given it by regulations is something else. An "overemphasis" of "disadvantaged students" has caused a severe hardship on our middle-class, moderate income families, who are in just as much need for educational financial assistance as are the lower income groups. Little or great, if the verified need is evidenced, a student—regardless of income—should be considered.

I again stress that an extension of the present programs be made with reasonable appropriations increase for this year.

MISSISSIPPI STATE UNIVERSITY,
State College, Miss., May 29, 1972.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: Thank you for your letter of May 20 and the comments on the Higher Education Bill. I agree fully with your views on this proposed legislation.

It seems to me that to accept as helpful and needed the bill that came from the conference would be being less than completely honest with ourselves. This legislation, it appears to me, simply disregards the help needed by a vast majority of our people.

Sincerely yours,
WILLIAM L. GILES, *President.*

AVILA COLLEGE,
Kansas City, Mo., May 25, 1972.

DEAR REPRESENTATIVE GREEN: To focus aid solely on students rather than institutions is sad. We should have learned this from the past. There are students who are in higher education who don't belong there. Higher education is for all students, not just needy students. Most of the colleges outside of the prestigious colleges have more than half of their students who are from the middle and lower middle classes. Aid to our college should relate to all students, for the student from this little income group is already being hard pressed and the new legislation certainly does not help. It aggravates the problem and cannot possibly be good public policy.

If there is an argument for institutional aid, it is to give financial stability to institutions facing financial crisis and help them meet basic institutional costs for all students. Avila is one of these institutions.

Sincerely,
Sister OLIVE LOUISE, C.S.J.,
President.

SOUTHEAST MISSOURI STATE COLLEGE,
Cape Girardeau, Mo., May 25, 1972.

DEAR CONGRESSMAN BURLISON: The Conference Report on the Higher Education Bill No. S. 659 appears so seriously in error that I would suggest that the report be rejected by both the House and the Senate and a new bill introduced which would extend the provisions of the present bill for one year so that the Congress has time to work out a better bill. There's no point in compounding problems that we now have by adding those inherent in the new legislation.

Very truly yours,
MARK SCULLY, *President.*

WILLIAM WOODS COLLEGE,
Fulton, Mo., May 30, 1972.

MY DEAR REPRESENTATIVE GREEN: I should like to go on record as stating that our institution has many grave doubts about the bill, and we wish that the weaknesses and inconsistencies that exist could be somehow rectified. We are, at the same time, torn by an ambivalency created by advice which comes to us from our national associations which state that if this bill is rejected, it will probably be three or four years before it would be attempted again. We would, therefore, have to settle either for what we have now or nothing. This is a very frightening bit of advice and, indeed, a sobering one. Most private colleges in this country cannot exist indefinitely on the present level of higher education support and probably not much longer on the bill which was passed.

I believe that nearly every private college president in the United States and practically every professional association pleaded the cause of unrestricted grants to colleges as being the way to help most institutions in their fight for survival. This was excluded from the bill, and this alone would have weakened the document had everything else been included that might have been helpful.

Basing the preliminary emphasis of the Higher Education Bill on the students and financial need is a gross oversight of those who claim to want to help our nation's colleges. Our institution fortunately is not in dire financial need, but I know of hundreds and hundreds who are and who probably cannot continue to exist under the bill now being proposed.

I appreciate all of your good work and the efforts that you have made to supply the real needs of colleges, and I am most regretful that more of your colleagues do not see fit to support you.

With warmest personal regards, I remain
Cordially yours,
R. B. CUTLIP, *President.*

TELEGRAM

MAY 26, 1972.

Dr. ROGER HEYNS,
President,
American Council on Education,
Washington, D.C.
Dr. FREDERIC W. NESS,
President,
Association of American Colleges,
Washington, D.C.:

I wish to go on record as being strongly opposed to the hasty passage of the final conference committee bill. Rather, I urge that the American Council on Education (Association of American Colleges) do all it can to bring about a 1-year extension of existing programs supported by the present higher education bill. We should not vote in haste on something that several years ago we did not approve of.

LELAND MILES,
President, Alfred University.

HARRIMAN COLLEGE,
Harriman, N.Y., May 25, 1972.

DEAR MRS. GREEN: I don't think it is the role of Congress to use economic coercion to persuade colleges and universities to provide compensatory education. I think this should be dealt with in the junior colleges, but not in isolation. The creativity of trained teachers is the only way to respond to the seventh grade arithmetic and eighth grade reading difficulties of many students. I think we are degrading the higher educational system by admitting unprepared students to four-year colleges and universities. If students with these deficiencies are taken care of in a junior college they will be able to transfer to four-year colleges with greater confidence and a greater chance for success. Then the government's money would be well spent.

Gratefully,
Sister AGNES, *President.*

HARTWICK COLLEGE,
Oneonta, N.Y., May 25, 1972.

DEAR CONGRESSWOMAN GREEN: I agree with your judgment that it would be better to have a one-year extension of existing programs than the bill which is now proposed. We further concur with the memorandum to you from Terry Sanford, President of Duke University and in particular to his notation, "As for institutional aid, the objective of any such assistance should be to add Federal tax dollars to the general support of higher education, something that has never been done and something that is now needed because of rapidly increasing costs if higher education is going to function adequately."

We do not believe that this compromise bill will accomplish the national purposes, certainly not in the long run.

Sincerely,
ADOLPH G. ANDERSON, *President.*

TELEGRAM

LE MOYNE COLLEGE,
Syracuse, N.Y., May 26, 1972.

I am informing Congressmen James Hanley and John Terry of my position on S. 659 with this message.

I join Congresswoman Edith Green in opposing the passage of the higher education bill reported out of conference. First, it does not meet the need of the students who attend Le Moyne College or the needs of the institution itself. Second, it is poorly drafted especially with the ambiguities of BOG grants subjected to the vagaries of uncertain appropriations. Third, I deplore the insertion of the anti-busing provisions in the legislation for higher education. I support the proposal of Chairman Green that existing programs for higher education be given a one-year extension.

Father WILLIAM L. REILLY,
President.

MARIA REGINA COLLEGE,
Syracuse, N.Y., May 31, 1972.

DEAR MADAM: After reading the summary and the memorandum from President Terry Sanford of Duke University, we agree that this Bill is ill advised, both in its philosophy and its implementation. We would favor an interim measure to continue student financial aid at the 1972 level of funding. We note that the generous provisions for community colleges do not include private two-year colleges, even though the latter may be providing many of the same educational services.

This Bill seems to give the impression that the Federal Government is solicitous for the well-being of institutions of higher education chiefly insofar as they are dispensers of student financial aid to needy students as narrowly defined in the Bill. Finally, the passage of S. 659 would be likely to preclude any further treatment of higher education problems in a more carefully considered bill.

Sincerely,
Sister MARY ROSALIE,
President.

VASSAR COLLEGE,
Poughkeepsie, N.Y., June 1,1972.

DEAR CONGRESSWOMAN GREEN: I agree heartily with your comments and those of President Terry Sanford that the bill is woefully inadequate and full of half-hearted compromises that accomplish very little in the way of institutional aid.

For Vassar College the bill as proposed gives us the alternative of changing the composition of our student body if we want Federal institutional support. The fact that we presently appropriate 20% of our income for student financial aid means nothing insofar as the compromise bill is concerned, because it is directed to those who can benefit from higher education, and who have demonstrated a financial need. Should Congress force all these students to seek Federal financial assistance? I think not.

Please continue your support of intelligent legislation in the area of Higher Education. We urge you to resist these attempts that fall miserably to meet the needs of the quality four-year liberal arts institution that is already doing everything it can to carry its share of the load.

Yours sincerely,
ALAN SIMPSON, *President.*

. . . I am as disgusted with the entire measure as you are. I am totally opposed to the tying of higher education support to the disadvantaged student program.

JESSE L. MCDANIEL, *President,*
Lenoir Community College, Kingston, N.C.

I wish respectfully to register a very strong recommendation that the Conference bill on higher education be defeated in the House. . . .

Disadvantaged people clearly need help. However, it is a terrible error to fund programs that are based on the assumption that college experience is vital for everyone, and that therefore institutions desiring to qualify for Federal aid must commit personnel and time to "remedial" work. Where interest and capacity warrant it, this can be (and has been) done on an individual or small-group basis. But it is dishonest and misleading to establish national policy that infers that remedial programs plus college programs are the answer to the economic and social problems of every disadvantaged person—or, for that matter, for every non-disadvantaged person.

One of the basic impacts of the Conference bill would be to expand community colleges at a rate and to a level that would impair the existence of a sizable number of private junior and senior colleges—literally to use Federal funds to drive the private schools out of business! It appears reasonable to expect that there could be devised less disastrous methods of supporting strength in the community colleges. Such support is important for post-secondary technical and vocational training clearly are badly needed.

The idea of a full-time Office of Veterans Affairs at smaller institutions is patently ridiculous. This requirement under the bill would virtually eliminate opportunities for smaller schools (both public and private) to enroll veterans under a Federal support program.

Finally, except for a very few highly endowed institutions, the Conference bill's apportionment formula would very soon put private colleges and universities out of business with respect to serving disadvantaged students.

We would be immensely better off if the expiring legislation were merely extended for another year, which would provide time to develop realistic and appropriate legislation for the following year.

DONALD J. HART,
President, St. Andrews Presbyterian College, Laurinberg, N.C.

BREVARD COLLEGE,
May 30, 1972.

DEAR MRS. GREEN: I would like to indicate my strong support for the position that you have taken on the recent compromise of the higher education bill. The point you expressed in your memorandum and in that of President Terry Sanford represents, I believe, an appropriately sound position. I feel that it would be greatly inappropriate to relate the general support of higher education to the amount of aid to needy students as proposed in the compromise bill. The trend of recent years to virtually penalize the students from middle income groups would be further heightened by a program which would relate institutionally to the basic opportunity grants.

I would like to urge you to stay with your present position for a one year extension of existing programs rather than accepting the bill with all of its present liabilities.

Be assured of the genuine appreciation of the higher education community for your astute leadership and careful analysis of the implications of the proposed bill.

Sincerely yours,
ROBERT A. DAVIS, *President.*

CHOWAN COLLEGE,
Murfreesboro, N.C., June 3, 1972.

Re: S. 659.

DEAR CONGRESSWOMAN GREEN: I simply have not had time to look at your communication of May 20 until today. This is true also of the letter from President Terry Sanford of Duke University.

Though I have written my Congressman, Walter B. Jones, as well as Congressman L. H. Fountain, requesting their support of subject bill, I now have second thoughts. Moreover, I have just talked with one of my colleagues in the state and I think you may be right that it is better to defeat the Conference Report and then to get, immediately, a one-year extension of the existing programs or a continuing resolution for one year at the 1972 level of funding. However, I would earnestly and sincerely hope that in January of 1973 a bill like that formerly passed by the House would be passed by Congress.

Frankly, I am quite concerned that the traditional liberal arts college like ours, (we are a two-year church-related college enrolling approximately 1,500 students), simply would not fare well under the Conference Report. An institution needs money so that it can serve all students enrolled in the institution. There must be assistance of this nature and type with adequate funding or many, many private and church-related colleges will not be in existence within the next five-ten year period.

I am taking the liberty of forwarding a copy of this letter to Congressman Walter B. Jones and to Congressman L. H. Fountain in light of my previous communication with them. I wasn't happy about the endorsement of the Conference Report from the outset, but "was sold" on it being the best we could expect within the next several years.

My best thinking at the moment therefore is that the Conference Report should be defeated and that we then should get a continuing resolution for one year with full funding at that level, but then begin to work early next year on a bill comprising the much better components of the earlier House-passed bill. . . .

Very sincerely yours,
BRUCE E. WHITAKER, *President.*

WILSON COUNTY TECHNICAL INSTITUTE,
Wilson, N.C., June 1, 1972.

MADAM: Too often we let the pressures of the moment spur us into unwise action. Too often we let our emotions toward the disadvantaged influence our judgment for what is best for each individual. Too often needs for financial aid prompt acceptance at any cost. Let's not repeat these mistakes in this massive and historic bill. I, for one, seek financial aid of community colleges and technical institutes and their students with as few controls and restrictions as is possible.

If a continuing resolution will buy the necessary time for careful review of the bill while allowing us to meet the needs of this fall's crop of students, then it appears a prudent move.

Sincerely,
ERNEST B. PARRY, *President.*

WINGATE COLLEGE,
Wingate, N.C., May 29, 1972.

DEAR MRS. GREEN: I want to write and say that I am most grateful to you for your stand on the higher education bill. I am certainly aware that you understand the importance of this legislation, and I want you to know that we support you in every way. I agree that if the bill was not a good one previously it is no longer good. We need to have your thinking on this. No other person in this country is as aware of the basic philosophy and needs of all types of institutions as you. The private institutions of our land are in trouble, and I believe you are a friend to both private and public higher education. As a representative from a two year private school, we do not know where we are going if things continue to be controlled out of Washington. There seems to be very little concern about the two-year private, church-related college in the government. This is indeed sad because it is in these institutions that real teaching takes place and young people are given an opportunity to establish values that will last and uphold the principles of our great country.

Again I want to thank you for your concern and hope and pray that everybody will vote with you when the matter comes to the floor in the House.

Very cordially,
BUDD E. SMITH, *President.*

MIAMI UNIVERSITY,
Oxford, Ohio, May 31, 1972.

MY DEAR MRS. GREEN: I have your letter of May 20, together with a copy of the memorandum from Terry Sanford to you under date of May 22. After studying the Conference Committee report on the Higher Education Bill, I find myself in total support of your views. Assuredly, the compromise is not a good one; the present bill should be defeated.

I agree with your conclusion that it would be better to have a one-year extension of existing programs than it would be to be saddled with bad legislation.

One final comment: the presidents of Yale, Harvard, Stanford, Cornell, Dartmouth, and Brown most decidedly do not represent my views or the views of the majority of those in higher education. I wish that some of your colleagues in Congress could wake up to that fact.

Sincerely yours,
PHILLIP R. SHRIVER, *President.*

NEW CONCORD, OHIO,
May 31, 1972.

Re: Conference Report on Higher Education Amendments of 1972.

DEAR MRS. GREEN: I want to thank you for mailing to us a copy of the summary of actions taken by the Conference Committee. As I understand the new proposal, it would not hurt us; that is, I see it providing the kinds of aid for disadvantaged people that we are presently receiving. Our disappointment is that it will not help us. In fact, the suggested plan of institutional aid will not provide funds for us since we will have very few of these students enrolled. The $1400 per student assistance will encourage more students to attend the state universities rather than the private instiutions. Therefore, my overall assessment is that we might very well find our enrollment picture worsening because of the proposed legislation.

We thank you very much for your efforts to provide financial assistance to all higher education, both public and private.

Cordially yours,
WILLIAM P. MILLER,
President, Muskingum College.

EL RENO, OKLA.

Your letter of May 27 stated that you could not sign the Conference Report on the Higher Education bill. . . . I fully agree with your position.

A. R. HARRISON,
President, El Reno College.

PORTLAND, OREG.

You probably have received a letter from a group of community college presidents which indicates our position on the matter. We back your position fully.

In regard to the student financial aid, as I look at it the compromise bill, unless it is fully funded, won't be much better than the present formula. I also see nothing in the financial aid package which would give an institution flexibility. I happen to believe that we are the best determiners of who needs financial aid and although we might need

some Federal guidelines, we need the flexibility if we are to make decisions which will help the student.

AMO DE BERNARDIS,
President, Portland Community College.

STATEMENT OF OPPOSITION TO HIGHER EDUCATION CONFERENCE REPORT—SIGNED BY THE PRESIDENTS OF INDEPENDENT COLLEGES IN OREGON

Because of the many good things in the final bill, we wish we could support it—but we cannot. . . . Our objections to the bill are, we believe, basic and fundamental.

1. Although we are pleased with your general acceptance of the entitlement grant concept, the actual wording in this bill is so susceptible to political budgetary manipulations that we fear the entire program could easily be made meaningless after having raised the hopes of millions of potential recipients across the nation.

2. We are deeply concerned that the final version of "institutional aid" is—except for the very minor portion concerning graduate students—tied entirely to the question of aid to needy students. To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education. Higher education is for all students, not just needy students. Unfortunately, if this section is approved as written it may well further increase the difficulties of middle income students attempting to attend colleges of their choice. It could also tend to subvert the basic role and purpose of higher education institutions.

3. The appropriation process for this institutional aid program is so written that unless Congress were to fund the student aid programs for more than $1 billion, no funds at all would flow to any institution. A real and dependable program of institutional aid should be based upon a formula having to do with the needs of the institution and should then be financed by itself, not dependent upon other programs.

4. There is a very real need to reform the veterans benefit law regarding educational assistance but the provisions as written in this bill would not really aid veterans to achieve attendance at the college of their choice. It does, however, establish a back door method of giving indirect aid to public colleges with their lower tuition but would not significantly assist the independent colleges.

We regret having to take this stand, but we feel the bill is deficient. We do so with the hope and anticipation that next year Congress will be able to pass an improved and comprehensive higher education bill.

LIST OF PRESIDENTS

Dr. Rex F. Johnston, Columbia Christian College, Portland, Oregon.

Dr. David C. Le Shana, George Fox College, Newberg, Oregon.

Dr. John R. Howard, Lewis & Clark College, Portland, Oregon.

Rev. Christian R. Mondor, Mt. Angel College, Mt. Angel, Oregon.

Dr. James V. Miller, Pacific University, Forest Grove, Oregon.

Rev. Paul E. Waldschmidt, University of Portland, Portland, Oregon.

Dr. Roger J. Fritz, Willamette University, Salem, Oregon.

Dr. E. P. Weber, Concordia College, Portland, Oregon.

Dr. Donald Reid, Judson Baptist College, Portland, Oregon.

Dr. Gordon C. Bjork, Linfield College, McMinnville, Oregon.

Dr. Robert H. Krupp, Marylhurst College, Marylhurst, Oregon.

Dr. Paul Bragdon, Reed College, Portland, Oregon.

Dr. E. Joe Gilliam, Warner Pacific College, Portland, Oregon.

MONMOUTH, OREG.,
May 25, 1972.

DEAR MRS. GREEN: I agree with you completely and thank you for your stand. Today's often well-intended but poorly thought out "solutions" become tomorrow's problems.

From the very beginning to the present, as you have pointed out, this bill has had elements in it which will harm higher education and the nation. The backers of these elements both in the Congress and out have manifested a kind of simple mindedness about the complexity of educational problems. I grant that many of these persons are well meaning, but their proposed solutions are childish and their naivette is frightening. Others have acted through crass self interest. Still others have acted through fear—fear that higher education or large segments of it will collapse if the bill is not passed without further delay. (I am sorry to say that the education community itself has created most of this fear pressure.)

Please maintain your stand and do not allow higher education in the years ahead to be saddled by a bad bill. It is far better to extend the student aid benefits in the current programs for another year or as long as is necessary to get a Higher Education Bill that is statesmanlike.

Sincerely,

LEONARD W. RICE,
President, Oregon College of Education.

FOREST GROVE, OREG.,
May 30, 1972.

DEAR MRS. GREEN: Several presidents of Oregon colleges and universities have expressed our common concerns in a recent group letter. Permit me to add misgivings over my signature.

Reports in the national press and educational news sources seem to point to a fact: S659, Education Amendments of 1972, is "full of sound and fury" but of little value to most of the colleges and universities. Without full-funding of Work Study and NSDL and 75% funding of EOG there will be no funding of the Basic Opportunity Grant. This indeed sounds like a budgetary BOG. Then, too, as I understand the provisions, institutional aid depends upon at least 50% funding of the Basic Opportunity Grant. If so, such aid seems remote.

The part dealing with veterans will be of no help to most colleges. Why not provide an adequate G.I. Bill?

The bill provides little or nothing for the mass of our students and will thereby move most independent colleges one more step toward absorption into the state educational system.

I deeply appreciate your understanding and interest in education.

Sincerely yours,

JAMES V. MILLER,
President, Pacific University.

PORTLAND, OREG.,
May 25, 1972.

DEAR CONGRESSWOMAN GREEN: I wish to record formally my opposition to the Report on the Higher Education Bill by the Conference Committee.

Many of the decisions therein support provisions which were strongly opposed by the President of the University of Portland, and by one national association after another, representing the University of Portland.

As now reported, many an undergraduate four-year institution, like our own, would be discriminated against. Such a school would receive no general institutional aid and would receive institutional aid only as it is related to needy students who are receiving Federal financial assistance. We would be cut off, largely for trying to build a strong school academically.

The Institutional Aid formulas are all to unrealistic. Many an excellent institution of higher education would be locked out from such aid, and consequently the opportunity of helping many a really deserving student would be frustrated.

A bad feature of the Bill as now proposed is that it precludes the student from the middle income group. This student is often the needy student who would profit much by four years in a college or university, yet is hampered for lack of the support he needs.

What is badly needed now is Federal general support for higher education, badly needed now because of the escalating costs all along the line. The Report of the Conference Committee sets up barriers and formulas too unrealistic to really help where help is most needed.

Moreover, the provisions for veterans are unrealistic. It is not near what should be developed for the returning G.I. The guidelines and regulations that would have to go along with the Conference Report would never allow a good G.I. program to get off the ground.

I strongly oppose the acceptance of the Conference Report. Far better would be to extend present programs, to provide an opportunity to reconsider the Bill as it was overwhelmingly approved by the House. A one-year extension of present programs is now a necessity which I wholeheartedly support.

Sincerely,

Reverend MICHAEL G. O'BRIEN, C.S.C.,
Academic Vice President, University of Portland.

CARLISLE, PA.,
June 7, 1972.

Concerning the conference report on the Higher Education Amendments of 1972. I feel that the disadvantages of this report far outweigh the advantages. Personally I can not support it.

CHARLES TWICHELL,
Director of Student Aid, Dickinson College.

EAST STROUDSBURG, PA.,
May 26, 1972.

DEAR MRS. GREEN: This summarizes points I expressed in our conversation about the conference report on the Higher Education Amendments of 1972.

1. The Bill still makes provision for passing the cost of education to the student—particularly a hardship on the "working poor" who are not eligible for aid. It ignores the general public responsibility for the education of its citizenry. It does "recognize" special interest groups and, however laudible this may be, it is devisive. A fair basic opportunity for all ought to be a central goal and this can be achieved by a base general institutional aid.

2. The administrative costs of these new complex amendments will mount and mount, and my position is that a simpler, across-the-board formula would be easier to administer and money spent for administration could be put into "on line" support.

3. Students must have something by way of aid for the coming fiscal year. It is a fact that substantial numbers of students here at East Stroudsburg State College will not be able to attend college if existing levels of support are denied them. Your comment that '72 levels of funding can be maintained is reassuring. I share your concern about the government's current capability of implementing necessary steps to "get the money out" to the needy students under the new proposals.

I hope these comments may be helpful. With all good wishes.

Sincerely,

DARRELL HOLMES,
President, East Stroudsburg State College.

BRYN MAWR, PA.

Thank you for sending the analysis of the Higher Education bill. I support your position wholeheartedly.

MICHAEL A. DUZY,
President, Harcum Junior College.

GETTYSBURG, PA.

HON. EDITH GREEN: Share your judgment about the conference bill on higher education and commend your analysis. Please vote against the bill.

C. A. HANSON,
President, Gettysburg College.

CENTER VALLEY, PA.,
May 26, 1972.

DEAR MRS. GREEN: Higher education is, of course, in dire need of financial aid but I agree with you that this bill might very well force colleges to change their mission. Colleges have an obligation to provide quality education to all segments of the society. This bill, it seems to me, focuses completely on needy students who are receiving federal assistance and ignores needy students who, on their own initiative, are providing aid for themselves by such means as working their way through college and obtaining scholarships from sources other than government money.

I would hope that there could be a one-year extension of existing programs, with perhaps more adequate funding of economic opportunity grants to give aid to needy students; and that a bill similar to the one passed by the House which would provide institutional aid in terms of the number of students attending the institution be passed.

Sincerely,
Rev. J. STUART DOOLING, OSFS,
President.

LAFAYETTE COLLEGE,
Easton, Pa., June 1, 1972.

DEAR MR. PERKINS: I have before me your memorandum of May 19 summarizing the Conference Report on the Higher Education Amendments of 1972. At your invitation I am providing you with my reaction to the report.

There are some elements of the report which I favor. The increase in funding for the work study and guaranteed student loan programs, the improvement of community colleges, the extension of Title III for strengthening developing institutions, and the emergency assistance for institutions in financial trouble are all decisions which I favor.

However, I regret that I cannot add my support to the new program of entitlement grants or the program of institutional aid. I do not believe that the compromise developed through the Conference Committee addresses itself properly to current problems and may, in fact, produce greater difficulty in higher education in the future.

In many ways Lafayette College is representative of other privately-sponsored institutions. Tuition, room, board and other charges run approximately $4400 per year for each student. Consequently, a student receiving the maximum education opportunity grant ($1400) will still require nearly $3000 in additional aid per year to attend Lafayette College. Even with work study and national defense student loans, the institution would still have to commit nearly $1500 of its own scholarship funds to assist this student. Under these conditions, it is not likely that private institutions such as Lafayette would enroll many students receiving basic education opportunity grants, since each student enrolled adds to the financial burdens of the institution.

While I recognize the desire of Congress to assist disadvantaged students, I think it is unfortunate that the proposed legislation relates direct institutional aid to the aggregate amount of supplemental EOG, Work Study and NDSL funds received by each institution. Privately-sponsored institutions perform a great service to society by creating educational opportunity with least possible drain on tax revenues. However, under the proposed legislation privately-sponsored institutions would receive very little institutional aid since they are not likely to have many students enrolled who receive federal scholarships and work study grants. Consequently, federal support will be going primarily to those institutions which are already low charge due to state tax support, and the private sector which is in serious need of federal aid will receive very little.

If the proposed legislation were enacted, low-charging institutions would be encouraged to enroll more disadvantaged students and expand facilities for that purpose. Consequently more tax revenues would be required for such expansion. At the same time, spaces would remain empty in privately-sponsored institutions because those institutions were not receiving general institutional aid according to their service to society. Instead they would receive very little aid according to a formula which demanded substantial commitments from their own resources in order to enroll disadvantaged students. All in all the provisions for institutional aid seem to make things worse rather than better for most privately-sponsored institutions.

Under these conditions, I do not favor the immediate or long-range results which appear to emanate from the current proposed legislation.

Sincerely,

K. ROALD BERGETHON.

BETHLEHEM, PA.,
May 31, 1972.

DEAR CONGRESSWOMAN GREEN: I have received your letter of May 20 with its enclosures and have given it careful consideration. We have, on a continuing basis, attempted to keep abreast of the progress of both your bill and that bearing the name of Senator Pell. We have been favorably disposed toward the content of your proposed legislation and were dismayed at the results of the Conference Committee's deliberations.

After reviewing the contents of his memorandum to you, I find myself in complete agreement with President Stanford of Duke University. Clearly, the existing federal programs could do the job if fully funded. It is especially noteworthy that the attitude of Congress toward the funding of higher education has shown clear support for the self-help programs, and much less than full support for the "free money" programs. It is strange, indeed, that the Senate should now so overwhelmingly support yet another "free money" program.

I am writing to Congressmen Perkins, Flood and Rooney to convey the concern of Lehigh University. I sincerely hope that, should the current legislation proposal be defeated and continuing legislation for existing programs enacted for the fiscal year 1973, you will reintroduce your aid to higher education proposal.

Very sincerely yours,
W. DEMING LEWIS, *President.*

PHILADELPHIA, PA.

HON. EDITH GREEN: Recommend House defeats Conference Committees Higher Education Bill and approves one year extension existing program.

ROBERT H. THOMPSON,
President, Spring Garden College.

DUE WEST, S.C.,
May 25, 1972.

DEAR CONGRESSWOMAN GREEN: I have considerable misgiving about the Higher Education Bill as it came out of the Conference Committee. The provisions concerning student aid and the formula for the new institutional aid need further thought and reshaping.

I am, therefore, in favor of your suggestion of a one-year extension of existing programs, so that next year Congress can come up with a fully thought out solution of the complicated problems.

Sincerely yours,
JOSEPH WIGHTMAN,
Erskine College.

SPRINGFIELD, S. DAK.,
May 25, 1972.

HON. EDITH GREEN: Urge you to make determined effort for one year extension of present higher education bill. Conference committee bill has provisions which are intolerable for higher education.

CARROL KRAUSE,
Provost, University of South Dakota.

LAKE JACKSON, TEX.,
June 1, 1972.

DEAR CONGRESSWOMAN GREEN: I concur 100% with the statement you made, "To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education and to miss the point of the needs of students. Higher education is for all students, not just needy students." You go on to state, "Aid to institutions should relate to all students for the student from the middle income group is already being squeezed out and this new philosophy does not help. It aggravates the problem and therefore can not be considered good public policy."

I am appalled at some of the things being done in the name of education. I am gratified in the knowledge that there are still many in legislative positions who have the type character it takes to stand up and be counted. You I count as one of these.

I have sent letters stating my views, which are essentially identical with those you expressed, to Senator Harris of Oklahoma and to Texas Senators Tower and Bentsen. I also sent the same type letter to Congressmen John Young, Bob Casey and Olin E. Teague.

I believe that I can speak for a great majority of the forty-four presidents of Texas public junior colleges when I commend you for your action and encourage you to remain steadfast in your conviction.

Best wishes in your efforts.

Sincerely,
J. R. JACKSON,
President, Brazosport College.

HOUSTON, TEX.

HON. EDITH GREEN: Cannot support S. 659, agree with Sanford's letter of May 22 to you.

NORMAN HACKERMAN,
President, Rice University.

LOVELLAND, TEX.
May 26, 1972.

DEAR REPRESENTATIVE GREEN: In my estimation, the Pell Bill has many weaknesses, and I would certainly favor extending the existing programs for this year until these weaknesses can be worked out.

For example, our EOG allocation for FY 1973 was 26% less than our last year's appropriation. The CWSP allocation was 13% less than last year. The NDSL approved level of lending was increased by 4.5%, but this program has been self-sustaining for the past three years and required no additional government funds.

If the cost of fully funding the Pell grants runs about ⅓ more than the funding for the present programs, I have no reason to believe funding would be anywhere close to adequate under the Pell Bill. The present Federal programs will take care of all the needs of the needy students if the programs were fully funded by Congress.

Sincerely yours,
MARVIN L. BAKER,
President, South Plains College.

SEGUIN, TEX.,
May 26, 1972.

DEAR CONGRESSWOMAN GREEN: I agree with your views and appreciate very much the efforts that you are making to provide a sound program of institutional grants and financial aid for students, which would permit students to have a viable choice in the kind of educational institutions they choose. I hope you are successful in your efforts.

Best wishes.

Sincerely,

JOE K. MENN,
President, Texas Lutheran College.

POULTNEY, VT.,
May 26, 1972.

DEAR MRS. GREEN: Frankly, at this point I can see no value in passing the bill in its present form and like you I am of the opinion that it would be better to delay such passage for several months, if necessary, in order to obtain a satisfactory measure.

The present bill provides little, if any, assistance for the individual college by tying institutional grants to student aid. Unless the colleges themselves receive some form of assistance some of them will be in very serious difficulty before too long.

We are indebted to you for your concern for and interest in our colleges and universities during this critical time.

Sincerely,

RAYMOND A. WITHEY,
President, Green Mountain College.

DEAR CONGRESSWOMAN GREEN: I agree with the position which you have taken and I agree with the statement made by Terry Sanford. I hope that the House of Representatives does reject this bill and will start to work on a bill which will provide educational opportunities for all American youth but will, in addition, prevent the demise of an extremely large number of private colleges in this country.

Last year I met with the American Council on Education's Commission on Federal Relations to urge their support of a plan which would equalize educational opportunity in higher education and would preserve private higher education. I would very much appreciate your reaction to this particular plan. I would also welcome the opportunity to testify before your Subcommittee along with some other colleagues who are intrigued with the educational opportunity bank idea.

Because I am a long time friend of Claiborne Pell, I sent this suggestion to him at the same time as my meeting with the American Council on Education. He sent me a copy of his plan at the time and I was distressed at the proposed institutional aid in his program. It would do very little to help private higher education. It would merely make public higher education less expensive for states and municipalities. In essence, it is the Pell plan which has been adopted by the joint committee.

In spite of my preference for an educational opportunity bank instead of direct institutional aid, as it exists in your bill, I nevertheless support your bill. It would give direct and much needed immediate aid to private colleges which are in dire straits. It is worth fighting for and I hope that you will keep up the fight.

Cordially,

EUGENE C. WINSLOW,
President, Windham College, Putney, Vt.

As President of a private institution badly in need of funds but looking beyond private interest, I urge you to vote against the Higher Education Bill (S. 659) and to bring your influence to bear upon its defeat.

ROY D. HUDSON,
President, Hampton Institute, Hampton, Va.

DEAR MRS. GREEN: Thank you so much for sending your comments and Terry Sanford's letter about S. 659. I think there are very few people in the higher education community who are happy about the proposals that have issued from the Conference Committee. Regardless of the stand taken by our national organizations in Washington, many do not think it is wise, for the long run, to accept this form of higher education legislation. It is a matter of holding your nose and voting for proposals which you know will not serve the best interest of colleges and universities in the future.

I thoroughly agree with Terry Sanford's analysis, and I feel, with you, that an extension of the present programs of aid for "disadvantaged students" would adequately serve their needs. I emphatically do not think that institutional aid should be tied to the numbers of needy students enrolled at institutions of higher learning. The bill which you endorsed in the House meets our real problems more directly and realistically, and I know of very few of my colleagues who would not have preferred your formulas to Senator Pell's bill.

The problem of the middle income student is particularly severe at both private and public institutions. General institutional aid is the only approach that will begin to attack this problem. We are in grave danger of giving awards only for quantitative achievement in higher education, and the form of the proposed legislation accentuates this danger.

Every college and university is facing grave financial problems, but I think it would be woefully shortsighted of us to accept badly constructed legislation in the illusory hope of some short run relief.

Please let me know if I can be helpful to you in any way.

Yours very sincerely,

JOHN A. LOGAN, JR.,
President, Hollins College, Hollins College, Va.

MAY 31, 1972.

Hon. WATKINS M. ABBITT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ABBITT: We at Sweet Briar are not unaware of the necessity of compromise that makes politics "the art of the possible," nor are we deaf to the argument that half-a-loaf is better than none. Still, after a weekend of study and reflection we feel that the Conference Committee Report on the Higher Education Bill represents too unsatisfactory a compromise for us to wish to support it.

Our chief objection centers on the mixed formula for individual and institutional aid, which in the long run threatens further to weaken quality education at the higher level.

To judge by the correspondence received in the past few days, I assume ours is a minority position among educational institutions, but even so we urge you to oppose the current draft, approved by the Senate, in the belief that extension of existing programs and a hopefully wiser new proposal would provide a more desirable alternative.

Yours very sincerely,

HAROLD B. WHITEMAN, JR.,
President, Sweet Briar College, Sweet Briar, Va.

MAY 30, 1972.

DEAR REPRESENTATIVE GREEN: Thank you very much for your letter of 20 May 1972. It is certainly with a distinct feeling of chagrin and disappointment that I acknowledge this letter of yours. So many hopes of so many private colleges and universities were pinned to your amendment of the higher education bill. Seeing the frustration of your efforts is a distinct and bitter disappointment, I can only thank you for the very real interest which you have taken in the plight of our sector of American society. I can only encourage you to do whatever you can to see that a more equitable arrangement than the one reported out by the Joint Conference in one way or another becomes the law and the policy of this republic.

Very sincerely yours in Christ,

(The Very Rev.) MATTHEW NAUMES, O.S.B.,
Saint Martin's College, Olympia, Wash.

At the meeting of the program council of the Mountain State Association of Colleges, Inc., which included Alderson-Broaddus Davis and Elkin Salem and West Virginia Wesleyan on June 5, 1972, the following resolution was approved be it resolved that the Mountain State Association of Colleges, Inc., of West Virginia express its concern regarding current higher education legislation and urge that the present bill be extended for one year and be funded to the fullest extent possible allowing the various institutions immediately to make and keep their financial aid commitments to needy and worthy students and be it further resolved that the legislators in Washington be commended for their conscientious and continuous attention to higher education and be urged to consider further programs which will help to maintain the traditional strength of diversity in the nations educational structure and give vitality to the smaller developing institutions like the associations members, who are contributing in a growingly substantial way to the educational cultural and economic welfare of the nation through their service in Appalachia.

GORDON E. HERMANSON,
President, Mountain State Association of Colleges, Inc.

JUNE 5, 1972.

WIRE TO U.S. SENATORS AND CONGRESSMEN

Our presidents still strongly favor House version of education bill concensus is that higher education in general would profit by defeating the compromise bill and then authorizing the continuation of present programs, hopefully more adequately funded. We recommend trying for passage of stronger and more equitable legislation one year hence.

A. P. DUNLAP,
Acting Coordinator, West Virginia Association of Private Colleges.

MAY 24, 1972.

DEAR REPRESENTATIVE GREEN: A few years ago when new federal education and poverty programs were being cranked out in bundles, I recall a pertinent cartoon. A father, with his arm on the shoulder of his son who had just graduated from college, was saying, "Go into poverty, son—that's where the money is!" It looks like that's where the money will be for colleges.

After flip-flopping between expediency and longer range reality, I support your attitude on the Conference Report on the Higher Education Bill. I believe it will lead to an intemperate race by colleges for needy students regardless of their suitability for college work or national needs for college trainees. I believe that the Conference Report creates a more complicated student aid plan than what we have now. Furthermore, is the impending pressure on veterans to attend college in their best interests; is it in the national interest in view of the spiraling number of college graduates?

Furthermore, as I fight to recruit a few students to enter the fine program we have at our small private junior college, I have little sympathy toward means whereby community colleges can continue their spawning of new ones. In view of some hard facts on

population trends, it appears that such expansion is becoming willy-nilly. I therefore oppose Part A—Community Colleges. It is a prod to unneeded growth. The enclosed ERIC review I believe is thoughtful reading on this subject.

I prefer essentially your views as expressed last fall. I believe that the Conference Report is a half-loaf that offers little to most colleges beyond what we now have. Yet I do appreciate the mountain of man-hours spent in trying to hammer out a workable report.

Sincerely,

JUSTIN B. ROBERTS,
President, Ohio Valley College, Parkersburg, W. Va.

MAY 26, 1972.

DEAR MRS. GREEN: . . . My interest and concerns run deep, because I sense some threats to small developing institutions like Salem College. Although the institution was established in 1888 and has a long and distinguished career of educational service in Appalachia, it was not until recent years that the College emerged as a fully-accredited thriving institution performing increasingly important educational services.

Two major dangers are evident in the current legislation, it seems to me. One is that the private sector of higher education may be irrevocably weakened unless some major specific attention can be given to independent colleges like Salem very soon. Second, colleges like Salem are in double jeopardy. In addition to their independent status, they are "emerging," they are caught in a "twilight zone" between achieving real strength and prestige or being forced into oblivion.

My initial plea would be that we make arrangements to use our present higher educational facilities to the fullest extent possible before creating further junior and community colleges or inadvertently causing a greater inbalance between public and private institutions. It would seem to me wise to make some provision to assure free choice for students in selecting a college, providing "equalizing" grants or loans so they can go to private institutions if they so desire and still meet the higher tuition costs without economic prejudice or disadvantage.

In addition, I would urge that the present legislation be immediately authorized for extension while proposed legislation is being considered. This will serve two purposes. First, there will be more adequate opportunity to study the new legislation and perfect it in such a way as to more nearly meet all the needs. Second, it would allow both colleges and students to make immediate decisions regarding next year's educational programs. It is already almost too late. Many students, with an uncertainty about financial assistance, are deciding not to continue their educational programs or are transferring from colleges like Salem to tax-supported institutions.

Sincerely,

K. DUANE HURLEY,
President, Salem College, Salem, W. Va.

MAY 26, 1972.

DEAR CONGRESSWOMAN GREEN: I support without reservation your concept of a one-year extension of existing programs. I would hope for at least a continuing funding at the 1972 level, but would prefer an increase in several areas, particularly the work-study program.

I support fully your proposal to start in January, 1973, on a new higher education bill.

I share your fear that for too long a few universities have dominated higher educational policy for this country.

I find very pertinent the questions you raise concerning the wisdom of Congressional action to force universities to pay attention to "disadvantaged" and "needy" students, and the questions you raise concerning compensatory education at the higher education level. There are other pertinent questions which I believe should be considered, such as those involving current efforts to politicize the college and university and current efforts to transform the university into a multiversity. Further, I think the entire question of the relationship between the higher education components of our educational system to the high school and the elementary school, as well as to the vocational school, needs much closer scrutiny. It seems to me that the funding of higher education, in other words, must be tied much more closely to a clearer picture of national goals and national priorities.

Sincerely yours,

JAMES M. HANLON,
President, Marion College of Fond du Lac, Fond du Lac, Wis.

DEAR CONGRESSWOMAN GREEN: All of us in higher education are very concerned about the higher education bill and its many deficiencies. We worked with you and your office, as well as with others and their offices, in an imaginative new approach to relations between the Federal Government and higher education. It is disappointing to see that the heart of what we worked for has been eliminated from the bill.

It is quite obvious that the bill contains some good provisions. But aside from the busing provisions, it is extremely frustrating to note the insertion of the basic opportunity grants for institutional support based upon the number of students. The latter was an important principle, and its elimination certainly tends to dull enthusiasm for the bill. If we are to achieve equities of educational opportunity in the United States, aid to institutions of higher education should not be based on just one class of students. Rather, it should be based upon the needs of all who seek higher education.

I hope we from higher education will continue to enjoy your support as we work together to improve congressional legislation in the future.

Sincerely yours,

EDWARD W. WEIDNER,
Chancellor, University of Wisconsin, Green Bay, Wis.

I have been a supporter of your original bill, H.R. 7248, for over a year. On April 30, 1971, I wrote Congressman William A. Steiger strongly endorsing it and at the same time pointed out my objections to the companion bill of Senator Pell, S. 659.

I have the same deep misgivings about the conference committee, which follows the S. 659 pattern that prompted Terry Sanford, president of Duke University, to write you.

I, therefore, urge you to oppose the conference bill in its present form and to seek a one year extension of existing programs.

I further urge that the extension period be used to draft a sound educational bill along the lines of your original bill.

Confirming letter follows.

Sincerely,

R. E. GUILES,
Chancellor, University of Wisconsin, Oshkosh, Wis.

MAY 26, 1972.

DEAR CONGRESSWOMAN GREEN: Thank you for sending to me a summary of the Conference Report on the Higher Education Act. I am in agreement with your position on the institutional aid portion of this bill and would add to your arguments against same the following:

1. The formula would encourage the wealthier institutions to focus their high powered recruiting machines upon the disadvantaged students and the rich would get richer and the poor get poorer. Even worse, however, the disadvantaged students would be pawns in the "Dollar" game. Often finding themselves enrolled in an institution ill equipped to meet their needs.

2. The conditions attached to the Veteran's Grants create the same situations as described in No. 1 above.

A continuing resolution may be the most expedient way to solve our current dilemma, however, we would need supplemental funds for Educational Opportunity Grants and College Work-Study.

I sincerely appreciate your efforts to see enacted equitable legislation in support of Higher Education.

Sincerely,

CHARLES ROGERS,
President, East Wyoming College, Torrington, Wyo.

U.S. COURT OF APPEALS REVERSES SCHOOL BUSING DECISION IN RICHMOND, VA.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, yesterday the U.S. Court of Appeals for the Fourth Circuit in a 5 to 1 decision reversed the district court decision in Bradley against the School Board of the City of Richmond, Va., and held that the district court exceeded its power of intervention in ordering the joinder of the School District of the City of Richmond with the school districts of the two adjoining counties of Henrico and Chesterfield Counties in order to achieve a greater degree of integration and racial balance.

In his opinion, Judge Craven of the Fourth Circuit held that a judge may not compel one of the States of the Union to restructure its internal government for the purpose of achieving racial balance in the assignment of pupils to the public schools absent a showing of "invidious discrimination in the establishment or maintenance of local governmental units."

Judge Craven stated further that—

We think that the root causes of the concentration of blacks in the inner cities of America are simply not known and that the district court could not realistically place on the counties the responsibility for the effect that inner city decay has had on the public schools of Richmond. We are convinced that what little action, if any, the counties may seem to have taken to keep blacks out is slight indeed compared to the myriad reasons, economic, political and social, for the concentration of blacks in Richmond and does not support the conclusion that it has been invidious state action which has resulted in the racial composition of the three school districts. Indeed this record warrants no other conclusion than that the forces influencing demographic patterns in New York, Chicago, Detroit, Los Angeles, Atlanta and other metropolitan areas have operated in the same way in the Richmond metropolitan area to produce the same result. Typical of all of these cities is a growing black population in the central city and a growing white population in the surrounding suburban and rural areas. Whatever the basic causes, it has not been school assignments, and school assignments cannot reverse the trend. That there has been housing discrimination in all three units is deplorable, but a school case, like a vehicle, can carry only a limited amount of baggage. *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 24.

Mr. Speaker, in light of the current controversy raging throughout this Nation concerning the issue of possible cross-district busing and the merging of school districts for the purpose of achieving racial balance and because of the overwhelming widespread interest in this landmark decision, my own and other congressional districts in Michigan as well as throughout the rest of the country, I ask unanimous consent to insert the full text of the majority opinion of the court in the RECORD at this point:

[In the U.S. Court of Appeals for the Fourth Circuit]

MAJORITY OPINION

NO. 72-1058

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* The School Board of Chesterfield County, et al., Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

NO. 72-1059

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* The School Board of Henrico County, et al., Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

NO. 72-1060

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* The State Board of Education of the Commonwealth of Virginia, et al., Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

NO. 72-1150

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* Dawn Gauldin, an infant, by her next friend and mother, Judith Gauldin, and others, parents and school children of Chesterfield County, Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

Appeals from the United States District Court for the Eastern District of Virginia, at Richmond. Robert R. Merhige, Jr., District Judge.

(Argued April 13, 1972; Decided June 5, 1972).

Before Haynsworth, Chief Judge, and Bryan, Winter, Craven, Russell and Field, Circuit Judges, sitting en banc.

Philip B. Kurland (Andrew P. Miller, Attorney General of Virginia, William G. Broaddus, D. Patrick Lacy, Jr., Assistant Attorneys General, on brief for [The State Board of Education and the Superintendent of Public Instruction]; Frederick T. Gray, Walter E. Rogers, and Oliver D. Rudy, Commonwealth's Attorney for Chesterfield County, on brief for [The Board of Supervisors of Chesterfield County]; J. Segar Gravatt on brief for [The School Board of Chesterfield County]; R. D. McIlwaine, L. Paul Byrne, J. Mercer White, Jr., County Attorney for Henrico County, on brief for [The Board of Supervisors of Henrico County and the School Board of Henrico County] for Appellants; and George B. Little (John H. Obrion, Jr., James K. Cluverius, and Browder, Russell, Little, and Morris, and Conard B. Mattox, Jr., City Attorney, on brief) and Norman J. Chachkin (Louis R. Lucas, William L. Taylor, Jack Greenberg, James M. Nabrit, III, James R. Olphin, and M. Ralph Page on brief) for Appellees. (Stephen J. Pollak, Richard M. Sharp, David Rubin, and Shea and Gardner on brief) for Amicus Curiae, The National Education Association. (Richard Falcon, David Bogen, Melvin L. Wulf, Sanford Jay Rosen, American Civil Liberties Union, and Philip Hirshkop, on brief) for Amicus Curiae American Civil Liberties Union, American Civil Liberties Union of Virginia. (Brian P. Gettings, United States Attorney, David L. Norman, Assistant Attorney General, Department of Justice, and Brian K. Landsberg, Attorney, Department of Justice, on brief) for Amicus Curiae, The United States. (Theodore Walker Mitchell and William C. Chance, Floyd B. McKissick, Charles Conley, and Roy Innis, National Director, Victor Solomon, Associate National Director, Congress of Racial Equality, on brief) for Amicus Curiae, The Congress of Racial Equality.

Craven, Circuit Judge:

May a United States District Judge compel one of the States of the Union to restructure its internal government for the purpose of achieving racial balance in the assignment of pupils to the public schools? We think not, absent invidious discrimination in the establishment or maintenance of local governmental units, and accordingly reverse.

This is a new aspect of an old school case begun in 1961.[1] Neither the parties to this appeal nor the numerous amici permitted to file briefs question the duty of the Richmond School Board to achieve a unitary school system. *Brown v. Board of Education (Brown I)*, 347 U.S. 483 (1954); *Brown v. Board of Education (Brown II)*, 349 U.S. 294 (1955). *Green v. School Board of New Kent County*, 391 U.S. 430 (1968). Indeed, it is virtually conceded and established beyond question that, albeit belatedly, Richmond has at this juncture done all it can do to disestablish to the maximum extent possible[2] the formerly state-imposed dual school system within its municipal boundary.

What is presented on appeal is whether the district court may compel joinder with Richmond's unitary school system two other school districts (also unitary) in order to achieve a greater degree of integration and racial balance. The district judge felt compelled to order consolidation of the three school units partly because of his concern with what seemed to him an unfortunate racial balance in the three separate systems and partly because he felt this racial balance was the result of invidious state action. In his concern for effective implementation of the Fourteenth Amendment he failed to sufficiently consider, we think, a fundamental principle of federalism incorporated in the Tenth Amendment and failed to consider that *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971), established limitations on his power to fashion remedies in school cases.

Footnotes at end of article.

I.

The current phase of the case began on March 10, 1970. On that date the black plaintiffs filed a motion for further relief, and on March 19, 1970, in response to inquiry by the court, the Richmond School Board filed a statement to the effect that "they had been advised that the public schools of the City of Richmond are not being operated as unitary schools in accordance with the most recent enunciations of the Supreme Court of the United States." The board thus conceded that its previously implemented plan of integration, largely based on freedom of choice, which plan had been approved by the district court on March 30, 1969, was insufficient under *Green* v. *School Board of New Kent County, supra,* to constitute a unitary school system. The school board waived a hearing and further advised the court that it had "requested the Department of Health, Education and Welfare to make a study and recommendation as to a plan which would insure the operation of the unitary school system in compliance with the decisions of the Unitd States Supreme Court" said plan to be ready by May 1, 1970. On June 26, 1970, the court rejected the proposed HEW plan and granted leave to the Richmond School Board to submit another plan if they so desired. That plan was filed on July 23, 1970, and a hearing on its adequacy was conducted on August 7, 1970. Because of the imminence of the beginning of the school year 1970-71, the court approved this second plan purely on an interim basis. After several additional hearings, another plan, designated Plan III, was approved in April 1971 for the school year 1971-72, The Richmond city schools are currently operating under this plan. In *Bradley* v. *School Board of the City of Richmond*, 325 F. Supp. 828, 835 (1971), the district judge, having carefully compared the three proposed plans, plus a fourth one, called the Foster Plan, concluded that Plan III, if successfully implemented, would eliminate "the racial identifiability of each facility to the extent feasible within the City of Richmond." The court added that "this is the extent, under current law, of the affirmative obligation governing use of its [school board] available powers: . . ."

Meanwhile, administrators of the Richmond school system were having second thoughts, prompted perhaps by a colloquy between court and counsel having to do with possible consolidation of the Richmond school system with the adjoining school systems of Chesterfield County and Henrico County. Under the approved Plan III it was projected that the percentage of whites in high schools would range from 21 percent to 57 percent and the percentage of blacks from 43 percent to 79 percent, that the range in middle schools would be 19 percent to 61 percent whites and 39 percent to 81 percent black, and the elementary range would be from 20 percent to 66 percent white and from 34 percent to 80 percent black. Such arithmetic pointed up the obvious: that if the heavily white school population of the adjoining counties could be combined with the majority black school population of Richmond a "better" racial mix would result. Thus, on November 4, 1970, the city filed a "motion to compel joinder of parties needed for just adjudication under Rule 19." The court allowed the motion and the filing of an amended complaint directed toward relief against these new respondents: the Board of Supervisors of Chesterfield County, the Board of Supervisors of Henrico County, the School Board of Chesterfield County, the School Board of Henrico County, the State Board of Education, and the Superintendent of Public Instruction. On January 10, 1972, came judgment: all defendants, including the State Board of Education, the State Superintendent of Public Instruction, the school boards

of the two counties and the city, the boards of supervisors of the two counties, and the City Council of the city, were enjoined to create a single school division composed of the city and the two counties. In great detail, set out on some seven pages, methods and procedures of effecting consolidation were specified to be completed within time limitations. It is from this injunction that the state and county defendants prosecute this appeal.

II.

Were we to sustain this injunctive decree, the result would be one of the largest school districts in America. In the fall of 1970 the Richmond school district had 47,824 pupils and was the third largest school district in Virginia. The Henrico school division had 34,080 and was the fifth largest in Virginia, and the Chesterfield school district had 24,069 pupils and was the twelfth largest in Virginia. Richmond has a geographical area of 63 square miles, Henrico 244 square miles, and Chesterfield 445 square miles. The mandated school consolidation would thus create a district containing over 750 square miles and in excess of 100,000 pupils. In the fall of 1970 there were only 28 school districts in the entire United States containing 100,000 or more pupils, approximately 0.2 percent of all school districts in the nation. Presently in Virginia there is only one school district (Fairfax County) containing more than 100,000 pupils. The second largest is Norfolk with 55,739 pupils, and, as stated, Richmond is third with 47,824 pupils.

For the school year 1970–71, the Richmond City School Board operated 57 schools, and the racial composition of the pupil population was approximately 64 percent black and 36 percent white. Henrico operated 43 schools, and the racial composition was approximately 92 percent white and eight percent black. Chesterfield operated 28 schools, and the racial composition was approximately 91 percent white and nine percent black.

Beginning at page 234 of his opinion, the district judge sets out in some detail the theory advanced by various witnesses of a "viable racial mix."[3] In order to effect such a mix, the court approved, subject to trial and error, a lottery program similar to the national draft.

"Under the lottery program developed by the Richmond officials, whether a child is among those normally assigned to the school in his attendance zone who would be transported elsewhere is determined by birth date. A single birthday or 366 might be picked out of a hat. Then, starting with the first picked and taking all born subsequently, or following the list of 366 in order drawn, sufficient pupils are chosen to meet the quota of those to be transported out. After the child's status is determined according to the lottery, he would remain with his fellows during his tenure at each level of school. A new lottery would be conducted for him as he moved into middle school and later into high school." *Bradley*, at 236.

In his concern to achieve a "viable racial mix," the district court did not rule out the possibility of joining additional counties, *e.g.*, Hanover County (*Bradley*, at 248), and indeed ventured the opinion that "due to the sparsity of population in some of the adjoining counties, the task will not be difficult." *Bradley*, at 247.

It is not clear from the district court's decision the weight given to the testimony of various witnesses. Some importance, however, undoubtedly attaches to the testimony of Dr. Pettigrew adopted in part by the court below.[4]

"To achieve 'integration', in Dr. Pettigrew's terms one must have the 'mix plus positive interaction as we would want to say, between whites and blacks.' Current research indicates that in order to achieve these benefits there is an optimum racial composition which should be sought in each school. Dr. Pettigrew placed this at from 20 to 40% black occupancy. These figures are not at all hard and fast barriers, but merely indicate to the racial composition range in which interaction of a positive sort is the more likely to occur. Social science is not such an exact science that the success or failure of integration depends upon a few percentage points. The low level of 20% fixes the general area below which the black component takes on the character of a token presence. Where only a few black students are in the particular school, there simply are insufficient numbers for them to be represented in most areas of school activities. Such participation would be crucial to the success of integration. The high level of 40% is linked not to the likely behavior of the students so much as it is to the behavior of their parents. When the black population in a school rises substantially above 40%, it has been Dr. Pettigrew's experience that white students tend to disappear from the school entirely at a rapid rate, and the Court so finds. This is only possible, of course, when alternative facilities exist with a lesser black proportion where the white pupils can be enrolled. The upper limit, then, relates to stability." *Bradley*, at 250.

The district court concluded (*Bradley*, at 231) that "taking the three jurisdictions together," (Chesterfield, Henrico, Richmond) over the past ten years "the racial proportions have remained quite constant, at about 67% white and 33% black." The court stated that he rejected the notion that a goal of placing 20 to 40 percent black students in each school could be characterized as the imposition of a fixed racial quota,[5] but did note that "if the goal were achieved Negroes would be in a minority in each school." *Bradley*, at 234. He emphasized that this corresponded to the demographic pattern of the units combined, and, indeed, corresponded to the racial balance of the nation as a whole. However, in discussing the Richmond Metropolitan School Plan, the district court also emphasized the fact that without consolidation, very few pupils in the city or the counties would attend schools whose racial mix corresponded to that considered "viable" by Dr. Pettigrew, while with consolidation under the proposed plan,

"97% of the black students in the area would attend schools in the range of 20–40% black; the remainder would be in 15–20% black schools. Under that plan 92.5% of the white students in the area would be in schools of the optimum mix determined by Dr. Pettigrew, and 7.5% would be in schools with a 15–20% black enrollment." *Bradley*, at 252.

The desire of the district judge to achieve such a racial mix is quite understandable since the evidence seemed to indicate its workability in practice. But we think the adoption of the Richmond Metropolitan Plan in toto by the district court, viewed in the light of the stated reasons for its adoption, is the equivalent, despite disclaimer, of the imposition of a fixed racial quota.

The Constitution imposes no such requirement, and imposition as a matter of substantive constitutional right of any particular degree of racial balance is beyond the power of a district court. *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 24; *Spencer v. Kugler*, 326 F. Supp. 1235 (D. N.J. 1971), *aff'd mem.*—U.S. —, 92 S. Ct. 707 (1972).

III.

The boundaries of the three school districts, Richmond, Chesterfield and Henrico, have always been (for more than 100 years) coterminous with the political subdivision of the City of Richmond, the County of Chesterfield and the County of Henrico. The boundaries have never been changed except as occasioned by annexation of land within the two counties caused by the expansion and growth of the City of Richmond. The most recent annexation has resulted in adding to the school population of Richmond 10,240 pupils, of which approximately 9,867 are white.[6] It is not contended by any of the parties or by amici that the establishment of the school district lines more than 100 years ago was invidiously motivated. We have searched the 325-page opinion of the district court in vain for the slightest scintilla of evidence that the boundary lines of the three local governmental units have been maintained either long ago or recently for the purpose of perpetuating racial discrimination in the public schools. As the brief of the United States points out, to the extent, if at all, there are district court findings of inter-district discrimination, they are delineated with such a "broad brush" as to make "it difficult on review to say precisely what the violation, if any, was." We agree with the position of the United States that "this is not primarily a case about segregation required by law, because state law has never required segregation as between Richmond and the neighboring school systems."

With the discontinuance, at the instigation of HEW, of Chesterfield County's participation in the Matoaca Laboratory School, every black child in Chesterfield County attends a racially desegregated facility, and the school system is unitary. As early as 1969, HEW was satisfied that Henrico County was operating a unitary nonracial school system, and by June 30, 1971, with the elimination of the racial identifiability of the Central Garden School, Henrico County complied in all respects with the suggestions of HEW. It is thus established that in each of the three school districts the formerly dual system of schools has been disestablished and effectively replaced with a unitary school system within which no child is excluded from any school by reason of his race. The issue, also as urged by the United States, is whether the maintenance of three separate unitary school divisions constitutes invidious racial discrimination in violation of the Fourteenth Amendment.

It is urged upon us that within the City of Richmond there has been state (also federal) action tending to perpetuate apartheid of the races in ghetto patterns throughout the city, and that there has been state action within the adjoining counties also tending to restrict and control the housing location of black residents. We think such findings are not clearly erroneous, and accept them. Just as all three units formerly operated dual school systems, so likewise all three are found by the district court to have in the past discriminated against blacks with respect to places and opportunity for residence. But neither the record nor the opinion of the district court even suggests that there was ever joint interaction between any two of the units involved (or by higher state officers) for the purpose of keeping one unit relatively white by confining blacks to another. What the district court seems to have found, though this is not clear, is that there has been in the past action by the counties which had a tendency to keep blacks within the boundaries of the City of Richmond and excluded them from the counties. In arriving at this conclusion, the district court seemed to place great reliance on the selection of new school construction sites over the years, racially restrictive covenants in deeds, the non-participation of the counties in federally assisted low income housing, and testimony concerning private acts of discrimination in the sale of housing. If the district court's theory was that the counties were thus keeping blacks in Richmond schools while allowing whites to flee to relatively white sanctuaries, the facts do not support this theory.

Footnotes at end of article.

It is significant that of the 34,000 pupils enrolled in Henrico County schools for the school year 1970–71 only 2,035 (5.9 percent) had transferred from the Richmond city schools to the Henrico County schools during the preceding *decade*, and of this number 532 (26 percent) were black. Of the more than 2,500 pupils listed by the Richmond School Board as "missing" from the Richmond city schools for the 1970–71 school year, only 145 enrolled in Henrico County schools that school year, and of this number 36 (25 percent) were black.

Of the 20,676 Chesterfield children enrolled in Chesterfield County schools for the year 1970–71, only 1,335 had transferred from the Richmond city schools during the preceding 12 years. Except for 36, all were white. But, significantly, only 6.46 percent of the entire Chesterfield school population ever attended Richmond schools.

The Richmond white school population decreased from 17,203 in 1970–71 to 13,500 in 1971–72—a net loss of 3,703. But these white students did not move to Chesterfield or Henrico Counties. For both counties show a net white enrollment loss for the same period, Chesterfield down 208 white pupils and Henrico 366.

If we assume state action to keep blacks confined to Richmond, and none appears, it is evident that such action has failed to achieve its assumed invidious purpose. Richmond schools may be getting blacker, but so also are the schools of Henrico, and the trend may soon reach to Chesterfield. If the district court's conclusion was that, regardless of the effect on the schools in the City of Richmond, the counties' action kept blacks who lived in Richmond from moving to the counties, thereby perpetuating segregation in the public schools in the counties and thus denying to the plaintiffs the equal protection of the laws, we think that this conclusion is not supported by substantial evidence.

We agree that there has been some inaction, (*e.g.*, nonparticipation in construction of low income housing) by the counties here which may have restricted the access of blacks to residences in these counties. If we assume invidious purpose, and none is established, it is possible to draw an inference of cause and effect if one ignores the possibility that in a heavily white county much of such housing would likely be occupied by low income white. School construction site selection would seem to have little relevance to city-county movement by blacks, since, until recently, blacks who moved to the county would still have had to go to segregated schools. Thus the choice of whether to move or not would not have been influenced by the location of schools in the counties or the city. Former FHA policies and the use of racially restrictive covenants have doubtless had an impact on residential housing patterns within the city and the counties. The record does not establish whether or not Richmond's restrictive use of such tools of discrimination has been greater or less than that of the counties. We are thus unable to determine whether such discrimination, practiced in all three units, has had any impact upon movement by blacks out of the city and into the counties.

The two instances in the record of private discrimination in the sale of housing, illegal since *Jones v. Meyer*, 392 U.S. 409 (1968), are scant evidence of state action, even assuming that state inaction in preventing such discrimination is state action within the meaning of *Shelley v. Kraemer*, 334 U.S. 1 (1948).

We think that the root causes of the concentration of blacks in the inner cities of America are simply not known and that the district court could not realistically place on the counties the responsibility for the effect that inner city decay has had on the public schools of Richmond. We are convinced that what little action, if any, the counties may seem to have taken to keep blacks out is slight indeed compared to the myriad reasons, economic, political, and social, for the concentration of blacks in Richmond and does not support the conclusion that it has been invidious state action which has resulted in the racial composition of the three school districts. Indeed this record warrants no other conclusion than that the forces influencing demographic patterns in New York, Chicago, Detroit, Los Angeles, Atlanta, and other metropolitan areas have operated in the same way in the Richmond metropolitan area to produce the same result. Typical of all of these cities is a growing black population in the central city and a growing white population in the surrounding suburban and rural areas. Whatever the basic causes, it has not been school assignments, and school assignments cannot reverse the trend. That there has been housing discrimination in all three units is deplorable, but a school case, like a vehicle, can carry only a limited amount of baggage, *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 24.

To approve the consolidation of these three school districts would require us to ignore the tradition and history of the Commonwealth of Virgnia with respect to its establishment and operation of schools, as well as hold invalid various enactments of the Legislature of Virginia structuring Virginia's system of free public schools. In addition, there are some practical problems involving money and finance and taxes.

The power to operate, maintain and supervise public schools in Virginia is, and has always been, within the exclusive jurisdiction of the local school boards and not within the jurisdiction of the State Board of Education. *School Board of Prince Edward County v. Griffin*, 204 Va. 650, 133 S.E.2d 565 (1963). Indeed, the operation of public schools has been a matter of local option. *See Griffin v. School Board of Prince Edward County*, 377 U.S. 218 (1964).

Section 133 of the 1902 Constitution of Virginia provided that "the supervsion of the schools in each county or city shall be vested in a school board." But school boards, per se, including a court-ordered consolidated school board, are not authorized by law to raise funds for the schools. Instead, under Virginia law, a school board is fiscally dependent upon the local governing body, e.g., county commissioners or city council, and have no authority whatever to levy taxes or appropriate funds for school purposes.

Although it is true that under Section 132 of the 1902 constiution the State Board of Education can designate two or more counties or counties and cities as a single school division, and has done so on 28 accasions, Section 133 of the constiution contemplates that even after such "consolidation" the separate school boards of the combined units are to continue to function.[7]

In 1954 the General Assembly of Virginia enacted Virginia Code 22–100.1 et seq. Under these statutes a multi-unit school district with a single school board could be established, but only by the majority vote of the school board of each affected county and/or city and with the approval of the governing body of each affected unit and the approval of the State Board of Education.

Such a school division has never been established in Virginia. Prior to the order entered in this case on January 10, 1972, neither the school boards of Richmond, Henrico or Chesterfield nor any of the governing bodies of these units ever requested the State Board to take such action.[8]

Under the new Constitution of Virginia the State Board is given power to divide the Commonwealth into school divisions subject to "such criteria and conditions as the General Assembly may prescribe. At its extra session of 1971, the General Assembly enacted into law Virginia Code 22–30:

"(1) No school division shall be composed of more than one county or city.

"(2) No school division shall be composed of a county or city and any one of the following towns: Abingdon, Cape Charles, Colonial Beach, Fries, Poquoson, Saltville, or West Point.

"Notwithstanding any of the above criteria and conditions, the Board of Education may, upon the request of the school boards of the counties, cities, and towns affected, concurred in by the governing bodies thereof, consolidate or otherwise alter school divisions."

Thus neither under the old constitution and statutes in effect prior to July 1, 1971, nor under the new constitution and statutes in effect after that date, could the State Board of Education, acting alone, have effected the consolidation of the school systems of Richmond, Henrico and Chesterfield into a single system under the control of a single school board.

But even if we were to ignore Virginia law, as we are urged to do, there are practicabilities of budgeting and finance that boggle the mind. Each of the three political subdivisions involved here has a separate tax base and a separate and distinct electorate. The school board of the consolidated district would have to look to three separate governing bodies for approval and support of school budgets. The Turner Commission in its 1967 report on raising the level of public education in Virginia concluded that consolidation of school districts in Virginia could not work under Virginia's fiscal structure:

"It would appear that the *compulsory* consolidation of School Boards, not accompanied by a consolidation of all functions of local government, would need to have a degree of fiscal independence not available under present statutes."

Apparently none of the numerous witnesses examined in the district court was aware of any instance in American education in which any expert in the field had ever recommended the consolidation of three separate school divisions into a single consolidated school division having three separate tax bases.

We think it fair to say that the only "educational" reason offered by the numerous school experts in support of consolidation was the egalitarian concept that it is good for children of diverse economic, racial and social background to associate together more than would be possible within the Richmond school district. The expert thought that the optimum size school district was one having a school population of from 20,000 to 50,000 pupils. When a district is too small, specialized programs tend to be eliminated, and when a school district is too large, it tends to become unwieldy and cumbersome and to lose parent participation.[9] Thus the consensus was that the three separate school districts were about the right size, and the consolidated district much larger than desirable for educational and administrative purposes.

V

By the Tenth Amendment to the Constitution of the United States it is provided that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

One of the powers thus reserved to the states is the power to structure their internal government. "Municipal corporations are political subdivisions of the state, created as convenient agencies for exercising such of the governmental powers of the state as may be entrusted to them. . . . The number,

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Footnotes at end of article.

nature and duration of the powers conferred upon these corporations and the territory over which they shall be exercised rests in the absolute discretion of the state." *Hunter v. Pittsburgh*, 207 U.S. 161, 198 (1907).

"When a state exercises power wholly within the domain of state interest, it is insulated from federal judicial review." *Gomillion v. Lightfoot*, 364 U.S. 339, 347 (1960). The Supreme Court has always recognized "the breadth and importance of this aspect of the state's political power," *Gomillion, supra* at 342, but "has never acknowledged that the states have power to do as they will with municipal corporations regardless of consequences." *Gomillion, supra* at 344. If the states' near plenary power over its political subdivisions "is used as an instrument for circumventing," *Gomillion, supra* at 347, the Fourteenth Amendment equal protection right of blacks to attend a unitary school system, then the Tenth Amendment is brought into conflict with the Fourteenth, and it settled that the latter will prevail. *Gomillion, supra*. The facts of this case do not establish, however, that state establishment and maintenance of school districts coterminous with the political subdivisions of the City of Richmond and the Counties of Chesterfield and Henrico have been intended to circumvent any federally protected right. Nor is there any evidence that the consequences of such state action impairs any federally protected right, for there is no right to racial balance within even a single school district, *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 24, but only a right to attend a unitary school system.

In seeking to define the extent of a district judge's remedial power in a school case.

"It is important to remember that judicial powers may be exercised only on the basis of a constitutional violation. Remedial judicial authority does not put judges automatically in the shoes of school authorities whose powers are plenary. Judicial authority enters when local authority defaults.

"School authorities are traditionally charged with broad power to formulate and implement educational policy and might well conclude, for example, that in order to prepare students to live in a pluralistic society each school should have a prescribed ratio of Negro to white students reflecting the proportion for the district as a whole. To do this as an educational policy is within the broad discretionary powers of school authorities; absent a finding of a constitutional violation, however, that would not be within the authority of a federal court." *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 16 (1971).

Because we are unable to discern any constitutional violation in the establishment and maintenance of these three school districts, nor any unconstitutional consequence of such maintenance, we hold that it was not within the district judge's authority to order the consolidation of these three separate political subdivisions of the Commonwealth of Virginia. When it became "clear that state-imposed segregation . . . [had] been completely removed," *Green, supra* at 439, within the school district of the City of Richmond, as adjudged by the district court, further intervention by the district court was neither necessary nor justifiable.

As the Chief Justice said in Swann:

"At some point, these school authorities and others like them should have achieved full compliance with this Court's decision in Brown I. The systems would then be 'unitary' in the sense required by our decisions in Green and Alexander.

"It does not follow that the communities served by such systems will remain demographically stable, for in a growing, mobile society, few will do so. Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition or student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system. . . . in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary." *Swann, supra* at 31–32.

In devising remedies in school cases it is difficult to know "how far a court can go, but it must be recognized that there are limits." *Swann, supra* at 28. In *Spencer v. Kugler*, 326 F. Supp. 1235 (D. N.J. 1971), *aff'd mem.* —— U.S. ——, 92 S. Ct. 707 (1972), black plaintiffs sought to compel the joinder of separate school districts within the State of New Jersey for the purpose of achieving racial balance and preventing de facto segregation The three-judge court held de facto segregation, defined as racial imbalance that exists through no discriminatory action of state authorities, to be beyond the ambit of the Fourteenth Amendment. On appeal the decision was affirmed without opinion by a nearly unanimous United States Supreme Court. We think *Spencer v. Kugler, supra*, is indistinguishable and controls decision in this case.

Because we think the last vestiges of state-imposed segregation have been wiped out in the public schools of the City of Richmond and the Counties of Henrico and Chesterfield and unitary school systems achieved, and because it is not established that the racial composition of the schools in the City of Richmond and the counties is the result of invidious state action, we conclude there is no constitutional violation and that, therefore, the district judge exceeded his power of intervention.

Reversed.

APPENDIX A—RESOLUTIONS OF THE SCHOOL BOARD OF CHESTERFIELD COUNTY UNDER ORDER OF U.S. DISTRICT COURT OF JANUARY 10, 1972

Be it resolved by the School Board of Chesterfield County that:

1. Whereas, on January 10, 1972, the United States District Court for the Eastern District of Virginia, Richmond Division, did enter its Final Order in the case of Bradley v. School Board of the City of Richmond, et als, in which suit this Board was joined as a defendant, and

* * * * *

4. Whereas, it is the judgment of this Board that the best interest of the education of the children of Chesterfield County, and indeed, of the children of the City of Richmond and of Henrico County, will be promoted by maintaining Chesterfield as an independent division and system; and

5. Whereas, it is the judgment of this Board that, under no circumstances should a request under Section 22–30 be made for consolidation of the three separate divisions as required by the Order of January 10, 1972, until an agreement has been reached between the three separate political sub-divisions upon the value of the school property required to be transferred by each to the school board for the consolidated division and until payments required to equalize the value of property conveyed by each have been agreed upon among the City and the Counties based upon the value of the property conveyed by each and the anticipated school enrollment from each County and the City, and upon some other fair basis; and

6. Whereas, it is further the judgment of this Board that under no circumstances should a request be made as required by the Order of January 10, 1972, for consolidation of the separate school divisions of the Counties of Chesterfield and Henrico and the City of Richmond until the amount of the outstanding bonded indebtedness for school construction of each of the Counties and the City has been determined and agreement reached for the equitable distribution of the entire tax burden of the consolidated division among the two Counties and the City of Richmond based upon the anticipated enrollment of each in the schools of the consolidated division, or upon some other fair basis.

7. Whereas, if the members of this Board remained free to vote in accord with their independent and collective judgment and will, they would unanimously refuse to request the State Board of Education to create a single division to be composed of the Counties of Chesterfield and Henrico and the City of Richmond; and

* * * * *

9. Whereas, our attorney aforesaid has advised us that the Order of January 10, 1972, mandatorily directs that we cast our vote in favor of a "request" that the State Board of Education create a single division composed of the Counties of Chesterfield and Henrico and the City of Richmond on or before 30 days from January 10, 1972, under pain of punishment for contempt by fine or imprisonment should we fail to do so.

10. Now, therefore, acting under the duress, coercion, and compulsion of the penalties consequent upon doing otherwise, and acting contrary to our individual and collective judgment and wills, and under the compulsion of the Order aforesaid, we do adopt and vote for the following:

11. [T]hat we request the State Board of Education to create a single school division to be composed of the Counties of Chesterfield and Henrico and the City of Richmond; this request is, however, expressly limited to such period of time, only, as said Order shall not be stayed or reversed by order of the Court of Appeals for the Fourth Circuit or of the Supreme Court of the United States.

FOOTNOTES

[1] The history of this litigation unfolds in Bradley v. School Board of the City of Richmond, 317 F. 2d 429 (4th Cir. 1963); 345 F. 2d 310 (4th Cir. 1965), *rev'd and remanded*, 382 U.S. 103 (1965). After four years under a consent decree, the subsequent litigation in the district court is found in Bradley v. School Board of the City of Richmond, 51 F.R.D. 139 (E.D. Va. 1970); 317 F. Supp. 555 (E.D. Va. 1970); 324 F. Supp. 396 (E.D. Va. 1971); 324 F. Supp. 439 (E.D. Va. 1971); 324 F. Supp. 456 (E.D. Va. 1971); and 325 F. Supp. 828 (E.D. Va. 1971). The opinion of the district court which is the subject of this appeal is Carolyn Bradley v. School Board of the City of Richmond, Civil No. 3353 (E.D. Va. January 5, 1972), hereinafter referred to as Bradley.

[2] This is not a bussing case. That remedy, approved in Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), has been utilized in Richmond and is not challenged on appeal.

[3] "The term 'viable racial mix' was defined by Dr. Little as 'It is a racial mix that is well enough established that it will continue to prosper. It will be a desirable, reasonable mix for educational purposes. . . .'" Bradley, at 234, n. 22.

[4] In apparently adopting Dr. Pettigrew's viable racial mix theory, the district court rejected the testimony of another expert that the idea of a viable racial mix in which blacks must be in the minority in order to have a good education is a racist proposal. Dr. Hooker thought that the consolidation of schools in the Richmond area would "disenfranchise" black residents by preventing them from achieving control of the school system and would in time be resented by black citizens as paternalistic and patronizing. The position of one of the amici, the Congress of Racial Equality, is similar to that expressed by Dr. Hooker.

[5] The author of this opinion is not unsympathetic with the district judge's having

accepted the Pettigrew theory of "viable racial mix." In Brunson v. Board of Trustees of School District No. 1 of Clarendon County, South Carolina, 429 F. 2d 820 (1970), I wrote favorably of such an approach because of my dismay that white fleeing had actually *occurred* and would unquestionably continue until there were neither black schools nor white schools, but just black schools only. But in that case there was an extreme preponderance of blacks not present in the Richmond school district. Even so, I acknowledge doubt about my approach in that case and an increasing respect for the viewpoint of Judges Sobeloff and Winter expressed in opposition. Brunson, *supra* at 823.

[6] The district court's concern with viable racial mix has been partly alleviated by this annexation, which has now been approved by this court. Holt v. City of Richmond, Nos. 71-2185 and 71-2186 (4th Cir. May —, 1972).

[7] "There shall be appointed by the school board or boards of each school division, one division Superintendent of Schools. . . ." Constitution of Virginia § 133 (1902).

[8] Under coercion of the district court, the School Board of Chesterfield County, on February 5, 1972, adopted a resolution set out in part as Appendix A.

[9] Dr. Thomas C. Little, expert witness for plaintiff and associate superintendent of the Richmond schools, conceded that:

"You also reach a point, and I don't know exactly what that point is, some 50, 60, 70 thousand students, whereby it becomes unwieldy for certain types of operations, particularly your curriculum, your involvement and neighborhood input into the operation of your schools."

SUPPORT FOR MOBILE HOME SAFETY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FREY) is recognized for 5 minutes.

Mr. FREY. Mr. Speaker, H.R. 15157 which I introduced on May 24, 1972, with 24 cosponsors to establish uniform Federal safety standards for mobile home through a National Mobile Home Safety Bureau has resulted in a considerable amount of support from individuals and my own State of Florida.

I should like at this time to insert in the RECORD some representative letters which I have received.

Mr. Vestal Lemmon, president of the National Association of Independent Insurers—NAII—in announcing the support of the NAII for the legislation stated as follows:

The National Association of Independent Insurers, whose 535 affiliated companies write approximately 85 per cent of the mobile home insurance in the nation, supports the objectives of your proposed National Mobile Home Safety Act of 1972.

We wholeheartedly agree with you that in view of the mounting human and economic loss resulting from mobile home accidents, and the general lack of safety-related measures in the mobile home field, prompt action is needed to ensure the protection of the more than seven million Americans who live in this form of housing.

The absence of clearly-defined, enforceable safety legislation for mobile homes has had inevitable consequences in the insurance industry. As you pointed out in your recent comments on the floor of the U.S. House, the average mobile home fire loss has almost doubled in the last six years. Studies by the state of Oregon have concluded that fire loss in a mobile home as compared to its value is almost four times greater than the loss-value ratio of a conventional home; and the state of Arizona estimates that the mortality rate in mobile home fires is eight times higher than that in ordinary housing.

As our industry strives to provide the broadest possible protection at affordable and equitable rates, these conditions are unfortunately creating unnecessarily high underwriting exposures which are having a telling impact upon insurance costs. It is a bad situation and certain to get worse unless meaningful safety provisions are adopted and enforced.

The introduction of your bill, therefore, was encouraging and welcome, and the NAII is ready to lend whatever advice and assistance we can to achieve the objectives of your proposed safety Act."

A fireman in Gibsonton, Fla. wrote:

I am a fireman in The Gibsonton Volunteer Fire Dep't, and thus, am sitting on top of the situation as regards fires in these units. Fortunately, we do not have many mobile home parks, and none of those of 200–300 spaces, in our area.

When answering an alarm, and learning that it is a mobile home fire, my personal views are: that except for saving life, or personal possession, or protecting adjoining property, the engines may as well stay in the firehouse, because, if they are not at the scene in moments of ignition, it is certain to be a total loss, even though only one end may be destroyed. They go up that fast.

Now to the design of these homes.

Prior to the twelve wides, the second door of these units opened directly into a bedroom, giving occupants an escape route in case of fire. In the newer units, probably to preserve the decor of the bedroom, the second door is now situated in a hallway between the living and sleeping quarters. In this hallway are the heating furnace, entrance to the bathroom, and in some, a small bedroom. The main, or master bedroom, is at the end of the hall.

A malfunction in the heating unit during the night, and getting a little headstart, could prevent the use of that second door as a means of escape from the bedrooms. Also, the type of windows used in these units, are a detriment for getting out, and in some, with their placement near the ceiling, makes it an impossibility. I believe the second door should still open directly into the bedroom.

More on design, but for another reason.

I am also a driver and First Aider on the ambulance we operate in conjunction with the fire department. I find that in a good percentage of these homes, it is impossible to get into a bedroom with a stretcher, as we cannot make the turns, into them. Recently, while inspecting a new doublewide, (24 X 54), with three bedrooms, I noted that the same situation prevailed. As we know, many mobile homes are being purchased by elderly people, and as such, are more susceptible to falls, heart attacks, and other illnesses necessitating the use of a stretcher. Of course we can use an orthopedic (scoop) stretcher, but it takes more time, and even with its use, the patient would almost be in a vertical position to make the turn out of the bedroom to the wheeled stretcher. This is another reason why the second, or third door, should open into the bedroom.

I believe that the proper placement of doors in these units, and the use of better construction materials as your bill provides, would do much to make mobile home living that much safer.

The quality control manager of two national mobile home manufacturers stated:

Am very interested in the progress of your bill concerning safety factors of Mobile Home Manufacturing.

Have been Quality Control Manager for years, representing two of our National Manufacturers and placed my trade with smaller custom plants.

Their interest was quality but coding was a thorn in their side. I have worked close with state inspectors and MHMH (National inspectors), Insurance inspectors, etc.

Can I be of some help to you in this respect?

There are short cuts in construction which misrepresents wall structure as advertised yet legal but not defined.

I have been in trailer-mobile home industry for a straight 32 years and in all its phases and still at it.

I believe your bill will be a God-send to the public for their security, etc.

A long-time resident of mobile homes sent six photographs of unsafe conditions and stated as follows:

Your Bill on Mobile Homes Safety Laws, is what has been needed for a long time. I have lived in mobile homes since 1954. I know what an ordeal it is to get people to live up to their so called Guarantees and Warranties.

I am enclosing some photos, an advertisement of the home that I am living in now, also some newspaper clippings. This may be of some help.

Typical of the responses received from the many retired senior citizens who live in mobile homes is the following:

I retired at 73 with a fixed income of $5,300.00 and about 6 weeks ago purchased for $1,200.00 a double wide Mobile Home. Moved in April 1. The following evening the furnace started and fell apart. About 2 weeks ago during a hard shower the water literally ran in under the outside walls in seven different places.

President Peter F. Secchia of Universal Forest Products, Inc., which supplies materials for mobile home construction wrote:

We commend you on your Federal Standards Agency Proposal for mobile home construction. Our firm has long taken the position that we must standardize our construction methods and up-grade the industry.

I have been appointed Chairman of a nine-state committee for Lumber Standards and we are currently negotiating with Third Party Testing so that they will accept our procedure in structural rigidity testing proposals.

Should you need any information regarding the lumber usage and structural problems of mobile home construction, please feel free to call on our firm. We are the leader in this industry for technical and engineering knowledge.

These communications, Mr. Speaker, are a few of the many I have received since the introduction of H.R. 15157. Although 6½ million people now live in mobile homes and 95 percent of the single family dwellings under $15,000 are mobile homes, there is no effective regulation to protect the low- and moderate-income purchasers. The legislation I have introduced would fill this gap.

FEDERAL CONTROL OF THE LEGAL SERVICES CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. DEVINE) is recognized for 60 minutes.

Mr. DEVINE. Mr. Speaker, as my colleagues know, the other body will shortly consider the bill S. 3010, to amend and extend the Economic Opportunity Act of

1964. A bill extending the life of the Office of Economic Opportunity has been passed by this body. While I approved that bill as written it is certainly my hope that the Congress will enact, and the President will sign, legislation to accomplish that important objective.

There are, however, matters of some concern embodied in S. 3010, and I believe it will be useful to my colleagues to give these matters some consideration. I refer particularly to title IX of the bill, which would establish a new National Legal Services Corporation. I understand that several of my colleagues share my concern regarding this title, and I understand further that some distinguished Members of the other body have similar concerns which they intend to express in due course.

Mr. Speaker, my colleagues will recall the words used by the President when he vetoed S. 2007; in speaking about the National Legal Services Corporation:

In the Congress . . . the quintessential principle of accountability has been lost.

I am concerned, Mr. Speaker, that in S. 3010, that quintessential principle of accountability still has been lost, as it must obviously and most assuredly has been in H.R. 12350.

The thrust and philosophy of Title IX in S. 3010 is all in the direction of insulation from Federal review. Now surely, Mr. Speaker, no one in this body wishes to see the delivery of legal services to the poor be a political activity, subject to political pressures. Yet the fact is, that many of the activities of the Legal Services program have involved political aspects. Legal Services attorneys have run for office; they have organized pressure groups to influence legislators; some have even organized efforts to recall elected officials. My concern, Mr. Speaker, is that if this program is now removed from Federal oversight, with all the political involvement that is its history, and institutionalized, that it will prove impossible to depoliticize it. Section 913 of title IX provides:

Nothing contained in this Title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision or control over the Corporation or any of its grantees or contractees or employees, or over the charter of bylaws of the Corporation, or over the attorneys providing legal services pursuant to this Title. . . .

The amount of independence this confers upon the proposed Corporation is virtually infinite. Considering that over $60 million of taxpayers' funds have been expended annually by OEO on its Legal Services program, it seems to me, Mr. Speaker, to raise grave concerns about the proper relationship of Congress and this new Corporation. In an era when semiautonomous, quasi-governmental corporations are taking over so many functions formerly carried out either by Government or the private sector, it seems to me that Congress has a profound obligation to insure that public funds are expended in a responsible manner, and consistent with the intent of Congress.

I can fully sympathize, Mr. Speaker, with those Senators who are gravely concerned about title IX of S. 3010, and I can well understand why some Senators are contemplating the advisability of striking the entire title.

Mr. WAGGONNER. Mr. Speaker, the National Advisory Committee on Legal Services, which is supposed to provide guidance to the legal services program of the Office of Economic Opportunity, has come to be dominated by a self-perpetuating clique of persons presently or formerly connected with individual legal services programs or grantees. This results, quite obviously, in the supervision of Legal Services by persons with a vested interest in specific programs, which by anyone's definition constitutes a conflict of interest.

For example, among the present members of the National Advisory Committee is the president and no less than nine other officers and board members of the National Legal Aid and Defender Association—NLADA—which in the current fiscal year is the recipient of a $440,000 grant from OEO's legal services program. One vice president and director of the NLADA, who serves on the National Advisory Committee, is also president of the National Clients' Council, an offshoot of NLADA which is currently receiving $126,000 from legal services.

There are other, only slightly less glaring, examples. Antioch Law School's Urban Law Institute is presently being funded at the level of more than $500,000 annually. The co-dean of Antioch University Law School and executive director of the Urban Law Institute serves on the National Advisory Committee on Legal Services. So does a California attorney who is employed by the California rural legal assistance program—CRLA—which has received more than $2.5 million from OEO's legal services in the current fiscal year.

Can these individuals reasonably be expected to conduct themselves with a complete absence of concern for the organizations they represent, and focus entirely upon the total problem of the legal needs of the poor?

The simple truth is that the National Advisory Committee on Legal Services cannot exercise objectivity in the supervision of OEO legal services programs when its membership is to such an extent made up of persons associated with legal services grantees. Nor can the committee reasonably be expected to reflect a widely divergent spectrum of viewpoints and attitudes when so many of its members are drawn from the community of legal services grantees.

Another problem that has arisen out of the present structure of the National Advisory Committee on Legal Services has to do with the methods by which its members have, in the past, been selected and replaced. There has been no limit on the terms of service of committee members, and the membership has rather informally filled any vacancies that have occurred. The result has, of course, been a committee narrow in outlook, composed largely of persons sharing similar professional backgrounds, connections, and points of view. This, too, is unhealthy for the legal services program.

The National Advisory Committee on Legal Services must be entirely restructured if it is to perform its function without becoming a spokesman for special interests or a battleground in ideological warfare. It is not enough merely to permit the Board of Directors of the proposed Legal Services Corporation to appoint members to the Advisory Committee for unspecified terms of service. The term of service of members of the National Advisory Committee should be specified by statute, and a more responsible means of filling vacancies established. Until the Legal Services Corporation is actually inaugurated, the Director of the Office of Economic Opportunity should have broad authority to reconstitute the National Advisory Committee along the lines that will most effectively serve the cause of the provision of legal services to the poor, and should make recommendations with regard to the organization and function of the committee as an adjunct of the Legal Services Corporation.

Mr. HUNT. Mr. Speaker. I am glad to have this opportunity to participate in the dialog on the necessity of striking the provisions of the Economic Opportunity Amendments, S. 3010, contained in title IX proposing the establishment of an autonomous Legal Services Corporation.

The legal services program under the Office of Economic Opportunity has admittedly been controversial and there have been a large number of cases that few responsible authorities would doubt should not have been handled under the program with taxpayer funds. Perhaps more than anything else, the political pressures that have followed the controversy have kept the program in check even though the extent to which this has been successful can be compared with squeezing a water-filled balloon. Obviously, insulating legal services from those who are the elected representatives of the people can only serve to put this program beyond the bounds of reasonable congressional oversight and the ability of even the executive branch to enforce to statutory limitations respecting political activities.

Mr. Speaker, my experience with legal services to date is that there is a serious lack of accountability. This deficiency can only be compounded under the terms of the corporation concept and it should be of concern that while the objectives of providing legal services to the involuntarily poor are meritorious, there are no evident restrictions on the representation of the nonpoor or the voluntarily poor.

From all outward appearances of the provisions as written, coupled with the turbulent experiences that mark the present legal services program, it can be predicted that the enactment of title IX would result in the creation of another haven for Federal bureaucrats whose grievances against the system that supports them can be carried on with abandon and with little fear of reprisal or reprimand by the executive branch or the Congress. The concentration of such power whose exercise is deliberately left vague and subject to the most liberal interpretation cannot be vested in an autonomous agency of the Government

without jeopardizing the integrity of the Congress and its ability to be responsive to the people. I certainly trust this matter will be put to an early rest with the striking of title IX to forestall the possibility that the House will not have another opportunity to review this proposal should the legislation go directly to conference.

Mr. SPENCE. Mr. Speaker, many able arguments have been presented here this afternoon, serving notice that the National Legal Services Corporation, as proposed in Senate bill S. 3010, is an unacceptable alternative to the present structure of the legal services program. I am not sure there is anything new that I can add, for this topic is by now, in this Congress at least, a well plowed field.

Unfortunately, however, in view of the bill recently reported by the Senate Labor and Public Welfare Committee—S. 3010—it seems that no amount of plowing up skeletons is sufficient to deter some Federal legislators from their efforts to establish the forces of revolutionary change permanently upon our public landscape.

We all know that the present legal services program under the administration of OEO stands badly in need of reform. One legislative attempt at establishing a Legal Services Corporation has already been courageously vetoed by the President because it only worsened an already intolerable situation.

We have been assured by spokesmen for S. 3010 that the objections on which the President based his veto have now been corrected. My review of the bill, on the contrary, convinces me that this is one of the most flagrant examples of legislative whitewash ever perpetrated. In hardly a single significant respect has the bill been substantively improved, though a great deal of camouflaging verbiage has been added.

For this reason I am delighted for the opportunity which this special order provides. Mr. Speaker, I oppose the entire concept of a National Legal Services Corporation. If, however, there is to be such a Corporation, the structure outlined in S. 3010 is wholly and totally inappropriate. I would like to discuss the problem from both points of view.

I am, as I said, opposed to the entire concept of a quasi-public corporation for legal services. In the first place, such a structure tends to insulate from public scrutiny and control the activity it carries on. I can understand why the vast corps of legal services lawyers now operating under the program are anxious to be insulated from public scrutiny and control. But it is not in the best interests of justice for the poor or of good government for the country to so insulate them.

Equally as important, I have seen nothing to satisfy me that the corporation approach is the best way to refrom the present program. It is certainly not the only way.

Adoption of the Legal Services Corporation will effectively limit, if not entirely preclude, any meaningful experimentation with judicare, vouchers, or prepaid legal insurance as mechanisms for providing the poor with equal access to justice. Other alternatives may also be available.

It is my impression that any of the three aforementioned plans would be preferable to the Corporation with its permanent extension of the existing staff-attorney system. This is the system which presently threatens to preclude the development of private law offices in low-income areas. Instead of encouraging the development of a true choice in legal representation for the poor, we are now insuring—and would under the Corporation continue to insure—that low income minority groups are forced to patronize public legal services exclusively and, in the vast majority of cases, wind up being represented by lawyers with whom they have little in common, culturally or ethnically.

This fact, alone, I believe, does more to show up the current legal services program for the manipulative power struggle that it really is in many areas, than any other point that could be made.

I am not in favor of either perpetuating or encouraging that power struggle, and I am not in favor of a program which emphasizes class action suits and dramatic cases at the expense of serving the real legal needs of the poor.

Thus, I say again, I am opposed to the whole concept of a Legal Services Corporation. If we must have one, however, there is still no reason for enacting it in the form contained in S. 3010. There are enumerable failings and inadequacies in the bill. But one, alone, is sufficient in my estimation to mark the bill for rejection. That one fatal flaw is the fact that congressional oversight and review of the Corporation would be almost negligible. Congress could review the audits of the Corporation's financial operation. Beyond that, this quasi-public Corporation would be effectively beyond the reach of Congress except, of course, that it could refuse to appropriate funds for the Corporation or could abolish it entirely.

In addition, Office of Management and Budget authority in budget reviews would be severely limited and the authority of the Justice Department and the Civil Service Commission to enforce adherence to statutory limitations on political activity would be greatly restricted.

These facts, coupled with the unrealistic limitations on the appointment power of the President and the extent to which the governing board will represent vested interests, suggest that, all other criticisms aside, the bill is just as indefensible now as when it was vetoed earlier.

I would certainly hope that a successful effort will be made in the Senate to strike the Legal Services Corporation title from S. 3010. If that is successful, I would definitely favor a motion to instruct the House conferees to concur in the Senate action.

Mr. MATHIAS of California. Mr. Speaker, I wish to join my colleagues in voicing strong opposition to the enactment of any provision which would create an independent National Legal Services Corporation, unless this body has given full consideration to it.

The parliamentary problem now facing us is clear. If the Senate passes S. 3010, as reported, it will have approved a new National Legal Services Corporation. By inserting the language of the passed S. 3010 for the provisions of H.R. 12350, as passed by this body and as sent to the Senate, the Senate will confront the House conferees with provisions which this body has not yet had an opportunity to fully debate. It is not accurate to say the will of this body was expressed with respect to a Corporation last year, for the Corporation as embodied in S. 3010, as reported, is different from that acted upon by the House last year. Additionally, new factors have come to our attention, including what seems to be a never ending list of examples showing questionable activities being conducted under the auspices of the existing legal services program.

One thing is clear: This body has not yet had an opportunity to concern itself with the new proposal for a Corporation. This body should have that opportunity. It must.

What are some of the major policy and administrative issues that are yet to be resolved? Here are some:

First. The meaning and role of "accountability" of the Corporation, its directors, officers, and employees, and the meaning and role of "accountability" of project directors and attorneys within programs to be assisted by the Corporation, have not been resolved, either with respect to the public, to the client community, to the Congress, or to the executive.

Second. The role of Federal oversight with respect to this Corporation and program—to be federally authorized and to be federally funded—has yet to be resolved.

Third. The qualifications of attorneys and personnel who will provide legal services to the poor has yet to be resolved, despite evidence showing "attorneys" in some existing projects as not even being admitted to practice, and despite showings of overriding ideological, philosophical, and political motives among many project attorneys.

Fourth. The question as to who is eligible to be represented, if the new program is authorized, has not been resolved—and would not be resolved under the Senate language. Is it to be an income of $3,000 per year, or $6,000, or $9,000, or $12,000? Is it to include organizations? Who monitors the criteria? Who revises them?

Fifth. The nature of the attorney-client relationship within federally created and federally funded programs has yet to be resolved.

Sixth. The whole question of solicitation by project attorneys within the client community—of individuals and of organizations—has been left open ended.

Seventh. The question of the permissible scope of the outside practice of law and representation has been left open? Does it permit representation of parties otherwise excluded by the statute or by regulations? Does it permit the representation of criminals? Of prison "rights" organizations? Of the nonpoor? Would a project attorney be able to make such representations by taking "afternoon leave," despite his public identification with a legal services project?

Eighth. The question as to priorities and who determines them—the Congress, the Executive, the Corporation, the local programs, the project attorneys, the National Advisory Committee for Legal Services, the clients council, the project attorneys council, or members of the client community—and even the question as to whether or not there should be preestablished priorities—using, in the alternative, the rule that whomever needs help, if eligible, gets it—has been left unresolved.

Ninth. The role of project attorneys in criminal representations and in prisoner activities has been left unresolved, for the section which attempts to prohibit criminal representation leaves open such representation as pro bono publico work, as well as leaving open the possibility that numerous exceptions to the present prohibition will be taken over as exceptions into the new corporation.

Tenth. The role of project attorneys in so-called community organization—which typically means organizing chapters of the National Welfare Rights Organization, the National Tenants Union, and so forth—and in so-called community education—which usually means whipping up public hostilities—has been left unresolved.

Eleventh. The role and propriety of promoting ideological, philosophical, political, and partisan goals of project attorneys, sometimes to the detriment of the needs of clients, has been left unresolved. When a project attorney has his own self-imposed agenda, the case which does not conform to furthering the goals embodied within that agenda gets often pushed aside. The client is left without adequate representation.

Twelfth. The nature and the scope of the representation of organizations has been left totally unresolved by the section on eligibility. Can a project attorney represent any organization that purports to represent poor people? Even if that organization has sufficient funds for counsel? Even if a majority of the members are not poor? Even if the purpose of the organization is lobbying, such as NWRO?

Thirteenth. The efficacy of involvement and participation in, among project attorneys, direct action, political activity, legislative advocacy, and lobbying has been left open. For the first time in the history of the federally funded legal services program, legislative advocacy is specifically authorized by statute, if S. 3010 becomes law. Must such action relate to the needs of a specific client? At what point does one draw the line against solicitation of a client for such advocacy purposes? Is it not still outside of the permissible scope of conduct for a member of the legal profession to whip up masses at rallies against the Federal Government—when he draws his income from the Federal Government?

Fourteenth. The role of project attorneys on those issues not yet even resolved by the Congress—busing to achieve racial balance in the schools, abortion reform, work requirements for the receipt of public welfare assistance, to mention just a few—has been left open.

Fifteenth. The role of State officials has been left unresolved.

Sixteenth. The role of the State bar associations has been left unresolved.

Seventeenth. The shape the new program will take as an autonomous and independent Legal Services Corporation has been left unresolved.

Mr. Speaker, I suggest that these issues can be resolved only in one forum—the Congress of the United States. Full debate must be had by both bodies as to this legislation. It must have a full airing before the American public.

Mr. ARCHER. Mr. Speaker, proposed title IX of the EOA would create a National Legal Services Corporation as an independent, autonomous corporation. The legal services program now within OEO would be moved to the new Corporation, where it would be further expanded.

As it is presently structured in the committee-reported bill, S. 3010, I oppose this new Corporation. I share deeply the concerns expressed by my colleagues this afternoon. One of the most persuasive arguments which can be advanced against the reported bill is its failure to preclude possible conflicts of interest and the way in which such potential conflicts are actually set into motion by the terms of the bill.

One of the major problems in trying to set aright the present program within OEO has been that those who ought to be in a position to help straighten out the program too frequently represent the interests of organizations which are recipients of the benefits of the program. Many members of the National Advisory Committee on the Legal Services Program represent recipients of financial assistance from the programs—as grantees, as contractees, and so forth. Additionally members of the project attorneys organization and the clients organization are represented on the advisory committee. Can this be documented? Yes.

An analysis of the grants and contracts made by the Office of Legal Services, OEO, shows at least these grants and contracts to organizations represented on the National Advisory Committee. There may be more, but this is all that I could glean from the public press release gathered by my staff on very short notice.

Antioch College: Urban Law Institute. The co-dean and principal organizer of the Urban Law Institute under the auspices of Antioch College is Jean C. Cahn. Mrs. Cahn is a member of the National Advisory Committee on the Legal Services Program. Through a grant for program year July 1, 1971, to August 31, 1972—which means this will soon be up for refunding—the Institute received $559,761 from OEO's program. The total grant was $1,019,761; the balance of $460,000 was "to be drawn from sources other than the Office of Legal Services, pending authorization by Congress or the determination that OEO's funds for fiscal year 1972 were in excess of its requirements."

American Bar Association: Fund for Public Education. The ABA is represented on the National Advisory Committee by John W. Cummiskey, chairman of the ABA Committee on Professional Education; William Falsgraf, chairman of the board of governors of the ABA Committee on Legal Services; Thomas Gilhool of Philadelphia; William T. Gossett, former president of the ABA; Leon Jaworski, president, ABA; Robert Meserve, president-elect of the ABA; John D. Robb, chairman of the ABA Standing Committee on Legal Aid and Indigent Defendants; Jerome J. Shestack of Philadelphia; and Bernard Segal, former president of the ABA, and chairman of the National Advisory Committee.

For program year July 1, 1971, through June 30, 1972, $750,022 was given to the Council on Legal Educational Opportunity of the ABA. The ABA's Commission on Correctional Facilities and Services received a $124,450 grant for program year March 1, 1972, through February 28, 1973. The ABA's Special Committee on Housing received $70,000 in carry over from a previous fiscal year for the Boston Lawyers for Housing.

National Legal Aid and Defenders Association. NLADA is represented on the National Advisory Committee by John Douglas. The association received $440,000 for program year July 1, 1971, through June 30, 1972.

National Clients Council. The council is represented on the National Advisory Committee by Maryellen H. Hamilton, of Washington, D.C. For program year January 1, 1972, through September 30, 1972, the council received $126,300. It has been previously funded as a project of the National Legal Aid and Defender Association, its parent body, at the level of $118,100 for program year July 1, 1970, through June 30, 1971, and $77,197 for program year July 1, 1971, through December 31, 1971.

UNIVERSITY OF CALIFORNIA REGENTS

The University of California is represented on the National Adivsory Committee by two professors, Harold Horowitz and Earl Johnson, Jr. The National Housing and Economic Development Law project of the University of California at Berkeley received $224,451 for its economic development component for program year May 1, 1971, through March 31, 1972 and $344,955 for its housing law component for program year May 1, 1971, through March 31, 1972. The National Legal Program on Health Problems of the Poor of the University of California at Los Angeles received $311,920 for the program year ending September 30, 1972.

Mr. Speaker, I wish to make it perfectly clear, I have no evidence, and I am not suggesting, that these members of the National Advisory Committee have, in some clandestine manner, secreted sums of money from OEO for the organizations they represent. Public exposure and disclosure evidences that this is not the case. I do wish to make it clear, however, that a potential conflict does exist here in that, as the Holy Bible says, you cannot serve two masters. Thus, tension between different loyalties must arise if one must decide an advantage of one over and against a disadvantage of the other. Can a member of the commit-

tee have a genuinely disinterested posture with respect to an activity which involves funds for the organization he represents? Each must answer that question from his own conscience.

In my opinion, the new Corporation, if it does come into being, must be removed from susceptibility to falling into the alluring traps that have lured many other worthwhile antipoverty efforts away from recognition and realization of their stated objectives. They must avoid not only the conflict, but also the appearance of the conflict. They must avoid both as to "self-dealing," both as to providing funds more to the "poverty-industrial complex" than to the people they are intended to serve, both as to real or potential conflicts of interest.

The new Corporation should be free of such existing, or potential, conflicts. The only way to fully insure this is for the other body, or this body when it is considered by us, to reject any Corporation structure which does not contain absolute safeguards against these real or potential conflicts. Such conflicts should include:

A prohibition against any person, who is a partner in, or employee, officer, or designee of, any firm program, organization, or corporation receiving financial assistance at the time the act is enacted from being consulted or used in any official consultative capacity by the incorporating trustee during the transition period between the OEO program and the Corporation program.

A prohibition that no person who is a partner in, or an employee, officer, or designee of, any firm, program, organization, or corporation receiving financial assistance in any form whatsoever at the date of the enactment of the act, either under the existing program or the one to be created, shall serve on any advisory board, committee, or similar body constituted pursuant to the title to recommend, or to consider recommending, persons for appointment to membership on the board of the Corporation should be accepted.

A prohibition that no contract agreement, grant, loan, or other assistance shall be made with, or provided to, any firm, program, organization, or corporation of which a partner therein, or officer, or employee, or designee thereof, serves on the Board of Directors of the Corporation, the National Advisory Committee, or any other committee, board, council, or similar body organized pursuant to the title should be accepted.

A prohibition should be accepted as to the foregoing prohibition, except that it would be also applicable to those programs transferred to the Corporation from OEO.

Mr. Speaker, only with these changes in S. 3010, as reported, can conflicts no longer be an overwhelming concern to many Members of this body.

Mr. NELSEN. Mr. Speaker, it appears that one of the serious shortcomings of the Office of Economic Opportunity's legal services program is that it gives less than alequate attention to the needs of the elderly poor in this nation. There are 5 million Americans over 65 whose incomes put them below the poverty line. This represents one-fourth of the elderly population, and one-fifth of all low-income Americans. And although in other areas of need to problems of the elderly poor have received a great deal of attention lately, I believe that they receive far less than their fair share of the benefits of the legal services program.

In general terms, the elderly poor share the needs common to all persons below the poverty line, and in addition are affected by the problems of most of the elderly. Old age brings poor health; but financial resources are scarce and mobility is reduced, with the result that the health needs of the elderly poor are most likely to go unmet.

The elderly have greater difficulty than any other age group in securing employment, which of course reduces their financial security and may also contribute to a feeling of despair and hopelessness. The elderly often live in virtual isolation widowed, deserted by their relatives, unable to get around easily and often unable to afford even the simplest means of communication with the outside world. And perhaps most critically, they are frequently unaware of the availability of some assistance, either governmental or private.

In addition, we are all aware of the burden that inflation has created for the elderly, even for those who had been members of the middle class. The erosion of savings and pensions and the higher cost of living have particularly serious consequences for persons living on fixed, modest incomes.

These needs have been recognized, and steps have been taken to begin to meet them. In his message this past March, President Nixon outlined a comprehensive strategy of assistance to the aged, regardless of their income level:

Improvement of incomes;

Upgrading the quality of nursing homes;

Helping the elderly to live dignified, independent lives in their own homes;

Expanding opportunities for involving the elderly in community life;

Organization of government to meet the needs of the elderly.

The President is committed to increasing the improving social security benefits, and he has charged the Office of Economic Opportunity with the improvement of its legal services program for the elderly poor.

The aged have many legal problems requiring assistance. Some are related to housing and tenancy: evictions, rent increases, inadequate housing, and so on. Others involve consumer issues: Fraudulent sales techniques, false advertising, credit fraud, nonfulfilment of contracts, et cetera. There may be problems with social security and retirement benefits, welfare, disability insurance, veterans benefits and the like, or with private pension plans. And in some cases their problems involve issues of guardianship, competence, mental commitment, and so forth.

It is readily apparent that the elderly American, living in near or actual poverty on limited social security or other benefits, his savings eroded by inflation, is in no position to be able to pay for legal aid. It is therefore a legitimate function of OEO's legal services program to meet the needs of these unfortunate Americans.

It is not, however, always within the realm of intentions of the attorneys who man OEO's legal services offices around the country. In far too many instances, legal services staff attorneys prefer to concentrate their energies and resources on cases calculated to obtain extensive publicity, or to focus on so-called relevant social issues. They are most interested in class action suits and other cases that might lead to extensive, basic changes in our legal and social system. And only rarely do the needs of the elderly meet such criteria.

Mr. Speaker, I believe it would be appropriate for the Congress to direct OEO's legal services programs to devote to the elderly poor a portion of their program funds similar to the percentage of the elderly among the poverty population. In most cases, this would come to 15 to 20 percent of their resources, but in some areas it might be considerably higher. Although I recognize that OEO's programs are decentralized, and should be subject to very few federally imposed criteria, it would seem that such a provision is the only way to insure that the elderly are fairly treated by all legal services agencies. I trust that the Senate, in its current consideration of the OEO legislation, will give its attention to this problem so that such a provision may be incorporated into the OEO Amendments of 1972.

Mr. BETTS. Mr. Speaker, just recently, an OEO news release came across my desk that candidly points out how legal services lawyers are given blanket approval to conduct lobbying activities at the taxpayers' expense. The release—dated May 10—announced a grant of $101,251 from OEO to the Ohio State Legal Services Association to assist legal service lawyers in their efforts in behalf of legislation affecting the poor before the Ohio Legislature.

I certainly have no objection to a group of attorneys at their own expense, or through a private donation, representing the views of the poor before the U.S. Congress or the Ohio General Assembly. However, I seriously question the propriety of a Federal agency granting tax dollars to any group to lobby for passage of legislation that would benefit them or their clients. This is simply a matter of robbing Peter to pay Paul, and I feel the hard-working American taxpayer deserves an explanation. Not only are Federal tax dollars used to lobby the Legislature of Ohio, but there is always the possibility the lobbying will be done in behalf of legislation that, if enacted, would place even further tax burdens on the productive element of society.

For the RECORD, I want to read a part of the release. It states:

One of the OSLSA's (Ohio State Legal Services Association) most useful anti-poverty services is monitoring proposed or pending legislation which might affect the poor. In this way, when legislative committees meet or hearings are held on such legislation, Legal Services lawyers and their clients can be present to observe and voice their opinions.

"OSLSA also studies the need for new or revised legislation to protect poor clients and testifies before committees considering such bills. It suggests and drafts similar legislation. Since OSLSA's office is in the State Capital, its lawyers have frequent contact with other Ohio anti-poverty agencies. They suggest improvements in their services and encourage other Legal Services programs to take advantage of these state facilities.

It is interesting to note that the proponents of a Federal Legal Services Corporation with independence from so-called political control like to make the argument that partisan politics has no place in legal services programs for the poor. In other words, the elected representatives of the people should not be allowed to pursue congressional oversight, at least according to this argument. But, the unbelievable thing is that those who advance such an argument turn right around and declare with a straight face that tax dollars should be spent to lobby for passage of what can be very partisan legislation.

There is certainly no doubt in my mind why many people question the real purpose of the legal services program when such tortured reasoning is used to justify so obvious a double standard.

Mr. CRANE. Mr. Speaker, a dangerous tendency which is developing among significant segments of our Nation's governmental bureaucracy is highlighted by certain activities of the legal services program of the Office of Economic Opportunity. I speak of the growing inclination of many bureaucrats to ignore or even to violate openly the traditional American taboo against the use of governmental power and resources to further a particular ideological, philosophical, political or partisan point of view. And I submit that to a considerable and disquieting degree this predisposition has come to dominate the cadre of attorneys and other personnel affiliated with OEO's legal services.

The question, Mr. Speaker, is this: Who really runs America? Historically, our position has been that the final decision-making authority must rest with the people, that ours is a Government, as President Lincoln put it, "of the people, by the people, for the people." We, the elected representatives of the people, may have the obligation to exercise our own best judgment on public issues, but we are responsible, in the final analysis, to the people who vested in us the authority to make public policy.

It is vital to recognize that the policy-making authority in this Nation was never granted to the professional administrative bureaucracy of Government. We are not unique in this regard: indeed, no free society gives its bureaucracy the power to create policy. Only in the oligarchic states—the "big brother" societies—is such authority granted to professional government employees who represent no one and whose responsibility is only to their bosses. Certainly the framers of our Constitution never intended that the United States should become such a society.

But freedom is never easily maintained. If we are to keep our Nation a Republic, we must continually fulfill two absolutely essential requirements: Our institutions of government must unceasingly conform to the will of the people, as expressed through their elected representatives; and the American people must remain a constantly alert and informed public, capable of—and, more importantly, disposed to—the intelligent and responsible exercise of that will.

There are today many who say that this is a time of testing for the Republic. In recent years, to be sure, we have seen an increasing surge of public dissatisfaction with the course of events and some of the directions of public policy. The zeitgeist of the 1970's, we are told, is antiestablishmentarian, and we—indeed, the Republic itself—represent the establishment.

A significant part of the problem results from a widespread feeling on the part of the average citizen that he is powerless to control his own destiny, or to influence the course of events or the development of policy. In a nation of more than 200 million, the individual believes that his voice goes largely unheard, and he finds the realization frustrating.

One example of this frustration is the current "taxpayer's rebellion." No one has ever enjoyed paying taxes, but the understandable annoyance that most of us feel is severely compounded for many Americans by the feeling that they have no way to control the way in which their tax dollars are spent, at any level of government.

To many this is but a single symptom of a more serious general malaise, the apparent growth of governmental elitism. There is an increasing recognition in this country that there is one branch of the Government over which the people have absolutely no control at all. Even when the President and the Congress have determined the direction of public policy, the professional bureaucrats whose duty it is to administer that policy may very well frustrate it instead. Perhaps this is why the average citizen is so quick to anger at the thought of rising Government employment and salaries. "Bureaucrats aren't elected by me," the taxpayer will say in pique, "and I can't control what they do—so why should I have to pay their salaries?"

On a more serious level, this question might well be phrased thus: What recourse have the people when the bureaucracy begins to formulate and implement its own policy, or when it thwarts the implementation of policy determined by the elected leadership?

It is an important question. If America's form of government is to survive, the principle of accountability of the bureaucracy to the elected officials and ultimately to the people must be recognized and forcefully upheld. And although it is widely recognized, it is too often today honored more in the breach than in the observance.

The situation becomes particularly critical when the bureaucracy ignores or condones attempts by Government programs to violate the historical taboo against governmental support of an ideological or philosophical position, or of a particular political viewpoint. And, Mr. Speaker, this happens far too often, particularly in programs such as OEO's legal services.

The taboo is violated when the Government makes grants to organizations that advocate a particular philosophical or ideological position, be it the viewpoint of the Welfare Rights Organization, the black nationalists, or other radical activists. It would be equally wrong to make grants to the Minutemen or the Klu Klux Klan, but this is not what is happening. The taboo is further violated when the Government provides legal assistance to such ideological or political organizations or their representatives in legal battles intended to promote their philosophical premises.

The taboo is violated by the use of Government funds in either legal or extra-legal efforts to make basic changes in the system without any expression of the public will or recourse to the legislative process.

And finally the taboo is most greviously violated when those in positions of authority in government programs or grantee agencies focus their efforts upon political and ideological goals and then shout "political interference!" when someone dares to challenge them.

The legal services program conducted by the Office of Economic Opportunity is intended to serve the poor. Instead, it has become a hotbed of ideological and outright political activity: Supporting organizations engaged chiefly in radical activity, employing individuals better qualified as agitators than as attorneys, spending Government funds on projects that seek to make radical changes in our system without legislative action, only thinly veiled as "class action" and "civil liberties" lawsuits.

OEO legal services thus theatens the basic premise that the American Government should not be involved in the promotion of ideology, and is a prime example of the elitist attitude of those who would impose the will and convictions of a few radical activists and their champions in the bureaucracy upon the Nation as a whole, by molding our legal system to their own specifications.

Recent attempts to control such activities within OEO legal services have failed, largely because of the decentralization and independence of the program. I believe that the time has come for the Congress to act to prevent further such assaults on the American system by bureaucrats and attorneys who are supposed to serve the people of the United States.

Mr. VEYSEY. Mr. Speaker, section 18 of S. 3010, as reported in the other body, would add a new title IX to the Economic Opportunity Act of 1964, as amended. That new title would create a new National Legal Services Corporation and transfer to it the present activities and functions of the legal services program within OEO.

The concept of an independent corporation for the federally funded legal services program for the poor has received widespread support. It was proposed by the President in a message to Congress. It was endorsed by the American Bar Association. It has been supported in the Congress.

But the independent corporation proposed by the President and supported by

many is not the same as the corporation which would be created by section 18 of S. 3010.

The Legal Services program within OEO has been fraught with problems of administration and policy. It is felt that the program has been inadequately administered and monitored, has become too heavily involved in public policy issues, and has become a principal vehicle for radical and revolutionary activities and organization. Through its present approach, the program tends too often to treat poor people as a distinct class of people in our society, thereby drawing them further away from full integration with the mainstream of our society.

The principal question as to whether or not the Corporation, as proposed in S. 3010, ought to be created is whether it will be adequately accountable to the people through their elected representatives in the Congress and in the Presidency. The answer is, unfortunately, "No." Neither will the Corporation manifest itself in its new status any differently than it has within OEO, unless major changes are made by the Congress and carried out by the Executive. We can, in essence, expect the problem areas to go on unchecked, if the program is given a corporate status, virtually immune from Federal oversight. Certainly, a problem-plagued program within a Federal agency is not going to become free of those problems simply by transfer to a federally created and federally funded corporation.

Other problems exist with the Corporation, as proposed in S. 3010. These problems have been dealt with on a one-by-one basis by my colleagues today.

For the first time, the opportunity now exists within OEO to make substantial reform within the existing program—reforms of substance, not simply of form. It is critically important to remember that if the proposed Corporation is stricken from the language of S. 3010, it will not deny legal services to the poor. It leaves the present program intact within OEO. Within OEO, and with intensified efforts to aright the program, coupled further with the problem areas brought to light by the debate of this and the other body, it would be more susceptible to constructive changes than it would be in the new Corporation.

Mr. Speaker, I suggest that the appropriate course of action ought to be to strike the provisions creating a new Corporation, keep the existing program within OEO, and immediately set about to make changes in that existing program.

GENERAL LEAVE

Mr. McCOLLISTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the subject of Mr. DEVINE'S special order today and to include pertinent extraneous material.

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

There was no objection.

KEMP SPEAKS OUT ON BEHALF OF FIREMEN AND POLICEMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, today I presented testimony to the House Judiciary Committee on behalf of legislation I have cosponsored, H.R. 12629, which would pay a $50,000 death benefit to the family survivors of policemen, firemen, and other public safety officers who sacrifice their lives in the line of duty.

Generations of Americans have depended upon our police and firemen for both personal and family safety. Too often, I am afraid, we have taken their presence for granted. Our police and firemen, day after day, face harassment, tough working conditions and low pay—yet they are there when we need them.

I am proud to number among my friends many individuals who have chosen law enforcement or firefighting as careers. I know the immense personal sacrifices which are made daily by these brave men and women of the police and fire departments in order that we might feel secure on the streets and in our homes.

In my 39th District, which takes in part of Buffalo, N.Y., we are fortunate to have an especially outstanding group of police and fire officials. Among these are Frank Felicetta, the first American of Italian extraction to achieve the post of police commissioner of Buffalo; Pat Mangan, president of the Buffalo Professional Firefighters' Association; and Robert B. Howard, Jr., commissioner of the Buffalo Fire Department, whose recent statement I have included in my testimony before the House Judiciary Committee.

This legislation has the full support of the Police Benevolent Association which includes all ranks of the Buffalo Police Department.

And its benefits would provide protection to all the courageous and dedicated paid officers who serve Erie County, including those in the Erie County sheriff's office, the New York State Police, and those in law enforcement agencies protecting the citizens of Amherst, Cheektowaga, West Seneca, Depew, Angola, Lackawanna, the town of Tonawanda, Hamburg, Orchard Park, and Boston.

I would like to emphasize at this time, Mr. Speaker, my strong disagreement with administration spokesmen who have said that firemen do not need coverage such as that provided by my bill. I am in full accord with the International Association of Firefighters which has stated:

Firefighters are prime targets—sitting ducks—to those who foment and promote civil disorders. Virtually every city in the land is experiencing a fantastic increase in the number of false alarms to which firefighters must respond. A firefighter is just as dead when killed by a fall from his truck as he is when killed in a burning building. And every additional false alarm increases the chances of such a fatal accident. A firefighter is just as dead when killed by a sniper's bullet as he is when killed in a burning building. And our newspapers and other news media have been filled with stories of sniping attacks on firefighters during times of civil disorder. Indeed, one study of civil disturbances in 11 cities reported four firefighters killed and some 400 injured, a greater toll than that suffered by police.

Mr. Speaker, I believe that these courageous firemen, who risk their lives each time they answer a call, have unquestionably earned the right to be included along with policemen for benefits in legislation such as mine.

Through this bill we can repay in a very small part the immense debt we owe our police and firemen and their families. I have urged that the House Judiciary Committee give favorable consideration to this urgently needed legislation and I hope that it will be promptly passed by the Congress.

Mr. Speaker, I know that many of my colleagues share my deep concern for our police and firemen and I include for their consideration my testimony presented to the House Judiciary Committee:

STATEMENT BY HON. JACK KEMP

Mr. Chairman, members of the Committee and others present, I sincerely appreciate this opportunity to testify on behalf of legislation which would provide a $50,000 Federal death benefit to the families of public safety officers who sacrifice their lives in the line of duty.

The immensity of the law officer's task in today's complex society cannot be over-emphasized. They are our first line of defense against those who would destroy our freedom and all we hold dear.

Today, more and more, the police and fire fighters themselves are becoming victims of crime. With this appalling upsurge of attacks on both law enforcement officers and firemen, it is imperative that we aid those most directly affected, the families of those who have made the supreme sacrifice that we might go about our daily lives in safety.

H.R. 12629, which I have cosponsored, and other legislation which you are considering, would provide much needed assistance to those hapless victims of a deterioration of respect for law and order on the part of some elements of our society.

In 1970, one hundred law enforcement officers were killed on duty, a sixteen per cent increase from the previous year, and for every one hundred policemen, there were 18.7 assaults, an increase of around 11 per cent. Since then, the tragic toll has continued with over 90 officers killed in the first nine months alone of 1971. Most of these policemen had families who depended upon them for support as is evidenced by the fact that nine out of ten law enforcement officers killed in New York City during 1971 left a widow and on the average of three children.

Demands for more police protection are bringing an increased number of officers out into the streets where patrol duty is the most hazardous of all police activities. Not only is stronger legislation needed to protect our police and firemen, it is also our responsibility to assure that the families of these men, who daily place their lives in jeopardy on our behalf, receive a proper measure of security in the case of their death. This bill will provide reasonable and humane benefits for those bereaved families who at this moment must depend upon meager pension funds, insurance and contributions.

We owe much to our police and firemen, but special tribute should also be paid to their courageous families who also serve. Mr. Chairman, I include as part of my testimony a statement, Gallant Wives and Children,

made by Philip Conners, President of the Southboro, Massachusetts, Police Association. Although Philip Connors speaks of wives and children of police officers, his statement applies equally well to the families of firemen:

"GALLANT WIVES AND CHILDREN

"(By Philip Connors, President Southboro, Mass., Police Association)

"Their husbands and fathers have one of the most dangerous, discouraging and demanding jobs in the world. Their husbands and fathers are honorable and competent men. Their husbands and fathers know that they deserve every reasonable encouragement and rightful support.

"I am talking about wives and children of police officers. Not that it is just limited to them, for friends and relatives of policemen often suffer ridicule, scorn, harassment and assault, just because they are friends and relatives.

"It takes courage and understanding to be the wife or child of a policeman. Besides the long and unusual work hours the officers work, besides the danger and discouragement, often cranks will telephone, write or yell threats of death or destruction to the family. Wives and children often will be told their husband or father 'will not make it home tonight.' Often they are threatened with bombs or fire and sometimes even taunts and physical attacks. It takes a special type of person to read newspapers—with blurring headlines of 'Police brutality'—and yet knowing that really the headlines should read 'Police Brutalized' by persons.

"It takes a special family to know that their father or husband will work Christmas, and probably be pushed, punched, shoved and spit upon and yet be charged with brutality if he over-reacts.

"Knowing that criminals their fathers or husbands risk their lives arresting will probably be on the streets again before the police even finish the report, makes them wonder about justice.

"Wives and children must wonder where the people who yell for police help are, when the police ask for help. Yes, wives and children of policemen are courageous, sacrificing and understanding, knowing that they too do much to help combat crime, which if not checked and controlled will one day destroy this nation from within."

The attack upon law enforcement officers has also spread to our firemen whose occupation, the most hazardous in the Nation, is being increasingly endangered by hostile crowds. In some states, the arson rate is climbing several times as fast as the respective crime rate and each call to one of these fires means danger to the firemen and the possibility of serious injury or death. During a three-year-span in New York City, for example, over 2500 harassment incidents were recorded with over 650 firemen injured. Widows of firemen in several states receive only forty dollars per month in pension plans—a shameful amount when compared to the constant sacrifices of their husbands for life and property.

Mr. Chairman, at this point, I wish to include as part of my testimony the statement of Robert B. Howard Jr., Commissioner of the Department of Fire of the City of Buffalo, New York, who makes some excellent points concerning problems facing the fire services:

"PROBLEMS FACING THE FIRE SERVICES

"(By Robert B. Howard, Jr.)

"One of the most pressing problems facing urban fire departments today is the terrifically high cost of operations.

"Compulsory bargaining between municipalities and fire department unions has driven the cost of wages and fringe benefits, however they may be deserved, to greater heights than were dreamed of a few years ago.

"The reduction of working hours due to mandated shorter work weeks, more paid vacation days, longer vacations, and bereavement time periods is making necessary the addition of personnel and the reduction of the number of men assigned to each piece of fire apparatus.

"The cost of equipment, including fire pumpers and ladder trucks, rises about 10% per year.

"All these increases in the cost of operating today's fire departments have placed staggering burdens upon most of our already overburdened cities.

"The suggested restructuring of the firefighters job into different levels of skill, thereby requiring two or more people to do what one firefighter is presently doing is impractical and unrealistic.

"The apparatus unit crew strength of many fire departments today is below par because of the high cost of manpower,

"The above mentioned factors make necessary the present versatility and interchange ability of the firefighter.

"He must at various times be driver of the apparatus, tillerman on a hook and ladder truck, acting officer, nozzleman, ladderman, fire investigator, etc., because he must fill in for off-duty men during vacations, periods of sick time, personal leave time and bereavement time.

"Certification of firefighter training standards is one way by which we can maintain the proficiency which the Fire Service must maintain if the public is to be adequately served.

"Unfortunately, that proficiency is already diminishing because of reduced manpower strength.

"Another contributing factor in fire service operational costs is the inability of the Fire Chief to implement some suggestions made by fire protection engineers because of political considerations.

"All citizens, understandably want the best possible fire protection for his home area.

"Suggested elimination of unneeded fire companies frequently creates a storm of protests from angry citizens within an affected area.

"Elected public officials usually will be reluctant to approve actions which will affect their reelection campaigns.

"On the other side of the coin, survey firms which are hired by some cities to make operations and systems analyses in the interest of effecting economics sometimes make suggestions which decrease the effectiveness of the fire fighting forces.

"Few citizens wish to save a few tax dollars at the expense of the fire safety of their homes and their lives.

"The Fire Chief, after all, is a better judge of practical fire department operations than is an 'instant expert' analyst.

"The greatest problem, by far, which urban fire departments have had to face has been the massive conflagrations of the civil disturbance era. Hopefully, we think of this period in the past tense, but who can be sure of what the future may bring?

"It behooves the Fire Service to do everything possible to make all segments of our communities aware of the fact that firefighters are their friends and benefactors.

"Every member of the Fire Service group should be made aware of the fact that it is advantageous to himself to have a good rapport with the citizens of every segment of his community.

"Probably, the National Commission on Fire Prevention and Control can do more than any other organization to promote good will on both sides of the fence through the medium of a massive public relations campaign.

"Disadvantaged people must be brought into the mainstream of American Community life by making them and their more affluent neighbors aware of the fact that this is mutually advantageous.

"Arson and false alarms are apparently accepted forms of amusements for disadvantaged youngsters and to a certain extent for young adults.

"Vacant buildings are routinely set on fire in urban communities with a complete lack of regard for the safety and well-being of the occupants of adjacent buildings.

"Fire companies are tied up by these unnecessary fires and by false alarms, thereby necessitating the dispatching of more distant companies to handle real emergencies.

"Injuries and death, both among the civilian population and firefighters ranks, are too frequently the results of false alarms.

"Deliberately set fires have brought about a tragic situation in insurance cancellations and unconscionable increases in fire insurance premium rates within ghetto communities.

"A practice called 'red lining' is prevalent in many cities. This is an arbitrary designation of a large section of a disadvantaged neighborhood as uninsurable by a particular insurance company.

"Most of the buildings in the area may be just as sound and insurable as those in other sections of the city but the owners of the good property face the possibility of a disastrous fire.

"Home owners with tears in their eyes have appealed to me for help. People who had put a life time of saving into what they thought was the security of their homes, face the prospect of losing all their possessions in the event of a fire.

"Insurance companies which participate in their practice should be denied licenses to operate in cities where they have redlined sections of those cities.

"A powerful government agency might be able to bring about a cessation of the practice of 'red-lining'.

"The residents of ghetto neighborhoods must assume a share of responsibility in an effort to have them share in the good life which every American citizen should be entitled to. This country certainly has enough of the necessities by which this could be made possible.

"They must be taught that arson and false alarms hurt them more than they hurt anyone else.

"Ghetto residents must also be taught that the fire departments of their respective cities provide them with more dedicated service than any other municipal agency, regardless of what city is involved.

"The firefighter is the friend of all the people within his response area, and those people must be convinced that harassment of firefighters is comparable to a dog's biting of the hand that feeds him.

"Frustration resulting from inability to obtain all the benefits of first class citizenship is causing some members of the black communities to advocate separatism. This does not solve the basic problems which have caused the frustations which plague them.

"These people hate the so-called establishment of which the local fire departments are part. They must be told that even though the fire department is a municipal agency, it is not a part of the establishment in the sense that law enforcement agencies are.

"The fundamentals of fire prevention in the home and the advantages of careers in the Fire Service should be taught to people who have had little exposure to that knowledge which is taken for granted by the average American citizen.

"The National Commission could be the most influential agency in this nation in implementing these reforms."

Mr. Chairman, generations of Americans have depended upon our policemen and firemen for both personal and family safety.

Too often, I'm afraid, we have taken their presence for granted. Our police and firemen, day after day, face harassment, tough working conditions and low pay, yet they are there when we need them.

Mr. Chairman, through this legislation we can attempt to repay in a very small part the debt which we owe these gallant men and their families. I respectfully urge that your Committee give favorable consideration to this legislation and I very much hope that it will be promptly passed by the Congress.

Thank you.

ENVIRONMENTAL OVERKILL IN THE AUTO INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 10 minutes.

Mr. WYMAN. Mr. Speaker, concern for environmental quality has been of paramount interest to the Congress for the past decade. Through a whole new body of legislation, coupled with resurrection of older laws already on the books, Congress has established stringent pollution controls. In some cases, however, new standards are based more on desire for environmental overkill than on practicality. The utopian plateau of an absolutely pollution free environment is a worthy goal, but to legislate such a goal as a standard, without adequate consideration of the costs involved, both economic and social, is to shirk responsibility as legislators.

The automobile emission standards of the Clean Air Act of 1970 are an example of Congress legislating beyond genuine need in terms of the realities of life, in terms of jobs and daily living. Under this law, carbon monoxide and hydrocarbon emissions are required by 1975 to be reduced to 90 percent of the 1970 standards. This is not reduced by 90 percent rather by 96 percent because the 1970 standards were already higher than zero.

Such a standard requires that by 1975 automobile emissions must be approximately 96-percent pollution-free. Estimates of the added cost to the price tag of a new car for compliance with such a standard range up to $1,000 additional per vehicle, without considering the additional cost for gasoline required to operate the pollution control devices which will reduce mechanical efficiency and hence mileage-per-gallon on the order of one-third. Net cost to the consuming public for the last 6 percent over the 90 percent requirement for pollution free emission per car for an annual road mileage of 15,000 miles can run as high as $250 more per year per vehicle. This is both unrealistic and unnecessary.

Accordingly, I am today introducing legislation to provide that automobile carbon monoxide and hydrocarbon emissions be reduced by 90 percent over the actual emission of these pollutants. Such a reduction is within existing competence of technology and does not involve excessive additional cost to car owners. The remaining 10 percent, despite the dire predictions of the enthusiasts of overkill, will not poison the air humans breathe sufficiently to endanger public health, even in city streets.

Frankly, it is time for Congress to modify the present standards to a realistic level in relation to public health rather than setting a utopian goal as a required standard that in terms of the present level of technology is unrealistic in terms of cost, result and public need.

My bill is as follows:

H.R. ——

A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during or after model year 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(b)(1)(A) of the Clean Air Act is amended by striking out "reduction of at least 90 per centum from emissions of carbon monoxide and hydrocarbons allowable under the standards under this section applicable to light duty vehicles and engines manufactured in model year 1970." and inserting in lieu thereof "reduction of at least 90 per centum from the estimate of the average emissions of carbon monoxide and hydrocarbons which would have been emitted from light duty motor vehicles and engines manufactured during model year 1970 had such vehicles and engines not been subject to any Federal or State emission standard for carbon monoxide or hydrocarbons. Such estimate of the average of emissions shall be determined by the Administrator under regulations."

KLEINDIENST, SHAME, SHAME, SHAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the incredible Sharpstown scandal has not come to an end—perhaps it never will—but tomorrow it looks as if the whole sorry episode will end in a crowning irony, with the expected Senate confirmation of Richard Kleindienst to be Attorney General of the United States. This is the same Kleindienst who approved the action of freeing Frank Sharp from prosecution on any serious Federal charge, thus freeing the biggest fish of them all in the gigantic Texas scandal.

Let me say that the citizens of Texas did not have the moral blindness of a Kleindienst. The Sharpstown scandal has set off the greatest public housecleaning in the history of the State. At the polls, the Governor, the Lieutenant Governor, the speaker of the house, the newly appointed speaker of the house, the State attorney general, and about half the members of the State legislature have been retired through primary election defeats, and many of these defeats were wholly due to the feeling that people had that too many State officials had profited by the scandal, or simply had been too slow to search out and prosecute Sharp and the crooks associated with him.

Moreover, the speaker of the house, just replaced and then defeated in the primary election, has been convicted for his role in the Sharp scandel. Other legislators are facing criminal indictments for playing too fast and loose with their expense allowances. Both in the courts and at the polls, the people of Texas are dealing with the Sharpstown scandal and all that it symbolizes, the best way they can. The whole political atmosphere of Texas has changed; people have let candidates and officeholders alike know that they expect and demand better performance, higher standards, than have prevailed in the past.

In the face of this general housecleaning, it is a supreme irony that Frank Sharp has made a clean getaway. The only Federal actions that have been taken have been against the lowliest minions of the Sharp gang, save for the granting of what amounts to a Federal amnesty to Sharp himself.

There was only one reason that the Department of Justice extended its amnesty to Sharp, and that was political. Kleindienst sought, as I have at great length shown, to protect his subordinate Will Wilson from being caught up in the scandal, and at the same time to make political hay against Wilson's old Democratic enemies in Texas. As it turned out, Wilson had to resign anyway, because his close associations with Sharp became known, and eventually were the subject of national news and comment. And Sharp himself was a worthless witness; his testimony produced a handful of indictments against men of no importance to the Sharp empire, while the only political figures subjected to criminal action were indicted under State laws. Kleindienst was neither able to protect Wilson nor to do any political grandstanding.

Perhaps the failure of Kleindienst's venture was due to the ineptness of the local U.S. attorney down in Houston, who bungled the affair from start to finish. This fellow, one Anthony J. P. Farris, is so blatantly political that his politics interferes with his ability to do a job. Farris is so anxious to be a good Republican that, like an over-eager dog, he only gets in his master's way. Today, Farris claims that he might not recommend immunity for Sharp, but he blames his action on the State attorney general of Texas, who he says failed to dissuade him soon enough. Farris seems to think it was the duty of the State's officials to keep him from doing the wrong thing. I hate to remind him that he is paid to run his own office, and his mistakes are his own.

The Senate has been amused to find that certain California Republicans have been left free of any embarrassing prosecution by the Department of Justice. Kleindienst tells them that the faithful Republican attorney in this instance was wrong, and indeed acted improperly, but of course nothing has been done. He would not want to hurt the fellow's feelings.

Then of course we have the case of Kleindienst being offered a bribe, which he properly refused. However, he did not see anything particularly wrong with this, finding it just one of those things, and took no other action. Had Kleindienst any sense of the importance of the event, and the importance of discouraging future bribe offers, he would have had the man prosecuted rather than merely booting him out of his office.

And there is the sordid tale of Dita Beard, who now has disappeared from sight and mind, and of her employers,

ITT, who conveyed $400,000 or so to Kleindienst's boss, all in the spirit of good comradeship and in the interests of a jolly good convention. It was only a coincidence that following this, Kleindienst called in the antitrust chief, who dropped the biggest antitrust case in years, against that same ITT corporation. The now departed antitrust chief has been made a Federal judge. In the course of the ITT affair, the Justice Department wavered between discrediting Dita Beard, denying all, admitting some, or just enduring. It was the sorriest performance in years.

All of this—the moral blindness of Kleindienst, his incredible action in letting Frank Sharp go, his brazen political acts, his zany protection of incompetent subordinates—all of this is the kind of behavior that has so disaffected the citizens of Texas. They have demonstrated that they want none of it. And yet, we are about to see it all affirmed and blessed with the confirmation of Kleindienst to be Attorney General. We are about to tell the protesting and disbelieving voters not just in Texas but everywhere else, that ineptitude and outright dishonesty has its rewards.

I say shame—shame on Kleindienst and shame on the Senate if this man is confirmed. The country has not gone so far as to have to tolerate such men in its highest councils. The country has not become so blind as to be unable to see the difference between a good man and a sorry one. If we do not know now why people are casting protest votes by the millions, I despair of the future. If we are so insulated from reality that we can conceive of Kleindienst as being worthy of his office, then we well deserve the disgust of the millions of decent, concerned people of this country.

Mr. Speaker, the confirmation of Kleindienst will be a great irony; the people of Texas have plainly shown their impatience with a situation that made Sharp's thievery possible; yet Kleindienst has let Sharp go. His appointment, were it up to the voters of my State, would be soundly rejected for that reason alone. His action in letting Sharp go was a calculated political move, one that could not be defended on any moral grounds, and which failed even as a political tactic. Such a grand failure deserves not commendation and promotion, but condemnation and termination.

I hope that the Senate will reject this man; if it does, and I think that is the duty of the Senate to do so, then we can at least take comfort in the knowledge that the man who let Sharp go is getting his just desserts. If he is confirmed, it will only be another sorry chapter in the Sharpstown follies.

COST OVERRUNS ON AIR DEFENSE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the Army is shelling out an extra $377.6 million on cost overruns for new forward defense system. This air defense system which consists of the Charappal missile, the Vulcan gun and the FAAR radar is a botched-up disaster.

Despite the recognition of the problem since 1948, the Army cannot build a decent air defense system to protect our frontline infantry troops.

In addition, the Army is knowingly buying defective FAAR radar systems and paying almost three times more than the original estimated cost. The Army is consciously misusing public funds to buy admittedly inadequate equipment according to a recent General Accounting Office staff study.

The GAO study concludes that:

> The most recent tests leaves serious doubts as to the suitability of FAAR.

Despite the GAO's conclusion, the Army insists on producing 90 units before a reevaluation is made. Even the Army's old tests reveal that the radar systems suffer from six major deficiencies that the Army has done nothing about.

Since the completion of the General Accounting Office study in March, and additional $67.7 million of cost overruns have occurred resulting in the total overrun of $377.6.

The FAAR radar system itself has increased in cost from a development estimate of $41 million to $114.1 million. The original planning estimate for the FAAR radar was only $1.1 million.

I have been informed by Army officials that although the Army originally hoped to classify the FAAR radar as "acceptable" by January of this year, additional technical foulups will prevent its classification as acceptable until at least September 1972.

While the Chaparral missile and Vulcan gun are considered acceptable for Army use, the FAAR radar is not. But the missile and gun are useless in protecting our troops without a radar to spot approaching enemy planes.

I am writing to Secretary of the Army Froehlke today requesting that he penalize the contractor for his inability to build a decent radar rather than reward a company for botching the job. It should be forced to pay for its own mistakes.

Sanders Associates, of Bedford, Mass., is responsible for building this radar system.

Apparently changes in redesigns, delays and just plain mismanagement are the causes of these huge cost overruns.

My letter to Secretary Froehlke follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 7, 1972.

Hon. ROBERT FROEHLKE,
Secretary of the Army, Department of the Army, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I am most concerned about the huge cost overruns that are plaguing our air forward defense system program.

The air forward defense system which consists of the Chaparral missile, the Vulcan gun and the FAAR radar has been plagued by cost overruns, delays and managerial problems.

I am particularly concerned about the inability of Sanders Associates of Bedford, Massachusetts to produce an acceptable radar for Army use.

It is my belief that the Army should penalize the contractor for its inability to build a decent radar. Rather than reward a company for botching the job, it should be forced to pay for its own mistakes.

I hope that you can forward me those portions of the contract with Sanders that include provisions for penalty payments and tell me what the Army has done to penalize the contractor for its poor performance.

As long as we continue to reward contractors for waste and mismanagement, we will continue to suffer from huge cost overruns and deficient end products. The way to alleviate the waste and deficiencies is to place the contractor on notice that a poor job will no longer be rewarded.

Thank you very much for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

PRESIDENT NIXON SHOULD EXPLAIN WHY SALT AGREEMENTS INCREASE DEFENSE COSTS

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, I am perplexed by recent developments in the area of defense spending. For the last several days, Secretary of Defense Melvin Laird has been telling appropriate congressional committees that defense spending for strategic weapons must be increased.

After listening and studying the President's statements on the first agreements to limit strategic weapons, I was convinced that the costly arms race was being lessened. Yet, within the last few days, the Secretary of Defense has confused this issue. He has forcefully argued that the United States must forge ahead with new strategic weapons, at great cost, to assure our parity with the U.S.S.R. The Secretary specifically mentioned the need for a Trident submarine and a B–1 bomber for which the R. & D. costs for the next 2 years are estimated to be $1.6 billion and full R. & D. extends into many additional billions of dollars. Each Trident submarine, for example, will cost $1 billion. The news report this morning that DOD is planning to use $20 million saved by the limitation on ABM's to develop a new cruise missile further compounds the confusion.

I do not claim to be a defense expert, but when the President justifies the arms agreement as lowering the costly arms race and his Secretary of Defense claims we must spend more for strategic weapons, I believe the President owes the Congress and the American people an explanation.

TARIFF COMMISSION GIVES ASSISTANCE TO DUCHESS SHOE CO. OF SALEM, MASS.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, along with other Congressmen from New England I have been sharply critical in the past of the refusal of the Tariff Commission to make adjustment assistance available to companies in need of it, and entitled to receive it under the law.

Therefore, I think it is important today for me to give credit to the Commission for its forthright and courageous decisions of last Friday, certifying the Duchess Shoe Co. of Salem as eligible for adjustment assistance.

That company is in my district, but the importance of this case transcends the fate of any one company, for it comes after a long period of negative decision by the Tariff Commission on shoe company petitions and those of us who have worked for the industry's interests informed the Commission that we considered it a test case of the Commission's attitude toward shoe companies.

I am pleased to be able to report that the Commission passed that test well.

This one decision in favor of a company which made a very strong case by no means solves all of the problems of the shoe industry, nor does it mean that every shoe company that applies will automatically get approval. What it does mean is that for the first time in a long time, there is a disposition on the Tariff Commission to respond sympathetically and with understanding of the economic realities to companies hurt by imports.

I said this was a courageous decision, Mr. Speaker, because part of the blame for the sorry record of adjustment assistance lies with Congress and the Executive branch, as well as with the Tariff Commission. The statute is not well drawn, and the weakness of the language gives a coloring of legitimacy to those who wish to deny adjustment assistance to needy companies. In the face of this, and in the face of the long line of negative decisions, it took courage for the three-member majority to speak out firmly in favor of aiding the shoe industry at this time.

It is worth noting that one of those voting for the company was our former colleague, Mrs. Catherine May Bedell, who voted as Chairman of the Commission for the first time in a shoe case. And it is no accident, I believe, that Mrs. Bedell voted for adjustment assistance. As a former Member of the House, she knows the difficulty of drafting legislation, and she also knows what the House and Senate intended to accomplish when they enacted that provision. In other words, Mr. Speaker, the arrival on the Commission of a former Member of Congress has helped bring the Commission around to the position of carrying out the will of Congress. I think it is incumbent on us to correct the shortcomings of the adjustment assistance statute. I am cosponsoring amendments drafted by Congressmen ASPIN and FRASER to do that, but until we can get action on these amendments, large segments of American industry are dependent on the willingness of a majority of the Tariff Commission to carry out the clear intent of the law.

I am very glad to be able to report to the House that last Friday, Mrs. Bedell and Commissioners Moore and Parker did exactly that.

PROTECTING THE BILL OF RIGHTS IN MIDDLE CLASS HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, the Bill of Rights and our system of justice is supposed to protect everyone from the arbitrary actions of Government. Among the most important foundations of our democracy are the right to privacy, the constitutional prohibition against self-incrimination and the presumption that a person is innocent before proven guilty.

But in New York today, all of these foundations are being challenged. Middle class citizens are being forced to abandon their fundamental rights in order to live in decent housing at a fair cost.

Mr. Speaker, this outrageous situation began with a very noble experiment. A number of years ago, New York State established the visionary Mitchell-Lama program to encourage the development of reasonably priced middle class apartments. This law has not only enabled many New Yorkers to find decent housing, but has also provided a buffer against some of the worst excesses of inflation that other apartment dwellers have had to face.

In years past, the residents of this housing have had to sign an affidavit attesting to their middle income status. A tenant's signature was taken as his solemn oath—in the same way that his signature is used on a driver's license, a check, or a Federal income tax return.

This year, however, the managers of these apartment buildings have gone beyond the normal affidavit. They are demanding that each tenant sign a statement authorizing the New York City Finance Administrator to show his income tax returns to the State Division of Housing.

This procedure assumes that the tenant is guilty of defrauding the State—even though no tenant has been brought before a court of law on such charges. This procedure requires self-incrimination. This procedure opens up income tax returns to numerous curiosity seekers in the bureaucracy of New York—when instead the right of privacy should be protected. Indeed, we know that Federal income tax returns, which are available to the States, have been misused by some State officials.

So far as I know, only these middle class tenants are forced to forfeit their fundamental rights in this way.

Many organizations and people are subsidized. The officers of the Lockheed Corp. are subsidized. Certain builders in New York are subsidized. The officers of certain day care centers are subsidized. Yet none of these people are required to divulge their income tax returns.

Why are only middle class persons' rights so easily violated?

Mr. Speaker, today I have introduced legislation to protect the rights of these middle class citizens—the backbone of America. My legislation amends the fair housing laws which we enacted in order to end practices of discrimination in housing. When we passed those laws we could not have anticipated this latest form of intimidation.

These tenants should not be forced to choose between skyrocketing rents or the forfeiture of their rights. My bill would specifically protect them by providing that:

> No person shall be required by any officer of the Federal Government or any officer of any State or municipal government or any manager of housing or any other person to divulge his income tax return as a condition for residence in any housing, provided that such person is not under criminal indictment or authorized criminal investigation.

This legislation should not be necessary—but it is unfortunately now necessary. As we all know, "eternal vigilance is the price of liberty."

ADMINISTRATION SHOULD REPUDIATE STATEMENT BY SECRETARY OF LABOR HODGSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HENDERSON) is recognized for 5 minutes.

Mr. HENDERSON. Mr. Speaker, I have not seen an exact transcript of the statement made by Secretary of Labor Hodgson at the National Press Club on May 25, but my understanding is that in response to a question, he said he favored the right of union and management to negotiate union shops.

It seems to me that the White House should spell out whether this is the official administration position or just the personal opinion of Mr. Hodgson.

I would think, also, that the administration needs to spell out just what that means in terms of policy. Does it mean the administration favors the repeal of section 14(b) of the Taft-Hartley Act? Does it mean the administration does not support the 1968 Republican Party platform? Does it mean the administration does not support its own Executive order protecting Federal employees against compulsory union membership? Does it mean the administration favors repeal of the Henderson amendment to the Postal Reorganization Act?

It is hard for me to believe that the official administration position is in accord with Mr. Hodgson's statement. And if it is not, the statement should be specifically repudiated by the President.

INSTEAD OF UNEMPLOYMENT ENDING, UNEMPLOYMENT BENEFITS ARE ENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to call the attention of my colleagues in this House to a situation which is becoming more and more ominous with each passing day. I am referring to the fact that with national unemployment in the Nation hovering at a rate of 5.9 percent for the the past 20 months, and some States well in access of this figure for the same period, some States are in danger of exhausting the present unemployment compensation benefits provided in the Emergency Unemployment Compensation Act of 1971. The Emergency Unemployed Compensation Act of 1971, in fact, expires this month. Already the national extended

unemployment compensation benefit program has ended.

Under the terms of the Emergency Unemployment Compensation Act of 1971, the Secretary of Labor was directed to report to the Congress by May of 1972 on the operation of the extended benefit program as well as to make recommendations regarding extended benefits during a period of massive unemployment. To date, the Secretary has refrained from making any recommendations as to the future operation of the program. The report of many can only be considered disappointing to anyone reading it for specific recommendations. At that time, the Secretary claimed inadequacy of data as his excuse for refraining from making any specific recommendations. Instead he promised to be back in early June to Congress with these recommendations. However, to date the report has failed to make its appearance and rumors are circulating that this means the administration is not likely to come to Congress with a request to extend the program. The pressure of time would have dictated submitting such a positive recommendation as close to June 1 as possible.

I can only conclude from this delay, therefore, that for States like Massachusetts currently laboring under a 7.9-percent unemployment rate with thousands of people in danger of exhausting existing benefits the future is bleak indeed. It seems to me that this Nation is sophisticated enough to have on the books by now a long-term national program for coping with extended periods of unemployment such as we have experienced the past 3 years. The present patchwork of law and programs with the need to revise and extend periodically adds an element of uncertainty to the unemployed workers' problems, which they do not need. It is difficult enough to be unemployed without worrying about whether the unemployment benefit program is going to be around next month. It seems to me that the managers of our economy owe its victims—many of them unemployed directly as a result of the fiasco known as the game plan—a better deal than this. To justify failure to extend the emergency unemployment benefit program at this juncture on the basis of fiscal responsibility just does not stand up under close examination. The fact of the matter is that as the unemployed workers go off this program they will be looking directly to the States for welfare. If that is where the Secretary of Labor wants them—on Secretary Richardson's back rather than his own—then it can only strike me as so much passing of the buck. In fact, I think it could be argued that the cost of the Nation resulting from additional welfare recipients would be a lot worse than continuing those who are unemployed workers on an unemployment compensation program. If the Secretary of Labor fails to act then it seems incumbent upon Congress to pick up the cudgels without further delay.

I want to close by adding a copy of a letter just received from the AFL–CIO on this subject:

AMERICAN FEDERATION
OF LABOR AND CONGRESS
OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., June 6, 1972.

Hon. JAMES A. BURKE,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BURKE: The Secretary of Labor this past week reported an unemployment rate of 5.9 percent for the nation. Unemployment has hovered between 5.7 and 6.2 percent at the national level for the past 20 months. The continuation of persistent high unemployment has imposed a severe hardship on the long-term unemployed because the legislative mechanisms which determine whether extended benefits under the Employment Security Amendments of 1970 shall or shall not be paid are unsuited in a period of continuous high unemployment. The Emergency Unemployment Compensation Act of 1971 expires this month.

On June 2, 1972, President Meany in a letter to the Secretary of Labor, James D. Hodgson, urged revision of the formulae which set in motion the extended benefit payments under the Employment Security Amendments of 1970, and extension of the Emergency Unemployment Compensation Act of 1971 for an additional year.

Enclosed is a copy of President Meany's letter to Labor Secretary James D. Hodgson.

We strongly urge the Congress at the earliest practicable opportunity to enact legislation to meet the needs of the long-term unemployed.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

A COMPREHENSIVE REFORM OF OUR TAX LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. ULLMAN), is recognized for 10 minutes.

Mr. ULLMAN. Mr. Speaker, today, I am introducing a bill to call for a comprehensive reform of our tax laws including a rewriting and simplification of the entire Internal Revenue Code during the two sessions of the next Congress.

I join my chairman, WILBUR D. MILLS, in wanting to see a comprehensive reform of the tax laws. I believe, however, that the termination of specific provisions would cause considerable uncertainty in many areas of economic planning and business conduct.

Under my bill, the same 54 items are listed for tax review as were listed by Chairman MILLS in H.R. 15230. I make it clear, however, as I think he intended, that the tax reform measures I am concerned with are not limited to these 54 items but would also include any other tax reform measures with which the House Committee on Ways and Means might be concerned. I am particularly anxious that we review measures designed to simplify the Internal Revenue Code.

Under my proposal, the House Committee on Ways and Means will be directed during the first session of the 93d Congress to review at least one-half of the 54 provisions previously referred to by Chairman MILLS and specifically referred to in my bill and to report to the House of Representatives before the close of the session a bill which repeals or modifies those provisions which the committee determines should be repealed or modified, also indicating those provisions which it believes should be continued as they are. The committee is also directed to review and study the second half of these provisions, and to report a bill repealing and modifying these provisions to the extent it so determines during the second session of the 93d Congress. As I have already indicated, the committee during its consideration of the preferences which are listed in the bill is also expected to consider other areas especially those which deal with the problem of simplifying the tax laws.

I expect the committee in its work to rewrite many provisions of the Internal Revenue Code and to state them in terms which are much more readily understandable to the average citizen. At the same time, I expect to see a real reform of the tax laws and the elimination of loopholes. I think it is important that in this 2-year period ahead, we do the whole job.

The text of my bill follows:

H.R. 15360

An act to insure orderly Congressional review of tax preferences and other items which narrow the income tax base

REVIEW BY HOUSE COMMITTEE ON WAYS AND MEANS

SECTION 1. The Committee on Ways and Means of the House of Representatives is hereby directed, during the first session of the 93rd Congress, to review and study at least one-half of the income tax items described in section 2 and to report to the House of Representatives before the close of such session a bill to repeal or modify those items reviewed during the session which the Committee determines should be repealed or modified. The Committee on Ways and Means is hereby directed during the second session of the 93rd Congress to review and study those items listed in section 2 which were not considered by it during the first session of such Congress, and to report to the House of Representatives before the close of such second session a bill to repeal or modify those items reviewed during such session which the Committee determines should be repealed or modified. The Committee is directed in its report on each bill to specify any item listed in section 2 which the Committee reviewed and decided should be retained in the law without modification. The Committee is authorized to include in such bills reported to the House of Representatives such other amendments of the Internal Revenue Code of 1954, not covered by the items listed in section 2, which the Committee determines are needed or desirable—

(a) in order to simplify the income tax laws and particularly the individual income tax return,

(b) in order to broaden further the income tax base of individuals and corporations or otherwise reform the income tax provisions, or

(c) to reform and improve the estate and gift tax provisions.

INCOME TAX ITEMS TO BE REVIEWED

SEC. 2. The following income tax provisions of the Internal Revenue Code of 1954 shall be reviewed, as provided by the first section, by the Committee on Ways and Means of the House of Representatives:

(1) The corporate surtax exemption.—The surtax exemption of $25,000 provided for corportations by section 11 of such Code.

(2) Retirement income credit.—The re-

tirement income credit allowed by section 37 of such Code to individuals on retirement income.

(3) Investment credit.—The credit against tax allowed by section 38 of such Code to individuals and corporations for investment in certain depreciable property.

(4) Credit or deduction for contributions by individuals to candidates for public office.—The credit allowed (to a maximum of $25) by section 41 of such Code to individuals for contributions to candidates of public office, and the deduction (to a maximum of $100) allowed to individuals by section 218 of such Code for such contributions.

(5) The $30,000 exemption for the minimum tax.—The substraction under section 56 of such Code of $30,000 each year from the sum of the items of tax preference for the year in computing the minimum tax on items of tax preference.

(6) The deduction of ordinary income taxes for the minimum tax.—The subtraction under section 56 of such Code from the sum of the items of tax preference for the taxable year of the ordinary income taxes paid for the year in computing the amount subject to the minimum tax on tax preferences.

(7) Group-term life insurance purchased for employees.—The exclusion from gross income under section 79(a) of such Code of the cost of $50,000 of group-term life insurance purchased for employees.

(8) Exclusion from gross income of $5,000 employee's death benefit.—The exclusion from gross income under section 101(b) of such Code of $5,000 of a benefit paid by an employer upon an employee's death.

(9) Tax-exempt interest.—The exclusion from gross income under section 103 of such Code of interest on obligations of a State or possession of the United States, or of any political subdivision of a State or possession.

(10) Exclusion from gross income of sick pay.—The exclusion from gross income under section 105(d) of such Code of amounts received by an employee from his employer as sick pay.

(11) Exclusion from gross income of rental value of parsonages.—The exclusion under section 107 of such Code from the gross income of a minister of the gospel of the rental value of a home or a rental allowance furnished to him as part of his compensation.

(12) Exemption from tax of $100 of dividends received by individuals.—The exclusion from gross income provided by section 116 of such Code of $100 of dividends received by an individual.

(13) Exclusion from gross income of scholarship and fellowship grants.—The exclusion provided by section 117 of such Code of amounts received as a scholarship or as a fellowship grant.

(14) Exclusion from gross income of gain on sale of residence by person over age 65.—The exclusion from gross income provided by section 117 of such Code of gain from the same of the taxpayer's residence if the taxpayer has reached the age of 65 years before the sale.

(15) Additional exemption for age 65 or blindness of taxpayer or spouse.—The additional exemption of $750 provided by section 151 of such Code if the taxpayer has reached the age of 65 before the close of the year and an additional exemption of $750 if he is blind.

(16) Exemption for child whose income exceeds $750.—The deduction allowed by section 151(e) of such Code for a dependent child of the taxpayer where the child has gross income in excess of $750 and is entitled to an exemption of $750 in the return filed by him.

(17) Deduction of nonbusiness interest.—The deduction allowed under section 163 of such Code for interest paid where the indebtedness was not incurred in carrying on a trade or business or an activity for the production of income.

(18) Deduction of nonbusiness taxes.—The deduction allowed under section 164 of such Code for certain taxes where they are not incurred in carrying on a trade or business or an activity for the production of income.

(19) Deduction for nonbusiness casualty losses.—The deduction provided in section 165(c) to an individual of casualty losses not connected with a trade or business.

(20) Treatment of loss of certain nonbusiness guaranties.—The treatment under section 166(f) of such Code as an ordinary loss, rather than a short-term capital loss, of payments made by an individual on account of his nonbusiness guaranty of the obligation of another individual.

(21) Fast depreciation methods.—The allowance for depreciation under section 167(b) of such Code by use of the declining balance method or the sum-of-the-years-digits method.

(22) 20-percent variation under the asset depreciation range system.—The provision of section 167(m) of such Code which allows the use by the taxpayer of a 20-percent variance from any class life prescribed by the Secretary of the Treasury.

(23) Charitable contribution deductions.—The deductions allowed under section 170 and 642(c) of such Code for charitable contributions and gifts.

(24) Deduction of research and experimental expenditures.—The election provided by section 174 of such Code to treat research and experimental expenditures as deductible expenditures.

(25) Deduction of soil and water conservation.—The election provided in section 175 of such Code to treat soil and water conservation expenditures as deductible expenses.

(26) Additional first-year depreciation allowance.—The additional first-year depreciation allowance for small business provided by section 179 of such Code.

(27) Deduction of expenditures for clearing land.—The election provided by section 182 of such Code to treat expenditures incurred in the clearing of land for use in farming as deductible expenses.

(28) Amortization of railroad grading and tunnel bores.—The election provided by section 185 of such Code to a domestic common carrier by railroad to take amortization deductions over a period of 50 years for railroad grading and tunnel bores.

(29) Medical expense deduction.—The deduction allowed an individual under section 213 of such Code for medical, dental, etc., expenses.

(30) Household and dependent care deduction.—The deduction allowed under section 214 of such Code to an employee for certain household and dependent care services.

(31) Deduction of moving expenses.—The deduction allowed under section 217 of the Code to an individual for expenses paid in connection with the commencement of work at a new location.

(32) Deduction of intangible drilling and development costs.—The deduction provided in section 263(c) of such Code for intangible drilling and development costs in the case of oil and gas wells.

(33) Nonrecognition of gain on appreciated property used to redeem stock.—The exceptions and limitations provided in section 311(d)(2) of such Code on recognition of gain when a corporation distributes appreciated property in redemption of stock in such corporation.

(34) Nonrecognition of gain in connection with certain liquidations.—The provisions of section 337 of such Code for nonrecognition to a corporation of gain or loss incurred on the sale of property in the course of complete liquidation during a 12-month period.

(35) Capital gain treatment for lump-sum distribution from pension funds.—The provisions in section 402(a)(2) and 403(a)(2)(A) of such Code for capital gains treatment for certain lump-sum distributions received on account of an employee's death or termination of employment.

(36) Treatment of employee stock options.—The exclusion from gross income provided by section 421 of such Code upon exercise by an employee of a qualified or restricted stock option.

(37) Tax exemption of credit unions and mutual insurance funds for certain financial institutions.—The exemption provided by section 501(c)(14) of such Code to credit unions (without capital stock and not operated for profit) and certain corporations (not operated for profit) organized for the purpose of providing reserve funds for building and loan associations, cooperative banks, and mutual savings banks.

(38) Treatment of bad debt reserves of banks and other financial institutions.—The special deductions for reserves for bad debts allowed by section 585 of such Code to banks and by section 593(b) of such Code to mutual banks, building and loan associations, and cooperative banks.

(39) Percentage depletion for oil, gas, and other minerals.—The allowance for depletion provided in section 613 of such Code for oil, gas, and other minerals, based upon a percentage of gross income, with a limitation on the allowance of 50 percent of taxable income.

(40) Deduction of development expenditures in the case of mines.—The deduction provided in section 616 of such Code for expenditures incurred in the development of a mine.

(41) Capital gain for timber, coal, and iron ore royalties.—The provisions of section 631 of such Code for the treatment of certain income from timber, coal, and domestic iron ore as long-term capital gains.

(42) Tax exemption for ships under foreign flag.—The tax exemption provided by sections 872(b)(1) and 883(a)(1) of such Code for earnings from ships under foreign flags.

(43) Exclusion of gross-up on dividends of less developed country corporations.—The provision in section 902 of such Code which exempts dividends received from a less developed country corporation from the gross-up required in the case of dividends received from other foreign corporations for the deemed paid foreign tax credit.

(44) Exemption of earned income from foreign sources.—The exemption provided by section 911 of such Code of earned income derived from sources without the United States.

(45) Special deduction for a Western Hemisphere trade corporation.—The deduction provided by section 922 of such Code for a domestic corporation qualifying as a Western Hemisphere trade corporation.

(46) Exemption of income from sources within possessions of the United States.—The exemption provided under section 931 of such Code to a United States citizen or domestic corporation on income from sources outside the United States.

(47) Exclusion from Subpart F income of shipping profits and certain dividends, interest, and gains.—The exclusion from Subpart F income provided in section 954(b)(1) and (2) of such Code for certain dividends, interest, and gains from qualified investments in less developed countries, and of income derived from any ship or aircraft in foreign commerce.

(48) Tax exemption for a DISC.—The tax exemption provided in section 991 of such Code for a domestic international sales corporation.

(49) Step-up in tax basis of property acquired from decedent.—The provisions of section 1014 of such Code which provide that the tax basis of property acquired from a decedent shall be the fair market value of

the property at the date of the decedent's death.

(50) Alternative tax on capital gains.—The alternative tax for corporations and individuals provided by section 1201 of such Code on long-term capital gains.

(51) Deduction of capital gains.—The deduction allowed an individual under section 1202 of such Code with respect to long-term capital gains.

(52) Capital gains on sale or exchange of patents.—The treatment as long-term capital gain under section 1235 of such Code of amounts received by an individual from his transfer of a patent created by his efforts, whether or not the payments received are contingent on the productivity or use of the transferred patent.

(53) Rules for capture of depreciation on sale at gain of real property.—The rule in section 1250 of such Code that gain on the sale of depreciable real property is ordinary income only to the extent the taxpayer has taken depreciation on the property which is in excess of straight-line depreciation, in contrast to the rule in section 1245 of such Code which requires recapture in the case of equipment of all depreciation previously deducted (to the extent of the gain on sale).

(54) Special exemptions for excess deductions account for farm losses.—The provisions in section 1251(b) of such Code which provide that an individual does not have to make an addition to the excess deductions account unless his nonfarm income for the year exceeds $50,000 and his farm loss exceeds $25,000.

PANAMA CANAL: REPRESENTATIVE FLOOD REPLIES TO RADICAL PANAMANIAN DEMANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, the present administration, which accepted the unfortunate Isthmian canal policy of the preceding one, is now engaged in diplomatic negotiations with the unconstitutional Government of Panama in which the announced purpose is to surrender U.S. sovereignty over the U.S.-owned Canal Zone territory to that Government. Such surrender, which has not been authorized by the Congress, is in direct violation of article IV, section 3, clause 2 of the U.S. Constitution that vests the power to dispose of territory and other property of the United States in the Congress, which includes the House of Representatives as well as the Senate. Because of its importance I quote the indicated provision:

> The Congress shall have Power to dispose of—Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States.

Despite this important constitutional provision, obviously framed by the farvisioned Founders of our country to protect its territory against despoilment or unjustified whims of the executive branch, this agency of Government has continued negotiations that should never have been started. Have our negotiators informed Panamanian representatives of these constitutional limitations on their powers? I have seen no evidence that they have and they are proceeding under the erroneous assumption that an Executive fiat in the premises is adequate for the purpose of negotiating surrender. Mr. Speaker, there could not be any greater fallacy, better way to mislead Panama, or to imperil all U.S. citizens engaged in such negotiations.

To supply the basis for views herein stated there was the address on May 24, 1972, by Foreign Minister Juan Antonio Tack, a rabid Panamanian radical, before the Eighth Congress of the Student Federation of Panama. In this address Minister Tack—

First, revealed that there is an understanding between the executive branches of Government of the United States and Panama for the elimination of the Canal Zone.

Second, asserted that in addition to the elimination of the Zone, this U.S. territory would be fully integrated with the territory of Panama and that it would exercise jurisdiction over land, sea, and air.

Third, stated that Panama would take effective control over the shores of the Canal itself.

Fourth, charged that the effect of United States presence on the Isthmus has been pernicious through "corruption, threat, and slander" but failed to mention the enormous benefits that Panama receives from U.S. agencies in the Zone that total more than $160 million annually and that some 15,000 Panamanians are employed in the Zone and that they fear the loss of their livelihood. Nor did he refer to the billions of dollars supplied by U.S. taxpayers for the construction, maintenance, operation, sanitation, and protection of the canal that has given Panama one of the highest per captita incomes in all Latin America.

Fifth, asserted that the immediate origin of the present negotiations was in the 1964 riots, which is not only untrue but amounts to political blackmail.

Sixth, disclosed that key points in the negotiations include provisions for elimination of the perpetuity clause in the 1903 treaty and for authorization for the United States to modernize the existing canal.

As to the last point such major modernization is already authorized. The word "maintenance," as specifically defined by the Panama Government, includes "expansion and new construction" as required for the maintenance, operation, sanitation, and protection of the existing waterway—CONGRESSIONAL RECORD, volume 84, part 9, July 24, 1939, page 9834.

Why, Mr. Speaker, should officials of our Government try to negotiate for rights already possessed? Do they not know the diplomatic history of the subject with which they are dealing? So far as can be ascertained no recent President, Secretary of State, or other official of the State Department, who have been so solicitious to turn the Canal Zone over to Panama, has ever borne the burden of responsibility for operating the Canal and thus, in a realistic sense know nothing about actual canal problems involved. They are apparently guided alone by shabby sentimentalism.

As the result of an extensive correspondence from all parts of the Nation, I know that the American people do not wish to surrender the Canal Zone territory or to give away the Panama Canal to Panama or any other country or international agency; and any administration or political party that so advocates does so at its peril.

In spite of the truculence and sustained campaign of hate against the United States by the present Government of Panama no replies in defense of our country are ever made by our high responsible officials whose duty is to defend our Nation against manifest and malicious attacks by others. No wonder we are being judged abroad unjustly. Mark my word: the world is watching what the United States does at Panama. Upon the outcome of the present perplexing state of affairs will depend much of our country's present and future reputation. For the guidance of our officials, who should realize that the canal is under diplomatic and juridical attack, we quote the fine statement of ex-President Theodore Roosevelt in meeting the 1917 internationalization proposal of the U.S.S.R. His words were:

> It is our canal; we built it, we fortified it, and we will protect it, and we will not allow our enemies to use it in war—House Document No. 474, 89th Congress, page 388.

Man for man Panamanian negotiators seem stronger than those of our Government and have succeeded in brain washing the latter. As evidence of this is the fact that our negotiators have never, so far as I have learned, stressed the indispensable necessity for retention by the United States of the Canal Zone for military reasons, which apply to Panama as much as to the United States. Certainly, Mr. Speaker, the time has come to terminate these nonsensical negotiations and to go ahead with the major modernization of the Panama Canal under existing treaties.

In these general connections certain vital points should never be forgotten. They are:

First, that the Isthmus of Panama is one of the most strategic land areas in the world.

Second, that the Isthmus is coveted by predatory powers and probably always will be because of its strategic position.

Third, that the Republic of Panama is a small, weak, unstable, and technologically primitive country under an unconstitutional government and can stay free only so long as the United States remains on the Isthmus.

Fourth, that the advantages Panama seeks to exploit because of its geographic position are canceled out by its precarious weakness, which is well illustrated by the fact that in the last 69 years it has had 59 presidents some of which have been unconstitutional.

Fifth, that the U.S. taxpayers between 1904 and June 30, 1971, invested in the canal enterprise, including its defense, a total of $5,695,745,000—CONGRESSIONAL RECORD, volume 118, No. 60, April 18, 1972, page 13154.

Sixth, that the Canal Zone, in addition to the canal itself, has many U.S. Government installations essential for defense, scientific, and health purposes.

Seventh, that the annual benefits from

these agencies to Panama exceeds $160 million, and is steadily increasing.

Radical agitators of Panama never mention the above facts. They think no more of the billions expended by our Nation and the activities for which they are beneficiaries than taking a drink of water but continue their unrealistic demands to drive the United States from the Isthmus by the indirect means of obtaining cession to Panama of sovereignty over the Canal Zone. In event of such cession to Panama its government would be in a position to expropriate the Canal Zone and canal as did Egypt in case of the Suez Canal. So I say, Mr. Speaker, if there is ever to be any surrender of U.S. sovereignty over the Canal Zone it should be to Colombia and not to Panama; but I am opposed to either as I am to the return of the Gadsen Purchase to Mexico or Alaska to Russia.

In a physical sense the United States can take pride in the fact that its facilities for communication are unexcelled anywhere in the world. But the sizes of mass media plants do not mean much in this day of publishing only the news that fits. Communication media in our country seldom publishes any worthwhile information on events affecting the status of the Canal Zone now under Communist attack but aids and abets such attacks by its silence and indifference. In contrast, the people of Panama and other countries following the situation on the Isthmus are far better informed than our own citizens. This is not accidental but the result of a strict censorship by the prored revolutionary Government of Panama in which Soviet agents have already penetrated and the failure of our own press.

A recent newsstory in the Panama Star Herald, one of the leading Latin American newspapers established in 1849 and now published under the strong arm of censors, reports on the previously indicated address of Minister Tack and quotes significant portions of it. Because of the relevance of the newsstory to understanding what is taking place as regards the Canal Zone and Panama Canal, I quote the full text:

END OF CZ ENCLAVE IS RP–US UNDERSTANDING

The elimination of the Canal Zone as a colonial enclave is the understanding behind the current Panama Canal negotiations between Panama and the United States and Panama is steadfastly maintaining that position, Foreign Minister told the Student Federation last night.

"If there were no such understanding," he said, "We would not be seated now at the negotiation table."

The Foreign Minister said "some progress" has been made in the year since the negotiations began.

"In the lapse of almost one year since the negotiations began," he told the Student Federation, "we feel that some progress has been made. There has been a constant and continued interchange of position documents, as well as studies on specific topics.

"The two governments have agreed on the elimination of the odious perpetuity clause; the principle that the jurisdiction over the Canal Zone must revert to Panama has been accepted.

"However, the positions of both countries are still far apart from each other on many fundamental points and on many details.

"Therefore, up to this point, there is no commitment to accept, nor even to examine for definite acceptance, any document which has the nature of an accord, agreement or pact between the two nations."

PERPETUITY MUST GO

"This situation," Foreign Minister Tack added, "should not lead us to despair; this situation is perfectly explainable. This is due to the fact that, unlike previous negotiations, the National Government is determined that not for one instant can the possibility be admitted—whether openly or in a concealed fashion—that perpetuity will be maintained or that the duration of the treaty may extend beyond what is strictly necessary.

"Likewise," Tack said, "the National Government has taken a position against any formula that could imply the concession of lands and waters away from Panamanian jurisdiction and against any proposal that may tend to lessen the jurisdiction that the Republic must exercise over all its territory."

Tack did not go into the details of the treaty talks, but in a recent appearance before the National Commission that is drafting constitutional amendments he spelled out the seven key topics of negotiations as: duration of the treaty, expansion of the present canal, lands and waters, flag, protection of the canal, and economic compensations or benefits.

STUDENTS' ROLE PRAISED

The Foreign Minister was the principal speaker at the installation of the Eighth Congress of the Student Federation. The opening session was attended by Brig. Gen. Omar Torrijos, leader of the Revolutionary Government, cabinet members and officers of the staff of the National Guard.

In his address, Tack praised the role of students in the country's struggle for liberation from alien domination. In his discussion of the Panama Canal treaty negotiations, which he described as "the definitive struggle for the reaffirmation of national independence," Tack declared:

". . . The goals that Panama has set for itself in the negotiations are concentrated in a fundamental objective: The elimination of the colonial entity known as the Canal Zone and the full integration of the latter to the territorial sovereign—the Republic of Panama.

"FULL INTEGRATION" EXPLAINED

"It is important that this Panamanian position be understood well . . . What is meant by the full integration of the Canal Zone to Panamanian jurisdiction? We understand this to mean that the so-called Canal Zone belongs to the metropolitan area of the Republic of Panama geographically, politically, socially, economically and culturally. Logically, the exercise of full Panamanian jurisdiction over the Canal strip not only involves the exaltation of the image of the Republic, domestically as well as internally, but offers the key to launch a Panamanian program aimed at accelerating the progress of the nation and the fair distribution of its benefits to all sections of the country. In other words, the recovery of full jurisdiction and economic development, nationally inspired are inseparably linked.

"With this objective in mind," Tack added, "the Panamanian state is entitled to the exercise of jurisdiction—land, sea and air—over all its territory, all persons and all things whether national or foreign, based on the principle of exclusive jurisdiction recognized by the international community . . . and taking into account that such jurisdiction is incompatible with analogous powers by another state.

"Contrary to what has been the general belief of some of our intellectuals, Panama's geographical position does not mean riches through the Canal annuity and the furnishing of services, but rather through our effective and sovereign control, at some time, over the shores of the Canal which is what would permit economic as well as national development of unsuspected intensity."

Tack said Panama's diplomacy in the past had been mistakenly directed towards capturing the Canal Zone market. He added:

TRADER MENTALITY

"Some of our people, who have the mentality of traders and who care only about keeping their pockets full, think that our struggle for dignity is romantic and foolish. They are mistaken. We know very well what we want. Sovereignty and dignity are translated into economic development, but with a national content.

"In order to render effective our geographical position, Panamanian control and development of the Canal Zone and the shores of the waterway—which up to now have been rendered sterile to world trade because of their utilization by the United States for military purposes—are indispensable."

Tack charged that the Canal Zone, in its present status, has served for a "preconceived plan to destroy Panamanian nationality . . ."

PERNICIOUS CZ INFLUENCE

"The Canal Zone has exerted a pernicious influence on Panamanian life, not only because of the numerous outrages that have been perpetrated there against citizens of our country, the gravest one being the implantation of racial prejudices alien to our tradition, but because the powers therein installed have sought at all times to extend their influence over the rest of the Republic to keep it weak and in disrepute, poor and subjected, so that it would never raise the cry of national liberation and integration.

"This constant pressure," Tack declared, "the oldest of the wars between two countries, has sought also the moral dismantling of Panamanian citizenship and its leaders through corruption, threat and slander to bring about the disappearance from the national stage of figures who opposed the extension of its (the United States') illegitimate prerogatives.

"The Canal Zone is a foreign body that has been limited to fulfilling a military purpose serving designs that are anachronistic in today's world and alien to the true interests of Panama and Latin America.

"Panama's general policy on the Canal Zone has nothing to do with temporary situations or episodes. It responds to a historic attitude and to the need of defending our interests, which have been injured from the beginnings of our independent life."

It is this position that Panama has made clear in the current negotiations, Tack declared.

The Foreign Minister reminded the students that the negotiations had their "immediate origin" in the January 9, 1964, events in which students played a leading part. The 1964 clashes along the Canal Zone border resulted from an attempt by Panamanian students to display the Panamanian flag in the Canal Zone.

FOR A CHANGE—LET THE CRIMINAL BE FEARFUL

(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, I rise in support of continuing efforts by many Members to institute severe, mandatory punishment for those persons convicted of carrying a firearm during the commission of a crime.

Until a few years ago the British imposed the death penalty on criminals taking the life of an unarmed policeman by using a firearm. This led to a situation where most criminals would not bother carrying a firearm, Why? Because of the strict penalty for using it.

Between 1900 and 1965 the English police had only 47 of their number killed by armed criminals. When the death penalty was abolished in 1965, this number rose by 12 in the next 2 years. Members of the British Parliament are now fighting to reinstitute the death penalty for this crime.

Criminals in Britain can expect to receive a term of imprisonment of from 10 to 14 years for carrying a firearm or facsimile during the commission of a crime. More important is the fact that the law is enforced.

I realize that it is impossible to compare every aspect of life between Britain and the United States. However, safety from the threat of crime is a challenge each country has faced. The British found a workable solution. Why not the United States?

The United Kingdom has shown us what to expect if we pass a law which benefits criminals. This country needs a law to give the citizen some piece of mind; a law to put fear into the minds of the lawbreakers.

STRENGTHENING AND EXPANDING NATIONAL AND STATE MARINE MAMMAL PROTECTION PROGRAMS

(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, in their column released May 10, through the Los Angeles Times syndicate, writers Stewart L. Udall and Jeff Stansbury make a number of contemptible assertions about the positions of two respected American conservationists: Daniel A. Poole of the Wildlife Management Institute and Thomas L. Kimball of the National Wildlife Federation, with respect to pending legislation to strengthen and expand national and State marine mammal protection programs.

The subject itself is controversial, as many Members know. Unfortunately the controversy over the legislation is being smothered by a type of gutter-sniping journalism that one would not, should not, expect to see coming from the pen of a former Secretary of the Interior.

I want to add right here that my relations with former Secretary Udall, during his years at the helm of the Department of the Interior, were always conducted on the highest possible plane, even when we disagreed on conservation matters. I find it utterly incomprehensible that he has joined with less high-minded individuals and organizations to deride and castigate the motives of those who were his former allies in many hard-fought battles in the Congress.

The issue in contention is "Wildlife Management." Messrs. Udall and Stansbury have apparently taken upon themselves to publicly discredit persons and organizations who may hold views different from their own on the subject. Congress must act on the basis of facts, not emotions. Udall and Stansbury raise many questions of fact about the legislation in question.

After reading the column I contacted Mr. Poole and asked him for an explanation of his position with respect to the emotion-tinged statements in the column. After thanking me for caring about this unprecedented attack on himself and his organization, Mr. Poole provided a series of documents in rebuttal to the Udall-Stansbury assertions which, I believe, lays the matter to rest at least as far as the "official record" is concerned.

It is an unlucky fact that one never wins an argument with the press so the damage done by the Udall-Stansbury column will probably never be undone. It is my hope however that Members of Congress will read the columns mentioned, the rebuttals, and the supporting documentation attached herewith, and decide for themselves whether or not the Wildlife Management Institute and the National Wildlife Federation are guilty of the charges leveled by the columnists. Once that issue is resolved, we can get back to the real business: the protection of marine mammals.

The material follows:

OUR ENVIRONMENT—THAT OLD KAIBAB CAPER

(By Stewart Udall and Jeff Stansbury)

MAY 10, 1972.

One of the grand legends of wildlife biology is the boom-and-bust fate of the Kaibab Plateau deer. In 1906, when this Grand Canyon rimland was declared a national game preserve, deer-loving hunters went on a rampage. They reportedly slaughtered all the Kaibab's wolves, 5,000 coyotes, 700 mountain lions, 500 bobcats and a mess of eagles. Then they sat back to watch their lovely deer prosper.

The deer did not oblige. At first it seems they multiplied handsomely, up from 4,000 head to an estimated 100,000, but the legend has it that they ran out of food, sickened, wasted away and died by the tens of thousands. A marvelously poetic biologist, Aldo Leopold, said the destruction of the deer's enemies had destroyed the deer.

Leopold's dictum has been sanctified by the wildlife management crowd. Today, in an emotional tantrum, they are trying to use it to scare the Senate Commerce Committee out of imposing a ban on the "taking" of whales, dolphins, seals, sea lions, manatees, polar bears and other marine mammals.

It strains credulity to watch stalwarts from the Wildlife Management Institute cite the "lessons" of the Kaibab Plateau as if they ruled marine mammals. By their lights, manatees and sea lions need culling (by human predators) so they won't grow too numerous for their food supplies—and this despite evidence that both species are dwindling!

The evidence, to be sure, is inconclusive. Both the WMI's Dan Poole and the National Wildlife Federation's Tom Kimball point out that no one knows for sure whether fishermen are killing too many manatees or pesticides are aborting too many California sea lion pups.

Okay, but what do we do about what we don't know? Should we permit the commercial killing of sea mammals to go on, as Poole and Kimball propose, or should we stop the slaughter until more facts are in?

Tom Garrett, a staff man with Friends of the Earth, has his own reply and it isn't Dan Poole's. "Our very limited knowledge of marine ecosystems and marine mammals," he says, "makes it necessary to set aside a period when the animals will not be subjected to molestation."

With this goal in mind, Friends of the Earth, the National Audubon Society and other conservation groups hope to coax a strong marine mammals bill out of the Senate. Their effort is being undercut every foot of the way by the WMI, the NWF and the National Forestry Assn. You figure that last one out. We can't. None of the marine mammals we know eats trees.

Thanks mostly to Sen. Ernest F. Hollings (D–S.C.), the conservationists and their scientific allies will get a bill which is at least half-good. The present draft calls for a 15-year moratorium on the killing of marine mammals. This is a notable step toward the full genetic protection of these intelligent, playful and harassed creatures.

The Commerce Committee bill, however, vests an enormous degree of discretion in the chief of the National Oceanic and Atmospheric Administration. Not only may he sanction the "accidental" killing of thousands of dolphins and porpoises by tuna fishermen, but he may also allow the importation of marine mammal products and the killing of these animals by "persons who are members of a class found . . . to have common needs requiring" such slaughter.

Whom is this gobbledygook supposed to benefit? Furriers who trade in seal pelts? Wealthy sportsmen who like to bag polar bears from helicopters?

These loopholes, says Garrett, will undermine the 15-year moratorium. In the few weeks before the bill reaches the Senate floor, Friends of the Earth and its allies will try to get the offending language removed.

Meanwhile, they must contend with Dan Poole's scare campaign. In news releases that smack of lobbying (though the WMI gets a tax break for laying off legislation), his publicists assail the "antihunting and animal protection groups" for their stand against "scientific management." You know what scientific management means. It means knocking seals on the head with a club.

Any lingering respect for the WMI's pseudoscience has surely been demolished by the latest restudy of that old Kaibab Plateau caper. Apparently at least one heretical ecologist couldn't bring himself to genuflect before Aldo Leopold's dictum. It sounded much too neat, too simple. Sure enough, an investigation showed that Leopold had badly misread his numbers. The Kaibab deer herd's boom and bust never happened.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., May 19, 1972.

Mr. STEWART L. UDALL,
The Overview Group,
Washington, D.C.

DEAR STEWART: I have a copy of your and Stansbury's May 10 "Our Environment" column for the Los Angeles Times Syndicate in association with Newsday. Titled "That Old Kaibad Caper," it contains several specific references to me and to the Wildlife Management Institute. For reasons that I will explain, I find the column inaccurate, misleading and personally offensive. I regret that those who may have read it have been exposed to such distortion.

This is the second time that you have referred to me in one of your columns. In neither case did you or Stansbury seek to talk with me or any member of our staff to ascertain our views. And, clearly, neither was there any examination of the record. You will recall I wrote you following that first instance (copy of letter enclosed) and explained how the column was in serious error.

You telephoned me on September 20, 1971, and explained that the September 8 column had been prewritten and released by your

associate in your absence from the city during August. You said further that on several earlier occasions you found on your return to the city that you did not agree with what he had written in the column and you apologized for it. You also expressed appreciation for our courteous letter, saying you "were pleased that the Institute did not get mad at you."

You will recall that I thanked you for your phone call and noted (1) that an oral apology constituted no apology of record and (2) that as such it in no way informed your readers that they had been misinformed.

Your May 10 column is in serious error on two major counts. First, it demonstrates an abysmal lack of understanding of the now-ancient Kaibab deer situation. Secondly, it totally misrepresents the Wildlife Management Institute's position, including my personal views, on the current subject of devising a sound and workable program for the protection of marine mammals. The author's or coauthors' ignorance of wildlife literature, plus his or their inability to comprehend the substance and limitations of the scientific paper used as a platform for carrying the burden of the column, is compounded by his or their equal ignorance of the marine mamal siutation.

1. You said: "One of the grand legends of wildlife biology is the boom-and-bust fate of the Kaibab Plateau deer." And in your closing sentence you said, "The Kaibab deer herd's boom and bust never happened."

Truth: The rise and fall of the Kaibab deer population is not a legend. It is established and a well-documented fact. Its several contributory reasons are well known, and similar events have occurred elsewhere but on a more minor scale.

If, after actually consulting the abundant wildlife literature on this point, you have any doubt about the Kaibab having happened, check with Dr. Edward C. Crafts, personally known to you. Dr. Crafts worked on the Kaibab at the time and he invites your inquiry, should you care for personal verification outside of the large body of scientific literature on this point.

2. You said: In 1906, after the Kaibab area was made a "national game preserve, deer-loving hunters went on a rampage. They reportedly slaughtered all the Kaibab's wolves, 5,000 coyotes, 700 mountain lions, 500 bobcats and a mess of eagles. They then sat back to watch their lovely deer prosper."

Truth: *Government predator agents,* employed for the specific purpose, not *"deer-loving hunters,"* killed a recorded 781 mountain lions, 30 wolves, 4,899 coyotes, and 554 bobcats plus an unknown number of eagles. You do America's sportsmen a disservice.

Further complicating the situation biologically for the deer were (1) the banning of all sport hunting for deer, (2) vegetative change brought on by domestic livestock grazing that created conditions more favorable to deer, (3) controversy between federal and state interests, and (4) ignorance, even then, of wildlife management objectives and necessity.

3. You said: "A marvelously poetic biologist, Aldo Leopold, said that the destruction of the deer's enemies had destroyed the deer."

Truth: The ill-advised killing of predators helped to destroy the deer. So did the range forage changes caused by domestic livestock and the ban on deer hunting. The animals increased beyond the capacity of their overtaxed range to support them. Although individual deer died, the deer were not destroyed as a species, for they persist and flourish in the Kaibab today. The main point is that a large number of deer needlessly and wastefully suffered cruel deaths. Also, the habitat elements that sustain wildlife were greatly altered by overgrazing by deer and domestic livestock.

As a long-time former U.S. representative of Arizona and the author of a book on conservation history, it is surprising that you do not know that ignorance and obstinance in your home state contributed to the severity of the Kaibab situation. Arizonans resisted suggestions that steps be taken to get the deer-livestock-range situation under control. As Arizona State Game Warden K. C. Kartchner later stated, "All this could have been avoided if we had had experienced game managers twenty years ago."

4. You said: "It strains credulity to watch stalwarts from the Wildlife Management Institute cite the 'lessons' of the Kaibab Plateau as if they ruled marine mammals."

Truth: The Wildlife Management Institute *never* cited the Kaibab incident in any of its statements on marine mammals, written or oral.

5. You said: "By their lights (referring to the Wildlife Management Institute) manatees and sea lions need culling (by human predators) so they won't grow too numerous for their food supplies—and this despite evidence that both species are dwindling!"

Truth: The Wildlife Management Institute never has advocated "culling" manatees or sea lions. The taking of manatees is correctly prohibited by Florida law, the only state in which they occur naturally. California sea lions also are protected by law, but fishermen may take them to protect their equipment and catch. The animals are completely protected in Oregon and Washington. Stellar sea lions in Alaska, which number about 200,000, may be taken under permit regulations promulgated by that state's wildlife agency. There is no evidence that the latter species is dwindling.

6. You said: "Both WMI's Dan Poole and the National Wildlife Federation's Tom Kimball point out that no one knows for sure whether fishermen are killing too many manatees or pesticides are aborting too many California sea lion pups."

Truth: *Nowhere* in my invited testimony before the House and Senate Committees, during the questioning, or anywhere else did I make any mention of manatees or pesticides in the manner alleged.

7. You said: "Should we permit the commercial killing of sea mammals to go on, as Poole and Kimball propose, or should we stop the slaughter until more facts are in?"

Truth: I *never* have proposed the commercial killing of marine mammals, and you cannot support such an allegation. In agreement with many other knowledgeable individuals, I have urged the scientific management of marine mammals, which, by the definition inserted in the bill by the Senate Subcommittee, includes "when and where appropriate . . . the periodic or total protection of species or populations as well as regulated taking."

Who is included within the meaning of "we" in your question? You and Stansbury? You, Stansbury, and your not-so-well camouflaged advisor? The public at large? I suggest you read the House testimony (available for public distribution without charge) of Dr. G. Carleton Ray, Dr. Kenneth S. Norris, and Mr. William E. Schevill (respectively director, Marine Mammal Council, International Biological Program and Johns Hopkins University; University of California and chief scientist, Marine Mammal Division, Oceanic Institute of Hawaii; and Harvard University and Woods Hole Oceanographic Institution). The recommendations of these experts contradict, at virtually every point, your column's simplistic and emotional inferences and suggestions.

8. You said: In quoting a spokesman for Friends of the Earth, "Our very limited knowledge of marine mammals makes it necessary to set aside a period when the animals will not be subject to molestation.

"With this goal in mind, Friends of the Earth, the National Audubon Society and other conservation groups hope to coax a strong marine mammals bill out of the Senate. Their effort is being undercut every foot of the way by WMI, the NWF and the National Forestry Association."

Truth: The Wildlife Management Institute cooperates very closely with the National Audubon Society and has for many decades. Had you taken the time to check with the Society's officers (or with us) you would have found our views closely parallel on marine mammals protection. We have the greatest respect for the Society's biologically trained and experienced staff and its program. Incidentally, there is *no* organization by the name of the National Forestry Association. Such a group does not exist.

An objective reporter, with respect to the suggestion of establishing a period "where the animals will not be subject to molestation" (i.e. a legislatively mandated moratorium), also should have quoted Dr. G. Carleton Ray, Program Director of the Marine Mammal Council, which directs the U.S. International Biological Program's Marine Mammal Program under financial support through the National Science Foundation. Dr. Ray told the House Committee at its September 1971 public hearing (page 401 of the hearing record)

"A total moratorium on the taking of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future."

With other conservation organizations, we accept the judgment of Dr. Ray and his colleagues, among the most respected marine mammal specialists in the world. Perhaps you were not aware of the scientific community's evaluation of this very critical point, and Dr. Ray's full statement on it is attached. Then again, it may not have been the column's purpose to give readers an intelligent report on this important conservation issue.

9. You associate WMI with the killing of thousands of porpoises incidental to commercial tuna fishing.

Truth: Our statements decry the wasteful loss, demand that it be stopped, and suggest measures to remedy the situation. They are practically identical to and in support of those expressed by *all* organizations interested in marine mammals protection. Check the hearing records and see for yourself.

10. You said: "You know what scientific management means. It means knocking seals on the head with a club."

Truth: As approved by the Senate Subcommittee, and as recommended by the Wildlife Management Institute and other conservation organizations, scientific management means, "the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. Management includes the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within this term, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking." Scientific management has absolutely no connection with the manner animals are taken, if, indeed, they are taken at all.

A final point. The column's thrust is hung on what you describe to be "the latest restudy of the old Kaibab Plateau caper." You say, "at least one heretical ecologist couldn't bring himself to genuflect before Also Leopold's dictum." His findings, you assert, show "The Kaibab deer herd's boom and bust never happened."

Your "heretical ecologist" is Graeme Caughley, then of New Zealand, whose paper, "Eruption of Ungulate Populations, With Emphasis on Himalayan Thar in New Zealand," was published in Ecology (Vol. 51, No. 1, 1970). Caughley's paper is devoted to examination of the mechanism of the eruption of ungulate mammal populations. In the early part of the text, he makes some reference to the Kaibab case.

At *no* point in his paper, however, did Caughley claim, as you say, that the "Kaibab deer herd's boom and bust never happened." In fact, in several places, he acknowledges that it *did* happen. His sole concern with the subject is *how* it happened. And its consideration was only a minor element of his long paper.

For example, in the very first three sentences of his abstract, which appears at the beginning of his paper, he states: "An eruptive fluctuation is defined operationally as an increase in numbers over at least two generations, followed by a marked decline. Reported eruptions in ungulates suggest that the upswing is initiated by a change in food or habitat and is terminated by overgrazing. An apparent exception—the Kaibab eruption—probably also fits this pattern."

Secondly, I have discussed your column with several wildlife leaders, including some having personal knowledge of the Kaibab situation. One of those consulted was John P. Russo, chief of game for the Arizona Game and Fish Department, a trained and widely respected biologist with more than twenty years experience in your home state. He is the author of a definitive study of the Kaibab situation.

John is familiar with Caughley's paper and he gave me permission to quote his reaction to it. Caughley, he said, "picked up several incidents throughout our country and related them to New Zealand. He has taken everything in publication out of context."

Unlike your column, everything stated in this letter can be substantiated. I would prefer that you not call me again to say you again disagree with a column written and released during your absence from your office. Your name is on the column and you must bear appropriate responsibility for its content.

I believe your syndicators and your readers deserve to know if the column content actually represents your opinion in all cases, however. If it does not, and if these are the columns that are written and released when you are unavailable to review them, could it be that someone is taking advantage of your name and your past proud conservation record? In any event, I believe your syndicators and your readers have a right to know which of the materials issued under your name reflect the thinking and knowledge of Stewart Udall.

Sincerely,

DANIEL A. POOLE,
President.

JUNE 9, 1971.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Programs for the protection and scientific management of marine mammals are being threatened by well-publicized but misguided efforts which, if successful, would destroy the conduct of biologically sound activities of state and federal conservation agencies.

Conservation of this varied group of animals has been a long and arduous battle in the face of indifference and exploitation. Their management has been made more difficult by the international movements of several of the species involved and insufficient knowledge concerning their habitat requirements. Progress has been and is being made, however.

Some animals, such as the fur seal and sea otter, have been restored to productive numbers. Research is underway into the life histories, habitats, and movements of others.

Much more can be done. This will require the understanding and support of the Administration, support which no Administration heretofore has seen fit to confer in any degree commensurate with the need. Your Administration could gain much support and commendation by requesting adequate authorities and funds to bring federal programs for marine mammals up to necessary levels and by seeking new and more effective international understanding.

Should these many past years of progress be undermined by a complete "hands off" policy forced upon responsible fish and wildlife agencies, such as proposed by S. 1315 and similar House bills, marine mammals under scientific management would suffer a serious set back.

In essence, the issue is whether natural resources will be protected, managed and used on a scientific basis or whether they are to be regarded as something apart from and unaffected by man.

As has been amply demonstrated by the successful management and restoration of other wildlife resources, the latter course is unacceptable. Decisions regarding the well-being of any wildlife resource must be based on fact, not on emotion.

The following national conservation organizations respectfully request that you support programs to improve domestic and international management of marine mammals. Further, we urge the Administration to oppose S. 1315 and similar House bills as being a negative response to a resource management responsibility that should be accepted by the Federal and State Governments.

Sincerely,

American Forestry Association, William E. Towell, Executive Vice President; Citizens Committee on Natural Resources, Spencer M. Smith, Secretary; International Association of Game, Fish and Conservation Commissioners, Chester F. Phelps, President.

Izaak Walton League of America, Joseph W. Penfold, Conservation Director; National Audubon Society, Charles H. Callison, Executive Vice President; National Rifle Association of America, Maxwell E. Rich, Executive Vice President.

North American Wildlife Foundation, C. R. Gutermuth, Secretary; Sport Fishing Institute, Richard H. Stroud, Executive Vice President; The Wildlife Society, Fred G. Evenden, Executive Director.

Trout Unlimited, Ray A. Kotrla, Washington Representative; Wildlife Management Institute, Daniel A. Poole, President; World Wildlife Fund, Ira N. Gabrielson, President.

OUR ENVIRONMENT—THE HUNTERS

(By Stewart Udall and Jeff Stansbury)

SEPTEMBER 8, 1971.

The Wildlife Management Institute (WMI) is guilty of some crude distortions in its campaign to quash the Harris-Pryor ocean mammals protection bill—a bill offering our only hope to save the polar bear and endangered species of whales, seals, sea lions, manatees and walruses.

In its latest bulletin, the WMI alleges that "conservationists" strongly oppose the Harris-Pryor bill "because it would prevent scientific management and make certain marine mammals subject to indiscriminate slaughter." This statement is utterly misleading.

First, the few "conservationists" who oppose Harris-Pryor are members of a Washington, D.C., hunting lobby which does not adequately represent most sportsmen in this country. The bill would prohibit the killing of any ocean mammals by U.S. citizens or in U.S. waters—and the WMI absurdly views this as the first shot in a war against hunters. Meanwhile, many environmental groups led by Friends of the Earth vigorously support the Harris-Pryor legislation.

Second, "scientific management" is the WMI's code-word for a license to go on killing species whose very future is at stake. There is no ecological basis for the assertion that the commercial culling of ocean mammal stocks is the best way either to protect them or to learn about them.

Third, it is deceitful to say that Harris-Pryor would subject certain marine mammals to "indiscriminate slaughter." The bill would immediately *halt* the killing of all such species in U.S. waters—and it would call upon the State Department to negotiate a worldwide moratorium.

But it is on the test of predation that some hunters—especially U.S. hunters—fail. What is this test? Simply that there must be a rough symmetry between the skills of the predator and the skills of the prey. Over evolutionary time, both the hunter and his victim unwittingly refine each other's weapons so that the contest becomes more nearly equal. And one way this is accomplished is through the predator's selectivity: by disproportionately culling the sick, aged and deformed, he enhances the genetic vigor of his prey.

The gun-toting trophy-hunter is something else. Armed to the teeth, wrapped in weather-defying nylon and perhaps carted to his target in a snowmobile or jeep, he makes a mockery of predation. Only his *lack* of stamina and skill serves any evolutionary purpose.

Three years ago the junior author of this column interviewed Dr. Lee Talbot, then of the Smithsonian Institution and now staff ecologist for the Council on Environmental Quality. The interview was germane to this discussion.

While predators cannot subsist only on aged or sick prey, Dr. Talbot said, "they do, in the process, remove any animal that is substandard. They are beautifully adapted to do this—something we found in East Africa. An antelope, say, that is behaving slightly different from the herd—right off the lion will charge straight through the herd to get at him. Obviously it's a knack the predators have picked up to survive, but it also assures that the least survival-worthy antelope will be removed and the breeding stock, to that degree, will remain strong."

All of which is a far, far cry from the nimrod who helped wipe out the passenger pigeon or who always sets his sights on the finest head or the stoutest heart in the herd.

The WMI bulletin's choice of words is peculiarly haunting, for what the WMI apparently seeks is the *discriminate* slaughter of ocean mammals. Such a policy, no matter how glibly couched in scientific gobbledygook, is a policy of extinction.

SEPTEMBER 9, 1971.

Mr. STEWART L. UDALL,
The Overview Group,
Washington, D.C.

DEAR STEW: A copy of the Udall-Stansbury column for September 8—The Hunters—has been called to my attention.

Unfortunately, much of what it conveys distorts both the Institute's position and the facts at hand. Its net effect, in my view, is

to waste an opportunity to help unite public opinion behind an appropriate marine mammal program.

The enclosed copies of the letters to the President and all Members of Congress will give you the names of the "few" conservationists and "members of the Washington, D.C. hunting lobby" who share the view that the Harris-Pryor approach holds more harm than good for marine mammals. Please note, too, that the organizations go strongly on record in support of a greatly strengthened program for the animals. These letters were inserted in the Congressional Record and have been a matter of public information for many weeks.

I am also enclosing a copy of the Institute's testimony prepared for submission to the House subcommittee. It calls for a strong and effective marine mammals program—one based on knowledge rather than emotion. When all the testimony is in, I believe that you will find similar recommendations have been made by the several national organizations who actually have trained and experienced biologists on their staffs.

Sincerely,

DANIEL A. POOLE,
President.

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., August 4, 1971.

DANIEL A. POOLE,
President, Wildlife Management Institute, Washington, D.C.

DEAR MR. POOLE: The President has requested that I express his appreciation for the letter which you and your fellow representatives of national conservation organizations have addressed to him regarding Senate Bill S. 1315. Because of my responsibilities in connection with this subject, he has also requested that I respond to the specific matters which you have raised.

I agree wholeheartedly with the points that you have made in your letter. In my opinion, some of the actions called for by S. 1315 could threaten the future status of the Pribilof seals and could adversely affect the United States' position of leadership in conservation matters. As an ecologist, I am particularly concerned over the principle of substituting protection for scientific management. Scientific management of a species may require protection at some time as one of its methods, but it also must rely on various other types of actions. The United States has led the world in the development of scientific wildlife management techniques. To me, it would be highly unfortunate if we should take action which would renounce these principles. Further, the history of conservation practices of the Pribilof sealing appears to be a good one. It is an outstanding—perhaps the outstanding—example of an international agreement which has managed a wildlife population effectively. There appear to be good diplomatic reasons why such a convention should not be renounced in the manner which would be accomplished by S. 1315, but perhaps more important from the standpoint of conservation of seals, it would appear that the unilateral renunciation of that convention could result in the loss of the effective management and protection which now exists. The net result could be highly detrimental to the survival of this species.

From these remarks I hope that my position relative to this legislation is clear. However, in spite of the similar views held and expressed by some members of Congress and by a number of other conservation organizations and citizens, the specter of baby seals being killed on the snow appears to have developed a very strong public support for S. 1315, or something like it. In a sense this is ironic since it is not the policy for baby seals to be killed in the Pribilofs. The killing pictured in most of the propaganda which I have seen is done in Canada, and the U.S. legislation would not affect this directly.

However, regardless of the scientific aspect of the situation, there does appear to be remarkably strong support for some bill increasing protection of the seals and other marine mammals. Therefore, we are now reviewing the situation to see whether or not it would be desirable to develop some mechanism for improving the scientifically based management of marine mammals in general—but which would not involve the adverse effects which you have rightly cited. I would value your views and advice on this matter.

The Administration has made a very positive move in the direction of scientific management in the case of whales. As you know, the International Whaling Commission held its annual meeting in the United States last month. At the end of this calendar year, America will cease to be active in any commercial aspect of whaling, since we have listed all of the larger whales as species whose continued exploitation can seriously endanger their survival. However, at the Whaling Commission meeting, the United States position was that whales, like many other forms of wildlife, represent both a potential commercial harvest and a significant component of the ecosystem. Their continued survival in adequate numbers can be significant to the health of the marine environment, as well as to the whaling industry. Consequently, even though the United States will no longer be involved commercially after this year, we will maintain a strong and active interest in whales from the standpoint of maintenance of their role in the marine environment. The United States also offered a contribution to help initiate the long overdue international observer's scheme (to provide for international supervision of the whaling activities) and it was agreed that this scheme would be put into operation this year.

This Administration is committed to the management and restoration of wildlife resources based on scientific knowledge and principles. The contributions in this field made by your group and by other citizen groups and professional organizations has been truly impressive, and over the years these contributions have been instrumental in helping to establish America's international leadership in conservation and management of wildlife resources. Your contributions to these activities in the past and the views which you have expressed in your letter are greatly appreciated. I can assure you that your views will be fully taken into account in any response of the Administration to S. 1315 and similar bills.

With all best wishes,

Sincerely yours,

LEE M. TALBOT,
Senior Scientist.

MARINE MAMMALS HEARINGS, HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES, SEPTEMBER 9, 13, 17, 23, 1971

Dr. G. Carleton Ray, Program Director, Marine Mammal Council, on subject of legislative moratorium on taking (page 401):

"The marine mammals are the Cetacea (whales, dolphins, and porpoises), the Pinnipedia (seals, sea lions, and walruses), the Sirenia (dugongs and manatees), the sea otter (a member of the weasel family, Mustelidae), and the polar bear (which is considered a marine mammal only because of its sea-ice habitat, not because of any anatomical adaptation to live in the sea). This is a diverse group, for which no sweeping statements can be made in terms of abundance, habits, or conservation. Together, they represent perhaps the least-known of the large mammals. As they represent several hundred thousand tons annual production, they assume vital resource importance. It is not true that most are in danger of extinction; two marine mammals have become extinct at the hand of man, some are now seriously depleted, and some are in good condition. Many are already protected by international treaty, to the limits of the power of international law. Notably excepted are the small Cetacea. One, the fur seal of the North Pacific, is being managed in exemplary fashion; in fact, the treaty covering the fur seal represents exactly what is needed in international law of the high seas, namely, limitation of entry into a "fishery." *A total moratorium on the take of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future."*

A CORRECTION

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

Mr. GROSS. Mr. Speaker, on May 23 of this year, in discussing the purchase by the District of Columbia Redevelopment Land Agency of a parcel of land on which is situated the business known as the Wax Museum, I incorrectly stated that Mr. Norman Bernstein was the owner of the museum as well as the property.

I have been notified of this error by Mr. Frank L. Dennis, who identifies himself as president of the Wax Museum and who states that the museum was a tenant of Mr. Bernstein. It was, therefore, Mr. Bernstein who realized a 212-percent profit in the sale of this property and not the Wax Museum.

WAR POWERS LEGISLATION

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. GREEN of Oregon. Mr. Speaker, on April 25, with the cosponsorship of my distinguished Republican colleague and fellow Oregonian, WENDELL WYATT, I introduced a war powers bill which is identical in all important respects to one I introduced back in October of 1969, in the 91st Congress.

This bill, H.R. 14592, looks to the post-Vietnam war era and establishes safeguards to prevent this Nation from ever again sliding imperceptibly into a full-fledged war as we never intended to, but did, in Vietnam. It is carefully balanced to prevent unwarranted encroachment either by the Congress on the powers of the President or the reverse in their mutually heavy responsibilities and decisions affecting war or peace. While it does not outlaw war, it provides a mechanism to keep us alert and conscious of the sobering possibilities in any situation involving the use of U.S. Armed Forces in potential combat areas.

I am pleased to announce the reintroduction of this bill today with additional cosponsors including the following: Mr. ALEXANDER, Mr. CAREY, Mr. DENT, Mr. DOWNING, Mr. GAYDOS, Mr. GIAIMO, Mr. GIBBONS, Mr. LEGGETT, Mr. MAZZOLI, Mr. MOLLOHAN, and Mr. PIKE.

RT. REV. JOHN E. HINES, THE PRESIDING BISHOP OF THE EPISCOPAL CHURCH, DELIVERS DEDICATION SERMON

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

Mr. HANLEY. Mr. Speaker, on May 25, 1972, in a unique service of dedication, St. Paul's Episcopal Church, in Syracuse, N.Y., was "set apart" to be the cathedral for the Episcopal Diocese of Central New York.

The presiding bishop of the Episcopal Church, the Right Reverend John E. Hines, delivered the sermon, in which he pointed out that—

Rather than a dedication of a Cathedral, this was a rededication of people. This Cathedral is a focus of unity and meaning in the Diocese—it is not simply a local possession. It belongs to the community in the heart of the City and is surrounded by people who belong to it. Its purpose is not to stand apart from pain or joy but to share in those problems which work its progress toward the realization of its destiny.

Noting the beginning of a new era by this "set apart," Bishop Hines stated he would be pleased "if Christian social concern should motivate and charge every person touched by the cathedral. I will be grateful if the whole city encountered the Lord here and be driven downward on their knees in penitence and upward ambition."

St. Paul's Episcopal Church in Syracuse dates back to 1826; the present towering gothic structure to 1885.

The Right Reverend Ned Cole, Episcopal Bishop of Syracuse, will enjoy the "privilege of the pulpit" at St. Paul's Cathedral four times per year in keeping with Episcopal custom. The former rector of St. Paul's, Harold Hutton, now has assumed responsibilities as dean of the cathedral.

I commend to your attention, Mr. Speaker, and to the attention of the U.S. Congress the hard working spirit and dedication of the clergy and people of the Episcopal Diocese of Syracuse, so successfully and spiritually symbolized in the "setting apart" of St. Paul's Cathedral.

I also commend the full text of Bishop Hines' address to my colleagues:

TEXT OF BISHOP HINES' ADDRESS

On one occasion, speaking to the role of the Church in an era of change, Abbé Godin said:

"The task is not to renew preaching methods, nor to restore liturgical forms, but to establish by a recasting of the message from within, the indispensable dialogue between the Church and the culture of this era."

We are gathered together this evening to set apart this Church edifice as the Cathedral of St. Paul's, in the City of Syracuse, in the Diocese of Central New York. In so doing we may, perhaps, also underscore the essence, if not the substance, of Abbé Godin's observation!

This Cathedral is a Christian edifice—to be sure.

It is committed to, and rises out of, the Judeo-Christian tradition which, for Christians, is incarnate in the life, death, and resurrection of Jesus Christ!

But—even though it is a focus of unity and meaning for this diocese—it is not simply a "local possession"—this Cathedral—of a few people—operating in a narrow ideological framework! It belongs to the community! It is placed—symbolically enough—right in the heart of a vital community—a city—and—the diocese, and it is surrounded by people who belong to this Church—who belong to this City—and who belong to the human race! And its purpose is not to stand apart from the pain and joy—the problems and privileges—of a vital community—but, rather, to share in those problems which mark the progress of a diocese towards the realization of its destiny.

Some of you may have been in the memorial chapel—cut into the wall of the great castle which broods over the city of Edinburgh. If so—you may recall this observation: (inscribed on the wall in tribute to the Scots who died in World War I).

"The whole world is the tomb of heroic men; and their story is graven not only on stone, over their clay—but abides everywhere—without visible symbol—woven into the very stuff of other men's lives."

A ministry can be "woven into the stuff of other men's lives" only inasmuch as it champions the freedom through which people can be liberated from the chains of their partisanship:

From the rigidities of their sectarianism,
From the bond of their prejudices,
From the fetters of their ignorance,
From the myopia of their parochialism.

In candor, it must be said that the Church has not always lived up to the "high expectations" of her Lord—and the catholicity of her concerns too often has been less than ideal—if not, on occasion, a scandal. Some dark pages of history have been written because of the Church's apostasy—because of her reluctance to obey the movement of the Spirit—because of her "self-serving"—and her arrogance!

Two or three years ago, when I had an opportunity to visit with Col. Frank Borman (a communicant and Lay Reader in this Church) after the historic Lunar Flight of Apollo VIII, I asked him what had impressed him most. He replied: "Two things: when we were on the dark side of the moon—for the final orbit—not knowing whether our propulsion engines would fire—and start us home—the sense of aloneness—and isolation was almost unbearable!"

And, (later) "When I had the privilege of describing to the College of Cardinals the flight—in the identical room in which their predecessors—four hundred years before—had condemned Galileo as a heretic for theories that made the flight possible!"

"Those," he said, "were moments I shall never forget!"

The ministry of this Cathedral—of any Cathedral—is to know that even a structure of beauty and powerful symbolism, such as this, cannot domesticate a God Who says:

"My ways are not your ways—nor my thoughts your thoughts."

But, rather, must offer itself as a place where the whole community can engage in dialogue upon the central issues which make the difference between light and darkness, freedom and bondage, life and death. In offering itself in this manner it does not abandon its own commitments in faith—but neither does it require that people coming within these portals should abandon their own convictions!

For Christians—honest pursuit of truth (and this must not be separated from doing the truth) includes the willingness to hear the claims of others who do not represent our point of view—for

"The spirit bloweth where it listeth—and no man knows from whence it comes—or whither it goes."

So mysterious—and compelling—are the ways of God in His ministry of Judgment, and love, and forgiveness—and renewal!

In a day of chaotic and rapid change—our responsibility is not to try to triumph over others, just because they disagree with us—but, to stand with them in openness and charity—trusting that God can lead us all—together—into a vital and creative fellowship, through which His will for mankind can better be done.

Ours is the terrifying honor of having been called by God as servants and fellow-heirs of the Lord Christ in the most unpredictable, exciting and frightening era in recorded history. How we discharge this grave responsibility is crucial—and may be decisive for our soul's destiny. It is precisely to such a situation that Abbé Godin spoke when, concerning the Church's role, he said:

"The task is not to renew preaching methods, nor to restore liturgical forms. But to establish by a recasting of the message from within, the indispensable dialogue between the Church and the culture of this era."

But, let us be certain of one thing: a recasting of the message means relevant, reinterpretation of God's self-revelation—and not the substitution of something different. No matter how critical the contemporary situation, the Church must not dilute her God-revealed tradition—nor should she abdicate her appointed role. The Church must offer the Good News of God's costly involvement in human history for what it is: Judgment and Life, by forgiveness and grace for such as believe—and not as a means of conserving any vested interests or privileges of any institution or race or class.

Dr. John Whale reminds us that—by his own admission—the Duke of Wellington used to go to Church "to set a good example for the common people,"—a transparent case of "doing the right thing, for the wrong reason!" For when we manage to corrupt the "essential disinterestedness" of Christian worship, in order to preserve the status quo, or, to freeze the social order, or to avoid a "costly involvement" in the tragedy and misery of human life, we have produced something less than the Christian faith—somcthing demonic and self-destroying. Let the Church forget this, and the historic judgment recorded over Sapphira in the Book of the Acts, will be pronounced upon us by a new generation: "Behold—the feet of the young men, which have buried thy husband, are at the door—*and shall carry thee out!*"

This Cathedral is the place of the Bishop's Cathedra—it symbolizes both the unifying influence of the Bishop's office and the Bishop's role of pastoral and prophetic leadership. Actually, it is the Bishop's responsibility to help widen the horizons of his people, and to keep the Church "family" engaged "on the firing line" of the battle of the world's most desperate needs.

It will not take a Bishop long to discover that many of the congregations, committed to his charge, are "like children"—occasionally are even childish!

Like children, they will prove to have short memories, forgetting that they are not their own, but have been bought with a price.

Like children, they will be inclined to view their relatives as nuisances, unless they happen to be wealthy relatives from whom generous gifts can come.

Like children, they will be possessed of the aggravating tensions between their own immediate wants, and the universal needs of mankind, that stand in judgment over them—even if separated by half a globe from them.

Like children, their understanding is too frequently localized within the confines of their own little world, in which they play the "major role" according to their whims and fantasies.

Everybody knows that it often takes a shattering "conversion" of family experience to keep a child from being utterly destroyed by the poisons with which his natural ego

feeds him. Whatever a father in a Christian family is responsible for, he is responsible, under God, for such a transformation of his own children.

To carry out the analogy—without trespassing upon their freedom—so must a Bishop discharge this responsibility with his "family in God." For—many times—they are "as sheep without a shepherd." And you, Ned Cole, have been chosen as the representative of "the Great Shepherd" Whose Spirit is a maturing power and Whose service is perfect freedom!

When a Bishop can learn to walk, and stand, amidst the members of his "family in God" in love and patience—in courage and hope—exercising discipline with tact and forbearance, always remembering whose servant he, the bishop is! And that he, himself, is a weak, sinful man, in need—sometimes desperate need—of God's forgiveness and grace, then the Church can be the Church! His Cathedral can be the legitimate symbol of the Church. And durable things will be done in the name of Christ and for His People!

Many of us of the older generation can recall with thanksgiving the ministry of Dr. Harry Emerson Fosdick. The Riverside Church in New York City is a monument to the power of it! Dr. Fosdick admits in his autobiography that he had many an anxious moment wondering whether or not the new Church would be a great tragedy! So, while still in the Park Avenue edifice, he preached a sermon on this topic and this is a part of what he said:

"You know it could be wicked for us to have that new Church—wicked! Whether it is going to be wicked or not, depends upon what we do with it! Very frequently in these days people come to me and say: 'The new Church will be wonderful!' My friends, it is not yet settled whether or not the new Church will be wonderful! If we should gather a selfish company there, though the walls bulge every Sunday with the congregations, that would not be wonderful! If we formed there a religious club, greatly enjoying themselves, and though we trebled in numbers the first year, that would not be wonderful!

"But, if all over the world, at home and abroad, wherever the Kingdom of God is hard beset, the support of this Church should be felt, and like an incoming tide, many an estuary should feel its contribution flowing in, that would be wonderful! If young men and young women coming to that Church should have Isaiah's experience, seeing the Lord high and lifted up, and if they, too, should discover their divine vocation, answering, "Here am I, send me!"—that would be wonderful! If wherever soldiers of the common good are fighting for a more decent international life, and a juster industry, they should feel behind them the support of this Church which, though associated in the public thought with prosperity and power, has kept its conviction clear that a major part of Christianity is the application of Jesus to the social life, and that no industrial or international question is ever settled until it is settled Christianly, that would be wonderful!

If in this city, this glorious, wretched city, where so many live in houses that human beings ought not to live in, and children play where children ought not to have to play, if we could lift some burdens and lighten some dark spots, and help to solve some of our community's problems, that would be wonderful!

"If, in the new temple we simply sit together in 'heavenly places,' that will not be wonderful! But, if we also work together in 'un-heavenly places,' that will be!" And it was to such an ideal and such a realistic hope that the ministry in Riverside Church was dedicated and few are the people, today, who do not know its glory!

Beginning a new era—in the life of this Diocese—by setting apart St. Paul's Cathedral—as you are doing—I would be pleased indeed if powerful Christian "Social Concern" should motivate and highly charge every person touched by this Cathedral. But—I would be more profoundly grateful—and this whole city would be enriched—if we could be certain that men and women, entering this lovely impressive building, would see the Lord—high and lifted up—and, through a penetrating understanding of his mission of judgment and forgiveness and reconciliation upon this earth be driven downward to their knees in penitence, and then, outward into the world in vocation and mission.

Then, it would be that—instead of a Cathedral being dedicated a people would be re-dedicated. And, there would be joy—in heaven.

To this so great a hope, and so powerful an expectation, may this cathedral be offered Today and forever.

FRANCIS E. HORRIGAN, PASTOR OF ST. JAMES CHURCH IN SYRACUSE, N.Y., CELEBRATING 50 YEARS OF DEDICATED SERVICE

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

Mr. HANLEY. Mr. Speaker, this weekend, one of the kindest and most respected gentlemen it has been my pleasure to know, will be honored on the golden anniversary of his ordination to the priesthood. Mr. Francis E. Horrigan, pastor of St. James Church in Syracuse, N.Y., is celebrating 50 years of dedicated service to God and church. For nearly three decades, Monsignor Horrigan has guided the destiny of St. James Parish. He has presided over a growth pattern that has included the construction of a new church, a new rectory, and a new grammar school. But more importantly, Monsignor Horrigan has made St. James a vital force in the community affairs of Syracuse.

A few years ago, when the new wave of ecumenism was sweeping the world, Monsignor Horrigan was in the forefront of the effort to heal old wounds, and to bind up new allegiances. His warm, soft spoken manner, his gentle understanding, and his genuine love of people earned him the undying respect of everyone who knew him.

Monsignor Horrigan has been a familiar figure in the valley since his appointment as pastor of St. James back on November 14, 1944. I say in the valley rather than just in St. James, because, in fact, Mosignor Horrigan's flock includes thousands who are not even members of his church. Over the years he has provided counsel and advice to everyone who sought him out, regardless of their religious preferences.

As Monsignor Horrigan enters his 51st year in the priesthood, Mr. Speaker, I know that you and I and the other Members of the House of Representatives will want to join his parishioners, his legion of friends, and his beloved sister, Jule, in wishing him many more years of good health, good fortune, and the choicest of God's blessings.

SMITHSONIAN'S "DRUGS: A SPECIAL EXHIBITION"

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

Mr. NEDZI. Mr. Speaker, the Smithsonian Institution is presenting an exhibition on a subject of the gravest public concern, the use and misuse of drugs. I think it is important that the Smithsonian, whose museums are visited by more than 13 million people each year, has brought its resources of knowledge in museum technique to bear on an important, but controversial subject. The exhibit places the use and misuse of drugs in a historical context. Its message to the visitor is that drugs are not a new problem, that they have brought benefits as well as harm to almost every human culture, and that drug misuse exists not only in our inner-city ghettos, but pervades every sector of our society. I believe that this exhibition sets in a helpful perspective the issues surrounding drugs, and I was pleased to note an editorial praising the exhibit in the Evening Star of May 31. I include this editorial at this point for the information of my colleagues:

DRUG SHOW

The Smithsonian Institution, in its Arts and Industries Building, has recently opened "Drugs: A Special Exhibition."

The subtitle is entirely merited. The drug show is a very special exhibition indeed. The subject is another instance of a museum addressing itself to a problem of contemporary concern and bringing to the problem an unusual and very formidable array of resources to inform and to stimulate thought.

Beyond the subject, the exhibition's attitude is a relief from the panic or horror that often permeates discussions of drugs. Instead, history and present day facts are presented in very imaginative ways. The field of drugs is shown as including coffee, alcohol, tobacco and patent medicines along with the opium derivatives.

Different voices from "talking heads" present varied attitudes toward the subject: an American Indian, a Southeast Asiatic, a young white American marijuana user, a worried American mother and a black former addict.

The exhibition offers the visitor an enormous amount of information on drugs and places them in a worldwide historical context rarely even thought of by many who discuss the subject most heatedly.

Part of the show is a "Rap Theater," in which visitors may engage in discussion with representatives of local organizations concerned with the problem.

The spectacular design of the exhibition is the work of the Research and Design Institute, a non-profit group in Providence, R.I. The design includes air-supported inflatable galleries in which, following the Washington showing through this year, the exhibition can be shown on such sites as super-market parking lots in a three-year national tour.

THE HONORABLE JOHN A. CARVER

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

Mr. ASPINALL. Mr. Speaker, the Honorable John A. Carver, presently a member of the Federal Power Commission and formerly Assistant as well as Under

Secretary of the Department of the Interior, will soon become a member of the staff of the University of Denver Law School.

Recently, I was privileged to be at a meeting of the alumni of the University of Denver Law School for which occasion Mr. Carver had prepared some very interesting remarks concerning his future career in the field of teaching and his present approach on philosophy to such responsibilities. I found his statement so interesting that I am sure that it will be of interest also to my colleagues:

The invitation for a newly appointed law professor to meet with the alumni of his new employer has to be recognized for what it is, a command performance. Your President, Dale Shaffer, said don't worry about preparation, just a few words off-the-cuff will suffice. He was right about the few words, but the off-the-cuff part was a figure of speech. One does not ramble before Wayne Aspinall, and preparation is the only known preventive measure for rambling.

I am struck by the repetitive career theme among Denver law alumni here today. At least three former Speakers of the Colorado House of Representatives; an equal number of former Assistant Interior Secretaries, not to mention multiples of former, present and future Denver University faculty members, members and staff of the Congress of the United States, independent regulatory agency members, and military officers.

I used to take pleasure in introducing Oscar Chapman as a former *Assistant* Secretary of the Interior, notwithstanding his service also as Under Secretary and Secretary. All of us ought to have the option of being identified either on our epitaphs or in our introductions with that part of our careers in which we experienced the most satisfaction—by calling attention to Oscar's thirteen years as Assistant Secretary, I simply express my own great joy in that job, now held by another Denver alumnus, H. Loesch.

I am already in the debt of Chris Munch. On my first visit to his office, I was fumbling an attempt to articulate the thoughts I had about how I might distil out of my experience in government—state and federal—and in the practice of law something that would be useful and beneficial as a course offering. He saw instantly what it was, and named the courses—the Law of the Private Use of Public Resources.

As some of you know, I have long been preoccupied with the relationship between the government as land proprietor and as sovereign with the entrepreneurial section where much or most of the land and its resources is in federal ownership.

That preoccupation has led me to the conclusion, among others, that the Western lawyer has the responsibility of understanding this process somewhat better, not simply to represent his clients better but to help halt the erosion of public confidence in government itself.

The proliferation of course offerings in "environmental law" at all of the law schools in the country, attracts students with the premise, explicit or implicit, that they are choosing a side, to right an imbalance between conservationist and aesthetic values on the one hand and pressures exerted by corporate interests seeking resource development on the other.

This is no bad thing by itself. Universities (and other institutions including perhaps the Congress) are chargeable with the quality of conceptions of those who exit, not those who enter.

It is to the quality of conception that I would like to address my efforts. Criticism of the reclamation program, of the Taylor Grazing Act, of the mining and leasing laws, indeed of our economic and political system generally, does not threaten the republic. But those who hold themselves out as learned men, as professional men, owe the public as well as themselves the duty not to be ignorant in their criticism.

Understanding of law demands an understanding of history, and of other disciplines as well. In the field of natural resources law, it is vital to know why the mining laws took their present shape; the policy choice which the country made for opening up the public lands; the abuses which were corrected by the Taylor Act.

I have perhaps the misguided idea that judging last year's lawmakers or administrators by this year's standards promotes mistrust in government. There is a kind of revisionism rampant today which gives special weight to criticisms of resource decisions leveled by those who originally made the criticized decisions. I would like to promote a discipline of student approach which would present past decisions in the light of contemporaneous values and knowledge, not those of some later date. The passage of time can prove us all wrong, but the passage of time alone should not cause our reputations to be besmirched.

This country opted for a Jeffersonian over a Hamiltonian philosophy for opening the Western lands—the part of today's morality which I criticize would make Jefferson a giveaway artist, responsible for many of our current ills.

Well, such is the flavor of my philosophy as I undertake to begin teaching at the University of Denver, College of Law. I am hopeful that the breadth of my experience in government will be magnet enough to bring students to hear me. At the end of the course, they may remain of the opinion, or be newly come to it, that in resource matters they should put their faith in the courts, or in fashioning administrative structures out of rediscovered old laws. I can respect such views. I do not even expect respect for my old-fashioned ideas about values other than the quality of the environment being at stake if we commit resource decisionmaking to an elite or to politically non-responsible institutions, in perference to elected representatives.

I expect, nevertheless, a net professional enhancement. I anticipate that I can gather together the readings in history, the statutes, the simulated case studies, and the insights of others to add to my own to give a unity to the subject of the law of private use of public resources. I am going to need a lot of help, and much of it must come from people in this room.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MARTIN (at the request of Mr. GERALD R. FORD), for June 8, on account of official business.

Mr. DENHOLM (at the request of Mr. MCFALL), for Wednesday, June 7, and Thursday, June 8, 1972, on account of official business.

Mr. CARNEY (at the request of Mr. MCFALL), for Wednesday, June 7, and Thursday, June 8, 1972, on account of official business.

Mr. SCHNEEBELI (at the request of Mr. GERALD R. FORD), for today, on account of a death in the family.

Mrs. GRIFFITHS (at the request of Mr. BOGGS), for Wednesday, June 7, and Thursday, June 8, 1972, on account of official business.

Mr. CHAPPELL (at the request of Mr. BOGGS), for the week of June 5, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. GREEN of Oregon, for 60 minutes, today; to revise and extend her remarks and include extraneous matter

Mr. WILLIAM D. FORD, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MCCOLLISTER) and to revise and extend their remarks and include extraneous matter:

Mr. FREY, for 5 minutes, today.

Mr. HORTON, for 60 minutes, on June 14.

Mr. DEVINE, for 60 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. WYMAN, for 10 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. HENDERSON, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. ULLMAN, for 10 minutes, today.

Mr. FLOOD, for 20 minutes, today.

Mr. ROONEY of Pennsylvania, for 30 minutes, on June 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SAYLOR, notwithstanding an estimated cost of $455, to extend his remarks in the RECORD today.

Mr. MAHON, his remarks made today.

Mr. PRICE of Illinois, to include extraneous matter in his remarks in Committee of the Whole today.

Mr. REID following Mr. Dow in connection with his amendment to H.R. 14990.

Mr. WILLIAM D. FORD, notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $560.

Mrs. GREEN of Oregon, to include extraneous matter in connection with her special order notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $1,540.

(The following Members (at the request of Mr. MCCOLLISTER), and to include extraneous matter:)

Mr. STEELE in 10 instances.

Mr. DUNCAN.

Mr. SCHWENGEL in two instances.

Mr. BROOMFIELD.
Mr. HOSMER in two instances.
Mr. WYMAN in two instances.
Mr. ERLENBORN.
Mr. HARVEY.
Mr. DERWINSKI in two instances.
Mr. VEYSEY in two instances.
Mr. ARENDS.
Mr. MIZELL in five instances.
Mr. SEBELIUS.
Mr. ASHBROOK in three instances.
Mr. ROBISON of New York.
Mr. BROTZMAN in two instances.
Mr. DELLENBACK.
Mr. DU PONT.
Mr. BROWN of Ohio.
Mr. HILLIS.
Mr. CONTE.
Mr. STEIGER of Wisconsin.
Mr. THONE.
Mr. KEMP.
Mr. SPENCE.
Mr. SMITH of New York.

(The following Members (at the request of Mr. MAZZOLI) and to revise and extend their remarks and include extraneous matter:)

Mr. JAMES V. STANTON.
Mr. DINGELL.
Mr. CARNEY.
Mr. BEGICH in four instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. HAGAN in two instances.
Mr. ROGERS in five instances.
Mr. WOLFF in two instances.
Mr. MAHON.
Mr. BINGHAM in five instances.
Mr. BADILLO.
Mr. ANDERSON of California in two instances.
Mr. KASTENMEIER in five instances.
Mr. HÉBERT.
Mr. PATTEN.
Mr. FRASER.
Mr. DOWNING.
Mr. VANIK in two instances.
Mr. HUNGATE in two instances.
Mr. ROYBAL.
Mr. HAMILTON.
Mr. NIX.
Mr. CORMAN in five instances.
Mr. EVINS of Tennessee.
Mr. STOKES in two instances.
Mr. MCCORMACK.
Mr. PERKINS in two instances.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, June 8, 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:

2067. A letter from the Secretary of Defense, transmitting notice that he has authorized deficiencies for the necessities of the current year in various appropriations to the Department of Defense, pursuant to 41 U.S.C. 11; to the Committee on Appropriations.

2068. A letter from the Secretary of Commerce, transmitting the 99th Quarterly Report on export control, covering the first quarter of 1972, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

2069. A letter from the Chairman, Federal Maritime Commission, transmitting a draft of proposed legislation to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

2070. A letter from the Acting Administrator of General Services, transmitting prospectuses for the construction of Federal office buildings in various locations, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2071. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released in May 1972, pursuant to the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANLEY: Committee on Post Office and Civil Service. H.R. 12602. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; with amendment (Rept. No. 92–115). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 839. Resolution to provide further funds for the expenses of the investigations and study authorized by House Resolution 21; with amendment (Rept. No. 92–1116). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 15359. A bill to establish the Seward National Recreation Area in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 15360. A bill to insure orderly congressional review of tax preferences and other items which narrow the income tax base; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 15361. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15362. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM:

H.R. 15363. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers, firemen, and correction officers killed in the line of duty, and to police officers, firemen, and correction officers who are disabled in the line of duty; to the Committee on the Judiciary.

By Mr. CARNEY:

H.R. 15364. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, and for other purposes; to the Committee on Education and Labor.

By Mr. CONTE:

H.R. 15365. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 15366. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder, to increase the amount of earnings counted for benefit and tax purposes, and to make appropriate adjustments in social security tax rates; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 15367. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. FUQUA:

H.R. 15368. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rates as unmarried individuals and to provide a special rule in the case of earned income which is community income; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon (for herself, Mr. ALEXANDER, Mr. CAREY of New York, Mr. DENT, Mr. DOWNING, Mr. GAYDOS, Mr. GIAIMO, Mr. GIBBONS, Mr. LEGGETT, Mr. MAZZOLI, Mr. MOLLOHAN, and Mr. PIKE):

H.R. 15369. A bill to provide congressional due process in questions of war powers as required by the Constitution of the United States; to the Committee on Armed Services.

By Mr. HARRINGTON:

H.R. 15370. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, to the Committee on Education and Labor.

H.R. 15371. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 15372. A bill to amend the General Bridge Act of 1946, to prohibit the construction of a highway bridge across Long Island Sound from any point on the north shore of Long Island between Oyster Bay Harbor and Hempstead Harbor to any point in Westchester County, N.Y., in the vicinity of the city of Rye or the village of Port Chester; to the Committee on Public Works.

By Mr. MONTGOMERY:

H.R. 15373. A bill to provide service credit for certain periods during which members of Reserve components are entitled to basic pay and allowances; to the Committee on Armed Services.

H.R. 15374. A bill to provide that certain group health benefits plans shall be considered approved plans for the purposes of chapter 89 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 15375. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 15376. A bill to amend the Service Contract Act of 1965 to revise the methods of computing wage rates under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. WHITEHURST:

H.R. 15377. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 15378. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for individuals who rent their principal residences; to the Committee on Ways and Means.

By Mr. BEGICH:

H.R. 15379. A bill to prohibit the use of certain small vessels in U.S. fisheries; to the Committee on Merchant Marine and Fisheries.

H.R. 15380. A bill to amend the National Science Foundation Act of 1950 so as to provide for a program relating to earthquakes; to the Committee on Science and Astronautics.

By Mr. DU PONT:

H.R. 15381. A bill authorizing demonstration programs for beach erosion control at certain locations along the shores of Delaware Bay in the State of Delaware; to the Committee on Public Works.

By Mr. ESCH:

H.R. 15382. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. ESCH (for himself, Mr. FRENZEL, Mr. MCKINNEY, and Mr. MOSHER):

H.R. 15383. A bill to provide for an end to the U.S. involvement in hostilities in and over Indochina, to secure the withdrawal of all U.S. forces therefrom, and to express the sense of the Congress for a cease-fire and an arms embargo therein; to the Committee on Foreign Affairs.

By Mrs. GRASSO:

H.R. 15384. A bill to provide for the establishment of a Commission on Revision of Federal Taxation; to the Committee on Ways and Means.

By Mr. LINK:

H.R. 15385. A bill to amend the Rural Electrification Act to provide that telephone excise taxes imposed on rural telephone service shall be used for purposes of the rural telephone loan program; to the Committee on Agriculture.

By Mr. SHIPLEY:

H.R. 15386. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Wabash Valley Basin environmental conservation program; to the Committee on Agriculture.

By Mr. TIERNAN:

H.R. 15387. A bill to provide certain amounts of broadcast time for candidates for President and Vice President of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. WYMAN:

H.R. 15388. A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during or after model year 1975; to the Committee on Interstate and Foreign Commerce.

By Mr. BADILLO:

H.J. Res. 1217. Joint resolution to authorize the assignment of Neighborhood Youth Corps members to employment in the private sector; to the Committee on Appropriations.

By Mr. BINGHAM:

H.J. Res. 1218. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.J. Res. 1219. Joint resolution to mandate consideration of comprehensive legislation reforming and recodifying the Federal income, estate, and gift tax laws; to the Committee on Rules.

By Mr. MACDONALD of Massachusetts:

H.J. Res. 1220. Joint resolution proposing an amendment to the Constitution of the United States to provide that a citizen shall not be ineligible to the Office of the President by reason of not being native born if he has been a U.S. citizen for at least 12 years and a resident within the United States for 14 years; to the Committee on the Judiciary.

By Mr. PODELL:

H.J. Res. 1221. Joint resolution to protect the bill of rights for middle-class housing residents; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WHALLEY introduced a House concurrent resolution (H. Con. Res. 628) expressing the Nation's gratitude and appreciation to Dr. Wernher von Braun on the occasion of his retirement from the National Aeronautics and Space Administration, which was referred to the Committee on Science and Astronautics.

PETITIONS, ETC.

Under clause 1 of rule XXII,

247. The SPEAKER presented a petition of Richard Richeson, et al., Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Wednesday, June 7, 1972*

The Senate met in executive session at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in whose will is the destiny of men and nations, draw the people of this land together in a new comradeship of purpose to fulfill the vision of our fathers. Enable us to provide not only work and homes and food but a life where true religion and education flourish, where art and music come to full expression. Expel all that corrupts or defiles the divine image in men, that the more perfect order may come in a land of freedom and faith. May the President, the Congress, all holders of public trust, and all the people be joined in common dedication to serve the higher way of righteousness and justice, that Thy kingdom may come and Thy will be done on earth.

And to Thee shall be all glory and praise. Amen.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senate adjourned in executive session last night, hence it is convening in executive session today. Under the unanimous-consent agreement, the following business will be transacted, as in legislative session.

Before the Chair's distinguished colleague from Montana is recognized, the Senate will receive a message from the President.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 6, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 799.