

HOUSE OF REPRESENTATIVES—Tuesday, June 20, 1972

The House met at 12 o'clock noon.

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

Now therefore, O God, strengthen Thou my hands.—Nehemiah 6: 9.

Our Heavenly Father, who hast guided us amid the differences of the past, lead us through the difficulties of the present that nothing may shake our confidence in the future of our beloved country.

May Thy cleansing power flow through us and through our people guiding our youth in right paths and our adults in wise ways. Make us all mindful of Thy presence, eager to do Thy will and ready to work for the highest good of our land.

We humbly beseech Thee to bless our President, to strengthen our Speaker, and to encourage these servants of our Government as they seek to keep our Nation strong and free.

In the spirit of the Master we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE 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. 5066. An act to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act; and

H.R. 14106. An act to amend the Water Resources Planning Act to authorize increased appropriations.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3284) entitled "An act to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. ANDERSON, Mr. MOSS, Mr. BURDICK, Mr. METCALF, Mr. ALLOTT, Mr. JORDAN of Idaho, and Mr. HANSEN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11350) entitled "An act to increase the limit on dues for U.S. membership in the International Criminal Police Organization," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. ERVIN, and Mr. HRUSKA to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 13188) entitled "An act to authorize appropriations for the procure-

ment of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. HART, Mr. HOLLINGS, Mr. GRIFFIN, and Mr. STEVENS to be the conferees on the part of the Senate.

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

S. 3443. An act to amend and extend the Juvenile Delinquency Prevention and Control Act of 1968.

THE LATE HONORABLE GORDON CANFIELD

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

Mr. WIDNALL. Mr. Speaker, I have the unpleasant duty of informing the House that former Congressman Gordon Canfield, of Passaic County, N.J., died in his sleep last night.

Gordon Canfield was one of the most beloved colleagues I have known in my years of service in the House. He was dedicated and well informed. He concentrated his efforts in the Committee on Appropriations on so many worthwhile projects that actually became law, and was responsible for much legislation that was constructive toward the development of our country.

Gordon is survived by his lovely wife, Dorothy, and by two sons, Carl and Allen. He also had five grandchildren.

Gordon Canfield had 37 years of continuous service to the House and in the House. First he served for 17 years as administrative aide to Congressman George Seger, and was then a Member of the House for 20 years of continuous service.

Mr. Speaker, I will obtain time later on next week when I hope Members who wish to do so may make their remarks about him, and may place them in the RECORD.

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

Mr. WIDNALL. I am happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I was saddened when I learned this morning that Gordon Canfield had passed away. I was happy, however, that recently Gordon was down in Washington when tribute was paid to him at a luncheon where all of his friends who knew him so well had an opportunity to see him, talk to him, and pay their respects to him on that occasion. It was a wonderful gathering and Gordon looked very well.

Gordon was an outstanding leader on the Committee on Appropriations. He was a diligent worker for his district and a conscientious Member of the Congress on all legislative matters. He had a tre-

mendously broad vision of the problems of the Nation because of his long and faithful service on the Committee on Appropriations where I was privileged to serve with him. In every respect Gordon was an outstanding citizen.

Mr. Speaker, I join the gentleman from New Jersey in extending to his wonderful family our deepest condolences.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I should like to join the distinguished gentleman from New Jersey and the distinguished minority leader in expressing our sadness at the passing of our former colleague.

Gordon Canfield was indeed an able and dedicated and hardworking Member of the House of Representatives. He might best be described as a "House man." By that I mean a Member who was perfectly satisfied to give all of his time and all of his efforts and all of his talents in the work of this great body.

He did that, as I said a moment ago, well and ably for many years and in various capacities.

I attended the luncheon given for him by the Coast Guard in recognition of the contribution that he made to the Coast Guard.

I was pleased to visit with him and his wife, and he looked extremely well at that time and, I must say, I am surprised and saddened by his passing and join in extending deepest sympathy to his family.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, Gordon Canfield was a power in the House during his service here.

He was a senior man on the Committee on Appropriations, and when his party was in power, he was the chairman of one of the appropriations subcommittees. He did an outstanding job.

A gentleman in every sense of the word, Gordon Canfield was a great legislator and a great American.

I, too, was at the luncheon in his honor and I am glad we had that opportunity to pay tribute to this noble citizen of our country.

May the Lord bless his memory.

I extend deepest sympathy to his loved ones.

Mr. PATTEN. Mr. Speaker, the news today of the passing of our former colleague Gordon Canfield was indeed a shock. Gordon was more than a colleague; he was my longtime friend and I believe he considered me a friend of his. While Gordon served on the other side of the aisle there was no dividing line between us. As both the majority and minority leaders have stated here today he was a kind and gentle person ever willing to give of himself and to be helpful to others. There is little wonder his constituency loved him and returned him to office time and time again for he was truly a dedicated public servant—and served them well. He loved people—loved to be doing things for them. Mr. Speaker, Gordon had a motto by which

he lived during all of his 37 years of public service spent right here on Capitol Hill. He would say: "Few of us are permitted to do the big things in life but all of us are permitted to do the little things in life—and it's the little things that count." How true—and how important today is his philosophy of life. I have lost a real friend and New Jersey and the Eighth Congressional District has lost one of the truly outstanding legislators and public servants of the past half century. May his soul rest in peace. To his beloved Dorothy and his two sons, Carl and Allan, I extend my very deepest and sincerest sympathies.

Mr. WIDNALL. Mr. Speaker, in closing may I just say we wish to extend our very sincere sympathy to his beloved wife and children and call to their attention the fact that we never had a more beloved colleague and a more dedicated colleague in the House of Representatives. His virtues were many and his dedication was great.

His dedication was a determined dedication and he made a great contribution during his lifetime to the welfare of the people of the United States.

GENERAL LEAVE

Mr. WIDNALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the Record on the passing of our late colleague.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rosa Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MARIA LUGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Lugia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unani-

mous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342), for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

There being no objection, the Clerk read the bill, as follows:

H.R. 2394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (31) of the Immigration and Nationality Act, Antonio Benavides may be issued a visa and admitted to the United States for permanent residence if the said Antonio Benavides is found to be otherwise admissible under the provisions of that Act: Provided, That this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

There being no objection, the Clerk read the bill as follows:

H.R. 2703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Mrs. Concepcion Garcia Balauro may be issued a visa and admitted to the United States

for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to enactment of this Act: *Provided further*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu. Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia Dos Reis.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

JERRY L. CHANCELLOR

The Clerk called the bill (H.R. 7946) for the relief of Jerry L. Chancellor.

There being no objection, the Clerk read the bill as follows:

H.R. 7946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jerry L. Chancellor, of Wichita Falls, Texas, is relieved of liability to the United States in the amount of \$131.55 representing overpayments of salary paid to him during the period from June 21, 1967, through April 10, 1969, by the Department of the Navy, United States Marine Corps, as a result of administrative error and through no fault of his own. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jerry L. Chancellor, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness

to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, strike "\$124.77" and insert "\$131.55".

Page 2, line 11, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MARIA BADALAMENTI

The Clerk called the bill (S. 513) for the relief of Maria Badalamenti.

There being no objection, the Clerk read the bill, as follows:

S. 513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of sections 212 (a) (1) and 212(a) (25) of the Immigration and Nationality Act, Maria Badalamenti may be issued a visa and be admitted to the

United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *And provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The 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.

FREDI ROBERT DREILICH

The Clerk called the bill (H.R. 2725) for the relief of Fredi Robert Dreilich.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DENNIS YIANTOS

The Clerk called the bill (S. 65) for the relief of Dennis Yiantos.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

WILMA JUGULON KOCH

The Clerk called the bill (H.R. 10713) for the relief of Wilma Jugulon Koch.

There being no objection, the Clerk read the bill as follows:

H.R. 10713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Wilma Jugulon Koch may be classified as a child within the meaning of section 101(b) (1) (F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Harry G. Koch, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status, under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, line 4, strike out the name "Wilma Jugulon Koch" and insert the name "Wilma Busto Koch".

The committee amendment was agreed to.

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

The title was amended so as to read: "For the relief of Wilma Busto Koch".

A motion to reconsider was laid on the table.

KYONG OK GOODWIN (NEE WON)

The Clerk called the bill (H.R. 9256) for the relief of Kyong Ok Goodwin (nee Won).

There being no objection, the Clerk read the bill as follows:

H.R. 9256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Kyong Ok Goodwin (nee Won) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, for the purposes of sections 203(a) (1) and 204 of the Immigration and Nationality Act, Kkyong Ok Goodwin (nee Won) shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Andrew L. Goodwin, citizens of the United States: *Provided, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship be accorded any right, privilege, or status under the Immigration and Nationality Act.*

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

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

There was no objection.

PUBLIC WORKS-ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

Mr. EVINS of Tennessee. 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. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Arizona (Mr. RHODES) and myself.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 212]

Abernethy	Flowers	Miller, Calif.
Abzug	Flynt	Minish
Addabbo	Ford,	Mizell
Alexander	William D.	Murphy, Ill.
Anderson,	Fountain	Murphy, N.Y.
Tenn.	Fraser	Nix
Ashley	Frenzel	Patman
Badillo	Fulton	Pelly
Baring	Fuqua	Pepper
Barrett	Gallagher	Peyser
Blaggi	Grasso	Pike
Bingham	Green, Pa.	Pirnie
Blanton	Hagan	Podell
Blatnik	Halpern	Poyer, N.C.
Brasco	Harrington	Pryor, Ark.
Broomfield	Hathaway	Rangel
Brown, Mich.	Hawkins	Rarick
Byrne, Pa.	Hays	Reid
Cabell	Hébert	Rooney, N.Y.
Carey, N.Y.	Helstoski	Roush
Celler	Henderson	Ryan
Chappell	Horton	St Germain
Chisholm	Howard	Sandman
Clark	Jacobs	Scheuer
Clay	Jonas	Schmitz
Colmer	Jones, N.C.	Springer
Conyers	Keating	Steiger, Ariz.
Corman	Koch	Steiger, Wis.
Cotter	Kuykendall	Stratton
Curlin	Kyros	Stuckey
Davis, Ga.	Long, La.	Taylor
Davis, S.C.	McDonald,	Teague, Calif.
Delaney	Mich.	Teague, Tex.
Diggs	McEwen	Thompson,
Dow	Madden	N.J.
Dowdy	Mann	Wiggins
Dwyer	Mathias,	Winn
Erlenborn	Calif.	Wyder
Esch	Melcher	Yatron
Eshleman	Metcalfe	Young, Fla.
Findley		

The SPEAKER. On this rollcall 315 Members have answered to their names, a quorum.

PUBLIC WORKS-ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee (Mr. EVINS).

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. 15586, with Mr. ASPINALL 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 unanimous-consent agreement, the gentleman from Tennessee (Mr. EVINS) will be recognized for 1 hour, and the gentleman from Arizona (Mr. RHODES) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

We bring you today the public works for water and power development and

Atomic Energy Commission appropriation bill for 1973.

Mr. Chairman, this is one of the most important annual appropriations bills considered by the Congress.

This is a vital bill—an all-American bill.

This is a significant bill as it represents a program of sound investments in America—investments in flood control, power generation, navigation, reclamation, recreation, water supply, beach erosion, shore protection, nuclear power development, and related programs and purposes.

This bill represents this Nation's continuing commitment to provide needed and essential services for our people at a time when the threat of power shortages—blackouts and brownouts—and power crises faces many areas of the Nation.

I hope the American people understand the true significance of this bill with respect to their own security, safety, and well-being.

Put in the simplest terms, this bill funds projects which will provide:

Essential electric power, flood control, water supplies, irrigation programs, environmental protection, and expansions and improvements in our network and system of internal waterways and navigation.

Essential programs of the Atomic Energy Commission, including continued development of nuclear power production with a promising new reactor program, the liquid metal fast breeder reactor—LMFBR; and

Vital and important programs and projects of the Bureau of Reclamation; the Appalachian Regional Commission; the Federal Power Commission; the Tennessee Valley Authority; the Water Resources Council; and other vital water commissions, boards, and agencies related to water resource and power development.

CAPITAL INVESTMENTS IN AMERICA

These are some of the specific benefits of this bill, Mr. Chairman, and I include herewith a table of cumulative benefits for these programs over the years:

Project benefits

Annual water supply benefits:	Total
Gallons of water furnished.....	11,049 billion
Number of people served.....	20 million
Annual power benefits:	
Installed generating capacity	
(kilowatts)	41 million
Net generation (kilowatt	
hours)	198 billion
Gross revenues.....	\$1.1 billion
Flood control benefits to date:	
Estimated value of flood damage	
prevented	\$21 billion
Expenditures for flood control	
facilities	\$7 billion
Annual navigation benefits: Annual	
traffic tonnage.....	1.6 billion
Reclamation benefits:	
Acres irrigated.....	9 million
Annual value of crops	
produced	\$2 billion
Recreation benefits: Annual visitor	
days	401 million

This bill represents capital investments in the future of America. Without this continuing program of public works, America would find itself weak-

ened internally and unable to meet the challenges of population growth and economic expansion.

I would point out in the words of a great champion of internal improvements, Henry Clay, that—

We are not legislating for this moment only, or for the present generation, or for the present populated limits of the United States; but our acts must embrace a wider scope.

And, indeed, this bill embraces projects from Maine to California—Alaska to Hawaii.

We are thus looking ahead and moving ahead with the necessary internal improvements to assure our people and future generations of an America fully capable of relating its public services to growth and progress and the multiplying gross national product with all of the implications of an expanding and growing economy.

PREDICTION OF NEED

The Water Resources Council in an assessment of the Nation's water resources has predicted that by the year 2020 the Nation will have a population of 468 million people—more than double our population today.

The Council made these predictions: Requirements for municipal water supplies will triple and requirements for industrial water use will increase 300 percent.

Annual flood damage will triple and flood control programs continued at their present rate of construction will at best hold residual losses to \$2 billion annually.

Steam electric powerplants will increase water withdrawals more than six times over the present rate of use.

Water tonnage on the Nation's system of internal waterways will increase six times in the next 50 years. The number of pleasure craft alone is expected to increase from 8 million today to 30 million in the year 2020.

And—as we all know—the demand for electricity is doubling every 10 years—a hard fact of geometric progression that must be accepted and necessary power-generating sources provided to accommodate the ever-increasing public demand and consumption.

This bill addresses itself to this need and demand.

NATIONAL POWER SURVEY

The Federal Power Commission in its national power survey released recently declared:

We foresee recurrent and spreading power shortages unless positive steps are taken, and taken soon, to remedy conditions which are slowing the orderly development of essential power supplies.

The report warned that—

Contradictory public attitudes about electric power are presently on a collision course.

With the demands for electricity accelerating, and vital power projects delayed or blocked on environmental grounds, the report stresses the need and importance of moving ahead with speed and dispatch to meet public and consumer demands.

The report concludes:

It will take the best coordinated efforts of the industry, the government, and the gen-

eral public to prevent this potential threat from proving real.

Predictions of power shortages in many areas have come from Chairman John Nassikas of the Federal Power Commission, Chairman James R. Schlesinger of the Atomic Energy Commission, Chairman A. J. Wagner of the Tennessee Valley Authority, and others.

A number of power-generating facilities—including nuclear powerplants—and water resource projects have been blocked and delayed by lawsuits, injunctions, and bureaucratic enforcement procedures.

NEED FOR A BALANCED POLICY

All of us recognize the need to preserve and protect our environment; and the Corps of Engineers, Federal Power Commission, and TVA and other agencies have developed detailed guidelines to assist in this effort.

However, we must strike a balance between the preservation of our environment and the need for progress.

We must establish a rule of reason that will assure the people of our great Nation adequate electric power and other essential services.

A great conservationist, Theodore Roosevelt, said:

Conservation means development as much as it does protection.

This statement underlines the balance that must be achieved between conservation and protection—between the preservation of our environment and moving forward with progress essential in the public interest.

Mr. Chairman, as a matter of policy, I want to announce that no project funded in this bill, and not under construction, will be placed under construction unless and until a final environmental impact statement has been prepared and filed.

Every effort is being made to prepare environmental impact statements on all projects and especially on the many projects under construction for many years prior to passage of the National Environmental Policy Act.

Environmental impact statements are being prepared concurrently with all studies and investigations.

Although the Environmental Policy Act was enacted in 1970—just 2 years ago—a total of 306 final environmental impact statements have been prepared by the Corps of Engineers and transmitted to the Council on Environmental Quality.

In addition, 236 environmental impact statements are in the drafting stage. There were 140 projects underway prior to passage of NEPA.

I repeat—environmental impact statements are being prepared for all projects under construction, prior to passage of the act, as rapidly as possible—all studies and investigations carry concurrently the preparation of environmental impact statements.

Certainly no one wants to halt projects under construction for many years and far advanced toward completion.

For example, the John Day lock and dam on the Columbia River in the Pacific Northwest has been under construction

more than 10 years and is 98 percent completed.

An environmental impact statement on this project is also being prepared and will be filed in 1972.

The halting of this project under construction would result in needless construction delays—increased costs—delays in placing benefits on the line—and defaults in contractual commitments.

I wanted to make this policy statement for the RECORD and information of all concerned.

As we consider the specifics of the bill, first I want to commend all the members of our subcommittee who have contributed to the preparation of this bill—all have participated and all have been most helpful.

This bill is a product of the entire subcommittee—and we bring you a unanimous report.

I want to commend the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Mississippi (Mr. WHITTEN), the gentleman from West Virginia (Mr. SLACK), and the gentleman from Louisiana (Mr. PASSMAN), the ranking minority Member, the gentleman from Arizona (Mr. RHODES), the gentleman from Wisconsin (Mr. DAVIS), and the gentleman from New York (Mr. ROBISON).

I want also to commend our excellent committee staff: Gene Wilhelm, George Urian, John Plashal, and Michael Walker.

Our committee has conducted 4 months of hearings on this bill. The testimony fills five volumes and 6,500 pages of transcript.

A total of 1,500 witnesses testified—including 140 Members of Congress.

OVERALL SUMMARY

By way of overall summary, the President's budget recommends \$5,542,058,000 for public works and related water resource and power programs—and the Atomic Energy Commission for next fiscal year.

The committee is recommending \$5,490,727,000.

This is \$51,331,000 under the budget request.

This is a phenomenal achievement.

Almost every appropriation bill reported by the committee this year has exceeded the budget request.

However, I repeat, this bill is \$51,331,000 under the budget—less than the President's budget request.

As you may recall, last year when we brought our bill to the floor we were sharply critical of the policy of the Office of Management and Budget in arbitrarily freezing, withholding, and impounding funds. We pointed out at that time, that this negative attitude on the part of officials of OMB could well contribute to power shortages—water shortages—flood damage—other adverse effects and loss of benefits on the line because the impoundments of appropriations were resulting in slowdowns, stretchouts, and delays in many important projects.

I am pleased to advise you at this time that the administration budget request had a new look this year.

The administration's budget request

was more responsive to our committee's request and the needs of the people.

The committee strongly endorses the increases requested in the President's budget for fiscal year 1973 to expedite work on projects under construction.

The reversal of policy from slowdown to acceleration will result in significant savings in project construction costs and speed up availability of essential benefits from additional flood control, water supply, power and other water resource projects.

The committee urges the administration to continue its current policy of optimum funding levels in future budgets to facilitate the completion of projects under construction at the least possible cost to the Government.

The budget this year provides for the largest public works-AEC appropriations in history.

We have been able to effect a net reduction in the budget request primarily because of carryover balances—slippages—and delays in construction schedules.

Our subcommittee exercised its collective judgment and the bill we bring you today is the end result of our hearings and extensive deliberations.

We made some recommendations and set some priorities of our own.

This \$5.5 million bill reflects a balance in cuts and reductions—50 percent of the cuts and reductions were made in the budget of the Corps of Engineers and other agencies—and 50 percent in the budget for the AEC.

NEW STARTS

The committee recommendations provided for \$178 million in increased construction on appropriations for the Corps of Engineers.

The budget recommended \$110 million in increased construction appropriations for the Bureau of Reclamation.

The budget made allowances for only a limited number of new construction starts—15—the committee increased this number by 10 to a total of 25.

We are recommending 25 new construction starts.

A breakdown on new starts recommended in the budget and additions by the committee is as follows:

	Budget	Committee additions	Total
Studies.....	8	20	28
Planning.....	10	21	31
Construction.....	15	10	25
Loan program (reclamation).....	4		4

In initiating these new starts and increasing appropriations for construction our committee is seeking to compensate for delays—stretchouts, slowdowns, and the prior freezing and impoundment of funds—by restoring the project timetables and returning projects to their original construction schedules.

Yet by exercising fiscal discretion and prudence, the committee was able to effect an overall net reduction.

A total of 482 projects are funded in this bill—either for planning or construction.

You will find the projects listed in the report and we commend to you a reading of the Committee report.

U.S. CORPS OF ENGINEERS

For the Corps of Engineers the committee recommends \$1,807,701,000—which is \$30,210,000 less than the budget estimate.

Included within this amount are \$1,181,098 for general construction; \$400 million for operation and maintenance; \$54.2 million for general investigations; \$105 million for flood control of the Mississippi River and tributaries; and \$31,483,000 for general expenses and Office of the Chief of Engineers.

With these funds we are endeavoring to return construction schedules to a reasonable timetable.

Also carried in the bill for the Corps of Engineers are funds for continued work on the new State park development at Center Hill Reservoir in DeKalb and Putnam Counties, Tenn., and other similar developments.

Concerning appropriations for the Corps of Engineers, I want to point out that the bill recommends \$6.8 million for continued work and construction on the Cordell Hull Lock and Dam on the Cumberland River in the Upper Cumberland area near Carthage, Smith County, in the area where my distinguished predecessor, Cordell Hull—a great American and a great Tennessean—was born and reared and served.

This great project, costing \$74 million, is nearing completion—80 percent completed at this time—with the water closing and impoundment scheduled for September of this year.

The project will be completed with the lock in permanent operation in June 1974.

This project will provide benefits in the following amounts annually:

Power generated.....	\$2,330,000
Navigation.....	346,300
Flood control and area redevelopment.....	680,000
Recreation.....	809,600
Total.....	4,165,900

ATOMIC ENERGY COMMISSION

For the Atomic Energy Commission the Committee is recommending \$2,615,860,000—which is \$41,232,000 less than the budget request.

More than \$35 million of this reduction was from anticipated unobligated balances—\$15,352,000 in operating expenses and \$20 million in plant and capital equipment.

The committee has continued in the bill its full support of the budget request of the AEC for development of an economic liquid metal fast breeder reactor.

A total of \$285 million is included in the bill for research, development, and demonstration of this technology which is expected to make a major contribution toward meeting the rapidly growing energy needs of the Nation.

The committee believes that only uranium offers the potential of meeting the fantastic increase in demands for clean and economical electric power which are expected to nearly quadruple by 1990.

The importance of the liquid metal fast breeder reactor is that it is expected to utilize uranium 40 times more efficiently than today's nuclear plants—thus extending for centuries the energy re-

sources available for generating electric power.

This program has been recommended by the President and the Joint Committee on Atomic Energy—and authorized by the Congress.

I want to say at this point that I shall oppose the amendment to strike from this bill appropriations to fund a demonstration plant for the liquid metal fast breeder reactor.

This reactor project is vital—it is needed—it is safe and the only way to develop this technology and evaluate its potential is through research and development—including a demonstration plant.

I also want to say, Mr. Chairman, that I have joined my colleague, the gentleman from Arizona (Mr. RHODES) in urging that this plant be built jointly by TVA, AEC and private industry in the Tennessee Valley area.

The committee also recommends an increase of \$5 million for the Cascade improvement program to provide a total of \$25 million—the 1972 level—to continue the upgrading of uranium enrichment facilities—the source of fuel for nuclear power plants.

BUREAU OF RECLAMATION

The committee is recommending \$463,520,000 for the Bureau of Reclamation in the Department of the Interior.

This is \$1,416,000 under the budget request.

Perhaps not all of my colleagues are aware of the ongoing program called Project Skywater by the Bureau of Reclamation.

This is officially known as the "atmospheric water resources management program" and involves seeding the skies in an effort to induce rain over arid regions.

The committee has allowed \$6 million for this program, a reduction of \$200,000 in the budget request.

Although the committee continues to support this effort which has involved expenditure of \$35 million to date, the committee in the report expressed the view that the time has come for the Bureau of Reclamation to seek legislation on this research project to define the scope of this program and the nature of such research in the future.

APPALACHIAN REGIONAL DEVELOPMENT COMMISSION

The programs of the Appalachian Regional Commission are having a beneficial impact in the 13-State Appalachian region.

The committee is recommending a total of \$327 million for the Commission this year, which is \$25 million over the budget request.

We are providing for funding for the Federal cochairman and staff as the Federal share of 50 percent of administrative expenses.

The \$25 million increase is recommended by the committee for the Appalachian highway program to expedite high priority projects and to assist those States which are fully utilizing their current allocations and prefinancing the Federal share of urgent projects with State funds.

New highways are opening up isolated

areas for economic development under this program.

Supplemental grants are assisting communities with limited resources in securing needed public facilities—vocational and technical schools, hospitals, health centers, airports, and libraries, among others.

As one drives through the Appalachian area, the impact of the Appalachian development program is highly visible.

The following table indicates the breakdown on allocations to various components of the Appalachian program.

The committee allowance is allocated to the following programs and activities:

Highways	\$205,000,000
Health demonstrations.....	48,000,000
Housing fund.....	2,000,000
Mine area restoration.....	2,000,000
Vocational education.....	25,500,000
Supplemental grants.....	37,000,000
Research, demonstrations, and local development districts...	7,500,000
Total appropriation.....	327,000,000

FEDERAL POWER COMMISSION

The committee is recommending \$23,500,000 for the Federal Power Commission—a cut and reduction of \$390,000 from the budget request, but an increase over this year's appropriation of \$1,300,000.

This Commission is assuming greater importance as the problems of energy and fuel supply continue to command the spotlight.

The Commission administers the Federal Power Act and the Natural Gas Act and performs other important work related to both Federal and private electric power development and related natural resources.

I want to commend Chairman John Nassikas and the Commission for its excellent report—the 1970 National Power Survey—released this year.

This report provides an excellent analysis and assessment of the Nation's power problems and needs.

The \$1,300,000 increase in the budget over this year was allowed to finance increased Pay Act costs and for additional costs brought on by the increased workload at the Commission.

TENNESSEE VALLEY AUTHORITY

The committee is recommending an appropriation of \$60,800,000 for the Tennessee Valley Authority which is \$2,900,000 less than the budget request.

The appropriation for the Tennessee Valley Authority includes further and additional funding for the Duck River project in Tennessee—\$2,500,000 each for work on the Normandy and Columbia Dams in Coffee and Maury Counties.

This \$5 million appropriation will make available a total of \$12.8 million for construction work on these projects which are urgently needed and long delayed.

These projects enjoy broad popular support from leaders and citizens in the area. There is the urgent need for water supplies to serve five cities—Tullahoma, Manchester, Shelbyville, Lewisburg, and Columbia—and four counties—Marshall, Bedford, Coffee, and Maury—in the immediate area in a multi-county water

grid system that has received national attention, as an example of regional cooperation.

The committee in the report also directed TVA to halt and delay plans for dismantling the Reno Bridge in White and Van Buren Counties, Tenn., because of requests by the people in the area that this bridge be retained and continued. The delay will provide an opportunity for further negotiations and discussions between local officials and TVA.

Mr. Chairman, I want to make some additional comments and observations concerning the impact of the Public Works-AEC appropriations bill for 1973 in Tennessee.

Appropriations to the Tennessee Valley Authority are limited to the water resource development program and related activities in the area normally financed by the Federal Government.

The TVA power program is financed from revenues from the sale of power and bond financing in the private markets.

The TVA's power program is self-sustaining, self-supporting, and self-liquidating.

To date the TVA has repaid into the Treasury a total of \$1,108,955,272 and is making an additional annual repayment this year of \$83,000,000, including \$20 million in repayment of the appropriation investment and \$63 million in dividends representing the return on appropriation investment.

All TVA power projects begun since the mid-1950's have been financed from its electric power revenues and through the sale of bonds and notes authorized by Congress in 1959.

Capital outlays during fiscal 1973 are estimated at \$555.4 million including design and construction of a pumped-storage project, four nuclear plants, a steam plant, and initial work on additional planned generating plants.

WATER RESOURCES COUNCIL

Mr. Chairman, in this bill we are also recommending \$6,886,000 for the work of the Water Resources Council.

This appropriation provides for the expenses of the Council and the river basin commissions—the Council is concerned with providing financial assistance to States in developing comprehensive water and related land use plans as authorized by the Water Resources Planning Act of 1965.

The Commission is also concerned with coordinating the overall work of the Corps of Engineers, Bureau of Reclamation, Department of the Interior, TVA and State and local water boards and commissions.

Mr. Chairman, the allocations of funds for other power agencies and water commissions are included in the report and I commend the report for more details to the Members and others interested.

CONCLUSION

Mr. Chairman, again I would emphasize that after facing the budgetary red light from OMB last year, the committee this year welcomes the green light—the go-ahead thrust of the current budget for public works.

We have much unfinished business in water and power development—we have

fallen behind because of fiscal stringency brought about in large part by the war in Vietnam.

We welcome the reversal in policy and a departure from the policy of slow-downs, stretchouts, freezes, and delays.

The committee has exercised its prerogatives and discretion by making some of its own recommendations and setting some priorities—and in the process the budget recommendation of the President has been cut and reduced by more than \$51 million—\$51 million under the budget.

This bill—as I said at the outset—is one of the most important appropriation bills the House will consider this year especially in view of the importance of providing an adequate power supply for the people of this Nation today and in the future.

It hardly seems necessary to point out, Mr. Chairman, that the recent devastating floods in the Nation underscore the need and necessity for public works to protect life and property in the United States.

Mr. Chairman, we are responding to a national need in the national interest with the funds recommended in this appropriation bill.

This bill is a springboard for progress throughout America.

An historian has said that the true law of mankind is progress.

The growth and strength of our economy has been built on this concept and premise.

We are committed to providing a better life for our people by providing essential services.

We all love to hear the chirp of the crickets—the warble of the birds—the throaty bass of the frogs.

But the sounds of progress must also be heard. This bill today is a song of progress that will be heard throughout the land.

This bill serves the public interest and I urge approval of this vital appropriations measure.

Mr. HALL. Mr. Chairman, will the gentleman yield for a question?

Mr. EVINS of Tennessee. I will yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Chairman, it would be inept not to compliment the distinguished gentleman from Tennessee who chairs the subcommittee, on his straightforward presentation and certainly his hopes for the future. I rise only for a point of information: On page 20, line 8, there is a "proviso", that pertains to the operation and maintenance of the administrator of the Southwestern Power Administration.

Mr. EVINS of Tennessee. Is the gentleman referring to page 20 of the report or page 20 of the bill?

Mr. HALL. No, it is not in the report; it is in the bill itself. I believe it is on page 65 of the report. Anyway, that portion of the bill simply says:

Provided, That, in addition, such sums as may be necessary shall be available from the Continuing Fund, Southwestern Power Administration (16 U.S.C. 825 S-1) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

I understand that that has been similar language present in modified form before.

What is the committee's thinking and intent as to the amount of dollars involved there in this continuing fund?

Mr. EVINS of Tennessee. It is a very limited amount. The fund is limited by law to \$300,000. The provision is to permit the use of the fund in the event of emergencies. The procedure would be identical to that in effect for the Southwestern Power Administration.

Mr. HALL. Mr. Chairman, I have absolutely no objection to that, and I do understand it. Does that mean that within the construction of the 16 U.S.C. 825 S-1, which I have in front of me, and this further proviso, that it would be only for the purpose of maintaining services and for facilities?

Mr. EVINS of Tennessee. This is correct, to meet any emergency that might develop requiring the purchase of power when adequate funds are not available under the operation and maintenance appropriation. This spring, for example, the Southwestern Power Administration had a power shortage involving the hydroelectric projects because of the lack of rainfall to maintain reservoir levels.

Mr. HALL. Would Congress or even this committee consider or countenance construction of a new line under the connotation of "emergency"?

Mr. EVINS of Tennessee. No. Transmission lines would have to be requested and funded under the construction appropriation.

Mr. RHODES. Mr. Chairman, if the gentleman will yield, the item to which the gentleman from Missouri refers pertains only to the operation and maintenance funds and the proposed language as solely for the purpose of allowing the Southwestern Power Administration to use the continuing fund to purchase power to meet contract commitments in the event of an emergency arising from inadequate generation from the hydro-power facilities from which the Southwestern Power Administration markets power in the area.

I would say to the gentleman from Missouri that certainly this language provision would not authorize the construction of any transmission facilities. It is intended solely for emergency power purchases and related emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

Mr. EVINS of Tennessee. The gentleman from Arizona has stated the position of the committee very well.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I appreciate the statement of both gentlemen in making this legislative record. I full well understand the need for meeting peak load demands for commitments by the administration, and the necessity for this. My concern is that it might be used in further extension without the surveillance or oversight and review by this distinguished committee.

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

Mr. EVINS of Tennessee. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I commend the distinguished gentleman from Tennessee, the chairman of the subcommittee, and the gentleman from Arizona, the ranking minority Member, and all Members of this subcommittee, for this legislation.

Mr. Chairman, I would call to the attention of the Members the fact that we who serve on the Public Works Committee this coming week will go out to South Dakota to inspect some of the ravages of the terrible disaster there. Our mind goes back also to the West Virginia disaster. I am merely thanking this committee for their action. Many people like to call this a "pork barrel" bill, but the projects in this bill authorize millions of dollars to correct the damage to the States as a particular function of this bill.

Mr. Chairman, I particularly commend the committee for its action.

Mr. EVINS of Tennessee. Mr. Chairman, I thank the gentleman from Illinois for his comments.

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

Mr. EVINS of Tennessee. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I commend the distinguished gentleman from Tennessee and the entire committee for what I think is an outstanding job. I particularly commend the committee for the statement made in the report in opposition to this new 7 percent discount rate in connection with the construction of reclamation projects and so on, because to me this amounts to disaster if we permit the administration to get away with that. I commend the committee for the interest and the concern and the study that went into this report.

Mr. EVINS of Tennessee. Mr. Chairman, the gentleman from California is very astute. It is evident he has already studied the report. His kind words are always appreciated.

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

Mr. EVINS of Tennessee. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I commend the gentleman and the committee.

Mr. Chairman, I rise in support of the Public Works-AEC appropriations bill in behalf of the thousands of Missourians who will benefit from the appropriations for our vital public works projects contained in this bill.

The House Appropriations Committee has recommended \$8,000,000 for the Clarence Cannon Dam and Reservoir for fiscal year 1973. I commend the members of the committee for recognizing the importance of this project which is an integral part of the continuing economic development and growth of northeast Missouri.

Also included in the committee's bill is \$1.5 million for the Long Branch Reservoir in Macon County, Mo., and I understand the reduction reflects a reduced capability of the Corps of Engineers since submission of the budget estimates due to project delays. Again, we appreciate the

committee's support of this meritorious project.

The Elsberry Drainage District in Lincoln County, Mo., has been recommended for an appropriation of \$120,000 and we are glad the committee has recommended an appropriation to continue planning on the project which will eventually afford protection to over one-third of a million acres of farmland, in addition to towns and industries along the Mississippi River.

The bill contains \$140,000 for the North County Levee District in St. Charles County, Mo.—Unit L-15 of the Missouri River levee system. This appropriation will make possible the preparation of a comprehensive environmental impact statement and study on the project. This continued attention to the project and for this funding recommendation will, hopefully, eliminate, through an in-depth study, any misunderstandings or inaccuracies which might now exist.

Mr. Chairman, I cannot overemphasize the importance of these projects to the residents of the Ninth District of Missouri. I am sure all of these public works projects included in this bill will benefit constituencies of many of my colleagues throughout the Nation, particularly those in rural areas where much of their continued development depends on our support here today.

I urge my colleagues to join me in support of this important and urgently needed appropriations bill.

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

Mr. Chairman, whenever we consider this bill, I always like to look at the quotation from Daniel Webster which is behind the platform and recall those famous words of Daniel Webster, which are these:

Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.

I think when we consider this bill, as when we consider much legislation on this floor, it is well to recall these famous words by a very famous American.

Mr. Chairman, it is also with a great amount of satisfaction when we consider this bill that I took at the perennial occupant of the chair, the distinguished gentleman from Colorado (Mr. ASPINALL), who is also chairman of the Interior and Insular Affairs Committee, which has had such a great part to play in the development of the resources of this country and in the authorization of many projects which have been of great benefit to the country.

It has been my personal satisfaction, as well as the satisfaction of the other members of the subcommittee, I am sure, to have worked with the gentleman from Colorado, the present occupant of the chair, and his great committee for many years to better the interests of the country.

I was also pleased that the gentleman from Illinois (Mr. GRAY) made the remark he did, because one of the other great committees which prepares legislation considered in this appropriation bill is the Public Works Committee of

which he is a member. I commend the Public Works Committee for going to South Dakota to look at the flood damage.

It is my hope, Mr. Chairman, that the Public Works Committee will consider the possibility of legislation which would empower the Corps of Engineers and the Bureau of Reclamation to inspect private dams in this country from time to time to determine whether or not they constitute a danger to life and property.

Many of the dams which were built some years ago are getting old now. I am sure there are many which have been weakened, because of storms, material fatigue, and the like, which may well cause the loss of life and property. We have seen this occur just within the last few weeks in South Dakota and within the last few months in the State of West Virginia.

It would certainly be my hope that some permanent program could be established so that the facilities of these great Federal agencies might be brought to bear to prevent similar occurrences in the future.

Mr. Chairman, there are several innovative programs in this bill which, I believe, deserve some mention.

In the first place, we are taking into consideration the fact that water pollution comes not only from man, but also from nature. In this bill there is money for the beginning of a study to control salt water springs in the States of Oklahoma and Texas. Also there is money for the control of springs which are saline in content which flow into the great Colorado River, which is so important to the southwestern part of the United States.

It is with these types of studies that we can proceed to develop techniques for damming off polluted waters which flow naturally into these streams. This will reduce the saline content of the streams and reservoirs and make the water potable, and of higher quality for the use of our citizens in the country.

We are also deeply involved, Mr. Chairman, in the necessity of meeting the energy crisis. If we have one crisis which exceeds any other in magnitude or in scope of its effect on the country, it may well be the environmental crisis, but certainly second and close behind it is the energy crisis.

In this country we have made great strides in past years in recognizing the problems we have with regard to the despoilment of our environment. We have been thinking some thoughts we should have been thinking many years ago and taking some actions we should have taken many years ago. As so often happens, when we realize there has been a great vacuum in areas of endeavor which should have been attacked, we overreact and take some actions which may not in the long run be beneficial to the overall welfare of the country. It is difficult sometimes to find the fine degree of balancing of interests which we must have in order to improve our quality of life in some areas without hurting it in other areas.

This has certainly been true of the fight for the environment. In being zealous

in protecting and restoring the environment we have in many instances taken actions which have exacerbated an already bad situation so far as the availability of energy is concerned. It is necessary that we find better ways to burn coal and to burn gas. It is necessary that we burn them in such a way that the particulate matters and the sulfur dioxide from the burning will be at a minimum, and that the air which comes from the smokestacks of our factories and our powerplants is as clean as it possibly can be. But we must not expect miracles. In working for ideal environmental conditions, we cannot postpone indefinitely the fulfillment of other requirements for maintaining the life styles a great majority of our people desire. We must balance these two objectives, and work toward both of them at a sound, efficient, progressive pace.

It is necessary that we support research to advance the state of the art in furthering these two objectives. We are doing well along these lines, but we can do better.

Thus, it is also necessary that we develop new means of providing the power required by our people. I am thinking right now of the liquid metal fast breeder reactor, which is such an important part of the program of the Atomic Energy Commission. There are \$285 million in this bill, the full amount that the Atomic Energy Commission can utilize, for the further development of this liquid metal, fast breeder reactor.

Mr. Chairman, the great store of uranium which we have in this country is still not an inexhaustible store. It is necessary when we utilize that uranium for the purpose of making power that we do it as efficiently as possible. The liquid metal fast breeder reactor and the gas cooled fast breeder reactor will result in the utilization of uranium at an efficiency rate which is 40 times that of the reactors which we now have, which are comparatively primitive in their efficiency. The Tennessee Valley Authority together with the Commonwealth Edison Corp. is in the midst now of completing plans for and operating criteria for the construction of the first liquid metal fast breeder reactor plant of a commercial type in this country. The President of the United States made it a national goal to have not only this plant, but also another liquid metal fast breeder reactor plant on the line by the year 1980. I commend the President and the administration for its farsightedness in putting the national power behind this great effort to do what we can to solve the energy crisis before it gets to be a tragic situation.

Mr. SIKES. Mr. Chairman, will my distinguished friend yield to me?

Mr. RHODES. I am delighted to yield to the distinguished gentleman from Florida.

Mr. SIKES. Mr. Chairman, I have listened with much interest to the learned discussion of the distinguished gentleman. I believe he is making a profound contribution to the records of the House and it seems to me this is a very good time to pay testimony to the excellent work done by this subcommittee. The distinguished chairman, the gentleman from

Tennessee and the distinguished ranking Member who now holds the well, and the members of the committee and their staff, perform a great service to the country and to Congress. Yours is one of the most difficult of all subcommittee assignments. You are very patient and listen to many witnesses. You have custody of a great responsibility. You are helping to build America. I am proud of the job that I see you do year after year.

Mr. RHODES. I thank my distinguished friend from Florida and say that praise like this coming from a man who is one of the most effective and efficient Members of Congress is high praise indeed.

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

Mr. RHODES. I yield to my good friend from Oklahoma now.

Mr. EDMONDSON. I thank the distinguished gentleman for yielding to me. I would like to join the distinguished gentleman from Florida (Mr. SIKES) in a tribute to one of the more farsighted and constructive subcommittees I think serves in this Congress. Under the leadership of the able gentleman from Tennessee, with the able cooperation of the gentleman from Arizona, this subcommittee has indeed helped to advance some of the most important causes in the service of America that exist in our country today. Having pinpointed as you have the energy crisis which we confront and the shortsightedness of this proposed 7-percent discount rate which is a slowdown factor in our meeting our water problems is typical of the great work done by this subcommittee.

I want to extend my personal appreciation to the entire subcommittee, and to its able staff, for the great job they have done.

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

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

Mr. Chairman, I want to thank my good friend from Oklahoma for those fine words. Coming from a person who has also been deeply involved in developing the national resources of our country, these words of praise are very welcome indeed.

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

Mr. RHODES. I yield to the distinguished gentleman and my friend, and the minority leader of the Committee on Public Works of the House, the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I thank the distinguished gentleman from Arizona for yielding to me, and I want to join my colleagues in expressing my deep appreciation for the effective and very necessary work that this subcommittee of the Committee on Appropriations has done with this public works appropriation bill. I know the difficulties you have in trying to allocate the limited amount of funds available for projects in this country, but as usual you have done an excellent job. I appreciate the attention that was given to projects that effect the State of Ohio and my particular district.

I want to commend also the chairman of this subcommittee, and all of the members of the committee, and their

most effective staff, for the very fine job they are doing, have done, and will continue to do in providing projects that will make America great in the years to come.

Mr. RHODES. Mr. Chairman, I thank the gentleman from Ohio, and I just want to add further that without the effective work done by the gentleman and the fellow members of his Public Works Committee and their staff, our work could not be possible, for you do your work first, and you do it well.

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

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

Mr. DON H. CLAUSEN. Mr. Chairman, I want to join the gentleman from Ohio (Mr. HARSHA) and the gentleman from Oklahoma (Mr. EDMONDSON) and others on the Public Works Authorizing Committee in paying our highest tribute to the members of this Public Works Appropriations Subcommittee.

I particularly wish to note the exceptional efforts of the subcommittee chairman, the distinguished gentleman from Tennessee (Mr. EVINS) and the ranking minority member on the subcommittee (Mr. RHODES), the distinguished gentleman from Arizona. They, with their colleagues on the subcommittee have been able to bring out one of the most constructive and effective public works appropriations bills this Congress has seen in many years.

The very able staff of the subcommittee has scrutinized each item and has made important revisions and additions to the original budget requests that reflect a responsible and responsive approach to the total public works program throughout the United States.

As one who has followed the subcommittee's work quite closely for nearly 10 years, I believe I speak for all Members of the House when I say that the country and our constituents will remain deeply in the debt of these gentlemen for years to come.

It should be made clear that President Nixon and the Office of Management and Budget are deserving of thanks and appreciation for submitting this most realistic and generously funded construction proposal to the Congress for our consideration.

The President's leadership is reflected by budgetary proposals that show a continued effort to build a better America and a better quality of life for all Americans.

The public works projects relating to flood control, water conservation, and navigation are, in my judgment, essential to the areas involved, and will benefit substantially not only my congressional district, but the entire State of California and the Nation. I would like to mention just briefly those public works projects in the First Congressional District of California for which I earnestly seek your support.

For Bolinas Beach in Marin County, I am requesting the amount of \$5,000 for a general investigation. The cliffs of this headland are receding at the rate of 2 feet per year—more than 120 feet since the year 1906. Over the years, much private

and public property has been destroyed, and roads and buildings have disappeared. I strongly urge support of this request.

Bolinas Channel consists of a study to determine the feasibility of constructing a small-craft harbor of refuge, one of a chain of harbors of refuge that I am recommending for the north coast of California. The subcommittee recommends \$5,000 for this study, and I ask your approval of that amount.

The Cache Creek Basin project is to determine the advisability of constructing or contributing toward flood control improvements in Cache Creek Basin. I am asking your approval of the recommended amount of \$30,000 for this important project.

The coast of northern California study is to determine the feasibility of establishing a chain of harbors of refuge for light draft vessels. I feel very strongly that we must place greater emphasis on a system of harbors of refuge to serve light draft fishing, commercial and pleasure craft. Experience has established that a distance of more than 35 miles between ports of refuge is an unsafe condition for small craft. Along the northern California coast, the average distance is 150 miles—five times the safe distance. For this urgently required study, I request approval of \$15,000.

Northern California streams is a project to formulate a comprehensive plan for the development of the water resources of streams in northern California. This important study will include multipurpose projects for flood control, navigation, municipal and industrial water supply, power generation, and fish and wildlife. The President's budget requests—and the subcommittee recommends—\$120,000 for this study, and I ask your approval of that amount.

The Novato Creek survey is to determine appropriate flood control improvements for this area of great population growth which has suffered flood damage in the past. I am asking \$41,000 to complete this important survey.

The Russian River Basin project is to formulate a water resources development plan for the river basin, including consideration of multipurpose reservoirs for flood control, water supply, recreation, and other purposes. For this project, I ask your approval of the amount of \$16,000.

The San Francisco Bay and Sacramento-San Joaquin Delta water quality and waste disposal project is for a general investigation for flood control purposes, and I am asking you to approve \$710,000, the full amount recommended by the subcommittee for this project.

The purpose of the San Francisco—In Depth—project is a general investigation of the bay for navigational purposes. For this important work I am asking for approval of \$190,000.

The Upper Putah Creek project is to determine the advisability of providing improvements for flood control, water conservation, and related purposes in the Putah Creek area upstream from Lake Berryessa. I urge approval of \$23,000 to complete this survey.

The Butler Valley Dam-Blue Lake

project in Humboldt County, Calif., is located in one of the most economically depressed areas in my district. Of primary importance as a flood control measure this project is also urgently needed for the conservation of water to meet growing municipal and industrial demands, and to provide employment on a local level. It is extremely important that this item be sustained because important decisions have to be made relating to this municipal-industrial facility, and I am requesting \$1,280,000 to complete preconstruction planning.

The Crescent City Harbor project is vitally important to the economy of economically depressed Del Norte County which depends heavily on waterborne commerce utilizing the harbor. The harbor serves the fishing fleet, commercial shipping, and as a harbor of refuge. The project is to continue construction of a protective inner breakwater to protect the fishing fleet and harbor facilities. The subcommittee has recommended, and I urge approval of the sum of \$1,150,000 to continue this work.

The Dry Creek—Warm Springs—Lake and Channel is the most urgent item I bring to your attention. Continued construction of this very important flood control, water conservation, and recreation project is of the utmost urgency. The annual flooding of downstream areas, which has resulted in millions of dollars in damage over the years would be ended once and for all. Additionally, continued construction will substantially reduce unemployment in this severely depressed area. I strongly urge approval of the amount of \$10,400,000 for this project.

The Humboldt Harbor and Bay project is to modify existing improvements. Modifications will consist of widening and deepening existing channels, enlarging and deepening the turning basin and dredging to form an anchorage area. The strategically located harbor is one of the few deepwater harbors on the west coast. I am asking your approval of \$50,000 for planning for this urgently needed project.

The Lakeport Lake project is urgently needed for flood control and water requirements of the immediate area. The lake has the potential, during the dry seasons, of releasing fresh water not needed for other purposes, into Clear Lake to improve the water quality. I urge your approval of \$310,000 for this important project.

The Russian River and Russian River Basin project consists of continued construction of flood prevention works in the Russian River Basin including downstream channel stabilization and bank erosion protection, and formulation of a water resources development plan for the river. I strongly support approval of \$450,000 for this very important work.

Sonoma Creek project is a flood control project urgently required to stem recurring extensive damage in the rapidly expanding San Francisco North Bay Area. The project consists of channel enlargement and levees designed to provide flood protection to an area of approximately 10,000 acres. I am asking your

approval of \$221,000 to complete advance engineering and design for this project.

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

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

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

I note that the Appalachian program funds keep going up year after year and year after year. Is any progress being made as a result of these funds? Is there any way of ever getting that pit filled with dollars, or is there to be a continuation from now into eternity of dropping Federal money into Appalachia?

Mr. RHODES. As the gentleman from Iowa knows, the Appalachian regional development program and the Appalachian Regional Commission were legislated by the Congress, and signed by the President, and are still on the books. The money is being appropriated and is being spent by the States which are involved.

The Appalachian Commission is made up of the Governors of the various States of the area.

I would say to the gentleman from Iowa that the oversight by our subcommittee on this particular endeavor is superficial indeed, and I could not tell the gentleman from my own knowledge whether or not these funds are being spent as the gentleman would like to have them spent. However, in looking at the legislation which established this program it appears that the States were allowed great latitude in what they did, and they certainly do exercise that latitude.

Mr. GROSS. I note that the General Accounting Office has issued a report that is highly critical of the program pointing out that in Johnson County, Ky., they dumped \$21.5 million in a period of 5 years in outright grants. This amounted to annual grants of \$243 for every man, woman, and child in Johnson County, Ky. I do not know of any other county in the Nation that is so favored, and I cannot help but wonder who is really administering this Appalachian program under those circumstances.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

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

Mr. EVINS of Tennessee. I will say to my distinguished friend, the gentleman from Iowa, funds for the Appalachian regional development program are appropriated to the President. As you are aware this is a unique program to provide special assistance to the economy of the Appalachian area. After only a few years of the program being in operation you can see trade schools, health centers, hospitals, and new roads all contributing to the upsurge in the economy.

I think we are making a very significant contribution and the money is generally being well spent.

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

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

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

Mr. RHODES. I yield to the gentleman.

Mr. GROSS. I do not find that kind of information in the General Accounting Office report.

Mr. EVINS of Tennessee. You know the reports of the committee of necessity have to be somewhat brief. I believe our printed hearings point up the benefits which have resulted from the program.

I have heard the testimony of the Commission since its inception and since the act was passed by Congress, and I can say that today significant progress is being made.

Mr. GROSS. There ought to be some progress for that kind of money. I believe you have in this bill over \$300 million—an increase of \$25 million or \$30 million over last year—and this one is above the budget.

Mr. EVINS of Tennessee. Most of the money is for the Appalachian corridor highway program. It is very difficult to build roads in mountain areas. This is where the large costs are.

The funds, as I indicated, are appropriated to the President and allocated to the Governors of our respective States, and the Governor of each State sets his project priorities within the various program categories, such as highways, vocational education, mine area restoration, and health demonstrations and hospitals.

So the decision is made by the respective Governors of the States as to how the money should be spent.

Mr. GROSS. When \$243 is distributed to every man, woman, and child in a county, I am not sure the money is going for hospitals or some of the things the gentleman says it is going for.

Mr. EVINS of Tennessee. In reference to Johnson County, Ky., I would hope that the economy of that county would be improved by the expenditure of such funds.

Mr. GROSS. It is impossible to spend hundreds of millions of dollars and not get some benefit out of it.

I am thinking in terms of the rest of this country that is not getting grants of \$243 for every man, woman, and child per county. But they are putting up the money. It seems to me that some progress—some real progress ought to be shown out of the hundreds of millions of dollars that have gone into this Appalachian program.

Mr. EVINS of Tennessee. The testimony we received was to the effect that most of the money in this instance went to building roads and it is impossible to evaluate the benefits per individual in the area. The highway would be shared by all areas along the corridor.

Mr. GROSS. But they want roads into Johnson County, Ky., do they not, in order to bring in tourists and industry?

Mr. EVINS of Tennessee. The gentleman is correct.

They want to get tourists there and they also want to attract industry to create jobs.

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

Mr. RHODES. I yield to the gentleman.

Mr. JOHNSON of California. Mr. Chairman, I rise to support what I be-

lieve is a realistic appropriations proposal for our Golden State.

As many of my colleagues know, my district is the largest in California and contains most of the State's water supply. Having most of the supply also means we have most of the problems—especially too much water at the wrong place at the wrong time. My district also is greatly and adversely affected by the struggling economy. Unemployment is running from 8 to 14 percent, well above the national average. Therefore, public works projects are vitally needed not only for the normal requirements of providing flood control and supplying irrigation water, good quality drinking water, and recreation for this country's most populated State, but also to create jobs.

This Appropriation Committee and its fine Public Works Subcommittee has been most understanding in meeting the needs of my area but now the needs are more desperate than ever before. Public works construction can provide work and bring in dollars to the local people and eventually the U.S. Treasury, but they are high quality projects that meet the needs of the people in that they will provide employment, flood protection, irrigation and drinking water, open space, swimming, boating, and fishing.

Because of the sensitivity to our needs as shown by the Appropriations Committee in the past, the Bureau of Reclamation has made great strides forward on the Auburn Dam project. Once again the committee has seen fit to move ahead on the great project, adding \$600,000 for the start of an essential unit of the overall project, the Sugar Pine Dam and Reservoir which is the key unit in the development of the Foresthill divide water system. The reservoir is relatively small, consisting of 16,500 acre-feet of storage capacity, but would permit the agricultural and industrial development of an area stricken by unemployment and having an extremely expensive and poor quality water supply. The Bureau of Reclamation has a capability of approximately \$600,000 on this project. I hope that this House will concur with an additional \$600,000 for the start of the Sugar Pine unit. This is an area where our investment in the project could be quickly realized if we move ahead at this time.

It also is imperative that we get full funding on our other projects—such as the Auburn Reservoir. The \$24,159,000 requested for Auburn will continue construction of the Foresthill Bridge and diversion tunnel, purchase right of way, and will permit advertisement for bids on the keyway, foundation, and spillway excavation in the fall of 1972.

The \$13,491,000 recommended for the Tehama-Colusa Canal will finish the Thomes Creek syphon which is critical to the operation of the canal and the fish facility.

The \$5,841,000 on the Folsom-South Canal will allow completion of 26.6 miles of canal so water will be available to the Rancho Seco powerplant and permit design of the next sections.

Similarly, Mr. Chairman, I would like

to make special mention of a program which the Bureau of Reclamation is carrying out in the Imperial Valley of southern California—which may prove to be one of the more significant developments in the water resource field in our time. I refer to the geothermal investigations which are being done in concert with the westwide water plan study.

The appropriations bill before us today contains \$1,150,000 for continuance of this work and most of this money will be used for drilling the first exploratory well. I endorse this item most strongly and feel we must move deliberately—to prove up this resource. I do not feel, however, that we should engage in the drilling of a number of wells until we have the benefit of the experience and knowledge to be gained from our first attempt.

Mr. Chairman, turning now to the other portion of the public works appropriations, those relating to the projects of the U.S. Army Corps of Engineers, I would comment that the appropriations bill which we have before you is realistic and will provide for continuing development of our water resources, especially as they relate to flood control. I would like to single out a few projects for special mention.

First of all, the Buchanan and Hidden Reservoirs—the twin projects getting underway in Madera County. I was very pleased that last month we received a favorable bid for construction of both of them. It looks like we are soon to see the dirt fly on both of these projects. The \$4.5 million for Buchanan and the \$6 million for Hidden Reservoir will meet the contractor earnings for the 12-month period commencing July 1. It is essential that we meet this timetable for if we experience any slippage in these two projects we will lose a full flood season. Both dams are scheduled for completion in the late fall of 1974. This will be close, but I am quite confident that if we can meet this schedule we will have protection for the cities of Madera and Chowchilla during the winter of 1974 or 1975. This is our goal.

On the New Melones project on the Stanislaus River, the next major contract which will be construction of the dam itself, we have experienced some slight delays on the award of this contract. Here again I hope that these delays will not delay the final completion project which is slated for the fiscal year 1978.

The \$26 million included in the budget will finance the start of the dam and continue the work on the diversion tunnel and relocation of Highway 99 and Parrot Ferry Road.

Mr. Chairman, there is one area which is critical but has not been funded—that involves the Cottonwood Creek project in northern California. Proposed is a two-reservoir multipurpose project on Cottonwood Creek, a major uncontrolled tributary to the Sacramento. In recent years this creek has been responsible for heavy flood damage in many areas along the Sacramento River for dozens of miles below the convergence of the Sacramento River and the Cottonwood.

In 1970, the Congress authorized the Cottonwood Creek project, however, in

this authorization there was a prohibition against construction until the problem of marketing the water was resolved. This prohibition was against construction, not against design.

It is anticipated that the preconstruction work will consume 5 years or more which would be ample time to resolve the internal differences between the agencies of the Federal Government now in disagreement. Accordingly, Mr. Chairman, I had hoped for an appropriation of \$300,000 in fiscal year 1973 to permit us to commence this design work. Not only would this not be in conflict with the prohibition against construction, but I feel if the design work were started it would act as a catalyst for discussions for marketing the water and I hope would result in a resolution of this disagreement. The committee did not concur in this recommendation and I will redouble our efforts on this for fiscal year 1974.

In conclusion I want to again express my deep appreciation to the full Appropriations Committee chaired by the distinguished gentleman from Texas (Mr. MAHON) and to its Public Works Subcommittee chaired by the outstanding gentleman from Tennessee (Mr. EVINS).

Throughout my 14 years in the House of Representatives these committees have demonstrated great wisdom and farsighted concern for the conservation and wise utilization of the Nation's water resources. Throughout the country and the State of California and my own congressional district the development of these resources for the many many beneficial uses provided for under the multiple-use concepts have resulted in genuine growth and progress for our people and community.

The Appropriations Committee and its Public Works Subcommittee can be mighty proud of their acknowledgement in this field and I know that it will continue.

Mr. RHODES. Mr. Chairman, I thank the gentleman from California not only for his contribution now but for his great contribution as a distinguished member of the Committee on Interior and Insular Affairs.

Mr. Chairman, I would like to mention briefly, if I may, a subject which was mentioned by the very distinguished and very able President of the United Mexican States, speaking in this Chamber only last week. That had to do with the salinity content of the Colorado River. It is a well known fact that as a river is developed and its waters utilized that its saline content rises. That has happened to the Colorado River.

Some years ago a treaty was made between the United States and the United Mexican States involving the division of the waters of the Colorado River, in which it was agreed that a million and a half acre-feet per year would be allowed by the United States to cross the international boundary each year. Nothing was said, Mr. Chairman, about the quality of that water, and that omission was not accidental. It was purposeful. It was purposeful because the million and a half acre-feet of water which Mexico gets is much more than anybody dreamed Mexico could use or would be legally en-

titled to. The excess water took into consideration, and compensated for, the fact that the quality of the water would go down as the water was put to use upstream. So there is no legal requirement on the part of the United States to guarantee the quality of the water as it crosses the international boundary.

However, as the President of Mexico said so eloquently, the United States has been able to put to use its great technology, its knowledge, and its abilities to solve problems to work for the benefit of people who had previously been our enemies, and it certainly behooves us to do all we can to help those who are our friends. The people of the United Mexican States are our friends. So as a matter of friendship and international comity I think it behooves the United States to do what we can to make the saline content of the Colorado River as it crosses the international boundary as low as possible.

I have given much study to this problem, and I think I have a solution which, over a long period of time, will satisfy both the United States and the United Mexican States. The main and underlying problem is the fact that there is not enough water in the Colorado River to do all the things which the river is supposed to do. When we divided its waters between the States of the upper and the lower basin in 1924, and when we concluded the treaty with Mexico, we thought we were dealing with much more water than we have subsequently found to be the case. One of the solutions, of course, is to increase the supply of water. This would solve two problems. One is the need for water higher up in the stream for use in the United States; the other is the need to control the salinity of the water which goes to Mexico.

We should construct in the littoral of the Gulf of California, in partnership with the Mexican States, a plant to desalinate some of the waters of the Gulf of California, and to do so by using power which would come from a nuclear plant to be built in partnership with Mexico, either in the United States or just across the border in Mexico. This plant could be a liquid metal fast breeder. It could be the second plant which the President of the United States has said he wants to build. It could be a more conventional type. It could be a plant built by public money, or by private industry. The power utilities of the State of Arizona and the State of California are considering now the construction of a nuclear plant to provide more electric power for that area, which is now short of conventionally generated power.

But be that as it may, it is known this comprises a great opportunity for the people of the United States and the people of Mexico to go into partnership on something which will be for the mutual benefit of both of us, and will allow us to cement the great friendship which we have enjoyed with our sister republic through the years. I recommend very highly to the President of the United States and the President of the United Mexican States that this project, which is one of great magnitude and one

of great importance, be given very serious consideration.

In closing, I want to congratulate the Office of Management and Budget. When I was here last year I took them to task, because of the fact that we did not have enough funds authorized in the budget to do all the things which needed to be done. This budget, as far as construction is concerned, is quite adequate. We hope there will be more funds in the future for further projects, general investigation, and the like. Even better, Mr. Chairman, the funds which had been impounded by the Office of Management and Budget last year have been released. I really feel that at the present time this office, which certainly performs a great function for the U.S. Government, is working on the side of developing this country, as I am sure they want to do, and as I am sure they should.

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

Mr. RHODES. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I compliment the chairman and the gentleman from Arizona and the committee for the bill which they have brought before us today.

Mr. RHODES. Mr. Chairman, I thank my friend, the distinguished gentleman from Virginia.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, today we bring to you our bill providing funds to continue to have the Federal Government assist in the development of rivers and harbors, to protect life and property from floods, to aid navigation, and to continue to maintain our standards of living; and, yes, Mr. Chairman, to aid in the restoration and protection of our environment. In this bill we provide funds for the Appalachian programs which have meant so much to the development of much of my district; projects which in other areas are largely handled by Economic Development Administration.

Mr. Chairman, it is a pleasure to serve on the 55-member Committee on Appropriations where I rank right next to Mr. MAHON, the chairman. Particularly do I feel fortunate in serving on the Subcommittee on Public Works.

I especially wish to compliment my chairman, JOE EVINS of Tennessee, and the ranking member, JOHN RHODES, of Arizona. They, with our fine staff headed by Gene Wilhelm, do a wonderful job, as do other members of the subcommittee.

A LESSON WE NEED TO LEARN

It will be well, I think, particularly in view of present conditions to repeat a happening of many years ago. At the time, I happened to handle the appropriation for the National Production Authority. As I walked over to the office after a meeting, the head of that agency said to me, "Jamie, if I were the Russians and wanted to wreck the economy of the United States, do you know what I would do?"

I said, "No."

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He said, "I would bring about 5 years of peace."

Think of it. If he wanted to wreck the economy of the United States, he would declare 5 years of peace. With all of us praying for peace even as we are today, such a thought was terrible.

I said, "Joe, what do you mean?"

He said, "I mean this. If we were to have all the young men in service coming back out of jobs; if we were to cancel all the war contracts and have the folks in those plants out of work; if we were to stop the movement of the excess production of the American farmer, we would wreck the economy of this country."

If you think about it, such a situation is fearsome to contemplate.

For, I realized at that time, and this was quite a number of years ago, we had enjoyed many years of the greatest prosperity we had ever known in this country—more cars, more radios, television sets, more of the things we love, more of the luxuries of life, than any nation in history. Yet, I thought, surely it does not take a war or preparation for war to have these things.

I thought the matter through—then it dawned on me that it was not war or preparation for war which created or made possible this material prosperity, but the extra effort we made as a people because of the war, which brought such prosperity.

In war we spend the money to buy shells and airplanes, gasoline to burn in the airplanes we destroy—we spend the money in things that are destroyed. We dig up our minerals, destroy our timber, and end a poorer country because we have used up so much of our resources.

If we were just wise enough to put that same effort to use to improve our own country, if we were wise enough to harness our streams and reforest our lands, stop erosion, build schools, and improve our country, we would have a much richer country. We would have a finer country. We would then be doing what we are doing for nearly every other country in the world.

If we leave our children a rich country, rich in natural resources, rich in the things that provide our high standard of living, then we truly will have left them a fine heritage.

MISSISSIPPI PROJECTS

Mr. Chairman, my colleagues have covered most of the details of the bill. However, there are numerous projects in my own area, where I have a great obligation and deep interest. These projects include \$105 million for the Lower Mississippi River and tributaries. We must remember that approximately three-fourths of all the water that falls in the United States flows down this great river valley, gathering in quantity and momentum as it goes.

Other projects in our section are the Ascalmore-Tippo and Opossum Bayous, \$375,000; the upper auxiliary or alternate channel, \$475,000, the full amount that can be used for preliminary planning and construction; Yazoo backwater, \$3,615,000; Tombigbee River and tributaries, flood control, \$1,500,000; Tennessee-

Tombigbee Waterway \$12,000,000; Yellow Creek Port project—TVA—\$3,504,000.

RESERVOIR DEVELOPMENT

Mr. Chairman, we have provided for the four reservoirs—Arkabutla, Enid, Grenada, and Sardis—for regular development toward the master plan the sum of \$1,603,000.

The committee has provided an additional amount of \$300,000 under construction, general, and \$150,000 from the fund, Mississippi River and tributaries, for these reservoirs. This is a real step in bringing recreational development up to national levels.

OUR REPORT

In our report we provide the following directive. I quote:

In reference to the Yazoo Basin reservoirs, the corps is urged to expedite the updating of the master plan to bring up to national standards the provision of recreation facilities, including the upgrading of access roads. Yazoo Basin: Within the funds provided the committee directs that initial planning be undertaken on a pilot program to meet the soil erosion and bank caving problems of the streams in the Yazoo Basin, including the foothill area, in cooperation with the Soil Conservation Service, as authorized by Public Law 46, 84th Congress, as amended by Public Law 91-566, 91st Congress.

These funds are in addition to those under other laws where there is a limit on each project. This work will complement and in fact initiate a project that will total \$9,000,000 under the recommendation of the Corps of Engineers now before the legislative committee—

The allocation for the Yazoo Basin includes \$845,000 for continued planning on the Upper Auxiliary Channel or other alternate means of main drainage facilities to meet the flood control needs of the Upper (Delta) Yazoo Basin, the Ascalmore-Tippo, and the Opossum Bayou drainage projects. The committee reiterates its directive that planning shall proceed from south to north so as not to aggravate prevailing conditions.

These funds should get us going on these projects.

RURAL ELECTRIFICATION AND RURAL WATER SYSTEMS

Mr. Chairman, you can understand why I enjoy serving on the Appropriations Committee. It gives us such a wonderful opportunity to aid in things so essential to our well-being. My subcommittee provided funds for rural electrification, where we will never be satisfied until we reach everybody that we possibly can and eventually have area coverage here; for school milk funds for which we added over the budget; for school lunches where we made great increases which the Department is trying to divert; for 4-H Club work, where we made 4-H available to youth in our cities; for nutrition aids in city and county; for the ACP—now REAP—and the SCS—and now our most pressing problem is that the executive branch is holding up the funds, thereby adding to costs and further damage to our environment.

Funds for REA, water and sewer grants, SRS, are still being held up. My subcommittee expects to reappropriate these frozen funds next week, and further we are going to provide that not less than 20 percent of the loan funds for water systems shall be available for existing

borrowers to serve new customers and improve service.

RURAL HOUSING

We are proud of our record on rural housing where, by changing one word "farm" to "rural" in the housing program, we led to the building of millions of rural homes. The money will be repaid. We are merely providing for rural people Government guarantees for loans which those in our urban areas have had for many years.

Again, Mr. Chairman, I repeat what I said several years ago when the Congress overrode the President's veto on our second effort: The more we owe, the greater our problems, the more important it is that we protect the base on which it all depends—our land, our rivers and harbors, and natural resources—for without them not only could we not make it, but our children would not have a chance. They can set up their own monetary system, but leave them a wornout and flooded land and they have nothing on which to build.

I am glad to see the apparent united support of the Congress of the actions of our Appropriation Subcommittee on Public Works.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I compliment the House Appropriations Committee for its overall economic stance on the public works appropriations bill, H.R. 15586, yet I must at the same time express regret in its failure to include \$300,000 for preconstruction planning of the deepening of Tampa Harbor.

Sometimes, Mr. Chairman, I believe we lose our perspective as to what is important and what is not. We fail to appropriate a small amount of money to continue a vital, national project because the administration has not requested it, yet often we embrace programs running into the billions because they are in the budget.

Tampa Harbor contributes substantially to our balance of payments, and it must be deepened to be kept competitive in order to maintain its important position in our Nation's economy.

I urged the Appropriations Committee to place \$300,000 on Tampa Harbor this year, which is the Engineers' capability, so that preconstruction planning could begin. The following is my testimony before the committee on May 17, 1972, which I would like to be made a part of my remarks today.

I hope that the Senate will act favorably on the request for \$300,000 so that no more time will be lost in getting the needed deepening of the Tampa Harbor channels underway.

The statement before the Appropriations Committee follows:

STATEMENT OF CONGRESSMAN SAM M. GIBBONS FUNDS REQUESTED FOR TAMPA HARBOR

Mr. Chairman, and Members of the Committee, I appreciate the opportunity to appear before you in behalf of the most important project within my Congressional District—the deepening of the channels of Tampa Harbor from their present 34-foot depth to 44 feet.

I urge your Committee to appropriate \$300,000, which is the Corps of Engineers' capability for fiscal 1973, so that preconstruction planning and environmental studies can begin on this vital national project. The deepening was authorized under PL 91-611. I also request that \$60,000 be appropriated for a study to include in the project maintenance of the North Part of East Bay. Resolutions were adopted in 1971 by the House and Senate Public Works Committees calling for this study.

Tampa Harbor contributes substantially to our balance of payments, and it must be deepened to be kept competitive in order to maintain its important position in our Nation's economy. Deeper channels are essential to handle deeper draft vessels now plying international trade.

BACKGROUND INFORMATION

To review a little background history, as you know, the Corps of Engineers studied the proposal to deepen Tampa Harbor channels and concluded that the channels should be deepened to accommodate existing and prospective traffic of large bulk carriers. In its report, the Corps concluded "... the plan is economically justified and worthy of construction...."

The Corps' recommendations were approved by affected governmental and state agencies, including the Office of Management and Budget, and authorized by the Congress (PL 91-611). The project enjoys a favorable benefit-to-cost ratio of 2 to 1.

Last year, Mr. Chairman, your Committee recognized the importance of Tampa Harbor to the economy of the nation and placed \$200,000 on Tampa Harbor even though no budget request had been made for these funds. These funds were to be used by the Corps to update its comparative costs for a 44-foot depth, which was the depth authorized, as against the 42-foot depth, which was the original recommendation of the Corps of Engineers; to again review offshore loading alternatives, and to consider new environmental concerns.

Several days ago when I was talking with Lt. General F. J. Clarke, the Chief of the Corps of Engineers, he stated that the funds had been utilized and the studies were nearing completion. During our conversation, he remarked about Tampa Harbor "... it is one of the best projects we have in terms of economic benefits...."

So the Corps will be ready in a matter of weeks to move ahead with detailed preconstruction planning, engineering, and environmental review, for which the Corps has advised me its capability for 1973 is \$300,000 and that is what I am requesting today.

At this point, Mr. Chairman, I would like to call especial attention to the detailed report which is being submitted today by the Tampa Port Authority in which is discussed among other things, the plans and priorities for the deepening, the study of offshore loading alternatives, and the environmental concerns for which the \$200,000 was appropriated last year. I concur in this report. Briefly, the points to be emphasized are:

(1) The increase in depth for the main channel from 42' x 500' (originally proposed by the Corps to 44' x 500' (as authorized) increases the quantity of material to be removed by only 10.4 million cubic yards and would increase the costs over a 42' x 500' main channel by not more than \$11.4 million, considerably less than the estimated \$30 million.

(2) The second part of the study for which the \$200,000 was appropriated was to again review the offshore loading alternatives. There has been no change in circumstances to warrant consideration of offshore facilities or facilities closer to the entrance. The Corps thoroughly studied these alternatives and concluded they were not feasible.

(3) The Tampa Port Authority has been

farsighted in moving ahead in responsible environmental planning. At the request of the Tampa Port Authority, and financed in part by the Authority, the U.S. Geological Survey conducted an in-depth study of Tampa Bay, the flow of water, and the formation of the Bay bottom and water quality. The results provide data to insure that the dredging will not interfere with the natural environment of the Bay. Assurance has been given by the scientists of the Geological Survey that spoil could be so placed as to enhance the quality of the Bay rather than to damage it. Computerized data will provide a mathematical model of the Bay which will assist in making decisions as to spoil placement. The Jacksonville District Engineer has advised me that this study will "greatly assist the Corps in its planning and shorten the time required for the planning."

To summarize: the project is in excellent shape for the utilization of funds to plan the construction in detail and coordinate the environmental aspects of it.

ECONOMIC BENEFITS

The Corps of Engineers' reasoning for a deeper Harbor is sound. It has stated that the present 34-foot channels will not accommodate the deep draft vessels which now serve the Port when they are fully loaded. Without the deepening of the channels, the ships which ply the major sea lanes of the world increasingly will be lost to Tampa's port trade, because the vessels are growing deeper in draft year by year.

Florida is the second fastest-growing state in the nation and Tampa Harbor is one of its economic assets. It is strategically located not only to serve Florida, but to serve the water-borne transportation needs of the Nation. Tampa Harbor handles half of all of Florida's port tonnages.

Tampa Harbor is an important national economic asset. It contributes more than \$50,000,000 annually to the U.S. balance of payments; provides some \$18,000,000 annually to the Federal Government in import duties and taxes; provides the facilities for handling 83% of all U.S. exports of phosphate rock. Tampa Harbor provides jobs for at least some 36,000 wage earners with an annual payroll in excess of \$210,000,000 from businesses related to port activities in the immediate 8-county area.

But Tampa Harbor is now handicapped and handicapped severely. While it ranks 8th in major ports in the United States, and 4th largest in total tonnage of goods moved to world markets, it is the shallowest port of any of the 20 largest ports in the United States. Seventeen have channel depths of 40 feet or more, in comparison to Tampa's 34 feet.

Outlined below in table form are important facts about Tampa Harbor's contributions to the economic health of the Nation.

THE PORT OF TAMPA, FLA.: PORT FACTS

Total tonnage in 1971—36,032,198
Total foreign tonnage—14,859,797
Value of foreign tonnage—\$380,116,840
Rank in nation—8th in total tonnage handled, 8th in total foreign trade, 4th in total exports, 15th in total imports, 3rd in export rail cars unloaded
Trade with more than 75 countries
Principal exports—Phosphate, phosphatic products, scrap metal, citrus products, livestock, tallow, wood pulp, naval stores, general
Principal imports—Petroleum products, sulphur, nitrate of soda, lumber, potash, newsprint, cement, bananas, fertilizer chemicals, coal, steel and general
Customs receipts—\$16,611,220
Rank among State ports—Handles 47.5% of all Florida waterborne commerce
Benefits—Provides jobs for some 36,000 wage earners with annual salary of \$210,000,000; annual tax revenues of \$18,000,000; crews from vessels handled through port spend \$5 million annually in area

Facilities—7 general cargo terminals; 5 phosphate elevators; 6 chemical terminals; 2 cement terminals; 19 petroleum terminals; 2 scrap metal facilities; 3 grain, feed elevators; banana unloading facility; USDA approved cattle export facility; 3 ship repair yards; 440 acres of public land available for lease

Vessels—4,084 entered in 1971: 1889 ships, 981 barges, 829 tugs, 385 shrimp boats

SUMMARY

Mr. Chairman, one of the problems we constantly wrestle with on the Ways and Means Committee is how to finance the operations of government. We ponder on how to work out the trade problems we have, and how we are going to work out the problems that have to do with our balance of payments. Sometimes, a project presents itself as a "real winner" in the balance of payments problems—one that brings in dollars to bolster our economy—such a project is Tampa Harbor.

We have in Tampa Harbor a great national asset that must be kept operable. I believe that our Tampa Port typifies how our great Government and private industries can work together for a strong national economy.

I do not believe there should be a further lapse of time in getting the deepening underway, and for that reason, I urge you to place funds on Tampa Harbor in the amount of \$300,000 for preconstruction, planning and design, and \$60,000 for the study of the maintenance of East Bay for inclusion in the project.

FOUR RIVER BASINS

The Four River Basins project for flood control and water conservation has a most important impact upon my district. I am, therefore, pleased, Mr. Chairman, that the President has requested in his budget \$7,600,000 to continue the construction work of the Four River Basins. I thoroughly concur in the request and hope that your Committee will place funds on the project in the requested amount. I understand that this is the Corps' capability.

Thank you, Mr. Chairman, for allowing me to present testimony before your Committee.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, I commend the committee for the excellent job they have done in allocating funds under this bill.

Mr. Chairman, I want to make particular reference to some projects in central Iowa which I have been supporting for several years and to thank the committee for including appropriations for them in the full amount requested. This bill provides an additional \$10,100,000 for fiscal year 1973 for the Saylorville Reservoir. The \$10,100,000 would be applied as follows:

Complete acquisition of land in reservoir area.....	\$627, 000
Continue construction of relocation items.....	8, 100, 000
Continue record monumentation and removal of structures in reservoir area.....	20, 000
Initiate construction on the final stage of the dam and continue operation and maintenance on the dam and appurtenances.....	666, 000
Continue installation of permanent operating equipment.....	24, 000
Engineering and design.....	170, 000
Supervision and administration.....	493, 000
Total	10, 100, 000

Allocations for this project to date total \$29,595,000 and together with this \$10,100,000 just referred to, the project will be well on its way to completion. It is estimated that the total balance needed in future years would be \$22,605,000 and that would include the cost of some recreational facilities, permanent operating equipment and other costs which would not be needed until the construction has been completed about 3 years from now.

At one time, it had been hoped that the project would be completed about this year. However, two things primarily have been responsible for the delays. After the project had been underway, local interests and State interests decided that they would like to have a State recreational area on Big Creek. Had this desire been cranked into the original proposal, the project could possibly have been completed one and one-half years sooner. I recommended the delay necessary in order to include this project and that additional substantial sums of money be provided by the Federal Government in order to amend the project as requested because I do believe the Big Creek project will be a good one and should have been included from the beginning. Construction of that Big Creek dam has been completed and the reservoir is now filling with water. It will be a quiet type place where citizens can get closer to nature and relax in a calm and more inactive atmosphere.

On the other hand, the principal Saylorville Reservoir will provide a place for boating and active type recreation. The two together will be a great boom to the needs of the people in central Iowa for recreational facilities of this type, in addition to permitting the kinds of conservation practices in the valley and in Des Moines which have not been followed because periodic floods have made it economically impossible to do so.

The other project I want to refer to is the one on Skunk River, which in the hearing record is called Ames Lake. In 1964 or 1965, I discovered that one of the few sites in Iowa where a reservoir can be constructed on an economic and beneficial basis was about to be destroyed together with the valley involved and that this was about to occur with the approval and consent of the State conservation commission, natural resources council and local citizens groups. It was about to be destroyed in order to construct a divided interstate highway right through the middle of it with an access nearby. It is located near the city of Ames and the economic interests could see development and dollar signs much more clearly than they could see the need for enhancing our environment and preserving an outdoor recreation area for future generations. Some of the same persons who are now opposed to a permanent preservation of this area were eager to see the area covered with a highway, houses, paved streets, and under private ownership in small parcels.

The area involved is in the headwaters of the Skunk River. Surrounding this area is an abundance of rich, flat farmland. This farmland, only a relatively few years ago, had been covered with swamps and the drainage into the river immediately following rains was in

rather small amounts. When the heavy rains fell in that area, the water was spread out over many sections of land until it evaporated. Over a period of hundreds of years, the valley accommodated itself to this kind of a water drainage situation. In other words, the river basin simply did not accommodate itself for the huge increase in runoff that has occurred since this area has been drained through tiles and drainage ditches. In addition to the huge increase in the volume of water dumped into the valley as a result of farmland drainage, the city of Ames has grown rapidly nearby and as streets were paved and parking lots and large areas were hard-surfaced, more and more water has been channeled to the river instead of soaking into the ground where it fell. Altogether this change of the past 50 years has resulted in such a tremendous increase in the volume of water dumped into the river immediately following the rains that the little valley has no chance whatever to handle it on anything like a reasonable basis. Constructing a dam in the area proposed will help to hold some of this water back in the headwaters area and restore the volume that goes down the valley below the dam more nearly to the volume the river had over a period of hundreds of years developed an accommodation for. There will, to be sure, still be excess water in the valley, but at least it will be reduced to more manageable proportions.

The only way to save this valley and this site from being covered up by a highway in 1965 was to quickly secure its approval as a site for a proposed reservoir. With the cooperation of my colleagues in the Congress, this was done with great speed and thereby the money was secured to pay for rerouting the highway around it and give future generations some hope of using this area for public purposes. No local or State group made any alternative offer of a financial arrangement to save the valley from being covered up by the highway.

This was before many people were talking about the environment—but this was a measure taken to save the environment. Many of those who now claim they are for enhancing the environment were strangely silent at that time or in favor of constructing a road over the area. The action taken to make it a Federal project was one in favor of preserving and enhancing the environment in that area.

In spite of the fact that a new environmental impact statement was secured in 1970, another was recently ordered and is due about 6 months from now. It does not take any great amount of study but rather only a little commonsense to see that if this area is not used for a reservoir and the area surrounding it used for public purposes with money secured through Federal appropriations, this area will simply be destroyed as far as the public is concerned and converted into housing and used for private purposes. Anyone that can add two and two can see that economically this situation will occur. While some have vaguely talked about making horseback trails in the area and using it for such purposes, they have not come forth with any plan for financing, have not proposed any in-

creases in local taxes to pay for it and many of them are the very ones who want to benefit from subdividing and using it for private purposes. Because they have been unable to find better reasons, some are now even trying to latch onto claims that they are even for a good environment; but it was obvious to the subcommittee that the decision for the environment was made in 1965 when this project was started as a way of saving the area and purchasing it from private sources to make it into a public recreation and wildlife area. It is not possible to roll back the physical characteristics of Story County to the time before Ames was developed and the farmland was drained. However, we can, through this project, reduce the abuse that has been heaped upon this river, use the water that is held back to increase the quality of water below the dam and provide many, many additional miles of shoreline shows the dam as a habitat for wildlife. I want to commend the committee for seeing through the phony arguments presented by the commercial interests and also by the well-meaning, but in most cases ill-informed, opponents who by their opposition would preserve the area for destruction by private economic interests; and I urge the House to approve the request of \$700,000 for fiscal year 1973 which will be added to the amount on hand from previous appropriations for land acquisition preparatory to beginning construction and to relieve hardships by persons who want to sell but are now at the mercy of speculators.

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

Mr. SHRIVER. Mr. Chairman, I rise in support of H.R. 15586 as it has been reported by the Committee on Appropriations. Today people are greatly concerned about our national priorities and the need to concentrate Federal programs on domestic problems.

The problems of flood control, water supply, irrigation, conservation and recreation certainly deserve high priority.

I especially want to concur with the committee's action in deploring the slowdown and stretchout of projects in recent years. Appropriate action has been taken to increase certain budget estimates for fiscal year 1973 to expedite work on a number of projects.

For example, the Committee on Appropriations has recommended \$230,000 for fiscal 1973 for an ongoing study of the Arkansas River from Great Bend, Kans., to Tulsa Okla. This investigation was authorized by Congress in 1965. The failure to provide funding to the full capability of the Corps of Engineers has caused a slippage in the completion date to 1977. There are many questions to be answered by this important study. One of the most important is whether or not navigation from Tulsa to Wichita, Kans. is economically feasible.

The action taken by the committee to provide funding in keeping with the full capability of the Corps will accelerate this investigation by at least 6 months.

There are instances, however, where funding has been provided for investigations by the Congress but bureaucratic redtape and footdragging have resulted in long delays which in the end threaten necessary public works projects.

I especially want to bring to the attention of the House the long and continuing delay of the completion of feasibility studies of the Kanopolis Unit of the Missouri River Basin Project, Kansas, which were initiated in fiscal year 1967, following settlement of litigation concerning formation of the irrigation district. I am greatly disturbed over the failure of the Bureau of Reclamation to meet its own completion dates for this investigation.

On a number of occasions, I have met with Bureau officials, including the Commissioner, to express my interest and to urge that the completion of the studies be expedited in order that the Congress might be able to consider reauthorization of this irrigation project at the earliest possible time.

The report was originally scheduled for completion in fiscal year 1970, and here we are 10 days away from the end of fiscal year 1972 and this feasibility study is being held up, at the request of the Bureau of Reclamation, until another reanalysis of the irrigation needs of the basin is completed.

One bureau or another has played its part in footdragging on this study. For many months the Bureau of Sport Fisheries and Wildlife was a major roadblock. There have been many excuses for the delays offered by the Commissioner such as changes in laws affecting such projects; expansion of the scope of the project to provide municipal and industrial water supply for the city of Salina, Kans.; and at last report, the Corps of Engineers was withholding its cost allocation report at the request of the Bureau of Reclamation, until the Bureau completes a reanalysis of the irrigation needs.

Last year I met with the Assistant Secretary of Interior for Power and Water Resources to discuss what actions might be taken to complete the study at the earliest possible time. The Assistant Secretary did deliver to me in December 1971, a copy of the Regional Director's proposed report.

He outlined for me the established procedures for review and comments which the report must undergo before its final review and action. According to the schedule outlined, the report should have been submitted to the Secretary of Interior by June 1, 1972. By September 1, 1972, it should be submitted to Congress for its consideration.

However, as I stated previously it has again been delayed by the Bureau of Reclamation.

Needless to say, my patience, and that of many local citizens who have long supported and worked for this project, is being severely tested. I have today requested the Secretary of Interior to investigate the reasons for further delay in the finalization of the study. I believe the people of the area and the members of the Irrigation District are deserving of immediate and frank answers for the continuing footdragging on this project.

Mr. RHODES. Mr. Chairman, I yield 10

minutes to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, I shall take only a relatively short period of time to comment on the Public Works appropriations bill, as now before us, even though it is a measure deserving of our colleagues' careful scrutiny between now and the time, later on this week, we shall get around to voting upon it.

First, however, I wish to extend my respects to both our distinguished chairman, the gentleman from Tennessee (Mr. EVINS), and the gentleman from Arizona (Mr. RHODES), our ranking minority member. Though I have served on the subcommittee now for 8 years, I am aware of the fact that I am still the junior minority member thereof and supposed, more or less, to "keep my place." Nevertheless, despite that tradition, both our chairman and Mr. RHODES have been most kind to and patient with me—allowing me to develop our record in numerous areas in my own way though also in ways, I certainly hope, that have been constructive. For that opportunity, I am grateful to them both.

I would, accordingly, recommend to all our colleagues, Mr. Chairman, their attention to our several volumes of printed hearings, for there is a wealth of background information contained therein which can, in this environment-conscious age, be useful reference material for all of us.

Our report mentions—on page 4—the serious energy situation facing the Nation, and it is a serious situation, to say the very least, if not one also approaching crisis proportions. It is proper—if perhaps unnecessary—for us to so call your attention to that situation. Our report a year ago, however, gave almost equal attention to the need for preserving, promoting, and protecting man's environment, and to the need for establishing a proper balance as between the demands for energy and for water resource development of one kind or another on the one hand, and for the conservation and wise use of the natural resources of our Nation for the benefit of future generations.

I regret, a bit, that this year's report does not similarly refer to the importance of environmental considerations, and similarly call for a balanced policy of energy programs and water resource development. But no one should read into that omission a lessening of this subcommittee's environmental awareness or concern; as a matter of fact, a perusal of our hearings will dispel any such notion for there are constant references to environmental considerations throughout the same and I, for one, believe this subcommittee under the able leadership of our chairman has steadily and persistently brought its influence to bear upon our constituent agencies in such a way as to maximize their own, separate environmental concerns.

In commenting on the report, I believe I also must—for the sake of the record—register at least some reservations about the thrust of the comments set forth on pages 5 and 6 having reference to the discount rate to be used in evaluating proposed water resource projects

and having further reference to the review of authorized, but not yet constructed, projects having a "shelf-life" of less than 5 years when it comes to the application of the still-pending "new principles and standards" for such evaluation purposes as proposed in a Water Resources Council task force report.

I know that the chairman feels very strongly along the lines so expressed on pages 5 and 6, and I respect his position as I do that of other members of the subcommittee who share his thinking, but I wish to reserve my freedom of future action on all such considerations.

As to the bill, itself, it is a good bill, and I recommend it to my colleagues. It is the product of the subcommittee and reflects, here and there as all such bills inevitably do, a spirit of compromise. But it also reflects some excellent staff work—and we are proud of our staff people—and, lastly, it bears the stamp of the personality of our chairman, and of his dedication—which is total—to the wise development of our natural resources after the fashion of the Daniel Webster admonition which appears on the wall of this Chamber, over the Speaker's desk.

Mr. Chairman, putting together a bill such as this—covering the wide range of developmental programs as it does, and involving far more than it used to the settlement of some very complex, collateral policy questions, is no easy task.

Take, for instance, the issues passed by the Atomic Energy Commission's request for developmental moneys for the liquid metal fast breeder reactor—or LMFBR, as it is called for short. There is no doubt that such an energy source, if successfully and safely made available to the people of this Nation, could go a long way toward meeting their rapidly growing energy needs.

At the same time, however, none of us can be unaware of the public concerns which have been expressed, over and over again, by opponents of this type of reactor. Those concerns are real to those who state them, and are sincerely held. They cannot be easily dismissed, or dismissed out of hand, for no one can be certain of the precise answers.

We have carefully considered these concerns, along with the justifications and assurances as preferred by the AEC for the research, developmental, and demonstration work it here has in mind, and it is our opinion—as well as our recommendation—that such work should go forward, under the careful guidelines established, since we see no other way by which the answers to the questions concerning this technology that have been raised can be supplied.

At the same time, we should guard against any AEC tendency to put all its "eggs"—so to speak—in this particular "basket." There are alternative avenues for both research and development AEC should pursue between now and that imprecise date when that environmentally utopian dream of safe, fusion reactors—which will pose vastly reduced hazards of radioactivity and virtually eliminate the threat of "nuclear runaways"—can become a reality.

One of these alternatives involves work on the gas-cooled fast breeder reactor,

for which the subcommittee added \$1 million over the budget request.

We similarly approved of the increase in the budget request for further research into fusion power, or into controlled thermonuclear possibilities, of \$38 million, an increase from \$31 million a year ago. In light of the potential great value of a breakthrough on this research front, and in the light of the progress we understand the Soviets may be making on this process, this seems a modest increase indeed.

However, \$38 million is the limit of the authorized level for such work, and we have also been told by the Director of the new AEC Division of Thermonuclear Research, Dr. Roy Gould, that this was all he could responsibly use for the time being.

There are other avenues to explore I might speak to if time permitted, regarding research into the non-nuclear field of energy sources for which we have allowed the Atomic Energy Commission the \$3 million which was its first request in this area. The Atomic Energy Commission has vast technical competence to venture into such fields and I, for one, hope it will give some consideration to the possibilities inherent in solar energy; but I can assure you that our subcommittee will continue to give careful scrutiny both to the promise of and the problems inherent in whatever the Atomic Energy Commission may attempt in these regards.

Now, Mr. Chairman, I would like to make some comments concerning the progress being made by the Atomic Energy Commission and leading toward the success of the artificial heart program. A few days ago in this Chamber the distinguished gentleman from Missouri (Mr. HALL), whose attention I would seek, made some remarks about the urgency of developing an implantable artificial heart. He told us at the time, and I am sure he is well qualified to make such comment, that he had previously stated and again now stated to us that the solution to the cardiac replacement problem must lie with an implantable artificial heart just as we now use pacemakers properly implanted in the chest and heart wall to regulate rhythm in the uniform contraction of the unique heart muscle itself. I am happy to report to you all, and to Mr. HALL, specifically, that the Atomic Energy Commission is completing its 4-year effort to develop the nuclear powerplant for such a totally implantable artificial heart. In May of 1973, the Atomic Energy Commission will meet a major decision point. That decision will be whether or not it can build a safe and suitable power plant for such a machine—a nuclear powerplant that will last, unattended, in the human body for a minimum of 10 years. The spokesman for the Atomic Energy Commission told us that it considered this was a goal it had to meet and it is my judgment, in advance of that decision date, that it is a goal that can be met. The major effort here on the part of the Commission has been, of course, toward the development of the nuclear engine which would then be hooked up, in turn, to a blood pump which, in effect, would be the artificial

heart, itself, of which Mr. HALL spoke to us a few days ago. If this program goes forward, I think it will be, in large part, because of the interest of this subcommittee and also the efforts and the interest of members of the Joint Committee on Atomic Energy for having pursued this aspect of this essential effort. I am sure we all share an interest in its success and in its progress at whatever rate is appropriate to the technological capabilities both of the Atomic Energy Commission and of the cooperating National Heart and Lung Institute.

Eventually, I suppose we are going to have to ask ourselves certain difficult questions: If such a device could cost several thousands of dollars when there are some people not getting basic medical care, then should such a device as this be made available at what is certain to be substantial Federal expense?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. ROBISON of New York. Another question is: Should a large public expenditure be made for this type of a device when a better payoff in public health might be in a program for the prevention of heart disease. Again, if there is a short supply of these devices how would we decide who would get it. Theoretically, there should be no such shortage, but will there be enough heart surgeons to install such devices? In my judgment, all of these questions will have to be addressed by some future Congress and, of course, by the medical profession itself. However, I feel the continued support of this program by this subcommittee at whatever level and speed the Commission tells us would be proper is most desirable and I am proud of the subcommittee for its continuing interest in this regard.

Finally, Mr. Chairman, I would like to say just a few words about one of the projects under the program of the Corps of Engineers with which there is an unresolved environmental problem.

This is the Tocks Island project, which involves cooperation by the States of New York, New Jersey, Pennsylvania, and Delaware.

As the Members will note, on page 44 of the committee report, the details of this particular problem have been outlined for their information.

The budget estimate for its multipurpose project was \$14.8 million. Of that amount, \$7.5 million would have been applied to land acquisition and \$6,080,000 would have been added to the \$1.65 million we appropriated, or recommended be appropriated, in the current fiscal year for preliminary construction work on the proposed embankment, and for relocation purposes.

None of the previously appropriated \$1.65 million has been spent, however, by virtue of an agreement between the Corps of Engineers and the Council on Environmental Quality that such construction work would not go forward until certain assurances had been given by both the Delaware River Basin Commission and/or the Governors of the four member States relative to their commit-

ment to the implementation of a regional sewage treatment system in the vicinity of the proposed reservoir.

One of the corollary problems going along with the need for that regional sewage treatment system was what to do about the poultry and dairy farm wastes that would flow from farm operations along the upper reaches of the Delaware River, mostly in New York State, itself. And so CEQ had asked for special assurances from Governor Rockefeller of New York that his State—my State—would give priority to bringing all sources of pollution affecting this particular project, particularly the poultry and dairy farm wastes from the upstream areas, under an abatement plan designed to protect the reservoir from nutrient enrichment and, therefore, eutrophication.

In light of the fact that, within the last few weeks, Governor Rockefeller has advised Governor Shapp of Pennsylvania and chairman of the Delaware River Basin Commission, that he does not feel New York State could responsibly give such assurances—and I think his position is entirely understandable under the circumstances. It has been the decision of the subcommittee, accordingly, that while the amount budgeted for this project is approved, the total that would otherwise be appropriated for construction purposes, together with the amount appropriated for such purposes a year ago, would be applied only toward an accelerated program of land acquisition in the project area until the required assurances have been received, or other acceptable actions have been taken.

Mr. Chairman, I think this is the only responsible decision for us to offer our colleagues in light of this particular problem.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, during the last several years I have had the opportunity on many occasions of testifying before the Subcommittee on Appropriations for Public Works, and I never cease to admire and marvel at the dedication and patience of the distinguished chairman of the subcommittee, Mr. EVINS, and the ranking minority member, Mr. RHODES, and all the Members on both sides of the aisle. Hour after hour, day after day, the committee members and its outstanding staff patiently hear witness after witness gathering the facts with which to intelligently develop the resources of America. I take this opportunity to commend the subcommittee and its great chairman. Their districts, their States, their Nation are greatly indebted to them for the service they perform.

I wish also to thank the Subcommittee on Public Works for their timely approval of the appropriations for a construction start of the Meramec Basin project, which is located in the foothills of the Ozarks, in my home State of Missouri. This is a project for which I have worked hard for many years and the \$3,000,000 approved in this bill will per-

mit a construction start within the capability of the corps.

The total overall cost of this much needed project is \$73 million dollars. Seemingly a large figure, however, when taken into consideration with losses occurring almost annually from floods in the area it is rather small.

Much fertile riverbottom land will be available for produce once the dams are constructed and the floods stopped.

The lake will consist of 12,600 acres and will afford a much needed recreation area for the citizens of Missouri and across the Nation. With more than 2½ million people located within a few moments of the lake, the project will bring water recreation to a large metropolitan area which is not now available.

Meramec is not something new, nor an overnight project. All impacts have been studied, and I commend those with the foresight which today makes available this much needed project.

This basin is one of the most studied areas in the Middle West. Numerous reports have been made by various Federal, State, and local agencies since 1880. Consideration was given to flood control, navigation, water power, and irrigation in these studies. There is no doubt in my mind that the construction of the Meramec Reservoir is the best possible use of the river. We have already waited too long to proceed with construction.

I believe that our water resources involves the total future welfare of our Nation. Water resources development must be undertaken not merely because it is profitable, or so that we may live more comfortably. It must be taken to preserve our national economy, our security, our way of life. It is one of the foundation stones of national defense and our country's future greatness. No task is more urgent. It is a challenge to us all.

The committee has risen to meet that challenge with the approval of the Meramec Basin project.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I want to commend the committee for the consideration it has given to the items in this bill for the support of the Nation's atomic energy program.

This subcommittee has worked diligently not only this year but in the past over the all important items in the nuclear program. I think this year they have done an exceptionally fine job. They have carefully examined the items and they have, in my opinion, done an excellent job this year.

The committee has been dedicated, as the Joint Committee on Atomic Energy has been dedicated throughout the years in providing a substantial program in this particular field. I want to commend the members of the subcommittee for the fine job they have done.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the distinguished gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I just want to take a couple of minutes to

thank the chairman of the subcommittee and the Members on both sides of the aisle for the work they have done on the Atomic Energy Commission appropriation bill.

I am glad that they have gone ahead with the fast breeder concept money.

I call to the attention of the Members of the House that just a little over a year ago President Nixon decided after a full meeting with the Cabinet on a presentation of the reasons for this concept and for this project that he endorsed the breeder program in his energy message.

Subsequent to that, the administration has supported its development.

We have tremendous assistance from private industry. Something like \$250 million has been pledged, for the first fast breeder reactor, from private industry. They are all agreed upon the type of concept that we are programming.

I would just say this for the individuals who may not know exactly what we are talking about when we talk of the fast breeder reactor.

This is a concept for the utilization of uranium which will increase the heat that we can extract from a gram of uranium by a factor of 100. We are now getting fissionable material of .7 percent out of a given amount of uranium. This will give us 70 percent or 100 times as much material for utilization.

This offers to the people of the United States and to the people of the world an assured source of energy to create electricity. When we take into consideration that here in the United States we are going to have to double every 9 to 10 years our total generating capacity of electricity in order to keep pace with our standard of living and in order to keep pace with the population growth of our society and the growth in the use of electricity we are talking of something that is very important because all of the fossil fuels, particularly gas and oil, are depletable and are going to be in very scarce supply by the end of this century.

While coal may last another 100 years, it involves many problems such as strip mining and the restrictions on strip mining. Over half of the coal now comes from strip mining.

So we are facing depletable sources of fossil fuel and a scarce source and the rapidly increasing prices for fossil fuels.

Coal, oil and gas have gone up almost double in price in the last 3 years. This all has an impact on the cost of electricity.

These people who are fighting against the establishment of generating plants, whether they be coal, oil, gas or nuclear, and who think they are doing something to help the environment, are actually standing in their own light because you cannot clean water and you cannot clean air and you cannot recycle wastes or reusable materials of any kind, and you cannot treat sewage unless you have adequate sources of cheap electricity.

So if we are going to really tackle the problem of pollution in our Nation, we are going to have to have an abundant supply of safe, clean energy. We do have this in nuclear energy. We do have a clean source and we have a safe source.

Those people who are making up scare stories about the danger of it, just simply do not know what the background of research and development has been in the field of nuclear technology. They refuse to look at the fact that we have been operating these nuclear reactors now for more than 25 years. We have more than 100 different sizes and/or types of reactors in the country.

We have 100 submarines, and these submarines have nuclear propulsion reactors in them, and they are producing an incredible supply of motive fuel. We have in each submarine from 100 to 135 men, many of them sleeping within 10, 15, or 20 feet of the reactors. There has been no case of radiation damage. I understand we will have some opposition tomorrow to the further development of this fast breeder reactor, and I hope that my colleagues will realize we have spent several hundred million dollars in this technology. We know how to do it. We know how to handle this material safely. Electricity from nuclear reactors is the hope of this generation, not only the people of the United States but the people of the world, that we will have an adequate source of energy for the next 1,000 years. We firmly believe, with the scientists and engineers, that this fast breeder concept which has been proven in the laboratories and is ready to be proven now in large nuclear plants, will bring to us an inexhaustible source of electric energy for the next 1,000 years.

I again wish to thank the Appropriations Committee for their calm consideration of the presentation of this matter and the other matters in the atomic energy budget and express my personal as well as the personal thanks of every member of the Joint Committee on Atomic Energy to Mr. EVINS, Mr. RHODES, and their colleagues on this important committee.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, first I wish to commend the committee on the outstanding work they have done, especially the two flood control projects on the Arkansas and the Mississippi Rivers.

Second, I do feel there is one place we could save a little money.

I would hope that the \$126,000 budgeted for the ongoing study of deepening the Mississippi River channel to 12 feet be deleted from this public works appropriations bill.

Based on the information at hand, it appears to me that the costs of this project would far outweigh the economic advantage for shippers to have larger and fewer barges. Some \$117,000 was spent during the current fiscal year, bringing to \$1,212,000 the total spent on the study so far. The estimated cost to complete the study by fiscal year 1976 is another \$1,125,000, for an estimated total cost of \$2,580,000 just to study the feasibility of the project.

The project, moreover, poses grave environmental and ecological questions. For instance, one of the several means for providing the deepened channel would be by means of dredging. This method would require 20 percent of the

800-mile channel between Cairo, Ill. and Minneapolis, Minn., to be dredged, the remainder being at least 12 feet already. Or, the method chosen could be that of raising the pool levels or of combining raising pool levels with dredging or of building more locks and dams and dikes at various locations along the river.

The final, and to me the most desirable, alternative would be no change in the channel depth. Notwithstanding the previous Federal investment in the study, I believe that the facts available so far, the environmental implications, and the limited beneficiaries of the deeper channel indicate a congressional decision to cut off funds is advisable.

While many may feel that \$126,000 is not much of a savings, over the years stopping the study would save \$1,455,000 estimated just in the study costs alone.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. McCLODY).

Mr. McCLODY. I thank the gentleman for yielding.

Mr. Chairman, I wish to commend the committee for its thoughtful consideration of three items relating to Lake Michigan shore erosion control and a flood control study in my district.

Mr. Chairman, the first item is shown on page 15 of the committee report and is described as Illinois shore of Lake Michigan, in the amount of \$10,000. It is my understanding that this is the total obligation which will be incurred during the fiscal year 1973 for the study of shore erosion between Waukegan, Ill., and the Illinois-Wisconsin State line, authorized pursuant to a resolution of the House Public Works Committee of December 2, 1971.

Mr. Chairman, the total estimated cost of this study is \$132,000, for which additional appropriations are expected to be made during the next 2 fiscal years.

Mr. Chairman, a large part of the study covered by this authorization relates to Illinois Beach State Park, which extends along many miles of the Lake Michigan shore—and is a State park under the control of Illinois Department of Conservation, whose director, Henry M. Barkhausen, is one of my constituents and a valued friend.

Mr. Chairman, I appreciate the action of the committee in adding this item, which was not budgeted because of time factors over which neither I nor the department of conservation had any control. The action of the House Appropriations Committee enables the work to get underway promptly and assures shore protection facilities at the earliest possible time.

Mr. Chairman, I am also pleased to note on this same page of this report, funds for studying flood control measures on the Fox River in Illinois and Wisconsin—a most vital project for my constituents in the Fox River Valley area of Lake and McHenry Counties and continuing down in Kane County—part of the new 13th Congressional District.

Mr. Chairman, page 30 of the report also provides funds totaling \$32,000 for

reimbursement of the city of Lake Forest for shore protection facilities constructed in that community, another valuable project in the interest of conservation of the Lake Michigan shoreline.

Mr. Chairman, it had been my hope that funds would be appropriated for construction of shore protection facilities at Lake Bluff. However, it is my understanding that the study for the immediate construction having been completed and authorized in 1954, the construction is capable of proceeding with reimbursement to be provided in the appropriation for fiscal year 1974 consistent with the funds which the Corps of Engineers may expect to budget for this project.

Mr. Chairman, I understand further that the reason for failure to include an appropriation at this time is that there is no capability of completing any part of the construction work to justify inclusion of funds in the bill now before us—but that we may expect funds to be appropriated in the measure for fiscal year 1974.

Mr. Chairman, I appreciate the care with which the committee has given consideration to these requests and for the detailed study which is involved in the committee's work with respect to appropriations for such specific public works projects as those involved in my congressional district.

Mr. Chairman, I particularly commend the subcommittee's chairmen, the gentleman from Tennessee (Mr. EVINS), and the ranking minority member, the gentleman from Arizona (Mr. RHODES), for their conscientious attention to these vital public projects in which the individual Members of the House are so keenly interested.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. DAVIS), a member of the subcommittee.

Mr. DAVIS of Wisconsin. Mr. Chairman, I think this bill reflects many of the statements that have been made by those who are concerned with the Atomic Energy portion of it, and it reflects a recognition on the part of all members of the subcommittee of the needs for expanding energy supplies in this country in the years that lie ahead.

In some years in the past we have been told that we did not need to develop hydroelectric power because within a very short period of time nuclear power would be there to take its place, and we were wasting money by the development of hydroelectric power projects. But I think probably the most enlightening and interesting day that we spent in our hearings was in a discussion with Secretary of Interior Morton on the overall energy problems of our country and his comments as well as the comments of the people from the Atomic Energy Commission, that we need to accelerate in all the areas of energy supply, whether it be fossil, whether it be hydroelectric, or whether it be nuclear, in order to meet the ever-increasing demands for industrial and population expansion in this country.

I think this bill does reflect that kind of recognition on the part of the members of our subcommittee.

Last year's bill, you probably will recall, was also somewhat under the budget, but that was accomplished mainly in two ways. One was through some rather substantial reductions in the Atomic Energy portion of the bill, and the other was the basic, although not complete, acceptance of the stretch-out theory with respect to the projects of the Corps of Engineers and the Bureau of Reclamation.

With costs of heavy construction continuing to increase at an accelerating rate, it became apparent to the people in the Bureau of the Budget as well as the construction agencies that this was not a wise nor an economic thing to do.

So this year's budget presentation as well as the action of our committee comes very close to meeting the schedule of capability—and I suspect economic development—of the major projects that are included in it.

I think we need to concern ourselves, however, with a word of caution in doing this. Last year we put in a great many projects without funding them to the level of capability. This year we have a great many projects and in most cases they have been funded at or near the level of capability, but I think there is always the danger that in doing the easy thing, and certainly the popular thing, of putting small amounts of money in here for studies—and these do not amount to a great sum of dollars—but the natural sequence is for the study and then the planning and then the construction. I think we need to exercise restraint that we do not get ourselves spread so thin and into so many areas in the study and in the planning field that we find ourselves with clamors which we cannot resist as far as the overall appropriation in this area in the future.

One item I wanted to bring to the attention of Members relates to the revolving fund which is discussed on pages 48 and 49 of the committee report. This is a fund that was started in 1953 or 1954. It is similar to what is known as the stock fund in the Defense Department appropriation, where funds are there, to be made available immediately for the accumulation of the necessary equipment, and then the cost of the use of that equipment is charged off to the various projects in accordance with the individual appropriations.

There is always the temptation with a fund of this kind to expand its use, usually much beyond the contemplation of the Congress at the time these revolving funds were established. I think that has happened with respect to the Corps of Engineers and that they have expanded the use of this revolving fund beyond anything that we had contemplated, or beyond what we would normally approve.

So in our report, based upon a report from the General Accounting Office, there appear several limitations, particularly with the Government-owned dredging programs, that have tended to expand over the years. I think this revolving fund to some extent has been somewhat characterized by empire building and an accentuation of the Government operation as contrasted to contracting with the skilled and more

economic private dredging operations which ought to be accentuated.

This is particularly true at a time when the private dredging capability of this country is not being used to anywhere near its capacity. Yet the request did come in for greatly expanded Government-owned capability in this area. I think it is somewhat similar to the Navy shipbuilding alteration, and conversion and repair in the Defense Department, where the private capability has been permitted to sort of wither on the vine while Government-owned and operated capabilities have continued to expand.

Our committee has sought to deal with that problem and has limited the funds available and the capabilities of the Corps of Engineers to expand in that particular area, and I believe that is wise.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. BOLAND), a very valued member of the subcommittee.

Mr. BOLAND. Mr. Chairman, I want to point out that this bill calls for a \$445,000 appropriation to help carry out a searching ecological study of the Connecticut River Basin—a study that will identify and evaluate the environmental effects of a long-range plan for the river basin's development. The plan, proposed by the Army Corps of Engineers in cooperation with the Water Resources Council and the New England River Basin Commission, has been embattled ever since it was made public. Fundamentally, most people will agree, the plan is a sound and sober one, recommending a series of projects—in flood control, pollution abatement, water use, recreation—that the Corps of Engineers considers necessary if the river is to meet New England's needs in the second half of the 20th century. Many people, however, dispute the merits of specific projects—the height of a dam, for example, or the site of a dike. Even more people challenge the plan from an ecological point of view. No one, they point out, can predict the plan's ultimate environmental effects without an exhaustive study. Such a study, spanning 3 years, has been authorized.

Yet the administration—astonishingly, I think—sought no funds whatever for the study in fiscal 1972 and fiscal 1973: the first 2 years of the study, and its most vital years. As a ranking member of the Appropriations Subcommittee on Public Works, I made certain last year that \$110,000 was made available to initiate the study. Chairman EVINS, as well as the other members of the committee, agreed with me about the pressing need to begin this study promptly. This year, I am delighted to report, they agreed again: The bill now before us seeks \$445,000 for the study's second year.

Clearly, Mr. Chairman we should not plunge headlong into a river development project without considering the environmental consequences.

The study financed by this public works appropriations bill will help as-

sure the ecological stability of the Connecticut River Basin—its wildlife, its plantlife, its potential for recreation, its natural beauty.

Mr. EVINS of Tennessee. Mr. Chairman, I yield briefly to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I appreciate the courtesy and wisdom of the subcommittee in including a number of items, particularly in the Ohio River Basin. I regret that \$200,000 has been included for the Rowlesburg Lake for land acquisition.

By abandoning this Rowlesburg project, a lot of money and grief could be saved. Here is a great way to save \$150 million of unnecessary Federal and local expenditures. Why destroy Saint George and Holly Meadows, erode the tax base of Tucker County, and ruin the beautiful Cheat River? I think the Congress ought to put its foot down and call a halt to this great mistake called Rowlesburg. Let us use some commonsense and save both the land and the taxpayers' money.

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

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, as many Members probably know, I am leaving the Congress at the end of this term. I have elected not to run for reelection.

Of all the problems that have been brought to my attention since I have been in the Congress, I believe nothing is more important to our Nation, and to the world than this question of energy. I was pleased to learn about the progress that the committee is making toward the funding of the fast breeder reactor.

The Committee on Interstate and Foreign Commerce, through the Federal Power Commission, has responsibility for the regulatory aspects of the power creation process.

There has been a great deal in the newspapers recently about this cresting energy crisis, which can become a catastrophe if we do not have success with such processes as the fast breeder reactor to which Mr. HOLIFIELD, our colleague from California, referred.

I have just recently returned from a visit to one of the OPEC countries, OPEC headquarters in Vienna, and to the "consumer" countries of England, France, Belgium, and Austria. I have noted a transformation in the whole energy posture of the consumer countries on the world scene, as contrasted with the countries which now have the energy resources.

We have become potentially, if not presently, a "have not" power.

Those countries which are fortunate enough to have the present usable sources of energy—oil and natural gas—really can exert much more leverage on the world scene than we ever visualized they would have and we have commensurately lost our leverage.

Nuclear power now accounts for a very small portion of our total energy picture. The fast breeder reactor, as beneficial as it may be, is still many years away. We

must begin our work on it now—never losing sight of the fact that oil, natural gas, and coal will be with us—or used against us—for some time to come.

I know, too, of the widespread interest other committees have in this problem, and I am aware of the fact that the Committee on Interior and Insular Affairs recently held a series of meetings and heard witnesses testify, as did Rogers Morton, that there are 61 Federal agencies involved in this energy problem.

We as a nation are lacking direction in the energy field and we must have more leadership—not only in the Congress but also in the executive branch—if we are not to be seriously threatened by these other countries which have, overnight, become the potentially powerful nations of the world.

I am suggesting to the Congress and particularly to the Committee on Interstate and Foreign Commerce that we should create a Council on Energy policy so that we can have at the highest levels of Government a perspective of the problem. This office, unlike some of the other offices, such as Telecommunications Policy, should not be solely in the executive branch of the Government.

It should be subject to the Congress in that it should report not only to the executive branch but to the committees here. It must be responsible to us.

If we do not have a policy which is understood by the private and public sectors we will find it difficult to get private corporations to invest amounts of money such as, that which we are appropriating in this bill for research in the fast breeder reactor. What private corporation is big enough or strong enough to take such financial chances when they may find themselves competing with Government initiatives which are not known or comprehended?

The present policy of this administration is to keep close to the White House our future plans for energy policy. It should not just be in the White House but rather in an office like the Council of Economic Advisors which has to report to the Congress as well as to the executive branch.

I want to congratulate the committee and particularly the gentleman from California for recognizing this problem. The Russians are ahead of us; they have a fast breeder reactor in the testing stage. The English are ahead of us too. Our energy demands are going up and our supplies are going down. We are in a period of crisis in our Nation's history.

The fuels we are now using to create power are finite. Nuclear power is a possible solution to the dwindling supply of gas and oil. The fast breeder reactor—which produces its own fuel—is one of the best solutions proposed.

We need a Council on Energy Policy. We need more research and development. Our R. & D. efforts must be accelerated. The AEC is working in that direction and we owe it our all-out support.

Mr. RHODES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would not want to close this debate without paying tribute to my good friend, the chairman of this committee, for the fine work he has done,

to the other members of the committee who have been so cooperative, and also to the fine staff headed by Eugene Wilhelm. This is a committee which has disagreements but they are never political disagreements. We work together and when we do disagree we do it without being disagreeable. It is a real pleasure to serve on the committee and I hope the gentleman from Tennessee and I can keep working together on this committee for many years. I would like to change places with him next time but I hope we will be working together for many years in some capacity.

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

Mr. McDADE. Mr. Chairman, I rise in support of the public works appropriation bill of 1973. It represents long and thoughtful work on the part of the committee, and I commend the members for their diligence in the preparation of this legislation. Indeed, the distinguished chairman, the able ranking minority member and the other members of this committee have consistently demonstrated their deep dedication to their duty and to their country. I would especially commend the members for meeting two serious problems in my own congressional district.

Included in the bill is the item of \$14.8 million for the Tocks Island Lake in Pennsylvania, New Jersey, New York, and Delaware. For 10 years, the work of preparation for the construction of the Tocks Island Dam has progressed slowly, and the acquisition of land for the project has progressed most slowly. These delays in acquisition have visited great hardships upon the residents of the area of the planned water impoundment, who will be forced to move, who obviously cannot sell their land under these circumstances, and who have yet to have their land purchased by the Corps of Engineers.

At the same time, some serious questions have been raised concerning the wisdom of constructing the dam; and the corps has very prudently done no work in the field of construction, although \$1,650,000 was appropriated in the last fiscal year for construction work on the proposed embankment. In view of the economic and ecological questions which have been raised, the committee has wisely directed that the full \$14.8 million be used for land acquisition.

I commend the members of the committee for this decision. I hope and anticipate that the Corps of Engineers will proceed with this \$14.8 million in the rapid acquisition of land in the Tocks Island Lake area, with particular attention to the hardship cases which should be attended to immediately.

In a second most important action, the committee has, through the language concerning the Appalachian regional development programs in the committee report, directed the Commission to proceed with the first stage of the Hill Section subsidence project in Pennsylvania, to be financed within available funds at an estimated Federal cost of \$4.5 million.

This is a wise decision on the part of the committee and one that will be welcomed by any thoughtful person. It was my difficult duty to inform the residents

of the Hill Section some 3 weeks ago that there had appeared ominous signs of caving in two of the mined out coal veins underlying that section. This represented a threat to the whole area with property assessed at some \$70 million—a fraction of its real value—including a major university, three of our finest hospitals, and a great number of the churches and other buildings of immense importance to the community. The situation has been described by the U.S. Bureau of Mines as the most serious mine cave situation we face in America today. It is now my delightful pleasure to inform those same residents of the Hill Section that the members of this committee have taken the most extraordinary rapid action to meet this serious situation. It is most important to have the money available in the Appalachian Commission when the Commonwealth of Pennsylvania submits its flushing proposal to the Commission to commence the first phase of a project to give the most permanent stability possible to the land under this section of the city. Certainly this action will reinforce the faith of the people of this section, and the people of my whole congressional district, in the intelligence and resourcefulness of the Congress of the United States.

I thank the members of the committee, not only in my own name, but in the name of all of the people of my congressional district, and I urge the passage of this appropriation bill by the Members of the House.

Mr. CONTE. Mr. Chairman, this public works appropriations bill contains three flood prevention and recreational improvement projects of direct benefit to my First Congressional District. While these projects can be extremely helpful to economically hard-pressed communities, as well as enhance the recreational potential of western Massachusetts, I would like at this time to clarify two important considerations.

First, the moneys contained within this bill for these projects are only for the preparation of authorization reports. Only after these reports are prepared and approved by the Congress can construction begin on the revised Westfield local flood protection project, the Knightsville Dam project, and the recreational boating improvements between the Holyoke Dam and the Northampton-Hatfield line. In other words, by approving this appropriation this afternoon, we are not committing ourselves to the realization of these projects, but rather proceeding ahead with planning should they be ultimately judged beneficial to the area.

Second, one of the bases for this final judgment on the desirability of these projects must be the ecological impact of these projects on the Connecticut River Basin area. I am supporting this appropriation, therefore, because of the funds contained in this measure for a thorough study of the environmental impact of these projects on the Connecticut River Basin. The committee has recommended \$445,000 to fund the second year of review of the Connecticut River Basin comprehensive study.

I feel that these two areas of the bill are integrally related. While we proceed with planning for these three projects, we must give our full attention to the environmental impact of all such projects on one of the most beautiful areas of our country: the Connecticut River Valley.

Mr. VANIK. Mr. Chairman, today we have been asked to appropriate \$463.5 million for the Bureau of Reclamation of the Department of the Interior. It is time that the continuation of this massive program receive thorough reevaluation. In my opinion, this program should be phased out.

The Bureau of Reclamation has outlived its usefulness. Today it creates more problems than it solves. In the area of the environment, many of its projects have caused pollution problems. In the area of agribusiness, the Bureau of Reclamation tends to help the rich get richer and the poor poorer. Most important of all, in the area of farm surplus, the Bureau of Reclamation creates the very surpluses the Department of Agriculture is trying to prevent.

While I would favor programs which would insure adequate supplies of low-cost food for the American dinner table, the Bureau of Reclamation's programs do not do this, since the price of food, on irrigated land and throughout the country, is artificially maintained by a wide range of publicly financed price support programs.

The activities of the Bureau of Reclamation are in direct contradiction to the purposes of the farm support programs. Billions have been and are being wasted by the continuation of these two programs. One or the other must be terminated.

ORIGINAL PURPOSE OF THE BUREAU

The Bureau of Reclamation has its origins as far back as the Homestead Act of 1862, which had as its purpose the bringing of settlers into the western territories of this country. But much of this western land was arid. The Federal Reclamation Act of 1902 was passed to provide irrigated land for the farmers of the West. One of its most important sections in the law is the requirement that no one with more than 160 acres of land be entitled to the Bureau of Reclamation's water. It also allowed for a 10-year repayment period by the user of the water to the Bureau of Reclamation.

In 1911 the passage of the Warren Act increased this repayment period to 20 years. In 1926, the Omnibus Extension Act extended this period further, to 40 years. Finally the Reclamation Project Act of 1939 allowed for a 10-year free period and then a 40-year repayment period thereafter.

Over the many years of the Bureau of Reclamation's operation, actual cost have been \$6,156,000,000 and the total estimated costs when all current Bureau of Reclamation projects are completed will be \$11,476,000,000.

The history of the Bureau of Reclamation shows us that its original purpose was to help the settlers, the small land-

owner. Today, however, the Bureau of Reclamation hurts these people, helps agribusiness, hurts our environment, and cripples efforts to solve the farm surplus problem.

THE COST OF BUREAU PROGRAMS

The Bureau of Reclamation initiated in the mid-1940's what is called benefit-cost analysis. When the Bureau of Reclamation researches the feasibility of a program, it uses this benefit-cost analysis. If the benefits of a program outweigh the cost, then a project is almost certain to meet with congressional approval. But the Bureau of Reclamation's benefit-cost analysis is often faulty, as a recent Nader task force report "The Damming of the West," shows. Not only are the Bureau's estimated costs consistently far below actual costs, but the Bureau of Reclamation never accounts for the negative aspects of its programs.

What are these negative aspects? One, irrigation provide new farmland and thus contributes to this country's surplus problem. Two, Bureau of Reclamation's projects result in costly environmental problems. Three, the Bureau of Reclamation contributes, through its lack of enforcement of the 160-acre rule, to large farm and corporate control of land, and thus to the movement to our urban centers of the rural farmers.

The Bureau's 1969 Summary Report of the Commissioner showed that for 120 projects the estimated cost at the time of authorization had been \$1,392,142,000. Federal expenditures for those same projects totaled, as of June 30, 1969 \$3,968,436,000. Thus, the result was an excess of estimated costs of \$2,576,294,000. A 200-percent increase as seen in the above data, can not be explained away by inflation. It can only be explained by a blatant misrepresentation to us by the Bureau of Reclamation of its estimated costs.

THE BUREAU CREATES UNWANTED SURPLUSES

The most serious problem created by the Bureau of Reclamation's programs is its contribution to the surplus crop problem in this country. As of June 30, 1970, Bureau water served ten million acres of land and Bureau of Reclamation irrigated land produced 50 million tons of crops. The questions that must be asked are, "Do we need more farm land?" and "Do we need more crop production?"

Currently, the Department of Agriculture through the Cropland Conversion program, Commodity Diversion programs, the Cropland Adjustment program and other programs, has tried to reduce the amount of land being cultivated. Marion Clauson, a prominent agricultural economist recently stated:

Over 50 million acres of cropland are currently lying idle as a result of government programs.

USDA estimates that there is another 110 million acres of U.S. cropland lying idle which has not been retired by government efforts. Yet the Bureau of Reclamation continues to spend money to bring land into production.

One of the Bureau of Reclamation's

responses is that it is providing for future needs. But the Bureau's claim is not true. If current production continues to progress the way it has, aided by advanced technological farming methods, additional cropland will not be needed. In fact, the consensus of agricultural experts prove this out. The USDA Agricultural Stabilization and Conservation Service made the following statement:

Less and less land is being planted and harvested. Of the 460 million acres of cropland, farmers now harvest only about 300 million acres. This is the smallest harvested area since 1909. . . . Ever since 1950, after the accrued benefits of science and technology had really hit agriculture, yields almost doubled and are still climbing.

Higher yields make it possible to divert crop acres from intensive production to grass, trees and other conservation uses.

To sum up, the Bureau of Reclamation's reclaiming of land only creates problems, for it makes available more land that is not needed now and will not be needed in the future. It reclaims land at the taxpayer's expense and then the farmers are paid not to grow crops on the land or are provided with price support subsidies—all at the taxpayer's expense. This is shown by an analysis of the Bureau of Reclamation's role in the crop surplus problem.

The Bureau of Reclamation's irrigated land generally provides four types of crops. They are forage: pasture, alfalfa, corn fodder, hay; cereal: barley, corn and wheat; field crops: sugar beets, cotton and beans; and fruits, nuts and vegetables.

Forage—over 40 percent of the Bureau of Reclamation land is used to grow forage. Forage production has had an impact on USDA surplus products like butter, cheese, milk, wool, and mohair. Indirectly, through increased forage production on Bureau of Reclamation land, more and more of these products are produced, causing a surplus problem.

Cereals—25 percent of all Bureau of Reclamation land produced cereals. USDA's Commodity Credit Corporation pays out nearly \$50 million every year in price support and surplus for these cereals grown on reclaimed land. Bureau of Reclamation irrigated projects have increased corn acreage since 1944 by 246,000 acres. Wheat production has increased by 52,000 acres on Bureau of Reclamation land. Barley acreage also increased by 143,000 acres. While Bureau of Reclamation land use in this area has increased, farmers all over the country, especially in the North and South, have been forced by excess production to sow fewer acres of corn, wheat, and barley.

Field crops—16 percent of all Bureau of Reclamation irrigated land is utilized for field crops. In the South, between 1944 and 1964, cotton acreage dropped one-third, while on Bureau of Reclamation land an increase of almost 300 percent or 369,000 acres took place. Bean acreage shows a similar story. In the North and South between 1944 and 1964 a decline of 10,000 acres each, and in the West a 429,000-acre decrease. On Bureau of Reclamation land the opposite has

happened—bean acreage has doubled, with 147,000 new acres becoming available. 500,000 acres of sugar beets were produced on Bureau land. In figures provided by two economists, Professors Howe and Easter, Reclamation land costs the taxpayers \$19 million annually in sugar beet payments alone.

Fruits, Nuts, and Vegetables—7 percent of Bureau of Reclamation land is used to grow fruits and nuts. Howe and Easter found:

Between 1944 and 1964 the acreage of fruits and nuts fell 50% in the North and dropped by 6% in the South. In contrast to these declines, overall acreage in the West increased by 23,000 acres while the acreage on reclamation-served lands increased 237% or 270,000 acres. Hence, acreage in the nonreclamation West must have declined by 247,000 acres or 13%.

Vegetable production tells a similar story. Between 1944 and 1964 vegetable acreage in the North and South fell by 500,000 acres in each area. Only in the West was there an increase. However, statistics show that on non-Reclamation land a decrease took place while on Bureau of Reclamation land—excluding potatoes—there was an increase of 111,000 acres.

Potato production follows this same path. Howe and Easter concluded that "\$69 million of the \$173 million decline in the farm value of potatoes can be attributed to increased production on land served by reclamation," which has created such a glut on the market that farmers elsewhere have suffered significantly. As for our taxpayers, USDA programs for feed, grains, cotton, wheat, and sugar, produced on Bureau of Reclamation served land have cost the American taxpayer between \$129 million and \$258 million annually.

Thus we see that the Bureau of Reclamation's irrigated land not only contributes to this country's surplus problem, but is one of the major contributors. If one-third of our farm land lies idle because of the surplus problem, how can we appropriate more money for irrigated land, which will only result in a bigger surplus problem?

THE BUREAU CREATES ENVIRONMENTAL PROBLEMS

In a recent address to a joint session of Congress, the President of Mexico, President Echeverria, talked of the high saline count that is found in the Colorado River as it flows into Mexico. Not only has the Bureau of Reclamation's projects effected the domestic environment, but they have also polluted Mexican lands. How did this high salt count come about? Through the Bureau of Reclamation's projects in the South-eastern United States.

An increase in the Bureau of Reclamation's irrigation projects resulted in an increase in the Colorado River's salt content. Chemical salts leach out of irrigated soils and accumulate in water used for irrigation. The salinity of a river increases with the amount of salt added and the amount of water taken away. The Bureau of Reclamation's irrigation projects have done both things.

The environmental hazards of a high salt count are many. The Bureau has done little to remedy the situation. The situation continues and the plant life in the area and in the Mexicana Valley is affected. Who is to blame? The Bureau of Reclamation.

The Snake River is another example of the Bureau of Reclamation's disregard for the environment. The water condition of the river has been becoming progressively worse year by year. Between 1960 and 1968 over 1.4 million fish died in several mass fish kills as a result of the Bureau's failure to maintain adequate water conditions. Thermal pollution and waste pollution have been the major causes. The more crops produced, the more processing is needed, and more waste accumulates.

THE BUREAU'S AID TO AGRIBUSINESS

Finally, to add to the Bureau of Reclamation's blunders, we have the case of the 160-acre limitation rule, first incorporated in 1902 by the Reclamation Act. It states:

No rights to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood (i.e., within 50 miles).

The Bureau of Reclamation has not enforced these regulations. It has provided water to many a person who lives farther away than 50 miles. It has interpreted the "any one landowner" not to mean "any one person." Thus separate stockholders in a corporation and wife and husband combinations, can get around these regulations. The Bureau of Reclamation has also exempted large landowners through the Engle Formula, which allows the landowner, if he assumes some of the cost of the project at a low interest rate, to receive as much land irrigation as he desires.

But most important of all is the Bureau of Reclamation's turning its back and closing its eyes to agribusiness' violations. The honorable FRED R. HARRIS, Senator from Oklahoma, points out agribusiness' abuse of Reclamation water. He held a hearing on agribusiness in March of this year; in remarks on the Senate floor he stated that:

The intent of Congress as well as President Theodore Roosevelt (at the time of the passage of the Reclamation Act of 1902) was to protect the small farmer and encourage the use of Federally irrigated land by as many people as possible.

But this has not been the case. HARRIS' many witnesses documented how big landowners have been pushed off their land by agribusiness. Peter Barnes of the National Coalition for Land Reform stated:

The total value of crops harvested in 1969 in the Imperial Valley was \$246,731,000. The entire irrigated acreage of 437,500 acres is irrigated with Colorado River water carried to the valley in canals from Boulder Dam. Two hundred, thirty-three thousand of these irrigated acres are held in individual ownerships in excess of 160 acres. 91.5% of the land is cultivated and farmed in units ex-

ceeding 160 acres in size. It is estimated that 60 to 70% of the irrigated land is owned by absentee landowners, persons and corporations who do not live on their land.

The statistics in table 1 also show this land concentration. At random, I chose four Bureau of Reclamation projects: Florida—La Plata County, Colo.—Yellow Tail—Big Horn and Carbon Counties, Mont., and Big Horn County, Wyo.—Smith Fork—Delta and Montrose Counties, Colo.—and Greater Wenatchee Division of the Chief Joseph—Douglas and Okanogan Counties, Wash. The Florida project was begun in June 1961, and completed in December of 1963. Yellow Tail began in May of 1961 and is virtually completed at this time and serving its customers. Smith-Fork project began in 1960 and was completed in 1962. Greater Wenatchee Division of the Chief Joseph Dam project was begun in 1960 and completed in 1964.

The statistics show the county where these projects took place, the average size of a farm in that county in 1959, 1964, and 1969, the number of farms in each of those years, and the total dollars of income from farm products. All except one county show a decrease in the number of farms. All except two show an increase in the average size of farms between 1959 and 1969. This surely does not prove that the Bureau of Reclamation is helping as many people as possible. Rather it shows that the Bureau of Reclamation is hurting many a farmer while helping a few—and those few are receiving fantastic public subsidies.

In conclusion then, the Bureau of Reclamation's irrigation projects seem to be hurting the small farmer, taking him off his land, and forcing him into our urban centers. The Bureau of Reclamation is helping agribusiness, the large land owner, get richer. This is not what Congress had in mind in 1902 when it appropriated funds to irrigate Western land.

Thus we see the result of the Bureau of Reclamation's projects. Through a faulty cost-benefit analysis they have persuaded us time and time again to appropriate money that will only cause us more problems. The Bureau of Reclamation land produces directly or indirectly many surplus crops and products that only hurt the farm economy and established farm communities. We pour money into the Bureau of Reclamation and then pour money into subsidy programs. Both defeat the other's goals. The Bureau of Reclamation also provides more farmland than is needed, thus hurting non-reclamation farmers throughout the Nation, forcing them off their land. Finally the Bureau of Reclamation's lack of enforcement of the 160-acre limit has helped big landowners get rich at the taxpayer's expense, forcing the small landowner off his land and into the already crowded urban centers.

The money that this bill appropriates will only continue this destruction of our economy and our environment. It is a waste of money to give this program money when no more farmland is needed today or in the foreseeable future.

TABLE NO. 1

	1959	1964	1969		1959	1964	1969
La Plata County, Colo.:				Carbon County, Mont.:			
Number of farms.....	677	647	595	Number of farms.....	812	749	674
Average size of farms in acres.....	992.5	1001.2	1125.8	Average size of farms.....	838.8	898.5	973.3
Dollars of farm income.....	\$4,048,505	\$4,182,050	\$6,628,488	Dollars of farm income.....	\$7,968,944	\$8,245,750	\$13,505,319
Delta County, Colo.:				Big Horn County, Wyo.:			
Number of farms.....	1,224	1,553	892	Number of farms.....	694	621	539
Average size of farm in acres.....	273.1	293.1	341.5	Average size of farms.....	740.6	1,056.3	975.0
Dollars of farm income.....	\$8,177,197	\$11,060,500	\$11,222,565	Dollars of farm income.....	\$11,413,000	\$10,146,500	\$12,859,478
Montrose County, Colo.:				Douglas County, Wash.:			
Number of farms.....	1,068	941	805	Number of farms.....	935	866	1005
Average size of farm in acres.....	547.9	613.6	595.6	Average size of farms.....	1083.0	1187.6	1022.2
Dollars of farm income.....	\$9,315,555	\$9,371,950	\$13,114,669	Dollars of farm income.....	\$14,053,019	\$11,279,500	\$19,286,629
Big Horn County, Mont.:				Okanogan County, Wash.:			
Number of farms.....	620	588	540	Number of farms.....	1762	1618	1307
Average size of farm.....	5,124.9	4,095.7	5,216.6	Average size of farms.....	1162.5	1065.1	1097.1
Dollars of farm income.....	\$11,674,481	\$10,680,500	\$17,808,984	Dollars of farm income.....	\$16,405,121	\$20,341,500	\$26,293,877

Table 2 shows the amount of subsidy given to three counties that receive benefits from the Bureau's Yellow Tail project. The subsidy figure is the lump sum of money given to the county through various USDA programs. Yellow

Tail project was begun in May 1961 and is virtually completed at this time.

The statistics show that in the latter 1960's significant increases in subsidies occurred in these counties at the time when the Bureau's water was irrigating and developing more land.

It seems that as more irrigated land has been made available in these counties, more subsidies have been given to them. Why irrigate land that will only have to be subsidized because there is too much farm produce in the country already?

TABLE 2.—TOTAL DOLLAR SUBSIDY

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Big Horn County, Wyo.....	849,036	623,216	648,426	688,190	637,354	661,569	687,161	520,419	537,364	834,612	847,191	780,886	783,447	738,381
Big Horn County, Mont.....	390,832	456,169	430,881	397,563	724,281	671,556	989,281	1,058,497	1,579,359	1,593,020	1,645,460	1,742,861	2,096,034	1,416,569
Carbon County, Mont.....	397,031	339,605	336,920	433,304	452,604	501,396	589,249	684,924	849,260	1,078,226	1,165,048	917,281	1,051,819	939,860

Mr. BETTS. Mr. Chairman, the Public Works Subcommittee of the Appropriations Committee certainly deserves our praise and commendation for this bill. To have accomplished so much good for the whole country and at an expenditure less than called for in the budget, is an accomplishment of considerable importance.

I am also personally grateful for the consideration the committee gave the Eighth Congressional District of Ohio by initiating a project for improvement of the harbor at Huron, Ohio. This is something that has long been needed and the people of the city of Huron share my appreciation and I am sure they would want me to extend their official and individual expression of thanks to all the members of the committee.

The CHAIRMAN. All time has expired. The Clerk will read the first paragraph.

The Clerk proceeded to read the bill. Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ASPINALL, 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. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent

agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

TINICUM NATIONAL ENVIRONMENTAL CENTER

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7088) to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill. The Clerk read the Senate amendments, as follows:

Page 4, after line 7, insert:

Sec. 6. (a) Each party with whom a cooperative agreement is entered into under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of any funds received under the cooperative agreement, the total cost of any project or undertaking in connection with the cooperative agreement entered into, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the party to the cooperative agreement that are pertinent to the cooperative agreements entered into under this Act.

Page 4, line 8, strike out "Sec. 6" and insert "SEC. 7."

Mr. MALLARY. Mr. Speaker, reserving the right to object, may I inquire of the

gentleman from Michigan whether this has been discussed with the ranking minority member?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, the answer to that is yes, the matter has been cleared with the Speaker, with the senior minority member of the Committee on Merchant Marine and Fisheries, with the minority member and the author of the legislation, the gentleman from Pennsylvania (Mr. WILLIAMS) and with the committee.

Mr. MALLARY. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1973

Mr. STEED. 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. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from New York (Mr. ROBINSON) and myself.

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

There was no objection.

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

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. 15585, with Mr. MONAGAN 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 Oklahoma (Mr. STEED) will be recognized for 1 hour, and the gentleman from New York (Mr. ROBISON) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oklahoma (Mr. STEED).

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

Mr. Chairman, at the outset I would like to state that bringing this bill here today has been made possible only by a lot of very hard work, and by a lot of very fine cooperation that I have had from all the members of the subcommittee, and by one of the most efficient and dedicated staffs in the Congress.

I want to express my appreciation especially to the minority members who have gone beyond the call of duty in cooperating with me so that we could have the bill here today. I think our staff is entitled to special commendation because we have had a number of deletions and add-ons to the budget since we started, and we have had quite an unusual problem in getting all the material ready so that we can have the bill here today. They have done such an outstanding job that I want to pay my thanks to them.

Mr. Chairman, the bill which is here today provides funds for some of the most vital and important functions of our Government, the Treasury, the United States Postal Service, the Executive Offices, and the independent agencies, including the General Services Administration and the Civil Service Commission.

It provides for a total appropriation of \$5,057,145,000 which is \$9,458,000 below the final budget estimate.

This is \$128,692,397 more than was expended for these very same functions in the year just ended, with two or three add-ons that I will discuss later.

The committee has confined most of the increases in this bill to those automatic mandatory increases largely for pay and for increased workload.

Most of the money in this bill goes for wages, because the bill covers more Federal employees, I believe, than any other bill outside of the military that we consider. You have these pay increases which have to be coped with, and the fact that we are here with a net increase of considerably less than the mandatory increases, indicates better than anything else that I can cite, that we have tightened up on almost all of the agencies contained in this bill.

Mandatory increases in the field of pay costs alone amount to \$82,632,000.

We have had a new add-on of considerable size that you are all familiar with—the economic stabilization activities, for a total of \$26,000,000. The funds for the conduct of these activities for this fiscal year were made by transfers from other sources.

The Government pay for annuitants and employees' health benefits is up \$28,040,000 for a total mandatory increase in just these three areas of \$136,672,000.

There are two other new items that I would like to call to your attention. We have \$900,000 in an item for which we only appropriate once every 3 or 4 years, and that is for the transition of a new President. Of course, depending on what happens in November, this amount may or may not be needed in the transition of the new President.

We also have in the bill a new activity called records declassification for which we allowed \$1,200,000, under the jurisdiction of the National Archives and Records Service. This is a program which will probably go on for several years, as we complete the work of declassifying the records of the World War II period.

There has been a lot of interest about this. The British are declassifying their records and we think the time has come when we also should make available many of those records that have been classified all these years.

There is a very significant deletion in the bill that shows savings at this point, but which may not eventually be a saving. I refer to \$118,585,000 which the committee denied, without prejudice, for payment into the civil service retirement and disability fund. This budget request was in connection with the unfunded liability created in the fund because of the wage increases negotiated by the Postal Service with employee unions for fiscal year 1972. This is consistent with the action of the committee in denying, also without prejudice, a request for \$62,991,000 in the Second Supplemental Appropriation Act for this same purpose.

This is the first time these two items have come up since the Postal Service became an independent corporation.

The law is not clear and we have not been able to get a clean determination as to whether retirement costs for Postal Service employees should be paid for by the taxpayers or whether it is a cost that should be borne by the U.S. Postal Service.

We have asked the General Accounting Office to give us some clarification on it. Studies are being made and the answers are not yet available. So we have deleted the two items—one in the supplemental and this one here, depending on the final authoritative decision.

The retirement fund is in good shape and the omission of this money at this time in no way impairs the fund. We will have plenty of time to pick it up if, and when, the final determination is made.

But it is an important matter. If it is decided that the taxpayers are required to pay this, we are beginning what will amount to at least \$1,800,000,000 before these costs are completed some 30 years from now, for the postal wage increases alone—and for 1972 only.

Of course, that will mean that any additional wage increases granted to the postal workers will require substantial additional amounts for this purpose in future years. We have been in touch with the legislative committee, and some effort is being made to resolve the issue, but there are differences of opinion and it is going to take some time before we can get the kind of action we feel that we need.

Now, in the area of actual expenditures, the impact of this bill is going to mean, from the reductions made, that there will be about \$37 million reduction in the expenditures during the fiscal year. This is mainly not because of the actual reductions made but because the amounts added for Federal construction do not normally result in a high rate of actual expenditures in the year in which the funds are appropriated. But this is a sizable impact on the outlays of money that will result from this bill during the next fiscal year.

This bill always makes a heavier impact expenditurewise than most of the bills because, as I mentioned before, so much of the total included here is for wages. We have an increase in personnel of 3,585 positions, all of which are justified by workload increases. We made a cut of about 266 from the positions requested, but this part of the increase we thought was very well justified by identification of actual workload increases that these agencies will be faced with this coming year.

Now, in the Treasury Department the Members will find if they read the bill Bureau of Alcohol, Tobacco, and Firearms for a total of \$73,727,000. I want to point out to you that this does not mean that there is an increase in the total Treasury figures of this amount. These activities have been performed in the past by the Internal Revenue Service. The Secretary of the Treasury established the new bureau to become effective on July 1, 1972, in order to centralize Treasury Department responsibilities in these areas. We felt that a better control of this activity by the Treasury Department as well as by Congress could be obtained under a separate bureau and if we had the manpower and the resources involved in these items separate and apart from other Treasury functions.

There is one comment I want to make about the item of \$1,410,000,000 we allowed for the U.S. Postal Service. We made a token cut of \$14 million. We have followed the same policy this year that we used last year in making a lump sum appropriation instead of the two separate items that the Postal Service requested.

I want to emphasize that what we have done here is leave the Postal Service complete freedom in the operation of its business. We have taken the only course we can that would keep us from participating in any of the arguments now going on between postal patrons and the Postal Service and the Postal Rate Commission.

When Congress passed the law establishing a postal corporation, it wanted to divorce itself of these responsibilities, and we think that the position we followed here supports that position. We emphatically want it understood that our action here can in no wise whatsoever be construed as taking sides in any shape or

form in the arguments still going on about what postal rates and other types of postal costs should be. We think that the Congress definitely intended to stay out of that particular activity, so we have followed that course.

Mr. GROSS. Mr. Chairman, will the gentleman yield on that point?

Mr. STEED. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I do want to commend the committee for writing into the bill section 608, dealing with the right of employees to communicate with Members of Congress on any question connected with the Postal Service.

Mr. STEED. The gentleman knows that that is a matter of great concern and a source of irritation. We thought this would clear the matter up. I think the current managers of the Postal Service agree with this. They have indicated to us that prior misunderstandings will be eliminated, and this will be a step in the right direction.

Mr. GROSS. Would the gentleman explain, before he leaves this subject, the increase to the Postal Service and the reason for the increase?

Mr. STEED. Actually, there is no increase, either over the budget or over 1972. The funds, the dollars vary, because there are two items. One provision of the postal reorganization law entitles them to up to 10 percent of the 1971 budget. Then the other would be involved in what is called "revenue foregone" on the difference between the rates actually charged and the actual cost. So most of this fluctuation is in the revenue foregone. Volume and rates and all this are involved in that, so each year we will have a different figure on that item than we had the year before, whereas in the 10-percent phase that will always be more or less the same item, because it is based on the 1971 budget, under the law.

We think we have been very fair about it, and we think we are within the bounds of fairness and reason, and that we have not done anything here that will compromise or otherwise involve or interfere with what is going on under the terms of the postal corporate act.

Mr. GROSS. If the gentleman will yield for a very brief observation, I want to call his attention, if he has not already seen it, to the announcement of the Postal Service only yesterday that overnight mail service is being established between the United States and Brazil. I hope that we can have overnight mail service from Oklahoma City to Washington and from Waterloo, Iowa, to Washington some time in the distant future at least.

Mr. STEED. Maybe if they do it for Brazil, it will be contagious, and we will find improvements all over the place.

Mr. ALEXANDER. Mr. Chairman, if the gentleman will yield for a brief comment on this Postal Service, the gentleman said that the committee and the Congress wanted to continue its policy of giving to the Postal Service wide latitude over the management of its affairs. The gentleman did not mean that the Congress would condone waste or indiscreet matters dealing with fiscal deci-

sions, fiscal irresponsibility. Is that what the gentleman meant?

Mr. STEED. Absolutely. Of course, in the field of oversight, I think Congress has a very deep responsibility to continue its interest in what the Postal Service does, but we do not think the amount of money appropriated should be used to settle their types of arguments. If these are problems, they should be brought before the legislative committees for redress in the appropriate way.

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

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

Mr. Chairman, I turn now to the Executive Office of the President. I understand there is some unhappiness with the items contained herein, but I call to the attention of the House the fact that we have made a net cut of \$3,075,000 in these items. Some of them are items where we have always felt free to exercise our own will. Some of them we think are highly sensitive because they not only involve the President's own salary but also those of his staff and his own activities. Many of the items contained in this area are there by Act of Congress. Some are there by Executive order. But all of them are there, I think, because they are part and parcel of what the man sitting in the White House has to do to carry out the heavy responsibilities of his office.

We have tried to be careful and scrutinize these items as carefully as we could, and we think we have exercised the best judgment possible in the decisions we have reached. I, of course, very much hope the House agrees with us.

An expert recently made a survey of the power and scope and the fullness of the President's duties, and he discovered that at any given hour of the day or night, the powers that are held by the man we call President require 41 people to execute. So all up and down the line, we find little bits and pieces of the powers of the Presidency being executed by aides of the President, because it is physically impossible for any one man to fill all the functions of the office.

We found, going through a number of Presidential terms, they more or less all followed the same policy in the way they equipped themselves with staff and other facilities to try to carry out their heavy responsibilities.

This subcommittee has always followed the policy of being as fair with the President as we knew how, because we realize he does have one of the most difficult jobs on earth, if not the most difficult, to fulfill, and we want to make sure he has ample resources to carry out this very awesome responsibility.

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

Mr. ROBISON of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has once again been a real privilege to have worked with the distinguished gentleman from Oklahoma (Mr. STEED) in bringing this bill to you.

No one could ask for a finer, steadier, more patient person to be associated with, as chairman of one's subcommittee, than Tom STEED. He is a true gentle-

man, in every sense of that word, as well as a true scholar insofar as the subject matters over which he has jurisdiction are concerned. This subcommittee has been blessed, in the past, by having had some outstanding legislators assigned to its chairmanship—men such as Vaughan Gary, of Virginia, and Gordon Canfield, of New Jersey—but it has never had a finer, nor better chairman than Tom STEED.

I should also like to pay my respects to all the other members of the subcommittee, and particularly to my own colleagues on the minority side of the aisle who were so loyal in attendance during our lengthy weeks of hearings, and who have been of such great assistance to me, as ranking minority member.

Mr. Chairman, we strongly recommend this bill to you, and to our colleagues. We believe it to be a good bill, well and carefully considered.

The nature of the Treasury Department, and its numerous constituent agencies, as well as of the U.S. Postal Service—as the old Post Office Department is now called—and of those major independent agencies, such as the Civil Service Commission and the General Services Administration, whose budgetary needs we also consider, are all such as to require the services of very substantial numbers of Federal employees. This is because these are, essentially, all "service" agencies—dealing, in one way or another, with the general public, and performing some of the basic housekeeping chores that every government must provide.

The workload thus involved is a constantly growing one, as well as virtually uncontrollable. Ours is a dynamic, and growing society. No matter how some of us strive to slow the process, the services its central governmental agencies are called upon to perform will tend to keep pace.

Let me give you just one example out of many that could be offered.

The Treasury Department's Bureau of Accounts—central disbursing office for all Federal purposes except the Defense Department, the Postal Service, and a few smaller operations—will issue more than 531 million checks and other items in fiscal 1973, an increase of over 21 million pieces, or 4.1 percent, over fiscal 1972.

There is nothing very glamorous—and certainly nothing controversial—in an operation such as that, as compared, for instance, to the educational programs we argued about last week. Instead, this is simply a governmental housekeeping task that has to be done, and done as efficiently and as economically as possible.

I offer this illustration—and could offer many others, as I said—to help those listening to better understand that this is not an appropriation bill in which substantial reductions from budget estimates can be made; and to better understand the fact that we who serve on this subcommittee spend our efforts, in the main, in what can only be called an "oversight" capacity—doing our best, that is, to review the practices and procedures of these essential service agencies

to insure that they add up to the optimum in both efficiency and economy.

Mr. Chairman, I would encourage my colleagues to be aware of our responsibilities in such regards, and to report their problems with, or complaints against, any of our constituent agencies to us, so that we might be better qualified to carry out those responsibilities to the end that this portion of the overall operations of our Federal Government functions to the complete satisfaction of our citizens.

I am not sure—given the historic fact that no one loves a tax collector—that we can guarantee such satisfaction on the part of our citizenry when it comes to the Internal Revenue Service, which serves as “Uncle Sam’s” tax-collecting arm.

And, yet—each year—we spend additional time, as we did again this spring, discussing with the representatives of the IRS their problems and opportunities.

Because of that, and because of the essential, yet sensitive, nature of the functions performed by the IRS, I would strongly recommend to all who may be interested at least a perfunctory reading of that portion of our hearings, volume 1, beginning on page 545 thereof.

This year’s appearance was the first before us by the IRS’s new Commissioner, the Hon. Johnnie M. Walters. I think it is fair to say that all members of the subcommittee were favorably impressed with Commissioner Walters, with the alacrity with which he had approached the challenges implicit to his office, and with the honest and open answers he provided to our questions. It seems to me, in retrospect, that one of the real problems this particular agency has had—so important as it is—has been that we have seen too many Commissioners come and go, almost before they could get on top of their job. I know this is an election year, and the future therefore more uncertain than ever, but I, for one, would express the hope that someone of Commissioner Walters’ obvious qualifications would have the opportunity to stay on in his present position long enough to see this agency through what has been an especially demanding and difficult time.

One major reason for such difficulty has, of course, been that IRS—and I think quite properly—was called upon, in addition to its other duties, to assume a key role in attempting to make the economic stabilization program succeed. I say “quite properly,” because only IRS—among all other alternative Federal agencies to call upon—had the personnel and the training and the expertise to perform this vital function in the way it ought to be attempted. So, beginning last August, with what was called phase I of the economic stabilization program, IRS rapidly became the public’s main point of contact for the 90-day freeze—answering during that time over 800,000 inquiries, handling over 46,000 complaints, and making over 85,000 compliance “spot-checks.” Under phase II, the Service was handed an even larger role in a much more complex operation to which, during this fast-ending fiscal

year, it will contribute an estimated 1,900 man-years.

Phase II’s efficacy, overall, is a matter for proper political debate. I, myself, think it is a far larger success than the public realizes or than its congressional critics will admit but, where it can be said to have failed, that failure cannot, by and large, be laid at the IRS doorstep for its employees who have been assigned to this unexpected and unrequested extra task have performed admirably, and we owe them a vote of thanks.

But that task has not been carried out without incidental cost elsewhere—and those costs have to be of concern to the members of this subcommittee, as well as to all Members of this Congress. For it is manifest that this assignment of manpower to this, and other critical programs mandated in recent years by Congress to the service, has reduced its effectiveness and its capacity to carry out its primary tax-collecting functions. Though the overall strength of the service has continued to expand, as measured in personnel, its normal workload expands, too, to reflect both a growing economy and a growing population. Thus, when one considers the availability of personnel to handle that normal workload one finds that IRS’ total audit strength—today—is only about what it was in 1963. It is evident that the Service’s audit capability has been stretched too thin, and that the certain result of that is lost revenue—how much in actual dollars is difficult to put a precise finger upon.

No Federal taxpayer should pay a dime more than he owes this Government in taxes, but each such taxpayer—if voluntary compliance is to continue to be the unique moving force it always has been in this Nation—must be assured that his counterparts are each paying all that they owe; and the subcommittee was provided with rather serious information indicating that the formerly high level of voluntary compliance which has been the keystone of our tax-system is deteriorating.

Thus, while we surely do not intend to allow the IRS to get back to a position from which it could harass the honest taxpayer—as was the occasional complaint in past years—neither do we intend to ignore the gathering warning signals indicating we are facing a substantial compliance problem.

Accordingly, while all members of the subcommittee are dedicated, I am sure, to holding the levels of Federal employment as low as practicable, we have allowed, by and large, the additional people Commissioner Walters indicated he felt were needed to sustain the desired high level of compliance—having approved the requested additional positions, if the same can be funded within our recommended allowance, so as to provide a total of 33,735 permanent full-time positions in the accounts, collection and taxpayer service operation, and 33,423 similar positions in the compliance operation.

These are a lot of employees, to be sure, but when we are told that a lack of adequate personnel in the audit program, over the past few years, has

“cost the Treasury an estimated \$1.5 billion in direct revenue,” it is apparent that this is one “loophole” in our tax system that ought to be plugged and probably can be plugged a lot sooner and easier than some of the other kind of “tax loopholes” those contesting for the Democratic presidential nomination are talking about.

We also had to face the fact that there simply are too many delinquent taxpayer accounts—a backlog thereof numbering some 800,000, tying up over \$3 billion in uncollected revenue. Again, we hope the additional people we are allowing will able the service to forcefully tackle this backlog.

By coincidence, Mr. Chairman, on the day before the subcommittee welcomed Commissioner Walters and his people, a Wall Street Journal article appeared, headlined: “Overtaxed IRS—As Tax Time Nears, Revenues Are Busy: On Other Matters.”

The article—which was made a part of our record—reminded us of the nature of some of those other matters which run the gamut from hassling, now, with businessmen and landlords over consumers’ rent and price-control complaints, to tracking down dynamiters and gun-law violators, and on through such miscellaneous chores as measuring the rhubarb juice used in rhubarb wine, of all things.

Perhaps we have asked the IRS to do too many other things than administer our tax system as it should be administered—to devote its attention and its stretched-thin personnel to too many “other matters.” If so, there is a policy question here involved which this subcommittee cannot resolve, but we wish to call it to the urgent consideration of those who can.

Since phase II is scheduled to expire next April 30—unless extended by action of President and/or Congress—the estimated 3,000 IRS people now working full or part time on some aspect of that effort might then be released back to their original duties. We considered whether or not, in light of this possibility, we might prudently reduce the new positions requested accordingly, but the situation here is so uncertain and the additional people so badly needed anyway that it was our opinion that, even if those 3,000 people become available for the Service’s normal functions on or prior to next April 30, there will be no shortage of duties for them.

Turning, now, to the Bureau of Customs, Mr. Chairman, this agency continues to serve a vital frontline function in the fight against illicit drugs imported to reap their harvest of death in this country. Its record of seizures of heroin, cocaine, marihuana, and hashish during calendar year 1971 is a commendable one—the street value of the same being estimated at over \$327 million. But the problem of drug abuse continues almost unabated, and the effort to prevent the entry of such drugs must continue and must be expanded. Accordingly, we have allowed the funds requested in full to give Customs the additional 152 people it wanted to expand that effort.

We have also taken action to elimi-

nate—as mentioned on page 11 of our report—that loophole in the drug drive which so-called preclearance procedures as heretofore carried out for the convenience of air travelers at Nassau, Bermuda, and at four points in Canada, have become. There may be some “flak” as a result of our decision in this regard—from either air travelers or airlines—but if we can thereby save one young person from narcotic addiction, the inconvenience we may thus have precipitated for a relative handful of people will be more than justified.

Skipping ahead, now a bit, in both the bill and report, I should also like to call our colleagues' attention to that portion of our hearings—volume 3, beginning on page 522—wherein are covered the colloquy we had with Dr. Jerome Jaffe, Director of the new Special Action Office for Drug Abuse Prevention, as it is called.

I think it fair to state that all of us were much impressed both with Dr. Jaffe's so evident competence for dealing with this problem of drug abuse which, in his words, has “reached epidemic proportions,” and with the realism with which he is approaching his difficult assignment.

Mr. Chairman, as I said during these hearings this is a problem that tears at the very fabric of our society and is also one which, if not resolved, could destroy this Nation just as surely as any nuclear bomb or any unwise foreign policy that might precipitate a nuclear exchange. In general agreement in that regard—though we would undoubtedly put it separately in different words—the subcommittee unanimously agreed to allow this new effort its full budget estimate of \$6,856,000, which is, of course, but a drop in the bucket when compared to the human cost of this problem.

In the interests of time, I shall comment on only two other items in the bill before you, Mr. Chairman, though there are numerous others I should like to have discussed.

The first of these is the \$1,410 million recommended for the Postal Service. All of you realize, of course, that neither this subcommittee nor this Congress has, any longer, much control over the budget of the fledgling Postal Service Corporation. If you still believe in “postal reform”—and some who originally did apparently no longer do—this is as it should be, and the Postal Service will have to stand on its own two feet, as a Government corporation, or eventually fall as the case may be.

This is, at least, the way most people put it nowadays even though, of course, the more than \$1.4 billion still put up by the taxpayers to keep the corporation from falling is considerably more than an insubstantial prop.

Perhaps one could take away several millions of dollars worth from the undergirding provided by this taxpayer subsidy—which is, need I point out, in line with the spirit and intent of the Postal Reorganization Act—but, if we were to try that, I am certain we would indirectly be also voting for yet another across-the-board increase in postal rates which is something that the new Postmaster

General, E. T. Klassen, is desperately trying to avoid. General Klassen—as most of us know—has already taken some “Draconian” actions in his efforts to stave off the possibly inevitable next round of rate increases which, to the tune of \$450 million, was cranked into the Corporation's fiscal year 1973 budget. Understandably, these actions have not met with cries of approval from the postal employees or their union leaders. Speaking personally, however, I do not know what else Mr. Klassen could have attempted, and I wish him well in this endeavor for there are increasing signs to the effect that the Postal Service may, if its rates are not held down, inadvertently price its only product—service—right out of a substantial portion of its market.

Again—as already explained by Mr. STEED and as outlined on page 17 of our report—the subcommittee recommends to you a lump-sum appropriation in the amount already mentioned to the Postal Service fund. The reason for our so acting should be obvious: We wish to stay out of the rate-making business while, at the same time, giving General Klassen and his people maximum latitude in the use of their funds and personnel. Having said as much, however, let me also add that it is the subcommittee's intention—most of us being unhappy in one way or another with some aspect of this whole and still-uncertain picture—to “ride-herd” on the postal operation as best we can in the years ahead and to move it, as fast as we responsibly can, towards that self-sustaining status that is desired by nearly everyone including, I am sure, General Klassen.

The final item I wish to cover—really a series of items—relates to that growing crescendo of complaints offered, as we are told, in a “politically neutral” fashion in this election year, about the “unprecedented” manner by which staffs in both the Office of Management and Budget and the Executive Office of the President have “sky-rocketed beyond all previously known limits” under President Nixon's tutelage.

Mr. Chairman, whenever we get to the amending stage for this bill which, for all I know, may not be until Thursday, or even Friday, I expect certain amendments will be offered by certain of those critics to “do something” about this supposed problem.

If we are, indeed, prepared to ignore that unwritten “rule-of-comity” which has heretofore impelled prior Congresses to give prior Presidents such staff assistance as they felt they needed, and if we are serious about “bringing under control the growth of the Executive Office of the President”—as that goal is being stated—then let us also be honest enough with one another to recognize the fact that the EOP staff budgets are far more honest, today, than they were in the past in the sense that those personnel which were “on-loan” from other Federal departments or agencies to prior occupants of the White House, and did thus not appear on EOP staff budgets, have now been made permanent OMB or EOP staffers with a consequent increase, as would necessarily follow, in both OMB

and EOP personnel. Let us also be honest enough to recognize the fact that it was Congress which gave its approval to handing that old whipping boy, the Bureau of the Budget, certain new management responsibilities that, in turn, created what we now call the Office of Management and Budget—even if OMB is not quite sure, yet, what its proper “managerial” functions ought to be.

And, finally, let us also be honest enough—as we consider those possible amendments—to recognize the fact that it is Congress, again, that is mainly responsible, through the glut of new programs it has given the Chief Executive to administer, for making the President's task today far more complex and consuming in staff time than it was, even during the tenure of Lyndon Johnson against whose personnel requirements the Nixon requirements may well be measured.

Perhaps both OMB and the various Executive Office agencies have more people than they should have. Who is to say? Your subcommittee has considered their respective justifications for such personnel and, with a few possible reservations by one or two of our members, not found them wanting.

Sure, we could lop some more people off—here or there. But would that make the President's task any more manageable—or somehow improve the effectiveness of the overall Federal operation at a time when its effectiveness is already being so widely questioned? And where would one begin this budget-cutting operation—with the Special Action Office for Drug Abuse Prevention, for instance? Surely not. With the National Security Agency, then, at a time when, with both the Peking and Moscow visits still fresh in our mind, that delicate operation has taken on some new responsibilities of unforeseeable dimensions? Or with OMB, itself, when that is voluntarily down 25 people from what its ceiling allowed a year ago? Or with the White House Office, itself, that is similarly down 30 people?

Mr. Chairman, I think my questions answer themselves, and I accordingly hope that, when we come to the amendment stage, the subcommittee's recommendations in these—as in other regards—will be sustained.

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

Mr. ROBISON of New York. I yield to the gentleman.

Mr. PICKLE. Mr. Chairman, it has been reported that the Postal Service has retained two advertising agencies with a budget of \$17.5 million to improve its image.

First, I think, the Postal Service needs a product. Madison Avenue cannot sell a nonexistent service or a service being constantly reduced.

And the only product they have to sell is service.

Unfortunately, the Washington officials in the Postal Service have, by their own admission, reduced service goals to “tolerable levels concurrent with less drastic rate increases to support that

service." This, in plain English, means they are systematically reducing service throughout the Nation—in the name of economy.

This means that the Postal Service is actually encouraging people to leave their work through increased retirement inducements. Too, those people lost to attrition may be lost forever.

The direct result is fewer man-hours on the job.

Unfortunately, it appears the Postal Service puts as much faith in machines as they do in their men. We are witnessing a downward spiral of service, but do not blame your local postman or postmaster—they are following orders. As usual, the postmasters and employees do an outstanding job based on the orders they are given.

Already, we have seen severe cutbacks in rural mail service. No longer are many post offices kept open on Saturday. Many are being replaced with window operations only which merely sell stamps and process no mail.

In fact, some sectional centers are being closed down with somewhat crazy results: Instead of moving mail from point A to point B—a distance of 15 miles—the mail goes from point A to point C—which could be 50 miles away—and then makes a round trip back to point B. It is hard to understand this kind of logic.

I think the Postal Service built their own trap—they purchased all these fancy machines—then they had to force-feed rural mail into city centers in order to let the machines pay for themselves. As a consequence, service to the public falters.

Further, the Postal Service at one point had a quiet survey underway to investigate closing not only the third- and fourth-class post offices, but the first- and second-class facilities as well. I anticipated the denials which came later, but you can mark your calendar and I predict that this action will surface this winter after we pass that magical equinox which we call November and national election time.

Then, should the Congress try to regain the ground lost during the Postal Reorganization Act, the Postal Service issued a gag rule whereby they actually forbade postmasters and postal employees to have any communications whatsoever with their Congressman. Talk about censorship.

It is unthinkable that any other governmental official could make investigative inquiries to postal employees—but not a Congressman. Later, this gag rule was somewhat modified by a further interpretation issued in committee hearing by the Postmaster General.

However, I would go a step further. I would encourage and insist that all postmasters write their Congressman. Further, this week, I am writing all the postmasters in my district to ask specific questions, such as:

How is the Postal Reform Act working now?

Is there an order out now requiring a cut in personnel?

How many employees are they losing?

Will these be replaced?

If not, how does this affect service?

How much has the operations budget been cut back for each post office?

Have they been required to close on Saturday whether or not this is desirable?

Are they losing their postmark, in many instances?

Has an inspection team been around on a feasibility study to close their post office?

And other pertinent questions of a nonpartisan basis.

And, I hope this information will come in and we can provide our congressional committee with genuine information—information which too often is hidden by the Postal Service.

My guess is: Few postmasters will write. Every postmaster in the Nation is fearful of writing to his Congressman because of the heavy-handed manner in which the Washington Postal Service officials forbid the release of information. It is a national shame.

I do ask that my postmasters write me and I do this not out of "political" or partisan issues. If your mail is slow in coming, it does not matter if you are Republican or Democrat or something else.

One last thought, Mr. Chairman: you and I recognize that the post office in a small town is more than a post office. It is a community center, it is a tangible monument to local history and pride; and it is a service center. Sadly enough, not only does the Postal Service want to close most of these smaller post offices—they want to obliterate the name of those remaining.

I refer to elimination of the local postmark and replacing it with the sterile "U.S. Postal Service 000." Not often do you get a letter from home—it is from someplace masked in terms which would warm a mathematician's heart—but not a mother's.

Think of the color, the history, and the pride which the Postal Service has eliminated with a decision from the red-tape factory on the Hill.

Mr. Chairman, there is more than nostalgia at stake. I am convinced this elimination of the postmark will have a direct adverse effect on the tracking of criminal mail. Obviously, law-enforcement agencies will face more difficulty in locating which of the 50 or 60 towns bear the innane postmark "U.S. Postal Service 000" than they would in tracking the postmark from a single town.

I wonder if John Mitchell approves.

In closing Mr. Chairman, I am compelled to mention the recent awards ceremony conducted here in Washington by the National Association of Professional Bureaucrats—NATAPROBU—under the dynamic inactive leadership of Dr. Jim Boren.

Dr. Boren ran a sample test sending first-class and special delivery mail across the Nation. Most of the time, the first-class mail arrived first, or at least in a dead heat with the special delivery. In fact, only 15 percent of the 60-cent mail beat the regular 8-cent mail. And the Postmaster General says service is all they have to sell?

Recognizing this invaluable service by

the Postal Service to ineptness, Dr. Boren awarded them the coveted Order of the Bird.

I only hope he did not mail them the award.

Mr. STEED. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, I rise in support of the legislation before us. I would first like to take the opportunity of complimenting the chairman of the committee, the gentleman from Oklahoma (Mr. STEED) for the excellent job that he does in running the affairs of this subcommittee.

May I also take the opportunity to compliment members of the subcommittee on both sides of the aisle for their tremendous dedication to this committee and for the thoroughness with which they do their job. May I say it is, indeed, a pleasure and an honor for me to serve on this subcommittee.

Second, I would like to call attention to the recommended appropriation for the Bureau of Customs of \$210 million, which is \$2,336,000 below the budget estimate, but an increase of \$16,660,000 over the appropriation for 1972.

The committee fully supports an additional 152 personnel requested by Customs to help them continue their fight against illicit drug importation. The committee directs, however, that at least 53 of these positions be allocated to the highest priority stations along the Mexican border in order to partially alleviate manpower shortages at these ports of entry.

During the public hearing which the committee conducted in San Diego in connection with complaints about mistreatment of persons crossing the border from Mexico it was noted that 80 percent of those crossing the border are Spanish-speaking and that Customs officers of Mexican descent are almost nonexistent, all of this in spite of the fact that they are understaffed and each officer is required to work many long hours of overtime.

I can well understand how individuals working these long hours can eventually become irritable and perhaps even sometimes discouraged.

But I still do not believe that this is an excuse for some of the rudeness that has been alleged to exist at the hearings held in San Diego.

The committee at the hearings received testimony in which it was revealed that customs officers detained at least 1,800 women for a strip and body search. It was alleged by the women who testified that intrusive body searches including body cavity probes were done under most unsanitary conditions and not done by a doctor. Of the 1,800 searches made on women under this procedure, 285 were found to be carrying contraband, and a very small percentage, if any, were found to be carrying narcotics in their body cavities.

This procedure has resulted in strong protests from women on both sides of the border and a great number of allegations about other border crossing irregularities have resulted.

In order to alleviate this situation, I,

as chairman of the subcommittee that conducted the San Diego hearings believe that immediate administrative reforms should be made at U.S. customs stations along the Mexican border in line with the following recommendations:

First, I believe the customs department should adopt and implement immediately an affirmative action program designed to increase the percentage of Mexican American employees in the Bureau of Customs, particularly increase the number of Mexicans assigned to serve at the Mexican border where Spanish is spoken almost exclusively.

Second, Establish a recruitment program for Mexican-American high school or college students and graduates using all available recruiting techniques, including special internship programs.

Third, Establish a comprehensive staff training program, beginning at the entry level, to prepare officers to be culturally sensitive of the people they serve, fluent in Spanish, as well as courteous and fair and professional in their conduct at all times.

Fourth, Require that all U.S. Customs and other Federal officers working along the border wear a nameplate, visibly shown at all times, and with his or her name printed in bold letters.

Fifth, Establish and enforce uniform procedures for inquiries, inspections, and searches, with a mandate that they be conducted in a reasonable, courteous, and expeditious manner, protecting the person and his property from injury or damage.

Sixth, Require that all strip and intrusive body searches, including body cavity probes, stomach pumping, and other internal methods be conducted only after it is carefully determined that substantive evidence supports such a search, and that a qualified medical doctor conduct the search under sanitary and medically approved conditions and procedures.

The officer detaining a person for the purpose of a strip or body search will, before proceeding with such a search, file and sign a report showing the substantive evidence on which he has based his decision.

Seventh, Require that any person to be detained, strip searched, or subjected to a body search, be informed of his rights and of Customs' procedures in either English or Spanish, whichever is appropriate.

Eighth, Establish an interagency council to coordinate the activities of all agencies working along the Mexican border and at all inspection stations.

Nine, Initiate immediately serious discussions with Mexican-American representatives and Mexican officials on establishing an office of ombudsman at each border station with authority to receive and document complaints on the spot; reconcile problems and potential problem areas; and provide people crossing the border with all possible assistance, including legal counsel.

This can all be done administratively, and with the approval of this appropriation goes the insistence of the committee, and I hope the Congress, that the Bureau

of Customs address itself to the task of solving these problems immediately.

I, therefore, urge the approval of the legislation before us, and I sincerely hope that this appropriation will be wisely used to improve the services that the Customs Department can render our citizens as well as those of foreign countries as they cross the borders into the United States.

Mr. ROBISON of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I want to pay my respects to the chairman and the ranking minority member of the subcommittee first, for the usual thorough job they have done and for the way in which they handled the work of the subcommittee, particularly with reference to the junior members of the subcommittee. Because of their attitude about the handling of the subcommittee all of the members are in a position to participate actively and fully, and I believe this is a credit to their leadership, and certainly it works to the benefit of the House and of the people.

I should like to comment on two portions of this bill, or the committee report, for I believe they should be mentioned and made a part of the RECORD.

First is the Department of Defense, Civil Defense Preparedness Agency. The Civil Defense Agency has been for years a part of the Department of the Army. This year it was changed to the Office of the Secretary of Defense, and somebody over in the Defense Department got the bright idea to change the name to the Defense Civil Preparedness Agency. Why on earth they would decide to disrupt something that has been going on all these years is beyond me.

Hundreds and thousands of people in this country who have worked in the civil defense program all of these years are rather unhappy, judging from the mail we have been getting.

We found that the work of the new Agency is going to be the same as the work of the old Agency. There are no real changes in it. So we have appropriated the money to this Agency this year in the name of the Civil Defense Preparedness Agency rather than in the name of the Defense Civil Preparedness Agency.

Perhaps this sounds like nit-picking, but the Civil Defense Agency has been a great thing to many people for many years, and we feel they deserve to be able to continue with their old name or something similar to their old name.

Next, members will notice in the committee report, on page 41, that we have declined to appropriate any money this year for the Department of Health, Education, and Welfare, Health Services and Mental Health Administration, Emergency Health program. I believe Members are entitled to know why we have declined, and the committee report, in my opinion, does an adequate job of explaining that, but it would seem to me a little more is required.

Last year in our committee report we made it very clear to this Agency we were

not happy with the way they were operating; that, in fact, it appeared no program at all would be better than the way the program was being run; and we admonished the Agency to take the necessary steps between last year and this year so that they could come back to our committee and show to the House and to the Congress that, in fact, the package hospitals, disaster relief hospitals, and the entire program they were operating, was going along smoothly and making progress.

We were amazed when they came before our subcommittee this year to find very little, if anything, had been done since the year before.

I believe we should say in all fairness that it appears to the subcommittee those responsible for the emergency health program have tried to carry out the admonition of the Congress last year, but they got absolutely no cooperation and support from the Department of Health, Education, and Welfare. Personally I find this almost unbelievable, but nevertheless it is true.

We found, for example, that of the 2,116 prepositioned disaster hospitals approximately 1,380 were so deteriorated as to be almost useless. We had a staff study made. We brought into the committee room some of the rubber goods, surgical knives, hypodermic needles and other medical types of equipment.

We found them rusted and beyond use. We found medicines had completely gone beyond their useful shelf life. No real progress had been made in this direction. The thought that came to my mind as I listened to the testimony and looked at the exhibits that our staff prepared was what if we had a disaster and one of these prepositioned hospitals was moved into the disaster area and a doctor walks into the operating room and opens up some of this equipment only to find rust, corrosion, and rubber goods all stuck together.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBISON of New York. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. EDWARDS of Alabama. This was a great concern to me, Mr. Chairman. The whole medical relief program under the emergency health part of the program would be useless in such an event. Finding that the Agency had not corrected any of these deficiencies the subcommittee felt the only way to resolve the problem was to decline to appropriate any money. Maybe this means they will find some way to work out their problems more thoroughly and more quickly, although I doubt it from past experience. At any rate under this appropriation for last year, funds were to remain in the agency until expended. There are some \$65,000 still in that fund. We have suggested or urged that the Department of Health, Education, and Welfare use this money to phase out this program. Also we have urged the Civil Service Commission to see to it that the employees of this agency are put into some appropriate use in other parts of the Federal Government. We just can-

not have this type of program on our books in this country when people are depending on relief from disaster and depending on emergency equipment and health facilities only to find when a disaster does occur that the equipment is absolutely useless and not available during the disaster.

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

Mr. EDWARDS of Alabama. I am happy to yield to the distinguished gentleman.

Mr. HALL. I appreciate the gentleman yielding. I know the dilemma of which he speaks. I have known it for many years. Having been one of the original civilian manmade or natural disaster planners in this country following World War II, I can well understand the dilemma. I wonder what adequate means there are going to be for substitution by those who have the responsibility if and when, after all of the millions of dollars of postexpenditure, we have other disasters of any type in this Nation or elsewhere, and are called upon to provide such material?

Mr. EDWARDS of Alabama. I cannot answer the gentleman for the committee. I would say for myself it is my hope the drastic action, and this is drastic action we have taken, will cause a shock effect in HEW and bring about some rejuvenation or some reorganization of worthwhile programs. I think it is fair to say that our subcommittee would be pleased to fund an adequate program. We have said this in subcommittee and on the record, but we cannot continue to fund a program that is as useless as this.

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

Mr. ROBISON of New York. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. EDWARDS of Alabama. I yield further to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's forthright comment and I appreciate the philosophy of getting a mule's attention by hitting him in the head with a single tree first, before you tell him to giddyap or halt, or gee or haw. I hope this happens because with all of the countless millions of dollars and with all of the storage, and indeed with a rotation system of expendables in these supplies in both prepositioned and other medical and hospital supplies, there has in the past been a great effort, and there has been a great expenditure of funds and there has been diversification.

Indeed, there has been underground storage with constant temperature control, humidification, and as I did say, rotation of supplies. I think, rather, that the trouble behind all of this program is that the Department of HEW, as the gentleman from Alabama so aptly says, the heads thereof, are in the process of trying to phase out the Commissioned Officers' Corps of the U.S. Public Health Service which is responsible by law, and has been even back as far as the Constitution for the emergency interstate care under the health and welfare clause, of our people. That being what it is, in spite of this rotation program with exist-

ing civilian hospitals which would take care of expendables and prevent the deterioration of rubber goods, and so forth, and would protect from bomb effects or other types of disaster, including many of these supplies we have expended millions of dollars on, I think the rampant question is still how are we, who are responsible for the legislative branch, or how is the executive branch going to answer the great, glaring publicity when it is suddenly turned on the lack of anything with which to meet a disaster?

Mr. EDWARDS of Alabama. I agree with the comments of the gentleman from Missouri. It is not up to the Committee on Appropriations, as I am sure the gentleman from Missouri knows, to formulate a new program. However, it is up to this committee, I think, to weigh the caliber of the program and determine whether in fact we can afford to spend more of the taxpayers' money on something as useless as this.

Mr. HALL. The gentleman will agree that it is also up to the committee to see that there is no duplication, or overlapping; in the elimination of one program with the building of another one at great expense to the taxpayers, would he not? The Appropriation Committee is taking the action, and my fear is that the cure is too drastic, that we discard the baby with the bath water.

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

Mr. ROBISON of New York. Mr. Chairman, I yield 2 additional minutes to the gentleman from Alabama.

Mr. EDWARDS of Alabama. The point made by the gentleman from Missouri is well taken, and I would urge the gentleman if he has not already done so, as well as others Members, to come by the subcommittee hearing room and have a look at the display that we have there. And I am informed by the staff that made the study that what we have there in the hearing room is not some wild example, or something drawn out to prove a point, but that what we have on display is typical of the deterioration that has been found throughout the country.

I would also say that we have discussed at great length the subject of rotation of expendables with the agency. The gentleman from Missouri has suggested that rotation has been going on. Perhaps it has in some areas, but certainly what we have seen would not indicate that it has been handled very effectively. And by the admission of the agency, as I recall the testimony, rotation has not been done with any great frequency.

Mr. HALL. Mr. Chairman, I thank the gentleman for his invitation, and I want to assure him that I am familiar with the way this program has deteriorated, and it is because I go along with the gentleman that I am protesting so vehemently. Indeed, I think if you will search the records and the background carefully you will find that I am the one who suggested that the committee staff make this investigation.

Mr. EDWARDS of Alabama. I know the subcommittee protested; and the gentleman from Missouri protested to the Department of Health, Education, and

Welfare. As I said earlier, maybe a little shock treatment will work wonders in this case.

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

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I appreciate the opportunity you are giving me this afternoon to address this subject which is before the committee on this occasion.

I notice on page 7 of the bill that we are to appropriate \$1,410,000,000 for the use of the U.S. Postal Service for its operations.

Mr. Chairman, although I agreed with and voted for the law which created a separate agency for the Postal Service to carry on its responsibilities, I am very much concerned about the wisdom of appropriating money in this manner for any Federal agency which is deaf to, or provides false or misleading information, to the inquiries of a Member of Congress, or to any citizen, who is requesting data that should be available to every citizen of the United States.

In addition, I find it of grave concern to me that the Congress may be helping to finance actions which appear to be in direct violation of Federal law.

I am here today to advise the Members who are here that the U.S. Postal Service is currently being investigated by two oversight committees having jurisdiction over postal affairs—one chaired by the gentleman from Arizona (Mr. UDALL) and the other chaired by the gentleman from Pennsylvania (Mr. NIX).

I am raising these points because of the events which make up my search for information concerning the selection of a site for the Midsouth bulk mail center to be located in Memphis, Tenn.

This study began more than a year ago. Initially, I was principally concerned with and interested in the need to assure that the taxpayers received full value for their dollars and that the intent of the Congress with regard to the pursuit of a balanced national growth policy would be complied with.

During the months which I have spent wrestling with this matter, I developed a third and a fourth concern. Is the U.S. Postal Service violating the National Environmental Policy Act of 1969, as it seems to be doing?

Why does the Postal Service refuse to provide a Member of Congress with honest answers to questions relevant to its multimillion-dollar decisions, or, indeed to any decisions which may be inquired about?

I came to the conclusion that neither the taxpayer's dollar interest nor the national growth interest, nor the environmental interest is being protected.

My attempts to obtain data from the Postal Service have met with reluctant cooperation, with misleading or false answers and with flat refusals to provide information.

We voted to abolish the Department of the Post Office and to establish a U.S. Postal Service on the theory that mail service could more efficiently, effectively,

and economically be provided to the people of this great Nation in a businesslike way. But we agreed to continue at least some financial support of the Postal Service. That agreement carries with it the explicit right of the Congress—of the citizens of this Nation—to be provided with the true and complete answer to questions about its operations.

I know that the informational responsibility the USPS owes to the Congress and the people has been ignored. I am convinced that the service is not acting in a fiscally responsible manner.

There are several recent examples which lead me to make this conclusion and which I would like briefly to bring to your attention at this time.

The chairman, ROBERT N. C. NIX, of the Subcommittee on Postal Facilities and Mail brought to the attention of this subcommittee, recently, that before construction was begun on the facility to be established at Seacaucus, N.J., the project had totaled up a 109-percent cost overrun.

Just yesterday the gentleman from Pennsylvania (Mr. NIX), the chairman of the Subcommittee on Postal Facilities and Mail, placed in the CONGRESSIONAL RECORD of June 19, 1972, on page 21457, a statement from the General Accounting Office which shows that the Postal Service has wasted over \$8 million in architectural and engineering services. Thrown it away without any sort of justification for its activities.

Third, I have been told by officials at the U.S. Postal Service that they have committed themselves to pay an average cost of \$62,000 an acre for a site acquisition and preparation for a tract in Memphis, Tenn., on which to locate a bulk mail facility.

Mr. Chairman, all Members of Congress, and especially the members of the House Committee on Appropriations, have a very heavy responsibility to shepherd carefully the allocation and spending of dollars paid into our Federal Treasury and to see that our taxpayers are protected from waste and indiscretion, particularly at a time when people in this Nation are expressing deep concern about the high cost of Government.

We in this Congress need to redouble our vigilance over agencies such as the U.S. Postal Service in order to scrutinize their operations. Mr. NIX, as chairman of the Subcommittee on Postal Facilities and Mail, on last Wednesday agreed to issue subpoenas, if necessary, in order to obtain the relevant information with reference to the chosen site to be constructed in Memphis, and I note that in the report on page 17 you say consistent with the position of this Congress, and so on, that the bill does not contain specific recommendations over the fiscal matters of the Postal Service in order to give the maximum latitude in the use of their funds.

Mr. Chairman, I think it is high time that we look very closely at the operation of the Postal Service.

Mr. ROBISON of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, in reading the hearings, the bill, and the report, I

came across several items that are especially interesting. First of all, the good old Bureau of the Public Debt gets an increase to enlighten us to the fact that we have a huge debt. Presumably that Bureau has the answers as to how to go about keeping this country afloat by borrowing money—in other words, servicing the debt. In that connection the committee had before it the then Secretary of the Treasury Connally, now ex-Secretary of the Treasury Connally, who has gone to his reward with a tour around the world. For what purpose I am not quite clear. At any rate, Mr. Connally gave the committee some information with respect to our balance-of-payments situation, which has long been bad and continues that way. I should like to quote what he said for the hearing record:

They can't just look to the Treasury to perform some monetary miracles, because we are not going to be able to do it.

Continuing, he told the committee:

The truth of the matter is that we have approached the point that most of the countries, or a great many of the industrial nations of the world, don't want dollars any more. We are out of credit, so to speak. We are going to have to get our monetary house in order. We are going to have to recognize some of the limitations on some of the things we do.

Reading further in the hearings we find the United States owns the equivalent of approximately a billion dollars worth of rupees in India, which allegedly are earning interest.

I should like to ask the distinguished chairman of the subcommittee (Mr. STEED) what rate of interest is being paid and how it compares with the rate of interest this Government pays on money that it borrows from foreign countries?

Mr. STEED. Mr. Chairman, will the gentleman yield,

Mr. GROSS. I am glad to yield to my friend.

Mr. STEED. I do not recall that we went into that particularly this year. We have in years gone by, and the highest interest I can recall of us drawing on any of our foreign currencies was 6 percent, which, as the gentleman knows, is somewhat lower than interest rates we are paying in this country for our own borrowings. I am sure that is true of Egypt, where we also have a very heavy amount of these so-called counterpart funds or Egyptian pounds. In most of the countries where we have counterpart funds the amounts are lower than this, but in the area the gentleman mentions and in one or two other countries they are still very heavy.

As a matter of fact, I do recall one bit of information about our holdings in Egypt. The earnings on the amount of currencies we hold is far in excess of our total operating expenses in the country, so the amount we own is increasing each year. I am sure that is also true in India.

Mr. GROSS. But we do not stand a ghost of a chance of recovering any of this money to put back into the Treasury of the United States, do we?

Mr. STEED. No. Under our agreements with them I understand we cannot do that. We have to spend their money for their benefit in their country.

Mr. GROSS. That is one of the prices

the U.S. taxpayers pay for foolishly trying to bankroll and police the world.

Mr. STEED. The gentleman can call it that.

Mr. GROSS. According to figures I have seen, opium production in Turkey increased from 51 metric tons in 1970 to 200 in 1971, with no figures presented to the committee as to how much of this amount reached the United States. How does this increase reflect on our financial assistance program to Turkey to bribe them to curb opium production? Can the gentleman shed any light on that?

Mr. STEED. If the gentleman will yield, as the gentleman knows, we are currently in the process of working out with the Turkish people and the Turkish Government a curtailment of the acreage that can be planted in opium-bearing poppies inside Turkey. We have an AID program that is working with that. It is my understanding this year and next year there will be substantial reductions in the acreage planted, and that in a matter of a few years the illicit production there will be greatly reduced. I think there are only seven States or areas inside Turkey which are now allowed to produce opium poppies at all.

Mr. GROSS. That reduction will be in proportion to how many more dollars we plow into Turkey, I assume. They would not be satisfied with counterpart funds, would they?

Mr. STEED. If the gentleman will yield, I do not know what the dollar amount of it is. It is mostly, as I understand it, a program that helps the Turkish farmer find another crop to grow in place of the opium poppy, which has been the only cash crop for some farmers for many years. We have sent some agricultural experts, machinery, and seed and other facilities to help the Turkish Government help its farmers to convert to other types of crops. There are some payments for taking acreage out of production that farmers in Turkey are to receive, I believe.

Mr. GROSS. According to the hearings, the General Services Administration bought \$2,395,687 worth of knives and forks in the first 6 months of fiscal year 1972, by comparison with \$1,666,833 worth of knives and forks in all of fiscal year 1970. For whom were they buying this hardware?

Mr. STEED. If the gentleman will yield, as the gentleman knows, they are the housekeepers for nearly all the Federal Government. They operate the stores at which all the agencies buy, and they buy about \$3.5 billion worth of merchandise a year for all the agencies of the Government. The agencies get the appropriations from us themselves and turn the appropriations over to the GSA which, in turn, makes these purchases for the agencies.

Mr. GROSS. Is that where it is obtained for instance, for the House eating facilities?

Mr. STEED. It is the same process we use when we buy typewriters and all other facilities.

Mr. GROSS. About half the money increase went for the purchase of foreign cutlery. Is that correct?

Mr. STEED. It could well be. Of course, GSA acts as a purchasing agent for the

various agencies of the Government. I think they have something over 600 items they buy off the shelf, and mainly their purchases are made at the request of the agencies.

Mr. GROSS. Two and one-half million dollars worth of knives and forks is a lot of them, whether purchased at home or abroad.

Mr. STEED. It certainly is.

Mr. GROSS. I just do not understand what they do with all of this.

Mr. STEED. I might say to the gentleman, there are a lot of interesting statistics which go along with the GSA activities, but the more I learn about them the more convinced I am that any national total is astronomical, for almost any item we can mention.

Mr. GROSS. I note, too, that the General Services Administration claims it is the greatest purchaser in the world of "the pill" and birth control devices.

Mr. STEED. That could well be, because of all the health activities we are engaged in. A lot of that is for the foreign aid program.

Mr. GROSS. To whom do they dispense? Do these go along with the knives and forks?

Mr. STEED. As I understand it, the biggest customer they have for "the pill" is in the foreign aid program.

Mr. GROSS. Are we sending pills to Turkey to get them to stop producing opium?

Mr. STEED. I do not know where they send them, but I understand it is a part of some international program for what we call family control or family planning.

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

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

Mr. EDWARDS of Alabama. One former administrator testified on one occasion that the most frustrating thing of all about "the pill" was to go into some foreign countries and find them around people's necks being used as beads.

Mr. GROSS. Perhaps they extract one from the necklace and gulp it every now and then.

I notice that the GSA says it owns 416,406 motor vehicles, and that the number of Government automobiles has grown from 54,000 last year to 62,000 this year. That is an increase of 8,000 cars in 1 year, and it is not explained. That is a lot of automobiles.

I note also that the GSA says the Government owns only 22 limousines, 20 of which are owned by the State Department.

I see far more official Cadillacs and Lincolns around here than that.

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

Mr. GROSS. Of course I yield to the gentleman from Oklahoma.

Mr. STEED. I would call the gentleman's attention to the fact that in almost all of the appropriations bills for the various agencies there is language which permits them to use their funds for the rental of cars. A lot of these are limousines not under GSA control, which are rented by the agencies themselves. The GSA provides only vehicles as the

various agencies of Government request. So what their inventory is is whatever the need is at the time.

Mr. GROSS. What is the reason why the State Department does not get this free-wheeling deal from the auto manufacturers, or whoever it is?

Mr. STEED. Somehow, in its wisdom, the Congress has set it in the budget and made this available. It all has to come through the budget process. Apparently that has been more fortunate, than in some of the other agencies.

Mr. GROSS. They would rather buy their cars than get this bargain-base-ment deal; is that correct?

Mr. STEED. I believe the gentleman will find, if he will talk with the GSA people, they will insist they can provide these vehicles more efficiently and at a better cost to the taxpayer than the agencies can provide their own. They have some very interesting reports to prove this.

Mr. GROSS. I thank the gentleman.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I applaud the subcommittee for its usual fine job on this bill. I thought the committee showed great foresight and wisdom in particular by putting \$5.4 million in for a badly needed new Federal building in Tucson, Ariz. That was not the only wise decision in the bill and in the work of the subcommittee. As always, they have done a good job.

Mr. Chairman, this morning the Postal Service Subcommittee—which I chair—had before it representatives of the Magazine Publishers of America who have many problems in connection with the new postal rates. A great deal of discussion ensued regarding the appropriations in this bill and a similar appropriation last year with regard to the public service appropriations contained herein. I would like to ask the chairman of the subcommittee whether there was any intention on the part of the committee to deny an appropriation specifically to third-class mail?

Mr. STEED. As the gentleman knows, there are two ways under the law that would permit the Postal Service to request funds of the Congress. One is under the 10-percent 1971 budget and the other is under the so-called revenue figure. The reason why we made a lump sum appropriation here instead of dividing it between the two items is because we look at the \$1,410,000,000 which we appropriated as a part of their total budget which mingles with all of their other moneys, making them a new total of \$11.6 billion with which to operate during the current year. We have given them complete freedom to use these funds here along with the way they use their own funds in the operation of their business. So there was no intention of any kind, shape, or form for the appropriation made here to carry any weight whatsoever in the use of the funds by the Department.

Mr. UDALL. I would be correct then in paraphrasing the chairman to say that your subcommittee is not going into the ratemaking business and this reduction can be applied to first class, second class,

or third class or simply as an indication that through overall efficiency expenditures could be reduced by the entire amount.

Mr. STEED. The gentleman is entirely right. Also I point out the law very specifically gives this authority to the ratemaking Commission and the use thereof to the Postal Service. One of the major intents of the law is to take it all out of the hands of the Congress and we tried to follow that.

Mr. UDALL. I appreciate the gentleman's clarification. Now, Mr. Chairman, on another subject let me say when we reach the 5-minute rule I propose to offer an amendment on page 38, line 18, to add a new section 611, which will read as follows:

On page 38, line 18, add a new section 611, as follows:

SEC. 611. No part of the appropriation made by this Act shall be expended for the compensation of more than 1,555 employees in the Executive Office of the President, including not more than 50 employees of any Department or agency detailed to serve in the Executive Offices;

nor shall the total amount appropriated to the Executive Office of the President for personnel compensation exceed \$26,378,000;

nor shall any part of the appropriations be expended for the compensation of more than 95 ungraded employees in the Executive Office of the President, whose individual salaries shall not be in excess of the maximum rates of pay established at the pay level of GS-10 of the General Schedule (5 USC 5332);

nor shall any part of the appropriation be expended for the compensation of more than 549 employees in the Executive Office of the President whose annual rates of pay are not less than the minimum rate in effect for GS-13 of the General Schedule (5 USC 5332) nor more than the annual rate of pay for Level II of the Executive Schedule (5 USC 5313);

except that no part of this section shall apply to the compensation of any employees of the White House Office, or the Compensation of the President.

This is designed to put some limitation on the fastest growing bureaucracy in America, namely, the so-called Executive Office of the President. Every week up here a great impassioned speech on the subject of economy in Government, usually by some of my friends from the other side of the aisle and I always pose a hypothetical question: that may be a little bit painful. Suppose for a moment that HUBERT H. HUMPHREY had been elected President in 1968 and promised to have the smallest White House staff in the history of recent years, and at the end of 3 years that staff had grown in size from \$19 million, the last budget of Lyndon B. Johnson who was never widely known for his reductions in the White House staff to \$33 million, an increase of something well over 60 or 70 percent.

This is an increase of shocking magnitude. Imagine the shock that would occur to my friends on the west side of the Chamber if during that time a new Democratic President had increased the total personnel of the EOP by 20 percent in less than 4 years. I can imagine the shock if nine new bureaucracies had been created within the Executive Office of the President during that time, and if the number of highly paid bureaucrats, top executives in the levels of GS-13 to GS-18, including Cabinet levels, had in-

creased from 553 to 908. And yet that is precisely what has occurred in the first 3 years of the Nixon administration, and now they are back here today asking for even more than that.

The limits that I propose are simple—For those offices within the Executive Office of the President which are covered by the present bill, approximately 2,133 employees with personnel compensation of \$38,392,000, have been requested. This compares with the last Johnson budget which authorized 1,305 employees with a budget of \$17,733,000. We will recommend limitations which reduce the current requests approximately 30 percent. This will still leave the appropriate offices covered by this bill with 250 more employees than President Johnson had and \$8,645,560 more in salaries to pay them. Certainly this is growth enough for a short 3 years in the White House.

Mr. GROSS. Mr. Chairman, will the gentleman yield for a correction?

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

Mr. GROSS. Mr. Chairman, as I look at the gentleman in the well I am on the right side of this Chamber, not on the west side; the right side.

Mr. UDALL. I think the gentleman from Iowa can characterize it in that fashion. Sometimes I agree with the gentleman, but not very often.

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

Mr. UDALL. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I just want to say that Herbert would not think of doing anything like that.

Mr. UDALL. I thank the gentleman for his analysis.

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

Mr. STEED. Mr. Chairman, I yield 2 additional minutes to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, when we reach the amending stage we are going to have a chance to fish or cut bait on this issue, and the amendment that I will propose will not touch the Office of the President himself. I think the President is entitled to have as many employees as he can possibly stuff into the White House, but it will cut down on this growth of the special assistants, special assistants to special assistants, chauffeurs and drivers, and all the apparatus that goes with it.

This amendment will provide for a substantial reduction that will save the taxpayers of this country \$11 million, and will cut down by approximately 350 of these highly paid "anonymous" bureaucrats who are withholding money that Congress appropriated, and who are doing all kinds of things we do not know about.

President Nixon will still be given substantially more people and substantially more dollars than we had in the last administration of Lyndon B. Johnson.

I think we are going to find out on Thursday or Friday who is really for economy around here. The President has called for sacrifices. All of the other departments of the Government have been asked to take reductions in personnel,

and yet here we are seeing an example in the White House of the most fantastic growth of any bureaucracy in modern times. I think it is dangerous. I think it aims directly at the power of the Congress and the responsibility of the Congress under our unique system of government.

We are going to have an opportunity to see whether Congress wants to continue this sort of thing or whether we want to do something constructive about it.

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

Mr. UDALL. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I would ask the gentleman does the gentleman's amendment contemplate any substantial reduction in the Office of Management and Budget?

Mr. UDALL. I am glad to respond to the gentleman's question by saying that it would place an overall limitation on the highly priced individuals in OMB, and those in the EOP. It does not change the OMB as such. I have in my file an amendment that I will offer if I do all right on this first amendment, because it is obvious that the OMB has arrogated powers that belong to the Committee on Appropriations, and that belong to this Congress, and that belong to the Senate and the House. I think they ought to be cut back, and my amendment would certainly have that effect, but we do want to get at these bureaucrats, and I would be happy to get the gentleman as a sponsor.

Mr. PICKLE. I might add that they have some 655 employees, and I think it would be interesting for us to find out just what this enormous number of employees actually do.

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

Mr. ROBISON of New York. Mr. Chairman, I will be happy to yield the gentleman from Arizona 1 additional minute if the gentleman would be pleased to answer a question.

Mr. UDALL. I thank the gentleman for the additional time, and I yield to the gentleman from New York.

Mr. ROBISON of New York. I would just say to my distinguished friend, and he is my friend, from Arizona, whether he has in fact joined in the ranks of those who have been converted to the gentleman from Iowa's (Mr. GROSS) fiscal responsibility?

Mr. UDALL. Yes, I enlisted in the gentleman from Iowa's fight many years ago, and I have tried to follow him religiously.

Mr. ROBISON of New York. If the gentleman will yield further, I suggest to the gentleman, for reasons we will go into whenever we get to the 5-minute rule stage, that he has found the wrong place in which to apply his new-found philosophy.

Mr. UDALL. I thank the gentleman from New York for his kind advice, and I will analyze it before we get to that point.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts.

Mr. Chairman, I thank the gentleman for yielding to me, and I shall not take the entire 5 minutes allotted to me.

In line more or less with what has just been spelled out by the gentleman from Arizona (Mr. UDALL) on Thursday, at the appropriate time, on Thursday or Friday, as I understand it, I intend to offer an amendment directed at curbing the appetite of the administration to add affiliated offices to the White House staff and to encourage those offices to go far beyond the powers originally conferred on them.

As chairman of the Subcommittee on Communications, the particular office that has occupied my time and attention is the Office of Telecommunications Policy, headed by Dr. Clay T. Whitehead and now swollen to 65 jobs with innumerable consultants and groups doing esoteric research studies, all adding up to an annual budget of more than \$3 million. In addition, there has been created in the Commerce Department an even more bloated bureaucracy of nearly 250 people and a budget that goes to \$7.5 million in fiscal 1973. This substantial group is also directed by the Office of Telecommunications Policy of the White House. That means more than 300 bodies and more than \$10 million, doing work which the Congress assigned to the independent Federal Communications Commission nearly 40 years ago.

I am gravely disturbed at the proliferation of these anonymous, unaccountable agencies and their incursions on the prerogative of Congress, and the arms of the Congress which have been legally set up.

Therefore, Mr. Chairman, at the appropriate time I will offer the following amendment to the bill, H.R. 15585:

On page 13, line 12, delete "\$3,000,000" and substitute "\$1,000,000".

And on page 12, line 13, delete "\$1,025,000" and substitute "\$500,000".

Mr. STEED. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise to explain an amendment which will be offered to this bill under the 5-minute rule and to supply for the RECORD and for the consideration of the Members two excellent legal statements which explain the need for and the constitutional basis of this amendment.

The amendment will restrict the appropriation of moneys under this bill, with certain exceptions, for the salaries of executive branch officials who refuse to appear before committees of the Congress.

This amendment is a partial resolution of one of the most important issues facing the Nation—the problem of the people's Representatives in Congress of obtaining information from the Executive necessary to fulfill the constitutional obligation to legislate. This is not a new issue, but events of the past decade have tended to reduce the Congress from a co-equal branch to almost a figurative board of directors merely endorsing management decisions. Time and again congressional committees are denied access to information and witnesses necessary for the adequate consideration of legislation before them.

What is involved is a fundamental shift in our constitutional system of checks and balances—a gradual erosion of the ability of the legislative branch to be a check and balance on the power of the executive branch.

As Alan C. Swan of the University of Chicago has said:

In the longer sweep of our republican history, there has been perhaps no more significant change than that from Congressional to Presidential Government. . . . now, gathered in the hands of the Executive is the central power of decision on virtually all issues about the shape of our society that are given to the Government to decide. While on many important things Congress retains formidable powers, a shield has been built around the Presidency, jealously guarding its power, particularly against any inroad from the representative branch of the government. . . . I fear that in Presidential Government we have created an ever potential threat to our liberties. At least I know that in balanced government—one punctilious in its adherence to the Separation of Powers principle—there is no such threat. So the shield must be dismantled. It is not merely a shield of secrecy. It is that the key decisions—the high and delicate matters of state—must essentially remain open until Congress speaks and cannot end with the deliberative processes of the White House.

Under the guise of the so-called doctrine of executive privilege, current and past Presidents of both parties have denied Congress the most vital information necessary to fulfill our duties as the people's legislative Representatives. This is not a partisan issue. It affects both sides of the aisle and has been caused by Presidents of both parties.

The debate over the constitutional status and reach of executive privilege has raged for years. The Foreign Operations and Government Information Subcommittee, which I chair, has received extensive testimony from eminent legal authorities, and the preponderance of evidence clearly debunks the myth of the unlimited privilege of the President to withhold information from the Congress.

I feel it is incumbent upon this body to keep the record clear on this matter, and I intend to include with my remarks learned legal analysis to support my position that the so-called doctrine of executive privilege has no constitutional basis whatsoever.

It is a matter of comity between coequal branches of Government.

It is nothing more.

As a matter of comity Congress has in the past and should continue in the future to relieve the President and his closest personal advisers from the constitutional obligation to appear before the Congress or provide the Congress with information on matters of a close and confidential nature.

The President—any President—should be able to confer in privacy with his closest advisers. But, such privilege must be granted, as a matter of comity, by the Congress. Constitutionally, it cannot be unilaterally assumed by the President.

The amendment to be offered strikes the delicate balance between Congress' right to know and the President's need for private advice. This amendment, which could be called the "Kitchen Cabinet amendment" will authorize the President to name up to 10 persons on his

immediate staff who shall not be required to appear before the Congress. This will fully satisfy the needs of the Executive without shutting the door on congressional access to information.

Since 1954 when the Civil Service Commission reported figures, the President's Executive Office staff has grown from 1,466 to 6,040. The breakdown is as follows: The number of presidential advisers has grown from 25 to 45; the number on the White House staff has grown from 266 to 600; and the number of employees of the Executive Office, other than presidential advisers and White House staff, has grown from 1,175 to 5,395.

Our most important domestic and international policies are today being developed not in the appropriate departments clearly subject to congressional scrutiny but in the White House. The Congress should not, and cannot allow our senior policymakers total insulation from legislative scrutiny. To do so would be to adjudicate those responsibilities which we have to the citizens of this country.

This amendment is one way we can reach a reasonable solution to this dilemma.

If some of my colleagues feel that we are treading on unbroken ground, I wish to point out that in the past many presidential advisers—even the closest advisers—have appeared before Congress without the dire consequences foreseen by strict advocates of executive privilege. Just recently Mr. Peter Flanigan appeared before the Senate Judiciary Committee. Just last year Mrs. Virginia Knauer appeared freely before Congress in her capacity as the Special Assistant to the President for Consumer Affairs. By these appearances the White House has recognized that this privilege is not absolute.

On the other hand, when the Foreign Operations and Government Information Subcommittee was holding hearings on security classification, the primary drafter of the new Executive order governing this important issue was unavailable to us. This gentleman, an assistant in the office of the National Security Council, was considered an adviser to the President and barred from appearing. His knowledge of the Executive order was essential to our deliberations. We did not wish to question him on any possible conversations with the President but merely to gain the benefit of his technical knowledge in this area. The subcommittee was stymied. Congress was denied access to important information. The American people suffer for it.

I urge all my colleagues to support this amendment. Again, it is not a partisan issue. It is a legislative enactment going straight to the heart of our responsibilities to our constituents and the Constitution. Congress must assert its responsibilities as a coequal branch of the Government.

The text of the proposed amendment is as follows:

No part of the appropriations made by this Act shall be expended for the Compensation of any person other than those designated by the President, not to exceed ten persons employed in the White House Office, who refuses

to appear before any committee of the Congress solely on the grounds of "executive privilege"; nor shall any part of the appropriations made by this Act be expended to compensate any employee of the Executive Office of the President who is employed in or designated as holding two positions in such Office.

Mr. Chairman, at the proper time I will ask unanimous consent to include statements by two eminent authorities, Prof. Raoul Berger of Harvard Law School, and Prof. Alan Swan of the University of Chicago. These statements are closely reasoned briefs thoroughly destroying any legal basis for the existence, on constitutional grounds, of the so-called doctrine of executive privilege.

I will also ask unanimous consent to include a study done by the Congressional Research Service for the Subcommittee on Foreign Operations and Government Information outlining the phenomenal increase in Executive Office manpower and a study of instances of refusal of Executive Department officials to testify or appear before congressional committees.

The material follows:

STATEMENT OF RAOUL BERGER

It is a privilege to respond to your invitation to appear before you. You are grappling with a grave national problem—the growing and dangerous practice of the Executive branch to withhold vital information from both the public and the Congress. My concern will be with the legal problems that attend the assertion of executive privilege to shut off Congressional inquiry. About the need of Congress to know if it is not to legislate and appropriate in the dark, you know full well. Much of what I shall say is familiar to this Committee. But our task is to bring the entire Congress up to the informed level of this Committee, and to educate the American people as to the fimsiness of executive privilege claims.

Let me begin with the most recent example of how history is being manufactured under our noses, the claim of privilege for Peter Flanigan on the ground that he is a member of the White House staff. Counsel for the President, Mr. John W. Dean III, explained that Mr. Flanigan's immunity was grounded on "long established historical precedent." What are these precedents? When Assistant Attorney General William Rehnquist appeared before you in June, 1971, the instances he mustered for the refusal of the President's "intimate advisers to appear" went back no further than the Truman administration, i.e. about 1950 or 1951. These refusals were based on the principle, said Mr. Rehnquist, that the advisers "ought not to be interrogated as to conversations . . . with the President or advice given or recommendations made to the President." III 363.¹ It required only twenty years to transform those incidents into "long established historical precedents." It will hardly be presumed that the President would claim that he discussed the settlement of the IIT anti-trust case with Mr. Flanigan. So the claimed immunity for Flanigan constitutes a brand-new "historical precedent," mere membership in the White House staff immunizes from Congressional inquiry. Let me postpone the immunity claimed for Presidential advisers to my discussion of the case of Henry Kissinger.

I shall discuss a number of basic problems, beginning with executive reliance on the sep-

¹ References are to hearings before this Subcommittee in June, 1971, and the volumes I, II, and III will merely be cited as I, etc.

aration of powers; then I shall delineate the historical basis of the Congressional power of inquiry which, at the adoption of the Constitution, was deemed to extend to surveillance of executive performance. Then I shall show that there is no comparable history for executive privilege, and that the earliest precedents invoked by Executive spokesmen, which were incidents in the Washington administration, will not withstand scrutiny. Next I shall comment on the recent shelter claimed for "candid interchange" of opinions by subordinates, and then upon the shaky basis for the claim of immunity for confidential advice to the President. Finally, I shall comment on the refusal of the Defense Department to comply with your request for information under the Act of 1928, and on the measures open to Congress to bring executive refusals of information to a test.

The first appeal of the Executive branch, repeated before you by Assistant Attorney General Rehnquist, is to the separation of powers, II 359, which postulates that Congress is encroaching on the Executive prerogative. Was there an executive prerogative to withhold information from Congress at the adoption of the Constitution? Only if there was such a prerogative can it claim the protection of the separation of powers. In other words, it is necessary to demark the attributes of each department before the separation of powers comes into play. To look to the Article II "executive power" for the answer is like looking into a crystal ball. When former Justice Arthur J. Goldberg testified before you in March, 1972 that "It is true that Article 2, vesting the Executive power of the United States in the President, necessarily implies that certain activities he conducts, either directly or through his staff and the Executive Departments are privileged,"² he assumed the answer.

For what the Framers meant when they employed the terms "legislative power," "executive power," we must look to history, exactly as the Supreme Court did when it inquired whether the "judicial power" included a power to hold in "contempt."

History discloses an established virtually untrammeled parliamentary power of inquiry; whereas the Executive Branch has not advanced a single precedent prior to the Washington administration which shows the existence of executive power to refuse information to Parliament. Nor do the Washington incidents stretch so far.

The great William Pitt, speaking in 1742 to the proposed investigation of the ousted Premier, Robert Walpole, said:

"We are called the Grand Inquest of the nation, and as such it is our duty to inquire into every step of public management, either abroad or at home, in order to see that nothing is done amiss."

RB 1058.³ Remember the words "grand inquest." Pitt's statement was echoed in 1774 by James Wilson, second only to Madison among the Framers:

"The House of Commons have checked the progress of arbitrary power, and have supported with honor to themselves, and with advantage to the nation, the character of grand inquisitors of the realm. The proudest ministers of the proudest monarchs have trembled at their censures, and have appeared at the bar of the house, to give an account of their conduct."

RB 1288n. Reference to the "grand inquest" was made in the Massachusetts Ratification Convention by Fisher Amers, 2 Elliot's Debates 11, and in North Carolina by Archibald MacLaine, 4 Elliot's Debates 44. In the Second Congress, Elias Boudinot stated in 1792, respecting a proposed investigation of the affairs of the Secretary of the Treasury,

Alexander Hamilton, that "we're now exercising the important office of the grand inquest of the nation," and noted that the inquiry was "into the conduct of an officer of the Government in a very important and highly responsible station." 3 Ann. Cong. 947-948. The investigation, I may add, was welcomed by Washington. RB 1081 n.200. That the separation of powers interposed no obstacle to such inquiry may be gathered from the high priest of the doctrine, Montesquieu, who was endlessly cited by the Founders. The legislature, he said, should "have the means of examining in what manner its laws have been executed by the public officials." RB 1059-60.

All this was summarized by the Supreme Court in *McGrain v. Daugherty*, 273 U.S. 135, 161 (1927) in the wake of the Teapot Dome scandals:

"power to secure information by such [investigatory means] has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the Colonial legislatures before the American Revolution."

"A legislative body," said the Court, "cannot legislate usefully or effectively in the absence of information . . . and where the legislature does not itself possess the requisite information . . . recourse must be had to others who do possess it," as Roger Sherman had said with respect to the Act of 1789. That Act made it the duty of the Secretary of the Treasury to furnish information required of him by either branch of Congress, and Sherman said, "we must procure it where it is to be had." RM 1061. The Court also declared that an investigation "of the administration of the Department of Justice . . . and particularly whether the Attorney General and his assistants were performing or neglecting their duties" was within the jurisdiction of Congress. 273 U.S. at 177. True, there the brother of the Attorney General, an Ohio banker, sought to resist the investigation; but it is absurd to argue, as did Attorney General Rogers, that the Attorney General himself could not be called in an investigation of his own derelictions. RB 1055. The Act of 1789 specifically provided that the Secretary of the Treasury must appear in person.

That Act, drafted by Alexander Hamilton, enacted by the First Congress, virtually an adjourned session of the Convention, and approved by President Washington, who had presided over the Convention, made it the duty of the Secretary of the Treasury "to give information to either branch of the legislature in person or in writing (as he may be required) respecting all matters . . . which shall appertain to his office." 1 Stat. 65-66, 5 U.S.C. § 242. Both the Secretaries of War and of the Treasury appeared before the House in the St. Clair investigation. 3 Ann. Cong. 1106 (1792). RB 1060.

Where is the comparable history of executive privilege? When Assistant Attorney General Rehnquist appeared before you in June, 1971, he stated that the privilege is "firmly rooted in history and precedent." II 360. He avouched no pre-Constitution precedent to show that legislative surveillance of the executive was in any wise limited; instead he relied on two incidents during the Washington administration: the St. Clair investigation and the Jay Treaty incident. Neither constitutes a precedent.

In 1792 the House examined into the failure of General St. Clair's expedition against the Indians and called on the Secretary of War for documents. According to what Mr. Rehnquist described as "an excerpt from Jefferson's notes of the cabinet meeting," II 360, it was agreed that the "house was an inquest, therefore might institute inquiries," but that the President had discretion to refuse papers, "the disclosure of which would injure the public." RB 1079. However, all the details of the disastrous expedition were in

fact turned over, so that the case is hardly a case for a claim of the Executive to withhold information from Congress. Jefferson's "notes" did not find their way into the executive files; there was no evidence that the meditations of the cabinet were ever disclosed to Congress. Indeed, it would have been unsettling and unwise to excite the House by a claim of discretion to withhold when all the information was in fact turned over. The Jefferson "notes" were found amongst his papers after his death and first published many years later, under his "Anas," what he described as "loose scraps," and "unofficial notes." RB 1089n. There this "precedent" slumbered until it was exhumed in a memorandum submitted to the Senate in 1957 by Attorney General Rogers. What a "precedent!" If it is a precedent, it teaches that Washington would not claim privilege to hide a shameful failure within his administration.

The second "historical precedent" invoked by Assistant Attorney General Rehnquist is Washington's refusal to turn over the Jay Treaty papers to the House. II 360-361. The papers had been delivered to the Senate, but were refused to the House because, said Washington, the House had no part in treaty-making and hence no "right" to the papers. But he emphasized that he had no disposition to withhold "any information . . . which could be requested of him as a right," as, for example, had the House required the papers for purposes of impeachment. RB 1086. In sum, this was not a case where executive privilege defeated a "right" of inquiry, for the papers were delivered to the Senate, but an alleged absence of a "right" of the House to inquire. Indeed, the very terms "executive privilege" are a relatively late newcomer on the scene.

The "executive power" was conceived by the Framers as a power to "execute the laws," RB 1071-76, and the legislature necessarily, in the words of Montesquieu, "should have the means of examining in what manner its laws have been executed." We need to recall that the prevalent belief at the end of the Colonial period was that the executive, in the words of Edward Corwin, "was the natural enemy, the legislative assembly, the natural friend of liberty." RB 1070. And despite Madison's disenchantment with State legislative excesses in the post-Revolutionary period, he concluded that "in republican government, the legislative authority necessarily predominates." Federalist, No. 51. Today the Executive branch tells Congress, the senior partner in government, that disclosure to it of certain information is "inappropriate" or not in the "national interest."

Another "precedent" cited by Assistant Attorney General Rehnquist arose in 1953, *Reynolds v. United States*, 345 U.S. 1, III 360. There a private litigant in a suit against the government sought disclosure of an Air Force report respecting secret electronic equipment. The claim of a private litigant to such disclosure stands far lower than that of Congress. Concealment of departmental derelictions, for example, the Teapot Dome frauds, or of foreign commitments, may be far more damaging to the national interest than a failure of justice in a private litigation. Then too, there is a long history of parliamentary inquiry into executive conduct, which is much older than, and entirely independent of, the right of a litigant to executive disclosure in the courts. *Reynolds*, in fact, speaks against the exaggerated executive claims, for the Supreme Court said that it is for the Court, not the Executive, to "determine whether the circumstances are appropriate for the claim of privilege." 345 U.S. at 8. Although the Court found that the litigant had not proven the need for disclosure in light of an "available alternative," it was yet at pains to state that "judicial control over evidence in a case cannot be abdicated to the caprice of executive officers."

² Cong. Rec. March 24, 1972, E299C.

³ *Berger, Executive Privilege v. Congressional Inquiry*, 12 UCLA Law Rev. 1044 (1965), hereafter cited as RB.

Indeed, Mr. Rehnquist concedes that the "President's authority to withhold information is not an unbridled one," but concludes that the "potential for abuse" must still be left "for the exercise of presidential discretion." II 361. A "bridle" on the Executive which he alone can check is no bridle at all. In short, the Executive branch asserts a right finally to determine what is "appropriate" for Congress to see after the Supreme Court decided that the Executive has no such right against a private litigant.

The claim of privilege for "candid interchange" among officials is illustrated by your own recent experience. You had requested "Country Field Submissions" for Cambodia, the type of information the "past three administrations" have routinely furnished. (Press release, Chairman Moorhead, March 16, 1972). These submissions, your Chairman explained, "describe the real political and economic situation in a country, what the goals and objectives of the United States assistance program are," and the like. When access to these submissions was refused, the Committee invoked the statutory cut-off for aid to Cambodia. At the last minute President Nixon forestalled the cut-off by an appeal to executive privilege. A similar rebuff was experienced by the Senate Foreign Relations Committee. President Nixon explained that "unless privacy of preliminary exchange of views between personnel of the Executive branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of government would be muted." Hearings before the Senate Subcommittee on Separation of Powers on Executive Privilege (July-Aug. 1971) p. 46.

No trace of this branch of privilege appears in history until it was put forth in 1954 by President Eisenhower in defense of the Army against the onslaughts of Senator McCarthy. RB 1309-10. It is therefore a recent made-to-order doctrine, altogether without historical foundation, which cannot be justified as the exercise of a constitutional power to withhold. Moreover, this principle of "candid interchange" was laughed out of court by the highest judicial tribunal of England, the House of Lords, in *Conway v. Rimmer* [1968] 1 All.E.R. 874, a private litigation. In the words of Professor Wade of Oxford, "The flimsiness (as Lord Reid called it) of this overworked argument has long been obvious and their Lordships have now shattered it without mercy." 84 L.Q. R. 173. Nevertheless, the President solemnly invokes as a sufficient reason for withholding from Congress information as to how the Defense Department plans to spend appropriated funds an excuse which the Lords rejected for withholding from a private litigant.

Such presidential frustrations of Congressional attempts to obtain information vital for the performance of its functions reveal how futile it is to make a cut-off of funds turn on presidential invocation of executive privilege. A Department determined to withhold information, as these incidents disclose, will generally procure presidential concurrence. I would therefore recommend that all future cut-offs be made dependent solely on departmental refusal of information to Congress. As the President's abandonment of the claim of executive privilege for Peter Flanigan, in order to save the appointment of Richard Kleindienst as Attorney General indicates, the President may conclude that some claims of privilege are too dearly bought.

We have seen that the claim of privilege for members of the White House staff, according to the "precedents" mustered by Assistant Attorney General Rehnquist, is new-minted. Suppose Peter Flanigan were charged with violation of the Corrupt Practices Act and that Congress launched an investigation to ascertain whether there were grounds for impeachment. Can it be maintained that Mr.

Flanigan's plea of immunity from investigation would be sustained? Impeachment lies against "all civil officers" regardless of location in the government; and Congress, as President Washington recognized, may investigate before it impeaches.

I propose to show that even the claim for confidential advice to the President, for example, by Mr. Henry Kissinger, has very shaky underpinning. There is no need to rehearse Mr. Kissinger's omnipresence in foreign affairs. That he has taken over high-level functions of the Secretary of State is open and notorious. Although the Secretary, in the words of Chief Justice Marshall in *Marbury v. Madison*, is a "confidential agent" of the President, he enjoys no blanket immunity from inquiry. Mr. Kissinger, however, is claimed to be unaccountable to Congress.

This area of privilege has been highly overrated. In the memorandum Attorney General Rogers submitted to the Senate, he claimed "uncontrolled discretion" in a department head to withhold "confidential" information, citing *Marbury v. Madison*, RB 1101, 1110. But Mr. Rogers himself quoted Chief Justice Marshall as saying on the trial of Aaron Burr that "the principle decided there [Marbury] was that communications from the President to the Secretary of State could not be extorted from him." RB 1110. Even this much was pure dictum, because *Marbury* involved a claim to delivery of a commission which had been signed by the President and sealed by the Secretary of State, about which there was nothing confidential at all. So far as *Marbury* is a precedent, it does not, according to Marshall himself, shelter a communication from a high officer to the President. A private letter from General James Wilkinson to President Jefferson was in fact held subject to subpoena by Marshall on the Burr trial and it was turned over to the court by Jefferson.

In truth, *Marbury* is altogether irrelevant to Congressional inquiry. It was a litigation by a private individual, and Marshall stated that the "province of the court . . . is not to inquire how the executive or executive officers perform their duties." Precisely that function lies within the province of the legislature, as Pitt, Montesquieu and James Wilson made clear, and as the Supreme Court held in *McGrain v. Daugherty*. In 1792 Washington welcomed an investigation of the Secretary of the Treasury; RB 1081n; and he turned over all documents in the investigation of General St. Clair, thus recognizing the inquiring function of Congress.

It also needs to be remembered that a number of British Ministers were impeached for giving "pernicious advice" to the King. Berger, Impeachment for "High Crimes and Misdemeanors," 40 So. Cal. Rev. 395,413 (1971), and that in the Virginia and South Carolina Ratification Conventions Francis Corbin and Henry Pendleton alluded to such "advice" as within the scope of impeachment. Id. at 431. If such "advice" is impeachable, inquiry whether it was given cannot be barred on constitutional grounds whatever may be the merits of the practical arguments for confidentiality. Practical desiderata cannot be translated into constitutional dogma.

Now I come to what seems to me the most glaring example of bureaucratic recalcitrance—the refusal of the Defense Department to comply with the request of this Committee for information under the Act of 1928, now codified in 5 U.S.C. § 2594. The Act provides that upon request of the Committee on Government Operations every executive department shall "furnish any information requested of it relating to any matter within the jurisdiction of said Committee" (emphasis added). Senate Report No. 1320 (70th Cong., 1st Sess.) recites that the Bill repealed the requirements of a large number of statutes covering certain listed reports on the ground that the "requirements are obsolete . . . have no value and

serve no useful purpose. . . . To save any question as to the right of the House of Representatives to have furnished any of the information contained in the reports proposed to be abolished a provision has been added to the bill requiring such information to be furnished . . ." On the basis of this report, the Assistant to the President, Mr. John D. Erlichmann, argues that the Act was merely designed to apply to the "discontinued reports." III 785, 788.

On this interpretation, the Act preserves the right of Congress to require obsolete and valueless reports while barring access to reports of immediate value and need. It reads a statute designed by Congress for its own benefit against Congress and in favor of the Executive. In effect, the Executive would revise the Act of 1928 to read, "notwithstanding the provisions of this repealer, the Committee may require the discontinued reports." But the Congress went beyond this: it provided for the requirement of "any information . . . relating to any matter within the jurisdiction of said Committee." The prototype of this provision is the Act of September 2, 1789 (1 Stat. 65-66, 5 U.S.C. § 242), which made it the duty of the Secretary of the Treasury "to give information . . . respecting all matters . . . which shall pertain to his office." In 1854, Attorney General Caleb Cushing advised the President that "by legal implication" every branch of the Executive Department is under the same duty. 6 Ops. Atty. Gen. 326,333. The broad language of the Act of 1928 may be read as declaratory of this duty.

Mr. Erlichmann admitted that the language of the 1928 Act "unquestionably is rather broad," III 788; and Assistant Attorney General Rehnquist "cheerfully conceded" that "the extremely broad purpose . . . is a permissible interpretation of the language." III 785. Why must we prefer a narrow to a broad reading of a statute designed by Congress for its own benefit? Our guide rather should be the statement of Chief Justice Marshall:

"It is not enough to say, that this particular case was not in the mind of the Convention, when the article was framed. . . . It is necessary to go farther, and to say that, had this particular case been suggested, the language would have been so varied, as to exclude it . . ."

Dartmouth College v. Woodward, 4 Wheat. 518,644 (1819). Would the Congress have excluded a request for the SST report from the words "any information . . . relating to any matter" and have restricted the request to "obsolete and valueless" reports? The answer is self-evident. It follows, in my judgment, that a refusal of information required by your Committee under the Act of 1928 is a violation of law.

STATEMENT OF ALAN C. SWAN OF THE UNIVERSITY OF CHICAGO ON EXECUTIVE PRIVILEGE

I am flattered by the Committee's invitation to express my views on S. 1125. I heartily endorse the changes it proposes. Its enactment would, I believe, give promise of a new vigilance by Congress in the defense of its Constitutional prerogatives and might even induce greater concern in the Executive for the consequences of its own assertions of power. For either of these, I as a citizen, would be grateful. And perhaps I can best make my modest contribution to these ends by what must necessarily be a too cursory review of the central precepts governing the exercise of the privilege.

The history of the President's right to withhold information from Congress is a remarkable chapter in our Constitutional story. Scarcely touched by judicial authority, the record abounds with self-serving efforts to endow each favorable outcome with the authority of precedent. Too little care is devoted to squaring with the facts of historical

citation. And the very frequency with which the Separation of Powers Doctrine has been invoked induces a feeling that something of our understanding of that doctrine and of its true and vital import for our form of government has been lost.

Under this state of the record, renewed attention to first principles is badly needed. I would, therefore, like to start with a brief discussion of the Separation of Powers Doctrine. Then, I would turn to testing four major types of cases against these principles and against the precedents, but not before noting some recent claims for the privilege which suggest that renewed vigor in Congress' assertion of its rights would come none too soon.

I

It would seem elementary, yet too often forgotten, that the Separation of Powers Doctrine was not devised for the convenience of the several branches of the Government, but as a means of securing to those branches power to so check and balance each other that the people would be free from arbitrary power. As Mr. Justice Brandeis in *Myers vs. United States* put it:

"The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

This fundamental observation ought to be received without question; but apparently not so. I think it fair to say that by the end of the Eisenhower Administration we had arrived at a point where the Executive claimed a plenary authority under the Separation of Powers Doctrine to withhold from Congress anything it saw fit to withhold.

In 1957, then Attorney General Rogers, in a memorandum to the Subcommittee on Constitutional Rights claimed that while heads of departments "have frequently obeyed congressional demands, . . . and have furnished papers and information to congressional committees, they have done so only in a spirit of comity and good will, and not because there has been an effective legal means to compel them to do so." Such a claim, and others like it, shows I suggest, a total disregard of the need for checks and balances. The power of determining secrecy has slipped imperceptibly into the hands of a single Branch of the Government.

Nor do I believe that the situation has changed in the years since. While Presidents Kennedy, Johnson and now President Nixon, in admirable expressions of self-restraint, have drastically revised the earlier directives, nothing they have said or done retreats one whit from the broad assertions of Executive power laid down by Mr. Rogers. In the background—apparently untouched by any Presidential disclaimer—the precedents of the earlier period, ready to be resurrected whenever present or future administrations consider the provocation sufficient to do so.

II

A search for principles to guide in restoring the balance might usefully begin by setting aside cases where one House of Congress requests information on a subject given exclusively by the Constitution to the President or to the President jointly with the other House. If a particular subject is clearly not within the Congressional purview, it takes no citation of authority to acknowledge the Executive's right to resist a Congressional inquiry. Indeed, we could drop the matter at this point were it not for the propensity of Executive spokesmen to treat such resistance as precedent for a Privilege over matters clearly within Congress' jurisdiction, a wholly distinguishable case.

Two examples will suffice.

First, in the celebrated Jay Treaty Affair of 1796, an Executive Branch favorite. President Washington, in rejecting the House's request for all documents relating to the Treaty, emphasized the need for secrecy in foreign relations only to explain why the Constitutional Convention had put the treaty power in the President and the Senate, the latter being the smaller legislative body. He noted that all the requested papers had been submitted to the Senate, reviewed the history of the debates over the House's role in treaty-making, and concluded:

"As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light, and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office . . . forbids a compliance with your request."

In short, the Senate had a right to all the documents, the House to none, because it lacked the Constitutional authority to act upon the subject to which those documents related.

The second incident, often cited to support a plenary privilege, occurred in 1886 when President Cleveland refused a request for all documents concerning the suspension of one George Durkin as a United States District Attorney. The President denied that the documents were pertinent to Senate action on Durkin's successor and contended that the Senate had no authority to inquire into his exercise of the removal power. The Senate was not prepared to acquiesce on either count, and a Resolution of censure against the Attorney General was approved.

III

The center of our concern is with the privilege to withhold information that is clearly pertinent and possibly necessary to discharge by Congress of its Constitutional responsibilities. Here three types of information appear to account for the bulk of the cases: Defense and foreign policy secrets; documents, such as FBI investigative reports, containing confidential information usually gathered in the course of law enforcement activities; and internal working papers of the Executive. This last is the most difficult, and perhaps the most mischievous, yet subtle, of the cases and I should like to defer it to the end.

In refusing to supply defense and foreign policy secrets or confidential investigative reports to Congress, the Executive has invariably—and I know of no exception to the rule—equated disclosure to Congress with public disclosure. The often cited opinion of Mr. Justice Jackson when, as Attorney General, he explained his denial of certain FBI reports to the House Naval Affairs Committee, is a perfect case in point. The Attorney General argued that disclosure to the Committee would: (1) prejudice law enforcement by giving advance notice of the Government's case to defendants and their lawyers; (2) prejudice national defense by warning away those suspected of subversive activity; (3) prejudice the usefulness of the FBI by breaking its pledges to informers and (4) perpetrate an injustice upon innocent individuals. A similar line of reasoning was followed only a few weeks ago by the Assistant Attorney General in testimony before a House Subcommittee, when he gave as one example of the need for a Privilege to withhold information from Congress, the fact that the negotiation of a treaty is often a delicate matter, which does not "admit of being carried on in public."

These are quite remarkable arguments in light of the literally hundreds of state secrets and other pieces of confidential information

entrusted by the Executive to the Congress, its members, and its Committees virtually every day. One must, I think, read between the lines, and construe the claim of privilege as a right to withhold any information which the Executive thinks should be kept confidential whenever it perceives that Congress might disagree with that judgment. In short, the question under the Privilege is not what Congress should know, but whether the Executive Branch is to be the exclusive authority for determining what the public should know.

Such a claim is extremely difficult to square with the Separation of Powers Doctrine. The Executive's own arguments tacitly admit that Congress by itself is entitled to the information when pertinent to its legislative responsibilities. If so, I can think of no more important application of the checks and balances principle than the right of Congress to information carries with it the right to determine how much of that information is to be made public. The power of one Branch to check the other in determining the need for secrecy is of the essence of liberty.

On this point it should be noted in *Reynolds vs. United States*, the Supreme Court refused to abdicate judicial control over the evidence in a case—in that instance highly classified military information—to what it called the "caprice of executive officers." If the Judiciary cannot be asked to abdicate to the Executive in choosing between the public's need for information and the need for secrecy, Separation of Powers might properly dictate a comparable stand by Congress.

One might also observe the seeming incongruity between the Executive's claim and Article I, Section 5 of the Constitution which provides in pertinent part:

"Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such parts as may in their Judgment require secrecy."

The framers of the Constitution certainly evinced no lack of confidence in the ability of the Legislature to judge when secrecy was required in the public interest. Indeed, there was concern that too much would be kept secret.

At this point clarification is in order. The Executive cannot be blind to the fact that at times individual members of Congress and even congressional committees, whether out of policy disagreement or a desire for personal or partisan advantage, are prepared to make confidential information public or use it to injure innocent people. The Executive cannot be expected, nor should it respond in these cases. Nothing in the Separation of Powers Doctrine equates the individual legislator's judgment or even the judgment of a Committee, with that of the Senate or the House. Here I suggest Congress has a responsibility by establishing appropriate procedures to undercut some of the legitimate fears which surely have contributed much to the erosion of the Congressional prerogative.

IV

Thus far, I have addressed myself mainly to the principle of the matter. Now let me turn to the more hazardous task of reviewing the precedents. I am fully cognizant of a long line of Attorney Generals' opinions upholding the Executive Privilege with respect to investigative materials. Likewise, there are statements of fairly recent vintage by distinguished Senators and members of Congress concurring in these opinions and confirming a plenary privilege with respect to State secrets. I am sure that the Executive Branch's witnesses will not fail to bring these statements to the Committee's attention.

Nevertheless, I believe an examination of the history justifies a reassessment of these positions. The precedents from the period when members of the Constitutional Con-

vention were still active in Government, and upon which the Attorneys General have relied are entirely equivocal. There is ample precedent to sustain our argument with regard to state secrets. And finally the importance of the matter to the health of our democracy, warrants, I suggest, a reassertion by Congress of its historic rights.

I am sure the Committee is acquainted with Jefferson's famous notes of the meeting at which Washington's cabinet discussed the St. Clair expedition documents. According to the notes, the Cabinet acknowledged that the House could mount the investigation and call for papers generally, but also that the Executive:

"... ought to communicate such papers as the public good would permit, and ought to refuse those the disclosure of which would injure the public."

Several things are notable about this statement. There is no evidence that these views were communicated to the Congress; Jefferson's own annotations to British Parliamentary precedents fall in important respects to support the assertions stated; all documents were turned over to the Committee and the Secretaries of War and Treasury both appeared to offer "explanations." In short, this was no withholding.

Next, in 1807 during Jefferson's Presidency, the House requested the President for all information on the Burr Conspiracy "except such as he may deem the public welfare to require not to be disclosed." The President complied with the request subject to "the reserve therein expressed." By way of explaining his use of that reserve, Jefferson noted the conjectural nature of much of the evidence and stated that "... neither safety nor justice will permit the exposing of names, except that of ... (Burr) ... whose guilt is placed beyond question." The President's explanation for using an authority expressly conferred upon him by Congress, can hardly be interpreted as a claim of a constitutional right to withhold information. Moreover, the Congressional grant of discretion was, as we shall see, a matter of courtesy and not a recognition of right. Yet at least three Attorneys General have cited the case as the first definitive authority for a Constitutional privilege to withhold investigative reports from Congress.

In contrast to Jefferson, Andrew Jackson in 1835 withheld from the Senate copies of charges of fraud made against one Gideon Fitz, because the information was to be used in Executive session. This would, according to the President, have deprived Fitz of his right to a "public investigation in the presence of his accusers and of the witnesses against him."

On these authorities we must wonder, what is the true basis for an Executive withholding of investigative reports. Apparently, protection of the innocent requires not only that information be kept confidential but confidential within the Executive Branch. It alone, we are led to believe, is capable of exercising a proper regard for a citizen's rights; an assumption that finds no warrant in the Separation of Powers Doctrine.

Finally, in 1842, President Tyler refused the House an investigative report concerning frauds perpetrated on the Cherokee Indians, because to do so would, according to the President, visit "irremediable injury upon innocent parties by throwing them into libels most foul and atrocious." Earlier the Secretary of War had declined the House's request and the House had passed a Resolution asserting its right to demand any information from the Executive "relating to subjects ... within the sphere of its legitimate powers." Tyler also claimed that the courts had recognized his discretion, and what could be withheld from the courts, he argued, could certainly be withheld from Congress.

This incident is far from definitive. The House dissented from the President's assertions each step of the way. The President

eventually turned over most of the documents, requesting that they be kept confidential until the appropriate Committee had judged "what portions ... should not at present be printed." His claim of judicial sanction, of doubtful validity then, has since been completely undermined by the *Reynolds* case.

These are, I believe, the main precedents from the first fifty years of our history upon which the Attorneys General have built their doctrine of an unqualified privilege to withhold investigative materials. They are entirely equivocal. At most they show ambiguous action accompanied by brave words in which the Congress never acquiesced. On this record, I would urge a return to first principles, the more so today than in Jackson and Tyler's time. At the same time it cannot be denied that the progress of the Executive on this matter has been aided, perhaps decisively, by the occasional abuses of the investigative power.

In contrast to the Executive's claims of discretion to withhold investigative reports, information pertaining to foreign and military affairs early became the subject of a special accommodation.

The first telling event occurred in 1798 when following receipt by the President of dispatches from our envoys in Paris, a resolution was introduced in the House calling for the dispatches "or such part thereof as considerations of public safety and interest, in his (the President's) opinion, may permit." This clause was objected to because it proposed to transfer to the President the House's right to determine what should be made public. In the debates, the asserted right of the House was not questioned. It was argued rather that in a matter of such sensitivity the House ought to extend to the President the courtesy of a discretion. On the vote, the grant of discretion was struck from the resolution.

Then, in complying with the resolution, President Adams requested that the dispatches be held confidential:

"... until the members of the Congress are fully possessed of their contents, and shall have had an opportunity to deliberate on the consequences of their publication; after which time I submit them to your wisdom."

The House, after considering the papers in secret session, authorized their publication. These were as famous X, Y, Z papers, which undoubtedly increased popular hostility toward France and influenced Congress in its decision to authorize the "Naval War" with France of 1798-1800.

Perhaps out of this experience—one can only conjecture—the practice developed of regularly including a grant of discretion in requests to the President for documents concerning the Nation's foreign relations. This explains the exception granted Jefferson in the request for the Burr Conspiracy documents, it being widely held that those documents would reveal the complicity of at least three foreign governments. What is most important for our purposes, is that as late as 1850 and probably as late as 1904, this grant of discretion was well understood to be a Congressional dispensation and not a Constitutionally based, Presidential right.

President Monroe used the discretion in 1821—explicitly recognizing the House as its source—and again in 1825. Jackson and Polk also used it where the information concerned negotiations in progress. In 1846 Polk fully acknowledged the right of Congress to publish the documents if they were made available. He therefore used the discretion granted him but invited members of the Senate personally to peruse the documents at the State Department.

Along with this custom, it also became the habit, at least in the Senate, of reviewing the documents in Executive session. This meant that disclosure to the Senate and disclosure to the public were kept quite separate. Indeed, by 1904 the view was expressed

that the Senate's right to confidential information was contingent upon a willingness to consider it in Executive Session. Although some Senators were also of the opinion that if considered in Executive Session, the Senate should dispense with the customary courtesy. What is clear is that nothing in the practice of holding Executive Sessions implied abdication of the Senate's right to make the documents public. It merely assured the President that the Senate had assumed responsibility for maintaining confidentiality until public release had been approved by the affirmative action of the whole Senate. Such a posture, as we have argued, is based upon sound Constitutional principle.

Finally, as late as 1904, a motion in the Senate to insert the customary grant of discretion in a call for the Hay-Harran Treaty correspondence, was objected to because it might be taken as a Senatorial recognition of a Constitutionally based Executive Privilege. While the argument was made that with or without the clause the President could withhold the documents, this was hotly contested. It seemed to be the more general view that the President should be given the customary courtesy and the motion was agreed to.

On this record, we may conclude that throughout our history up to the first decade of this century, President and Congress alike recognized that the latter, particularly the Senate, had a right to all information, without qualification, necessary to the discharge of its responsibilities concerning the Nation's foreign relations and that the Congress was free to make its own independent determination of what confidential information might be made public. At the same time, in recognition of the sensitivity of these matters and of the great weight to be attached to the President's judgment, the practice developed of extending to the President the courtesy of a discretion to withhold information. So long had this practice persisted, that toward the end of the period some partisans of the President, including some Senators, began attributing to it a mandatory character; a courtesy which had matured into a right upon which the President could insist. Such a view, however, was certainly contrary to the precedents and the theoretical foundations of the practice and appears never to have commanded a majority in the Congress.

In the years since, the record becomes much less clear. Further systematic investigation is needed. Yet it does seem that calls to the President by Resolution of the Senate or House appears with less frequency. The increased reliance upon Committees, although essential, has bred a tendency to equate disclosures to and consultations with Committee leaders as disclosure to the Congress. And while this has at times been a very effective way of imposing Congressional views upon the Executive, it most surely has made it more difficult to preserve Congress in its historic role of guardian against excessive Executive secrecy. Nor should we lose sight of the fact that in the intervening period the Executive has with increasing vigor asserted its claim to a plenary power to direct the Nation's foreign affairs. Under these circumstances, the Executive has been able without great difficulty to convert a historic courtesy into an unqualified claim of right, and to go largely unchallenged by Congress. I for one urge that this continue no longer.

v

Finally, a word concerning the most difficult and perhaps most deceptive grounds asserted for the Privilege: the protection of the internal deliberative processes of the Executive Branch. In theory it can be readily defended. It is not difficult to perceive that the power of Congress to scrutinize the opinions, the recommendations, the thinking processes, of the Executive could inhibit the giving of candid and unpopular advice and the exercise of independent judgment, and in so doing render the Executive wholly subservient to Congress. Not surprisingly,

therefore, the precedents for this privilege go back at least to 1833 when Andrew Jackson irately refused the Senate's request for a document purportedly read by him to the Cabinet regarding the removal of deposits from the Bank of the United States.

Yet, this is potentially a most mischievous privilege. Virtually every scrap written in the Executive Branch can, if desired, be labelled an internal working paper. Rarely are matters neatly labelled "facts", "opinion", "advice". It can be used as readily to shield opinion corrupted by graft and disloyalty as to protect candor and honest judgment. And it can be used as a "back door" device for withholding state secrets and investigative reports from Congress.

But it has a more subtle effect. In the longer sweep of our republican history, there has been perhaps no more significant change than that from Congressional to Presidential Government. Even the scanty bits offered up in this statement are witness to this change. It is not the growth in size of the Executive establishment, nor the fact that the Executive commands most of the engines that get things done. It is rather that now, gathered in the hands of the Executive is the central power of decision on virtually all issues about the shape of our society that are given to the Government to decide. While on many important things Congress retains formidable powers, a shield has been built around the Presidency, jealously guarding its power, particularly against any inroad from the representative branch of the government. Perhaps this is the way things should be. At times past it has seemed so, when Congress appeared blind to peoples' needs, or to the rights of individuals or paralyzed by a handful of willful men. But on balance, I fear that in Presidential Government we have created an ever potential threat to our liberties. At least I know that in balanced government—one punctilious in its adherence to the Separation of Powers principle—there is no such threat. So the shield must be dismantled. It is not merely a shield of secrecy. It is that the key decisions—the high and delicate matters of state—must essentially remain open until Congress speaks and cannot end with the deliberative processes of the White House. To this end, I see S. 1125 as one, albeit modest, first step.

I thank the Committee for having heard me out. I know I have taxed your patience but would be happy to answer any question you may have.

THE DEVELOPMENT OF THE WHITE HOUSE STAFF

The Constitution of the United States mentions only indirectly that the President might make use of subordinate administrative officials in an advisory capacity. But the language of Article II, Section 2, wherein it is stated that the President may "require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices," is generally regarded as the authority for the Cabinet. Thus it was that for many years the President's chief advisors probably were his Cabinet members and only in rare instances did a Chief Executive rely upon other officials. Those individuals attached to the President's office were secretaries and aids who provided clerical assistance to the Chief Executive but no advisory support.

The actual arrangements for an enlarged White House staff can be credited to the report of The President's Committee on Administrative Management, issued in 1937. This report called for executive assistants to assist the President "in dealing with managerial agencies and administrative departments of the Government." The report went on to say:

"These assistants, probably not exceeding six in number would be in addition to his present secretaries, who deal with the pub-

lic, with the Congress, and with the press and the radio. These aides would have no power to make decisions or issue instructions in their own right.

"They would not be interposed between the President and the heads of his departments. They would not be assistant presidents in any sense. Their function would be, when any matter was presented to the President for action affecting any part of the administrative work of the Government, to assist him in obtaining quickly and without delay all pertinent information possessed by any of the executive departments so as to guide him in making his responsible decisions; and then when decisions have been made, to assist him in seeing to it that every administrative department and agency affected is promptly informed. Their effectiveness in assisting the President will, we think, be directly proportional to their ability to discharge their functions with restraint. They would remain in the background, issue no orders, make no decisions, omit no public statements. Men for these positions should be carefully chosen by the President from within and without the Government. They should be men in whom the President has personal confidence and whose character and attitude is such that they would not attempt to exercise power on their own account. They should be possessed of high competence, great vigor, and a passion for anonymity. They should be installed in the White House itself, directly accessible to the President. In the selection of these aids the President should be free to call on departments from time to time for the assignment of persons who, after a tour of duty as his aides, might be restored to their old position."¹

The idea for and statement on executive assistants was provided by Louis Brownlow, chairman of the President's Commission. Commenting on the suggestion of establishing executive assistants, a later analysis of the reorganization report noted:

"These men were to act as anonymous servants exercising no initiative independently of the President's wishes. No authority was delegated to them. Their function was to extend the President's power to listen wherever useful information could be gathered and to see whatever needed to be seen to provide the information required for decisions. In order to give them the utmost responsibility, to presidential will, as well as ultimate flexibility, their functions were not to be defined except as the President saw fit to define them. As such they would not constitute either an additional institution or certainly not an independent one; but rather an extension of the presidency itself."²

A reorganization act authorizing administrative assistants for the President was passed in early April of 1939. On September 8, 1939, when issuing his "Limited National Emergency" Proclamation after the outbreak of war in Europe, Roosevelt also quietly released an executive order which called for the reorganization of the Executive Office and involved the transfer of the Bureau of the Budget from the Treasury Department as well. When the changes were effected, the Executive Office staff counted some 800 individuals in 1939.

Since 1939 the Executive Office of the President has included various emergency panels, specialized agencies and policy councils. As of this year these units include: the White House Office, created in 1939; the Office and Management and Budget, transferred (then as the Bureau of the Budget) in 1939 from Treasury; the Council of Economic Advisers, established in 1946; the National Security Council, initiated in 1947; the National Aeronautics and Space Council, set up in 1958; the Office of Emergency Preparedness, established in 1961; the Office of Science and Technology, initiated in 1962; the Office of

the Special Representative for Trade Negotiations, instituted in 1963; the Office of Economic Opportunity, legislated in 1964; the Office of Intergovernmental Relations, created in 1969; the Domestic Council, created in 1970; the Council on Environmental Quality and Office of Environmental Quality, set up in 1970; the Office of Telecommunications Policy, established in 1970; the Council on International Economic Policy, created last year; the Office of Consumer Affairs, created last year; and the Special Action Office for Drug Abuse, also a 1971 addition to the Executive Office.

The number of presidential advisers and special assistants has, as the following table indicates, exhibited generally steady growth, regardless of national or international events, changes of administration, or differing management styles of the Chief Executives. While the number of advisers was reduced during the Kennedy Administration, the size of the White House staff continued to mount. As Theodore Sorenson, a Kennedy adviser, has explained:

"Kennedy wanted his staff to be small, in order to keep it more personal than institutional. Although in time a number of 'special assistants' accumulated for special reasons, he kept the number of senior generalists to a minimum. Both my office, which dealt mostly with domestic policy, and that of McGeorge Bundy, which dealt exclusively with foreign policy, combined in relatively small staff the functions of several times as many Eisenhower aides. I relied on the excellent staff work of the Bureau of the Budget and Council of Economic Advisers."³

Thus, while statistics might reflect a reduction in the number of advisers to the President, there was, in effect, no reduction in the number of White House aides. Similarly, the statistics for the Johnson Administration indicate a further reduction in the number of presidential advisers but an increase in Executive Office staff, again reflecting no real reduction in the number of White House aides.

The following table indicates the growth of White House advisers, the White House Office, and the Executive Office of the President. The number of advisers was computed by examining the individuals and their titles listed in each year of the *U.S. Government Organization Manual*.

GROWTH OF THE WHITE HOUSE STAFF

Year	Advisers	White House staff ¹	Executive office staff ¹
1939	6		
1940	6		
1941	8		
1942	9		
1943	11		
1944	11		
1945	12		
1946	11		
1947	11		
1948	12		
1949	12		
1950	13		
1951	12		
1952	13		
1953	22		
1954	25	266	1,175
1955	32	290	1,167
1956	35	374	1,196
1957	33	387	1,218
1958	34	394	1,255
1959	37	495	2,769
1960	37	446	2,887
1961	24	411	1,838
1962	21	467	1,676
1963	23	388	1,664
1964	23	349	1,542
1965	19	333	2,871
1966	20	295	4,683
1967	20	272	4,815
1968	21	273	5,305
1969	39	328	4,896
1970	51	331	4,265
1971	45	600	5,395
1972	48		

Footnotes at end of article.

¹ U.S. Civil Service statistics as of June for each year cited.

Such "advisers" might be referred to as Counselors, Assistants, Counsels, or Consultants. Clerical aides were not included as "advisers" in the computations for the table. Beginning with fiscal year 1971, personnel statistics and cost estimates for the White House Office were changed to reflect the actual number of people employed and monies spent in that office. Previously the statistics for that office had included personnel and related funds which, though credited to executive departments, were actually detailed to the White House Office.

The principal reason for suggesting an increased presidential staff, and the main reason given for the continuous growth of the White House Office, is better management of the growing and uncoordinated government. As the Report of the President's Committee on Administrative Management noted:

"In addition to . . . assistance in his own office the President must be given direct control over and be charged with immediate responsibility for the great managerial functions of the Government which affect all of the administrative departments, as is outlined in the following sections of this report. These functions are personnel management, fiscal and organizational management, and planning management. Within these three groups may be comprehended all of the essential elements of business management."

But, as Prof. Richard F. Fenno has noted, managerial authority has been given over to the President's advisers because other executive management instruments, such as a Cabinet, have proven unsuitable for this function. Fenno comments:

"Whether manifested by a benign lack of interest or by purposeful competition, departmentalism operates to reduce the potentialities of the Cabinet as a coordinating mechanism. Yet in view of the extent to which executive decisionmaking must now be conducted across department boundaries, it does not seem too much to say that the Chief Executive's primary managerial task is precisely this one of coordination. From the seminal recommendations of the President's Committee on Administrative Management in 1939 to the present day, the President's need for assistance in this area has been widely recognized. This, indeed, is the *raison d'être* for the phenomenal proliferation of those staff organs with interdepartmental planning, operating, and advisory functions which now comprise the Executive Office of the President. The expansion of this Office—or, for instance, the Budget Bureau, the National Security Council, the Office of Defense Mobilization, the Council of Economic Advisers, the White House Office—must be considered in part as an inevitable response to the new dimensions of governmental activity, but also in part as an adverse reflection on the ability of the Cabinet in coping with the difficult problems of coordination involved."

Thus it is the White House Office which has come to better serve the President as a coordinator of executive functions. And as managers of the government as well, they have come to play policy roles, refining policy suggestions and, often, even a potential policymaker's access to the Chief Executive. But, as Theodore Sorensen has noted, such a role carries with it certain dangers.

"A White House adviser may see a departmental problem in a wider context than a Secretary, but he also has less contact with actual operations and pressures, with Congress and interested groups. If his own staff grows too large, his office may become only another department, another level of clearances and concurrences instead of a personal instrument of the President. If his confidential relationship with the President causes either one to be too uncritical of the other's judgment, errors may go uncorrected. If he develops . . . a confidence in his own

competence which outruns the fact, his contribution may be more mischievous than useful. If, on the other hand, he defers too readily to the authority of the renowned experts and Cabinet powers, then the President is denied the skeptical, critical service his staff should be providing."

Indeed, what may be fast becoming a profound problem with the White House Office is noted here by Sorensen: that is, the development of the presidential advisory staff, or some arm of the Executive Office, into an entity equal to a department. Reflective of this possibility is the growing amount of money spent each year by the Executive Office of the President. Indeed, the entire Executive Office of the President has greater expenditures than such important bodies as the Federal Communications Commission (FCC), the Federal Power Commission (FPC), or the Federal Trade Commission (FTC).

Fiscal year	EOP	FCC	FPC	FTC
1971	46,961	26,715	19,493	22,405
1972	56,922	30,683	22,164	24,957
1973	64,044	32,582	23,054	26,986

Note: Expenditures in thousands of dollars.

As the White House Office and/or the presidential advisers move toward the possibility of departmental authority, whether such authority be measured in fiscal or political influence terms, the wrath of official department heads can, and often is, incurred. As Theodore Sorensen notes:

"No doubt at times our roles were resented. Secretary Hodges, apparently disgruntled by his inability to see the President more often, arranged to have placed on the Cabinet agenda for June 15, 1961, an item entitled "A candid discussion with the President on relationships with the White House staff." Upon discovering this in the meeting, I passed the President a note asking "Shall I leave?"—but the President ignored both the note and the agenda."

Such disputes within the executive "family" can be viewed as merely matters of paternal favor. When these encroachments of power become enmeshed in executive relationships with other branches of government, then a constitutional crisis may be in the offering.

A short time ago, in testimony before the House Foreign Operations and Government Information subcommittee, former White House Press Secretary George Reedy made the following observation on the increasing authority of the White House staff and the significance of this development both in terms of information flow and accountability.

"At one time, the White House staff was a relatively small group of people. They consisted of personal advisers to the President, and here you have the whole question of Executive privilege which has been exercised, in my judgment, in an extremely legitimate form. I do not think that you should be able to pry loose from a President what he does not want to be pruned loose. But even if you should be allowed to do it, there is simply no way of getting at it. I do not care what law you write, or what you put through the Congress, or how many safeguards you set up, there is another branch of the Government, and to really try to pry loose from the President his thoughts, and his personal advice, I think, would even come close to precipitating a Congressional crisis. But, because the authority lies within the White House, rather than this ability lies within the White House, of exercising Executive privilege, what has happened with the proliferation of White House staff members is that you are to the point where you are gradually getting a shift of the operating agencies into the White House itself."

What seems to be fast approaching is a government controlled by exclusive decision-makers, untouchable by either the Congress

or perhaps even the departmental bureaucracy. The most notorious of these elite policymakers is Dr. Henry Kissinger and his National Security Council staff which has usurped the field of American diplomatic affairs. Not only has Kissinger and his staff undermined the State Department in this policy sphere, but Congress cannot compel him or any member of the NSC to provide an account of any aspect of their activities.⁹ Sen. Fulbright has recently noted that "Mr. Kissinger and his entire staff have taken the position of executive privilege."¹⁰

But the matter is no different when domestic policy is considered. In a speech given last May in San Jose, California, Sen. Ernest F. Hollings (D-S.C.) remarked:

"It used to be that if I had a problem with food stamps, I went to see the Secretary of Agriculture, whose Department had jurisdiction over that program. Not any more. Now, if I want to learn the policy, I must go to the White House and consult John Price."

"If I want the latest on textiles, I won't get it from the Secretary of Commerce, who has the authority and responsibility. No, I am forced to go to the White House and see Mr. Peter Flanigan. I shouldn't feel too badly. Secretary Stans has to do the same thing."

Price was a Special Assistant to the President and a staff member of the Domestic Council. Flanigan is simply acknowledged as an Assistant to the President.

Even officials in the executive agencies are becoming distraught over the growing authority of the White House staff and the usurpation of line department functions. A top Commerce Department bureaucrat recently complained in a New York Times interview that "the business community pays no attention to this department; if you have a policy problem, you go see Peter Flanigan—and he is available."

"Peter Flanigan," the official said with a sigh, "is to the Department of Commerce what Henry Kissinger is to the Department of State."¹²

The problem posed is not merely one of obtaining information from the Executive, but more importantly a matter of accountability. And even if the dispute were considered at the information level, history records very few denials of records to the Congress. Noting that Washington was the first President to, on at least one occasion, refuse information to Congress, Telford Taylor writes:

"In the years to come, Jefferson, Monroe, Jackson (thrice), Tyler (twice), Polk, Fillmore, Lincoln, Grant, Hayes, Cleveland, Theodore Roosevelt, Coolidge, and Hoover (twice) encountered Congressional demands for information which they saw fit to reject. Secure and powerful in his relations with Congress during his first two terms, Franklin D. Roosevelt did not confront the problem until his third term, during which no less than six such requests were refused, and under Truman the issue was drawn to a still higher pitch of intensity. Although partisan politics have frequently generated these conflicts, it is apparent from the foregoing list that party affiliation has never affected the basic position of the President."¹³

At present the White House staff is at its largest number with an accompanying operating budget which equates it with certain of the important independent agencies of government. In brief, the White House staff is claiming an exclusive prerogative in terms of information, decision-making, and policy priorities. Such a trend has been evident throughout past administrations and has reached a culmination of exclusive authority during the present presidential regime.

The foregoing paragraphs raise certain points of consideration which are essential to any analysis of this subject. The general presentation seeks to portray a bend in governmental activity, a trend which has been

Footnotes at end of table.

viewed by various authorities both within and outside of the governmental system. No conclusion is reached by this analysis except the obvious view that a problem—of both a constitutional and operational nature—exists and is rapidly reaching crisis proportions. Solutions to this problem are, however, outside the scope of this analysis.

FOOTNOTES

¹ The President's Committee on Administrative Management, *Report of the Committee* (Washington: U. S. Government Printing Office, 1937), p. 5

² Barry Dean Karl, *Executive Reorganization and Reform in the New Deal* (Cambridge: Harvard University Press, 1963), p. 241

³ Theodore C. Sorensen, *Kennedy* (New York: Harper and Row, 1965), p. 262

⁴ The President's Committee on Administrative Management, *op. cit.*, p. 6

⁵ Richard F. Fenno, Jr., *The President's Cabinet* (New York: Random House, originally published 1959), pp. 141-142

⁶ Theodore C. Sorensen, *Decision-Making in the White House* (New York: Columbia University Press, 1968), pp. 71-72

⁷ Sorensen, *Kennedy*, *op. cit.*, p. 259

⁸ Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives, *U.S. Government Information Policies and Practices—Administration and Operation of the Freedom of Information Act*, 92nd Congress, 2nd session, taken from hearing transcript for March 6, 1972.

⁹ For a view of the National Security Council and its position vis-a-vis the State Department in the Nixon Administration see: I. M. Destler, "Can One Man Do?" *Foreign Policy*, No. 5 (Winter 1971-1972), pp. 28-40; John P. Leacacos, "Kissinger's Apparatus," *Foreign Policy*, No. 5 (Winter, 1971-1972), pp. 3-27. Dr. Kissinger's views on elite decision-making are discussed in George Sherman, "A Sickness at State," *Washington Evening Star* (March 7, 1972), pp. A-1, A-6.

¹⁰ Committee on Foreign Relations, United States Senate, *War Powers Legislation*, 92nd Congress, 1st session (1971), p. 453.

¹¹ Dom Bonafede, "Ehrlichman acts as policy broker in Nixon's formalized Domestic Council," *National Journal*, III (June 12, 1971), p. 1240.

¹² *New York Times*, March 20, 1972.

¹³ Telford Taylor, *Grand Inquest* (New York: Ballantine Books, 1961), p. 119.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., May 25, 1972.

To: Foreign Operations and Government Information Subcommittee. Attn: Honorable William S. Moorhead, Chairman.
From: Government and General Research Division; Charles W. Harris, Division Chief. Research by Harold C. Relyea. Subject: Listing of instances during the period 1961-1972 when the executive branch withheld information or witnesses from Congressional committees.

In response to your request for a comprehensive study of the instances when the executive branch withheld records of witnesses from congressional committees, we enclose such a listing of those cases. The yield of information in this research effort has been, in terms of both illustrative and comprehensive information, somewhat disappointing. This is due almost exclusively to two factors. First, our research sources for this study do not index information of the type sought so that many examples of witness or document withholding remain "lost" from our view. Second, while many committee and subcommittee chairmen frequently refer, either in hearing transcripts or published statements, to the refusals by the executive of records and/or witnesses, nowhere are specific citations of the document or per-

son in question made. Thus, while Dr. Henry Kissinger may be reported to have repeatedly refused to appear before the Senate Foreign Relations Committee, there is no precise account of these refusals. In brief, the problem we have encountered with this project is one of mechanics, not necessarily one of substance.

Our sources for this research have been the *New York Times*, the *Congressional Record*, the *Congressional Quarterly* reports and almanacs, and selected hearings. These were consulted for the period 1961 to 1972. The only useful rubric in the *New York Times* index for retrieving sought information was "Congress-Relations with the Executive." In searching the *Congressional Record* the following key terms were consulted: censorship, executive privilege, documents, secrecy, information, freedom of information/witnesses, refusal of witnesses/information/records/documents, records, public records, withholding of witnesses/information/records/documents, government information, government agencies.

Our research has revealed thirteen instances of document or record withholding and eleven instances involving witness withholding or refusal to testify in whole or in part. Those panels having the most difficulty in obtaining records and/or witnesses appear to be the Senate Foreign Relations Committee, the Senate Constitutional Rights Subcommittee, and the House Government Operations Committee.

The following is a chronological list of instances of record withholding and witness withholding or refusals in whole or in part to testify. Dates in parentheses are approximate to within one or two days of actual occurrence. In these cases it was not clear from the citation source as to the precise date involved.

RECORDS AND DOCUMENTS

Date and case

March 22, 1961: The State Department refuses to supply documents to the Government Operations Committee on the administration of the foreign aid program. (*New York Times*, 3/23/61; Committee on Government Operations, House of Representatives, *U.S. Aid Operations in Peru*, 87th Congress, First Session, p. 13.)

(June 9, 1961): National Science Foundation refuses to disclose recommendations of University of Illinois group to the House Committee on Un-American Activities. (*New York Times*, 6/10/61)

(June 21, 1962): The Food and Drug Administration refuses to comply with a request from the House Interstate and Foreign Commerce Committee for files on MER-29 drug. (*New York Times*, 6/21/62)

(June 27, 1962): The State Department refuses to provide a copy of a working paper on the "mellowing" of the Soviet Union to the Senate Foreign Relations Committee. (*New York Times*, 6/27/62)

(February 2, 1962): The Commerce Department refuses to supply records on trade with Communist bloc nations to the House Select Committee on Export Control. (*New York Times*, 2/2/62)

April 4, 1968: The Department of Defense refuses to supply a copy of the Command Control Study of the Gulf of Tonkin incident to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 39.)

June 26, 1969: The Department of Defense refuses to supply the five-year plan for military assistance programs to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 40.)

(August 9, 1969): The State Department refuses to provide defense agreement be-

tween U.S. and Thailand to the Senate Foreign Relations Committee. (*New York Times*, 8/9/69)

December 20, 1969: The Department of Defense refuses to supply the "Pentagon Papers" to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, pp. 37-38.)

March 2, 1971: Department of Defense General Counsel J. Fred Buzhardt refuses to release an Army investigation report on the 113th Intelligence Group requested by Senate Constitutional Rights Subcommittee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, pp. 402-405.)

April 10, 1971: The Department of Defense refuses to supply continuous monthly reports on military operations in Southeast Asia to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 47.)

June 9, 1971: The Department of Defense refuses to release computerized surveillance records and refuses to agree to a Senate Constitutional Rights Subcommittee report on such records. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, pp. 398-399.)

August 31, 1971: The Department of Defense refuses to supply foreign military assistance plans to the Senate Foreign Relations Committee. (*New York Times*, 9/1/71).

WITNESSES

Date and case

January 31, 1962: Willis D. Lawrence, Assistant Director for Policy and Procedure, Directorate for Security Review, Office of the Assistant Secretary of Defense (Public Affairs) refused to answer "any question in a manner which associates a particular reviewer with a particular speech or article" by order of the Secretary of Defense. Executive privilege invoked. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, p. 338.)

February 1, 1962: Secretary of Defense Robert McNamara invokes executive privilege in the instance of Armed Services Committee members asking the names of speech reviewers in specific cases; letter transmitted for record. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, pp. 369-370.)

February 8, 1962: President John F. Kennedy transmits letter authorizing invoking of executive privilege by Defense witnesses in the instance of Armed Services Committee members asking the names of speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, pp. 508-509.)

February 9, 1962: President John F. Kennedy transmits letter authorizing invoking of executive privilege by State witnesses in the instance of Armed Services Committee members asking the names of speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Military Cold War Education and Speech Review Policies*, 87th Congress, Second Session, p. 725.)

February 27, 1962: Under Secretary of State George Ball invokes executive privilege in refusing to respond to questions about speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Cold War Education and Speech Review Policies*, 87th Congress, Second Session, pp. 730-731.)

February 28, 1962: Assistant Secretary of State (Public Affairs) Roger W. Tubby in-

vokes executive privilege in refusing to respond to questions about speech reviewers in specific cases. (Committee on Armed Services, United States Senate, *Cold War Education and Speech Review Policies*, 87th Congress, Second Session, p. 826.)

February 7-8, 1963: General Maxwell D. Taylor appeared before the House Subcommittee on Department of Defense Appropriations and refused to discuss the Bay of Pigs invasion as "it would result in another highly controversial, divisive public discussion among branches of our Government which would be damaging to all parties concerned." (*Congressional Record*, 4/4/63, p. 5817)

(October 5, 1963): Secretary of State Dean Rusk refuses to testify before the Senate Internal Security Subcommittee on the Otto Otepka case. (*New York Times*, 10/5/63)

(September 18, 1968): Treasury Under Secretary Joseph W. Barr and Presidential Associate Special Counsel W. DeVier Pierson refuse to testify before Senate Judiciary Committee on the nomination of Abe Fortas to be Chief Justice. Executive Privilege formally invoked. (*Congressional Record*, 9/18/68, p. 27518 and *Washington Post*, 9/17/68)

(March 19, 1970): Secretary of Defense Melvin Laird declines invitation to appear before Senate (Foreign Relations) Disarmament Subcommittee. (*New York Times*, 3/19/70)

April 19, 1971: The Department of Defense refuses to allow three designated generals appear before the Senate Constitutional Rights Subcommittee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 402.)

Mr. ANDERSON of Illinois. Mr. Chairman, traditionally the Post Office has encouraged the open dissemination of ideas by facilitating the access of millions of Americans to the magazines, newspapers, and public notices which make up an integral part of our educational network.

The proposed postal rate increases threaten this essential educational service for the reader by mistaking a subsidy for the reader as a subsidy for the magazines and newspapers.

Although balancing the Postal Service budget is a goal to be encouraged, we should not be so shortsighted as to ignore the adverse repercussions which a profitable Postal Service might have on the publications essential to an informed and democratic society. Small, new, and nonprofit periodicals which tend to depend on subscriptions rather than advertising for their revenues, are particularly affected by the new rates. The impact of a sharp postal increase and resulting subscription hikes could well mean insolvency and, very importantly, discourage new periodicals from entering the market. Moreover, excessive increases discriminate in favor of newsstand publications which often rely on provocative covers, not the Postal Service, to bring their message to the public. Rural readers, who depend on the mailman for their newspaper, will be forced to pay a disproportionately higher price for the privilege of reading about the events of the day. Similarly, increased subscription prices will force periodicals to cater to the affluent instead of a broader populace.

Yet, even disregarding these philosophical considerations, this Congress should dispassionately examine the economic realities of the proposed rate in-

creases. Projections in a 1971 study prepared for the U.S. Postal Service by Mathematica of Bethesda, Md., entitled "A Study of the Demand for Advertising, Newspaper, and Magazine Mail," which assumes all of the additional mail cost is shifted to the subscribers, indicated that if the mail cost is increased 145 percent, mail volume will decrease 48.7 percent and the increase in mail revenue will be only 25.7 percent. Thus the cost will come not only in a probable decrease of periodicals and circulation but also in a very inefficient gain in revenue at the expense of the subscriber. I do not believe that this was the intent of Congress in 1970 when the Postal Reorganization Act was passed.

An excessive rise in third-class rates could also backfire on the Post Office. Today, several large utility companies are hand-delivering their more convenient billings; and mass advertisers, who like many second- and third-class mailers do much of the required handling themselves, are on the verge of implementing their own delivery systems. In 1962, the Post Office carried 85 percent of the bulk mail: Today, United Parcel Service delivers more bulk mail than the Postal Service. New bulk facilities are being built, but it remains to be seen whether this will improve service and profits or become another inefficient overhead cost.

These problems are for the most part unresolved, and I feel the importance of the issue demands that this body carefully examine the complex philosophical and economic issues which underly the proposed postal rate increases.

Mr. ROBISON of New York. Mr. Chairman, I have no further requests for time.

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

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk proceeded to read the bill. Mr. STEED. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to. Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, 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. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ROBISON of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Treasury, Postal Service, and General Government Appropriation bill, 1973, on which general debate has been concluded; and, also, on the Public Works for Water and Power Development and Atomic Energy Commission Appropriation bill, 1973, which was considered earlier in the day.

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

There was no objection.

STATE DEPARTMENT INACTION MAY DOOM U.S. FISHING INDUSTRY

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

Mr. ANDERSON of California. Mr. Speaker, the State Department, either through ineptness, inefficiency, or inaptitude, has done it again.

Thanks to the inaction of those who collect a Government paycheck to practice international diplomacy—allegedly representing our interests—the Government of Mexico, like so many of our Latin American neighbors, has stuck it to our domestic fishing fleet.

We are all familiar with the mismanagement of our relations with Ecuador which led to the seizure of over 50 U.S. fishing vessels last year.

We are all familiar with the State Department's reaction to those seizures which was about as weak as a rained-on bee.

Now, with the backbone of your average jellyfish, the State Department has again shown that it is incapable of protecting our fishing fleet from the arbitrary actions of foreign governments.

On June 13, the Government of Mexico began a new policy which requires American tuna boats to hire 50 percent of their crews from Mexican nationals within the territory of Mexico.

Again, it is our fishing fleet which will suffer, as this could well be another step toward eliminating the American fisherman from the seas.

Mr. Speaker, I do not know what the people at the State Department do to justify their getting paid, but I do know that they certainly do not represent our U.S. fishing industry.

At this point, Mr. Speaker, I include in the CONGRESSIONAL RECORD copies of telegrams from Mr. John Royal and Mr. August Felando to President Nixon, and an article that appeared in the San Pedro News-Pilot on June 15, 1972:

[Night Letter]

SAN PEDRO, CALIF.,

June 15, 1972.

HON. RICHARD M. NIXON,
The White House,
Washington, D.C.:

DEAR MR. PRESIDENT: I am wiring you on a matter of utmost urgency and seriousness which was brought about by the recent passage of the new fisheries law by the government of Mexico. This law was passed by the Mexican Congress May 10 and went into effect on June 13, 1972. If enforced by Mexico it would require that American tuna-boats will have to hire 50 percent of their crews from Mexican nationals within the territory of Mexico. This plus eight other points of this law would bring about greater unemployment of American fishermen and could well be the first step towards the elimination of American fishermen on U.S. flag vessels should other countries see fit to do the same. I respectfully request and urge most strongly that you intercede on our

behalf with the President of Mexico who is now visiting with you in Washington, D.C.

Respectfully yours,

John J. Royal, Executive Secretary-Treasurer, Fishermen & Allied Workers' Union of San Pedro and San Diego, California, Local 33, International Longshoremen's and Warehousemen's Union.

AMERICAN TUNABOAT ASSOCIATION,
SAN DIEGO, CALIF.,
June 16, 1972.

PRESIDENT RICHARD M. NIXON,
The White House,
Washington, D.C.:

The New Mexican Fishery Law in forcing U.S. vessel owners to hire Mexican citizens as 50 percent of its crew and to make such contract in Mexico as a condition precedent for permission to fish within Mexican territorial waters illustrates in best fashion why granting coastal nations the power to regulate fishery resources within 200 miles would lead to the virtual destruction of the tuna industry. We urge you to use this new fact caused by Mexico to fight more effectively against foreign countries who are trying to force the 200 mile concept as U.S. policy. We remind you that for 1971, the ex-vessel value of all fishery landings in California was \$88.4 million, of which \$65.8 million is attributed to tuna; further, that California ranked first in value for all fisheries in the United States for 1971, and second in volume. We urge you to take strong, effective and thoughtful reaction to this threat to a billion dollar, basic food industry.

AUGUST FELANDO,
General Manager.

NEW MEXICAN FISHERY LAW MAY COST S.P.
BILLIONS

(By Peggy Luedtke)

One more straw has been added to the fishermen's back—this time in the form of a new Mexican fishery law.

And, according to John Royal, secretary-treasurer of the Fishermen's Union ILWU, this may be the straw that breaks the camel's back.

"The fishing industry has been getting worse by the day," Royal said. "We have 15-year moratoriums on everything from polar bears to porpoises."

"Senate Bill 2871 which will go before the Senate next Tuesday would require that American tuna industries get a permit from the Secretary of State to catch tuna in cases where porpoises may be caught."

"But Mexico's new fishery law, which we just learned about today (Wednesday), tops them all. Unless the United States government acts forcibly or President Nixon intervenes personally on behalf of fishermen to get Mexico to remove this new law, the California fishing industry won't have to worry about any more problems," he said.

One of the most devastating parts of the new law, which went into effect Tuesday, is a requirement that foreign vessels fishing in Mexico's national waters must hire Mexicans for at least 50 per cent of the crew.

"It's one thing to claim the high seas, but its another to come in and say you've got to hire Mexican nationals. If I had a \$3 million tuna boat, I would be concerned about turning responsibility over to someone I don't even know is capable."

"If Mexico is allowed to go this route, what will happen when these boats go into other countries and they demand that 25 per cent of the crew be from their country."

Royal explained that the implications of the new law are even more far reaching. "What about the insurance? The delays? and the American fishermen left at home on the docks," he asked.

Another section of the new law which will seriously affect American fishermen is the prohibition of commercial fishing in con-

nection with sardines, anchovy and the exclusion of taking live bait. "This exclusion of live sardines would wipe out our bait resources," Royal said.

According to Royal, the tables have been turned on American fishermen since World War II. "It started with the massive influx of imports from 6 per cent before the war to 75 per cent now. For years we've tried to get decent tariffs."

"Then the Japanese government began subsidizing Japanese fisheries with money actually given to Japan by the U.S. for economic development. After that, came a mass exodus of American canneries to Puerto Rico until now, Puerto Rico handles better than one-third of the American fishermen's catch."

"Every time incidents like this happen, the American fishermen just think I might as well transfer my boat to another flag and get out of this strangle-hold."

"But," Royal added, "every time I say the fishermen are being driven to foreign countries to fish, people think I'm exaggerating."

If Royal's hunch is right, and the new Mexican fishing law is allowed to exist wiping out California fishing and eventually the entire West Coast fleet, it will mean a billion dollar a year loss to San Pedro.

"There are 4,000 cannery workers in San Pedro alone who depend on the fish caught by American fishermen. Plus the warehouses, markets and truck drivers."

And why would the new Mexican law affect San Pedro fishermen? According to Royal, Mexico has one of the longest coastlines of Central and South America. The entire San Pedro fishing fleet fishes in this area and 25 per cent of the tuna catch coming into San Pedro and San Diego is caught off Mexico. "Mexico is even considering a 200-mile territorial limit, and if they do, this could be devastating."

"In taking this action, the Mexican government acted in extremely bad taste," Royal said, "because they are presently involved in a bilateral negotiations with the United States discussing terms for American fishermen to fish in Mexican territorial waters."

"Furthermore, we don't know the rules of the new law. We don't know what's going to happen to our fishing vessels down there now. Nor what will happen to those which are leaving San Pedro daily."

Royal said he hoped to rally American labor behind the cause of the fishermen.

As to the marine mammal bill (Senate Bill 2871), Royal pointed out that fishermen are not against protecting marine mammals as long as foreign fishermen are under the same restrictions.

Fishermen have spent a lot of money developing preventive nets to keep from catching porpoises and we have a selfish reason for doing so—porpoise leads us to the tuna.

"Since we started working towards prevention, we have reduced the porpoise catch to two per cent of the animal catch."

"But it's not going to help if we're not fishing the tuna where porpoises are involved and Mexico is. That's like the government closing down the only whaling station in the United States when it caught only 40 whales a year. * * *

The Los Angeles Board of Harbor Commissioners passed a resolution requesting that no legislation be imposed on American fishermen that is not on other fishermen of other countries. Royal also said the fishing segment is hoping the bill will be amended but there is slim chance.

"If it is not amended and tuna boat operators are required to secure permits to take porpoises, it could drive them out of business."

"We're trying all kinds of new things. But the government has yet to step in and help us. When it comes to setting the good example and going out of business, I'm sure American fishermen will choose to leave the country," Royal said.

BEWARE THE EASY ANSWER

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

Mr. GIBBONS. Mr. Speaker, in line with our continuing consideration of the effects of world trade on our domestic well-being, I would like to insert at this point in the RECORD an analysis of the serious effects which protectionist trade legislation would have on just one of our large companies, American Cyanamid Co.

At a time when our domestic economic situation is none too healthy, we should be particularly wary of simplistic answers to our economic problems which can only do far more harm than good.

I look forward to comprehensive hearings on our trade opportunities and problems which will serve as a guide to us in formulating appropriate trade legislation.

The analysis follows:

AMERICAN CYANAMID Co.,
Wayne, N.J., May 24, 1972.

HON. VANCE HARTKE,
Senate Office Building
Washington, D.C.

DEAR SENATOR HARTKE: Thank you for sending me a copy of the Foreign Trade and Investment Act of 1972, which you have introduced, and especially for the invitation to submit comments.

Cyanamid has been well aware of this legislation because of the far-reaching impact its enactment could have on both our domestic and international operations. We have calculated its effect on Cyanamid's performance and the implications it holds for our employees in the United States and abroad.

Our study indicates the tax provisions of your bill would force Cyanamid to withdraw from many foreign markets and would increase rather than decrease unemployment in the United States.

Cyanamid's total sales in 1970 (the year of our study) were \$1,256,000,000, of which \$325,167,000 or 26 per cent were made outside the United States. The company had a favorable balance of payments to the United States of \$97,500,000.

In the same year, Cyanamid had total exports from the United States of \$93,800,000, more than 50 per cent of which consisted of raw material or intermediate exports to our own subsidiaries abroad. Because our export business is largely dependent upon our subsidiaries, any reduction in our subsidiary operations abroad would reduce the company's operations in the United States.

The Foreign Trade and Investment Act of 1972 assumes that if we are forced to close down our subsidiary manufacturing plants abroad, we could automatically supply these markets from plants operating in the United States employing American labor.

We believe this is the key fallacy of the bill. Cyanamid's manufacturing plants were only built abroad to meet competition or to overcome tariff and non-tariff barriers erected by other countries.

If we close our manufacturing operations overseas, we will not be able to replace them with U.S. export production; we will, instead, hand over hard-won markets to local or third-country competitors.

Cyanamid also takes issue with those provisions restricting the transfer of capital and technology abroad. In view of the current restrictions on direct investment abroad, Cyanamid sends little money outside the United States so the proposed capital restrictions would have little direct effect. However, we do not believe that any governmental body should be created to sit in judg-

ment on the investments of private individuals or companies.

The restrictions on the working of U.S. patents abroad would not prevent their actual use abroad as nearly all countries have compulsory licensing laws which grant copiers permission to manufacture and sell foreign-researched products if the patent holder does not work the patent by manufacturing locally after an initial period, usually three years. If Cyanamid is prevented from working its patents abroad, other foreign based companies will manufacture our products in our stead.

This provision would strike at the heart of our research-oriented operations. Cyanamid spends some \$40,000,000 in research in the United States, a substantial part of which is associated with our international operations. Loss of Cyanamid's patents abroad or its failure to use its technology abroad would cause a reduction in this research effort and cause the loss of many jobs in our domestic research departments.

While the other provisions of the bill, most particularly the provisions for quotas on all U.S. imports, are not subject to quantitative analysis, Cyanamid does believe they could have a damaging effect on U.S. employment. Even in the unlikely event that they did not result in retaliatory action by other governments, they would threaten international trade and eventually our economic growth.

We agree with you, Senator, that free trade is not fair trade, and that other nations cannot continue to negotiate free trade at Geneva while imposing new non-tariff barriers at home. We believe a new round of trade negotiations is necessary and that the United States must take a stronger stand in eliminating the many non-tariff barriers that prevent the reasonable growth of U.S. exports.

We also fully appreciate the problems of unemployment, inflation and lower productivity in the United States and will support legislation designed to increase job opportunities here. We believe the solution to U.S. unemployment, however, lies in greater balanced growth in the nation's economy rather than in restrictive and punitive measures which, in the long run, will cause conflict with our international trading partners and limited growth at home.

Since a letter on such an important and complex subject cannot be all inclusive, I am taking the liberty of enclosing an analysis of the Foreign Trade and Investment Act of 1972 prepared by Mr. Ernest G. Hesse, Vice President for International Operations.

I am pleased to know that you will take our opinions into consideration and will gladly amplify any point in our position or supply additional information you might request.

Sincerely,

C. D. SIVERD,
President.

THE U.S. POSTAL SERVICE—HAVE WE MADE A MISTAKE?

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

Mr. MOLLOHAN. Mr. Speaker, it is almost 2 years ago this month that we in the Congress approved a proposal by the President to create a new quasi-public corporation called the United States Postal Service. That service was to usher in a new era for the postal worker and the postal patron alike in our country. It was to be the end of a costly and politically dominated system, and the beginning of a fresh new vital national service run along business lines but responsive to public needs.

Today, as we consider the fiscal 1973 appropriations for the Postal Service, I must sadly confess that some of the misgivings I had two years ago are being borne out. The transfer of the U.S. Post Office to a corporation not under the control of the U.S. Government has raised a number of aggravating questions. In my own State of West Virginia, I have received a growing number of complaints from long-time postal employees who charge that they are being shifted from job to job without any regard for the functions they perform or the experience they have. Their efficiency has been impaired and their morale has been brought to a very low ebb. I have also received complaints that satisfactory employees with years of seniority are being given jobs well below their experience and ability.

I have also experienced extremely slow mail delivery from my State to my office in Washington. And finally, I know of a number of instances in West Virginia where supervisors from outside the area are being brought in to administer offices it will take 2 to 3 years to know thoroughly. I do not understand why when a supervisory position opens up in an area, that an experienced employee from that area is not upgraded into that supervisory position. This would seem to me to be efficient, rather than bringing in someone who will have to learn the area from the bottom up over a period of 2 or 3 years.

We are told by those running the Postal Service that they are operating it as if it were a private business, a pay-as-you-go operation. But I must underscore what we all know—to the American taxpayer the postal service, under any name, is not a private business, but a public service. As such its ultimate goal must be service, rather than some abstract goal of business efficiency. And I am not even sure that we are getting real efficiency in spite of numerous statements from the Post Office.

Mr. Speaker, we are told that the new U.S. Postal Service will under its present administration be more efficient and responsive to the average postal user. But I call your attention to the kinds of appointments the President has made to the Board of Governors of the Postal Service. One wonders how at \$10,000 a year plus \$300 a day every time they meet, this group could place themselves in the shoes of the average taxpayer. The Board of Governors of the U.S. Postal Service, according to a recent article in the Washington Post, is made up of a wealthy oilman, a corporate executive, a rancher with large holdings, the chairman of a steamship line, an ex-university president, the former head of one of America's largest corporations, and the president of a large cosmetics firm among others. One wonders whether such a group oriented toward corporate enterprise can understand the postal needs of the average citizens of West Virginia or any other State. One wonders whether their idea of postal efficiency matches our idea of postal service.

For these and other reasons, I have serious reservations about the direction of the new Postal Service.

I hope the appropriate House committee will hold hearings on the workings of the new Postal Service so that when the 1974 fiscal year appropriations come up, we will be armed with an in-depth evaluation of what the American taxpayer is getting or not getting in postal services from this new corporation.

DIETHYLSTILBESTROL, A CARCINOGENIC FEED ADDITIVE

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

Mr. FOUNTAIN. Mr. Speaker, I want to bring to the attention of the House the extraordinary action announced last Friday, June 16, 1972, by the Commissioner of the Food and Drug Administration in connection with the drug diethylstilbestrol—DES. DES, a synthetic hormone which is a known carcinogenic, or cancer-causing drug, is used as a feed additive to stimulate more rapid growth of cattle and sheep.

The Commissioner announced that FDA will shortly publish a proposal in the Federal Register to withdraw approval of the new drug applications for the use of DES in animal feed. In making this announcement, he stated that FDA does not have sufficient information to act in this matter and is proposing the order to ban DES as a means of accumulating additional information at a public hearing.

This is a curious approach to law enforcement. Either FDA has the necessary evidence to ban DES as a feed additive, in which case the agency has the responsibility to take forthright action, or else it is not justified in beginning a formal revocation procedure of this kind before obtaining such information. Congress has given FDA ample resources to develop the necessary evidence prior to taking regulatory action.

What are the facts in this matter? They can be stated very simply. The Delaney Clause of the Animal Drug Amendments does not permit the use of a proved cancer-causing drug as an additive in animal feed if any residues are found in edible animal tissue.

It is an indisputable fact that DES has been shown to cause cancer in numerous species of animals and was associated early last year with a form of cancer in young women. It is also well established that DES residues have been found for some time, and continue to be found increasingly, in the livers of cattle and sheep which have been fed mixes containing DES.

The only relevant issue here is the FDA Commissioner's responsibility to enforce the law on the basis of the evidence as it relates to the carcinogenicity of DES and the existence of residues. FDA has the evidence now upon which to make a decision.

It is significant that FDA has already published a similar notice in the Federal Register for banning the use of DES in liquid premixes, but without indicating the need for additional information. That action was taken on March 11 of this year after an FDA investigation re-

vealed that the cross-contamination of nonmedicated feeds is a very serious problem when DES is used in feed in liquid form. Although more than 3 months have now passed, FDA has not yet scheduled a hearing preparatory to taking final action to withdraw the DES permits for this purpose.

The Intergovernmental Relations Subcommittee, which I chair, held extensive hearings in March, November, and December of 1971 on FDA's regulation of DES as a drug for animal feed use. It was disclosed during these hearings that the incidence of DES residues in edible animal tissue, particularly liver, was one-half of 1 percent of all animals sampled. Both FDA and the U.S. Department of Agriculture assured the subcommittee that new controls adopted by the agencies in December 1971 would eliminate these residues.

At the same time, the subcommittee heard expert testimony that DES could not be adequately controlled to prevent drug residues in animal tissue, but FDA again assured the subcommittee that DES would be controlled under the stricter requirements involving a lengthened withdrawal period—7 days prior to slaughter—and mandatory certifications that DES had not been used during the withdrawal period. As indicated in the FDA press release of last Friday, DES residues in edible animal tissue have increased almost fourfold since imposition of the more stringent requirements.

The fourfold increase of DES residues in liver is not in dispute. This is a fact accepted by FDA on the basis of careful sampling by the Department of Agriculture.

Last year the FDA Commissioner gave assurance in testimony to the subcommittee that he would ban the use of DES if the USDA continued to find residues of the drug in one-half of 1 percent of the slaughtered animals sampled.

Now that the stricter controls have been in effect for more than 6 months and DES is being found in 1.9 percent of all animals sampled, it is incomprehensible to me that the Commissioner would delay taking the action which he testified is required of him in these circumstances. The requirements of the law are clear regardless of what any of us may think about the economic advantages of the feed additive in question.

The FDA announcement appears to be merely a tactic for delaying the regulatory action which the law requires. No information is provided on when the contemplated hearing will be held, or how long it will continue. Our experience in such matters is that hearings, if held at all, occur long after an FDA notice is published, and final decisions, even then, are not made promptly. For example, on March 31, 1971, almost 15 months ago, FDA published in the Federal Register a notice of "Opportunity for Hearing" in which FDA announced its intention to revoke approval of the new drug application for Nihydrazone, a drug used in animal feeds for the prevention of certain infections in chickens. In this notice, FDA stated the conclusion that because it produces tumors in laboratory animals, the drug is not considered to be

safe under the approved conditions of use.

Fifteen months after publication of this notice, no hearing date has yet been set and there is no indication of when it will be held. Meanwhile, the drug continues to be used in animal feeds. Other drugs in the same category are also carcinogenic, and FDA has indicated its intent to revoke approval of their applications in formal Federal Register statements. But here, too, no hearings have been scheduled, nor has FDA indicated when these hearings will be scheduled.

The FDA press release openly states that the purpose of publishing the notice of intent to revoke the new drug applications for DES is to provide the opportunity for a fact-gathering hearing rather than to remove the drug from meat. It should be pointed out that under applicable court interpretations and FDA regulations, FDA may revoke its approval for the use of a new drug without granting a hearing when the relevant facts are not in dispute. The Administrative Procedures Act and the Food, Drug and Cosmetic Act provide ample protection for affected parties to contest FDA's proposed action, and for appeals to the courts.

Mr. Speaker, this is a most serious matter. The American people, acting through Congress, have declared total war on that most dreaded enemy—cancer. Congress and the President have joined forces to make available whatever resources can be spent effectively for the conquest of cancer. One of the major targets in this fight is the identification of chemical carcinogens and their removal from our food supply and our environment. It has been conclusively demonstrated that DES is a powerful chemical that is carcinogenic. There is incontestable evidence that it has been found and continues to be found in the livers of animals fed this drug.

There has been much misleading talk about the quantity of liver that would have to be ingested for harmful exposure to DES and the statistical chances of a person being so exposed. I say "misleading" because our most knowledgeable scientists in the area of cancer-causation tell us that no one today can say how much or how little of a carcinogen will produce cancer in humans. On this basis, it is idle and foolhardy to speculate, especially when the resulting cancers will probably not become evident in an individual until after a decade or more. I have seen for myself, at the National Institute of Environmental Health Sciences, cancers that developed in experimental animals in their middle years after a single exposure to a carcinogen during their infant or foetal stage. It was a sobering experience.

The law, moreover, does not permit residue tolerances; no amount of a carcinogen, no matter how small, is permitted in meat.

The suggestion has also been made that the elimination of DES from animal feed would result in a large increase in the price of meat. While economic considerations are completely extraneous to the regulatory requirements under existing law, I think we should also address

ourselves to this question. All of us are concerned about inflation.

What are the facts? On the basis of a detailed economic study made by the Department of Agriculture at the subcommittee's request, it is estimated that the added cost that would result from the elimination of DES would amount to about \$3.85 per year per person. This figure is based upon an added cost of 3½ cents per pound and an average annual consumption of 110 pounds of beef per capita.

I do not know whether anybody has or has not developed cancer from DES residues in meat. I do not believe anyone really knows. But what I do know is that cancer mortality rates are on the increase and we do not know why. We do not know how these carcinogens act on the body cells to render them cancerous. That is precisely why Congress enacted the Delaney clause—to protect the public in the absence of such knowledge.

Under these circumstances, would the consumer, if the facts were made known, choose to risk exposure to a cancer-causing drug for the sake of saving \$3.85 a year? I think not.

It should be noted, also, in this connection, that the United States has a huge surplus of grain so no shortage of animal feed is in prospect, and, further, that industry is presently working on the development of new safe additives to increase feed utilization in the production of cattle and sheep. I might add that to the extent that additional grain is fed to livestock instead of stored in surplus stocks, the cost of Government price-support programs will be reduced. We should recognize, too, that in the absence of DES, all domestic cattle and sheep producers would be in an equally competitive position.

In summation, Mr. Speaker, I think it is highly improper for the FDA Commissioner to initiate a revocation action for fact-gathering purposes and to act contrary to the assurances given in testimony before the Intergovernmental Relations Subcommittee that he would ban DES if the residues situation did not improve.

Frankly, I find this situation deeply disturbing. It is hardly surprising that public opinion polls disclose widespread distrust of Government, when high Government officials resort to subterfuges to avoid discharging the duties entrusted to them. If the FDA does not act responsibly to enforce the law and enforce it expeditiously in this and other similar matters, I believe the Congress will have no alternative but to take firm corrective steps to protect the American people.

JOHN PAUL VANN

The SPEAKER pro tempore (Mr. MOORHEAD). Under previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 60 minutes.

Mr. MONTGOMERY. Mr. Speaker, John Paul Vann was killed in the service of his country on June 9. He died as he had lived, giving his full effort and total

commitment, without thought of personal safety or consideration. He had devoted the greater part of his adult life to Vietnam, and, knowing this man, he would never have thought of leaving. He wanted to be with the action, and he would never have left a job before finishing it. He died in Vietnam, and our country and the Vietnamese have suffered a great loss. He was an extraordinary man, and the epitome of the word "patriot." It is almost trite to say we shall not see his like again, but his countless friends, American and Vietnamese, are tragically aware of this bitter truth.

John Vann was born in Norfolk, Va., in 1924. He received his B.A. at Rutgers and masters from Syracuse. During World War II, he first entered as a private in 1942, then was commissioned in the Air Force and served as a B-29 navigator in the Pacific. Following the war, he was given a regular commission in the infantry and served in Korea and Japan. He came to Vietnam in 1962 where he served as adviser to the 7th Division of the Vietnamese Armed Forces, in the Mekong Delta, south of Saigon.

It was here that Vann's penchant for keen analysis and blunt speaking first came to the fore. He saw serious flaws in the South Vietnamese military structure and performance in his area of responsibility. Never one to hide his feelings or thoughts, he spoke out loud and clear to whoever would listen about what was wrong and what he thought needed to be done. He felt his message was not heeded, and he resigned from the Army in 1963. Later events in Vietnam showed the correctness of his judgments, a scenario frequently repeated throughout his career. Many people have been angered by his frank talk, but since he was so often proved right, there was little they could do.

Following his resignation from the Army, he spent several years in the United States, traveling and lecturing on Vietnam. He returned to Vietnam in 1965 as a civilian adviser with the Agency for International Development. He thus embarked on a career which was to make him intimately familiar with three of the four major corps areas in Vietnam. He was the leading civilian adviser in military region III, which surrounds Saigon and is highly significant, militarily and politically. He then returned to the delta, where he had started but this time in a better position to put his ideas and philosophy into practice. He was the top American civilian here too. And finally, in recognition of his unique combination of military expertise and grass roots knowledge of the Vietnamese country and people, he was named senior advisor to the second military region, with full responsibility for both military and pacification matters. This was the position he was filling so valiantly when he died. In addition to the Medal of Honor he was posthumously awarded, Vann in 1969 received the Distinguished Honor Award and the Christian Herter Award.

What were the qualities that made Vann so effective in Vietnam? Why have his predictions on the course of events in that complex nation proved so often ac-

curate? On my regular trips to Vietnam, I had the occasion to meet John Vann many times and I tried to isolate his special qualities. He had, first of all, the necessary military knowledge and experience in a situation which is governed to a large extent by military factors. But there have been many brave military men in Vietnam. Without reflecting on them, what distinguished Vann was his extraordinary dedication, knowledge, capacity for hard work and ability to inspire his subordinates to similar efforts. Vann was that rare bird, a sound military man with a keen understanding of the Vietnamese and their convoluted, intrigue-filled politics. With his unique combination of knowledge and ability to translate it into action, he could make realistic judgments and do something about them. He was of course extremely knowledgeable about the pacification program, the necessary supplement to our military effort. Vann's unfailingly realistic and hard-headed comments, his firsthand knowledge of every aspect of the program including its impact in Vietnamese terms, and his suggestions for improvement made a major contribution to this unique effort.

He did not speak Vietnamese, but he had more Vietnamese contacts and friends than many Americans who did. He was able to draw on these links with various levels of Vietnamese society to make his judgments on what the Vietnamese were thinking and how they were reacting to stimuli; ours, the South Vietnamese Government's, the enemy's. Again his judgments were almost always on the mark. As I indicated earlier, he was able to inspire his subordinates with his own zeal and unflinching dedication. As a result, he used those around him as additional eyes and ears to the Vietnamese.

He always found competent, alert young officers from various agencies to work for him, and he tested his judgments against theirs. His sources of information and the breadth of his knowledge about Vietnam were a constant source of amazement. Vietnamese, accustomed to Americans who stayed only a short time and who gained only superficial knowledge of the country, recognized his knowledge and respected it. They also sensed his genuine admiration and friendship for Vietnamese and the depth of his commitment. It goes without saying that he was as frank and honest with them as with all others.

This combination of experience, intelligence, dedication, and ambition made Vann not only an extraordinary public servant, but a memorable, remarkable man. He exemplified the laudable goals and the idealism in the often criticized American effort in Vietnam. Vann never lost faith. Through all the difficult years, despite all the obstacles and reverses, he saw what the United States was trying to do and should do, often before his perceptions received official sanction. He never faltered in his judgment that we should be in Vietnam, that the Vietnamese deserved our support and that our joint cause would prevail. His was not a soft, wishful optimism, however.

He never hesitated to speak his mind, and his comments were sometimes dis-

tasteful to Americans and Vietnamese alike. Unpalatable as his actions may have occasionally been, they stemmed from his devotion and uncompromising search for excellence. He was not the most popular man in Vietnam, but he was certainly one of the most respected.

He was one of the most consistently vocal of those Americans who decried an overly possessive and active role by the United States in Vietnamese affairs. He realized that the Vietnamese had much more capacity to get the job done than many impatient Americans gave them credit for. He saw that for our side to prevail, the Vietnamese would have to do more and that the Americans would have to stop trying to run the show. He saw the essence of Vietnamization, that it is their country and that they must take the actions and have the determination to save it. He was in fact an exponent of what is now called Vietnamization, long before it became our official policy. It was a seemingly simple truth, but one very difficult to grasp and apply in the frenetic, charged atmosphere in Vietnam. It is to his credit that he held to this philosophy through all the years when the current of events was against him. He was, again, shown to be right.

It is ironic now to realize that Vann, as previously, was going against conventional wisdom when he died. He was out of step, it seemed, back in 1962 when he warned against Vietnamese weaknesses. He was similarly prescient, when it was unpopular to be so, prior to the Tet offensive of 1968. And, just before his death, he was again defying the easy analysis. He thought, and documented his opinion with hard facts, that the South Vietnamese had improved a great deal and could, in fact, turn back their foes. This is, apparently, an unpopular view to have today. But more and more people, as they survey the course of the current offensive, are beginning to realize, albeit reluctantly, that John Vann, once again was right.

In a circulated letter to his friends, dated April 12, he predicted, at the very outset of the offensive, that the North Vietnamese would fail in what he called their "desperation attempt." He predicted that the enemy offensive would result in a South Vietnam "increasingly stronger than North Vietnam and better able to maintain its viability." And, as always, John Vann did not hedge and did not equivocate. He stated his views in clear, concise, uncompromising language and took full responsibility for his judgments. He ended his letter by saying:

I stand ready to be challenged on the foregoing analysis by the events that take place subsequent to this date.

Two months later, his predictions have proven remarkably accurate.

John Vann died as he lived, going at full speed, without compromise and without sparing himself. He died, as he lived, totally fulfilling his commitments as he saw them. He would probably wish no other testimonial than the assurance that this country will do what it has to do in assisting the South Vietnamese to defend themselves against a cynical, blatant outside aggression. It is what he gave his

life for. I am confident we will not betray his memory.

I wish to salute this outstanding public servant and human being. His contribution was immense, the stamp of his personality enduring. He was an honest man, intelligent, and dedicated. We will sorely miss him. We need and will need others like him. They are not easy to come by.

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

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

Mr. SCHWENGEL. Mr. Speaker, I am glad the gentleman from Mississippi has taken the floor in behalf of John Vann. I knew him, also, in Vietnam. I was over there with a group of people to make evaluations and studies and to try to analyze that problem. No greater help came to us there than the help we got from John Vann.

The gentleman has stated it for the RECORD correctly when he has said this man really understood the real problem there. It truly is unfortunate he is not alive any more, because he understood the problem. Had we listened to him from the beginning we would have saved thousands of lives and the South Vietnamese would have been in shape to fight their own battle long ago, and a lot of other problems which persist there would have been solved, also.

I am very glad to associate myself with the gentleman's remarks, and I commend the gentleman for taking the floor and putting in the public record the magnificent record of this great and fine man who was so devoted and who did contribute so much.

It is a privilege to participate today in this tribute to John Paul Vann. A man with foresight and great determination, he never wavered from his purpose of providing a rational and realistic base to American involvement in Vietnam.

To his great credit he recognized the true nature of the Vietnam conflict far in advance of most people, but particularly his military colleagues. Resigning his commission in 1963, he, in many respects, was one of the first to protest the manner of American involvement in Vietnam.

But John Paul Vann was not content to sit on the sidelines. Instead, he worked within the system to seek the changes needed. He has been vindicated. His analysis of the situation and his prescriptions were right on the mark. What is tragic is that it took his country so long to recognize he was right.

Men like John Paul Vann are never replaced. They leave a void that can never be filled. What they leave us is a heritage from which we must learn. Let us make sure we do not ignore the lessons John Paul Vann taught us.

Mr. MONTGOMERY. I thank the gentleman for his comments. I am familiar with what the gentleman from Iowa says, for he did go to Vietnam and he has taken a task force over there. He did know this great man John Vann.

I certainly agree with what the gentleman says, that probably, if we had listened to John Vann more back in

1966 and 1967 we would have been in better shape on the war in Vietnam.

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

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

Mr. CRANE. I thank the gentleman from Mississippi for yielding.

I want to take this opportunity to congratulate the gentleman for his thoughtfulness in taking this special order to comment on one of the really authentic heroes to come out of this Vietnam conflict. This is not to take anything away from the many other heroes of whom we are aware, who have served faithfully and dutifully in Vietnam, but I believe in the case of John Vann one would be hard-pressed to come up with an example of anyone who gave more in behalf of the people of South Vietnam than John Vann did.

This is abundantly clear, I know, to the gentleman from Mississippi, because of the many trips he has made there, probably more than any other Member of the House.

So it is quite fitting and proper that the gentleman should take this special order, for us to have an opportunity to add our little bit to his very proper and fitting remarks in behalf of John Vann.

With the exception of "The Green Berets," the Vietnam war, unlike our other 20th-century wars, has not resulted in the production of any movies. Apparently, owing to the passions generated by this confusing and complex conflict, the movies will have to wait until the war has ended.

Surely, there are a wealth of fascinating stories of valor, intrigue, and romance attending this war as there have been in any war. Wars inevitably elicit the full range of human behavior—from cowardice to bravery, degeneracy to humanity, hate to love.

Hopefully a movie will someday be made of the life of John Paul Vann. A James Cagney personality will have to be cast in the lead role. James Cagney comes quickest to mind when one thinks of a Hollywood personality who comes closest to embodying the qualities of John Vann: short, wiry, dynamic, single-minded, occasionally abrasive, fearless, outspoken, dedicated, and deeply human.

I first met John Vann by accident. I was flying from Saigon to Con Son Island. It was the rainy season and after several unsuccessful attempts to find the landing strip at Con Son in the heavy downpour, we elected to fly over to Can Tho to wait out the rain.

The American officials accompanying me suggested that I take advantage of this departure from our itinerary to get a briefing from John Vann, who was headquartered at that time in Can Tho. Vann was in charge of pacification for the Mekong Valley area.

There was respect and a certain amount of awe in the attitudes of my companions as they described some of Vann's exploits while we were flying from Con Son to Can Tho. At that time Vann had been in Vietnam—off and on—for 8 years, perhaps longer than any other American.

His early years were spent in uniform. But in 1963, owing to disagreements with superiors over our Vietnam policy, Vann resigned from the Army with the rank of lieutenant colonel. He returned to the States for several years during which time—among other things—he secured a Ph. D. on the subject of Southeast Asia.

In 1965 he returned to Vietnam in a civilian capacity working with the Agency for International Development. By late 1967 he was in trouble again, this time for contradicting the views of superiors in Senate testimony when he insisted that Saigon was not secure from enemy attack. Owing to these disagreements, Vann submitted his resignation which was on the desk of his superiors when the Tet offensive was launched. Vann stayed on.

In fact, he was promoted. Placed in charge of our pacification program in IV Corps, Vann was the only civilian in charge of both military and civilian efforts at pacification of an entire corps area in Vietnam. He rapidly distinguished himself.

During these years he had many brushes with death. He was shot several times—both as a military man and a civilian—he was shot down from a variety of aircraft, and once he almost died from stomach poisoning. The number of hair-raising close calls Vann experienced probably developed in him a certain fatalism. He was notoriously incautious in his work in Vietnam.

When I arrived at his office after our plane landed at Can Tho it was close to lunchtime. He briefed me in his office and then suggested that we drive up north to the village of Omman where he explained they served the best Chinese soup in the area.

Dodging heavy Army trucks and pot-holes big enough to swallow up a Honda, we presently found ourselves on a deserted ribbon of blacktop highway that separated rice paddies and occasional Vietnamese hootches.

After hearing so many stories of Vietcong ambushes, I was nervously watching the tall grass on either side of the road half expecting to be shot at. I asked Vann about the prospect.

It's safer than riding through any big city back home.

He said confidently:

Oh, last week a village official was murdered several miles west of here and that sort of thing persists, but look at the number of murders that go on in New York City every day.

He did concede that his white, American-made car did provide a more conspicuous target than the Toyota which he owned and drove in the past. In fact, he acknowledged that his official car had been hit with gunfire. But Vietnamese tariffs made it too costly, he felt, to continue to use his own Toyota, so he chose to run the risks involved in using the company car for business.

He took delight in showing me the TV antennas sticking out of the primitive dwellings as we passed.

He said:

A year ago you wouldn't have seen this.

He commented on the economic revolution caused by American construction

of roads, such as the one we were traversing.

Vann noted:

The roads, coupled with the Hondas you see everywhere, enabled the farmers in the area to get out from under dependence upon the middleman.

The farmers now have transistor radios and they listen to rice quotations in Saigon and Can Tho. They then seek the best market for their rice without having to sell to a middleman on his terms as they were forced to do before we built the roads.

Vann considered this development, coupled with the introduction of "Miracle Rice," a primary reason for the fall-off in Vietcong recruiting.

Van said:

Why should a fellow pick up a rifle to fight the government when all around him he sees the opportunity to achieve the good life?

After driving for about half an hour we entered a small, typically dirty village, Vann said:

This is Omman.

I was somewhat taken aback, for when Vann suggested lunch, I assumed we would be visiting some restaurant approved by the U.S. Government or else a restaurant on an American facility. Instead, we drove straight to the village square and parked.

There was a large, open-air market and restaurant with just a roof to protect customers from sun and rain. We sat at a coarse wooden table and Vann ordered for us. Just beyond our table was an outdoor stove and kitchen. An ancient mama-san, with several teeth missing, was the cook. I watched, with no little apprehension, as she chased flies off the meat and vegetables that had been sitting out in the open before she scooped them up with her bare hands to throw into our soup bowls.

Vann read the apprehension in my glance.

He said:

Don't worry about germs, the boiling water she pours over everything kills all the bugs.

The steaming bowls were set in front of us. Then a waiter brought us chop sticks from an adjacent table. To clean them from use by other customers, the waiter simply wiped them off with a paper towel.

Vann said:

Just swish them around in the soup to sterilize them.

Which I did, and, while we dined, Vann waved to several Vietnamese friends and chatted briefly with others whom he recognized. It was as friendly and informal as a small-town mayor in the States stopping into the restaurant on the village square and waving salutations to his neighbors. And Vann manifested the proprietary interest and pride in his community that any mayor back home would have.

The next time—and the last time—I saw John Vann was in August of 1971. I was only going to be in Saigon for 24 hours on this trip and a good friend arranged a dinner party for me. He had asked me, before I left Washington, if there were any special guests I wanted

to invite to the dinner. One of the people I wanted most to talk to was John Vann.

Since my trip of the year before, Vann had been moved up to II Corps. As the American withdrawal proceeded apace, the vulnerability of II Corps was obvious. The terrain is mountainous, the area sparsely populated, and it is readily accessible to North Vietnamese invasion down the Ho Chi Minh Trail. John Vann was given the assignment of duplicating his pacification successes in IV Corps. Vann tackled the assignment with the same energy and optimism he had brought to his job in the Mekong Delta.

I wanted to talk to Vann because of his reputation for outspoken candor and honesty. Beyond this, I was eager to get his appraisal of Vietnamization in II Corps. Finally, I looked forward to the privilege of another visit with this remarkable man.

My dinner host explained to me that Vann would probably be unable to attend since it was the eve of the congressional elections in Vietnam and the Vietcong had promised trouble. But Vann was there and he remained for the entire evening. As usual, some of his views did not coincide with others present. But he was convinced that Vietnamization was working and he was confident that his pacification achievements in IV Corps could be duplicated in II Corps. John Vann was one of those men for whom the impossible only requires a little time. He obviously thrived on challenge and had a respect and esteem for the people of South Vietnam in their struggle. He was a driver, but one got the impression that he never demanded as much of others as he did of himself.

Then the massive invasion by North Vietnamese regulars began this spring. Predictably, II Corps became the scene of some of the major fighting, particularly at Kontum. John Vann, equally predictably, was in the thick of the fight. He was determined to prevent the North Vietnamese from overrunning his city.

A Time correspondent wrote just before Vann's death:

There is nothing else for him now, but the saving of Kontum. Like a French colonial, he has no real ties any more with home. He will live out at least the last of the creative part of his life in Indochina.

Within days after these lines were penned, John Paul Vann was dead at the age of 47. Many have lived longer. Thousands of other Americans died much younger in Vietnam. All who served have made contributions in varying degrees, but one cannot imagine any American putting more of his creative talents and energies into the effort to, as John Vann himself said: "Bring some reason and justice to our effort."

The freedom-loving people of South Vietnam have lost one of their best friends. America has lost one of its finest sons. Mankind is richer because of John Paul Vann, but the quality of life is diminished with his passing.

ON HATING VICTORY

By Joseph Alsop

By a cruel irony, a friendly letter from John Paul Vann arrived last Tuesday. Four full days earlier, the tragic news had come that Vann, the single most experienced and

prescient American in South Vietnam, had been killed in a helicopter crash in line of duty.

This, then must have been one of the last letters written by this wonderfully brave and patriotic man. (He always handled his own private correspondence, in a rather crabbed long hand, and always at the end of one of those long days of dangerous work in the field that would have put most younger men to bed for a week. The letter also had a wider message, so those parts which are not overly personal deserve reproduction.)

"It is true," wrote Vann, the American organizer of the defense of Kontum, in the central highlands . . . "We're going to hold Kontum . . . The enemy is beating himself to death against it . . . the best defense of Pleiku (the main position in the highlands) was to hold Kontum. We got (the reinforcement of Kontum with the 23d ARVN Division) accomplished just one day prior to the enemy's opening assault . . ."

(Here followed technical and detailed estimates of enemy losses, amounting to the equivalent of close to a division at Kontum and two and one half North Vietnamese divisions, over all, since mid-February in Vann's II Corps area.)

"My 12 April predictions (of enemy defeat, already reported in this space) are holding quite well . . . And they were made without the certainty of the tremendously courageous and timely decisions by the President (concerning the North Vietnamese ports and the bombing, obviously). With those decisions, I now have absolute certainty that (the Hanoi leaders have) committed a blunder equal to or greater than that of Tet '68. . . ."

"Barring a negotiated settlement at Paris, the enemy has had it—and will constitute a credible threat for several years hence, which will then be irrelevant."

The letter closed, heart-breakingly, with word that John Paul Vann could not be in Washington "in July . . . could not afford to miss the (a planned counter-offensive) we're going to have that month." One day after John Vann's letter, still another came from the chief American in command on the approaches of Saigon, Maj. Gen. James Hollingsworth. Gen. Hollingsworth, another exceptional American, was reporting on the failure of the North Vietnamese siege of Anloc.

"I would think the enemy is fully aware of their total disaster," he wrote. "Two and two thirds divisions (of North Vietnamese troops) is one helluva rent to pay for 25 per cent of a small, inconsequential province capital for less than 30 days occupancy by two battered companies."

That letter arrived simultaneously with the news of the final relief of Anloc in the morning papers. As the letter was being opened, a smooth-faced young man on the Columbia Broadcasting System's morning news program was telling the world all about Vietnam. One listener wondered idly how much of danger, and indeed, how much of his country's service, this young man had seen.

At any rate, he sounded quite as sure of himself as Vann or Hollingsworth, when he told his vast audience that it began to seem Hanoi had made a voluntary decision to call off the big offensive. The idea, was, of course, that there had been no North Vietnamese defeat at Anloc; that Hanoi's leaders had just said to themselves, "Oh, shucks, why not call it a day?"

Of course Hanoi's leaders have not said that, at least not yet.

By all the signs, despite the hideous North Vietnamese losses and heavy defeats, there are still battles to be fought. Battles can always bring bad news. Ad interim, however, even the newspapers utterly failed to convey how good the news was from Anloc.

ARVN's feat at Anloc appears more and more admirable, the more one learns. It was a resolute, unyielding defense of a wretched perimeter about a thousand meters square, under much heavier artillery and infantry attack than the French suffered at Dien Bienphu.

Suppose, in contrast, that Anloc had fallen instead of holding. That would have been made to seem truly catastrophic. In short, there seem to be some people in the woodwork who positively hate news of victory.

John Paul Vann was a soldier and a diplomat. He knew that the enemy had to be defeated on the battlefield, and he also knew that the peace had to be won by developing in the South Vietnamese people the confidence and ability to order and defend their own country.

In its statement concerning his tragic death, the White House called him "a truly extraordinary public servant." It declared that:

For more than a decade he worked tirelessly in the forefront of our efforts to achieve an honorable peace in Southeast Asia, and to bind up the wounds of its ravaged people. . . . There he has now given the last full measure of devotion.

In an age when we hear so much of demonstrators and protesters, of those who care so little about the fate of countries subjected to attack by the forces of aggression and tyranny, the virtues of men such as John Paul Vann shine ever brighter. We must see to it that we do not break faith with such men, that their sacrifices have not been in vain. Their lives are a challenge to us and, hopefully, we will rise to meet it.

Mr. MONTGOMERY. I thank the gentleman from Illinois for what he has said.

I might say, Mr. Speaker, at the suggestion of the gentleman from Illinois I did take the special order, and I do thank him for his comments.

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

Mr. MONTGOMERY. I would be glad to yield to the gentleman from California.

Mr. GOLDWATER. Mr. Speaker, I would like to take this opportunity to commend the gentleman for taking this special order also and to pay tribute to the fine American, John Vann, a man with great insight into the problems that we and all the world face in Southeast Asia. Certainly if we had paid more attention to his words of wisdom perhaps the turn of events would have come sooner. I would like to take this opportunity also to commend the gentleman for his fine works of tribute to a great American.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from California (Mr. GOLDWATER) for participating in this special order.

Mr. COLLIER. Mr. Speaker, the tragic death of Col. John Paul Vann is a grievous loss that will be felt not only by the people of America and South Vietnam, but by the entire free world. Not only free men but those in occupied countries who yearn to be free will suffer because of his untimely passing.

Colonel Vann spent nine of the last 11

years in South Vietnam, having first arrived there in 1961. He was, throughout his years of service there, a courageous and dedicated soldier who inspired and encouraged those who were joined with him in the effort to drive out the invaders.

Colonel Vann remained at his post of duty and made the supreme sacrifice while lesser men dodged the draft and fled the country.

Just before his death in a helicopter crash, Colonel Vann expressed his optimism that the war would soon be over, that America would win a final victory over its enemies, and that the cause of freedom for small as well as great nations would be advanced. He was concerned, however, that the victory achieved in battle might be frittered away at the peace table. Let us hope that his optimism for victory on the battlefield will be sustained and that his pessimism regarding defeat through negotiations will be proved groundless.

Mr. Speaker, I want to express my sympathy to those who survive Colonel Vann. May the rest of us prove worthy of his sacrifice, may others be inspired by his example, and may the enemies within our gates be shamed into silence.

Mr. DERWINSKI. Mr. Speaker, I join the many members who are participating in this special order to commemorate the outstanding service that John Paul Vann performed in the service of our country and that of freedom of South Vietnam. His death in combat was extensively reported by the press and his career in Vietnam recalled in substantial detail. I believe that it is proper this afternoon that we recognize the personal dedication to the cause of freedom that Mr. Vann's career exemplified. He recognized the complications in foreign policy, the internal difficulties within South Vietnam, but above all else he recognized the determination which the North Vietnamese Communists pursued their goal of conquest of the south.

He served for approximately 11 years in civilian as well as military positions in South Vietnam. It is obvious that he was dedicated to seeing that the basic goals of the United States and that of South Vietnam—the development of a viable country free from Communist aggression—was a goal worth his constant effort.

Too many brave Americans who have given lives, suffered permanent wounds, or served in South Vietnam have not received the respect and appreciation from their countrymen as have our military heroes in previous wars.

Perhaps in commemorating the dedicated service of John Paul Vann this afternoon, those Members of the House who are participating in this commentary are also speaking of the positive role of the military and civilian and military advisers in South Vietnam. Quite apart from the dispute over policy, we should be proud of the individual Americans who have served and in so doing exemplified the spirit that makes America a great country.

John Paul Vann died for this country in the cause of freedom. I join other Members here this afternoon in extending my deepest and sincere sympathy to

members of his family in their loss and bereavement.

Mr. ROBISON of New York. Mr. Speaker, it was with far more than passing regret that I noted, a few days ago, the death of John Paul Vann—a brave American and dedicated patriot who fell inevitable victim, finally, to the very forces he had so valiantly struggled against in Indochina for the past decade.

My acquaintance with this legendary figure was brief, but most memorable. When I was in South Vietnam in June of 1970 with the gentleman from Mississippi (Mr. MONTGOMERY), it was my privilege to spend an entire day with former Colonel Vann—first listening to him welcome and brief a new contingent of U.S. civilian advisers who had just arrived in South Vietnam to work with Mr. Vann and South Vietnamese officials on one aspect or another of the Vietnamization program of which Vann was a major architect.

Later that same morning, Vann and I—accompanied only by an unarmed civilian interpreter—rode by jeep all the way down Route 1 in the delta region from the city of Can Tho to the village of Ca Mau, where the highway ended for all intents and purposes. This was a trip of perhaps 150 to 175 miles, and through country that, until only lately, had been unsafe for American travellers even in daylight hours unless they went under heavy military escort. I was the first Congressman to venture such an experience, and I have always suspected that Vann undertook to take me—as a more or less willing guinea pig—to prove his point that both Vietnamization and its corollary pacification program had succeeded in the delta, and could be made to succeed elsewhere throughout South Vietnam.

He pointed out to me, along the way, the spot where a few months earlier he had been ambushed, and shot off his motorbike, in broad daylight—an anecdote which, in the telling, gave me some temporary pause as to my situation, but which his complete air of assurance quickly dispelled. We went freely into and through several village areas—walking, still unescorted, along village streets and into several shops and marketplaces where I talked, as best I could through the interpreter, with the natives. We visited a number of province chiefs, as they are called, and I had an opportunity to have extended discussions with several of them as to their problems and challenges, as well as to try to understand from their American advisers what the military and political situation was in their provinces.

We had an extensive lunch with one such province chief, and then drove like mad—for Vann never did anything halfway—the rest of the way down a rapidly deteriorating highway, in the inevitable afternoon downpour, to Ca Mau where we spent several hours with that province chief of whose recent successes in restoring order to his area Vann was especially proud. Later, there, we were met by helicopter which Vann took over from the Army pilot and, himself, flew back to where we would meet the rest of our group for dinner and the evening.

But the best part of the trip—and the

day—Mr. Speaker, was to have this chance to talk with Vann, alone, as I did, about his so firmly held viewpoints concerning the military mistakes the United States had earlier made in Vietnam, how those mistakes could be and were being corrected, and how it was necessary for us to carry on along the lines that Colonel Vann, himself, had in such large part laid out.

There is much that is tragic, Mr. Speaker, in our whole Vietnamese experience, and one supposes that in that context one more human life lost does not mean very much. And, yet, I also believe that it was an additional tragedy—for all of us—that John Paul Vann, who did his level best to set our feet on the right course in Vietnam, did not live to see, if any of us do, the justification for and success of his theories.

I extend my personal sympathies to Colonel Vann's family, and to his countless number of grieving friends and admirers, on the occasion of this great soldier's death and I hope it can be eventually written that he did not die in vain.

Mr. WAGGONER. Mr. Speaker, last week an official North Vietnamese statement on the death of John Paul Vann characterized him as perhaps the cruelest of the American advisers in Vietnam. A man who deserved to die. These are harsh words for a fallen foe but in a sense they comprise the greatest tribute possible to a man who spent 11 years in Vietnam in both military and civilian capacities. A tribute in that John Vann was beloved and respected by South Vietnamese and Americans alike because of his great courage, human compassion, and constant devotion to duty. These qualities in conjunction with an incredible insight and understanding into a war not meant to be understood made him so remarkably effective as an adviser that he achieved a position as the third most influential American in Southeast Asia. In addition he became such a legend among his enemies that even in death they could feel only bitterness toward him.

A recent example of his devotion and tenacity was successful direction of the effort to hold Kontum against overwhelming odds. He held to it as he held to the conviction that defeat in Southeast Asia would have catastrophic repercussions for the United States. He could not tolerate the idea of the South Vietnamese under Hanoi's control. To the prevention of such a tragedy John Paul Vann committed his mind, his body, and his life. It is one of the tragedies of all time that it takes a war to recognize the talents of such a truly great American.

I extend to his family, friends, and other fellow Americans my heartfelt sympathy in this time of grief. His loss like that of the thousands of others who have made the same sacrifice will be felt throughout the free world.

Mr. EVANS of Colorado. Mr. Speaker, the United States has lost a true patriot. John Paul Vann was undoubtedly one of the most knowledgeable American officials in Vietnam in addition to being one of the most experienced. When it came to a strong sense of commitment, there are few who can surpass the commitment of John Paul Vann.

The Rocky Mountain News said of Vann, "He was utterly fearless." Now that the U.S. role in the war in Vietnam has been winding down to that of an adviser, the tough little man who called Littleton, Colo., his home, was destined to play an even bigger part. As the senior U.S. adviser in Vietnam, his work there was becoming more and more important. And also more dangerous.

John Paul Vann's daughter, Mrs. Patricia Buhl, lives in my hometown of Pueblo. I am enclosing a copy of a newspaper story that appeared in the Pueblo Star-Journal and Chieftain on June 11, 1972, in which Mrs. Buhl remembers John Paul Vann as a father and as a dedicated human being. I am also enclosing an editorial from the Rocky Mountain News.

I only hope that his family will have the comfort of knowing that the job he did was a job well done. Mrs. Evans joins me in extending our sympathies to John Paul Vann's family. The material follows:

[From the Pueblo (Colo.) Star-Journal and Sunday Chieftain, June 11, 1972]

PUEBLOAN, DAUGHTER OF KILLED ADVISER, RECALLS HIS SPUNK

(By Bill Racine)

"I still have a hard time believing he's dead. I have a feeling that I'll see him again."

"He's been in so many close calls that I keep thinking I'll wake up and it'll all be a mistake."

But it won't be that way at all.

John Paul Vann, 47, senior American adviser to the Vietnamese Second Military Region, a man who had spent 11 years in the Vietnam war, died Friday in a fiery helicopter crash near Pleiku, South Vietnam.

Mystery still surrounds the crash. Officials aren't certain if the helicopter in which he was a passenger along with the pilot and another American adviser was shot down by North Vietnamese gunners or whether there was a mechanical malfunction. Vann was investigating the military situation in the Pleiku area.

MORE MYSTERIOUS

Mrs. Patricia Buhl, 58 Scotland Road, in Belmont, daughter of Vann, hard-pressed to believe that her father is really dead, said the crash was all the more mysterious to her because she had always understood that he made it a practice of flying his own aircraft. He often told the family that he never went anywhere unless dozens of checks, both of the aircraft and of personnel on the ground, were made.

Jack Buhl, while roughhousing with his son, Josh, 3, told of one narrow escape. Vann had just boarded a military plane for a return flight to Vietnam when he was called off the aircraft for a routine passport check. The plane left without him and later crashed, killing all personnel aboard. The death list carried Vann's name, but he had just telephoned his wife and it all turned out to be a mistake.

Vann, who knew and reported to President Richard M. Nixon frequently as well as other top American officials, predicted in 1960, to his daughter, Pat, that Vietnam would become a household word in America.

Not that Vann was a staunch supporter of the war or of American policy. To the contrary, reported Mrs. Buhl. He wanted to present a report to the joint chiefs of staff in the early 60s about the military situation there (Vietnam), that we shouldn't let it slide. She said she thinks he advocated bombing the North at that time, but he was refused an audience. He became so frustrated that he retired from the Army after 21 years and

went to work for the Martin Marietta Co., south of Littleton.

"STRONG COMMITMENT"

But, according to the Buhls, he just couldn't get Vietnam out of his blood. "He was such an energetic and dynamic man," said Mrs. Buhl. "He just had a strong attachment and commitment to the Vietnamese people."

"Once," she related, "a close friend of his, a roommate, was captured and became a POW (prisoner of war). He was so upset and concerned. He always kept in touch with the prisoner's family here in the States."

Beside offering hope and encouragement, Vann was a diplomat.

Buhl, still playing tag with his son, told of how his father-in-law would bring representative government down to the villages and hamlets of Vietnam by sitting down with the chiefs.

A duck would be caught, its head chopped off and the blood from its neck poured into a bowl. Then while the blood was still warm, Vann would drink duck's blood soup. He would make a pleasing sound and drink a second bowl.

"That was the way the people learned how to accept the Vietnamization program," explained Buhl.

Vann, who made the news frequently, wasn't talked about so much in the late '60s. But since the American adviser role is returning to the war with the withdrawal of American soldiers, Vann's highly specialized work became more important, thereby sharply increasing the danger for him.

It was characteristic of Vann to get involved, especially with his family.

KEPT IN CONTACT

"He had a remarkable quality to keep in contact even while he was half way around the world" said Mrs. Buhl.

She broke off into another story about her father. "When Peter, my brother, was 3, he nearly died from what was described as hepatitis. The doctors said he was dying, that they could do nothing, that funeral arrangements should be made."

"Well, my father became furious. He flew Peter to a Boston hospital, and literally pounded on the door with his fists and actually begged the doctors to help Peter," she said.

"It was only because a doctor's patient had died that they could help him. There was something about scheduling involved. They found an obstruction; Peter lived. I'll just never forget that about my father."

She explained how he went out at nights and sold pots and pans to pay the staggering hospital bills.

"FOUGHT HIS WAY UP"

"Persistence is where it all is. I guess that's how he got where he was," she said quietly. "He was born into poverty and he fought his way up. He always said he was being guarded by something. He had so many close calls with death."

Mrs. Buhl wasn't the only one to eulogize the memory of her father. The Air Defense Command in Colorado Springs released the following statement from Gen. William C. Westmoreland, Army chief of staff.

"It is with a profound sense of personal loss that I join with Americans across the nation and around the world in mourning the death of a devoted servant of freedom, John Paul Vann. . . .

"Strong imagination and loyal, Vann, by personal example, inspired countless men of the free world forces of many nations to make a full and complete pledge toward the defense against tyranny and aggression in Vietnam."

"He will be remembered as a man who lived up to his convictions and will be greatly missed by all who served with him."

Vann, who worked for the U.S. Agency for

International Development in Vietnam, earned a master's degree in business and had nearly completed a doctorate program. He commanded a ranger group behind enemy lines during the Korean War.

David Halberstam, New York Times war correspondent, author of "Vietnam Diary," used many references to Vann's important work in his book.

ADORED GRANDSON

But Mrs. Buhl didn't talk about her father's many interests and accomplishments. She kept looking at Josh, her son.

"My father planned to come to visit us here in Pueblo this summer. He just adored Josh." The boy is Vann's only grandson. "He wanted to come to see us and Josh and the new grandchild."

Mr. and Mrs. Buhl are expecting the arrival of their second child in a matter of days. They still don't know if they'll be able to go to funeral services. They are incomplete, but a service will be held in Denver. The body will be flown to Washington, D.C., for interment in Arlington National Cemetery.

Meanwhile, in Pueblo a young boy waits for his brother or sister to come into the world.

All young Josh knows is that his grandfather is dead, and that there will be no more toys from Vietnam.

[From the Rocky Mountain News, Denver, Colo., June 13, 1972]

JOHN PAUL VANN

John Paul Vann was a hero and a patriot. He first saw Vietnam in 1961 as a Lieutenant Colonel sent to advise a South Vietnamese division in the Mekong Delta. He quickly proved two things: He was utterly fearless, and he would never become a general in the U.S. Army.

A tough little man from the Virginia Piedmont and later a Littleton resident, Vann spoke his mind in blunt, rude terms to the press and his military and civilian superiors alike. The press loved it. The higherups did not.

He was not the careful team player who gets ahead in the military or in business. In 1963, he was forced to retire as a colonel. But Vann, who learned the psychology of the Vietnamese better than most, was fascinated by their struggle with the Viet Cong and in 1965 returned as a civilian adviser.

Vann's knowledge of Southeast Asia was employed in 1963 when he was recalled to the Pentagon to brief Henry Cabot Lodge on Asian affairs preparatory to Lodge's assignment as ambassador.

When he retired from the Army, he chose Colorado as his new home, serving from 1963 to 1965 as a marketing specialist for the Martin Marietta Space Center here. He dabbled a bit in politics here, serving as state co-ordinator for a Draft Lodge for President group. Later he switched to coordinating Colorado Republicans and Independents for Lyndon B. Johnson. Last Christmas he managed to get away to spend the holiday with his family in Littleton.

Vann became head of the pacification program in the Delta. He flew his own helicopter over the battlefields. He deserved and got much credit for Saigon's success in the country's richest rice growing region.

As a "reward" they made Vann senior advisor in Military Region II, the indefensible central highlands that the Communists could attack from the jungled mountains of Laos and Cambodia. Ironically, the post had always been filled by a major general.

He literally took over the war in the highlands. He called for the B52 strikes that decimated the enemy. He repeatedly exposed his helicopter to ground fire, so he would know where to send the bombers.

Vann always went to see for himself. Last Friday night he went once too often. Near an obscure South Vietnamese fire base that

needed help, his helicopter was shot down or crashed, killing him and two U.S. Army officers.

To North Vietnam's ambition to take Kon-tum and Pleiku, Vann's death is worth an extra division. To the South Vietnamese people he sought to help, it is a cruel loss. They are not likely to get another John Paul Vann.

Mr. SPRINGER. Mr. Speaker, John Paul Vann was a man who had the courage of his convictions in the strict sense of that much used, and much abused, term.

He believed that the South Vietnamese had the capacity to defend themselves provided they received the proper training and leadership. To this end, he devoted many dangerous years of service, both military and civilian, in Vietnam and in this cause he finally died.

John Paul Vann's death in a helicopter crash was not only a personal tragedy, but also a great loss for the country.

Mr. KEATING. Mr. Speaker, the recent death of John Paul Vann, America's top civilian adviser in Vietnam, certainly represents a tremendous loss for the people of the United States and South Vietnam. Both were the object of his devotion and service for many years, and it is not likely that he will be forgotten easily.

Many things have been written and spoken about this dedicated American citizen over the past several days, and almost everyone agrees that John Vann was one of the most widely respected and courageous Americans ever to serve in Vietnam. This is certainly quite an achievement in view of the many sacrifices which so many people have made during the U.S. commitment to that country.

In spite of the deep divisions caused in our Nation as a result of America's commitment to South Vietnam, John Paul Vann remarkably enough won the respect and admiration of persons representing all ideologies and points of view surrounding this conflict.

He was completely dedicated to the preservation of South Vietnam as a free and independent nation. At the same time, he pursued that goal with a deep and abiding compassion for the Vietnamese people—always cognizant of the importance of maintaining their allegiance, and always determined to assist in every way possible those who were the helpless victims of war.

John Paul Vann also won an enviable reputation among members of the press corps for his candid and knowledgeable assessments of military and political problems throughout South Vietnam. Many persons, in fact, came to regard him as the most reliable authority on any subject dealing with the war. No President, no Cabinet official, no newsman ever received an account of the war from John Vann which did not represent the situation exactly as he saw it.

The life of John Paul Vann certainly represents a proud chapter in the history of human achievement, as he achieved astounding successes in the face of tremendous obstacles. That he did so was partly a result of his intelligence, courage, determination, and frankness, and partly a result of his unwillingness

to compromise his basic convictions or his integrity. His successes were indeed great. But he has paid a heavy price for them.

Mr. Speaker, I am certain that all Americans grieve the loss of one of America's finest citizens. John Paul Vann is no longer with us, but his memory and his achievements will certainly endure throughout the history of our country.

Mrs. HICKS of Massachusetts. Mr. Speaker, the American people have noted with regret and sorrow the tragic death of John Paul Vann—a brave and dedicated public servant.

Mr. Vann, the Director of the U.S. Second Regional Assistance Group in South Vietnam, was killed in a helicopter crash in the central highlands of Vietnam serving as a civilian the Nation he once served so well in uniform.

As a young lieutenant colonel, John Paul Vann went to South Vietnam in 1962 as an adviser to the South Vietnamese Army. He early saw that the war was a Vietnamese war—one that had to be fought primarily by the people of Vietnam themselves. And he had the insight, perhaps novel at that time, to state:

This is a political war. . . .

His views were not popular with the official optimism of both Saigon and Washington in the 1960's, and he resigned from the Army in 1963—although he appeared to be at the beginning of a promising career that would have led inevitably to a general's stars.

A man of intense conviction—as well as deep moral and physical courage—John Paul Vann worked over the period of a decade to see that South Vietnam would not fall to the Communists. He saw the American role in South Vietnam grow from that of a few thousand advisers in 1962 to well over a half-million fighting men at the height of U.S. involvement in the late 1960's. And he saw that commitment gradually reduced as the South Vietnamese Armed Forces became able to bear the load of fighting their own war themselves.

His life was a short one—as lives are measured in years—but those years were spent serving, as best he knew how, the peoples of both his own beloved United States of America and the beleaguered but courageous Republic of Vietnam. His untimely death is a tragic loss to both nations.

Mr. KEMP. Mr. Speaker, I commend the gentleman from Mississippi, my friend, Mr. MONTGOMERY, and I join him in paying reverence to John Paul Vann. Those of us who have felt the John Paul Vann spirit will agree that his last conscious thought must have been outrage at the shortness of life while there is still so much to do. We will all remember the John Paul Vanns who maintain their courage, humanity, and loyalty in the face of great odds.

Mr. Speaker, I had the personal pleasure and high honor to spend a day and a half in the II Corps area with John Paul Vann whose character was definitely etched on the minds of the Vietnamese people whose lives he touched. To me, it was obvious in that short period of time that I was with him, he was that type of standup American who believed the real

solution to the war in Vietnam was in helping the South Vietnamese to build a nation and he was doing just that; trying to build a nation in the middle of a naked Communist aggression.

I take this moment also to extend my gratitude to my distinguished colleague from Mississippi (G. V. "SONNY" MONTGOMERY) who requested this special order so that we might all have an opportunity to remember John Paul Vann for his extraordinary contribution to the cause of peace and humanity in South Vietnam.

We, in this body, can look upon his accomplishments with renewed spirit to commit ourselves to our tasks with the same devotion to people that John Vann had for the people in whose service he has now given his life, both here at home and in Vietnam.

I wish to make part of my remarks at this point the eulogy of John Vann by Ambassador Komer.

EULOGY TO JOHN PAUL VANN

(By Ambassador Robert W. Komer, Former Chief Pacification Advisor in Vietnam (1967-68))

For me, as I suspect for most of you, it's hard to believe that John is dead. His mortal remains may lie here before us—but they can't evoke the courage, the spirit, the inexhaustible energy, the earthy vitality, the sheer gutsiness of the John Vann we knew.

To us who worked with him, learned from him, and were inspired by him, he was that scrawny, cocky little red-haired guy with a rural Virginia twang always on the run like a human dynamo, sleeping only four hours a night, almost blowing a fuse at least twice a day, knowing more than any of us about what was really going on, and always telling us so. And any of us with his head screwed on right invariably listened.

That's the John Vann we remember. He was a mighty controversial character—a role he played to the hilt.

I've never known a more unsparingly critical and uncompromisingly honest man. He called them as he saw them—in defeat as well as victory. For this, and for his long experience, he was more respected by the press than any other American official. And he told it straight to everyone—not just to them or to his own troops, but to Presidents, Cabinet officers, ambassadors and generals—letting the chips fall where they may. In fact, I was once told (and not in jest) to fire John Vann. I replied that I wouldn't—and couldn't; that in fact if I could only find three more John Vanns we could shorten the war by half.

But John was more than a talented AID advisor. In uniform or out, he was a born leader of men. Personally fearless, he never asked anyone else to do what he wouldn't do himself. He believed the role of a leader is to lead, regardless of risk. He was the epitome of the "can-do" guy. And I've never met one of the thousands of Americans who served with or under John who didn't look up to him. He educated and inspired a whole wartime generation of Vietnamese and Americans caught up in a tragic war—he was our colleague, our halshirt, and our friend.

But John's greatest achievement, and one which he fortunately lived to see come close to fruition, was to play a major role in shaping a more rational South Vietnamese response to internal rebellion and external attack. He passionately believed that the South Vietnamese could win their own war and that the belated pacification effort to which he contributed so much was essential to achieving that goal. For long a prophet without honor among his own colleagues, he ended up a widely influential member of the top U.S. advisory team—able to practice what he so ardently preached.

When I last visited him this February in

Kontum, Pleiku, and Binh Dinh, he felt we had finally achieved a high degree of security and development in the countryside, and was confident that Hanoi's pending employment of its only remaining option—bringing down the rest of its regular army from the North—would fail to reverse this trend.

John always saw clearly why he was in Vietnam—to help defend the right of the South Vietnamese people, whom he loved, to live in freedom. He probably knew more Vietnamese and worked more closely with them, sharing their trials and tribulations, than any other American. And he was more at home in the hamlets where he so often spent the night than in the offices of Saigon.

I am sure John died the way he would have preferred—in action, again putting his finger in the dike—en route to buck up the defenders of Kontum. In his last letter to me he forecast that Kontum would hold. As so often, he seems proved right.

It's also fitting that John should lie in Arlington, among our nation's fallen soldiers. For he was the highest type of professional soldier, whose last tour fulfilled his secret longing to be back in command of American troops. But John was more than a professional soldier—he understood as few did that firepower alone was not the answer to Vietnam's travail, and too few did more to protect and build. So let us hope that his real monument will be the free and peaceful South Vietnam for which he fought and died.

Yet, whether or not this tragic conflict ends with this aim fulfilled, all of us who served with John Vann will long remember him. He is not a man who will be easily forgotten. So we say farewell to one of the few authentic heroes of a grim unpopular war, respected by all who knew him. He gave all of himself to the cause he served, finally even his life. We shan't forget you, John. You were the best we had.

Mr. BUCHANAN. Mr. Speaker, for years John Paul Vann was the symbol of the efforts by the United States to bring a better way of life to the people of war-torn South Vietnam.

He became a legend in his time because of his courage and determination and because his efforts produced results to the benefit of the people.

As the senior American civilian adviser, John Vann was uniquely qualified to command. He had served in World War II, the Korean conflict, and later in Vietnam in the military. In 1965 he returned to Vietnam in a civilian role to work with the Vietnamese people to assist in defense and to work toward pacification.

His work there earned him the respect of the Vietnamese and of Americans on all sides of this controversial war.

John Vann's willpower and determination that his programs would succeed were contagious. They spread to all with whom he came in contact.

He worked with a determination that peace would be achieved in South Vietnam and he had many successes along that route. The recapture of the Mekong Delta by the South Vietnamese following the Tet offensive and the pacification of that area are a credit to his efforts.

It is fitting that the defense of Kontum City is one of the efforts for which he will be greatly remembered by the people of Vietnam and those of the United States. For it was there that he rallied the military and civilian forces of South Vietnam to fight off the Communist aggressors. It was there that the support which had grown for him and his programs over the years came to fruition.

His efforts increased the morale of the South Vietnamese wherever he went.

John Vann will be remembered here, in the United States, and in Vietnam. He was a man who worked for a cause in which he believed and a man who proved that a goal could be achieved by sheer determination.

My only regret, Mr. Speaker, is that he did not live to see the final chapter in a book which so indelibly bears his mark and in which he played such a vital role.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. MOORHEAD). Is there objection to the request of the gentleman from Mississippi? There was no objection.

THE IMPACT OF IMPORTS AND EXPORTS ON U.S. EMPLOYMENT AND UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, as a committee chairman and as a citizen, I have had over 12 years of study, public hearings, onsite inspection and interviews in many States and foreign countries on the impact of imports and exports on U.S. employment and unemployment. I am firmly convinced in a return to a sound trade policy that can serve this Nation as well as the world's needs for economic survival in a competitive world, a policy that considers employment and investment for production, distribution, and consumption for each nation's top priority.

No nation can afford to open its markets up to goods and services produced under conditions where costs of production are below that nation's ability to compete in its own market. In our modern production world all production will flow to countries with low cost, low wage, nonunion workers, and their products will be exported to high cost nations.

Our history proves this point beyond a doubt. We have had the misfortune as a Nation to be lulled to economic slumber in the belief that external balances of payments are more important than our internal balance between production, distribution, and consumption. Our own Government is the leader in setting aside any consideration for our mandated high cost production when making purchases with tax dollars.

Our sophomoric economics has taught us the unsound theory that we must increase our exports in order to have a healthy and growing economy. Only nations underdeveloped, emerging industrially have to have exports until their wage levels create an internal market. We can and have consumed our production. Soon all nations will have to look inward for survival.

This theory started in the fateful days of the early thirties when many of our

business and technical experts believed our domestic market had ceased to grow.

We followed this mistake with a new trade economics policy. We decided it was necessary to expand our exports in order to expand our domestic markets.

The third step soon followed as a natural sequence to the erroneous decisions and trade policies previously adopted. We now decided it was time we must accept more imports to pay for exports.

What followed is history and the major cause for the dilemma of our specialty steel and other essential industrial productions.

We had to reduce tariffs in order to allow more imports into this country. The workers were told that by doing so other nations would have money to buy our exports and thereby it would create more jobs.

At first, the only industries to feel the impact of lower priced imports were the age-old productions, certain agricultural items, handmade glasswares, ceramic tile, clay products, textiles, and other labor intensive, unsophisticated productions.

Our basic steel industries, specialty and stainless steels, fabrications of highly technical production, automobiles, machine tools, electrical products, electronics—plus our subsidized farm program which produces so-called surpluses in foodstuffs were exported and so our external balance of payments gave us a false sense of economic security. All the while our unemployment was obscured by welfare programs, social security, and unemployment compensation payments.

Let us look at the age-old theories, clichés, and claims of the free traders. One, they claim that free trade creates free exchanges in the world, thereby setting in motion the basis for world peace. Two, free trade creates jobs and prosperity. Three, we gain more jobs from exports than we lose by imports. Four, the consumer deserves to buy at the lowest price regardless of where the products are produced. Five, protectionism is all bad and creates isolationism. Six, finally the worst and oldest lie of all—protectionism was the cause of the 1929 collapse of the market and the worst depression in our history.

If we can convince the American Congress of the truth of the real cause behind the depression of the thirties, we can easily set aside the other claims of the free traders.

The truth stands out, in congressional hearings, public speeches, and in publications.

The seeds of the depression were sown in 1914-18. Its instigators were the international bankers, who panicked when Germany confiscated their assets in Germany. Fearful of the same action by the allies, the bankers made unsecured loans of \$15 billion to Great Britain, France, Holland, and Italy. The crash has been blamed on Congress for passing the Smoot-Hawley Tariff Act. The facts behind this charge against Congress belie the charge.

The crash came in the late summer of 1929; the Smoot-Hawley Tariff Act was passed in 1930. It never really became operative because right after the election of President Roosevelt, Cordell Hull

and others started a drive—1932—for a reciprocal trade agreement.

This brought to a standstill the Smoot-Hawley higher tariff rates and reciprocal trades became our policy from early 1934 to the present date.

Another little noted fact is the enormous amount of import products dumped into the U.S. market from 1919 to 1929, a sum total of \$43,000,000,000. In spite of U.S. wage levels of 5 to 25 cents an hour the flood of products from Europe increased yearly while employment, investment and production in the United States decreased.

Our farms felt the impact most seriously; lower priced farm products were imported and sold in order that foreign countries could build up U.S. currency and credits to pay off their debts to the international bankers. Germany, in the meantime, floated \$33 billion worth of reparation bonds. The Allies received the bonds, sold the bulk of them to the United States, received cash from the United States which turned their paper bonds into real cash. The Allies could then in turn pay off the bankers.

The United States was left with its pants down, its farmers desperate for cash to pay taxes and to purchase essential farm needs. Our workers were unemployed, owing foreign countries \$3½ billion—an enormous sum at that time.

The foreign nations immediately claimed their piece of flesh, and \$3½ billion of our gold reserve was claimed. The Government forced the bankers to reduce their deposits by \$3½ billion to maintain our gold reserve. The bankers were forced to foreclose mortgages, notes, and so forth, and call in collateral protected borrowings. All this happened in the 11-year period after the war up to 1929.

Let us look at the trade picture and then judge whether we had so-called isolationism and protectionism during the decade of the 1920's. The free traders have told this lie so often they believe it themselves. The truth is seldom publicized.

From 1910 to 1920 we imported \$22 billion worth of products. In 1910 the average tariff rate was 41.5 percent. Average rate on all goods, dutiable and free, was 5.3 percent—Payne-Aldrich Act.

In 1920, the average tariff rate was 16 percent. Average on all goods, dutiable and free, was 5.3 percent—Underwood Act.

In 1929, the average tariff rate was 40 percent. Average on all goods, dutiable and free, was 14.5 percent—Fordney-McCumber Act.

In 1930, average tariff was 44 percent and average on all goods, dutiable and free, was 15.9 percent—Smoot-Hawley Act.

In 1934, average tariff was 44 percent. Average on all goods, dutiable and free, was 18.3 percent—Reciprocal Trade Agreements.

From 1934 to 1947, under the RTA, tariffs dropped from 44 percent on dutiable goods to 19.4 percent. The Geneva agreements—1948—in 2 years dropped tariffs—1947-49—from 19.4 to 13.8 percent. In 1950 the international agreements moved rates down to 13.3 percent. In 1951 the Torquay agreements were

signed and rates dropped to 12.8 percent in 1952.

The story from 1952 on requires another telling. It is so unreal that perhaps it should be titled "fiction" instead of with a dull Japanese knife; 1929 is history is a lesson in economic hari-kari, with a dull Japanese knife; 1929 is history—the crash, the liquidation of billions of dollars of property, businesses, stocks, and bonds. Soup kitchens, more closed factories, more idle farms, and a new theory of international trade came in at the same time.

We got over the other results of our panic policies of the thirties mainly because of Roosevelt's bank moratoriums, price increases equal to costs of production, our world leadership in productivity of new and useful products, radios, electronics, machinery, tool steel, stainless and specialty steels so important to war and peace, the passage of minimum wage and maximum hour legislation, embargoes on farm products, emergency measures that decreased imports and built up U.S. production.

We were stuck, however, with a Trojan horse trade philosophy—reciprocal trade agreements—impossible of achievement, dependent entirely upon the reciprocal action of other nations. There has been no reciprocity in any area where it hurt the exporting nation's job economy. This the records will prove.

We arrived at what is for all practical purposes, a negative tariff position, while all other nations live entirely within the self-serving trade policy based upon every type of open and hidden barriers against competitive imports.

In 1919 we ignored the facts of life as a nation. We made ourselves believe we could continue to prosper while ignoring the irrefutable economics of prosperity in an employment oriented economy—namely, production, distribution and consumption.

By importing, we stopped production, the source of the seed money for transportation and consumption payrolls. Our economy is built like a milking stool; it needs all three legs for support, otherwise it falls. We are falling fast.

In 1919, the United States had no need for foreign goods. Our factories were capable of turning out all the manufactures we needed. Our farmers were capable of producing all the food, fiber, and feed that we needed. Our labor supply was adequate for every purpose. Our economy had become adjusted to a high level of prices and volume.

We were enjoying the best economic experience of our history. Nobody was being hurt except the international bankers who had loaned their money to England, France, Holland, and Italy. If we had followed the sane course, we could have marked off those war debts and kept our own national economy on a high scale and have told the international bankers to go jump in the ocean.

Instead of doing this, we lowered the tariff bars and we started importing goods, merchandise and commodities to collect the war debts. From 1919 to 1929, over a period of 11 years, according to Government figures, we imported goods to a total of more than \$43 billion. By the time Mr. Coolidge was going out of office,

it was apparent to all students of national and international economy that the American economy setup had been wrecked by these wild imports.

In the late 1950's and early 1960's we were already feeling the impact of imports on employment, employment being the basic ingredient for a solvent and growing economy. The pinch was serious enough to start the free traders working to preserve their disastrous course. Their chant of the siren song of depression—Free Trade for World Prosperity—continued. Peace—reduced tariffs, import to export, and other slogans again put the public to sleep. We are on the same route again with major stops in Peking and Moscow. Can we stop the train and get off? We had better.

President Kennedy, being oriented to free trade philosophy—except for products of his native State, Massachusetts—started a do-or-die tariff reduction plan called the Kennedy round.

As chairman of the Impact-Import Ad Hoc Committee, I met with the President for an hour. I presented facts, figures, and my beliefs and theories on the damages to industry and the devastation to our job economy that would follow any further tariff or customs reductions.

The President appeared to be impressed and asked that I send him daily reports of my hearings and any pertinent information on the trade picture. I was instructed in the matter of how to tell the reports and to whom they were to be addressed.

Weeks later, after passage of the "Kennedy round," I met the President at a reception prior to a Marine Corps ceremony at the Eighth Street Barracks. I expressed regrets on the passage of the bill as well as my disappointment on his silence and apparent disregard for my reports and suggestions. I was astonished at his reaction; he said he had not received one single report of the rather detailed and documented transmittals made by my office.

In fact, he had been convinced that I had ignored his request for the reports and proceeded accordingly. My reports may not have made a difference in the final draft of the Kennedy round, but again President Kennedy was a reasonable person. No legislation has been more harmful to our economy and to employment than the Kennedy round.

Our effective tariff rate on dutiable goods is the lowest in history and with the effective rate on all goods dutiable and the enlarged free lists, we have few customs restraints left. Add to this the import discounts given to U.S. multinationals and you can understand our unemployment.

We had a deficit balance of payments from 1961 to 1972, with the staggering deficit of \$9 billion plus in 1971. A deficit of this magnitude—the largest in our history, and about three times what it was in 1970—indicates something seriously out of joint in our economy. Even a free trader like Secretary of Commerce Peter G. Peterson admits:

A nation should over the years earn enough selling its products and services to foreign countries to pay for what it imports or otherwise spends abroad.

When you add up all the pluses and minuses, what stands out in 1971 is a dismaying deterioration in our exports as compared with our imports. In the mid-1960's, we were exporting about \$5 billion more than we were importing. In recent years, however, our trade surplus has declined dramatically; exports could total about \$2 billion less than imports for 1971. That massive deterioration was the largest factor in increasing our balance of payments deficit.

The results of such competition from Japan and Europe can be seen on all sides. Today we buy more than 50% of our sewing machines from abroad, some 60% of our calculating machines, 95% of our audio-cassette recorders, and all of our 35mm. still cameras.

It would be difficult for Secretary Peterson, under any circumstances, to give a fair appraisal of the impact of imports on the U.S. economy and jobs. His past connections with Bell & Howell made him a free trader. An open-minded evaluation could not have motivated his public statements during his term of office at the Geneva Conference.

In the early 1960's I invited CHARLES PERCY—now a U.S. Senator—to appear before our committee after a television debate on free trade between Percy and a cotton textile spokesman. The Senator headed Bell & Howell at that time.

I had information that in spite of Senator PERCY's public statements on television, his company was playing footsie with the Japanese preparation to have Bell & Howell products made in Japan. Of course, he refused; he was out of the country. He may have been away finalizing the Japanese deal which was negotiated shortly thereafter.

The failure of Congress and the President to recognize the dangerous course we follow in international trade can be traced to the persons who control the propaganda sources that support free trade and U.S. economic deterioration.

I know of no time in my years in legislative government—a period of 40 years—that a member of a policymaking body affecting tariffs and customs has been a laboring man, a family type farmer, or an official of a seriously import impacted business.

This word "protectionist" has a double face; if you are a trade protectionist in the sense that you disbelieve that free trade is the wool and the warp of our destiny, you disbelieve that imports make exports and exports make national well-being, then you are an isolationist protectionist.

However, if you belong to the big corporate farm block, the international banker block, or the multinational executive block that perennially raid the Treasury for high subsidies, high interest rates, and tax rebates in world markets, while at the same time you demand and get built-in embargoes and trade relief that amounts to a virtual embargo in competition, you are considered a free trade protectionists. These are the front runners for international trade and commerce and freeloaders in the atmosphere of internationalism, but are the last to belly up to the bar to pay the bill.

These same free trade advocates scream to high heaven when restrictions are proposed for manufactured goods but do not fail to appear before my committee

and others to protest imports of cotton textile, tomatoes, melons, strawberries, citrus fruits and other farm and agricultural products such as timber products, meat, cheese, cream products, bank rates, foreign investments and overseas aid. Free trade too often is the hideout of a political hypocrite and a profiteering middleman. Those who advocate subsidies to help export tobacco, wheat, cotton, feed grains, peanuts, and other products because they are in surplus, fight any attempt to restrain imports of steel, autos, glass, and other products which have been and can still be produced in surplus. Almost every item produced for export is subsidized in one form or another here at home or abroad by U.S. foreign aid programs.

The same treatment for the manufacturing industries of products injured by imports would soon make our trading partners sit up and take notice.

Of course, we would be even more insolvent than we are today but that is inevitable anyway. We can't keep buying at retail and selling at wholesale prices.

We have no real surplus in feed grains. If we fed all the livestock necessary to supply our own needs, we would not have to subsidize shipments to Japan, Russia, and elsewhere.

The difference in manufacturing costs between the United States and our trading partners would be very little if we quit subsidizing their food suppliers, thereby freeing their farmworkers to produce hard goods for our already over-supplied markets.

At the same time, if we put a compensating charge on all goods to meet our parity of cost of production, or paying their exports the same parity price as our costs reflect, we would produce free trade in its purest form. It would be based upon trade in needed goods and production for use rather than the profiteering production for export and dumping into a high cost, high earnings area from a low cost, low earnings area.

We also have the "not too smart" main street merchant who chants piously for free trade on the grounds that the consumer is entitled to buy as cheap as he can regardless of where the products come from. We all know he wants free trade to get cheaper products so he can sell them at a greater profit. Check your prices on American brand name products made in foreign countries and you will find that they are the same as the U.S.-made products.

This merchant raises Cain about his taxes and politicians, but seem to forget that many of his customers for whom he shows such public concern for their welfare, are displaced workers because of imports.

The only reason they are still his customers is because his tax dollars are used to give his customer the money to spend for the cheap products from abroad. He has few foreign workers for customers.

When the Congress and the people realize that the customer is the worker and vice versa, then and only then will we be tough and honest in our trade relations with other countries.

The argument that buyers or consumers benefit from lower prices is only hog-

wash and, at best, a temporary benefit. The minute we quit any market with a U.S. product, the importers raise their prices to meet the U.S. market price. All merchants get what the market will pay regardless of any other consideration.

For instance, there is a great hue and cry over meat prices, and at the same time, we imported a record amount of beef, veal, pork, and goat meat. I have checked many markets and talked to many consumers, and I have yet to find a person that has seen a differential in price in the marketplace, between United States and imported hamburger, et cetera. In fact, I never saw beef labeled as to its source of origin.

The same is true for all products. As soon as the U.S. production fails to compete, the foreign products jump in price. Distinguish, if you can, between a Japanese TV and a U.S. TV, or a U.S. brand-name foreign-made against the same brand made in the United States.

Price-wise, the U.S. consuming public is paying the difference in Japanese wages and U.S. wages; wages to U.S. importers in exorbitant profits.

The multinational corporations are spending millions of dollars to defeat the Hartke-Burke bill. The fight is not against the quota proposals, because they know they are meaningless and can be circumvented, it is against the removal of \$3,200 million of tax credits allowed on foreign profits of U.S. corporations.

The multinational corporation is just what its name says it is. It flies the flag of any nation so long as that nation is profitmaking.

The forgiveness of taxes, the investment credit, et cetera, is as damaging to U.S.-based industries as the free trade policy and our exorbitant local, State, and Federal tax programs.

We are asked to do even more for our runaway industries. We are going to put the charge for polluted waste and air, the destructive industrial practices of the past 50 years squarely on the shoulders of our remaining American production facilities and their workers, allowing the runaway multinationals off scot free. In fact, we will have to add to our tax bite the amount of profit these runaways hold out and never return to the United States except in the form of goods and services; thereby killing off more and more domestic production and jobs.

We politicians have failed, labor has failed, the academicians have failed, the bankers have failed, the media has failed, the business people have failed. We have all failed to realize that the injury to the least of us is an injury to us all. We are achieving free trade, but we will not have anything to trade.

The only answer lies in the classrooms and on the campuses of our schools. Education, wrongly directed, got us into this mess. Education put on the right course must get us back onto the road to realism. No high living standard—high cost nation can survive in a free trade world.

We can only survive free and independently with production distribution and consumption. If we realize this goal, we will have achieved the main ingredient for a sound economy. Work—with a job for every person who wants one.

IMPORT QUOTAS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, I wish to compliment my colleague from the adjoining congressional district for his dedication to this subject over the last 12 or 15 years. I would like to have him respond at this time, before I begin, to the accusations we hear regularly through all of the news media, editorials, and from Government officials and businessmen to the effect that import quotas drive the consumer costs up.

Mr. DENT. Well, of course, that is one of the cliches that has been fed to the American people as part of the sophomore economic teachings still being continued in our universities, colleges and high schools. Quotas in and of themselves never solve anything. Three years ago we developed a so-called voluntary quota with the steelmakers of the world including Japan as a bulk shipper for 13.7 million tons of steel a year.

In 1971 that same voluntary quota was in effect, but they shipped into the United States 18,300,000 tons, and during that whole period there was no increase in price to the consumer because the foreign steel came into this country and found the level of our prices and charged for it.

Mr. GAYDOS. I thank the gentleman for his evaluation, and his opinion, because he has been studying the subject, as mentioned before, for the last 15 years.

Mr. Speaker, from the latest monthly bulletin of the Department of Commerce reporting our export and import trade we learn that in April, we suffered the second largest monthly trade deficit in our history. Already the 1972 deficit is higher than the total for the whole of 1971.

Last year, it was the view of the Department of Commerce that by the end of that year our balance of trade would right itself. Earlier this year the hope was expressed that surely the deficit would give way to a surplus in a matter of months. Now we have had 4 successive months of trade deficits in 1972; and the end is not in sight.

A variety of explanations have been advanced. A few years ago our heavy imports were explained by saying that the prosperity of our country drew in unprecedented imports. The slower growth of our exports, on the other hand, was explained by a lack of interest on the part of our manufacturers in foreign markets because of the lively home market. Therefore, imports were creeping up on exports.

Then, however, when the 1970 recession hit the home market, the lively place of imports, which continued, was explained as the preference of our consumers for imports because of the generally lower price tags on imported goods. The lagging exports also had a new explanation. The bloom was off the boom in our foreign markets. Therefore, other countries did not buy as much as before. How many explanations will be found as we go from here remains to be seen.

Our higher costs are sometimes mentioned while at the same time it is being said that foreign costs are rising more rapidly than our own; that inflation has been at a livelier pace in Europe than here. The thing we need to do, therefore, is to promote exports more vigorously with the help of the Government, and so forth. We need to concentrate on the exportation of "high technology" goods such as computers, in which we are said to enjoy an advantage over other countries. Also, we must increase our productivity so that our costs can be lowered.

Now, Mr. Speaker, there may be some merit in these claims and in the emphasis on higher productivity, and concentration on "high technology" items for exports.

Yet, it seems pretty clear that the fundamental difficulty has not been faced; and it has not been faced because of the stubborn adherence to the free-trade philosophy that has ridden our foreign trade policy the past 35 years and has indeed ridden it into the ground.

There is an almost total unwillingness to face the facts. These include the changed conditions in our world of trade compared with the conditions in which we operated during the first half of this century until well after World War II. There is an unwillingness to face the obvious fact of the great difference brought on by the rapid technological advancement of the other industrial nations among our trading partners.

By itself, that phenomenal advancement does not say everything. If it is read, however, in the light of accompanying developments it shapes up as a formidable alteration in the world from which we draw our imports and to which we send our exports. One of these is the bare fact of lagging foreign wages compared to our levels.

This is no surprise. It was this country that first detected the direct relationship between higher wages and higher productivity, on the one hand, and a rising market for the products of industry and agriculture, on the other. The European countries and the Far East were not impressed. They stuck by the old idea that the wages should be kept as low as possible in order to keep down the cost of production. They saw little relation between wage levels and the home markets for goods.

It was not until after World War II that, faced with a choice between our system and communism, most of Europe and Japan elected our approach as superior. Our industrial strength as demonstrated during the war was sufficient, no doubt, to shape the decision.

We had earlier gained and long held the world lead in mass production and after the war we had the "know-how" or technological and managerial skills, ready-made, accumulated over a generation or two, for dissemination to the countries of the free world. We not only did help them to our technology with few strings, if any, attached, we also helped them financially to restore their shattered industrial base.

As a result, a new industrial world soon appeared on the very scene that had so long been a virtual monopoly of this

country. Our system of mass production spread rapidly in Europe and Japan.

Meantime, we had reduced our tariff to an average level of about 10 percent on dutiable goods, compared with a little over 50 percent in the early thirties. Since foreign wages did not take their cue from us the cost gap between us and the new mass production countries began to widen. This might have been expected from the higher productivity that spread so rapidly abroad. It had taken us many years to make the same progress.

To overcome this handicap many of our industries joined the other side through heavy foreign investments. If imports were taking their home market away from our manufacturers or threatening to do so, it was the better part of wisdom to locate factories abroad or to buy into foreign companies where the lower wages still prevailed. Up to this year some \$80 billion have gone abroad in the form of private direct investments. By now this is an old story. Some of our foreign based industries ship their foreign made goods into this country. Also they are supplying foreign markets from within rather than exporting from here. Otherwise, it is alleged, these markets would have been lost because we were no longer competitive. In other cases they ship to third markets from abroad instead of exporting from this country, for the same stated reason.

It is true that these foreign investments have in some instances greatly stimulated our exports; but this in itself is not the whole story. Most of the rising exports were in the form of machinery, and this machinery improved the foreign competitive position. In 1971, 45 percent of our total exports consisted of machinery, including aircraft and automotive products. This fact concealed the gaping deficit we were developing in nearly all other lines of goods, including steel, textiles, electronics, meat, glass, and so forth. Our exports of parts and semimanufactures also grew in some instances, but machinery was the principal beneficiary.

Unfortunately, the great surplus in machinery exports is eroding in several respects. Our machinery imports are growing distinctly more rapidly than our exports. They may close the gap one of these years. Already our automotive trade has switched into a large deficit. Aircraft faces a doubtful export future. In other words, our one big source of exports surplus is failing. In the non-machinery field we have lost heavily. In steel we switched from surplus to a deficit after 1958, and are in a bad deficit position now, despite the international arrangement by which foreign countries limit their exports to us. Our surplus in chemical exports has also been narrowing. We have slipped from trade surpluses to deficits in typewriters, office machinery, petroleum, automobiles, textiles, sewing machines and other products.

Because we still enjoy a long lead in computer exports it is suggested that we should concentrate on "sophisticated" products. Indeed, it has been our policy to let the so-called labor-intensive industries slide, in favor of the "capital-intensive" ones. We cut the tariff sharply

in industry after industry and if many of them could not meet the additional import competition this loosed on them, it was just too bad. The "labor-intensive" industries were said to be inefficient and not worth saving. We would help them adjust and move into new product lines. The Trade Expansion Act of 1962 provided for just such adjustment assistance. To date its value has been negligible.

However, the new competitive climate soon showed us that even our "capital-intensive" industries were not immune to the new competition. Why should our steel manufacturers, for example, be able to compete with Japan when the latter built the most modern plants from the ground up, manned by labor that was soon as skilled as any in the world, but favored with wage rates a third of ours or less? We could not write off our whole steel plant investments overnight and replace them with the most up-to-date facilities. We needed the going plants for production and could infuse the new with the older parts as rapidly as possible but not in one stroke.

Our automotive industry also soon faced foreign producers operating production lines as modern as ours. The latter too enjoyed much lower wages than our levels, hand in hand with high output per man-hour. Where productivity was as high as ours the foreign manufacturers naturally came away with a much lower cost than we.

This is what happened in industry after industry. We have virtually lost the sewing machine industry, the watch industry, cameras, typewriters, household radio, television, athletic goods, motorcycles, and other industries.

Without much reflection on the implications, the cry is now for higher productivity. Unfortunately, higher productivity cannot be achieved in any meaningful sense without displacing workers. Displacement of workers is necessary because employee compensation represents some 80 percent of corporate cost of production. Yet, we are striving for full employment, or at least for a substantial reduction of unemployment. Simultaneous labor displacement leads in the opposite direction.

Right away our economists will say that cost reduction through higher productivity per man-hour is exactly what we need, because it will lead to increased consumption; and that it is import competition that provides the needed spur.

Here again there is some lack of reflection. Those who urge this course of action harken back to our own industrial history of the 20th century. The way to higher sales lay precisely in cost reduction made possible by the installation of labor-saving machinery. Even though this meant initial loss of jobs, before long the higher sales enjoyed would lead to hiring more workers than ever before. That course was in fact the very one we followed in our march to world industrial leadership—hand in hand, of course, with higher wages in keeping with the increase in productivity.

This latter was an essential part of the formula since merely producing a torrent of goods could only lead to fatal surplus accumulation unless the goods were ab-

sorbed by consumer purchasing power; and this resides principally in the hands of the employed.

So the question arises, why can we not continue the same formula that served us so well in the past? The answer is: The international competitive capabilities have changed. We no longer have a technology monopoly and we have very little tariff left. One thing that is still much the same as before is the wage gap. Therefore, the foreign competitive advantage is sharper than in former years; and the foreign volume of production of all sorts of products has reached high and growing levels. Because of their lower wages these countries need foreign markets for goods that their consumers cannot absorb.

Yet, it is not that our consumers no longer respond to lower prices as they did in the past. If a desirable new product is developed and marketed its sales will, as surely as in the past, increase as the price is reduced materially. A veritable mass market can be reached if the product has a potential national demand and the price is brought within reach of the tens of millions of people who are the market. Tens of thousands, if not hundreds of thousands of jobs will be created, not only in production but in selling, advertising, and so forth.

The same thing will happen if the price of an established product that has a potential universal demand is reduced by introduction of radical labor-saving machinery or production formula. If the price is cut 25 percent, 50 percent or more, the response will be phenomenal, with some exceptions that we should always keep in mind. The additional people hired will after a time exceed those who were dismissed by the radical new invention.

Yes, consumers will respond in the form of more buying when goods become available at materially lower prices, unless the goods are of a kind that are of limited use or limited consumption such as food. If consumers are not starving they will not eat appreciably more than before even if prices drop. They then merely have more money to spend on other items.

Most of the goods we consume are not of that variety. When the price of radio and television sets came within the reach of the middle and lower ranges of income the market ran into the millions.

So what is to stop us?

To repeat, some things have changed. In the past we pretty well had our market to ourselves when we came out with a new product. The automobile was a classical example. We did not need import competition in 1905, 1910, 1920, or 1930 to prod us. In fact, there was none; but there was a vision of a national market if we could reach it; and we did. The same was true of innumerable other products: Household appliances, electrical devices, refrigerators, dishwashers and driers, power lawn mowers, air coolers, telephones, and what not. We needed no import competition to give us a spur.

The time we needed to bring down the cost of production and to develop the

market was provided by patent protection. The incentive we needed was twofold. The vision of a mass market, and after patent expiration, competition for the mass market, meaning both price and quality rivalry.

How is all this changed today?

It is changed radically.

New products no longer have a long time in which to prove themselves. Patent owners themselves may license foreign producers or manufacture the product in foreign subsidiaries under their own control, because of the lower wages and available skilled labor.

While the potential market is still here it will be supplied in considerable part from foreign sources. Therefore, a part of the employment that formerly would have taken place here will occur outside of this country. If the new product replaces an existing one, as the automobile displaced the buggy, the displaced workers may not all be hired. In any event not so many new ones will be hired—not enough to absorb many of the hundreds of thousands of new workers who appear on the scene each year.

If the product is not a new one but one that can be made, at a substantially lower cost because of some new machine, device or formula, the patent owner again has the option of having some of the manufacturing done abroad. Once more the domestic market is robbed of its higher employment potential.

In the past, moreover, a world market might have been developed for the goods made here. Today, the foreign market potential might more likely be exploited by foreign-based manufacturing, either American owned, or foreign owned operating under a license. Instead of exporting from this country the foreign markets can be supplied from within.

Again, the rising employment that in the past would have re-absorbed the displaced workers or their substitutes, and added still others to the employment rolls, would not fully materialize, if to any extent at all.

The point is we are now faced as we were not faced in the past when we depended on new products, or innovations applied to established products, to provide expanding employment, by a foreign rival who has what is often an insurmountable cost advantage over us and a ready access to our market. This is a known and experienced fact that confronts every entrepreneur or owner of risk capital in this country as he contemplates embarking on a heavy investment for manufacturing, sales and distribution organization and market development.

Will he plunge in or will he hesitate? Will he commit his finances solely to the American market or will he also look overseas and consider the possibilities of foreign manufacture? If he decides to confine himself initially to this country, will he modify this decision later in favor of adding foreign manufacture? He can, of course, do quite well abroad, as experience in recent years has shown, or possibly even better than at home: But, what happens to employment and payroll on the home front?

Whatever he does, it is clear that he will no longer concentrate on the do-

mestic market without considering alternative action that will divide his employment potentials between the United States and foreign countries.

Thus, even if lower costs achieved through invention will continue to increase sales, there is no longer assurance that the workers who will be hired to make the additional goods will be hired in this country. This lack of assurance acts as a distinct damper on domestic economic expansion. We can no longer rely on "high technology" or other improvements to do yeoman service for us in assuring ever widening job opportunities.

Aside from this damper there is, of course, the ordinary import competition that contests the market for established products in which new invention or innovation are not involved.

It is in this sphere that we hear the plea for higher productivity. It is in regard to the labor-intensive industries that we hear the urging of economists for greater innovation, new departures, greater efficiency.

An example of the effect of import competition on established industries is provided by the employment trend in four industries that have experienced heavy import competition for a number of years.

Employment in four "industries" that were stricken by heavy imports in recent years lagged by 427,000 from 1960 to 1970 in comparison with manufacturing employment as a whole, which grew 15.4 percent in that period, including employment in the four industries in question. These were textile and apparel, steel, leather footwear, and stone, clay, and glass. The total lag was, of course, nearer 1 million workers, if we take into account the employment in the earlier stages of these industries, such as iron ore and coal mines, cotton growing, tanneries, quarries, sandpits, and so forth. The workers who were not hired naturally became a burden on the economy as a whole.

We need no import competition to remind us that there is gold in lower prices if the demand for a particular product is elastic. There is no entrepreneur, we may be sure, who is not aware of the great lift a new and acceptable product or modification of an old one would bring him if only he would bring it off; but invention cannot be scheduled or even ordered. There is much spontaneity and uncertainty in it. Indeed today the incentive may not be so great precisely because of foreign competition, which means that all the effort and expense might be lost or dissipated by imports that might soon despoil the market.

Where does all this leave us?

Obviously, contrary to predictions 10 years ago, that foreign wages would catch up with ours as foreign productivity came up to our levels, foreign wages continue far below the wages prevailing here—except Canada. For this reason our vulnerability to import competition remains wide open; and we will see more of the same that we have experienced in the past several years. Recession at home, prosperity abroad, or vice versa, or simultaneous prosperity or recession here

and abroad will not overcome the wide competitive gap; and we cannot cure the malady through higher productivity alone.

Higher productivity will indeed help if—and this is the key to the whole problem—if imports are prevented from despoiling our market. Otherwise rising productivity will only mean more displaced workers who cannot find new jobs because there will not be enough new openings to go around. Foreign employment will be stimulated, not our own.

Imports can be held in check by a variety of means but it will not be necessary to halt them. They can even be allowed to grow as our market grows. What is needed is assurance of a growing market here at home when costs and prices are lowered sufficiently by higher productivity to attract new buyers or more purchases by existing consumers. It is not necessary to disrupt our foreign trade to accomplish this, but if we do not restore the hope of selling more goods at home in response to higher productivity we may as well forget about full employment or anything near it.

Mr. Speaker, I believe that one of the most important actions which has been filed in our district court was filed some 30 days ago by this Nation's largest consumer organization, here in Washington. The Consumers Union filed a suit, which constitutes the first serious challenge to voluntary import quotas as a violation of the antitrust laws. This suit is very important, and I believe it is a milestone insofar as we who have been concerned and talking about the subject for years are concerned.

I include the gentleman from Pennsylvania (Mr. DENT), as one of the most knowledgeable Members of Congress in this field.

We know import quotas have to be set in some form at some level. There is no other practicable way anybody has come up with at this time, as to devising an answer that would substitute for quotas as we know them.

In this suit the defendants named were the Secretary of State William P. Rogers; the Deputy Assistant Secretary of State, Mr. Katz; United States Steel Corp.; American Iron & Steel Institute; Japan Iron & Steel Exporters Association; Nippon Steel Corp.; Fried Krupp Huttenwerke A.G.; and the British Steel Corp. All these were named defendants.

The thrust of the suit is, the Consumer Union says, during the 3 years of the initial steel restraint arrangements domestic steel prices without vigorous foreign competition increased five times as much as they did during the preceding 8 years when no restraint agreements were in effect.

The arrangements have also induced cartelization abroad with increased prices of imported steel even here in this country. That is one of the allegations in this suit. The suit also challenges the method by which these voluntary arrangements were reached. The suit contends the 1962 Trade Expansion Act authorizes the Executive Office to seek and negotiate voluntary trade restraints with foreign countries only after Tariff Commission investigation, finally, finding that increased imports of a prod-

uct will seriously injure or are injuring domestic industry involved. The suit also filed in the U.S. district court charged that the recently arranged quota limiting imports of steel from Europe and Japan restrains trade in violation of the Sherman Antitrust Act.

A 3-year extension which we now have was announced by the White House here in the early part of last Monday. If these people, the Consumers Union, and I again emphasize they are this Nation's largest consumer organization, are successful, then I do not know what our ultimate answers will be. Maybe the gentleman from Pennsylvania may have an idea in this area, assuming that this suit is successful and the voluntary arrangement is set aside as being a violation of the Sherman Antitrust Act.

Mr. DENT. I do not know that that act would go to this particular problem because under the GATT agreement the President of the United States may use any or many advantages that he has either by quota, embargo, tariff, or customs, to stop the inflow into the United States of exports or imports that are injurious to the American economy.

So, that is already a right under the law and given to him by the Congress of the United States, and it supersedes anything that the act might do in the event that it comes to that in court. I do not think that the case has a chance, but the serious thing is that the quotas themselves are not—you cannot possibly police them. We went from \$13.7 billion to \$18.3 billion in less than 3 years. Take the quota, or the so-called voluntary agreement on cotton. By changing the mix of the cotton and man-made fibers they more than quadrupled the amount of textiles coming into the United States in less than 3 years. The whole situation is one where this country has to make up its mind.

You mentioned something about sophisticated goods. We are just about to sell \$3.2 billion worth of sophisticated machinery with American know-how to put it into operation to Russia. It is all a part of the trip to Russia and Moscow.

Then they are going to send back to the United States products from these factories we are building for them, in a period of 5 years, \$3.2 billion worth of products. There will be the further agreement that for 20 continuing years we will buy each year the same amount that we bought for a year in the previous 5 years. In 5 years this Nation may not be in the manufacturing business at all.

Mr. GAYDOS. I thank the gentleman from Pennsylvania.

Mr. Speaker, I would like to put in the RECORD here a statement on import quotas and prices, which is a review by O. R. Strackbein, president of the Nation-wide Committee on Import-Export Policy.

The document referred to follows:

IMPORT QUOTAS AND PRICES—A REVIEW (By O. R. Strackbein)

Constant repetition of unsupported comment tells us that import quotas will raise domestic prices of the products that are the subject of such quotas. Further, it is said that the only purpose of import quotas is to raise prices.

It should be possible to test the soundness of these unsubstantiated assertions. To do

so we need do no more than to trace the wholesale price trends of products that are "protected" by import quotas compared with the price trend in general and the price on particular products that are not so "protected."

COTTON TEXTILES

One of the products that is the subject of an import quota or its equivalent is cotton textiles. An arrangement was made with Japan alone, effective January 1, 1957, whereby that country restricted its cotton textile exports to this country. This arrangement was superseded October 1, 1961 with the so-called Long-Term Arrangement negotiated under GATT. This arrangement covered some 30 countries and about 90% of our total cotton textile imports.

The wholesale price of cotton products (1967 equaling 100) was 104.5 in 1968. It remained at 104.5 in 1969. The wholesale price of all commodities in 1968 was 102.5, which was below the 104.5 for cotton products; but in 1969 the all-commodity index had risen to 106.5 while cotton products remained at 104.5.

By December 1970 the index for all commodities had risen to 111.0, while the level for cotton products had reached only 106.9. One year later the all-commodity level had reached 115.4 while the cotton products level, while also rising, nevertheless continued to lag at 113.6. (Survey of Current Business, U.S. Dept. of Com., Feb. 1971, pp. S-8-9; Feb. 1972, pp. S-8-9.)

If we go back to the index that used 1957-59 as 100 we will find that by 1968 the wholesale price index on cotton products stood at 105.2 compared with 104.5 on the basis of 1967 equaling 100. In other words very little price movement had taken place between the 1957-59 base and the 1967 base so far as cotton products are concerned.

The evidence as reflected in cotton-products price movement does not support the claim that import quotas of themselves raise prices. The index for household furniture from 1968-1971 was respectively 103.9, 108.3, 111.6, ending at 115.5 in December 1971. It kept pace with the all-commodity index, while the index on cotton products, as just noted, fell behind.

Yet household furniture was not "protected" by an import quota. The wholesale price of footwear, also without benefit of an import quota, moved from 104.8 in 1968 to 109.1 in 1969, to 113.9 in December 1970 and on to 117.1 in December 1971.

Motor vehicles and equipment, also without import quota restrictions, rose from an index of 102.8 for 1968 to 117.5 in December 1971. Tobacco products moved from 102.0 to 116.7. No import quota exists on tobacco products.

To maintain that import quotas lead to higher prices in the face of these facts merely represents unfounded assertion. Yet such assertions are widespread, found very frequently in newspaper editorials and columns as well as in speeches of public officials.

In a pamphlet recently issued in 1970 by the United States-Japan Trade Council it is asserted (p. 10) that "Textile Quotas Would Have Slight Benefit but Very High Cost."

"In sum," it says, "proposed textile quotas would be enormously costly to the United States."

"Quotas would accelerate inflation, raising clothing prices to consumers."

"They would boomerang against U.S. export sales and harm the economies of port cities," etc.

Against this cry of alarm, the wholesale price trend of cotton textiles of the past ten years while these products have been under import limitation, stands as a complete rebuttal.

PETROLEUM

A favorite whipping boy of those who say that import quotas raise prices is oil, or

petroleum. An import quota was established in 1958, first on a voluntary basis, followed by a mandatory quota, effective March 1959.

The wholesale price of refined petroleum products expressed in an index form, where 1957-59 equals 100 had risen to only 100.3 in 1968 and 101.8 in 1969.

The more recent price index is based on 1967 as 100. By that measure the 1969 price stood at 99.6 and rose in 1970 to 101.1 for the year as a whole but reached 107.5 in December of the year. However, the December 1971 level was at 106.1, representing a slight decline. This level compares with that of all commodities, as already given, at 115.4 for December 1971, where 1967 equals 100.

"All commodities," of course, include those on which we have import quotas. Therefore it will be desirable to compare the refined petroleum price level with that of other products that are not subject to an import quota. If we select another fuel, namely, coal, which has no import quota and should therefore not be so free to move upward in price because it is not "protected," we find a sharp contrast. The wholesale price index where 1967 equals 100 stood at 103.7 in 1968, rose to 112.5 in 1969 and zoomed to 175.8 by December 1970 and on to 190.2 by December 1971.

Surely if there were an import quota on coal, the quota would be blamed for this runaway price. Obviously other factors were at work.

We find, in other words, that the wholesale price of refined petroleum increased distinctly less than wholesale prices of all commodities and very much less than the price of its competing energy fuel, namely, coal. (For confirmation, see Survey of Current Business, U.S. Department of Commerce, Feb. 1971 and Feb. 1972.)

SUGAR

Yet another product that is under import quota control is sugar. This quota has been in effect antedating World War II.

In 1955 the retail price of sugar was 10.4¢ per lb. Ten years later (1965) the price was 11.8¢. In 1968 the price was 12.2¢. In 1969 it was 12.4¢ and in December 1970 it was 13.5¢. By December 1971 the price had reached 14.1¢. (Statistical Abstract of the U.S., 1970, Table 530, p. 349; and Survey of Current Business, Nov. 1970 and Feb. 1972, p. S-29.) The increase in retail sugar prices from 1955 to December 1971 was 35.5%.

If we compare the retail price increase of sugar from 1955 to April 1971 with the increase in other food products, i.e., with those that were free of import quotas, we would be hard put to it to maintain that the sugar quota was costly to consumers. A brief table will serve adequately:

RETAIL PRICE IN CENTS PER UNIT

Product	1955 (cents)	1971 (Apr.) (cents)	Percent increase
Sugar (pound).....	10.4	13.7	31.7
Bacon (pound).....	65.9	79.5	20.6
Potatoes (pound).....	5.6	8.4	50.0
Apples.....	15.1	23.5	55.6
Onions (pound).....	8.1	13.4	65.4
Lettuce (head).....	16.4	30.2	84.1
Tomatoes (pound).....	27.4	52.1	90.1
Chickens frying (pound).....	57.4	40.8	-28.9

¹ The average 1970 bacon retail price was 94.9 cents per pound. This was 39.9 percent above the 1955 level. (Sta. Abs. 1972, table 541, p. 344.)

² Decline.

The index of all food retail prices rose 40.8% from 1955-1970 or 29% more than the retail price level reached by sugar in 1971. (Stat. Abs. 1971, Table 540, p. 343.)

It follows that the sugar quota also cannot be used to demonstrate that import quotas raise prices unreasonably, or even as much as the rise in other prices.

WHEAT

Wheat is under a severe import restriction that permits less than 1% of domestic production to be imported, in pursuance of a limitation imposed under Sec. 22 of the Agricultural Adjustment Act in 1941.

The price of wheat (hard winter, No. 2, Kansas City) has fallen quite sharply in recent years. The price per bushel was \$2.22 in 1950. In 1955 the price was \$2.25. By 1960 the price had dropped to \$2.00. In 1968 it had sunk to \$1.46 per bushel, and in January 1972 it was \$1.62.

Corn is not the subject of an import quota. The 1950 price (yellow, No. 2, Chicago) was \$1.50 per bushel. In 1955 the price was down to \$1.41. The decline, as in the case of wheat, continued. In 1960 it stood at \$1.15; in 1968 it was \$1.14 and in January 1972 it was \$1.22 (yellow, No. 3, Chicago). The difference from No. 2 is very slight, as note, that in 1968 the price of No. 2 in Chicago was \$1.14 while that of No. 3 was \$1.11. (See Statistical Abstract of the U.S., 1969, Table 504, p. 343; and Survey of Current Business, February 1972, p. S-27.)

Comparing the price trend in wheat with that in corn we find that from 1950 to January 1972 the price of wheat dropped 27% while that of corn dropped only 23%. Yet it was wheat and not corn that was "protected" by an import quota.

Since 1960 the price of wheat dropped from \$2.00 per bushel to \$1.53 in May 1970, a decline of 23%. The price of corn, by contrast, rose from \$1.15 per bushel in 1960 to \$1.30 in May 1970. This was an increase of 13%. Thus while the price of the "protected" wheat dropped 23%, that of corn which was not under import quota, rose 13%.

In comparison with other commodities the price of both wheat and corn has dropped while the other prices rose rather sharply, especially in recent years.

RAW COTTON

The price of raw cotton has also declined. The decline was greater than that of wheat and corn, dropping from some 34c per lb. in 1951-55 to some 22c in 1970 or by more than 35%. Yet raw cotton imports have been limited under Sec. 22 of the Agricultural Adjustment Act for many years to a quantity less than 5% of domestic production. (Statistical Abstract of the U.S., 1972, Table 965, p. 592). A decided increase in the price of raw cotton has occurred in the past year, bringing it to 32.9c per lb. in January 1972 (Survey of Current Business, February 1972, p. S-39.) No change has been made in the import quota to make it in the least more restrictive. Therefore the cause of the rise must be sought elsewhere.

DAIRY PRODUCTS

Dairy products have enjoyed an import limitation under Sec. 22 of the Agricultural Adjustment Act since 1953.

With a base of 1957-59 equaling 100, the wholesale price index of dairy products stood at 94.0 in 1955, at 105.0 in 1960. In recent years the price rose to 118.5 in 1966, to 127.7 in 1968 and on to 136.5 in October 1970. This was an increase of 30% since 1960, and compares with an increase since 1960 of 24.9% in wholesale price of "Farm Products, Processed Foods and Feeds," which, of course, includes grains, on which the price, as we have seen, dropped considerably and pulled down the average.

Where 1967 equals 100 the wholesale farm price index stood at 108.8 in 1969 compared with 108.2 for dairy products. In 1970 the two indexes were 111.0 and 111.2, respectively. By December 1971 the dairy product index had moved slightly ahead to 117.4 compared with 115.8 for farm products as a whole. The dairy index while moderately outpacing farm prices in general did not run wild. Dairying has, indeed, declined quite sharply per capita. Milk produced on farms was less than 1% higher in 1968 than in

1950, despite the considerable increase in population. The number of cows and heifers kept for milk declined by more than 40%. The loss of the butter market to margarine has had a very harsh effect on dairying. Unquestionably these factors have influenced the price of dairy products much more than the import quota.

The wholesale price of agricultural machinery and equipment on an index base of 100 for 1967 rose to 118.6 by December 1971. This was a shade higher than the 117.4 reached by dairy products. Yet, there is no import quota on this machinery and equipment. Moreover, agricultural implements are duty free! If imports exert such a salutary effect on prices the effect must have failed in this instance.

MEAT—BOVINE

In 1964, a ceiling that would trigger a quota if imports of beef should breach the ceiling, was established by law. Once when a breach was imminent in 1970, the ceiling was lifted slightly to permit more imports. In 1971 an actual import quota was imposed.

It will be of interest to examine the trend in beef prices.

MEAT PRICES—WHOLESALE

It is true that meat prices have moved upwards since 1964, the year in which the ceiling legislation was passed. The U.S. Department of Agriculture, Statistical Reporting Service, keeps an account of prices on cattle meat, hogs and sheep.

The 1964 average price of beef was \$18 per 100 lbs. In January 1971 the price was \$25.80, representing an increase of 44%. Prices rose in 1971, reaching \$29.80 in December. The rise continued in 1972, up to \$32.60 in February. This was an increase of 80% since 1964. The table below shows the price trend from 1964:

BEEF PRICES

Year	Dollars per 100 pounds
1964.....	18.00
1965.....	19.90
1966.....	22.20
1967.....	22.30
1968.....	23.40
1969.....	26.20
1970.....	27.10
1971:	
January.....	25.90
April.....	29.10
July.....	28.40
October.....	29.10
December.....	29.80
1972:	
January.....	31.40
February.....	32.60

This record of beef prices may be compared with that of hogs (pork):

HOG PRICES

Year	Dollars per 100 pounds
1964.....	14.80
1965.....	20.60
1966.....	22.80
1967.....	18.90
1968.....	18.60
1969.....	22.20
1970.....	22.70
1971:	
January.....	15.20
April.....	16.00
July.....	19.10
October.....	19.50
December.....	19.70
1972:	
January.....	22.70
February.....	25.70

From these tables, to repeat, we find that beef prices rose from \$18 per 100 lbs. in 1964 to \$32.60 in February 1972, an increase of \$14.60 or 80%. We find also that pork prices rose from \$14.80 per 100 lbs. in 1964 to \$25.70 in February 1972, after having reached a peak

of \$27.40 in February 1970. The rise from 1964 to February 1972 was \$10.90 per 100 lbs., which is to say, 74.0%, or a shade less than the price of beef.

However, at the pre-1971 peak, which was \$28.80 for beef in March 1970, and \$27.40 for pork in February, beef had risen 60% since 1964, the year the import ceiling on beef was established, while pork has risen 85% compared with 1964.

In 1971 the price of both beef and pork again rose after declining. Beef went from \$25.90 in January 1971 to \$32.60 in February 1972, representing an increase of 26%. During the same period hog prices rose from \$15.20 to \$25.70, an increase of 70%. In other words pork prices during the 14 months ended in February 1972 rose over twice as fast as beef. Yet, it was beef and not pork that was and is under import restriction.

Thus, while beef prices did rise more than the general wholesale price level and more than other farm products in general, the rise was little different from that on its companion product, pork, which had no import restriction. Indeed in the past year pork prices rose more rapidly than beef prices.

In 1970 beef prices dropped to \$24.50 from \$28.80 in March. Could this drop have been explained by the relaxation of import restrictions? Hardly, since the price of pork dropped from \$27.40 to \$15.10 in the same period; and there were no import restrictions to be relaxed.

STEEL PRICES

In the case of steel an international arrangement was concluded toward the end of 1968 under which the principal foreign suppliers of this country agreed to limit their exports to the United States. The arrangement took effect at the beginning of 1969.

According to the Survey of Current Business of July 1970, the wholesale iron and steel price index, where 1967 equals 100, stood at 106.1 in December 1968, or immediately before the export restriction by other countries took effect. In December 1971, the index had moved to 125.3. This was a rise of 19.2 points or 18%.

The index for all commodities had risen to 115.4 in December 1971 from 100 in 1967. However it had already reached 109.8 in December 1968, ahead of steel by 3.7 percentage points. The wholesale prices of iron and steel exceeded the rise of all commodities since 1967 by 10 percentage points. This is a somewhat serious rush ahead of the general price level, but not so when the earlier lag just mentioned is taken into account, nor when compared with the rise in nonferrous metal prices which jumped from a base of 103.5 in 1968 to 130.0 in May 1970, an increase of 26½ percentage points. Among the metals that made up these rising prices were nickel, copper, aluminum, lead. The increase was 23%.

Also, the wholesale price of coal far outstripped the price of steel, rising from a base of 103.7 in 1968 to 140.2 in December 1971. Coal, as it happens, is an important raw material used in the production of steel.

Neither nonferrous metals nor coal have import restrictions in effect. The rise in price in each instance was well in excess of the rise in steel prices.

There is nothing in the price trend of iron and steel since 1968 that would support the inflationary charge leveled against import quotas, especially when other metal prices which were not under a quota rose appreciably more sharply, and also coal.

PEANUT PRICES

Another product that is under an import quota limitation is peanuts.

The Department of Agriculture reports the season-average prices of peanuts annually; and these are available through 1971.

Peanuts are under price support and an import quota limitation established in 1953

under Section 22 of the Agricultural Adjustment Act.

The 1953 "season average price" was 11.1c per lb. By December 1971 this average price had risen to 13.6c per lb. (est.) or 22½%. The wholesale price of "all commodities" increased from 81.8 in 1950 to 115.4 in 1971 where 1967 equals 100. This was a rise of 41%, or nearly twice the rise in the price of peanuts.

The experience with peanuts as with the price trend on all the other products that are under quotas except dairy products, supports the conclusion that import quotas cannot be saddled with the objection that they are inflationary.

CONCLUSION

What might indeed be said is that one of the prime purposes of our import quota or similar limitation on imports is to prevent a drop in prices to a level so low that it would be disastrous to domestic producers but that might still return a profit to foreign exporters to this country because of their lower costs.

To say that the purpose of quotas is to raise prices is to say that to date nearly all our quotas have failed because most of them have not succeeded in keeping up with the general price level. They could then apparently be discarded with safety; but that is not the essential purpose of the quota.

However, the fact that prices might break through the floor if the quotas were removed, and thus produce an untenable price level for domestic producers, be their product textiles, sugar, petroleum, wheat, peanuts, meat or steel, represents the motivation for such quotas as a preventive measure, rather than a windfall or the possibility of gouging the consumer.

A further condemnation of the import quotas is expressed by the notion that under their protection producers will become complacent and inefficient. The whole record of the agricultural price support program, sustained by import quotas, stands as a complete refutation. Output per man-hour in agriculture has risen phenomenally and surpassed the increase experienced in the industrial field. One reason lay in the yet greater return to be gained under a guaranteed price and limited acreage if the yield per acre were lifted, and this was unquestionably the moving incentive toward greater effort. Assurance of a merely fixed return that could not have been increased by greater effort would hardly have led to the great increase in productivity.

DRAFT RULE MAKING FISCAL RESPONSIBILITY AMENDMENT IN ORDER

The SPEAKER pro tempore (Mr. MOORHEAD). Under a previous order the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, the following is the text of the amendment to the rule and of the amendment to H.R. 15390 which I intend to offer when the measure comes to the floor:

DRAFT RULE MAKING FISCAL RESPONSIBILITY AMENDMENT IN ORDER

No amendments shall be in order, except that sections 2 and 3 of H.R. 14830 may be offered as amendments either together or separately, and said amendments shall be in order, any rule of the House to the contrary notwithstanding.

H.R. 14830

(In the House of Representatives, May 8, 1972, Mr. REUSS (for himself, Mr. OBEY, Mr. FRASER, and Mr. VANIK) introduced the following bill; which was referred to the Committee on Ways and Means:)

A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by repealing certain provisions relating to the allowance for depreciation and increasing the amount of minimum tax imposed on tax preferences

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Responsibility Amendment".

SEC. 2. REASONABLE ALLOWANCE FOR DEPRECIATION.

(a) REPEAL OF ASSET DEPRECIATION RANGE.—Section 167(m)(1) of the Internal Revenue Code of 1954 (relating to class lives for depreciation allowance) is amended by striking out the following: The allowance so prescribed may (under regulations prescribed by the Secretary or his delegate) permit a variance from any class life by not more than 20 percent (rounded to the nearest half year) of such life.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to property—

(1) the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1972, or

(2) acquired after December 31, 1972, if the original use of the property commences with the taxpayer and commences after such date.

In applying this section in the case of property described in paragraph (1), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1972.

SEC. 3. AMENDMENTS TO MINIMUM TAX FOR TAX PREFERENCES.

(a) Section 56(a) of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended to read as follows:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 20 percent of the amount (if any) by which the sum of the items of tax preference exceeds \$12,000."

(b) Section 56(b) of such Code (relating to treatment of net operating losses) is amended by striking out "\$30,000" and inserting in lieu thereof "\$12,000" and by striking out "10 percent" in each place it appears and inserting in lieu thereof "20 percent".

(c) Section 56(c) of such Code (relating to tax carryovers) is hereby repealed.

(d) Section 58 of such Code (relating to rules for application of the minimum tax) is amended by—

(1) striking out "\$30,000" in each place it appears and inserting in lieu thereof "\$12,000",

(2) striking out "\$15,000" in subsection (a) and inserting in lieu thereof "\$6,000", and

(3) adding at the end thereof the following new subsection:

"(h) ELECTION NOT TO CLAIM TAX PREFERENCES.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the mak-

ing of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(f) Section 443(d) of such Code (relating to adjustment for minimum tax for tax preferences in case of returns for less than 12 months) is amended by striking out "\$30,000" and inserting in lieu thereof "\$12,000".

(g) (1) The amendment made by this section shall apply only with respect to taxable years beginning after December 31, 1972.

(2) In determining the deferral of tax liability under section 56(b) of the Internal Revenue Code of 1954 for any taxable year beginning before January 1, 1973, the necessary computations involving such taxable year shall be made under the law applicable to such taxable year.

(3) There shall be no tax carryover under section 56(c) or 56(a)(2)(B) of the Internal Revenue Code of 1954 to any taxable year beginning after December 31, 1972.

NONPOINT SOURCE POLLUTION FROM AGRICULTURAL, RURAL, AND DEVELOPING AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE) is recognized for 30 minutes.

Mr. KEE. Mr. Speaker, today on every side we have cries of alarm about the pollution of our water and air. Strong new legislation is being proposed to combat these critical conditions.

However, one source—indeed the greatest source of pollution—is the nonpoint pollution from agricultural, rural, and developing areas. Nonpoint source pollution is created by soil erosion, erosion from both water runoff and wind-blown dust. If these sources are not eliminated, all the billions we will spend under other legislation could well be wasted.

Accordingly, my able and distinguished colleague, my very dear friend, Congressman FRED SCHWENGLER and I today introduced a bill to rectify this problem. Mr. SCHWENGLER completely understands the need—the justification for this legislation.

H.R. 15596, a bill, nonpoint source pollution from agricultural, rural and developing areas.

The crux of this bill is the fact that when rains occur and water flows over the land, the running water is completely indiscriminate; it will pick up and move anything that is movable. It matters not to the hydraulic forces in overland flow whether the materials moved are soil particles, organic residues, manure, plant nutrients, pesticides, or infectious organisms.

The principal means whereby pesticides, plant nutrients, nuclear fallout, and infectious organisms leave the land and enter water bodies is by attachment to sediment particles. Rough estimate of the suspended solids loadings reaching the Nation's streams from surface runoff shows these to be at least 700 times the loadings caused by sewage discharges. It is estimated also that up to 500 million tons of soil dust float over the United States annually.

Therefore, controlling overland flow and establishing the proper land cover to reduce wind and water erosion are vital to the attainment of clean air and

clean water in our streams, lakes, and reservoirs.

Based on the 1969 annual report of the Corps of Engineers, the Mississippi River delivers approximately 250 million tons of sediment to the Gulf of Mexico during the average year. This is equivalent to the weight of 250,000 acres of topsoil measured to plow depth—average 7 inches—each year. This is 0.36 ton of sediment per acre per year for each of the 695 million acres in the Mississippi drainage basin, but much of the sediment comes from the 250 million acres of cropland in the watershed. Annual suspended sediment delivery by all of our rivers to the sea averages around 500 million tons.

Another 1.3 billion tons of sediment are deposited in our major reservoirs each year.

Total annual sediment movement exceeds 4 billion tons during the average year.

Forty-six million acres of agricultural land need attention against wind erosion. Actual yearly damage ranges up to 16 million acres. Dust in suspension is usually less than 10 percent of soil moved by wind. Dust densities in air vary from 3 to 1,500 tons per cubic mile or 675 to 280,000 micrograms per cubic meter, whereas 80 micrograms per cubic meter are considered a tolerable rate by the Department of Health, Education, and Welfare.

Windblown material destroys or damages many acres of crops per year which must be reseeded. Soil deposition occurs in channels, drainageways, irrigation canals, and along roadsides and waterways. Blowing soil also creates a driving hazard by cutting down visibility.

Virtually all of our water supply—4.75 billion acre-feet for conterminous United States in the average year—arrives as precipitation upon the land. Seventy percent of this supply is used up as evaporation from the soil surface and the vegetative cover. Beneficial use of this evaporated water is entirely dependent on the extent that good land management enables good growth of crops, grass, and trees. The other 30 percent of our precipitation becomes runoff to the sea. As indicated in the foregoing, the nature of the land and its treatment become major determinants in the quality of water flowing down the stream.

The land in the watershed and the water associated therewith cannot be treated as separate entities.

AGRICULTURAL AND RELATED POLLUTANTS THE PROBLEM

A major part of the job to be done in achieving the national goal of clean rivers and streams is to cope successfully with the growing problems of pollution control on the farmlands of our country. Attention is being directed to farms and rural areas as sources of pollutants which impair the quality of water in watercourses, lakes, and reservoirs. Changes which have come about in farming and land management with application of modern techniques have brought into the picture various water pollution problems not present or existing only in minor degree under old farming methods. Concentration of cattle and hogs in feedlots

in many parts of the country instead of finishing them in scattered small herds has created mass manure disposal problems. Heavy fertilization of various crops has increased the amounts of plant nutrients in many soils. These nutrients may be carried into streams and lakes with sediment eroded from the land. The spraying of insecticides and herbicides in crop productions and land management when not used properly, and without adequate safeguards, can cause widespread but unnecessary damage.

These and other comparable problems contribute to environmental damage. They require the development of additional and improved preventive and treatment techniques. They require the provision on a national basis of technical and financial assistance to State and local public bodies in developing and carrying out plans for coping with them. Provision should be made for the Secretary of Agriculture to carry out such a program to assist state and local agencies to abate, control, and prevent such pollution.

Programs administered by agencies of the Department of Agriculture are making significant contribution to the control of agricultural and related pollutants. For example, the technical assistance provided individual landowners and operators by the Soil Conservation Service working through some 3,000 local soil and water conservation districts is giving good results; the research activities of the Agricultural Research Service and State cooperative experiment stations are revealing new areas of concern and advanced methods and procedures for treatment; and the financial assistance provided by the Farmers Home Administration and the Agricultural Stabilization and Conservation Service has contributed to the total effort. However, because of inadequate financing, personnel restrictions, and limited authorities, the threat from agricultural and related pollutants continues to grow. Expansion of authorities and funding as authorized by the proposed legislation would provide the incentive of Federal participation needed to stimulate and assist local action. The necessary local organizations, experienced in cooperating with the Department in environmental improvement efforts, already exist and are ready to extend their participation as soon as the needed Federal assistance becomes available. The Department has a corps of experienced technicians highly skilled in the disciplines involved and can carry the proposed program with a minimum of increase in Federal employment.

ANIMAL WASTES

About two-thirds of the U.S. beef output is now finished in feedlots. The problem of animal waste disposal has increased tremendously with confinement feeding of beef cattle as well as hogs, dairy cows, and poultry. Along with animal confinement, the fertilizer industry has produced plant nutrients, less costly to buy and more pleasant to spread than equivalent nutrients from animal wastes, commonly used in agriculture some 30 or more years ago.

If all the animal wastes produced in

the Missouri River basin were put through sewage disposal plants, it would be equal to sewage from 370 million people. If only 5 percent of these animal wastes reached streams, the biochemical oxygen demand—BOD—would be equal to that of 18 million people. The basin population is only 7.9 million people.

Dairy barns may house up to 500 cows or the waste equivalent of about 8,000 people. Many beef feedlots may contain 10,000 head and produce 260 tons of solid waste and 100 tons of liquids daily. Some exceed 100,000 head. In 1968, there were about 80 feedlots with more than 16,000 head, and the number is constantly increasing. Poultry enterprises with 100,000 fowls—not an uncommon number—produce 10 tons of waste daily. Poultry processing plants are responsible for large amounts of additional waste.

A barnyard or a feedlot must be looked upon as a subwatershed receiving intense pollution. A heavily manured field would also constitute such a subwatershed.

The domestic cattle population is about 118 million. These animals produce about 1.4 billion tons of excrement a year. Although most cattle droppings are deposited out on rangelands or pastures, about 20 percent of the total is dropped on feedlots.

A 1,000-pound steer in a feedlot will produce 35 to 50 pounds of fecal wastes a day. The wastes from such an animal will carry about 110 pounds of nitrogen, 22 pounds of phosphorus, 125 pounds of potassium, and about 365 pounds of biochemical oxygen demand—BOD—over a year's time. With a stocking rate of 300 head per acre, the land receives a heavy supply of potential pollutants. Some feedlots have 870 animals per acre.

When rain falls upon a subwatershed that is a feedlot, the runoff may carry 5,000 parts per million of biochemical oxygen demand. Raw municipal sewage runs about 200 to 400 parts per million of BOD. Such feedlot subwatersheds must be equipped with water diversions such as the Soil Conservation Service has been using for many years in watershed protection. The diversions collecting polluted runoff must empty into a holding pond; or better, a settling basin and holding pond followed by means for recycling both the solid and liquid portions to agricultural land. Much of the nitrogen in the wastes in a heavily stocked feedlot or dairy loafing lot may be volatilized as ammonia and adsorbed by nearby lakes and streams.

Insofar as possible, animal wastes should be returned to the land. This constitutes good resource conservation and the most feasible system of recycling these wastes. Excessive application of organic wastes on the land—200 to 300 tons per acre—may seriously impair the land's productivity and become a source of pollution within a watershed. Sound land management practices for high use of poultry wastes, cattle manure, or sewage sludge must be developed for optimum protection of water quality in a watershed.

MINERAL SALTS

The problem of pollution from mineral salts of most concern to agriculture is

that of soil and water salinity. One-half of the 32 million acres of irrigated land in the Western United States is subject to serious salt accumulation.

The salts left behind as water evaporates from plant and soil surfaces are removed by downward leaching to the ground water or to a drain system. This results in progressive downstream salt enrichment of stream waters.

For example, the Colorado River water at Yuma, Ariz., carries about 1.2 tons of salt per acre-foot. This means that an Imperial Valley farmer adds 6 tons of salt annually to each acre irrigated with 60 inches of water. For the land to continue in production, this salt must be removed in drainage water.

Three thousand freight trains, 100 cars long, would be needed to do the annual salt transport job of the flowing water at Yuma.

Research has provided much knowledge for coping with soil and water salinity problems. The salt tolerance of most economic plants has been determined. Water quality measurements have been developed for ready use. Leaching requirement computations and procedures have been developed for reclamation of salt-impaired lands.

PLANT NUTRIENT MATERIALS

In the past 5 years, the use of fertilizer has increased 50 percent in the United States. This increase has occurred because fertilizer costs have decreased relative to other direct costs to the farmer. Rates of fertilizer use have also increased as farmers have become more aware of their proper use. Between 1920 and 1970, the use of nitrogen doubled every 10 years.

The amounts of nitrogen, phosphorus, and potassium reaching surface and ground waters that can be attributed to the fertilization of agricultural lands are yet unknown. Not all nitrates in waters come from fertilizers. Large amounts come from decomposition of the soil organic matter. Results from field studies have shown that from 20 to 50 percent of the applied nitrogen and 10 to 30 percent of the applied phosphorus cannot be accounted for in the crops removed from the land. Little phosphorus can be lost except by soil erosion. Nutrient balance studies indicate that portions of these inorganic chemicals may be lost through volatilization, or through fixation in the soil. Depending on soil, slope, and management conditions, the remaining portion of the phosphorus may be transported to surface streams attached to sediments. Particularly under irrigation and in sandy soils, the nitrogen may move into the ground water. Nitrogen may be in organic compounds carried by sediments, but most soluble nitrogen in runoff comes from decaying plants which might have gotten the nitrogen from fertilizers. The unaccounted for nitrogen may be due to denitrification or immobilized through biological or chemical action.

Algae and related aquatic plants tend to "bloom" when concentrations of plant nutrients are added to streams or lakes. Major concentrations of soluble phosphorous and other nutrients generally are the result of heavy point loading of

streams and reservoirs by industrial and municipal waste outfalls. However, in areas of heavy agricultural usage under improper fertilizer application or inadequate conservation practices, phosphate attached to sediment may also contribute to algal growth problems.

INFECTIOUS AGENTS

Soil and water can be the transmittal medium for numerous diseases that affect man. Increased water contact sports have accelerated the hazards of contracting eye, ear, nose, throat, and skin infections. Most but not all disease-producing organisms die off rapidly in the soil. Spores of bacteria which cause lockjaw and intestinal parasites are the main exceptions.

Diseases of animals and crops cause losses of hundreds of millions of dollars annually. Some of the common livestock diseases caused by infectious agents that are transmitted by soil and water are hog cholera, mastitis, foot-and-mouth disease, brucellosis, and anthrax. Common plant diseases transmitted by water and soil are black shank of tobacco, red stele disease of strawberries, and white stringy root rot of conifers.

IMPROPER DISPOSAL OF SOLID WASTES

Agricultural land and idle areas adjacent to urban communities are being used increasingly as dumps or landfills for disposal of various solid waste materials. If well designed and properly built on suitable soils, sanitary landfills can be a definite asset and a desirable addition to a water disposal and land utilization system. Attention must be given to possible pollution of ground water and proper drainage in the selection and design of these systems.

FOOD AND FIBER PROCESSING WASTES

These wastes are made up of chemical compounds and organic complexes. They may be solids or they may be substances dissolved in water or both.

The BOD in wastes from food and textile processing is estimated to be four times that of the sewage of the country. Disposal problems can be enormous during the peak seasons when the processing plants are operating, which may be only a few weeks during the year.

PESTICIDES

There is great public concern over the prevalence of persistent pesticides in our environment. Chlorinated hydrocarbons such as DDT, endrin, dieldrin, and aldrin are particularly under attack. Fish kills caused by these chemicals have been reported. These chemicals accumulate in the fatty tissues of small terrestrial animals—worms, snails, frogs—living on treated land. Birds of prey may eat these animals and accumulate the chemicals in some of their tissues. The hatchability of eggs from such birds is reported to be impaired.

Studies by the Agricultural Research Service at Greenville, Miss., showed that the amount of DDT residue in soils was directly related to the amount of DDT that had been applied in previous years. Level of DDT in tissues of terrestrial animals was directly related to level of DDT in the soil. The amount of DDT in runoff water and the sediment burden was also

measured. If there was any DDT dissolved in the water from land runoff, it was just below the level of detection. By contrast, very significant levels of DDT were found adsorbed on the surfaces of sediment particles. If pesticide delivery from treated fields is to be stopped, then curbing sediment delivery is the first requirement.

Many farmers have no alternative than to use pesticides if they are to stay in business and produce adequate supplies of food to feed the more than 200 million Americans. Nevertheless, such land should be under a sound soil conservation program such as prescribed by full watershed protection—not only for the benefit of the farmer, but also for the benefit of the wildlife enthusiast and the downstream water user.

OTHER CHEMICALS—HEAVY METALS

This source of pollution does not originate on the farm, but once there it becomes one of the more difficult to solve. Exhausts from various transportation media and industrial smoke and smelters emit huge amounts of lead, cadmium, and other heavy metals and other toxic elements like fluorine into the atmosphere daily. Internal combustion engines alone pour out millions of pounds of lead annually into the atmosphere. Motor vehicle tires also give up large amounts of cadmium. Most of these metals are deposited on soils and plants.

Studies have shown that the lead content of soils and plants along roadways varies directly with traffic volume and decreases exponentially with distance from the highway. The direction of prevailing wind skews the distribution. Global wind currents are such that large amounts of lead and other heavy metals are carried long distances from their source.

Results from field studies show that lead is found both in and on plants. These and other findings suggest that considerable amounts of these heavy metals are absorbed from the residues on the leaves, but not from the soil.

Intensively cultivated commercial crops, such as lettuce, grown along major highways may take up considerable quantities of these materials, thus constituting a hazard to those who eat the crops. Roadside plantings and ornamentals may also suffer damage from these contaminants. Animals grazing close to busy highways have been killed by lead poisoning.

SEDIMENT

NEED FOR ACCELERATED LAND TREATMENT TO CONTROL EROSION AND SEDIMENT

Sediment sources have been classified according to causative factors, eroding agent, location, and other criteria. Thus, there are manmade—accelerated—and natural—geologic—erosion; wind, splash, and water erosion; and erosion of the land surface—sheet-rill—or drainage-way—gully-channel—erosion. For the United States as a whole, the predominant sediment sources are from sheet-rill erosion of cultivated lands. More localized but still serious sediment sources occur wherever the land surface is denuded—usually by man—for appreciable periods and whenever eroding forces exceed resisting forces.

Agricultural land, because of type and intensity of use and because of its large area exposed and susceptible to erosion, supplies the greatest amount of the Nation's total sediment yield, perhaps one-half of the total. A smaller portion of the sediment burden—about 10 percent—arises from range and forested lands where fire, construction of forest roads, trails, and other improvements; certain logging practices; overgrazing; and trailing of animals have denuded the surface cover. Even though sediment yield from rangeland is substantially less than from other kinds of land, sediment is extremely serious because of the importance of water systems in arid and semiarid regions.

An analysis of the 1967 conservation needs inventory of the U.S. Department of Agriculture shows that estimated annual soil losses from 437 million acres of cropland amount to 2.6 billion tons. Sixty-five percent of this loss—1.8 billion tons—comes from 30 percent of the total cropland—137 million acres. It is estimated that annual sediment yields from soil losses on cropland exceed 1 billion tons of soil.

Farmers now oftentimes use 6- to 12-row equipment for crop production. Use of such large field machinery prevents the use of contour terraces to control soil erosion as was practiced during earlier decades. Parallel strips or parallel terraces on land that has the proper contour can provide protection from water erosion. Grass back-slope terraces with drainage outlets are showing great promise toward reducing erosion and sediment delivery from cultivated land in Iowa. Farming by means of minimum tillage operations with maintenance of mulch cover is giving excellent protection on millions of acres of erodible land. Grass and good tree cover provide the best protection from water erosion.

Developing new technology to stop sediment delivery from all land exposed to erosion must continuously go on to keep pace with new developments in machines that move the earth or work the land.

On experimental watersheds in western Iowa conducted by ARS, sediment delivery from corn planted on contour averaged 30 tons per acre over the past 6 years. A huge gully was developing at the lower end of the field. Cornfields on the watershed that were provided with grass back-slope terraces delivered only one-half ton of sediment per acre per year over the same period. Little surface runoff occurred on this watershed. Gullying was checked, and downstream water yield was not impaired.

Sediment—a product of erosion—is detrimental to our environment in many ways. It damages crops and cropland; covers roads, parks, and other public facilities; fills rivers, lakes, and harbors; and increases the costs of processing water for municipal and industrial use.

Sediment is not only a pollutant in its own right, but it is a major carrier of other pollutants such as fertilizer nutrients, herbicides, pesticides, and some infectious agents. Phosphorous, one of the main contributing factors to lake eutrophication, is transported by attach-

ment to sediment particles, as much as 95 percent.

Sound conservation land treatment to reduce erosion and runoff is an essential first step in environmental improvement.

Research at the USDA Hydrologic Field Station, Coshocton, Ohio, has shown the dramatic effect of minimum tillage in preventing sediment delivery from sloping land. July 1969 was an extremely wet month at Coshocton. Eleven inches of rain fell—7 inches above average. The watershed in corn under conventional tillage delivered 4 tons of sediment per acre during this 1 month. But the watershed in corn planted under minimum tillage delivered only 62 pounds of sediment per acre—less than 1 percent as much sediment as the conventional tillage provided.

There are tremendous possibilities in curbing sediment delivery from watersheds; and all of our land should be treated as watersheds.

The U.S. Department of Agriculture and the soil and water conservation districts have directed their attention to this problem for some 35 years. This has included technical assistance, modest cost-sharing for land treatment measures, loans, grants, research, and education. Despite these efforts over this period of time, some 63 percent of our land is still in need of conservation treatment.

Expansion of authorities and adequate funding would enable completion of the job in a reasonable time for the greatest benefit to the public in water pollution abatement, conservation of resources, and a better rural America.

STRIP MINING

There are some 2 million acres of non-federally owned surface-mined lands in the United States needing conservation treatment. In their present state, these areas are nonproductive, eroding, and gullied liabilities to the communities, counties, States, and the Nation. The annual load of sediment produced by erosion from these abandoned surface-mined areas is estimated to range up to 200 tons per acre. During a 4-year period, the average annual sediment production from Kentucky spoil banks was 27,000 tons per square mile while it was estimated at only 25 tons per square mile from forested areas. This sediment is being deposited on adjacent areas and in downstream channels and reservoirs. In addition, acid draining from the mined areas is contaminating water in streams and reservoirs. This erosion, sediment, pollution, and contamination are restricting the economic base of the people in the affected areas by unnecessarily limiting the available life-sustaining soil and water resources.

The present efforts to rehabilitate old surface-mined areas are inadequate. Damages to adjacent lands, water, fish, wildlife, and beauty continue. Much needs to be done and can be done to restore these areas and make them assets to the communities where they exist and to reduce their damaging effect on other areas. The incentive of Federal participation is needed to stimulate and assist local action. The necessary local organizations already exist and are ready to participate in sponsoring needed improvements when assistance is available.

Limited Federal assistance for treating surface-mined areas is being provided under existing authority. The Appalachian Regional Development Act of 1965 authorizes assistance in reclamation of publicly owned surface-mined areas in the Appalachian region. The rural environmental assistance program provides cost sharing for conservation practices in instances where the land qualifies as agricultural land. The Forest Service undertakes research and furnishes technical and financial assistance for reforestation and other conservation measures through programs authorized by title IV of the Agricultural Act of 1956, the Cooperative Forest Management Act of August 25, 1950, the Clarke-McNary Act of June 7, 1924, the McSweeney-McNary Act of May 22, 1928, and the Organic Act of 1897. The Soil Conservation Service furnishes technical assistance through soil and water conservation districts to individual landowners and operators under the Soil Conservation Act of 1935. This agency and other concerned USDA agencies also provide both technical and financial assistance for treating surface-mined areas in watershed projects and resource conservation and development projects that are high sediment producing sources. These programs are helpful and have produced good results, but they have not been adequate to treat the many critical areas in the Nation.

Experience gained under the existing programs has proven that mined areas and the associated spoil banks can be effectively treated. The cost of applying vegetative practices alone, however, will vary from \$100 to over \$300 per acre. Because of the nature of the spoil, the establishment of vegetative cover is unusually slow. Many years will elapse before landowners can expect to realize onsite benefits. Also, in many cases, some structural-type measures such as grade stabilization and gully control structures will be required. Hence, on many properties, the onsite benefits cannot be expected to equal the treatment costs. Effective offsite benefits from sediment reduction and pollution control require public action on sizable areas of land constituting small drainage areas or watersheds. Individual efforts are ineffective unless they are a part of a coordinated plan. Group action is, therefore, the logical and practical approach. Federal and financial assistance is necessary to activate this work on an adequate scale.

Since surface mining has been a practice in this country for more than a hundred years, most of the areas needing reclamation were mined prior to the passage of laws requiring reclamation. Twenty-eight States now have laws, some enacted rather recently, which require the restoration of newly surface-mined areas. However, such laws do not provide for the reclamation of the large area of old surface-mined lands. There is a need now for a new approach, a new authority, administered in conjunction with the Department of Agriculture's land and water conservation programs so as to give unified direction to the ap-

plication of a wholly coordinated program for reclamation and utilization of these surface-mined lands.

The need for attention to the problem was recognized and emphasized in the report "Control of Agriculture-Related Pollution," prepared by USDA and the Office of Science and Technology in January 1969.

The most recent reliable information on costs of reclaiming surface-mined lands is in the report, "Surface Mining and Our Environment," resulting from the national study of surface mining completed under Public Law 89-4. This report shows two levels of cost—one for basic reclamation and the other for rehabilitation. Basic reclamation consists of remedial measures necessary to alleviate or eliminate conditions resulting from surface mining, such as erosion, flooding, water pollution, damage to aquatic and wildlife habitat, barriers to access, and hazards to public safety. Rehabilitation comprises land development for parks and recreational areas, residential and industrial sites, scenic improvements, and other specialized land uses contributing to the economic potential or social improvement of areas.

The report shows costs of \$360 per acre for basic reclamation and \$600 per acre for rehabilitation. This latter cost includes the amount required for basic reclamation plus the additional costs to develop the land for specialized uses. Although these cost estimates are averages, they are adequate for estimating the costs of applying conservation treatments to the 1.9 million acres of privately owned surface-mined lands in need of attention. As a general rule, the elimination or abatement of offsite damages will require and justify a higher degree of Federal participation. Results will be reduced erosion and subsequent sedimentation; reduced contamination of streams and reservoirs by mine acids; improved habitat for fish and wildlife; a contribution to the restoration of productivity and beauty of affected areas; and the creation of a healthful atmosphere for needed recreation. This will improve the economic base of the people living in the area and will substantially benefit downstream land and water resources and improvements.

ROADSIDE EROSION

Basic to a sound economy and an appealing countryside is the extent to which our soils are kept from eroding. Large amounts of stream and lake clogging sediment come from eroding roadsides. This erosion is from the road shoulders, cut and fill slopes, road ditches, and adjacent areas within the right-of-way.

There are more than 3.5 million miles of roads in the United States. Where these roads pass through rolling or rough terrain, they create an erosion problem. If not properly cared for, this can be costly in terms of maintenance, damaging to adjacent land, destructive of natural beauty, unsightly and depressing to those who travel the roads, and contribute significantly to the sedimentation of the Nation's streams and reservoirs. In addition, a gullied roadside

ditch constitutes a dangerous safety hazard.

Slightly more than 2.1 million miles of public rural roads and highways are contributing in various degrees to the national erosion and sedimentation problem. About 425,000 miles are in need of treatment in excess of normal maintenance, of which about 25,000 will be reached by existing programs. These ordinarily are low order roads under the jurisdiction of the county or, in some cases, the State government, not constructed with Federal funds. The U.S. Bureau of Public Roads provides leadership to the erosion control program on the 875,000 miles of highways constructed under the Federal Aid System. Cities and municipalities are responsible for the erosion problem on the .5 million miles of streets and roads under their jurisdiction. The problem stems from the eroding secondary roads which contribute an estimated 56 million tons of a sediment annually into streams, harbors, and reservoirs.

The seriousness of the erosion problem within highway rights-of-way is emphasized by actual measurements by the Agricultural Research Service in Georgia. Soil loss on unprotected roadsides ran as high as 356 tons per acre, per year, or 16 pounds of soil loss per square foot. The Southeast River Basins Commission, in its report, pointed out serious roadside erosion, averaging 133 tons per mile annually on more than 20 percent of all roads and highways in the study area, which covered parts of five States.

Erosion losses measured from roadsides near Cartersville, Ga., ranged from 27,500 tons to 185,000 tons per square mile per year, depending on rainfall, degree of slope, and direction of exposure of the bank.

In portions of the Coosa River watershed as much as 55 percent of the sediment entering the river emanated from erosion from road rights-of-way.

A limited amount of technical assistance on erosion control problems is furnished local road authorities by the Soil Conservation Service under the provisions of the Soil Conservation Act of 1935. This assistance has been limited to those road authorities that are cooperators with local soil and water conservation districts and are capable of funding the installation cost.

The Soil Conservation Service, through its watershed protection and flood prevention program and the resource conservation and development projects, provides some limited cost-sharing for treating high sediment source areas on local roads within the confines of approved projects. However, these are only a small part of the Nation's road system needing erosion control measures.

The application of conservation measures to provide protection to eroding highway rights-of-way will keep soil loss within tolerable limits. As a result, maintenance costs will be kept at a minimum; damage to adjacent land will be alleviated; sediment deposition in streams, reservoirs, and harbors with its adverse effects on fish and wildlife, and municipal and industrial water supply will be reduced. Safety hazards will be reduced

and the esthetic beauty of the highway and adjacent areas of rural America will be preserved for the enjoyment of all.

DEVELOPING RURAL AREAS (URBAN)

Man influences his environment and is in turn influenced by it. Much of the environment is made up of natural resources seen each day, the land, forests, streams, and lakes. If used wisely, these resources serve an economic purpose while providing natural beauty and appealing surroundings. Used unwisely they provide monotonous, polluted surroundings, depressing to man and his spirit.

Wise use of the land—using it for purposes for which it is best suited, and protecting it from excess erosion and runoff—is basic for a healthy community or nation.

These principles have been learned and practiced for years on agricultural lands of the Nation. Various programs of the Department of Agriculture have provided technical and financial assistance to obtain wise land use and conservation treatment of agricultural lands. Rapid changes are now bringing about a need for such assistance on rural developing or urban lands of the Nation. Some 1.5 million acres of land are converted from rural to urban use annually.

Ours is an urban society. Seven out of 10 people now live in urban areas. This transition from an agrarian to an urban society has been rapid. It has not been orderly, and haphazard development has created some tremendous problems. Land poorly suited for urban use has been covered with houses, shopping centers, factories, and roads. Development plans have not recognized the need for or included provisions for controlling runoff, erosion, and sediment. This is due in large measure to the fact that planners, developers, and those controlling development have not recognized the need for such action.

Urban areas in the development stage are producing erosion and sediment out of all proportion to comparable areas in the agricultural sector. As an example, in the Potomac River Basin the sediment discharge rates of streams in areas undergoing urban growth are 10 to 50 times greater than those in rural areas. In one subwatershed in the Potomac Basin, sediment rates of 89,000 tons per square mile per year have been measured at the source. An example of accelerated erosion due to urbanization is shown in a study of a 14.3 square-mile watershed above Lake Barcroft in Virginia, a suburban area of Washington, D.C. As the area of watershed undergoing construction rose from 0.5 percent to nearly 9 percent annually, the volume of sediment reaching the lake increased from 4 to 25 acre-feet per year. On a small construction site at Johns Hopkins University, encompassing about 1½ acres, sediment yields of 140,000 tons per square mile per year were measured. This severe erosion not only damages the development area, but excess runoff and sediment produce flooding problems, clog streams and lakes, and destroy wildlife habitat and recreational areas.

Application of sound land use prin-

ciples and applicable conservation measures on agricultural land has proven that runoff and soil erosion losses can be kept within tolerable limits. These same principles and practices can be applied to urban lands, especially during the development stage with equal results. Most urban planners, developers, and local authorities who control development do not recognize the need for or have the expertise to take these steps. Sound guidance and technical assistance from knowledgeable conservation technicians will be required to guide and direct until these groups and individuals are capable of providing their own expertise. Funding will be needed for planning, staffing, and incentives to direct proper attention to this problem.

STREAMBANK EROSION

Land washed away through erosion of streambanks and the eroded material deposited downstream are losses of major concern to our national welfare. The land destroyed by streambank erosion is an important part of our production resource which we cannot afford to lose.

Sediment produced by such erosion is deposited downstream where it damages productive floodplain land, clogs stream channels, covers streets and highways, damages buildings in cities and towns, and fills rivers and harbors. It pollutes streams where it is detrimental to fish and wildlife and results in more expensive treatment of water for municipal and industrial use. It destroys natural beauty and reduces recreation potentials.

A recent report of a study of the extent of the problem prepared by the U.S. Army Corps of Engineers shows that damage of some degree is occurring on approximately 549,000 miles or 8 percent of the 7 million miles of streambank—3.5 million stream miles—in our Nation. Of this total, however, the damage occurring on about 148,000 miles is sufficiently serious to warrant further studies toward remedial measures. Damages resulting from erosion in these reaches are estimated to total some \$90 million annually, half from sediment damage, a third from land losses, and the rest from other types of damages.

The Virginia Tidal Riverbank Erosion Survey published in 1962 covers 951 miles of riverbank on the Rappahannock and Potomac Rivers. The survey shows 221 miles of riverbank have an average annual recession rate of 1.86 feet per year.

Unlike the treatment of many erosion problems which can be carried out by individual landowners, the control of streambank erosion requires consideration of an entire stream or major reach involving many landowners.

The U.S. Department of Agriculture over the years has developed vegetative and structural measures which, applied on a project-type basis, have proven very effective in controlling and protecting small streams from erosion.

Limited assistance for streambank stabilization is available under the provisions of the watershed protection and flood prevention program, the resource conservation and development program, and from the Agricultural Stabilization and Conservation Service and the U.S. Army Corps of Engineers. These various

programs are helpful but they extend to only a few of the many critical areas of the Nation needing treatment.

Individual landowners are reluctant to undertake treatment of these problems on their own since solutions are costly and many of the benefits accrue offsite to downstream users and the public rather than on their own property.

IMPLEMENTATION

The U.S. Department of Agriculture is in a unique, favorable position to provide the leadership in carrying out a national program for water quality management and pollution control in relation to agricultural, rural, and developing rural areas.

The USDA is the logical Federal Department to undertake this phase of the overall program because it has established offices in or available to every county across the Nation staffed with competent personnel. These offices are provided supervision and assistance by State and regional offices, also staffed with experienced personnel trained in the various technical, administrative, and supporting disciplines. In view of this organization, it would be unnecessary and wasteful to establish or build up a parallel organization with these capabilities.

Furthermore, the Department has a long history of close working relations with local and State agencies which would be a vital and necessary force in implementing such a program as is envisioned by this legislation. The key to an effective program to abate water pollution is watershed protection involving proper land utilization and establishment and maintenance of proven conservation measures. Such a program is based on the concept of local-State-Federal cooperation and cannot be achieved through regulatory functions.

The proposed legislation expands the multiple authorities presently being administered within the U.S. Department of Agriculture. It meets a need not provided for in other legislation introduced to date.

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

Mr. KEE. I am delighted to yield to the illustrious and dedicated Representative, the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, H.R. 15596 is the result of special interests and studies by many Members of the Congress.

The leadership of the Subcommittee on Conservation and Watershed Development has been recently unusually and importantly dedicated to the exploration of real problems in this area.

At the outset, I want to certainly thank the gentleman for the kind words he spoke in my behalf and I must say I especially appreciate having worked with him as chairman of this Subcommittee on Conservation and Watershed Development—that, incidentally, that is a new name with a broadened concept, and properly so, as a result of his leadership and his suggestion to the committee.

For years many of us have felt that

we should study this whole question in depth more than we have, and have suggested some field studies and some trips.

Under the very able leadership of the gentleman from West Virginia (Mr. KEE), we did make such a study here in the United States. We traveled to Ardmore, W. Va., Georgia, Mississippi, Iowa, and Kansas. We heard testimony from the people from those States and from many other States. They told us of their experience and their studies and of their success with projects that have been evolved through the very wise decision of this Congress when we enacted Public Law 566, the small watershed program for America.

So as a result of the leadership of the gentleman from West Virginia we have a report of those hearings that were made in all those places, and have invaluable testimony, and they are the basis largely of the legislation that we have offered.

Mr. Speaker, I should like to say at the beginning that I believe that Congress will eventually—and I hope very soon—act on this bill, and when it does, it will be landmark legislation. We are concerned, as the gentleman from West Virginia has said, with the resolution of the water pollution problem, and we passed some legislation authorizing up to \$24,000,500,000 to deal with municipal pollution and industrial pollution. I supported that, as he did. We both worked on it in the committee, and we think it is the most meaningful step made so far; but, my friends, it is as nothing as the impact that could come from the adoption of the provisions and the philosophy of this bill. I hope this Congress will note the testimony we gave here and will read the bill, become interested in it, and join us in completing the job of water pollution solution.

Mr. Speaker, I should like to say that Public Law 566, which established the Federal watershed program, serves many of the country's needs in handling the interrelated problems of erosion and flood control.

As of June of 1970, \$180 million in agricultural and nonagricultural damage was prevented, and 281,000 people were assured of dependable water supplies.

However, some analysts have stated that even in the Corn Belt, net erosion was probably greater in 1970 than 40 years before the extensive erosion control program was begun.

This unbelievable state of affairs can be explained by one word—"delay."

The watershed program was intentionally a decentralized program, so that the people closest to the problems would have the resources to deal with them. But the system we have produced has become such a bureaucracy composed of mismatched, uncoordinated functions, that no one can be sure that the resources will be used where they are needed.

Delays have cost hundreds of thousands of dollars already. Rising land prices and construction costs add to the expense. Valuable topsoil, the most fertile of all soils, washes into our waterways, becoming silt and causing the most pervasive, yet uncontrolled pollution in our Nation. While this soil washes into

our rivers, erosion increases at a geometric rate, similar to the population explosion, and watershed control programs will face greater problems even before they start. In short, while erosion and pollution are building speed like a spring flood, our watershed program rolls along like "Old Man River."

We obviously need a structure that will make sure the needed energy reaches its destination. In my home state, where the Little Sioux watershed has an estimated completion date of 2021, the Soil Conservation Service, local district officials, and the academic community alike are urging that the Secretary of Agriculture be given power to make binding agreements, and that he require assurance that needed steps will be taken.

This bill authorizes the Secretary of Agriculture to enter agreements with State and Local public agencies in planning for watershed programs. The Secretary may also enter agreements binding for up to 10 years with owners and occupiers of land, covering areas such as engineering operations, methods of cultivation, and waste treatment facilities. He may furnish financial and other assistance as he himself decides, and he may make loans under contract for the new Federal share of the costs.

The Secretary is empowered to make agreements covering five major areas:

First, farms and ranches; second, developing rural and urban areas; third, roadsides and related areas; fourth, tributaries of major rivers; and fifth, lands damaged by strip mines.

Each authorization lists specific assurances which the Secretary may and sometimes shall require. For instance, in agreements for farm and ranch programs, the Secretary may require agreements for up to 10 years for installation and maintenance of needed works, to be approved by the Secretary. In agreements for upstream tributaries, the Secretary shall require that local agencies:

First, bear at least 25 percent of the costs;

Second, obtain all necessary land rights;

Third, make arrangements for defraying costs; and

Fourth, share in costs for engineering services.

Generally, the Secretary is also authorized to initiate nationwide research and education on erosion and related pollution problems. He is also authorized to develop a summer job program for students in agriculture and related fields.

To make sure that resources and assistance do, in fact, go to those who use them in positive ways, the bill provides that wherever the Secretary has agreed on a plan and the promisor—the landowner—is found to be causing pollution, all assistance from any Federal program will be withdrawn until the pollution is stopped.

This act also amends section 10 of the Water Pollution Control Act by providing a 3-year interim period for compliance by livestock and poultry enterprises. If these enterprises comply with interim standards set by the Administrator of the EPA, abatement actions may not be initiated against them.

By outlining the areas where positive control is most needed and explicitly authorizing the Secretary to make binding agreements, this bill will furnish the assurance that the U.S. Government is getting results from its efforts. This assurance is badly needed. Delay has been uncovered and is now recognizable—as the worst problem for anyone concerned about the pollution of our environment. Perhaps, as some people believe, we will not recognize erosion as the country's biggest single source of pollution until it is either too late, or after the problem is solved.

I believe my fellow Congressmen are aware of this country's needs and will join me in this simple correction to avoid problems that will only worsen as time passes.

Mr. Speaker, at this point I will discuss a breakdown of this legislation.

I would like to begin by discussing agricultural and related pollutants.

A major part of the job to be done in achieving the national goal of clean rivers and streams is to cope successfully with the growing problems of pollution control on the farmlands of our country. Attention is being directed to farms and rural areas as sources of pollutants which impair the quality of water in water courses, lakes, and reservoirs. Changes which have come about in farming and land management with application of modern techniques have brought into the picture various water pollution problems not present or existing only in minor degree under old farming methods. Concentration of cattle and hogs in feedlots in many parts of the country instead of finishing them in scattered small herds has created mass manure disposal problems. Heavy fertilization of various crops has increased the amounts of plant nutrients in many soils. These nutrients may be carried into streams and lakes with sediment eroded from the land. The spraying of insecticides and herbicides in crop production and land management when not used properly, and without adequate safeguards, can cause widespread but unnecessary damage.

These and other comparable problems contribute to environmental damage. They require the development of additional and improved preventive and treatment techniques. They require the provision on a national basis of technical and financial assistance to State and local public bodies in developing and carrying out plans for coping with them. Provision should be made for the Secretary of Agriculture to carry out such a program to assist State and local agencies to abate, control, and prevent such pollution.

Programs administered by agencies of the Department of Agriculture are making significant contribution to the control of agricultural and related pollutants. For example, the technical assistance provided individual landowners and operators by the Soil Conservation Service working through some 3,000 local soil and water conservation districts is giving good results; the research activities of the Agricultural Research Service and State cooperative experiment stations are revealing new areas of concern and ad-

vanced methods and procedures for treatment; and the financial assistance provided by the Farmers Home Administration and the Agricultural Stabilization and Conservation Service has contributed to the total effort. However, because of inadequate financing, personnel restrictions, and limited authorities, the threat from agricultural and related pollutants continues to grow. Expansion of authorities and funding as authorized by the proposed legislation would provide the incentive of Federal participation needed to stimulate and assist local action. The necessary local organizations, experienced in cooperating with the Department in environmental improvement efforts, already exist and are ready to extend their participation as soon as the needed Federal assistance becomes available. The Department has a corps of experienced technicians highly skilled in the disciplines involved and can carry the proposed program with a minimum of increase in Federal employment.

A fairly new and rapidly growing problem is pollution from animal wastes. About two-thirds of the U.S. beef output is now finished in feedlots. The problem of animal waste disposal has increased tremendously with confinement feeding of beef cattle as well as hogs, dairy cows, and poultry. Along with animal confinement, the fertilizer industry has produced plant nutrients, less costly to buy and more pleasant to spread than equivalent nutrients from animal wastes, commonly used in agriculture some 30 or more years ago.

If all the animal wastes produced in the Missouri River Basin were put through sewage disposal plants, it would be equal to sewage from 370 million people. If only 5 percent of these animal wastes reached streams, the biochemical oxygen demand (BOD) would be equal to that of 18 million people. The basin population is only 7.9 million people.

Dairy barns may house up to 500 cows or the waste equivalent of about 8,000 people. Many beef feedlots may contain 10,000 head and produce 260 tons of solid waste and 100 tons of liquids daily. Some exceed 100,000 head. In 1968, there were about 80 feedlots with more than 16,000 head, and the number is constantly increasing. Poultry enterprises with 100,000 fowls—not an uncommon number—produce 10 tons of waste daily. Poultry processing plants are responsible for large amounts of additional waste.

A barnyard or a feedlot must be looked upon as a subwatershed receiving intense pollution. A heavily manured field would also constitute such a subwatershed.

The domestic cattle population is about 118 million. These animals produce about 1.4 billion tons of excrement a year. Although most cattle droppings are deposited out on rangelands or pastures, about 20 percent of the total is dropped on feedlots.

A 1,000-pound steer in a feedlot will produce 35 to 50 pounds of fecal wastes a day. The wastes from such an animal will carry about 110 pounds of nitrogen, 22 pounds of phosphorus, 125 pounds of potassium, and about 365 pounds of biochemical oxygen demand—BOD—over a year's time. With a stocking rate of 300

head per acre, the land receives a heavy supply of potential pollutants. Some feedlots have 870 animals per acre.

When rain falls upon a subwatershed that is a feedlot, the runoff may carry 5,000 parts per million of biochemical oxygen demand. Raw municipal sewage runs about 200 to 400 parts per million of BOD. Such feedlot subwatersheds must be equipped with water diversions such as the Soil Conservation Service has been using for many years in watershed protection. The diversions collecting polluted runoff must empty into a holding pond; or better, a settling basin and holding pond followed by means for recycling both the solid and liquid portions to agricultural land. Much of the nitrogen in the wastes in a heavily stocked feedlot or dairy loafing lot may be volatilized as ammonia and adsorbed by nearby lakes and streams.

Insofar as possible, animal wastes should be returned to the land. This constitutes good resource conservation and the most feasible system of recycling these wastes. Excessive application of organic wastes on the land—200–300 tons per acre—may seriously impair the land's productivity and become a source of pollution within a watershed. Sound land management practices for high use of poultry wastes, cattle manure, or sewage sludge must be developed for optimum protection of water quality in a watershed.

MINERAL SALTS

The problem of pollution from mineral salts of most concern to agriculture is that of soil and water salinity. One-half of the 32 million acres of irrigated land in the Western United States is subject to serious salt accumulation.

The salts left behind as water evaporates from plant and soil surfaces are removed by downward leaching to the ground water or to a drain system. This results in progressive downstream salt enrichment of stream waters.

For example, the Colorado River water at Yuma, Ariz., carries about 1.2 tons of salt per acre-foot. This means that an Imperial Valley farmer adds 6 tons of salt annually to each acre irrigated with 60 inches of water. For the land to continue in production, this salt must be removed in drainage water.

Three thousand freight trains, 100 cars long, would be needed to do the annual salt transport job of the flowing water at Yuma.

Research has provided much knowledge for coping with soil and water salinity problems. The salt tolerance of most economic plants has been determined. Water quality measurements have been developed for ready use. Leaching requirement computations and procedures have been developed for reclamation of salt-impaired lands.

Plant nutrient materials have ironically done considerable environmental damage. In the past 5 years, the use of fertilizer has increased 50 percent in the United States. This increase has occurred because fertilizer costs have decreased relative to other direct costs to the farmer. Rates of fertilizer use have also increased as farmers have become more aware of their proper use. Between

1920 and 1970, the use of nitrogen doubled every 10 years.

The amounts of nitrogen, phosphorus, and potassium reaching surface and ground waters that can be attributed to the fertilization of agricultural lands are yet unknown. Not all nitrates in waters come from fertilizers. Large amounts come from decomposition of the soil organic matter. Results from field studies have shown that from 20 to 50 percent of the applied nitrogen and 10 to 30 percent of the applied phosphorus cannot be accounted for in the crops removed from the land. Little phosphorus can be lost except by soil erosion. Nutritive balance studies indicate that portions of these inorganic chemicals may be lost through volatilization, or through fixation in the soil. Depending on soil, slope, and management conditions, the remaining portion of the phosphorus may be transported to surface streams attached to sediments. Particularly under irrigation and in sandy soils, the nitrogen may move into the ground water. Nitrogen may be in organic compounds carried by sediments, but most soluble nitrogen in runoff comes from decaying plants which might have gotten the nitrogen from fertilizers. The unaccounted for nitrogen may be due to denitrification or immobilized through biological or chemical action.

Algae and related aquatic plants tend to "bloom" when concentrations of plant nutrients are added to streams or lakes. Major concentrations of soluble phosphorus and other nutrients generally are the result of heavy point loading of streams and reservoirs by industrial and municipal waste outfalls. However, in areas of heavy agricultural usage under improper fertilizer application or inadequate conservation practices, phosphate attached to sediment may also contribute to algal growth problems.

Infectious agents are carried and kept alive by uncontrolled farmland drainage. Soil and water can be the transmittal medium for numerous diseases that affect man. Increased water contact sports have accelerated the hazards of contracting eye, ear, nose, throat, and skin infections. Most but not all disease-producing organisms die off rapidly in the soil. Spores of bacteria which cause lockjaw and intestinal parasites are the main exceptions.

Diseases of animals and crops cause losses of hundreds of millions of dollars annually. Some of the common livestock diseases caused by infectious agents that are transmitted by soil and water are hog cholera, mastitis, foot-and-mouth disease, brucellosis, and anthrax. Common plant diseases transmitted by water and soil are black shank of tobacco, red stele disease of strawberries, and white stringy root rot of conifers.

Improper disposal of solid wastes is one of the most obvious and repugnant pollution sources. Agricultural land and idle areas adjacent to urban communities are being used increasingly as dumps or landfills for disposal of various solid waste materials. If well designed and properly built on suitable soils, sanitary landfills can be a definite asset and a desirable addition to a water disposal and

land utilization system. Attention must be given to possible pollution of ground water and proper drainage in the selection and design of these systems.

Other direct sources of pollution are food and fiber processing wastes. These wastes are made up of chemical compounds and organic complexes. They may be solids or they may be substances dissolved in water or both.

The BOD in wastes from food and textile processing is estimated to be four times that of the sewage of the country. Disposal problems can be enormous during the peak seasons when the processing plants are operating, which may be only a few weeks during the year.

Pesticides are the subject of loud complaints and have become a highly emotional issue. There is great public concern over the prevalence of persistent pesticides in our environment. Chlorinated hydrocarbons such as DDT, endrin, dieldrin, and aldrin are particularly under attack. Fish kills caused by these chemicals have been reported. These chemicals accumulate in the fatty tissues of small terrestrial animals (worms, snails, frogs) living on treated land. Birds of prey may eat these animals and accumulate the chemicals in some of their tissues. The hatchability of eggs from such birds is reported to be impaired.

Studies by the Agricultural Research Service at Greenville, Mississippi, showed that the amount of DDT residue in soils was directly related to the amount of DDT that had been applied in previous years. Level of DDT in tissues of terrestrial animals was directly related to level of DDT in the soil. The amount of DDT in runoff water and the sediment burden was also measured. If there was any DDT dissolved in the water from land runoff, it was just below the level of detection. By contrast, very significant levels of DDT were found adsorbed on the surfaces of sediment particles. If pesticide delivery from treated fields is to be stopped, then curbing sediment delivery is the first requirement.

Many farmers have no alternatives than to use pesticides if they are to stay in business and produce adequate supplies of food to feed the more than 200 million Americans. There is abundant and sufficient reason why such land should be under a sound soil conservation program such as prescribed by full watershed protection—not only for the benefit of the farmer, but also for the benefit of the wildlife enthusiast and the downstream water user and equally for the benefit of our children who must depend on the food supply to feed themselves.

Heavy metals are a source of pollution and do not originate on the farm. Once there, however, they become some of the more difficult problems to solve. These metals come from exhausts from various transportation media. The industrial smokes and smelters emit huge amounts of lead, cadmium, and other heavy metals and other toxic elements like flouride into the atmosphere daily. Internal combustion engines alone pour out millions of pounds of lead annually

into the atmosphere. Motor vehicle tires also give up large amounts of cadmium. Most of these metals are deposited on soils and plants.

Studies have shown that the lead content of soils and plants along roadways varies directly with traffic volume and decreases exponentially with distance from the highway. The direction of prevailing wind skews the distribution. Global wind currents are such that large amounts of lead and other heavy metals are carried long distances from their source.

Results from field studies show that lead is found both in and on plants. These and other findings suggest that considerable amounts of these heavy metals are absorbed from the residues on the leaves, but not from the soil.

Intensively cultivated commercial crops, such as lettuce, grown along major highways may take up considerable quantities of these materials, thus constituting a hazard to those who eat the crops. Roadside plantings and ornamentals may also suffer damage from these contaminants. Animals grazing close to busy highways have been killed by lead poisoning.

There is great need for accelerated land treatment to control erosion and sediment. Sediment sources have been classified according to causative factors, eroding agent, location, and other criteria. Thus, there are manmade—accelerated—and natural—geologic—erosion; wind, splash, and water erosion; and erosion of the land surface—sheet-rill—or drainage—gully channel—erosion. For the United States as a whole, the predominant sediment sources are from sheet-rill erosion of cultivated lands. More localized but still serious sediment sources occur wherever the land surface is denuded—usually by man—for appreciable periods and whenever eroding forces exceed resisting forces.

Agricultural land, because of type and intensity of use and because of its large area exposed and susceptible to erosion, supplies the greatest amount of the Nation's total sediment yield, perhaps one-half of the total. A smaller portion of the sediment burden—about 10 percent—arises from range and forested lands where fire; construction of forest roads, trails, and other improvements; certain logging practices; overgrazing; and trailing of animals have denuded the surface cover. Even though sediment yield from rangeland is substantially less than from other kinds of land, sediment is extremely serious because of the importance of water systems in arid and semiarid regions.

An analysis of the 1967 conservation needs inventory of the U.S. Department of Agriculture shows that estimated annual soil losses from 437 million acres of cropland amount to 2.6 billion tons. Sixty-five percent of this loss—1.8 billion tons—comes from 30 percent of the total cropland—137 million acres. It is estimated that annual sediment yields from soil losses on cropland exceed 1 billion tons of soil.

Farmers now oftentimes use 6- to 12-row equipment for crop production. Use of such large field machinery prevents the use of contour terraces to control

soil erosion as was practiced during earlier decades. Parallel strips or parallel terraces on land that has the proper contour can provide protection from water erosion. Grass back-slope terraces with drainage outlets are showing great promise toward reducing erosion and sediment delivery from cultivated land in Iowa. Farming by means of minimum tillage operations with maintenance of mulch cover is giving excellent protection on millions of acres of erodible land. Grass and good tree cover provide the best protection from water erosion.

Developing new technology to stop sediment delivery from all land exposed to erosion must continuously go on to keep pace with new developments in machines that move the earth or work the land.

On experimental watersheds in western Iowa conducted by ARS, sediment delivery from corn planted on contour averaged 30 tons per acre over the past 6 years. A huge gully was developing at the lower end of the field. Cornfields on the watershed that were provided with grass back-slope terraces delivered only one-half ton of sediment per acre per year over the same period. Little surface runoff occurred on this watershed. Gully-ling was checked, and downstream water yield was not impaired.

Sediment—a product of erosion—is detrimental to our environment in many ways. It damages crops and cropland; covers roads, parks, and other public facilities; fills rivers, lakes, and harbors; and increases the costs of processing water for municipal and industrial use.

Sediment is not only a pollutant in its own right, but it is a major carrier of other pollutants such as fertilizer nutrients, herbicides, pesticides, and some infectious agents. Phosphorus, one of the main contributing factors to lake eutrophication, is transported by attachment to sediment particles, as much as 95 percent.

Sound conservation land treatment to reduce erosion and runoff is a most important first step in environmental improvement.

Research at the USDA Hydrologic Field Station, Coshocton, Ohio, has shown the dramatic effect of minimum tillage in preventing sediment delivery from sloping land. July 1969 was an extremely wet month at Coshocton. Eleven inches of rain fell—7 inches above average. The watershed in corn under conventional tillage delivered 4 tons of sediment per acre during this 1 month. But the watershed in corn planted under minimum tillage delivered only 62 pounds of sediment per acre—less than 1 percent as much sediment as the conventional tillage provided.

There are tremendous possibilities in curbing sediment delivery from watersheds; and all of our land should be treated as watersheds.

The U.S. Department of Agriculture and the soil and water conservation districts have directed their attention to this problem for some 35 years. This has included technical assistance, modest cost-sharing for land treatment measures, loans, grants, research, and education. Despite these efforts over this period of

time, some 63 percent of our land is still in need of conservation treatment.

Expansion of authorities and adequate funding would enable completion of the job in a reasonable time for the greatest benefit to the public in water pollution abatement, conservation of resources, and a better rural America.

Strip mining has been one of man's most reprehensible contributions to the erosion of our Nation's lands. There are some 2 million acres of non-federally owned surface-mined lands in the United States needing conservation treatment. In their present state, these areas are nonproductive, eroding, and gullied liabilities to the communities, counties, States, and the Nation. The annual load of sediment produced by erosion from these abandoned surface-mined areas is estimated to range up to 200 tons per acre. During a 4-year period, the average annual sediment production from Kentucky spoil banks was 27,000 tons per square mile while it was estimated at only 25 tons per square mile from forested areas. This sediment is being deposited on adjacent areas and in downstream channels and reservoirs. In addition, acid draining from the mined areas is contaminating water in streams and reservoirs. This erosion, sediment, pollution, and contamination are restricting the economic base of the people in the affected areas by unnecessarily limiting the available life-sustaining soil and water resources.

The present efforts to rehabilitate old surface-mined areas are inadequate. Damages to adjacent lands, water, fish, wildlife, and beauty continue. Much needs to be done and can be done to restore these areas and make them assets to the communities where they exist and to reduce their damaging effect on other areas. The incentive of Federal participation is needed to stimulate and assist local action. The necessary local organizations already exist and are ready to participate in sponsoring needed improvements when assistance is available.

Limited Federal assistance for treating surface-mined areas is being provided under existing authority. The Appalachian Regional Development Act of 1965 authorizes assistance in reclamation of publicly owned surface-mined areas in the Appalachian region. The rural environmental assistance program provides cost sharing for conservation practices in instances where the land qualifies as agricultural land. The Forest Service undertakes research and furnishes technical and financial assistance for reforestation and other conservation measures through programs authorized by title IV of the Agricultural Act of 1956, the Cooperative Forest Management Act of August 25, 1950, the Clarke-McNary Act of June 7, 1924, the McSweeney-McNary Act of May 22, 1928, and the Organic Act of 1897. The Soil Conservation Service furnishes technical assistance through soil and water conservation districts to individual landowners and operators under the Soil Conservation Act of 1935. This agency and other concerned USDA agencies also provide both technical and financial assistance for treating surface-mined areas in watershed projects

and resource conservation and development projects that are high sediment producing sources. These programs are helpful and have produced good results, but they have not been adequate to treat the many critical areas in the Nation.

Experience gained under the existing programs has proven that mined areas and the associated spoil banks can be effectively treated. The cost of applying vegetative practices alone, however, will vary from \$100 to over \$300 per acre. Because of the nature of the spoil, the establishment of vegetative cover is unusually slow. Many years will elapse before landowners can expect to realize on-site benefits. Also, in many cases, some structural type measures such as grade stabilization and gully control structures will be required. Hence, on many properties, the on-site benefits cannot be expected to equal the treatment costs. Effective off-site benefits from sediment reduction and pollution control require public action on sizeable areas of land constituting small drainage areas or watersheds. Individual efforts are ineffective unless they are a part of a coordinated plan. Group action is, therefore, the logical and practical approach. Federal technical and financial assistance is necessary to activate this work on an adequate scale.

Since surface mining has been a practice in this country for more than a hundred years, most of the areas needing reclamation were mined prior to the passage of laws requiring reclamation. Twenty-eight States now have laws, some enacted rather recently, which require the restoration of newly surface-mined areas. However, such laws do not provide for the reclamation of the large area of old surface-mined lands. There is a need now for a new approach, a new authority, administered in conjunction with the Department of Agriculture's land and water conservation programs so as to give unified direction to the application of a wholly coordinated program for reclamation and utilization of these surface-mined lands.

The need for attention to the problem was recognized and emphasized in the report "Control of Agriculture-Related Pollution," prepared by USDA and the Office of Science and Technology in January 1969.

The most recent reliable information on costs of reclaiming surface-mined lands is in the report "Surface Mining and Our Environment" resulting from the national study of surface mining completed under Public Law 89-4. This report shows two levels of cost—one for basic reclamation and the other for rehabilitation. Basic reclamation consists of remedial measures necessary to alleviate or eliminate conditions resulting from surface mining, such as erosion, flooding, water pollution, damage to aquatic and wildlife habitat, barriers to access, and hazards to public safety. Rehabilitation comprises land development for parks and recreational areas, residential and industrial sites, scenic improvements, and other specialized land uses contributing to the economic potential or social improvement of areas.

The report shows costs of \$360 per acre for basic reclamation and \$600 per

acre for rehabilitation. This latter cost includes the amount required for basic reclamation plus the additional costs to develop the land for specialized uses. Although these cost estimates are averages, they are adequate for estimating the costs of applying conservation treatments to the 1.9 million acres of privately owned surface-mined lands in need of attention. As a general rule, the elimination or abatement of off-site damages will require and justify a higher degree of Federal participation. Results will be reduced erosion and subsequent sedimentation; reduced contamination of streams and reservoirs by mine acids; improved habitat for fish and wildlife; a contribution to the restoration of productivity and beauty of affected areas; and the creation of a healthful atmosphere for needed recreation. This will improve the economic base of the people living in the area and will substantially benefit downstream land and water resources and improvements.

Roadside erosion is an often neglected, but widespread and serious problem. Basic to a sound economy and an appealing countryside is the extent to which our soils are kept from eroding. Large amounts of stream and lake clogging sediment come from eroding roadsides. This erosion is from the road shoulders, cut and fill slopes, road ditches, and adjacent areas within the right-of-way.

There are more than 3.5 million miles of roads in the United States. Where these roads pass through rolling or rough terrain, they create an erosion problem. If not properly cared for, this can be costly in terms of maintenance, damaging to adjacent land, destructive of natural beauty, unsightly and depressing to those who travel the roads, and contribute significantly to the sedimentation of the Nation's streams and reservoirs. In addition, a gullied roadside ditch constitutes a dangerous safety hazard.

Slightly more than 2.1 million miles of public rural roads and highways are contributing in various degrees to the national erosion and sedimentation problem. About 425,000 miles are in need of treatment in excess of normal maintenance, of which about 25,000 will be reached by existing programs. These ordinarily are low order roads under the jurisdiction of the county or, in some cases, the State government, not considered with Federal funds. The U.S. Bureau of Public Roads provides leadership to the erosion control program on the 875,000 miles of highways constructed under the Federal aid system. Cities and municipalities are responsible for the erosion problem on the 0.5 million miles of streets and roads under their jurisdiction. The problem stems from the eroding secondary roads which contribute an estimated 56 million tons of sediment annually into streams, harbors, and reservoirs.

The seriousness of the erosion problem within highway rights-of-way is emphasized by actual measurements by the Agricultural Research Service in Georgia. Soil loss on unprotected roadsides ran as high as 356 tons per acre, per year, or 16 pounds of soil loss per square

foot. The Southeast River Basins Commission, in its report, pointed out serious roadside erosion, averaging 123 tons per mile annually on more than 20 percent of all roads and highways in the study area, which covered parts of five States.

Erosion losses measured from roadsides near Cartersville, Ga., ranged from 27,500 tons to 185,000 tons per square mile per year, depending on rainfall, degree of slope, and direction of exposure of the bank.

In portions of the Coosa River watershed as much as 55 percent of the sediment entering the river emanated from erosion from road rights-of-way.

A limited amount of technical assistance on erosion control problems is furnished local road authorities by the Soil Conservation Service under the provisions of the Soil Conservation Act of 1935. This assistance has been limited to those road authorities that are cooperators with local soil and water conservation districts and are capable of funding the installation cost. The Soil Conservation Service, through its Watershed Protection and Flood Prevention program and the Resource Conservation and Development projects, provides some limited cost-sharing for treating high sediment source areas on local roads within the confines of approved projects. However, these are only a small part of the Nation's road system needing erosion control measures.

The application of conservation measures to provide protection to eroding highway rights-of-way will keep soil loss within tolerable limits. As a result, maintenance costs will be kept at a minimum; damage to adjacent land will be alleviated; sediment deposition in streams, reservoirs, and harbors with its adverse effects on fish and wildlife, and municipal and industrial water supply will be reduced. Safety hazards will be reduced and the esthetic beauty of the highway and adjacent areas of rural America will be preserved for the enjoyment of all.

Developing rural and urban areas cause erosion and pollution, often through sheer negligence and ignorance of the problem. Man influences his environment and is in turn influenced by it. Much of the environment is made up of natural resources seen each day, the land, forests, streams, and lakes. If used wisely, these resources serve an economic purpose while providing natural beauty and appealing surroundings. Used unwisely they provide monotonous, polluted surroundings, depressing to man and his spirit.

Wise use of the land—using it for purposes for which it is best suited, and protecting it from excess erosion and runoff—is basic for a healthy community or Nation.

These principles have been learned and practiced for years on agricultural lands of the Nation. Various programs of the Department of Agriculture have provided technical and financial assistance to obtain wise land use and conservation treatment of agricultural lands. Rapid changes are now bringing about a need for such assistance on rural developing or urban lands of the Nation. Some 1.5 million acres of land are

converted from rural to urban use annually.

Ours is an urban society. Seven out of 10 people now live in urban areas. This transition from an agrarian to an urban society has been rapid. It has not been orderly, and haphazard development has created some tremendous problems. Land poorly suited for urban use has been covered with houses, shopping centers, factories, and roads. Development plans have not recognized the need for or included provisions for controlling runoff, erosion, and sediment. This is due in large measure to the fact that planners, developers, and those controlling development have not recognized the need for such action.

Urban areas in the development stage are producing erosion and sediment out of all proportion to comparable areas in the agricultural sector. As an example, in the Potomac River Basin the sediment discharge rates of streams in areas undergoing urban growth are 10 to 50 times greater than those in rural areas. In one subwatershed in the Potomac Basin, sediment rates of 89,000 tons per square mile per year have been measured at the source. An example of accelerated erosion due to urbanization is shown in a study of a 14.3 square-mile watershed above Lake Barcroft in Virginia, a suburban area of Washington, D.C. As the area of watershed undergoing construction rose from 0.5 percent to nearly 9 percent annually, the volume of sediment reaching the lake increased from 4 to 25 acre-feet per year. On a small construction site at Johns Hopkins University, encompassing about 1½ acres, sediment yields of 140,000 tons per square mile per year were measured. This severe erosion not only damages the development area, but excess runoff and sediment produce flooding problems, clog streams and lakes, and destroy wildlife habitat and recreational areas.

Application of sound land use principles and applicable conservation measures on agricultural land has proven that runoff and soil erosion losses can be kept within tolerable limits. These same principles and practices can be applied to urban lands, especially during the development stage with equal results. Most urban planners, developers, and local authorities who control development do not recognize the need for or have the expertise to take these steps. Sound guidance and technical assistance from knowledgeable conservation technicians will be required to guide and direct until these groups and individuals are capable of providing their own expertise. Funding will be needed for planning, staffing, and incentives to direct proper attention to this problem.

Streambank erosion is one of the hardest problems to solve. Land washed away through erosion of streambanks and the eroded material deposited downstream are losses of major concern to our national welfare. The land destroyed by streambank erosion is an important part of our production resource which we cannot afford to lose.

Sediment produced by such erosion is deposited downstream where it damages productive floodplain land, clogs stream

channels, covers streets and highways, damages buildings in cities and towns, and fills rivers and harbors. It pollutes streams where it is detrimental to fish and wildlife and results in more expensive treatment of water for municipal and industrial use. It destroys natural beauty and reduces recreation potentials.

A recent report of a study of the extent of the problem prepared by the U.S. Army Corps of Engineers shows that damage of some degree is occurring on approximately 549,000 miles or 8 percent of the 7 million miles of streambank—3.5 million stream miles—in our Nation. Of this total, however, the damage occurring on about 148,000 miles is sufficiently serious to warrant further studies toward remedial measures. Damages resulting from erosion in these reaches are estimated to total some \$90 million annually, half from sediment damage, a third from land losses, and the rest from other types of damages.

The Virginia Tidal Riverbank Erosion Survey published in 1962 covers 951 miles of riverbank on the Rappahannock and Potomac Rivers. The survey shows 221 miles of riverbank have an average annual recession rate of 1.86 feet per year.

Unlike the treatment of many erosion problems which can be carried out by individual landowners, the control of streambank erosion requires consideration of an entire stream or major reach involving many landowners.

The U.S. Department of Agriculture over the years has developed vegetative and structural measures which, applied on a project-type basis, have proven very effective in controlling and protecting small streams from erosion.

Limited assistance for streambank stabilization is available under the provisions of the watershed protection and flood prevention program, the resource conservation and development program, and from the Agricultural Stabilization and Conservation Service and the U.S. Army Corps of Engineers. These various programs are helpful but they extend to only a few of the many critical areas of the Nation needing treatment.

Individual landowners are reluctant to undertake treatment of these problems on their own since solutions are costly and many of the benefits accrue offsite to downstream users and the public rather than on their own property. Our implementation programs have failed to take the fullest advantage of available resources.

The U.S. Department of Agriculture is in a unique, favorable position to provide the leadership in carrying out a national program for water quality management and pollution control in relation to agricultural, rural, and developing rural areas.

The USDA is the logical Federal department to undertake this phase of the overall program because it has established offices in or available to every county across the Nation staffed with competent personnel. These offices are provided supervision and assistance by State and regional offices, also staffed with experienced personnel trained in

the various technical, administrative, and supporting disciplines. In view of this organization, it would be unnecessary and wasteful to establish or build up a parallel organization with these capabilities.

Furthermore, the Department has a long history of close working relations with local and State agencies which would be a vital and necessary force in implementing such a program as is envisioned by this legislation. The key to an effective program to abate water pollution is watershed protection involving proper land utilization and establishment and maintenance of proven conservation measures. Such a program is based on the concept of local-State-Federal cooperation and cannot be achieved through regulatory functions.

The proposed legislation expands the multiple authorities presently being administered within the U.S. Department of Agriculture. It meets a need not provided for in other legislation introduced to date.

This bill authorizes the Secretary of Agriculture to make agreements in all of the five major erosion problem areas, and provides specific requirements to be included in the agreements.

For farm and ranch land agreements, the Secretary may require as a condition to providing assistance that the landowner enter agreements for up to 10 years concerning installation and maintenance of needed works, according to the Secretary's specifications.

For rapidly developing areas, the Secretary shall require the cooperating agency to enact and enforce development negotiations and to bear proportionate development costs.

For roadside and streambank erosion agreements, the Secretary shall require the cooperating agency to: First, bear at least 25 percent of the construction costs; second, give assurance of getting the needed land rights; third, make arrangements for defraying costs, and fourth, bear proportionate costs of engineering services.

For non-Federal lands damaged by strip or surface mining, agreements may include requirements that the landowner enter agreements for up to 10 years for installation and maintenance of needed works, build works according to the Secretary's specifications, and provide protection from future damage.

These requirements should provide the Secretary with the power he needs to see that watershed programs actually do get results. They are general, flexible grants of power, yet they are specific enough to furnish guidelines. The Secretary should be able to mold the agreements into meaningful programs and finally make the program and his advantageous position work as they must to meet this pressing problem.

THE REVENUE-SHARING TRAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 20 minutes.

Mr. HOLIFIELD. Mr. Speaker, I intend to oppose H.R. 14370, the State and

Local Fiscal Assistance Act, when that bill is considered in this Chamber tomorrow, for several reasons.

First, I am appalled by the huge deficit which we have experienced over the past 3 years, and the equally huge Federal deficit forecast for fiscal year 1973—more than \$123 billion in a 4-year period.

I am equally concerned about the interest on the public debt, which has more than doubled since 1965. In 1965, we paid \$10.4 billion in interest; in 1973 we will be paying \$22.7 billion.

These are the debt and interest burdens which have already been shared with the American people.

It is proposed that we now act to increase the burden of that debt by \$30 billion over a period of 5 years at an additional interest burden of at least \$1.5 billion per year.

We must not mislead the American people by referring to H.R. 14370 as a "revenue sharing" measure when, in fact, it is a debt and interest sharing bill.

Next year, when the elections are over, a Democratic President or a Republican President will see the light. I believe that I can safely predict that the next budget submitted to the Congress will be accompanied by a request to increase taxes. The individual and corporate taxpayer will be asked to cough up enough additional revenue to cover the Nation's bills plus the more than \$30 billion to provide for the "Debt and Interest Sharing Act of 1972."

If the cities, counties, and States are in trouble, the above facts should convince any observer that the Federal Government is also in trouble and I can predict with reasonable certainty that an increase in Federal taxes will be just as firmly resisted as an increase in State or local taxes.

My second reason for opposing this insidious legislation is based upon the constitutional roles which are to be played by different levels of government.

The congressional role is to provide for the general welfare, among other things by levying taxes and making appropriations. In fiscal year 1971 we did this, to the extent that \$117 billion out of a total budget of \$212 billion was shared with individuals, cities, counties, States, and institutions. The figure for the current year will be much higher.

These appropriations, however, have been for specific Federal programs for specific national purposes, to fulfill specific national needs. We have never placed ourselves in the ridiculous position of collecting taxes or enlarging the Federal debt for the sole purpose of merely returning these funds to the local tax spenders. That is a needless exercise which accomplishes nothing.

H.R. 14370 erodes the traditional and legal distinctions established by our federal system of government. The success of this system, over the past 200 years, has depended upon each governmental entity exercising its own powers, in its own way, under its own laws. The intrusion of the Federal Government into the functions of tax collection and appropriations for purely local purposes erodes this system.

This bill (H.R. 14370), in my opinion,

violates the basic principles of fiscal responsibility for Federal, State, and local elected officials.

It provides for separation of the responsibility of raising revenue through levying of Federal taxes from the responsibility of spending the revenue which has been raised.

I know of no tax levying body that has abdicated its responsibility for accountability in the expenditure of the revenue it raises.

The U.S. Congress is asked to break a principle of responsibility which has survived for hundreds of years.

We are asked to levy taxes as Federal Government representatives for State, county, city, school districts, and so forth, to spend for purposes and programs that are not designated as national in need, but can be determined by an echelon of locally elected officials for local purposes not necessarily related to a comprehensive national need, a need that has been screened and certified by a majority of a national body of elected Representatives charged with our national welfare and progress.

This bill also violates a time tested principle of placing authorization legislation for national needs in committees of the House with clearly defined jurisdictional duties, responsibilities and many cumulative member years of expertise in specific jurisdictional fields.

It ignores the time tested principle of dividing the authorization process from the appropriation process.

Can we so lightly violate these basic principles of division of committee responsibilities and duties?

Are we ready to reject, by a single legislative act, our complete basic system of responsible legislative process?

We compound this dangerous procedure by freezing this violation of time-tested legislative procedures into a time frame of 5 years. This is incomprehensible. We have zealously guarded the right of annual review of programs and annual authorization and annual appropriation.

I am not saying that 1-year annual review is sacred. Perhaps we need to go to 2-year authorization and 2-year appropriation for programs. I am willing to consider such a procedure as it could coincide with the two sessions of a specific 2-year term of a Congress.

But 5 years: A period of time that would bind 2½ terms of separate Congresses.

How can we abdicate our specific responsibility for the 2 years of our elective term and an additional 3 years of potential future Members of future Congresses?

No extensive hearings have been held on these major changes in the procedures of our committees.

Suddenly, because of pressure from locally elected officials, who have panicked in the face of their own electors, they now turn to someone else to discharge responsibilities for which they were elected.

We are opening a Pandora's box of trouble for ourselves as Federal representatives which we will be unable to close.

The pressure for more and more "free no-string" funds will grow and grow.

We the elected Members of Congress will become the subservient tools of locally elected officials.

We will bear the onus of blame for levying more taxes and we will bear the blame for increasing an ever mounting annual Federal deficit.

In the meantime the spenders of "no-string Federal funds" will reap the harvest of praise from their local recipients, for the funds we raise.

Let us turn back from the siren song of Federal fiscal irresponsibility before it is too late. H.R. 14370 should be considered under an open rule and it should be defeated.

THE ART COLLECTORS PROTECTION ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, during the last decade the market for prints and graphics has grown dramatically. In the past, prints were sold largely by small art galleries to a select clientele. As more Americans have begun to demand quality works of art at moderate prices, however, the sale of prints has become big business. According to an article this year in the Wall Street Journal:

Parke-Bernet, America's leading auction house, sold close to 4,000 graphic works last season, and it's estimated that more than a million original graphics are brought in America annually.

Unfortunately, this boom in art appreciation has been accompanied by the growth of some rather unscrupulous practices on the part of some art dealers. Ordinarily an original print, although it is produced by mechanical means, is distinguished from a reproduction by the fact that it is hand signed by the artist in pencil and numbered to show it is part of a limited edition. According to the Print Council, "limited" means an edition of a few hundred at most. The value of a print is thus in part a function of its scarcity. Some dealers have been known, however, to issue a print in a "limited edition" on one kind of paper and, unknown to the collector, issue a second printing of that same "limited" edition.

Other sharp practices include passing off photo mechanical reproductions as originals, using such terms as heliograph and pochoir to suggest their authenticity when in fact these terms refer to mass production processes. Edwin Darby in the Chicago Sun-Times quotes art collector Scott Hodes, who observes:

It is relatively easy to duplicate an existing print. Unscrupulous dealers have even been known to cut one of these very fine art books that you see now, the ones that sell for \$75 and \$125. They'll forge the artist's name—anyone can forge a name with enough practice, put a frame around the reproduction, and sell it as an original print for \$500.

Others have been known to make an under-the-table deal with a master lithographer. He'll create a plate from an original print and run off a couple of hundred copies. How's the buyer to know that he's not getting an original?

It is estimated that print sales have gone up by at least 500 percent in the last 10 years, and that 20 percent of the fine prints now being sold are not what they are represented to be. Clearly the consumer is in need of protection from those dealers who would take advantage of the amateur collector's lack of experience and expertise in this rather complex field.

For this reason, I am today introducing the "Art Collectors Protection Act of 1971." The bill provides that any fine print which is published in a limited, numbered, or signed edition shall be accompanied by a receipt or certificate disclosing:

- First, the date of printing, if known.
- Second, the name of the artist, if known.
- Third, the name of the printer, if known.
- Fourth, the size of the edition, if known.
- Fifth, the total size of any previous editions, if known.

The sale of such a print without proper identification would constitute an unfair method of competition and a deceptive practice in commerce under section 5(a) of the Federal Trade Commission Act.

Reproductions of fine prints or paintings would have to be labeled as such.

Under the act "fine print" is defined as "any print sold for an amount in excess of \$50 and includes any engraving, etching, woodcut, lithograph or serigraph." "Reproduction" means "a reproduction, imitation, or copy." The act would not apply in the case of any artist selling his own work, and the Federal Trade Commission would be authorized to prevent violations of this act and prescribe regulations to carry out its intent.

The only States which now offer art buyers specific protective legislation are New York, California, and Illinois. The Illinois law, passed in June, according to the Sun-Times:

Requires dealers to make a full disclosure (as with a stock offering) of the pertinent information concerning a print: the name of the artist, date of the print, type of print, the number of signed and unsigned prints in the edition, etc. It makes violation a misdemeanor with fines up to \$1,000 and provides that the buyer may recover triple damages for willful violations.

The act, however, applies only to prints made after July 1, 1972. And, of course, collectors in the 47 remaining States are still at the mercy of any dealer who would stoop to unscrupulous means to make a quick profit.

Most of the established gallery owners, dealers, and publishers in the graphics field are reputable men, but the boom in print sales has created a market which is wide open to those who need not concern themselves with protecting a long-standing tradition of honest business practices. Even the dealers themselves are sometimes victimized by the wholesalers they buy from.

The problem is further complicated by the differing definitions of "an original print." According to Elizabeth Stevens, writing in the Wall Street Journal:

In the recent print boom the question turned into a metaphysical hall of mirrors

with answers often reflecting whatever a dealer was selling.

She quotes one well-known dealer whom others have accused of selling reproductions rather than originals as saying:

You have to loosen up the definition of what is original. I'm trying to take the snob part out of this art and put it on Main Street, U.S.A.

The legislation which I have introduced today, would help put an end to this confusing state of affairs, as well as providing consumers throughout the United States with the protection they need. General consumer statutes are not relevant to this issue, for in the art market as it now exists, there is no way to prove that the collector didn't get what he thought he was getting, since there is no written guarantee of the work's origin or authenticity.

Although some dealers believe that the market peaked in the late sixties and is now on the decline, others report that business this year is up 300 percent. According to A. Lublin of Consolidated Fine Arts:

We haven't even begun to scratch the surface.

As more and more Americans are exposed to the arts through education, museum attendance, and the media, it is more than likely that interest in the arts, both as a financial investment and a source of personal pleasure, will continue to increase. It is therefore essential that we act now to prevent any further abuse of this heartening trend in American culture.

FEDERAL LEAA ASSISTANCE FOR STATE FISH AND GAME DEPARTMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 5 minutes.

Mr. WYMAN. Mr. Speaker, we are justly proud of our far-reaching system of State parks and forests which provide us with needed recreation as well as with temporary relief from the pressures of urban life. These areas are becoming increasingly popular and are used by more and more people each year. It will be even more necessary in future years for us to have them at hand as population pressures result in less and less breathing space for each of us.

The continued availability of these park lands depends on their successful management by State fish and game departments. Unfortunately, there are continuing law enforcement problems in our parks and forests as in our cities. Yet, under the present law, the Law Enforcement Assistance Administration is unable to include State and fish and game departments in its programs. These agencies face unprecedented challenges as the vacationing public visits State parks in greater numbers than ever before. Campsites are filled to overflowing, unbroken lines of hikers crowd the trails, and the commission of crime from malicious vandalism to serious felonies bear

witness to the growing enforcement burdens placed on fish and game departments.

I am today introducing legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make State fish and game departments eligible to receive aid from the Law Enforcement Assistance Administration. Mr. Speaker, these agencies are responsible for safeguarding much of America's natural resources and making them available to us and to future generations. To insure that they will be able to continue and improve their handling of this responsibility, I believe that it is essential that assistance be provided to them by the Law Enforcement Assistance Administration.

HON. PHILIP J. PHILBIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the recent passing of Congressman Philip J. Philbin has been a source of deep sadness and regret to me, as it has been to so many. Phil Philbin was a warm and dear friend, and I valued very much his friendship and his counsel.

His notable career of public service, which extended several decades, began with his service as personal secretary to then Senator David I. Walsh. Congressman Philbin held many high administrative positions, serving as he did as the special counsel to the Senate Committee on Education and Labor; as an appointed referee of the Department of Labor; former president of the Clinton Chamber of Commerce, chairman of the Clinton Finance Committee, and also as a member of the advisory board of the Massachusetts Unemployment Compensation Commission.

His service in the Congress spanned 28 years, highlighted by his participation on the Armed Services Committee, and his assuming the chairmanship in his final days of service in the Congress. Congressman Philbin served with great dedication and diligence, for a more peaceful world, and for increased services to the veterans and servicemen in posts throughout the world.

He enjoyed the high esteem and respect of all his colleagues for his warmth and kindness, and his remarkable parliamentary knowledge and skill. His death leaves a void that will be difficult to fill, and in his passing all Americans have lost a champion of freedom and human rights. I extend my heartfelt sympathy to his loved ones.

BAN OF SPORTS ON CLOSED CIRCUIT TV

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, as you know, 33 other Members of the House and I have sponsored legislation (H.R. 7679) in the House that would, in effect, require that all major sports events—including

boxing matches—be shown on free home television. This legislation would also prevent sports events such as the Super Bowl, the World Series, and other professional sports events from being lured away from network TV because of potentially lucrative profits from closed circuit television.

While many of us are avid sports fans and look forward with great anticipation to the possibility of a second Ali-Frazier fight, I am very concerned that the average price for closed-circuit television tickets for this fight could be as high as \$25 per ticket. Increased demands by the two fighters—Ali is reportedly asking for \$6 million and Frazier is asking for \$3.5 million—increased costs and a desire by the promoters for even greater profits on the second Ali-Frazier fight could cause the average price of tickets for this fight to almost double over the cost of tickets for the first Ali-Frazier fight.

But there is still time for Congress to act so that the average sports fan does not get completely shut out of the next Ali-Frazier fight. Immediate passage of H.R. 7679 would insure that the next Ali-Frazier fight will be shown on home television for the benefit of all boxing fans. While passage of this legislation would adversely affect closed-circuit television promoters, I believe we should be more concerned about keeping professional sports open to 120 million American sports fans than allowing a handful of already wealthy promoters to reap windfall profits through the use of closed-circuit TV.

The primary purpose of H.R. 7679, however, is preventive. For instance, CBS paid only \$2.5 million to the NFL for the rights to broadcast the Super Bowl. Yet, the \$2.5 million CBS paid for the Super Bowl rights was sufficient to handsomely reward 40 highly paid players on both teams, the owners of the teams, and the NFL itself. Compare that with the \$2.5 million that was paid to each of the two boxers by the closed-circuit TV promoters for the first Ali-Frazier fight. Obviously, the TV networks are simply unable to compete with closed-circuit TV promoters and it is clear that if the NFL turns to closed-circuit TV for the broadcast of future Super Bowls, it could quadruple its profits. It is indeed hard to know how long the NFL and other professional sports will resist such an incredible temptation. I think it is clear that the burden falls on Congress to insure that the average sports fan does not get shut out of spectator sports in America.

THE SHARPSTOWN FOLLIES—XLVII

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, one of the enduring mysteries of the great Sharpstown scandal is the question of just how Frank Sharp got away. How was it that the man who engineered the corruption of a good part of the Texas State government, who plundered any number of corporations and destroyed the financial integrity of an array of

institutions ranging from his own bank to an order of Jesuit priests, got off with a suspended sentence and a grant of immunity from Federal prosecution? Just how it was possible that of all the people in the Sharp scandal, only a few little minnows got caught, while the big fish, including the biggest one of all, got clean away?

Part of the answer is that the Justice Department thought that letting Sharp off was politically expedient and advantageous. I have explained how this was so, how the Justice Department hoped to have a political field day, and how at the same time it hoped to protect Assistant Attorney General Will Wilson from being exposed as part and parcel of the Sharp gang. But a good part of the answer is also the sheer incompetence of the U.S. district attorney, one Anthony J. P. Farris. It seems that Farris, by a simple and incredible blunder, made the immunity grant almost inevitable, because it rendered Federal prosecution practically impossible.

The story, which I have on good authority, is this:

Frank Sharp, after the scandal broke, hired a good attorney, Morton Susman, who happened to have just left the position of U.S. district attorney in Houston. Susman's replacement was this Anthony J. P. Farris, whose qualifications are minimal, except that he has good political credentials. Like any good attorney in our adversary system, Susman sized up his opponent, Farris, and found him to be a lightweight. Susman had every reason to believe that Farris did not really know how to handle something as big as the Sharp case, and that Farris was so anxious to make a big splash that he would perhaps make a tremendous blunder of the whole affair. After all, greed and incompetence make a powerful combination.

One fine day, Susman and his client, Sharp, appeared in the offices of the U.S. District Attorney Anthony J. P. Farris. I do not know what Mr. Farris' thoughts were at that time, but I can imagine that he had visions of a grand coup, and was anxious to see what Mr. Sharp had to say. Farris had read a lot about the scandal, but did not really know too much. The Justice Department was handling this more or less outside his office, perhaps because the matter was not yet ready for prosecution, perhaps because they already knew that it was a delicate problem, since their own Assistant Attorney General Wilson was mixed up in it, but perhaps also because Farris was simply not competent to be trusted with the case.

Farris, with visions of triumph in his head, readily agreed to see defendant Sharp and his attorney. Not long after the meeting started, Sharp startled everyone present by telling his whole story. It was obvious almost immediately that Sharp was confessing to a whole series of crimes, and that these were crimes of a most serious nature. Farris, fascinated and dumb, listened to what Sharp had to say.

Unfortunately, Farris was so fascinated that he forgot about his position as a prosecutor. He listened to the whole

story without once warning Sharp that he had certain constitutional rights, that what he said might be used against him, and that he did not have to make any statement at all. It was a mistake that no cop would make, and no lawyer should, but there Farris sat, no doubt dreaming that he had in his hands the greatest confession of all time. Too bad for him that it was all invalid, because he had not warned Sharp of his rights.

So after it was all over, Attorney Susman reminded Farris that he believed that these matters were subjects of a possible prosecution against his client, and he would not want Farris to refer to the conversation in any court case. In fact, Susman said, he thought that in light of the invalid confession perhaps no prosecution at all would be possible.

Farris, of course, must have been shocked to discover the enormity of his mistake. He had committed the most elementary of all possible procedural errors, and invalidated much possibility that Sharp could ever be prosecuted at all because of the invalid confession.

I do not know what Farris' superiors had to say about all this. But as it turned out, Susman was right, and when it came down to the brass tacks, Sharp really could not be prosecuted. He had won all the chips on the table, without ever even having to go before a grand jury, much less face a trial.

The Justice Department, which had hoped to capitalize on the Sharp case—hopefully without embarrassing the chief of its own criminal division—had no other recourse than to strike the only deal it could with Sharp, which turned out to be a guilty plea on two counts, for which he got a 3-year suspended sentence and a \$5,000 fine. And, of course, complete immunity from any further prosecution.

The Sharp scandal is far from over. Hundreds, even thousands of people, are still hopeful of recovering some of their money. Here and there, a bankruptcy proceeding or civil suit related to the case is filed; the State of Texas prosecutes those it can; and Sharp is as free as a fish in the sea, and safer than any of them.

How did Sharp get away? You might ask Anthony J. P. Farris, who cut the nets through his own incompetence.

SALUTE TO EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. ROY), is recognized for 10 minutes.

Mr. ROY. Mr. Speaker, much has been written about our ever-changing world and the demands that such change makes upon the school. We recognize the tremendous gaps between various areas of our culture and decay the fact that our social processes have not kept pace with our scientific inventions and discoveries. We resent the situations which concentrate on the destruction of man and deplore the resistance displayed when man faces the problems of improving human relations. We realize that many of the children and youth whom we teach know more than we do about nuclear fission, interplanetary space, and

even sex education. We bemoan the fact that family life "is not what it used to be." We talk glibly about the world becoming a little neighborhood with the basic changes in national and international alliances. Here in the 20th century, when we thought we were just beginning to develop wisdom, we have been jolted, for the life we had assumed to be timeless and universal has become fluid and ever changing.

The response to the needs we now see must be made in the political arena, for education has always been a major political issue. The difficulty is that too few citizens have realized how political it really is. In the deepest sense, our entire economy and political structure depends on the educational system. Neither the economy nor the political system could work without it. The economy would not work because we would not have the skills and the manpower to run it; the political system would not work because the voters would not know whom or what to vote for.

But in a more immediate sense, education has become political. If the people want a truly productive society, the only way they can hope to achieve that goal is by the development of a productive educational system. The fact that the politician knows this, and that he also knows nearly every voter who has a child wants more than anything else an education of high quality for that child, gives us hope that at last we may get the financial support for the educational system this country deserves. We are now talking about practical politics. We are talking about the fact that Senators, Congressmen, mayors, Governors, and State legislators have to pay attention to education if they want to get elected. The voters want education for their children. In the case of public officials who do not pay attention, there are now political means to make sure that they do.

STATE AND LOCAL FISCAL ASSISTANCE TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Mr. FAUNTROY) is recognized for 5 minutes.

Mr. FAUNTROY. Mr. Speaker, we will shortly begin consideration of H.R. 14370, the State and Local Fiscal Assistance Act. If the attempt by Congressman H. ALLEN SMITH to vote down the previous question on the rule is successful, I intend to offer an amendment that will strike out the language beginning at page 35 which would reduce the District of Columbia's benefits under this legislation by an amount equal to any moneys received as the result of any tax imposed by the District government on income earned in the District by a nonresident.

The amendment is as follows:

An amendment by Mr. FAUNTROY to H.R. 14370: On page 35, strike out line 23 and all that follows down through line 14 on page 36.

CANADIAN NEEDS FOR THEIR OWN OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 5 minutes.

Mr. BEGICH. Mr. Speaker, in recent weeks opponents of the trans-Alaska pipeline system have made much of recent comments by Donald S. MacDonald, Canadian Minister for Energy, Mines, and Resources. He has said the U.S. security of crude oil supply could be enhanced by U.S. importation of more Canadian crude oil during the years of delay that would surely result if a trans-Canadian oil line were built instead of the trans-Alaska line. His comments have been cited as proof that the delay would not necessarily be detrimental to U.S. national interests. There is, in fact, doubt that Canada would be able to make good Mr. MacDonald's offer.

In this regard, I would like to bring to my colleagues' attention two articles that recently appeared in the Oil Daily. The first, "Alberta Output Based on High Crude Demand"—Oil Daily, June 2, 1972—points out that the demand for oil from western Canada is now at record levels, and not likely to decrease. The article says:

Experts believe that Alberta oil production will reach some sustained level of around 1.3 million b/d by 1973 and top production will be achieved at around 1.5 million b/d by 1975 when the prorating system is expected to end and provincial reserves enter an accelerated period of decline.

This raises serious questions about Canada's ability to provide the extra oil that will be needed by the United States if the trans-Alaska pipeline is delayed any longer.

The second article, however, raises serious questions of even greater magnitude. In this article, "New Supertanker Port Planned Near Quebec,"—Oil Daily, June 5, 1972—the energy chief of Quebec, Real Boucher, is referred to as having gone on record "advocating that Canada's possible Arctic and offshore oil and gas supplies should serve energy-short Quebec and eastern Canada before exports of the fuels to the United States is permitted."

It is obvious that there is not unanimity of opinion among Canada's energy officials about what should be done with Canada's supplies of crude oil.

Both articles are included here for the information of my colleagues:

ALBERTA OUTPUT BASED ON HIGH CRUDE DEMAND

CALGARY.—Alberta set June crude oil production from provincial fields at 1,024,667 barrels a day, complying with record level of demand for the time of the year from refinery purchasers in Canadian and export markets.

May output of oil was initially set at 1,015,446 b/d but revisions later in the month because of refinery "turnarounds" and high inventories, was reduced to 987,128 b/d.

Total oil production this month will be 31,764,680 barrels, while pentane plus will total 4,542,000 barrels or 146,500 b/d.

In the same month of last year, Alberta producers were permitted under the provincial system of prorated production to pump 27,421,290 barrels of oil or 926,072 b/d. Byproducts in that month, for which the American market is providing growing outlets, totaled 3,444,000 barrels. In June 1970, Alberta produced 25,870,180 barrels of oil and 3,105,000 barrels of byproducts.

Alberta oil production set an all time

record last January when the province produced 37,390,823 barrels or 1,206,156 b/d.

Besides gradually easing entry of Canadian exports to the U.S. markets east of the Rocky Mountains, Alberta's oil production is on the increase because depleting fields in Saskatchewan, and to a smaller extent Manitoba and British Columbia can not meet increasing oil demands from Canadian and export buyers. The three other western provinces have never been substantial oil producers but their proximity to the export and the Ontario markets permitted producers there to pump at full capacity for years.

Current oil exports are nudging 800,000 b/d, with some 260,000 b/d going to the U.S. West Coast. Total western Canadian oil and byproducts output is at 1.6 million b/d.

Alberta has a theoretical production capacity of up to 2.2 million b/d but that top level is now unlikely to be realized, particularly because of lack of new discoveries here and the reluctance of producers and transmission companies to invest in additional field and pipeline capacity, in view of uncertainty over markets and provincial taxation on oil reserves that will be in effect on the 7 billion barrels of Alberta oil reserves from next January.

Experts believe that Alberta oil production will reach some sustained level of around 1.3 million b/d by 1973 and top production will be achieved at around 1.5 million b/d by 1975 when the prorating system is expected to end and provincial reserves enter an accelerated period of decline.

NEW SUPERTANKER PORT PLANNED NEAR QUEBEC

CALGARY.—Plans will be announced this month for a supertanker port by the Quebec and Canadian federal governments at Ile Verte downstream in the St. Lawrence River from Quebec City, to serve as a terminal for offshore crude oil shipments and as a possible port of entry for oil from the arctic and east coast offshore regions.

The project, to cost between \$500-\$700 million, will also include additional refinery facilities onshore, besides providing feedstock for existing installations both in Quebec and bordering U.S. states.

An alternative site further downstream on Ile Du Bic has also been picked in the event definite engineering and marine studies now nearing completion should recommend the secondary location for navigational reasons.

Completion of the project at either location is set by 1975. It would be owned and operated by a Quebec government corporation, it was learned.

According to industry sources in Calgary, the port is the opening bid by the Quebec government to channel frontier oil from the arctic and eastern offshore areas of Canada, where discoveries have already been made, into the province to give a new lease on life to its ailing petrochemical industry as well as to redress its precarious oil supply situation, which at present makes it entirely dependent on overseas imports.

The port would be receiving offshore crude from overseas sources until arctic and east coast supplies are phased in growing volumes, possibly, after 1978. The port would also be designed to handle ships transporting liquified natural gas, again from overseas sources, at first, yielding to arctic fuel later in the decade.

Quebec energy chief Real Boucher has recently gone on record here advocating that Canada's possible arctic and offshore oil and gas supplies should serve energy-short Quebec and eastern Canada before exports of the fuels to the U.S. is permitted.

The eastern seaboard has only a few suitable harbors or waterways to accommodate supertankers in excess of 250,000 dwt. The location near Quebec City would also require icebreaker assistance during winter months.

INTERSTATE 219: "TO BE OR NOT TO BE?"

(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, time and time again Members of Congress and citizens from Pennsylvania, West Virginia, Maryland, New York, and Virginia have urged that U.S. Route 219 be designated as a Federal project under the Interstate Highway System. Each year has witnessed a new attempt toward this end and evidence in favor of this project continues to mount.

No one can deny that new highways have become triggers for dynamic industrial development. In fact, most industries mention "proximity to good highways" as a primary locational factor. Thus, since the area surrounding Route 219 abounds with open country, the construction of this expressway will definitely generate significant investment in industrial plants from North to South.

Let it be known here, Mr. Speaker, that New York and Pennsylvania, and I refer to the Pennsylvania Turnpike and the New York State Thruway, have been beguiled in the allocation of Interstate mileage. These specific highways were assigned to the Interstate mileage without proper restitution because at the time some officials felt they were within reasonable proximity of the standards for the Interstate System and followed the general routes for proposed Interstate Highways.

Authorities felt that new Interstate Highways did not have to be built in New York and Pennsylvania because the existing highways were considered "adequate." Thus, such funds were not allocated to New York and Pennsylvania but were used elsewhere. Although a great amount of Interstate mileage has since been constructed in New York and Pennsylvania, these States were actually, perhaps unwittingly, swindled in the original Interstate System allocation. The consequences of this action are being felt today.

As a result, other areas of this Nation are ahead of Pennsylvania and New York in construction of new interstate mileage and this is patently unfair to our citizens. I have offered a solution to this maladjustment. My proposal was embodied first in House Concurrent Resolution 145 in the 91st Congress and later as an amendment to H.R. 19504 in the same Congress. In this Congress, House Concurrent Resolution 78 would achieve the goal of adding Route 219 to the Interstate System. Yet the Committee on Public Works is reluctant to act favorably on my own proposal because of the adamant opposition by the Federal Highway Administration.

House and Senate committees, and Federal and State highway departments have contributed to the frustration and demise of the project. Promises have been made and broken. There have been proposals and public hearings, but little planning and actual construction has resulted.

How can such an indispensable, job-

producing project fail as often as the Route 219 project, especially when genuine evidence sustains a conclusion to build—and build now?

The time has arrived when delay for any reason is unthinkable. The time has arrived for action—congressional action. Further delay would push costs out of sight. Governors, Congressmen, Senators, and State and Federal transportation officials should recognize that the Route 219 project is a necessity not only for the five States mentioned above and Appalachia as a whole but also for the entire eastern seaboard.

Once Route 219 is completed, Pennsylvania, New York, West Virginia, Maryland, and Virginia will once again contribute their full share of the economic prosperity of this great Nation. But, until that time, the area fails to reap the economic benefits of the Interstate Highway System from which the rest of the Nation profits.

As a frequent advocate for the completion of this project, I appeal to my colleagues for the initiation of and swift action toward the goal of reutilizing the "219 corridor."

AUTHORIZE ADDITIONAL FUNDS FOR PISCATAWAY PARK

(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 am introducing today a bill that would authorize additional funds for acquisition of interests in land within the area known as Piscataway Park in the State of Maryland. The text of the bill follows:

H.R. 15597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of October 4, 1961 (75 Stat. 780, 782), as amended (80 Stat. 319), is further amended by deleting "\$4,132,000" and inserting "\$5,657,000".

The act of October 4, 1961 (75 Stat. 780, 782), establishing Piscataway Park provided for acquisition in two areas. Section 2(b) of that act identified a "fee acquisition area," in which the Secretary of the Interior was authorized to acquire lands and interests in lands "by such means as he finds in the public interest." The 1961 act authorized \$937,600 for that purpose, and the act of July 19, 1966 (80 Stat. 319), increased that authorization to the sum of \$4,132,000.

Section 2(c) of the 1961 act identified a "scenic protection area." In this area or zone, the Secretary was authorized to accept donations of scenic easements, and to acquire easements by other appropriate means "when, in his judgment, such action appears necessary to assure the uniform application of scenic control."

The legislative history of the original enactment discloses that the land acquisition funds which were previously authorized were all allocated for the acquisition of land and interests in the "fee acquisition area." Prior to March 9, 1970, interests in lands in the "scenic protection area" were to be acquired by dona-

tion only. On that date, however, the Secretary of the Interior wrote to the chairmen of the House and Senate Interior and Insular Affairs Committees advising them that he was prepared, if necessary, to file a complaint in condemnation for the acquisition of scenic restrictions of the Moyaone-type over the Marshall Hall property. This ultimately resulted in an expenditure of \$900,000 for the scenic easement over the Marshall Hall property. Also, in this area the National Park Service has purchased scenic controls amounting to an additional \$438,895 for interests in land, or a total of \$1,338,895 without considering administrative expenses, which have amounted to \$249,467 for the total project to date, a goodly portion of which are attributable to the scenic protection area.

It is the purpose of this bill, therefore, to provide the necessary added funds to purchase uniform controls over the remainder of the properties which is estimated to cost \$1,525,000 including necessary reserves for escalation if there is a delay in appropriations, potential for overages in cases which will undoubtedly go to condemnation, and the usual costs for program direction, facilitation services, surveys, updating appraisals, title, closing, and trial preparation, and so forth, thereby increasing the total authorization for appropriations from \$4,132,000 to \$5,657,000, as set forth in the bill.

This amount is \$1,315,000 less than that which would have been provided by H.R. 11391, to authorize additional funds for land acquisition. The reason for this is that this latest amount does not include funds for purchase of fee now covered by Moyaone-type scenic easements in the fee acquisition area, and the fact that the recent settlement of the Marshall Hall suit was at a figure less than anticipated if the case had gone to trial.

GOING TO POT?

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, many citizens are continually vocalizing their discontent with this Nation and its policies. Few people, however, approach the problems and tribulations of the country with a patriotism that unquestionably merits our listening to them for the good of the Nation. Those who have suffered the loss of sons, and those who now have, or did have, sons fighting our battles represent a voice that should be heard—a viewpoint that deserves to be considered. Elwyn S. Woods, past national president of "American War Dads," recently wrote in Missouri Reveille an open letter to all war dads which covers a wide ranging subject matter of issues that confront us today. In the interest of allowing a strong patriotic segment of our population to have the attention of this body and to have its opinions heard, I insert the following letter of Elwyn S. Woods:

ELWYN S. WOODS,
PAST NATIONAL PRESIDENT,
Springfield, Mo.

DEAR WAR DAD: I was shocked by the report of the commission appointed to evaluate

and recommend solutions regarding drug abuse. Perhaps we should not have been surprised. It would seem that most of these committees, after much time and I assume much expense, come up with worthless recommendations and "hoity-toity" ideas. One wonders on what basis the members were selected.

How easy it is to follow the broad road of expediency. How self-comforting to suggest agreeable permissiveness. How soul-satisfying to find a solution in perfect harmony with the ideas of the law-violator. That is the kind of mental junk they arrive at after months of exploration. It is a mental replica of Fibber McGee's closet. As Mollie used to say, "Tain't funny, Fibber."

Is it going too far out on a limb to ask—is our America going to Pot? We mean not only the smoking of the weed but the many other loose and lawless expressions of the un-American activities, some candidates and some of our courts.

Have we as Americans arrived at the point where only laws we like are to be obeyed? Have we gotten to the place where only easy enforcements are even attempted? Suspended sentences, quick paroles and minimum fines are becoming the court's answers to conviction. In California and many other states, there is no longer penalty by death for murder or assassination. In a few short years the murderers and assassins will again become the playmates of society.

Two wars we could have won and should have won. They are tragic testimony to loose political thinking. Korea and Vietnam have been utter failures—not on the part of our brave sons who fought and died but on the part of those who decided their fate and refused to let them win. Only winners receive acclaim and respect, the losers just meager sympathy. The un-seating of National China was proof of the losers share.

And now we come to amnesty for those who thought so little of their birthright that they fled rather than defend it. That kind of population decrease is helpful and wholesome. There should be no place in our America for cravens to benefit from the sacrifices of bravery. There are those favoring amnesty, who have never evidenced any personal bravery. In our opinion, they have again taken the wrong turn and are on the wrong road. Wasn't it Benedict Arnold who fled to Canada?

The red signal of danger is flashing its warning. Better to wake up to Revell than to "Rip Van Winkle" until Taps is sounded. Dads should know this!!!

NEED FOR ADEQUATE MOBILE HOME TIEDOWNS

(Mr. FREY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FREY. Mr. Speaker, high winds and tornadoes associated with Hurricane Agnes have caused considerable property damage and human suffering for the residents of many mobile homes throughout Florida.

In many cases this could not have been avoided. However, adequate mobile home safety standards properly enforced, I am informed, would have substantially reduced the financial and human suffering now being endured by the residents of these homes.

At Big Coppit Key West north of Key West 35 persons were injured by a tornado and accompanying high winds. Eighty mobile homes were rendered un-

usable as compared to the destruction of four conventional homes. At North Fort Meyer 41 mobile homes were destroyed and a woman was killed in her mobile home at LaBelle, Fla.

Late yesterday a large mobile home park in southern Brevard County which is in my congressional district, was ripped apart and \$47,000 worth of damage was done.

Only a few counties in Florida have enacted ordinances requiring tiedowns and, according to the Office of Civil Defense, those ordinances which have been enacted are inadequate or not enforced. The State itself has no requirement for tiedowns although a bill was introduced in the State legislature last year which failed to go anywhere.

Dade, Broward, and Monroe Counties do have local ordinances which no doubt prevented even greater damage or human injury from Hurricane Agnes and the accompanying tornadoes. However, these ordinances only require that they be tied-down to the bedrock.

The Office of Civil Defense after long and careful study have developed a tiedown regulation which is considerably stronger than those adopted in the three Florida counties.

It requires over-the-coach ties as well as frame ties to secure the home to the ground to prevent movement and overturning. In addition, their approach permits the homeowner to select the desired level of protection in terms of wind velocity. Their recommendation would provide protection against hurricane wind forces up to 130 miles per hour. The cost, I am told, would be about \$150 per home.

Mobile homes that are not required to be tied down can be destroyed or rolled in winds of only 50 or 60 miles per hour. Recently for instance, 35 mobile homes were destroyed in Boulder, Colo., during a windstorm of only 65 miles per hour. The State did have a tiedown regulation but it was similar to the local ordinance in Florida and was not enforced.

The local ordinances, I am informed, are inadequate because they do not require over-the-coach ties, nor a sufficient number and kind of ties and anchors. Without over-the-coach ties, the home itself can be blown away and the frame will remain.

In order to determine the extent of damage and injury to mobile homes and their occupants as a result of "Agnes," I have requested the Office of Civil Defense and the Office of Emergency Preparedness to make a full and complete report to me on the damage to mobile homes throughout the State and whether such damage could have been minimized by more extensive use of proper tiedowns.

They expressed their concern and agreed to provide me with a detailed report in 7 to 10 days.

Legislation which I have introduced in the Congress would require the use of tiedowns such as those recommended by the Office of Civil Defense. Although some manufacturers build in tiedown straps under the skin of the home, all manufacturers should be required to do so.

Florida with its 1,300 mobile home parks and its location in the hurricane belt must have strong tiedown requirements properly enforced. Let us not wait for another tragedy to bring the lack of such requirement to our attention.

GOVERNMENT OPERATIONS COMMITTEE REPORT DOCUMENTS INEPTNESS, CORRUPTION, AND WASTE OF U.S. TAX DOLLARS IN U.S. AID PROGRAM FOR CAMBODIA

(Mr. MOORHEAD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, all Members who are concerned about Foreign Assistance legislation should be aware of the issuance by the House Government Operations Committee of House Report 92-1146, entitled "U.S. Economic Assistance for the Khmer Republic (Cambodia)."

Based on careful investigation and hearings on the Cambodian assistance program by the Foreign Operations and Government Information Subcommittee, the report is critical of the economy and efficiency of our AID program in Cambodia.

The report was adopted by the committee without a dissenting vote and had the bipartisan support of Members of our subcommittee and the full Committee as well.

The Cambodian report documents widespread ineptness on the part of AID officials, lack of proper import priorities, failure of AID officials to keep their word on assurances given to Congress on Cambodian program details, the use of economic assistance funds for military purposes prohibited by the Foreign Assistance Act, and profiteering and corruption on the part of Cambodian officials and importers, resulting in the waste of many millions of hard-earned U.S. tax dollars. Similar criticisms have been made by our subcommittee in previous reports on AID programs in Vietnam and Laos.

Mr. Speaker, as I reported in remarks on the House floor last March 16, the President, at the eleventh hour, exercised so-called "executive privilege" to prevent a cut-off of aid funds under section 634(c) of the Foreign Assistance Act in order to deny to your subcommittee access to the Cambodian AID "Country Field Submission." Copies of similar documents for Laos and Vietnam had been supplied only a few months prior to the Cambodian denial. In fact, over the past several administrations, such information had been routinely furnished the subcommittee for use in its investigations upon request.

As the committee report states (p. 46):

It may have to be assumed that there must be facts and positions in the Cambodian Country Field Submission which administration officials do not want Congress to see, such as matters regarding the Exchange Support Fund, the \$20 million cash grant, and failures of the U.S.-financed commodity import program.

Denial of unrestricted access to all records of the Government may well preclude Congress from discharging its legislative and policymaking functions. Clearly, Congress must have reliable information about the public business. Unilateral decisions by administration officials as to what information Congress will be privileged to see, can—and frequently does as shown in this report—result in administration officials presenting Congress with an incomplete and distorted picture of the programs which Congress is funding. Denial of unrestricted congressional access to records can only lead ultimately to undermining support for the programs involved.

Certainly the subcommittee investigation found that AID has made essentially no effort to determine specifically what truly essential commodities are needed by the average Cambodian. They admitted to our subcommittee that they do not have data on the demands of the Cambodian economy for essential imports. Consequently, AID officials have been approving for U.S. taxpayers' financing such imports as television sets, automobiles for Cambodian government and banking officials, soft drink concentrates, household air conditioners, electric typewriters and other luxury goods which AID told congressional committees would not be financed under the U.S. assistance program for Cambodia.

Mr. Speaker, these hardly seem like the kinds of priorities that would benefit the average Cambodian citizen. They are luxuries, not "essential commodities," by any rational judgment. Such frivolous imports by the Cambodian Government, with AID approval, do not indicate a serious determination on the part of Cambodia to survive relentless military pressures by the Communist forces that already occupy huge chunks of the Cambodian countryside.

The committee report calls for massive reforms of the U.S. economic assistance program for Cambodia and warns against continued abuses in expending U.S. tax dollars for luxury goods for Cambodians. The report states (p. 4):

*** U.S. officials made it clear in their testimony that economic assistance to Cambodia was to be limited to supplying essential commodities needed to meet the minimal import needs of the Cambodian people. The fact remains, however, that AID's concept of essential assistance appears to contain too much of a "luxury" flavor. The Government of Cambodia is, or should be, fighting for its political and economic survival. The U.S. has agreed to assist it. In doing so, however, it neither benefits Cambodia nor future U.S. public support for U.S. economic assistance if a "business-as-usual" attitude is maintained.

The report states (p. 7):

If Cambodia desires to obtain economic assistance for the maintenance of a "business-as-usual" victory, it should approach affluent neighbors and trading partners. The United States can no longer sustain such affluent practices, especially in light of its tenuous international economic conditions. The sooner the Department of State and the Agency for International Development, as well as other nations, recognize this fact the better off the American economy will become.

The subcommittee's investigation uncovered the fact that part of U.S. aid commodities shipped to Cambodia were being reinsured by a Soviet state-owned insurance company. AID officials ad-

mitted in testimony that such Soviet-bloc companies could well be providing such insurance for millions of AID-financed commodities in the Far East.

Mr. Speaker, the committee report is also highly critical of the role of the Cambodian exchange support fund as a device to finance needs of the Cambodian civilian population. Last December, the committee issued a report showing wide corruption and administrative failure of a similar fund in Laos, the foreign exchange operations fund. (See RECORD, page 21211, June 15, 1972.)

The present report also calls upon the administration to collect, as soon as possible, the \$2 million owed to the United States by the Cambodian Government in delinquent claims from the pre-1964 U.S.-financed assistance program to Cambodia.

The report likewise criticizes certain project assistance to Cambodia, not authorized by Congress, and the use of economic assistance funds for military purposes, clearly prohibited by the Foreign Assistance Act.

Most of us have supported foreign aid programs in the past, Mr. Speaker, but it becomes increasingly difficult when there is so much waste and bungling such as that we have uncovered during our Cambodian investigation and failure by AID officials to keep faith with Congress to do what they tell us they will do.

AID officials became so obsessed with "stabilizing" the Cambodian economy and installing "economic reforms" that—even before Congress appropriated fiscal year 1972 funds—AID officials gave \$20 million of U.S. tax dollars to Cambodia as a no-strings-attached gift. Of that amount, \$10 million was to "buy" devaluation of the Cambodian currency. The other \$10 million was to encourage Cambodian officials to establish an "exchange support fund" so that AID officials would be able to give away American taxpayers' dollars to Cambodia for those kinds of goods that AID could not—legally—finance out of its commodity import program from the United States. Virtually all of that business went elsewhere; goods were imported from other nations and benefited foreign workers and foreign industries, not American producers or American workers.

Mr. Speaker, in a short time it is difficult to summarize the many shockingly incredible findings of waste and corruption in the Cambodian assistance program that are documented in our 61-page report. Copies may be obtained from the subcommittee office—extension 5-3741.

I ask unanimous consent to insert at this point the recommendations for cleaning up the Cambodian AID mess, as contained in our report:

III. RECOMMENDATIONS

The committee recommends that the Secretary of State, the Administrator of the Agency for International Development, and the appropriate committees of Congress:

1. Reexamine the desirability and acceptability of committing U.S. financial resources to the Exchange Support Fund for Cambodia.
2. Reexamine the desirability and acceptability of preferential exchange rates for U.S. financed commodities for Cambodia.

And, the committee further recommends

that the Secretary of State and the Administrator of the Agency for International Development take immediate action to:

3. Collect, as soon as possible, the \$2 million due from Cambodia for irregularities in the pre-1964 U.S. assistance program to Cambodia.

4. Assign experienced, well-qualified personnel to determine specific essential commodity needs of the Cambodian civilian population and to adequately audit and monitor U.S. economic assistance in Cambodia.

5. Redirect the U.S. economic assistance for Cambodia into a true U.S. source commodity import program limited to minimal essential import needs of the Cambodian civilian population as clearly intended by Congress. Full consideration should be given to utilizing authority granted in titles I and II of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480).

6. Arrange to the maximum extent practical for prompt procurement of U.S. financed commodity needs for Cambodia by full use of other U.S. government agencies, such as the General Services Administration.

7. Insure that U.S. economic assistance is not used for project funding, or to meet military needs in Cambodia—either directly or indirectly—unless specifically authorized and funded by Congress.

SALUTE TO EDUCATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, now that we have approved and sent to the White House a landmark higher education bill, it seems appropriate that we should address ourselves to the Salute to Education being planned by the National Education Association for June 21.

I am pleased to join in this Salute to Education because the primary thrust of it is a salute to that most outstanding and precious individual in our midst, the dedicated and devoted teacher.

I have fond memories of several teachers, going back to my high school days. These were teachers who would have had a tremendous impact on my life whether the classroom in which they held forth was excellently equipped or poorly furnished. It was the personality and the spirit of the teacher that sparkled. They loved to teach, and they found every boy and girl a challenge—an individual to be inspired to achieve his greatest potential.

This, of course, is the basic objective of education—to develop the potential of the young, to encourage them to accept responsibility and to channel their creative idealism productively—for the good of themselves, their families, their community, and the Nation.

Many of our teachers are doing an excellent job. This is one of the reasons young people today are more knowledgeable about national and international affairs than was any previous generation.

In my view, the teacher is the most important individual in a community. It is he or she who is entrusted with the most precious resource our community and Nation possess—our young people. So it is that teachers need to be dedicated, inspirational, judicious, patient and firm. Theirs must be the spirit of genuine dedication, and this must be the spirit of education.

I hope this spirit of dedication will spread ever farther and faster as we carry out this month this Salute to Education and to our Nation's teachers.

LATVIA, LITHUANIA, AND ESTONIA

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, 32 years ago this month the Soviet Union invaded Latvia, Lithuania, and Estonia and took over these peace-loving Baltic republics. In June of 1941 the Soviet Union began mass deportation of the Baltic peoples, sending more than 150,000 Latvians, Lithuanians, and Estonians to slave labor camps in Siberia.

Since June of 1940, Lithuania, Latvia, and Estonia have lost more than one-fourth of their combined populations through the deportation and resettlement programs of the Soviet Union. According to the National Executive Committee of the Lithuanian American Community of the USA, Inc., this practice continues even today, with no end in sight.

Lithuania's Roman Catholics appear to be the primary target of the Soviet Union's repressive actions. Two recent events point up their plight.

In March 1972 a petition bearing 17,054 signatures was forwarded to Dr. Kurt Waldheim, Secretary General of the United Nations. The courageous signers were appealing to the United Nations to relay their protest to Leonid Brezhnev, secretary-general of the Russian Communist Party, because three previous letters to Brezhnev had gone unanswered.

A few days before President Nixon's visit to Moscow last month, a young Lithuanian burned himself to death after dousing his clothes with gasoline. His funeral in Kaunas, Lithuania's second city, touched off 2 days of riots involving mainly young people shouting "Freedom for Lithuania." It is said that 200 of the demonstrators are in jail awaiting trial.

Mr. Speaker, the Soviet Union has signed the U.N. Declaration of Human Rights. The United States and other free world nations should urge the Kremlin to make the rights described in the declaration available to the Balts and other captive peoples. If the Soviet leaders had the courage to carry out such reforms there would be no acts of self-immolation to shock the conscience of the world.

THE LATE HONORABLE PHIL J. PHILBIN

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, all of us who knew him mourn the death of former Congressman Phil J. Philbin.

Phil was a fine man, and a good personal friend of mine. He served in this House for 28 years and performed conscientiously on the House Armed Services Committee, which he headed for a

few days after the death of L. Mendel Rivers.

Phil was not just a good-natured grey eminence. He lived quite a colorful life. While attending Harvard University as a youth, Phil was a spirited debater and a rugged center on the last Crimson football team to play in the Rose Bowl. Incidentally, that team defeated Oregon for Rose Bowl honors.

After receiving his degree from Harvard, Phil became line coach at Columbia University under former Harvard coach P. D. Houghton. While coaching, Phil resumed his studies and earned a law degree.

In Massachusetts, Phil was an attorney, a businessman and a farmer. He also served as secretary, campaign manager and personal representative to U.S. Senator David L. Walsh.

Before coming to Congress, Phil served as special counsel to the Senate Committee on Education and Labor, referee with the U.S. Department of Labor, and member of the advisory board of the Massachusetts Unemployment Compensation Commission.

First elected to the House in 1942, Phil served under six presidents and served in the House with three men who later became president—John F. Kennedy, Lyndon B. Johnson and Richard M. Nixon.

Mr. Speaker, we will all miss Phil Philbin especially those of use who knew him well. He was a gentleman and an all-around great guy. I extend my condolences to his two daughters.

The House has lost an outstanding legislator and the Nation a real American.

COOLEY'S ANEMIA—A FACT SHEET

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, Cooley's anemia presently afflicts about 200,000 persons in the United States, and tragically most of them are children. The disease, specifically identified about 1925 by Dr. Thomas B. Cooley, is a disorder of the hemoglobin of the blood and is transmitted generically. The victims of this disorder suffer malformed development leading to brittle, easily broken bones and alteration of facial appearance. In most instances, death occurs before the 20th year.

The existing programs in the research of the causes and possible cure for this disease are totally inadequate. There is no known cure. Treatment consists solely of the frequent administration of costly blood transfusions to alleviate the constantly recurring anemia. These research programs must be given adequate monetary resources to carry their activities to positive effect. Earlier this year, I introduced H.R. 14109, National Cooley's Anemia Control Act, to provide \$7.1 million for research, treatment, and training programs to ease and eventually eliminate the agony of Cooley's anemia. I urge my colleagues to support this necessary legislation.

I commend the following excellent concise fact sheet prepared by the Life

Sciences Division of the Library of Congress to the attention of my colleagues:

COOLEY'S ANEMIA: A FACT SHEET

Cooley's anemia is an inherited blood disease characterized by a diminished production of hemoglobin, the substance in red blood cells which enables them to carry oxygen to the tissues of the body. The result of this inadequate production of hemoglobin is a particular form of anemia. Dr. Thomas B. Cooley, an American physician, discovered and labeled this disease around 1925.

Cooley's anemia, also known as Mediterranean anemia or thalassemia major, is found in children whose ancestors were natives to the countries surrounding the Mediterranean Sea. In America, these children are of predominately Greek and Italian origin, although because of widespread intermarriage the disorder is also found in children of Irish, Scandinavian, Jewish, Oriental, and Turkish descent.

There are two forms of Cooley's anemia: the severe form, called thalassemia major; and the carrier or trait form, thalassemia minor. The difference between these forms depends on whether the individual has inherited half or all of the genetic code or defective hemoglobin synthesis from his parents. Following Mendelian laws, two carriers of the trait who marry may have the possibility of producing the trait in 50% of their offspring, and the disease, Cooley's anemia, in 25% of their offspring.

Individuals with the carrier form of thalassemia minor are not handicapped with any physical defects; in fact the only physical sign or symptom of the trait may be a change in the size and shape of the red blood cells. Individuals with the carrier form of the disorder have a normal life span and enjoy normal health. The trait (thalassemia minor) never increases in severity or converts to the severe form of the disease. At present the chief methods of detecting the carrier form involve a number of hematologic tests including electrophoresis.

Thalassemia major is usually detectable during the first year of life; its early signs include pallor, listlessness, loss of appetite, and irritability. An examination of the victim's blood will show changes in the size, shape, and numbers of red blood cells, and a variety of abnormal characteristics in special properties of the blood cells, in addition to severe anemia. Individuals with thalassemia major rarely live beyond the age of 20, and from their first year of life may have to undergo blood transfusions almost daily in order to maintain a blood count sufficient for survival. The anemia itself is basically caused by a reduction in the rate at which red blood cells are formed in the bone marrow and released to the blood stream. In Cooley's anemia, these defective red blood cells do not survive more than one-third to one-half of the life span of normal red blood cells. There is often an enlargement of the spleen which causes further complications in the rate of blood cell production. The anemia created from this low rate of production leads to severe handicaps in its young victims. Cooley's children tend to be small for their age because bone growth is poor. In addition, they suffer malformed bone development leading to brittle, easily broken bones and an altered, somewhat monogoloid, facial appearance. The child afflicted with Cooley's anemia cannot usually engage in strenuous physical activities since the anemia causes fatigability.

There is no known cure for Cooley's anemia. At present the only effective treatment is supportive therapy such as the administration of blood transfusions to alleviate the constantly recurring anemia. Some children require transfusions several times a week; some very rarely. Besides the inconvenience of these transfusions, they also add the prob-

lem of creating excess amounts of iron in the body which then collects in the liver, heart, pancreas, and other vital body organs. This iron overload may eventually lead to failure of the liver, pancreas and endocrine organs, and heart. There are chemicals that can remove this excess iron, but those presently available are too toxic for clinical use.

There are no statistics available on the exact number of cases of Cooley's anemia in the United States. It is estimated though that there are around 200,000 individuals in this country who are carriers of the trait.

TAXING ART

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the *RECORD* and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on May 30, I introduced H.R. 15215 to rectify what is clearly a significant inequity in the charitable contributions sections of the Internal Revenue Code. Under present tax laws, an artist who donates any of his artistic works to a museum or to any charitable organization is permitted to deduct only the cost of the materials he used to create it. Thus, if a painter donates any of his paintings, he may deduct only the cost of his canvas, paint, and other materials, regardless of the worth of the painting on the market. If a composer creates and contributes a musical score, he may deduct only the value of the supplies he used to write that score.

My legislation would correct this inequity by permitting the artist to deduct the full fair market value of a literary, musical, or artistic composition which was created by his personal efforts and which he has donated to a charitable organization. If passed, this proposal would help not only the many thousands of artists who today are unable to deduct the full market value of their creations, but the museums and the viewing public who would benefit from such donations.

I am pleased to have editorial support for this legislation. I would like to include at this point an excellent editorial from the Trumbull, Conn., *Times*, which concisely sums up the issue at hand, and the need for reform.

TAXING ART

In this season when presidential candidates are stomping one another in the race to see who can find more tax loopholes to close, Connecticut Fifth District Congressman John S. Monagan is surely running counter to the prevailing wind when he proposes to open one.

Not only is the Waterbury Democrat displaying courage, he is also making sense.

Mr. Monagan wants to change a section of the income tax laws which states that an artist who donates a painting, a sculpture, a manuscript, or a musical score to a museum or charitable organization may only deduct the cost of the materials used to create it.

In other words, Michaelangelo, supposing he were alive and here, could subtract only the price of the marble used as the raw material of his recently abused *Pieta* if he desired to donate it to the Metropolitan Museum of Art.

Leonardo Da Vinci would only recoup the value of a few square feet of canvas and perhaps a few pints of paint, if his gift was the *Mona Lisa*.

Ernest Hemingway would hardly find it worthwhile to mention the typing paper he

uses for the first draft of "Farewell to Arms," nor would Beethoven get much satisfaction from listing the parchment on which he scored the "Fifth Symphony."

With all respect to the Internal Revenue Service, it is not the material that matters, but the genius of the artist which shapes it into a thing of beauty, a masterpiece that will inspire men for ages to come.

When a man parts with such a creation for the benefit of others, he deserves due credit for the sacrifice he makes.

Mr. Monagan would allow him to deduct the full market value of his composition.

How does one assess the value of a masterpiece?

The question is difficult but not impossible to answer. Another artist or a connoisseur should make the appraisal. One thing is sure. It will come to more than the going rate for canvas—or typing paper.

HURRICANE AGNES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the *RECORD* and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am concerned at information reaching me about inept reporting on Hurricane Agnes by the Weather Bureau in the northwest Florida gulf coast area. Apparently the hurricane was portrayed as much more dangerous than it proved to be. Now it must be said for the Weather Bureau that they seek to save lives and property and this is what they should do. Yet the reports which were received in the local area and the resulting calls for evacuation frightened many people unduly. These situations can readily produce a panic situation. It produced a serious adverse effect upon the local economy at the height of the summer tourist season.

Local sources have advised me that winds which were reported nationwide, were stated to be 85 miles per hour in velocity when they actually were clocked locally at 45 miles per hour. This is not good publicity for any community.

There were spotty reports and for long periods nonexistent reports during the period just before the storm struck, nor was there up-to-the-minute reporting during the progress of the storm over land.

Possibly the storm was not a hurricane during its passage through upper gulf waters, but a tropical disturbance, a very important difference. This faulty reporting could have resulted from failure to send out a sufficient number of hunter planes to obtain accurate information on the force and progress of the storm.

I expect a full accounting from the Weather Bureau on this matter and if the statements which have been reported to me are substantiated, I will seek an investigation into this phase of Weather Bureau services.

THE GREAT WIRETAP AFFAIR— FROM THE FOLKS WHO BROUGHT YOU ITT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the *RECORD* and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, it is a measure of how far we have come in the past

4 years that no one was really very surprised by the newspaper accounts this morning of the arrest of five men who were hired to bug the Democratic National Convention.

Increasingly over the past 4 years, President Nixon's projected "father image" has come to resemble a "big brother" image.

The Nixon administration has taken the position in congressional testimony and in court that electronic surveillance is a useful weapon in the Government's arsenal to deal with criminal elements and with individuals or organizations considered by the Attorney General to represent a threat to the Government and political system of the United States.

There are those who might argue that some of our Attorneys General are a greater threat to the Government and political system than the groups they seek to monitor.

Senator ERVIN's hearings last year disclosed widespread electronic eavesdropping by the Army, directed at all kinds of public and private figures, most of whom became candidates for official snooping by virtue of their opposition to the war in Vietnam.

And now, with these latest arrests, it appears that mere opposition to the reelection of President Nixon is sufficient to open people's private lives to official scrutiny.

Needless to say, we can expect to hear indignant disclaimers from administration spokesmen to the effect that these five men were acting on their own, without the authorization or knowledge of the administration or of the Republican Party.

Their disclaimers will enjoy about as much credibility as ITT received when it explained that Dita Beard's files were shredded overnight as part of a general office cleanup.

It is not mere coincidence that one of the men arrested has been affiliated with the CIA and was named by the Republican National Committee to direct convention security for the Republicans in Miami. It is not mere coincidence that one of the men arrested has a history of doing undercover work for hire at the request of the White House.

Mr. Speaker, it is apparent that the Nixon camp has forgotten which end is supposed to be up in a democratic government. Governments exist to serve the people, not to enslave them. Governments ought to work to eliminate fear, not to instill it.

I am hopeful that the chickens will come home to roost in November, when the voters of America will remind Richard Nixon just how much his administration bugs us all.

THE IMPORTANCE OF EDUCATION IN A FREE SOCIETY

(Mr. BEVILL asked and was given permission to extend his remarks at this point in the *RECORD* and to include extraneous matter.)

Mr. BEVILL. Mr. Speaker, a free, self-governing society, if it is to remain so, requires a broadly educated citizenry. In a society where the policymaking power is wielded by the people, the people must

be well educated for the Nation to be governed in a wise manner.

This characteristic of our society has been recognized since the initial days of the Republic, and has spurred us to create the most extensive and generously financed education system on earth. Americans have always pursued education with an almost religious fervor. Yet, in order to maintain a society that is truly free, the quality and type of education is even more important than the size of the system. I believe our education leaders have been successful in providing us with quality educational programs while, at the same time, accommodating ever-increasing numbers of students. I believe it is good for us to pause from time to time and pay tribute to those people who have contributed so much toward making our system what it is today. Teachers, administrators, and everyone associated with education are to be commended for their dedication and service to their Nation.

This is certainly the proper time of year to offer a "Salute to Education." To the teachers and other personnel in my congressional district and State I want to thank you for your efforts this past year and offer my continuing support during the coming years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BRASCO (at the request of Mr. O'NEILL), for Monday, June 19, and Tuesday, June 20, on account of official business.

Mr. CORMAN, for today on account of official business.

Mr. MURPHY of Illinois (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. RANGEL (at the request of Mr. O'NEILL), for Monday, June 19, and Tuesday, June 20, on account of official business.

MESSRS. KEATING and SANDMAN (at the request of Mr. GERALD R. FORD), on account of official business with the Select Committee on Crime.

Mr. WINN (at the request of Mr. GERALD R. FORD), for June 19 and 20, on account of official business with the Select Committee on Crime.

Mr. PREYER of North Carolina (at the request of Mr. MAZZOLI), for today, on account of official business.

MESSRS. FOUNTAIN and HENDERSON (at the request of Mr. MAZZOLI), until 2 p.m. today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. KEE, for 30 minutes, today, and to revise and extend his remarks.

Mr. HOLIFIELD, for 20 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the re-

quest of Mr. MALLARY), to revise and extend their remarks, and to include extraneous matter:)

Mr. HALPERN, on today, for 5 minutes.

Mr. SCHWENGEL, on today, for 30 minutes.

Mr. WYMAN, on today, for 5 minutes.

Mrs. HECKLER of Massachusetts, on today, for 10 minutes.

(The following Members (at the request of Mr. MAZZOLI), to revise and extend their remarks, and to include extraneous matter:)

Mr. ASPIN, today, for 5 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. ROY, today, for 10 minutes.

Mr. FAUNTROY, today, for 5 minutes.

Mr. BEGICH, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HOLIFIELD, on his special order today.

Mr. STEED to revise and extend remarks made in Committee of the Whole and to include extraneous matter.

Mr. MOORHEAD, and to include extraneous material with his remarks today in the Committee of the Whole.

(The following Members (at the request of Mr. MALLARY, and to include extraneous matter:)

Mr. ROBISON of New York.

Mr. HALPERN in three instances.

Mr. SPRINGER in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. CHAMBERLAIN.

Mr. CONOVER in two instances.

Mr. BROOMFIELD.

Mr. ZWACH.

Mr. HOSMER in two instances.

Mr. MCDADE.

Mr. WYMAN in two instances.

Mr. LENT in three instances.

Mr. WYATT.

Mr. DERWINSKI in two instances.

Mr. KEMP in two instances.

Mr. GOLDWATER.

Mr. MCKINNEY.

Mr. LANDGREBE in two instances.

Mr. BOB WILSON.

Mr. GUDE in five instances.

Mr. PRICE of Texas in two instances.

(The following Members (at the request of Mr. MAZZOLI), and to include extraneous matter:)

Mr. DENT.

Mr. ULLMAN in five instances.

Mr. O'NEILL in two instances.

Mr. ROYBAL in 10 instances.

Mr. MACDONALD of Massachusetts in three instances.

Mr. BIAGGI in 10 instances.

Mr. MINISH.

Mrs. GRIFFITHS.

Mr. REES.

Mr. JAMES V. STANTON.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. ROGERS in five instances.

Mr. HUNGATE.

Mr. HAGAN.

Mr. BRINKLEY.

Mr. HANNA in five instances.

Mr. BEGICH.

Mr. ROE in two instances.

Mrs. HICKS of Massachusetts in three instances.

Mr. HAMILTON in 10 instances.

Mr. ANDERSON of Tennessee.

Mr. ICHORD.

Mr. DAVIS of Georgia in five instances.

Mr. STOKES.

Mr. WOLFF in two instances.

Mr. CELLER.

Mr. DRINAN.

Mr. WALDIE in six instances.

Mr. JACOBS in two instances.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3443. An act to amend and extend the Juvenile Delinquency Prevention Control Act of 1968; to the Committee on Education and Labor.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning fees for the operation of certain motor vehicles, and the enforcement of traffic laws.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 3104. An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports; and

S. J. Res. 211. Joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On June 15, 1972:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes; 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.

On June 19, 1972:

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

On June 20, 1972:

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to

enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning fees for the operation of certain motor vehicles, and the enforcement of traffic laws.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 21, 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:

2093. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July 1971–March 1972, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2094. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of a determination by the Secretary of State permitting an increase in military assistance for Ethiopia, pursuant to section 653(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2095. A letter from the Governor of the Canal Zone, transmitting a draft of proposed legislation to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone; to the Committee on Merchant Marine and Fisheries.

2096. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend section 707 of the Social Security Act; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

2097. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Government National Mortgage Association for fiscal year 1971, Department of Housing and Urban Development (H. Doc. 92-313); to the Committee on Government Operations and ordered to be printed.

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. HOLIFIELD: Committee on Government Operations. Report on defaults on FHA-insured home mortgages, Detroit, Mich. (Rept. No. 92-1152). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15003. A bill to protect consumers against unreasonable product hazards; with an amendment (Rept. No. 92-1153). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 1021. A resolution providing for the consideration of H.R. 15390. A bill to provide for a 4-month extension of the present temporary level in the public debt limitation (Rept. No. 92-1154). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15507. A bill to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes (Rept. No. 92-1155). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 15587. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. ABOUREZK:

H.R. 15588. A bill to amend the Disaster Relief Act of 1970 to provide aid to public recreation facilities; to the Committee on Public Works.

By Mr. EVANS of Colorado:

H.R. 15589. A bill to gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 15590. A bill to provide for the safety of motor homes, campers, and mobile homes in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.R. 15591. A bill to amend the Railroad Retirement Act of 1937 to provide for the payment of spouse's and widow's annuities to certain divorced wives of retired or deceased employees; to the Committee on Interstate and Foreign Commerce.

H.R. 15592. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts (for herself and Mr. POBELL):

H.R. 15593. A bill to establish in the Public Health Service an institute for research on dysautonomia, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ICHORD (for himself, Mr. ASPINALL, Mr. HUNT, Mr. ZION, Mr. HUTCHINSON, Mr. STEIGER of Arizona, Mr. HOGAN, Mr. SCHMITZ, Mr. GOLDWATER, Mr. DAVIS of South Carolina, Mr. MATHIS of Georgia, Mr. SPENCE, Mr. MONTGOMERY, Mr. COLLINS of Texas, Mr. ROY, and Mr. ROUSSELOT):

H.R. 15594. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mr. COLMER, Mr. BURLESON of Texas, Mr. RHODES, Mr. HULL, Mr. BROOMFIELD, Mr. LENNON, Mr. COLLIER, Mr. ROBERTS, Mr. KING, Mr. HENDERSON, Mr. PIKE, Mr. ASHBROOK, Mr. BURLISON of Missouri, Mr. CHARLES H. WILSON, Mr. CLEVELAND, Mr. BROYHILL of North Carolina, Mr. VANDER JAGT, Mr. KUYKENDALL, and Mr. THOMPSON of Georgia):

H.R. 15595. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. KEE (for himself and Mr. SCHWENGLER):

H.R. 15596. A bill; non-point source pollution from agricultural, rural and developing areas; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 15597. A bill to authorize additional funds for acquisition of interests in land within the area known as Piscataway Park

in the State of Maryland; to the Committee on Interior and Insular Affairs.

By Mr. STEED:

H.R. 15598. A bill to determine the rights and interests of the Choctaw Nation, the Chickasaw Nation, and the Cherokee Nation in and to the bed of the Arkansas River below the Canadian fork and to the eastern boundary of Oklahoma as it existed at the time of the Treaty at Doak's Stand, October 18, 1820, 7 Stat. 210, Proclamation, January 8, 1821, and lands accreted thereto and lands which have since emerged by evulsive action; to the Committee on Interior and Insular Affairs.

By Mr. WAGGONER:

H.R. 15599. A bill to provide that the terms of pension, retirement, and similar insurance plans which call for different retirement ages for men and women shall be unlawful; to the Committee on Education and Labor.

By Mr. BOB WILSON:

H.R. 15600. A bill to provide retroactive pay to certain members of the Armed Forces held as prisoners of war during World War II; to the Committee on Armed Services.

H.R. 15601. A bill to amend section 410(a) of title 38, United States Code, to provide a statutory presumption of service-connected death of any veteran who has been rated totally disabled by reason of service-connected disability for 20 or more years; to the Committee on Veterans' Affairs.

By Mr. WYATT:

H.R. 15602. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 15603. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 15604. 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, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 15605. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include in the definition of law enforcement the enforcement of laws, ordinances, and regulations in any State relative to environmental recreation, including parks; to the Committee on the Judiciary.

By Mr. BEVILL:

H.R. 15606. A bill to provide for the establishment of the Cathedral Caverns National Monument in the State of Alabama, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Massachusetts (for himself, Mr. HOSMER, Mr. CHARLES H. WILSON, Mr. DULSKI, Mr. MCKINNEY, Mr. STEELE, Mr. KEITH, Mr. ANDERSON of California, Mr. VAN DEERLIN, Mr. DELLUMS, Mr. EDWARDS of California, Mr. BELL, and Mr. LEGGETT):

H.R. 15607. A bill to amend section 203(e) (2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. HOSMER, Mr. CHARLES H.

WILSON, Mr. DULSKI, Mr. MCKINNEY, Mr. STEELE, Mr. KEITH, Mr. ANDERSON of California, Mr. VAN DEERLIN, Mr. DELLUMS, Mr. EDWARDS of California, Mr. BELL, Mr. LEGGETT, and Mr. DIGGS):

H.R. 15608. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. GRAY (for himself, Mr. PEPPER, Mr. MATSUNAGA, Mr. ANDERSON of Tennessee, Mr. SMITH of California, Mr. O'NEILL, Mr. ANDERSON of Illinois, Mr. MARTIN, Mr. QUILLLEN, Mr. LATTI, Mr. ABERNETHY, Mr. WHITTEN, Mr. GRIFFIN, Mr. MADDEN, Mr. MONTGOMERY, Mr. DELANEY, Mr. BOLLING, Mr. SISK, and Mr. YOUNG of Texas):

H.R. 15609. A bill to provide that the Federal building to be constructed in Hattiesburg, Miss., shall be named the "William M. Colmer Federal Building"; to the Committee on Public Works.

By Mr. GUBSER:

H.R. 15610. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:
H.R. 15611. A bill to establish a system of wild areas within the lands of the national forest system; to the Committee on Agriculture.

By Mr. HOGAN (for himself, Mr. SARBANES, Mr. DELLUMS, Mr. COUGHLIN, Mr. GUDE, Mr. MCKINNEY, Mr. SCHWENGEL, Mr. BROYHILL of Virginia, and Mr. MITCHELL):

H.R. 15612. A bill to amend the Washington Area Transit Authority compact to require the inclusion of rail commuter service in the mass transit plan, and for other purposes; to the Committee on the District of Columbia.

By Mr. KOCH:

H.R. 15613. A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. MARTIN:

H.R. 15614. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 15615. A bill to improve the private

retirement system by allowing individuals to establish their own pension plans; to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H.R. 15616. A bill granting the consent and approval of Congress to an agreement between the States of Illinois and Iowa relating to the establishment by certain of their political subdivisions of a regional air pollution control board; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H. Res. 1022. Resolution amending the rules of the House by adding rule XLV on House-authorized Federal budget; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMMERSCHMIDT:

H.R. 15617. A bill for the relief of Lucie Stein; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 15618. A bill for the relief of Cornelia Lydia Holder Littlejohn; to the Committee on the Judiciary.

SENATE—Tuesday, June 20, 1972

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, before whom the generations rise and pass away, we thank Thee for days that are past and work that is done. We thank Thee now for the new day and for work yet to be done. By Thy strength and in Thy wisdom help us to undertake our tasks as did our forefathers, holding firmly to truth and justice, striving for the better world that is yet to be—

"March on, O soul, with strength,
As strong the battle rolls,
Gainst lies and lusts and wrongs,
Let courage rule our souls:
In keenest strife, Lord, may we stand
Upheld and strengthened by Thy hand."
—GEORGE T. COSTER.

We pray in the Redeemer's name.
Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 20, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HARRY F. BYRD, JR., a Senator from the State of Vir-

ginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HARRY F. BYRD, JR., thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, June 19, 1972, be approved.

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.

DEFENSE PRODUCTION ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 829, S. 3715.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

S. 3715, to amend and extend the Defense Production Act of 1950.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third read-

ing, was read the third time, and passed, as follows:

S. 3715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(b)), is amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1985".

SEC. 2. The first sentence of section 717(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2166(a)), is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1974".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-868), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill would extend the Defense Production Act of 1950 for 2 years—from the present expiration date of June 30, 1972, to June 30, 1974. The bill would also amend the Defense Production Act by extending from June 30, 1975, to June 30, 1985, the time in which purchase and sales contracts may be entered into concerning materials in the Defense Production Act inventory.

GENERAL STATEMENT

The bill would extend for 2 additional years, through June 30, 1974, the remaining temporary powers of the President under the Defense Production Act of 1950. These include power to establish priorities for defense contracts; power to allocate materials for defense purposes; authority to guarantee loans made in connection with defense contracts; authority to make loans and purchases to build up our defense capacity and assure supplies of defense materials and to carry out existing contracts; authority to employ without compensation and when actually employed employees, including advisers and consultants; and pro-