The free Republic established in Byelorussia in 1918 was based on respect for the dignity of the individual and equality opportunity for all.

Unfortunately, this Republic did not last long and became one of the captive nations suffering under the yoke of communism. We are glad that many from that rich and fertile country came to the United States where they and their descendants are enjoying dignity and freedom.

It is fitting for all Americans to show our sympathy to their hopes for the restoration of liberty in Byelorussia.

HOUSE OF REPRESENTATIVES—*Monday, March 27, 1972*

The House met at 12 o'clock noon.

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

The Lord is my strength and my song, He is my God, my father's God, and I will exalt Him.—Exodus 15: 2.

Gratefully, O God, do we lift our spirits unto Thee giving Thee the thanksgiving of our hearts for Thy never-ending goodness to us and to Thy children. We remember that Thou didst lead the children of Israel from bondage to freedom, from darkness to light and from despair to hope. In grateful memory of this wonderful deliverance is celebrated this week the joyful festival of the Passover.

We thank Thee for Thy providence which keeps the spirit of truth and justice and peace alive in the hearts of men. May all persecution cease, all bondage disappear, and all oppression be erased from human life everywhere. Let Thy blessing rest upon the house of Israel and upon every one of us. Together may we unite in singing the songs of freedom as we journey to the promised land of liberty and justice for all. 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 agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 18) entitled "An act to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty."

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

H.R. 9526. An act to authorize certain naval vessel loans, and for other purposes.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 141. An act to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes;

S. 3153. An act to amend the act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes;

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes;

S. 3178. An act to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for President and Vice President;

S. Con. Res. 59. Concurrent resolution to authorize the loan of the Cornelia Fasset painting, "The Electoral Commission of 1877," to the National Portrait Gallery of the Smithsonian Institution;

S. Con. Res. 63. Concurrent resolution to establish a Joint Committee on Inaugural Ceremonies of 1973; and

S. Con. Res. 70. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the Consumer Product Safety Act of 1971.

The message also announced that the Vice President, pursuant to Public Law 207, 81st Congress, appointed Mr. GAMBRELL as a member of the Board of Visitors to the U.S. Coast Guard Academy.

The message also announced that the Vice President, pursuant to Public Law 301, 78th Congress, appointed Mr. CHILES as a member of the Board of Visitors to the U.S. Merchant Marine Academy.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 90]

Abbitt	Bow	du Pont
Abernethy	Celler	Dwyer
Abourezk	Chappell	Edmondson
Alexander	Chisholm	Edwards, La.
Anderson, Calif.	Clark	Esch
	Clawson, Del	Eshleman
Anderson, Tenn.	Clay	Fish
	Collins, Ill.	Flowers
Badillo	Conyers	Ford, William D.
Baring	Culver	
Bell	Davis, S.C.	Fraser
Bevill	de la Garza	Frelinghuysen
Biaggi	Delaney	Galifianakis
Bingham	Dickinson	Gallagher
Blackburn	Dowdy	Gaydos
Blanton	Dulski	Gettys
Giaimo	Murphy, N.Y.	Scherle
Goldwater	Nix	Scheuer
Hagan	Patman	Sikes
Halpern	Pepper	Smith, N.Y.
Harrington	Pike	Springer
Helstoski	Podell	Steiger, Ariz.
Hillis	Preyer, N.C.	Stokes
Hull	Pryor, Ark.	Stuckey
Jones, Tenn.	Rarick	Teague, Calif.
Kemp	Reid	Terry
Landgrebe	Reuss	Thompson, Ga.
Leggett	Rostenkowski	Tiernan
Lent	Rousselot	Van Deerlin
McCloskey	Roy	Vander Jagt
McKinney	St Germain	Whalley
Mann	Sarbanes	Yates
Moorhead	Satterfield	

The SPEAKER. On this rollcall 336 Members have answered to their names, a quorum.

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

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignation from committees:

WASHINGTON, D.C.,
March 23, 1972.

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

DEAR MR. SPEAKER: Having changed my registration yesterday from Republican to Democrat, I hereby resign from the Committee on Education and Labor and the Committee on Government Operations, as a Republican member.

With warm regard,
Sincerely yours,

OGDEN R. REID.

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

There was no objection.

AUTHORIZING CERTAIN NAVAL VESSEL LOANS

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9526) to authorize certain naval vessel loans, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, line 12, strike out "four" and insert "five".

Page 3, after line 7, insert:

"SEC. 5. Any loan made to a country under this Act shall not be construed as a commitment by the United States to the defense of that country."

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I do think the House ought to have a few words of explanation as to what the Senate amendments contain.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

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

Mr. HÉBERT. I agree with the gentleman from Iowa that the House should have an explanation of the Senate amendments.

The bill which we sent to the Senate side provided for a 4-year limitation. Prior to the passage of this legislation it was a 5-year period on the loan and an option to extend for another 5 years. The Senate merely changed it to make it 5 years with no option to extend.

Also, at the time the bill was passed, as the gentleman recalls, I made the commitment to the effect that the Armed Services Committee would have a special subcommittee go into this entire matter of ship loans, particularly with reference to South American countries and their activities with reference to our fishing fleets.

Mr. GROSS. Is this to be a joint subcommittee or a House subcommittee?

Mr. HÉBERT. No; this will be a subcommittee of the House Committee on Armed Services. We feel we can do our own job and obtain results more expeditiously.

Mr. GROSS. I can understand that in view of the presidential candidates and campaign situation in the Senate.

I thank the gentleman from Louisiana for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ADDITIONAL LEGISLATIVE PROGRAM AND SPECIAL BRIEFINGS

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

Mr. BOGGS. Mr. Speaker, I take this time to announce that on tomorrow the chairman of the Committee on Ways and Means will seek to call up by unanimous consent the bill (H.R. 13334), the establishment of positions in the Treasury Department.

Also, on Wednesday the six money resolutions will be called up from the Committee on House Administration.

NEW CAMPAIGN REPORTING LAW

Further, Mr. Speaker, I would like to announce for the benefit of all the Members of the House that briefing sessions by the Comptroller General and the Clerk's office for all Members and administrative assistants are being held in the Ways and Means Committee room today, tomorrow and Wednesday on the new campaign expenditures bill.

The morning sessions start at 9:30 a.m. and the afternoon sessions start at 2:30 p.m.

ARRANGEMENTS FOR INAUGURATION OF THE PRESIDENT-ELECT AND VICE-PRESIDENT-ELECT OF THE UNITED STATES ON JANUARY 20, 1973

Mr. BOGGS. Mr. Speaker, I call up the Senate concurrent resolution (S. Con. Res. 63) and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice-President-elect of the United States on the 20th day of January 1973.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF JOINT COMMITTEE TO MAKE ARRANGEMENTS FOR INAUGURATION OF THE PRESIDENT-ELECT AND THE VICE-PRESIDENT-ELECT

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 63, 92d Congress, the Chair appoints as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice-President-elect of the United States on the 20th day of January 1973 the following members on the part of the House: Mr. ALBERT, Mr. BOGGS, and Mr. GERALD R. FORD.

PROPOSED AMENDMENT TO WATER POLLUTION CONTROL BILL

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

Mr. MAHON. Mr. Speaker, H.R. 11896, the water pollution control bill reported out of the House Committee on Public Works is in my judgment a vast improvement over the bill passed by the other body, and I propose to support it.

I will have a procedural amendment which would substitute advance appropriation funding for the contract authority procedure now in the bill. Otherwise, for all practical purposes the Congress would be out of the picture for the 3 fiscal years covered by the provision, as I see it.

As I say, my amendment is procedural. I hope the proposal will not be too controversial a matter. The purpose is a matter of keeping Congress in the picture year by year, rather than surrendering and abdicating to the executive department for a 3-year period.

This proposed legislation is the beginning of a very accelerated, long-range and expensive program, and it seems to me that the Congress should not to any degree write itself out of the picture on a question as momentous as this one is.

I trust that as the consideration of this measure progresses it will be possible for Members to give consideration to the amendment which I shall offer. It will be printed in the RECORD of the proceedings of today.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE REPORTS ON SEVERAL PRIVILEGED RESOLUTIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file reports on several privileged resolutions.

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

There was no objection.

VOTER REGISTRATION ASSISTANCE ACT OF 1972

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

Mr. RYAN. Mr. Speaker, I am today introducing legislation to establish a comprehensive program of Federal financial assistance to aid States and local governments in carrying out, modernizing, and expanding voter registration programs.

This legislation, introduced in the other body as S. 3420 by Senator KENNEDY, would establish a bipartisan Voter Registration Assistance Administration within the Bureau of Census. This agency would be authorized to conduct far-reaching programs of financial assistance.

First, the administration is authorized to provide direct and immediate financial assistance to States and local governments by making grants in amounts up to 30 percent of the costs of carrying out existing voter registration programs.

Second, it is authorized to pay the full cost of a postal card registration program adopted by any State or local government.

Third, it provides financal incentives to States and local governments to increase the percentage of eligible voters who are registered.

Fourth, it is authorized to provide planning grants to enable States and local governments to modernize their voter registration procedures.

And fifth, the administration is authorized to provide technical assistance to States and local governments to improve their registration procedures, including assistance in developing programs for the prevention and control of fraud.

If our Government is to be responsive to the true needs of its people, it is essential that every step be taken to bring the average citizen into the political process. Voter registration is a key to that involvement. I believe the Voter Registration Assistance Act of 1972, which I am today introducing, will be a

significant step in expanding voter registration programs.

PERSONAL EXPLANATION

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

Mr. WHITE. Mr. Speaker, due to a death in my family, I did not attend the session on Monday, March 6, Tuesday, March 7, Wednesday, March 8, and Thursday, March 9, thereby missing several votes. Had I been present, I would have voted as follows:

"Yea" on rollcall vote 62, the juror qualification forms; "yea" on rollcall vote 63, the veterans' education and training amendments; "nay" on rollcall vote 65, on a motion to table the motion to instruct the conferees to insist on the House amendments to the Higher Education Act; "yea" on rollcall vote 66, on a motion to instruct the conferees to insist on the House antibusing amendments to S. 659, the Higher Education Act; "yea" on rollcall vote 67, the conference report on H.R. 1746 the Equal Employment Opportunities Act of 1972; "yea" on rollcall vote 68, the appropriation authorization for Transpo '72; and "yea" on rollcall vote 70, the Marine Mammal Protection Act.

TRAGEDY IN ROCKLAND COUNTY

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

Mr. PEYSER. Mr. Speaker and Members of the House, this past Friday in my district in Rockland County, N.Y., there was a schoolbus tragedy that in my opinion never should have happened. A train of the Penn Central struck a schoolbus with 49 children in it. Three of the children were killed immediately, seven are in critical condition. All are in the hospital.

I was present at the scene of this accident within 1 hour after it had occurred, and then visited the hospital.

This week I am going to introduce legislation that makes it impossible for schoolbuses to use railroad crossings where there are no warning signals, no lights, and no gates.

To me, this an inexcusable thing, that in this day and age we still have schoolbuses using unguarded crossings of this nature. I think we have to make the change. It is too late to help in this tragedy, but we certainly can avoid others from happening.

EDUCATIONAL FILMS ON "CAPTAIN KANGAROO" PROGRAM

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

Mr. HANSEN of Idaho. Mr. Speaker, on April 3, the "Captain Kangaroo" television program on CBS will begin showing a 10-week series of films on health, nutrition and growing up. These 50 films, each 3½ minutes long, were prepared for the U.S. Office of Child Development, HEW by Sutherland Learning Associates, on a nonprofit basis.

According to Dr. Edward Ziegler, Director of Office of Child Development, this is the first time that a Federal agency, a national commercial network and a producer of multimedia learning systems have cooperated on a joint venture. "Sesame Street," which was also substantially funded by the Federal Government, has been aired primarily through public broadcasting. Since "Captain Kangaroo" is viewed by some 5 to 6 million children each day, it will offer an excellent means of making these materials available to young children.

Subjects of the films include "The Five Senses," "Taste," "Rhythm," "Snacks," "Waking Up," "How To Get Information," "Experiment, Try New Things," "What Is a Friend?" and "If You Do Something Nice." The overall aim of the films is to develop in the child viewer a feeling of self-assurance and appreciation of his physical well-being, so that in later years he will be less likely to be attracted to drugs and other activities harmful to good health.

The films will be repeated again next fall. It is also expected that they will be shown in Headstart programs, day-care centers and school systems throughout the country.

The House Republican Task Force on Education and Training, on which I serve as Chairman, has devoted considerable attention to educational television. Through CBS, we have arranged for a showing of a few of these films segments next Tuesday, March 28 at 4:30 p.m. in room 2261, Rayburn House Office Building. This session will be open to anyone who would like to see these unique children's programs.

THE PRESIDENT AND THE CONGRESS ARE NOT INDIFFERENT TO NEEDS OF THE POOR

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

Mr. COLLIER. Mr. Speaker, in light of the demonstrations here in Washington on Saturday, I think it is in order to correct the misimpressions which frequently are created by ill-conceived slogans and certain other actions of uninformed people. To suggest that the President and the Congress are indifferent to the needs of the poor is either a result of a lack of knowledge or an abandonment of any pretense of responsibility.

A perusal of the budget submitted to the Congress by President Nixon early this year reveals that a total of $3,020,135,000 will be provided during fiscal 1973 for the food programs administered by the Department of Agriculture. This amount will be somewhat more than the $2,805,551,000 provided for the current fiscal year and a substantial increase over the $2,218,369,000 for fiscal 1971.

Data that I will insert in the appendix of the RECORD today indicate that well over 30,000,000 children and adults will receive food paid for by the Federal taxpayers during the coming fiscal year, which will begin 3 months hence. A total of 27,500,000 pupils will participate in the school lunch program, while 10,539,159 adults and children will benefit from the food stamp program.

Mr. Speaker, let us have a moratorium on demagoguery when we talk about hunger. The American people are compassionate and generous and will never let anyone go hungry if they are aware of their plight. They will see to it that the hungry are fed by one means or another through individual attention, through religious and charitable organizations, and through governmental programs at all levels.

THE CATTLEMEN HAVE A BEEF COMING

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

Mr. TALCOTT. Mr. Speaker, there has been much breast beating over the cost of beef. This has been particularly true in the Washington area where two supermarket chains have been trying to translate beef prices into a self-serving advertising campaign.

I believe a recitation of facts is in order so that the consumers will be able to judge for themselves who is the real culprit responsible for the high retail price of beef.

In 1960 live beef sold for $25.92 per 100 pounds. Leaving the packing plant it sold for $44.50 per 100 pounds. At the supermarket counters it was $69.70 per 100 pounds.

In 1971 the price of live beef was $32.35 per 100 pounds and at the packing plant it was $63.64 per 100 pounds, but it rose to $104.32 at the supermarket level. Thus, the increase in 100 pounds of live beef was only $6.43. At the supermarket level, the increase over the same period was $34.62 per 100 pounds. More recent figures more accurately pinpoint where the price increase is taking place. Three weeks ago live beef retailed at $38.00 per 100 pounds. Today live beef is $34.50 per 100 pounds. This is a drop of $3.50 without any corresponding drop at the retail level.

The consumer should also consider what part of his total food budget is used for beef.

In 1960 the homemaker spent 20 percent of the family income on food.

In 1971 the homemaker is spending only 16.2 percent on food. During the same period, 1960–1971, the per capita consumption of beef rose from 85 pounds to 113.3 pounds per capita per year.

We can look at the price of beef in still another light.

In 1951 an hour of labor bought 1.7 pounds of beef.

In 1971, 1 hour of labor bought 3.3 pounds of beef. In other words, the same hour of labor now purchases twice as much beef.

Viewed in terms of investment, to-

days producers of beef earn about 3 percent return on their investment. Compare this with the average return on investments for industry which is 12 percent. No one can accuse the cattlemen of being in the most lucrative business.

A careful analysis of these statistics prompts one to ask, "What is the underlying motive of the supermarket advertising campaign?" Could it be that they want to force the cattlemen out of business and assimilate their operations into their corporate structure and thus give birth to a new form of conglomerate? Only time will tell. I suggest we have enough conglomerates.

INFLATION BEING PUSHED IN THE RIGHT DIRECTION—DOWNWARD

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

Mr. GERALD R. FORD. Mr. Speaker, serious inaccuracies are being directed to the public by persons seeking to discredit the administration's economic stabilization program. I believe these tactics are a disservice to everyone genuinely desirous of having our economy advance amid conditions of stability. A prominent labor leader rejects the stabilization program as unfair and not working; a leading presidential candidate tells his audience the cost of living has risen 5 percent since the program was initiated; another critic writes that the inflation rate has jumped even more than that.

If this kind of criticism results from misinformation, let me hasten to place on the record here what the official statistics of the U.S. Department of Labor reveal about the cost of living since August 15. Since last August the consumer price index has gone from 122.1 to 123.8, a rise of 1.7 on the index, and a percentage rise of 1.4 percent in 6 months. That is not 5 percent or more, but 1.4 percent.

As a result of the restraint on prices which has occurred during this period, the increase in the consumer price index was held to 3.4 percent for all of 1971. That compares with a 5.5-percent rise in 1970 and 6.1 percent in 1969. On the basis of these facts, I would say the rate of inflation is being pushed in the right direction—downward.

Mr. Speaker, everyone concerned with the economy, whether in business, labor, or government, has important decisions to make affecting the economy. I believe it is important that these decisions be made on the basis of the best information available and not on misrepresentations issued for whatever purpose.

HIGHER PRICES ONLY A BAD DREAM

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

Mr. JACOBS. Mr. Speaker, I was interested to hear the remarks of the minority leader a few moments ago which, I think, should be encouraging to the entire country. He has put the housewives of this Nation on notice now that the high prices, and the constant increases in food prices that they thought they were paying are all just a bad dream.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 913 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 913

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11896) to amend the Federal Water Pollution Control Act. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against sections 2, 8, and 12 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 11896, the Committee on Public Works shall be discharged from the further consideration of the bill S. 2770, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 11896 as passed by the House.

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

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

Mr. Speaker, House Resolution 913 provides an open rule with 4 hours of general debate for consideration of H.R. 1896, Federal Water Pollution Control Act Amendments of 1972. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and all points of order against sections 2, 8, and 12 of the substitute are waived for failure to comply with the provisions of clause 4, rule XXI—appropriations in a legislative bill. After passage of H.R. 11896, the Committee on Public Works shall be discharged from further consideration of S. 2770 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 11896 is a very comprehensive and complex bill, the purpose of which is to provide clean waters.

Its goals are to eliminate the discharge of pollutants into waters by 1985 and to achieve water quality by 1981 which would provide for protection and propagation of fish and wildlife and for recreation.

Discharge of toxic pollutants would be prohibited; financial assistance would be provided to communities to construct publicly owned waste treatment facilities; research and development would be increased; regional and basin planning and management programs would be expanded; redtape would be eliminated in the administration of the programs.

The total authorization in the bill is $24.623 billion—$356 million for fiscal year 1972, $9.872 billion for fiscal year 1973, $7.045 billion for fiscal year 1974, and $7.350 billion for fiscal year 1975.

The Committee on Public Works considered the legislation over a 7-month period. They held 38 days of hearings, heard 294 witnesses, and received 135 additional statements for the record before reporting the legislation.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 11896 may be considered.

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

Mr. Speaker, I concur in the statements made by the distinguished gentleman from Texas in explanation of House Resolution 913.

The points of order have to be waived in relation to the three sections because of appropriations or a transfer of funds, which this committee cannot do. It is in violation of clause 4 of rule XXI.

This is a far-reaching, complex, comprehensive program. It may be one of the largest undertakings we will be starting on or have been starting on for some period of time. All of us what to do everything we can to clean up the water situation.

The purpose of H.R. 11896 is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

The bill sets as national goals; first, the elimination of the discharge of pollutants into the waters of the U.S. by 1985; second, the achievement by 1981 of the interim goal of water quality safe for marine life and recreation.

It is the stated policy of the bill to prohibit the discharge of toxic pollutants in toxic amounts, to provide financial assistance to communities to construct publicly owned waste treatment facilities, to increase research and development, to expand regional planning programs, and to have the President act to insure to the fullest extent possible that all foreign countries act to control water pollution.

In order to carry out these objectives, the bill authorizes $24,623,000,000 for the period between the enactment of the legislation and the end of the fiscal year 1975. Of this amount $18,350,000,000 is for the construction of waste treatment facilities. We all know it will probably cost more money than this. I do not think anybody can guess the amount of money or anticipate precisely when this big program will be finished, but the legislation does call for a study.

Mr. Speaker, the bill establishes the maximum Federal share of construction grants to 75 percent.

To attain the 1981 and 1985 goals, the bill requires that the National Academy of Sciences complete within 2 years of the enactment of the bill, a study of the costs and benefits. The 1981 and 1985 goals would not be implemented until Congress has an opportunity to evaluate the report and take further action.

The bill declares to be unlawful the discharge of any pollutant by any person, except as specifically authorized in the bill. Permits would be issued by a Federal-State permit program. The administrator of EPA shall promulgate guidelines which spell out the details of a State program, which would be capable of managing the permit programs. Those States which in the administration's judgment have programs which meet these guidelines would assume the responsibility of managing the permit program in those States. In States which fail to meet the guidelines, the administrator will carry the program.

Mr. Speaker, the report of the Public Works Committee includes a letter from EPA which supports the goals of this bill, but notes that costs must be considered in relation to benefits. Among the numerous changes proposed by EPA, the following are two of the most notable:

EPA opposes increasing the Federal share to a maximum of 75 percent of the cost of construction.

EPA proposes a $6 billion construction grant program, whereas this bill would authorize more than three times that amount. The committee report also contains a letter from the Office of the Management and Budget, which concurs in the EPA position.

When this bill was originally reported out by the Committee on Public Works, the Governor of the State of California, Mr. Ronald Reagan, sent a telegram, dated March 11, 1972, to me, and I presume to other Republican Members, and I quote:

SACRAMENTO, CALIF.,
March 11, 1972.

The Honorable H. ALLEN SMITH,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.:

Understand bill being reported from House Public Works Committee today as major revision of Federal Water Pollution Control Act.

This is such a major piece of legislation that it is vital that time be given for the States to study the bill before it goes to the House floor for action. I strongly urge that the House Rules Committee defer scheduling this bill for floor action until the States have had at least 30 days to analyse it.

RONALD REAGAN,
Governor, State of California.

I contacted an official of the Water Resources Control Board, and told him it would not be possible to delay for 30 days. This is an important bill. I suggested they should study it over the weekend, as I was prepared to do, and report back. They cooperated and did that. Under date of March 22, they submitted a letter to me setting forth some of the objections they had to the bill.

Subsequent to that time, Mr. Speaker, during the hearings before the Rules Committee, one of the problems was brought up. That problem has to do with the difference between the bill as passed by the other body, which bases its formula, I believe, on population and the House bill, which is based on a needs test. The question which arose was that the needs test was taken on the 1970 figures, and some of the States thought that those figures were not fair to them from the standpoint of the share they would receive.

As I further understand it, there are additional figures based on the 1972 needs test which is available some place, or will be available by the time this bill reaches the conference between the House and the Senate. I made this suggestion to the distinguished gentleman from Alabama (Mr. JONES) the chairman of the subcommittee and to the distinguished ranking minority member of the subcommittee, the gentleman from Ohio (Mr. HARSHA) and they stated those figures would be considered by the conferees at the time of the conference, that the figures were not available when this bill was reported. Accordingly I am relying upon their judgment, and so reported to California.

Accordingly, the following telegram was received by all Members of the California delegation from the Governor of California, Ronald Reagan, dated March 23, 1972:

STATE OF CALIFORNIA,
Sacramento, Calif., March 23, 1972.

To all Members of the California Congressional Delegation via California State Office, Washington, D.C.

"H.R. 11896, the Water Pollution Control Act amendments of 1972, which will come to the floor of the House on Monday, is significantly superior to the Senate bill S. 2770 because it would allow California to continue an effective water pollution control program. I urge you to support the bill together with three amendments to be introduced by the House Public Works Committee—one covering reimbursement, one covering irrigation flow and one on wildlife—and to cooperate with the managers of the bill in their effort to pass the bill without any other floor amendments. The leadership of the House Public Works Committee has given assurance that a major problem area to California in the bill, i.e. the use of the outdated 1970 needs study as the basis for allocation of funds, will be given careful study by the conference committee with an eye to substituting the most recent needs study, 1972, in the final product."

RONALD REAGAN, *Governor.*

Before concluding, if either the distinguished gentleman from Alabama (Mr. JONES) or the distinguished gentleman from Ohio (Mr. HARSHA) wishes me to yield, in case I have made any statement that is not correct, I shall be glad to do so. I want to be certain that I have stated the situation correctly so far as the conference is concerned.

Otherwise, Mr. Speaker, I urge the adoption of the rule and reserve the remainder of my time.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana, the ranking majority member of the Rules Committee.

Mr. MADDEN. Mr. Speaker, last Thursday the Rules Committee heard testimony from the Public Works Committee on H.R. 11896, the Water Pollution Control Act now being considered by the House under an open rule for debate. This legislation, along with its kindred companion, air pollution control, are two of the most important problems concerning the future of Americans, especially pertaining to the Nation's health and the environment generally, that Congress will have to solve in the next 10 years. Our Government has been criminally negligent during the last 20-odd years in not making an all-out effort to curb water pollution and preserve the lakes, rivers, and all water resources of our country.

We admit that one must consider today that almost 75 percent of our population live in urban areas where drinking water during the last 12 years has become stagnated and infested with germs and pollutants caused by municipalities, industries, and all segments of our economy dumping refuse, waste, and pollutants into our lakes and streams. Beaches are being closed, rivers, both large and small, are becoming stenchholes, and over 30 percent of the Nation's drinking water contains hazardous amounts of chemicals and pollutants.

This bill calls for an all-out drive by the Federal Government to eliminate the discharge of pollutants into our lakes, rivers, and navigable waters by 1985. In the meantime the legislation strives to purify our lakes and streams so that they would all be suitable for swimming and fishing by 1981.

The bill would authorize $60 million toward research, organization, and preparation for 1973; and $75 million for 1974 for grants to States and intrastate planning agencies to develop and carry out water quality control and abatement programs.

My congressional district, known as the Callumet region of Indiana, is a center for three major steel mills, oil, and gas refineries, and several hundred other industries and corporations, both large and small. We are adjacent to 5 to 6 million people living in the Chicago land area and both localities are on the border of Lake Michigan. Water pollution is rampant in adjoining Lake Michigan. This legislation authorized the pollution administration to cooperate with State and local agencies to demonstrate new techniques and control pollution of the Great Lakes. This bill authorizes $20 million for this purpose, but requires that State and local agencies pay 25 percent of the project cost. This bill also directs the Corps of Army Engineers to develop a demonstration waste water program for the rehabilitation of Lake Michigan and Lake Erie, the most polluted of the Great Lakes.

This legislation also provides financial

assistance for the development and construction of waste treatment facilities. It awards grants to State and local agencies to discover and expand the best practicable waste treatment techniques. The bill also provides grants for the rehabilitation and improvement of existing municipal sewer systems and all the necessary provisions on an approximately 10-year program to preserve American's drinking water, lakes, rivers, and all navigable streams from complete deterioration and annihilation from sewage disposal plants and industrial waste, etc.

The emphatic provision of this legislation is that the Federal enforcement power will be enacted to prosecute violators of this legislation and compel complete compliance, without exception, to any polluters, whether large or small.

Any person, corporation or municipality who violates any provisions of the act will be subject to a maximum civil penalty of $10,000 per day. Of course in minor violations the fine can be reduced according to the opinion of the courts and enforcing authorities. In the case of willful or negligent violation the offender can be subject to a criminal penalty consisting of larger fine with the possibility of imprisonment, not to exceed 1 year. This legislation allows citizens to bring civil suits against polluters alleged to be violating required standards and in failing to carry out the requirements of this act. The bill also retains the authority of the States to enact water quality standards and effluent limitations more stringent than Federal standards.

The House bill sets up an Environmental Financing Authority in the Treasury Department to help those local communities unable to borrow funds to pay their share of waste treatment construction grants. This Financing Authority, with an initial authorization of $100 million, would lend funds to those communities at reasonable interest rates.

We have 225 miles of Lake Michigan shoreline, hundreds of miles of trout streams and hundreds of inland lakes and exploding recreational facilities demands that stimulates my constiuents to want action to provide clean water. We are all faced with similar expectations. This is the environmental decade and we are expected to produce solid progress in the matter of clearing up the mess we have made for ourselves over the years. I want to commend this committee for its leadership in establishing Federal programs to help provide clean water.

Last Thursday the Rules Committee included an open rule where amendments can be offered. I understand several Members of Congress in the coming 2-day debate will be offering amendments to expand or curtail some of the provisions of this bill and I do hope all Members of the House can see fit to be present on the floor today and tomorrow and learn all the provisions set out in the various amendments so we can vote the same "up or down" with the thought in mind that America's great problem of water pollution must get under through the help of Federal legislation which will give all our citizens and environmental organizations an opportunity to succeed in eliminating pollution of our lakes, rivers, and navigable waters for all time to come.

In considering this water pollution bill we have reached a milestone in our environment which has been too long delayed.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, it is not my policy or intent ever to unduly intrude into the activities of legislative committees. The clean water bill, H.R. 11896, which will be before us today is so vital to every Member of Congress and the Congress itself that I feel a few remarks are in order.

I am today writing each Member of the House a letter in regard to the amendment which I propose to offer to the clean water bill to which this rule relates. I shall include it with these remarks.

Congress and the Nation are on the threshold of an all-out effort to do something in a big way about water pollution. We have been working with the problems for some years but an accelerated approach is required. It seems obvious that the proposed 3-year period in the legislation which is to be discussed today, relating to grants for waste treatment construction, is only the beginning of a much longer and much more extensive program to follow.

It has been suggested that Congress has in the past been woefully remiss in not doing more about water pollution. Whose fault is it? It is, of course—if it is anybody's fault—the fault of the Congress itself. What I am saying is that if we want the Federal Government to do more about water pollution, we can work our will and, in my opinion, we must do something about pollution.

I am pleased to see this bill before the House today. But my immediate concern is with the 3-year contract authority provision. I covered the matter in my letter of today, as follows:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 27, 1972.

DEAR COLLEAGUE: Let me make two points very clear about the pending Water Pollution Control Bill, H.R. 11896:

1. I have not had the remotest thought of offering any amendment to alter the dollar figures for waste treatment construction grants or any other program involved in the bill. It is within the province of the Committee on Public Works to recommend whatever levels of authorization it deems appropriate.

2. My concern arises over the *multi-year contract authority* provision. I have now decided to offer an amendment to substitute *one-year advance appropriation* funding for the three year contract provision. With multi-year contract authority we downgrade Congress—abrogate our annual authority—more or less write the next two congressional sessions out of the act. To me it makes no sense for us to abdicate our power.

One-year advance funding of the waste treatment grant program with direct appropriations would assure that State and local interests would have adequate notice for their planning purposes. Congress would act every year and be solidly in the picture from the standpoint of our people. Why detract from the power and prestige of the Legislative Branch by vesting authority for a 3-year period in the Executive Branch? Why surrender the right and—as I see it—the duty of annual action on this momentous issue?

Just prior to World War II, 18% of the spending budget was classified as relatively uncontrollable. The current budget classifies 71% of spending as relatively uncontrollable under present law! Contract authorizations for waste treatment would continue to move us toward almost complete abdication to the Executive Branch. This is unnecessary. Let's not do it!

Please give this problem your best attention and let's work out an approach which will be acceptable to the House and retain the power and dignity of Congress.

Sincerely,

/s/ GEORGE MAHON.

Mr. Speaker, the amendment which I propose to offer is as follows:

AMENDMENT OFFERED BY MR. MAHON

On page 245, in line 13, strike out all after the word "submitted"; strike out all of lines 14 and 15, and all of line 16 down to the period, and,

On page 250, strike out all of line 18 after the word "shall"; strike out all of line 19; and strike out the words "for obligation" in line 20, and,

On page 251, strike out the words "for obligation" in line 12, and,

On page 254, add the following at the end of line 18:

To the end of affording eligible recipients of grants for costs of construction adequate notice of available Federal financial assistance therefor, appropriations pursuant to this section with respect to the fiscal years ending June 30, 1974 and June 30, 1975, respectively, are authorized to be included in the applicable appropriation Act for the fiscal year next preceding the fiscal year 1974 or 1975, as the case may be. Appropriations made pursuant to this section are authorized to be made available without fiscal year limitation.

Mr. Speaker, my proposed amendment is procedural in nature. It is not at all substantive. It would merely retain in the hands of the Congress an annual participation in what we do.

After that, Congress would have a piece of the action every year.

I trust that in the circumstances we can all agree on this procedural matter.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, will the gentleman yield the gentleman 1 additional minute so I can ask him a question?

Mr. SMITH of California. I will be glad to yield the gentleman from Iowa 1 minute.

Mr. GROSS. I must disagree with the first premise of the gentleman's statement, that Congress is responsible with respect to the water pollution situation. Through the years the States and the local subdivisions of government, including the municipalities, failed to enforce laws and ordinances in the matter of pollution and especially the polluting of streams. This is where the breakdown really came about. Now they come to the Congress for billions upon billions of dollars. I do not agree with the gentleman that Congress is the culprit in this first instance. We are called upon now to pick up the pieces.

I do agree with the gentleman that his amendment ought to be adopted and that Congress ought to have real authority

over the appropriation of this huge amount of money and some oversight as to how it is spent.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BLATNIK. 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. 11896) to amend the Federal Water Pollution Control Act.

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

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. 11896, with Mr. SMITH of Iowa 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 Minnesota (Mr. BLATNIK) will be recognized for 2 hours, and the gentleman from Ohio (Mr. HARSHA) will be recognized for 2 hours.

The Chair recognizes the gentleman from Minnesota (Mr. BLATNIK).

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

Mr. Chairman, today, the House has before it a long-overdue legislative enactment that embodies the environmental principles to which I and many others have devoted much of our careers in Congress—a far-reaching bill to restore and preserve for future generations the integrity of America's waters.

Those of us on the Public Works Committee who have worked long and hard to bring this comprehensive and enormously complex bill into being are proud of our handiwork. We consider it a landmark in the field of environmental legislation, a nonpartisan act to which the entire committee has given many, many months of thoughtful consideration, bearing always in mind the consequences of our actions on the whole economic and social structure of the Nation.

In this measure, we are totally restructuring the water pollution control program and making a far-reaching national commitment to clean water, much as our space program was restructured a decade ago when the late President Kennedy committed America to a landing on the moon before the end of the 1960's.

The legislation we are considering is of immeasurable significance to the Nation. In many ways, it is far more difficult undertaking than the 42,500-mile highway program which the Public Works Committee initiated in 1956 and which, when completed, will have cost $75 billion or more. That program has been hailed as the greatest public works undertaking in all history. The water pollution control program we are initiating in this body will, in my judgment, be an even more monumental task.

But whatever the difficulties, we must commit ourselves to the task; our waters can be cleaned, they must be cleaned, and they will be cleaned.

At this moment in time, no one can make more than a half-educated guess as to the ultimate cost of restoring and preserving our water resources. That is why the committee bill calls for a 2-year, $15 million study by the National Academies of Sciences and Engineering to give us some actual information on the economic, social, environmental, and technological consequences that will result if we go all the way to our goal of "no discharge" by 1985.

I would remind the Members that this study does not mean an interruption of the water pollution control program, it will not interfere without progress toward the interim 1976 goal of this legislation, at which time all municipalities obtaining Federal aid for municipal waste treatment plants must go to secondary treatment and industries discharging into our navigable waters must use the best practicable technology.

In the course of our hearings on this legislation, which began almost a year ago and were completed only last December, the committee listened carefully to some 300 witnesses of all shades of opinion—Members of Congress, Federal, State, and local government officials, environmentalists, industry, and labor spokesmen, economists, and concerned private citizens who wanted to contribute their views to this legislation.

During those hearings, we recorded more than 4,000 pages of testimony, more than all the previous testimony taken by our committee in the entire history of the pollution control program. And in quality as well as quantity, the testimony we heard, particularly from the scores of youthful witnesses who appeared, far surpassed anything presented to us in the past.

The committee made a searching review and appraisal of all that had been done in the past to clean up our waters so that we might apply the lessons of that experience to this new legislation.

The Committee on Public Works first confronted the problem of environmental degradation away back in 1948, when the first Water Pollution Control Act was enacted into law. That was a modest permissive beginning that scarcely scratched the surface of the problem, because water pollution in those days was regarded by most people as a local health matter.

In successive Congresses, the committee continually updated, existing legislation and developed new programs, always laboring under the handicaps of inadequate funding and widespread indifference to the spoiling and soiling of our waters.

It was not until 1956 that we won our first major breakthrough with the passage of the Water Quality Act which, for the first time, committed the resources of the Nation to the task of restoring our waters and protecting them for the future.

It has long been evident to those of us who have been close to this problem that a new and comprehensive approach was urgently needed, but it was not until the opening of this 92d Congress that the public support that such a program requires finally made it possible for us to move forward.

I believe sincerely that the legislation we have brought to the floor of the House today is the most effective, workable pollution control bill that has ever been devised.

In saying that, I offer no criticism of the pollution control legislation passed last November by the other body. Certainly there are differences between our bills, but they are differences in approach, not in objectives. The proponents of the other body's bill, including many sincere, dedicated environmentalists, have as their goal the restoration of our waters. That is our goal, too; we believe that the financing, planning, programing, and enforcement provisions of the committee bill will move us effectively toward that goal.

This bill truly serves the national interest, truly responds to the national outcry for the restoration and preservation of our water resources. Every provision of this bill has been most carefully shaped to enable us to achieve clean water without shattering the economic and social structure of our society. This legislation will make it possible for us to restore the integrity of America's waters without emptying the public treasury, without widespread unemployment, and industrial shutdowns. This bill safeguards our waters and our socio-economic structure. I am confident that my colleagues in the House will give it the full benefit of their wisdom and experience.

I have said, Mr. Chairman, that this is a nonpartisan bill, and I must pay tribute to all the members of the Public Works Committee, on both sides of the aisle, who have given so ungrudgingly of their talents and energies to make this legislation possible. I would be remiss if I did not offer a special word of commendation to the distinguished gentleman from Ohio (Mr. HARSHA) and the distinguished gentleman from Alabama (Mr. JONES) for their invaluable contributions to this bill. And it would be equally remiss to overlook the dedicated efforts of the professional committee staff, on both the majority and the minority sides, who gave so much to the making of this legislation, most notably Chief Committee Counsel Richard J. Sullivan, Lester Edelman, Clifton M. Enfield, Carl H. Schwartz, Gordon Wood, James L. Oberstar, and Joseph Brennan, all of whom proved themselves unmatched in the difficult art of legislative writing. In particular, may I commend and compliment the finest legislative draftsman I have ever worked with—Robert L. Mowson.

With the permission of the Chair, I will ask the distinguished gentleman from Alabama (Mr. JONES) to speak for the bill.

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

Mr. Chairman, while the full Committee on Public Works has been writing this most important piece of legislation during the last several months and last year, our beloved chairman was inconvenienced with some health problems. But throughout all of those executive sessions we were under his continual

stewardship, and he continued to give us the benefit of his good, sound advice and leadership in this all-important field of water pollution and control, an area in which he has pioneered for years and years.

In Mr. BLATNIK's absence we had the benefit of the leadership of the distinguished gentleman from Alabama. Mr. JONES was a most effective, impartial, and dedicated leader in this respect. He worked tirelessly on this legislation, and his workmanship as a knowledgeable forceful leader in the field of water pollution control is evidenced by this outstanding legislation.

Mr. Chairman, we have before the House today a major bill which will affect every citizen of our country in numerous ways. H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972, is a bill which recognizes the fact that we must have a more effective approach to water quality control and that our water quality control program must be consistent without competing national priorities. Throughout the development of this most important legislation, the committee could not forget the broad potential effects and these competing priorities. We, as Members of Congress, in considering this environmental control bill on the floor of the House must remember that environmental control is one of a number of competing national priorities. These other national priorities include full employment, price stabilization, rural development, social development, economic development, energy supply, a wider sharing of an improved standard of living, retention of our foreign trade capabilities, and protection of our natural resources. I believe the Committee on Public Works has properly considered each of these priorities while developing H.R. 11896.

The committee, while obviously stressing the environmental control aspects of this legislation, because this is what this bill is, an environmental control bill, had to balance the economic, social, and environmental needs. I believe we have done this and done it effectively.

The Committee on Public Works has been working on this bill for a year. The committee members and staff have met with representatives of environmental groups, our schools and colleges, State and local governments, the Federal Government, labor, agricultural organizations, heavy and light industries, the transportation industry, and public utilities. It has been estimated that our staff has spent almost 10,000 man-hours, that is 250 man-weeks, developing and drafting this legislation. We sought and obtained expert help on all facets of our water quality needs and on this legislation, Mr. Chairman. The expertise that was available was utilized to the fullest extent. I believe that this bill reflects this expertise. It will result in the water quality that we all seek.

We have heard from those who sincerely believe that the most stringent control must be imposed now if we are to save our waters and the associated aquatic life for future generations. On the other hand, we have heard from those who have pointed out to the committee that the precipitate imposition of water quality control schemes would cause a parade of horribles, that it would destroy American industry, create unemployment, stop our progress toward a higher standard of living to be shared by all of our citizens, cause inflation, disrupt our deteriorating position and competitiveness in foreign trade, and worst of all, possibly create other environmental problems. We weighed the pros and cons of both sides and tried to balance this legislation to obtain the goals of both sides while minimizing the possible undesirable side effects.

There still has been criticism of H.R. 11896 from both sides of the environmental fence. Sincere and competent individuals who advocate both more stringent and less stringent controls are dissatisfied with parts of the bill. To the Members, who have worked so hard on this legislation, this could be distressing. However, rather than being distressed, I find it encouraging because I believe that this is an indication that we have achieved the balance we sought for this legislation.

I have an admonition for my colleagues who will be debating the many provisions of this bill. I urge you to heed the fact that our professional staff has spent hundreds of man weeks on this bill. I urge you to heed the fact that we have sought and obtained the advice of experts in all aspects of this legislation. I emphasize to you that there are those who feel that we have gone too far, and there are those who feel that we have not gone far enough. However, in recognizing that certain aspects of this bill have created high levels of emotion, we, as Members of Congress, must recognize that the committee has worked hard, and, I believe, has done its work well. We must not allow pleas from either side of the environmental argument to disrupt the balanced approach which the committee has achieved.

Amendments which might be offered today could disrupt this balance and lead to significant undesirable side effects, or could disrupt the standards and enforcement procedures and lead to a further deterioration of water quality. I urge you, recognize the complexity of the legislation and reject amendments which, on the surface, and here on the floor of the House, might sound attractive, but which could, in the long run, be most undesirable.

I also have an answer for those who, because they feel that S. 2770 imposes more stringent controls, would advocate that we adopt S. 2770, as passed by the other body. Read section 303. Read section 301(b)(1)(C). These sections require point sources of the discharge of pollutants to install the "best practicable control technology currently available" by January 1, 1976. This is consistent with the other body. However, what if such control technology is inadequate to meet water quality standards as required by the Water Quality Act of 1965?

H.R. 11896 requires that if the application of "best practicable control technology currently available" is not sufficient to meet water quality standards, further and more stringent controls must be imposed. This is more restrictive than the requirement of the other body, and it should be recognized as such. The requirements of H.R. 11896, will assure that water quality standards are met, and that even if such "best practicable control technology currently available" is not sufficient to meet water quality standards, each point source will still be required to be so equipped to further enhance the quality of our waters. In other words we require the upgrading of our waters to a much greater degree than does S. 2770.

Mr. Disraeli, a Prime Minister of Great Britain, once said:

> Never leave anything to chance which can be achieved by calculation.

We have tried to follow Mr. Disraeli's warning. Unfortunately, we found that there were certain aspects of S. 2770 from the other body that were leaving too many things to chance. While the committee recognizes that the elimination of industrial and municipal discharges into our Nation's waterways would ultimately solve part of our water quality problems, we could not impose such a requirement for 1981 or a national policy for 1985, because this simply would leave too much to chance, and there was too much which could not be determined by calculation at this time. Even if all municipal and industrial discharges were eliminated we would still have the exceedingly heavy pollution from agriculture and nonpoint sources of discharge. What would a no-discharge requirement in 1981 or 1985 cost?

Even more important, what would be the impact of such requirements on other environmental problems? Would we create solid waste disposal problems? Would we create air pollution problems? Are there deleterious effects of large scale land disposal? Ask yourself: Do you know the economic costs? The other environmental impacts?

I must admit I do not; the committee does not. I would like to read from the CONGRESSIONAL RECORD of November 2, 1971, which reports the debate on S. 2770, the companion bill in the other body. A Senator from Kansas asked the following question of the chairman of the Air and Water Pollution Subcommittee in the other body and I read from the RECORD:

> The other question I wish to ask the Senator is whether some estimate or judgment has been made as to the cost of achieving zero discharge by 1985, both as to capital cost and operative cost.

The answer from the chairman of the Air and Water Pollution Subcommittee was:

> There are no estimates of that kind that, in my judgment, have any validity.

Well, I say to my colleagues that I would not want today to have to stand before you and state that we have recommended a no-discharge requirement without knowing the cost to this nation and its taxpayers of such legislation. Therefore, your committee has recommended that the requirements for 1981, to eliminate the discharge of pollutants. be imposed if your committee and the

Congress, in 1974, after receiving and studying a report on the economic, social, and environmental costs, and the economic, social, and environmental benefits, decide at that time that this is the approach to take. Thus, we have the provision in section 315 for a study which will provide the required answers. They will be prepared by a respected, competent, multidisciplined and unbiased team from the National Academy of Sciences and the National Academy of Engineering. I believe that this report will enable the Congress to make a decision on implementation of the 1981 requirements with the facts at hand rather than with guess and conjecture as a basis. An imformed judgment rather than a speculative one.

The committee considered, but did not adopt, an alternative approach, to wit, that the January 1, 1981, requirements stand unless the Congress takes action at a future date to delay or revise the requirements. This was not adopted because the magnitude of effects of this requirement could require an immediate major national program with immediate and major effects on all aspects of the life of the Nation without the assurances that this potential major disruption to the life of our Nation will ultimately be required and can be afforded.

If the National Academy report demonstrates that the January 1, 1981, goal is environmentally, technically, and economically feasible for either 1981 or some other early date, and the total cost of environmental control bears a reasonable relationship to the benefits to be received, I believe the committee would immediately recommend that the House pass the required legislation. It just is not responsible for us to impose such a requirement at this time without the required knowledge, information, and facts.

I again ask the question of my colleagues: Do you know the effect of this legislation on our competing national priorities?

The requirement for 1976 will tax our capabilities over the next few years. Let us be cautious and prudent. Let us not require the 1981 standards until we can act in an informed manner. H.R. 11896 will not delay the water quality improvement program, instead, it will provide the time necessary to determine what we should do. We are talking of 2 of 9 years.

I remind you that the technology for "no discharge," at least that which is economically, technically, and environmentally feasible does not now exist. Therefore, the next few days will not be lost toward the goal of no discharge. Rather the time utilized by the National Academy Study will be utilized for research, development and demonstration. The 1981 and 1985 goals will serve as a focal point for the research and development. Again, I say, read our bill. Look at section 101(a)(6). Look at sections 104(a)(1), 104(b)(7), 104(d)(1), 104(9)(2), 105(b), 105(c), 105(d)(1) and (2). The direction from the Congress is there. Increase the level of research. Initiate demonstration programs. Eliminate chance. Provide the basis for calculation. Proceed in an informed and responsible manner.

An effective water pollution control program must have significant participation at the regional and local level. Your committee believes that the majority of the program must be handled at that level of government which is sufficiently close to the problems to recognize them and to determine what is best for the waterway and area concerned. Obviously, these local and regional efforts must be within the framework and goals set out by Congress. However, let us not kid ourselves that the Federal establishment operating by itself can implement an effective water quality program. Unless we have meaningful local and State participation and not a Federal dictatorship, the program will founder on the rocks of the generally inflexible, Washington dictated approach. Local and State initiative will disappear. Those with the most incentive to work for local, State, and regional water quality will be stifled by Federal rigidity. We must not let this happen. We must preserve this local and State initiative.

H.R. 11896 sets a framework and the guidelines for State water quality programs. It then provides for State implementation, or, if the States do not do the job, Federal takeover. Also, and I emphasize this, let there be no question in your minds, this bill requires that State and regional programs follow stringent Federal guidelines. It will not allow the industrial equivalent of forum shopping. Each State's program will preclude this because they must be consistent with the guidelines.

H.R. 11896 provides for State and local participation, let us give them the chance to do the job. This bill will provide the resources and direction they have not had in the past. Let us not waste our money and talents on a ridiculous duplication of the State and regional tasks by the Environmental Protection Agency. The job to be done is huge. We can little afford to have EPA duplicate and doublecheck each State action. The overall gains by having local and State initiative are too valuable to discourage such initiative from the very start by providing for duplication by EPA. I urge you to support State and local initiative and participation as is set out in H.R. 11896.

Mr. Chairman, I would like to address one more point before I complete my remarks. I ask you to recognize that this bill is complex and that each section of the bill interrelates with a number of other sections. This is particularly the case with section 502, which sets out the definitions. The total utility of the bill is reflected in the definitions of the terms pollutant, pollution, point source, discharge, and toxic pollutant. To revise any of these definitions is to upset the common threat of the bill. If there is a part of this bill that can be labeled "most important," it is these definitions. To revise them in a way to limit their coverage is to severely detract from the effectiveness of the bill. So I ask you to reject any such amendments, if offered.

Accept the work product of the Committee on Public Works. Reject amendments not supported by the committee and support H.R. 11896. It is a very progressive, forward-looking effective water pollution bill that will get the job done. It reflects the balanced approach to water quality that our Nation needs. It, with full appropriation of the authorized expenditures, will improve our Nation's waters. It will allow us to meet the objective of the bill—to restore and maintain the chemical, physical and biological integrity of the Nation's waters.

Mr. JONES of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished chairman of the Public Works Committee, the gentleman from Minnesota (Mr. BLATNIK), has said that the water pollution control bill which comes to you in the House today is a landmark in the field of environmental legislation. I concur in that judgment and I honor him for the sacrifice he has made and the unselfish service that he has rendered in this field throughout his career and since he has been a Member of Congress. I share the great expectation for the future of America's waters. I share, too, his concern that our expectations be tempered with the realities of America's vast and yet limited resources. It is in that spirit of high hopes, tempered with stern realism, that the members of the Public Works Committee have joined in bringing this nonpartisan bill to the floor of the House today.

I think it is good to note that every member of the Public Works Committee is the author of the bill that you have under consideration.

Mr. Chairman, this is an enormously complex bill, and necessarily so, because our water environment has become enormously complicated because of the urbanization and industrialization of our society. Our legislation must take into account the myriad of the water needs issue. Then, Mr. Chairman, we must note that the demographic studies are very compelling to understand the future needs and requirements and capabilities of this legislation. It depends upon our earnest efforts to see that they are possessed of good direction.

The overall objective of this legislation is to restore and maintain the chemical, physical and biological integrity of our Nation's waters. To achieve that end the bill sets as a national goal the elimination of all pollutant discharges into our navigable streams and it sets as an interim goal to be reached by 1981 water quality that will permit recreation in and on the water and provide for protection and propagation of fish, shellfish, and wildlife.

This bill further sets as national policies a total ban on the discharge of toxic pollutants in toxic amounts, and provides Federal assistance to help municipalities cleanup their water, because this legislation, most certainly, will affect the lives and fortunes of all Americans for many years ahead.

I believe a full and frank exposition of its provisions is in order. In my opinion my colleagues and I will do our utmost to provide you with the best understanding that we are capable of making.

In my judgment there are three or four major provisions of this legislation which are most likely to stimulate considerable thought; I hope, not controversy, and I should like to address myself principally to those points. I would remind you that my committee colleagues will elaborate upon all of them during the course of this debate.

The first deals with the amount of Federal funding we consider necessary to carry out the plans for the programing of this bill. The total Federal spending and contract obligation authority requested is $24.6 billion—possibly the largest nondefense authorization in the history of the Congress. These calculations are made for a program extending to 1975, and were arrived at after a long and very careful and conservative study of all the data, all the cost estimates submitted to the committee by the Federal, State and local governmental authorities, by individual experts, and highest opinions by environmentalists of long experience, and other persons who have proven their economic expertise.

Admittedly, that is an enormous sum of money, particularly to those of us who recall that a few short years ago there were highly placed members of the executive branch who regarded water pollution as a local problem worthy of no more than token Government spending.

But the size of the authorization we seek must be measured against the enormity of the problem that confronts us, against the desperate conditions into which our waters have fallen after years of neglect, and sometimes seemingly to the public indifference.

There are sound reasons for asking the Congress to approve this authorization. For one thing, this bill would raise the maximum Federal share of municipal water treatment plant construction costs from 55 percent to 75 percent. We believe that this increase is necessary because all too many of our towns and cities are in sore financial straits, and must be encouraged and helped if they are going to construct these necessary plants.

This legislation also contemplates a sharp increase in spending for research into new technologies in the field of waste disposal, for area-wide treatment management, and for comprehensive river basin planning. All of these are essential tools in our pollution control program, and they must have adequate funding if this program is to succeed and flourish.

Furthermore, the Federal Government owes a great debt of honor to those municipalities throughout the country which are among the first to recognize the gravity of our environmental crisis, and who went forward with water pollution control projects without waiting for the enactment of this legislation. Those communities acted on legal commitments of aid from the Federal Government and now are entitled to reimbursement in the amounts that they would have received if funds had been available at the time.

This bill would authorize the appropriation of $2.75 billion for such reimbursements.

The legislation before the House today would also add $800 million to the disaster fund of the Small Business Administration to provide loans and loan guarantees to small business firms which need help to finance equipment or extra facilities required by the new pollution control regulations.

The largest share of the proposed authorization, of course, would be earmarked for Federal grants for construction of municipal waste treatment plants, including, for the first time, direct assistance for the building of sewer collection systems in existing communities. For this, the bill proposes an authorization of $18.35 billion—$350 million for the balance of the 1972 fiscal year, $5 billion for fiscal year 1973, $6 billion for fiscal 1974, and $7 billion for fiscal year 1975.

I call your attention to the fact that we do not propose to burden the overstrained Federal budget with immediate appropriations of this magnitude. The only direct appropriation entailed would be the $350 million for the present fiscal year. The remaining $18 million would be in the form of contract obligation authority—contract obligation authority and would not have a substantial impact on the budget until fiscal 1975 and 1976.

This obligational authority is of the utmost importance if we are to have the degree of continuity, and the assurance of continued Federal funding, that this long-term program requires.

Another area of critical importance in this legislation concerns the roles of the Federal and State governments and the administration of the water pollution control program.

All the weight of the evidence submitted to the committee during our extensive hearings confirmed our belief that an effective Federal-State partnership is absolutely indispensible to the success of this program.

I would like to point out that the Committee on Public Works has had a vast experience in dealing with the State governments.

We started out principally in 1960 in the Federal Highway Act which was a noteworthy Federal public works program. That established a principle the Federal Government and the States would work in concert. But the reliability and the dependability of that program and the administration of that program was vested with the State government.

So from that experience that we had when we wrote the Flood Control and Rivers and Harbors Act, we have written this act. The commissions we have established subsequent to that, even Appalachia, we have employed that in utilizing all of the genius and the requirements of the local people to participate with their imagination and their arts and their skill and their capabilities in local and government control.

So there is an enthusiasm at the local level that we continue this program and that we do not disrupt it. They think it is not necessary to have all of the judgments and all of the decrees and all of the commitments and thoughts here in Washington.

So I am saying that this program that has been thoroughly organized by personnel with long experience in the complex problems of State governments in dealing with our environmental problems.

In our judgment, it would be a disastrous mistake to dismantle these organizations and consign their experience and expertise to the scrap heap. That is precisely what would happen if the program were turned over in its entirety to the total Federal Washington bureaucracy.

Accordingly, this legislation places the primary responsibility for administering the water pollution control program within the separate States, with the firm stipulation that each State must comply with the overriding Federal guidelines set by the Environmental Protection Agency. If any State fails to live up to its responsibility, EPA is empowered to take over the program.

In other words, we are working as hard and as earnestly as we know how to employ all the tools of Government and with the support of the people who have raised the national priorities of water quality that it excites the Congress of the United States to make a disposition of the funds coming into their hands to eradicate and to arrest as well the stains and pains that we are placing in our water resources.

To argue that State administration of State programs somehow weakens the legislation is to argue that the people in our State capitals, in our towns and cities across the country are not entitled to a voice in the conduct of their own affairs.

I for one cannot accept the argument, particularly in the light of safeguard built into this measure, to protect against any letdown in the administration or enforcement of State authorities.

We now come to what on our part is a key provision of the committee bill: the requirement for a 2-year study by the National Academies of Scientists and Engineering into the consequences that might result if we go full tilt for clean, safe, swimmable water by 1981 and no discharge of any pollutants into our waters by 1985.

Following completion of that study, in 1974, the Congress will have a far clearer understanding of the commitment involved than anyone in America has today. And all of us will be in far better position at that time to determine, to evaluate, and to make the reassessment of the cost of "no discharge" which is within the ability of the American people to accomplish.

That, I submit, is the course of responsible legislation. It is the course this bill proposes and has followed since its inception.

This measure constitutes a complete rewriting of all our water environment legislation; it contains many, many more provisions which my committee colleagues have been ready and willing to discuss with Members. I will summarize them in the attached statement, Mr. Chairman, which I will insert in the RECORD.

Mr. Chairman, I wish to compliment every member of the Public Works Committee who, during the course of con-

sideration of the measure, the hearings and executive sessions, concentrated their attention on the bill. I have never been on a committee whose members devoted their time, their energies, and their effort more closely to a bill and as evidence of the fact, this very complex bill bears the name of every member of our committee. As I stated earlier, this will be a landmark to every member of our committee, and it will be a very rewarding bill for every Member of this House to support. I would add at this point the highlights of the bill:

HIGHLIGHTS OF THE BILL

The objective of the bill is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

It is declared to be national goals to eliminate the discharge of pollutants into the waters of the United States by 1985 and to achieve water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water to be achieved by 1981.

It is stated policy of the bill to prohibit the discharge of toxic pollutants in toxic amounts, to provide financial assistance to communities to construct waste treatment facilities, to increase research and development, to expand the regional and basin planning and management programs, and eliminate red tape in the administration of water pollution control programs. It is stated to be the policy of the Congress to encourage Federal-state efforts in the water pollution control policy.

It is also declared to be the policy that the President shall take action to insure that to the fullest extent possible all foreign countries shall take meaningful action for the prevention, control, and abatement of water pollution in their waters and international waters and to achieve and for the achievement of goals to at least the same extent as the United States does.

In order to achieve these policies and goals, the following provisions are included in the program:

(1) Authorizes appropriations of over $800,000,000 for basic and advanced research, development, and training.

(2) This program recognizes the need for an expanded and improved State participation in the water pollution control program. The grants for the funding for State programs has been increased from $30 million for the previous three years to $165 million for the next three years.

(3) The program would encourage alternative systems including advanced technologies and land disposal systems including the Muskegon system.

(4) It is required in the implementation of this bill that the agencies consider all potential impacts relating to water, land, and air to insure that in enhancing the water quality, other significant environmental problems are not created.

(5) Authorizes $20 billion for construction of waste treatment works for fiscal years 1972–1975. This includes construction of treatment facilities and collector sewer systems, including systems for treatment of storm sewer run-off.

(6) Establishes the basic Federal share of construction grants at 60 percent. If a State pays 15 percent of the cost, the Federal grant is increased to 75 percent.

(7) Provides for contract authority for construction grants.

(8) Establishes allocation of grant funds to the States on the basis of need for waste treatment works.

(9) Provides that projects initiated after 1956 which meet the requirements of the previous Acts would be eligible for retroactive grants. $2,750,000,000 is authorized for this purpose.

(10) Provides for user charges to assure that recipients of waste treatment services will pay their share of the cost of constructing, operating, and maintaining waste treatment facilities. The portion of the Federal grants for construction which is applicable to industrial user wastes will be retained by the local waste treatment works management agency to provide for its needs.

(11) Emphasizes the necessity for areawide waste treatment management and makes provisions for areawide management agencies. $450,000,000 is authorized to the Environmental Protection Agency and the Corps of Engineers to assist in carrying out this areawide waste treatment management. The Water Resources Council is directed to complete comprehensive river basin plans by January 31, 1980, and $200,000,000 is authorized to be appropriated to carry out these plans.

(12) Retains the process in existing law for establishing water quality standards for interstate waters. The bill further requires that water quality standards be established for all navigable waters.

(13) Requires point sources other than publicly owned treatment works to utilize the best practicable control technology currently available or a higher level of treatment if required to meet water quality standards.

(14) Requires those publicly owned treatment works for which grants are approved as of June 30, 1974, or which are in existence on January 1, 1976, to have effluent limitations based on secondary treatment.

(15) Because of concern about the economic and social impacts of the desirable objective of attaining the 1981 and 1985 goals, the bill requires that the National Academy of Sciences complete within two years of the enactment of this bill, a comprehensive study of the economic, social and environmental costs, impacts, and benefits. The 1981 and 1985 goals would not be implemented until the Congress has an opportunity to evaluate the report and take further action.

(16) Requires that new sources of water pollution be constructed to meet a standard that reflects the greatest degree of effluent reductions that can be achieved by the use of the best available, demonstrated control technology. If practicable, the standard would permit no discharge of pollutants. Each new plant or modification of an existing plant will be required to follow such standards unless it can be demonstrated that the economic and social and environmental costs of achieving this standard exceed the economic and social and environmental benefits.

(17) Requires the Administrator to publish a list of toxic pollutants. Six months thereafter the Administrator must publish proposed effluent limitations for the listed pollutants. This limitation when justified could prohibit any discharge of toxic material.

(18) Requires pretreatment of those effluents from industrial facilities which are discharged into publicly owned treatment works and which would interfere with the operation of the treatment process or which would not be susceptible to treatment by such works.

(19) Repeals existing enforcement procedures, including conferences and 180-day actions for violation of the water quality standards. The bill substitutes a system of enforcement based upon discharge permits and effluent limitations. Violations under the provisions of this bill could result in penalties of up to $50,000 and two years in jail.

(20) Modifies existing provisions of law dealing with oil pollution to add liability for the cleaning up of any hazardous material discharged into navigable waters. Under the bill, EPA is required to designate materials and quantities of such materials that are hazardous. To be judged hazardous, a substance must present an element of substantial danger to the public health and welfare, including danger to fish, shellfish, and beaches. The negligent discharge of any hazardous substance which cannot be cleaned up is liable to a penalty not to exceed $50,000. There is no limitation of liability for willful discharges.

(21) Requires Federal facilities to meet the same effluent limitations and water quality standards as private sources of pollution unless the facility is specifically exempted by the President. The President cannot exempt any source from new source performance standards or toxic and pretreatment standards.

(22) Requires all States to identify and classify their lakes according to eutrophic conditions and to establish procedures and to carry out methods to control and restore polluted lakes. $300,000,000 is authorized for this program.

(23) Adds new provisions for thermal discharges. The bill provides for continuing comprehensive studies of the effects and methods of control of thermal discharges which shall consider costs, benefits, environmental impacts, and methods to minimize adverse effects and maximize the beneficial effects of thermal discharges. The results of these studies shall be reported within one year. The Administrator is required to issue proposed regulations for control of thermal discharges within one year after enactment of the Act. Permits for thermal discharges are required as a part of the national discharge permit program.

(24) Declares to be unlawful the discharge of any pollutant by any person except as specifically authorized in the bill. The bill establishes a Federal-State discharge permit program. All permits issued under this program shall be consistent with the specific requirements of the bill, including effluent limitations, national standards of performance, toxic and pretreatment standards, and ocean discharge.

(25) Provides that upon enactment of this bill, no new permits will be issued under the 1899 Refuse Act. Permits previously issued under that Act will be considered to be permits under this new program. Pending applications under the Refuse Act program would be transferred from the Corps of Engineers who are administering the 1899 Refuse Act to the Environmental Protection Agency who would be initially responsible for the administration of the new program.

(26) The Administrator shall promulgate guidelines which spell out the details of a state program which would be capable of managing the permit program. Those States which in the Administrator's judgment have programs which meet these guidelines would assume the responsibility of managing the permit program in those States. In States which fail to meet the guidelines, the Administrator will carry on the program. In the interim, while the guidelines are being promulgated, the Administrator may grant authority to those States that have an adequate program to issue permits, except that in these cases all permits proposed to be issued would be subject to the review and approval of the Administrator.

(27) The permit program includes the regulation of discharge into the navigable waters, territorial sea, the waters of the contiguous zones, and the oceans.

(28) Establishes provisions for citizen participation in enforcement of control requirements and regulations created by this bill. Anyone who has standing may initiate a civil suit against any person who is alleged to be in violation of a Federal or State effluent standard or limitation or an order with re-

spect to such a standard or limitation and may initiate a civil suit against the Administrator for failure to perform a nondiscretionary act. The bill grants standing to citizens of the area where the direct interests are affected and to groups who have been actively engaged in the administrative process and have thereby shown an interest in the area in controversy.

(29) The bill precludes the Federal government from patronizing or subsidizing polluters through its procurement practices and policies.

(30) Directs the Secretary of Commerce to make an investigation and study of the effect that the costs of undertaking abatement control programs would have on the competitive position of the United States manufacturers as compared with foreign industrial nations not having the same degree of pollution control. This study would include alternative means of equalizing any competitive cost advantage that foreign nations may have and encouraging them to implement pollution and abatement programs. $1,000,000 is authorized for the study and an initial report is due within six months from the date of the enactment of this section.

(31) Amends the Small Business Act and makes available $800 million to make loans to assist small concerns likely to suffer substantial economic injury in meeting the water pollution requirements established under the Federal Water Pollution Control Act. These loans would be for the purpose of making additions or alterations in the equipment, facilities, including the construction of treatment facilities and interceptor sewers, or methods of operation.

(32) Requires the President to investigate and report to the Congress within six months the feasibility of establishing a separate court or court system to deal with environmental matters.

(33) Requires the President to make an investigation and to report the results to the Congress within two years of all national policies and goals heretofore established by law with the purpose of determining the relationship between these possibly competing policies and goals. This evaluation should take into account the available resources of the Nation. $5,000,000 is authorized for this study.

(34) Authorizes the establishment of an Environmental Financing Authority (EFA) under the supervision of the Secretary of the Treasury for the purpose of facilitating the efforts of State and local governments to obtain funds to finance their share of the construction costs of waste treatment facilities that receive grants from the Federal government.

The bill, as reported, authorizes $24.6 billion for water pollution control.

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

Mr. JONES of Alabama. I yield to the gentleman from New York for a question.

Mr. WOLFF. May I ask the distinguished gentleman if I am correct in interpreting section 312(f)(3) to mean that the "no discharge" rule is limited to "specified waters" and that the State may thus apply to the Administrator for such a rule only for a certain designated water area?

Mr. JONES of Alabama. Yes.

Mr. WOLFF. I take it, then, that this section does not intend that all of the waters of a State be subject to the "no discharge" rule but only "specified waters".

Mr. JONES of Alabama. Yes.

Mr. WOLFF. I thank the gentleman.

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

Mr. JONES of Alabama. I yield to the gentleman from Illinois, a distinguished member of the committee.

Mr. KLUCZYNSKI. I want to thank the gentleman from Alabama for yielding to me.

Mr. Chairman, I wholeheartedly support this bill, H.R. 11896.

I support this bill because it is absolutely sound in concept. It assigns the responsibilities where they can best be handled and abandons the outmoded idea that all wisdom and resolution in confronting national problems is found within a 25-mile radius of the Capitol dome.

The States must play a prominent part in making the water pollution law work. Why should we believe their conviction is any less than ours? It is at the State and local levels where all the elements included in this bill come together, and where the job of cleaning up the water must be merged with economic and social realities.

The bill calls for the orderly transfer of permit authority from the Environmental Protection Agency to the States, but only after the State program has met Federal guidelines. Even then, the EPA retains control of the permit function as it relates to effluent discharges that may affect a downstream State. It also retains the power to reclaim the entire permit authority from a State if that State wantonly fails to enforce other provisions of this law.

The bill provides construction grants that recognize the hard-pressed condition of local taxing authorities by upping the minimum Federal share from 30 to 60 percent.

It retains in the law goals for no discharge of pollutants, for the achievement of water purity sufficient to sustain fish and wildlife and permit recreation, and the application of best demonstrated technology for industry. But at the same time, it provides for the Congress to take another look and reassert or modify those goals sometime after 1974.

The bill has some innovative new features that show the tremendous depth to which the Committee on Public Works has explored this subject.

What good is a public sewage treatment facility if there is not available money to provide the collector network that carries untreated sewage to the plant? This bill provides money for collector sewers.

What relationship should a plant or factory have to a public treatment facility? The obvious answer is a compatible, efficient one that distributes costs fairly and equitably. This bill does that, by requiring industry to pay user charges when it dumps into a public facility, and by requiring pretreatment of all refuse where necessary.

There is heavy emphasis in this bill on improving the overall body of knowledge about sewage treatment, disposal of sludge, and systematically attacking some of our major, most obvious problems. The States are required to explore alternative systems and to put their dollars where the end objective of no pollution is best served.

This is a fine bill, a credit to the committee that created it, to the House of Representatives, and to the great goal of cleaning up our rivers and lakes and keeping them that way.

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

Mr. JONES of Alabama. I yield to the gentleman from New Jersey, a member of the Public Works Committee.

Mr. HOWARD. I thank the gentleman for yielding. I wish to commend him for his remarks and commend him for the leadership which he has shown in the creation of this legislation.

Mr. Chairman, the Committee on Public Works is to be commended for the leadership it has demonstrated in bringing this bill before the House of Representatives. It is a truly monumental piece of legislation, providing an orderly and systematic way of dealing with the insidious problem of water pollution.

There is a great deal of concern about the quality of our natural environment. Newspapers and periodicals are full of details about serious health problems related to air and water pollution. Books examining the fragile makeup of our ecosystem make the best seller list.

Hitherto obscure organizations such as the Club of Rome leap into front-page prominence as they question the ability of man to survive in the world he has created.

The United States plans a conference on the human environment for Stockholm this summer, and the Soviet Union announced a billion-dollar program to clean up the waters of that vast nation.

The net result of all this publicity is often dismay and disillusionment. The citizen is bewildered and confused, for the task seems so momentous, the many variables so uncontrollable. What can we do? How do we start?

The basic need is for leadership—aggressive, enlightened leadership—that focuses public opinion on the problem and directs the way our resources are to be applied to effect orderly progress and, ultimately, solutions.

We have here a bill that represents that kind of leadership. It charts a course and calls upon us all—the States, the Federal Government, industry—to do our share. It commits Federal funds at a level that is consistent with the cleanup problem as best we now see it. It represents a bold stroke of leadership and commitment and wisdom at a time when these qualities are vitally needed.

This is not a time for Cassandra-like debate and delay; it is a time for action This bill is vehicle for action.

Mr. Chairman, as we begin today to consider H.R. 11896, the omnibus Water Pollution Control Act Amendments of 1972, I would like to make a few observations on how much this legislation will mean to the people of my home State of New Jersey.

We on the Public Works Committee have held hundreds of hours of meetings over many months in a sincere effort to report out the best possible legislation to meet the needs of our Nation for clean waters in the coming years. I believe the

result of our efforts shows the value of these many hours of meetings.

The most important difference, I believe, between this bill and the Senate version of the water pollution bill, is that this one provides grant authority based on actual need, rather than on a simple matter of population. As a result of this survey on actual needs, my home State of New Jersey will be eligible for more than $1 billion in new Federal grants, as well as additional money to reimburse communities which have moved ahead with water quality projects, despite the fact that they had to pay for all of it themselves. The House bill recognizes that the Federal Government has a responsibility to those cities and towns across the country which went ahead with costly pollution projects without waiting for the enactment of this legislation.

All this is in sharp contrast to the water pollution control bill which has already passed the Senate and allows but $243 million for New Jersey in the area of new Federal grants.

Water pollution is a critical problem throughout the United States, but we at the New Jersey shore area are more acutely aware of the problem because we are such a natural vacation and recreation area.

Because of recent shifts in population, cities and towns in New Jersey are literally desperate for assistance in their efforts to preserve the quality of their water, and to repair the damage which has already been done.

I am confident that the House will recognize the value of this bill and will pass this legislation.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GROVER).

Mr. GROVER. Mr. Chairman, I want to extend my congratulations and good wishes to the great chairman, Mr. BLATNIK, and to our ranking member, Mr. HARSHA, for the leadership they provided this committee in probaby one of the toughest legislative jobs I have seen in the 10 years I have been in the Congress. And the reference to the work of our outstanding staff's 10,000 man-hours should be "superman" hours.

I would like to address my remarks specifically to title II of this bill. Title II has seven or eight major points and very constructive changes from existing law.

First. Members will note we increase the Federal portion of the cost of waste treatment municipal facilities.

Second. We have authorized what may result in a controversy from a reading of the bill, a new concept in funding with contract authority.

Third. We have set certain conditions for grants which I think Members will find quite reasonable.

Fourth. Then we have substituted for a population or per capita grant test a needs test for the municipal grants.

Fifth. We have incorporated into this legislation, at the urging of many Members and the urging of the New York delegation, reimbursement provisions for the first time.

Sixth. We find also a large rise in the needed funding levels for the construction of these waste treatment plants.

Seventh. We have provided for the establishment of areawide waste treatment agencies.

Eighth. We are continuing the regional and river basin water quality plans through the Water Resources Council.

Section 207 of the bill before us authorizes approximately $18 billion for fiscal years 1973 through 1975. This level of funding was deemed appropriate in view of the magnitude of the problem we are tackling.

It is true that the administration originally proposed a $6 million construction grant program. After careful scrutiny, the Committee on Public Works determined that this amount was inadequate. We found this to be the case for the following reasons:

First. By our reckoning, the administration and Senate estimates of the job which had to be done were pegged at an unduly low figure, one which did not take into account inflation which had already taken place and which was likely to take place over the period covered by the program.

Second. The administration recommendations were based upon the present cost-sharing arrangements for waste treatment works under which the Federal Government would contribute a maximum of 55 percent to the cost of completing a project, rather than 75 percent as is provided in the House bill. In other words, H.R. 11896 raises the cost-sharing percentage to a base figure of 60 percent, and, if the States participate fully, adds an additional 15-percent bonus.

Third. Neither the administration nor the Senate bill addressed itself to the problem of lateral sewer systems, which, I am informed, could amount to a substantial part of the total program up to 55 percent of the cost. In other words, the water pollution program that we are considering was originally conceived to upgrade treatment facilities only. There was no provision for putting pipes in the ground—a very expensive undertaking.

What the foregoing means is this: If the approach of this bill is enacted into law, we will be committing ourselves to a vast increase in funding over what was contemplated by either the administration or the other body in its deliberations. Consequently, a substantial increase in funding is clearly justified. The authorization provided in H.R. 11896 is one carefully calculated to meet the needs of the problems we seek to address. Personally, I deplore the fact that the bill before us speaks in terms of abating pollution and the technicalities involved in achieving it. We do not talk about the burden—the very substantial burden—we are imposing on American taxpayers. If we force a program on the people which is inadequately funded, we will not be doing right by those who will be forced to shoulder the burden of this program.

I know in my own district there are retired homeowners on retirement income who are looking forward to a $500 plumbing bill to hook up and perhaps a $200 to a $300 bill in annual user fees, perhaps $5 a week to replace a system costing $20 in 10 years. That amount will be taken out of the income which is to provide bread on the table. If we were to use the Senate bill without the laterals in the State, the burden on the homeowners would be intolerable. I think it is in their interest if we will look forward, and if we are looking forward, we had better be prepared to fund the bill.

To be sure, there will be an inflationary impact on the construction industry if we authorize the program under consideration. It will no doubt have to expand rapidly to do the job demanded of it. In the process, construction costs will likely rise. But the choice is between extending out the program so that the industry can expand at a more modest rate, or increasing funding so that new contractors, capable of performing the tasks required of them, can be attracted to the pollution abatement business.

The $18 billion provided in this bill is a realistic figure of the funding that will be needed to get the job done. If the Congress provides less, we will be deluding ourselves and the American people.

CONTRACT AUTHORITY, SECTION 203

One of the problems which is frequently encountered in administering any large Federal program of long duration, such as the one we are discussing here today, is the problem of generating and maintaining momentum. Where each project takes years to complete, and especially where, as in the water pollution program, each element in the construction process is considered as a separate project the normal appropriations process can be a hindrance, rather than a help. Funding interruptions and delays can unduly stretch out projects, causing vast increases in costs.

I am thoroughly sympathetic with the safeguards provided by the budgetary appropriations process. But I do not see how we can possibly carry out the mandate of this act in a timely manner unless we authorize States and municipalities to formulate their treatment works programs with the understanding that once plans, specifications, and estimates have been approved by the Administrator of the Environmental Protection Agency, that construction will then proceed from start to finish in an orderly and continuing fashion.

I am talking about a real and present danger. In 1972, for example, we had what I would describe as a hyphenated period between the authorization and appropriations for continuing the water quality control program. The net result was that jurisdictions held back. In New York, for example, moratoriums were placed on most major projects. If we are serious about this program, we cannot afford repetitions of such starts and stops.

We, on the Committee on Public Works, are familiar with what can happen when the appropriation process does not keep pace with authorizations. We have recently considered and approved a bill, H.R. 10488, which would authorize the lease-purchase construction of 63 much needed Government buildings. All of these projects were previously authorized by the committee, but, because funds were not available, they were not built. The result has been twofold. On the one hand, there has been a pressing lack of space to house governmental em-

ployees and functions, and, on the other, due to delays in construction, inflation has taken a heavy toll, vastly increasing construction costs on these much needed projects.

Consider the Interstate Highway System. The contract authority approach is an integral part of that program. Through its use, we have been able, in less than a quarter of a century, to build the finest system of superroads in the history of the world. It may well be that contract authority is the only way that vast governmental programs can be expeditiously carried through to completion.

In the field of water pollution, contract authority will enable the Administrator of EPA to commit the Government to a continuing pollution abatement program. It will enable us to maintain the momentum of this high priority program through completion.

If we are really serious about cleaning up the Nation's waters in a timely fashion at the least possible cost, contract authority is an absolute "must," in my estimation.

I should like to say something about user charges, section 204(b).

User charges are an integral part of a self-sustaining water pollution program. Accordingly, H.R. 11896 provides for a system of user charges under which each recipient of waste treatment services will be required to pay a reasonable share of the cost of operation, maintenance, and expansion of the treatment facility which processes their wastes. Section 204 (b)(1) makes clear that user charges includes replacement costs for the facility.

Naturally, it is essential that any charges assessed on any category of user be fair and equitable. Setting them will be no easy task. Although the Administrator will promulgate general criteria, local conditions may justify variations of approach and charge. Again, I would like to stress the aim in making user charges is to enable each local system to achieve self-sufficiency. If we can do that, this will be a one-shot program with future needs being taken care of by revenues generated by user charge revenues received.

One last comment on reimbursement.

Reimbursement in section 206 is a key feature of title II. Under its terms, those jurisdictions and agencies, which undertook construction of publicly owned treatment works, where the full Federal contribution under prior laws was available, are entitled to receive such funds. In other words, the eligibility for reimbursement will be available only for those States and localities which committed their own funds to prefinance portions of the Federal share of eligible costs for the construction of waste treatment facilities. My own State of New York is probably the leading jurisdiction where the reimbursement provisions apply. But no jurisdiction should be penalized for its efforts to do what Federal law requires even though adequate funds to pay the Federal share are not available.

Under section 206, projects initiated between 1956 and 1966 will be eligible for reimbursement where construction was initiated on an eligible project approved by a State Water Pollution Control Agency meeting the requirements of the Federal Water Pollution Control Act then in effect. Payments for such projects shall amount to 30 percent of the cost, less any amounts in Federal assistance already received under section 8 of the old law. Seven hundred and fifty million dollars is provided for this purpose—a sum which is adequate to meet the demands.

Projects initiated after June 30, 1966, but before June 30, 1971, are eligible for retroactive assistance if they were projects approved by the State Water Pollution Control Agency, and the application for Federal assistance was made prior to initiation of construction. Two billion dollars is provided for payment of reimbursements of this category.

Again, I stress that equity demands and common sense requires that the Federal Government meet its obligations under the prior law. Inclusion of section 206 in this bill will assure that the Federal Government does.

That concludes my comments, Mr. Chairman.

Mr. MIZELL. Will the gentleman yield?

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

Mr. MIZELL. I thank the gentleman for yielding and compliment him on his very excellent statement.

Mr. Chairman, I rise at this time to offer my enthusiastic endorsement of the water pollution control bill now under consideration.

I am pleased to serve as a sponsor of this legislation, the most comprehensive and far-reaching water pollution bill we have ever drafted, and yet the most responsible and the fairest we could devise.

The Committee on Public Works, of which I am a member, held exhaustive hearings over a period of several months to determine the most intelligent and most urgently needed goals for water pollution abatement in this country, and also to determine the best methods of reaching those goals.

One of the major provisions of this bill is the declaration of a national goal that the discharge of pollutants into the waters of the United States shall be eliminated by 1985.

The bill also calls for the achievement by 1981 of water quality at a standard which provides for the protection of fish and wildlife and provides for safe human recreation on the water.

In addition, the bill:

Establishes a national policy of prohibiting the discharge of toxic pollutants in dangerous amounts, with enforcement provided through strong effluent limitation standards and permit programs;

Provides an $18 billion, 3-year authorization for construction of municipal waste treatment facilities, and provides for certain retroactive payments to communities which undertook similar projects in the past with little or no Federal assistance;

Increases research and development efforts, providing $135 million for such programs, to be conducted with the participation of the Environmental Protection Agency;

Authorizes $800 million for assistance to small businesses to help them meet pollution abatement requirements of this act;

Establishes strict and severe penalties for violators, including a maximum civil penalty of $10,000 per day, and, in the case of willful or negligent violations, a criminal penalty of $2,500 to $25,000 per day and/or 1 year imprisonment;

Eliminates a great deal of redtape in the administration of water pollution control programs, a major improvement.

Two other provisions merit special attention. One is the prominent role to be played in water pollution control efforts by the States, and the other is a section of the bill related to regulation and limitation of "low-flow augmentation" or "pollution dilution," a matter of great concern to the people of my district.

Under this act, individual States have the responsibility of developing their own comprehensive water pollution control plans and then implementing those plans.

The bill also specifies that States may establish more stringent emission standards than those required by Federal law, and provides that interstate water quality standards established by a State and not inconsistent with pre-existing Federal standards shall remain in effect.

These provisions for extensive participation by State governments in water pollution control programs are good ones, and it is important that we have them. For obvious reasons, State governments are much more familiar with their own waterways than the Federal Government can be, and the States can thus be expected to formulate the most sensible and effective guidelines for their own jurisdictions.

Beyond this, Washington cannot provide all the manpower, or all the answers, or all the funds required to see our ambitious goals achieved, and the Federal Government should not be called upon to do so.

Fighting pollution is everyone's concern and everyone's business. The great financial burdens this effort entails reflect only one reason why this is so, but beyond mere funding capability, this effort must have a true national commitment to success before it can even get off the ground.

Ths commitment involves not just the Federal Government, but the States, local governments, private industry, and millions of individual citizens. Planning in advance to share that commitment on a broad base is a necessary measure and a valuable asset to this legislation.

The second provision of special note is an amendment I introduced to set limitations on the amount of water storage to be used in "flushing" pollution, rather than treating it at the source.

This theory of "pollution dilution" is of particular concern to the people of North Carolina's Fifth Congressional District, which I represent, since many thousands of acres in that district now stand in danger of flooding for just this purpose.

As most of my colleagues know, this

is one of the major points of controversy in the Blue Ridge power project case, which I have been working on for some months.

It was with this case in mind that I first introduced this amendment, and the Public Works Committee included it in this comprehensive bill some time ago.

My amendment also provides that the Administrator of the Environmental Protection Agency must specifically call for such water storage for pollution abatement before such a plan can be implemented. Under existing law, that responsibility rests with the Federal Power Commission, with the EPA in only an advisory role.

I believe the amendment I introduced may well change the complexion of the Blue Ridge project as it is currently proposed.

In much the same way, the entire bill we are considering today can change the complexion of this Nation's waterways, making them safer, more attractive, and thus contributing greatly to an improvement in the overall quality of life we all shall enjoy.

I look forward to the final passage of this legislation, and I urge my colleagues to join me in seeking that passage today.

Mr. JONES of Alabama. Mr. Chairman, I now yield such time as she may consume to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Thank you, Mr. JONES.

Mr. Chairman, I am pleased to have the opportunity to speak on behalf of the Committee on Public Works on two of the most important provisions of H.R. 11896, the Water Pollution Control Act Amendments of 1972. These provisions, which were referred to by Mr. GROVER, my colleague on the committee from the State of New York, relate to user charges and to reimbursement to States and localities for projects instituted prior to July 1, 1971.

I want to compliment the chairman of my committee (Mr. BLATNIK) and the acting chairman (Mr. JONES) for their great efforts made in creating the bill which is now before us.

I have some divergent views on the bill which I will be discussing later on, and I hope that out of this will come a major effort to clean up the waters of this Nation to which we can all subscribe.

Section 204 of the bill sets forth the limitations and conditions which must be observed by State and municipal authorities receiving construction grants. Some of these are continued from existing law; one major new condition that the committee has recommended relates to the establishment of user charges.

Subsection (b) of section 204 provides that the Administrator shall not after June 30, 1973, approve any grant for publicly owned treatment works unless the applicant adopted or will adopt a system of user charges to assure that each recipient of waste treatment services within the applicant's jurisdiction will pay its proportionate share of the cost of operation, maintenance—including replacement—and expansion costs.

Your committee believes that successful operation of treatment works which are publicly owned requires that a system of user charges be established. Differing circumstances in specific local areas may, in a few cases, call for especially designed systems; accordingly, the committee has proposed that the Environmental Protection Agency promulgate general criteria allowing for variations to meet special local conditions. The bill makes clear that foremost among the standards which are to guide EPA in establishing these criteria is the objective that each local system be financially self-sufficient.

The bill also provides that industrial users of facilities constructed with Federal grants pay charges sufficient to cover their proportionate share of capital construction costs provided from Federal sources. The committee feels that it is inappropriate to subsidize industrial users from funds provided by the taxpayers at large.

Under the bill, industrial dischargers will be encouraged to discharge into publicly owned facilities, rather than constructing their own treatment plants. In the calculation of user charges covering capital construction costs, the cost of interest on the construction money is not included. This has the effect of reducing substantially the total cost to be recovered. Each municipality will have a discharge permit for its own plant; industrial dischargers using such plants will thus be spared the necessity of seeking their own permits, as all that they will have to do is to comply with pretreatment requirements. Finally, the economies of scale will tend to make it far more economical for industries to use publicly owned plants wherever possible.

There is also a substantial advantage to municipalities in the use of their plants by industries. Under the bill, revenues resulting from industrial user charges would remain with the local system, where they would be used "solely for the operation, maintenance, expansion, and construction" of treatment works.

The committee believes most strongly that there should be no rebates or other special treatment for industries paying user charges. The user charge revenues should be used for: First, construction, maintenance, operation, repair, and replacement of sewage systems and payment of interest on indebtedness; second, monitoring programs relating to effluents coming into and going out of the treatment facility; third, water pollution control and abatement planning, including development of the interrelated control programs relating to water, gaseous and solid wastes; fourth, establishment, operation and maintenance of central storage facilities; fifth, provision of multi-use community facilities within waste treatment facilities; and sixth, agency personnel training programs. Two examples of items which the committee feels should not be financed by such revenues are: First, facilities for the pretreatment and monitoring of industrial waste in order to meet the agency's reserve system requirements; and second, reductions in user charges for specific categories of users.

The system of user charges provided for in this bill is a fair and equitable one to both industry and the public, and it should be a strong backbone of the local financing process with regard to treatment facilities.

Mr. GROVER mentioned the reimbursement provisions in his discussion of title II. There are 28 States, including my own State of New York, that have in recent years proceeded vigorously on water pollution abatement programs for which Federal assistance was authorized by law, but for which adequate funds were never appropriated. In part, these progressive jurisdictions have acted in this commendable manner because they had a reasonable expectation that the Federal Government would eventually come up with its proper share of the funding.

Section 206 of the bill before you provides the authority and establishes the conditions for reimbursing States and localities for funds used or committed for construction of any publicly owned treatment works for which the full Federal contribution has not been received.

By virtue of the commitments made by these States and localities, the cleanup of our Nation's precious waters has been expedited, and it is a matter of equity that the Federal Government provide sufficient and timely reimbursement to them.

Projects initiated between 1956 and 1966 which were eligible for Federal aid when constructed, approved in advance by State antipollution authorities, and in compliance with existing Federal law will be eligible to receive reimbursement for up to 30 percent of their cost. An authorization of $750 million is provided to meet these costs. Projects initiated between June 30, 1966 and June 30, 1971, will be eligible for Federal assistance covering funds used or committed for them prior to July 1, 1974, if they meet the conditions noted above and their sponsors make timely application to EPA for Federal aid. The authorization for this portion of the reimbursement provision is $2 billion.

The committee wishes to note that the word "construction," as it appears in section 206, is defined in subsection 1 of section 212, as—

> * * * any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

Under this rather broad definition, projects on which prefinancing commitments were made prior to June 30, 1971—and such projects exist in over 30 States—will be eligible for reimbursement under section 206, notwithstanding the fact that the letting of contracts for construction may have occurred after the June 30, 1971, date.

The committee wishes to point this out because there appears to have been some confusion on the part of EPA as to the meaning of the word "construction" as it was defined under the Clean Water Restoration Act of 1966.

Subsection (d) of section 206 provides that public agencies may proceed with projects during a fiscal year after a State's allotment has been fully obligated, if the cost of such projects is expected to be covered by the State's allotment for subsequent fiscal years.

Section 206, which relates to reimbursement and prefinancing, must be read in tandem with section 202, which contains the basic provisions relating to construction grants. These sections are somewhat complex, and I wish to take a moment to illustrate by example just how they work:

Treatment works "A" was put into construction prior to July 1, 1971. It meets the requirements of the Act as it then existed. Prior to construction, an application for Federal assistance was made. Under section 206(a), State and local funds used or committed prior to July 1, 1973 qualify for Federal reimbursement solely out of the 206(c) authorization up to the maximum extent allowable for such project under the Act as it then existed.

Treatment works "B" was put into construction prior to July 1, 1971. It meets the requirements of the Act as they will be after the enactment of this legislation. No Federal approval had been sought prior to the enactment of this legislation. Under section 202, this project is eligible for Federal grants of up to 75% of the costs of completing the project incurred after July 1, 1971. Had approval been sought, the project would also be eligible for reimbursement under 206(a).

Treatment works "C" was put into construction prior to July 1, 1971. It meets the requirements of the Act as it then existed. Prior to construction, the Administrator approved the project in the same manner as other treatment works projects. Under section 206(d), a State allotment may be used to recover up to 75% of the project cost.

Treatment works "D" was put into construction prior to July 1, 1971. Prior to the enactment of this legislation, a 5 percent Federal grant was approved. The project meets the requirements of the Act as it then existed. Fiscal year 1972 funds allotted to the state other than for reimbursement were used or committed to the project. Under section 202, the federal grant will, on request of the applicant, automatically be increased to either the 60 percent or 75 percent federal share, whichever is applicable.

Treatment works "E" was put into construction prior to July 1, 1971. The project was approved by the Administrator prior to the enactment of this legislation, and it meets the requirements of the Act as it then read. The project is entitled to grants of either 60 percent or 75 percent for contracts awarded on or after July 1, 1971, out of funds authorized for fiscal year 1972 and later, and it need not requalify under the new standards.

Treatment works "F" was put into construction after July 1, 1971, but before the effective date of this act. It meets the requirements of the Act as it then read. It does not qualify for reimbursement under section 206(a). Had the project been approved by the Administrator in the same manner as other treatment works projects, it would be eligible for up to 75 percent reimbursement under section 206(d). If, pursuant to a Federal grant, fiscal year 1972 funds are used for or committed to the project other than for reimbursement, the federal grant will be brought up to the applicable 60 percent or 75 percent Federal share on the request of the applicant. The project is entitled to the applicable 60 percent or 75 percent grant out of funds for fiscal years 1972 and later without the need to requalify under the new standards.

Treatment works "G" was approved prior to the effective date of this legislation but will not be put into construction until after the effective date. It is eligible for up to 75 percent reimbursement under section 206(d). It is entitled to the applicable 60 percent or 75 percent grant out of funds for fiscal years 1972 and later without the need to requalify under the new standards.

The provisions of section 206 are a matter of simple justice and will constitute, when the funds for them are appropriated, the fulfillment of a strong commitment by the Federal Government. In addition, they will serve notice that progressive administration on the part of State and local governments will not go unrewarded.

Mr. HARSHA. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman and members of the committee, at the outset I would like to join others in paying my compliments to the members of the committee for the extraordinary effort that they have made over the last 7 to 8 months of deliberations in order to bring this bill before the committee in, what I think is the most comprehensive and undoubtedly the most complex legislative proposal in the field of water quality control that I have observed in the 10 years that I have seved in the Congress.

In particular I want to single out the gentleman from Alabama (Mr. JONES) and the gentleman from Ohio (Mr. HARSHA) who have carried the brunt of the effort on behalf of the committee.

I also point out the fact that there was a bipartisan effort to bring some sort of sanity out of the legislative proposals that were advanced through the other body I believe without the required amount of hearings to determine exactly what the cost would be if that particular piece of legislation was enacted into law. Because of this it became the duty of the committee to develop a record of the costs to implement that particular version, and then to come forth with program recommendations that the committee believed were more realistic and obtainable.

Mr. Chairman, I want to take this opportunity to detail again my longstanding support for strong, comprehensive, and realistic programs to enhance the quality of the Nation's rivers, lakes, and coastal waters.

Further, I yield to no one in my deep-seated commitment to a restoration and maintenance of the highest water quality in order to improve recreational, esthetic, fish and wildlife, and other water-related values.

I have served in the Congress and on the Public Works Committee since 1963. We are not "Johnny-come-latelys" to the question of water pollution control. During the past 10 years we have gained the experience and the expertise in this field to develop the kind of legislation that will deal effectively and efficiently with water quality problems.

The stated goal of H.R. 11896 is to establish a national goal of no discharge of pollutants into the Nation's waters by 1985. By approving the measure reported by the House Public Works Committee we will be making a congressional commitment to all Americans that we will back up the fight for clean water by providing the necessary financial, enforcement, and technological assistance that will be required to achieve our goal.

The complexity of water pollution problems is such that any attempt to solve it is bound to have substantial and far-reaching repercussions.

To avoid harmful effects in other areas, it is vital that the water pollution control effort be a comprehensive program based upon a clear understanding of all ramifications.

Our committee, recognizing this, attempted to answer some of the many questions that have been raised but there is very little data available. The bill we approved, then, is based on the twin goals of cleaning up our Nation's water resources and gaining the requisite knowledge to improve water quality in a way that will be most beneficial to our society.

Let me raise some of the issues that we must face before giving our approval to any program for water quality enhancement.

I would like to point out as succinctly and as directly as I can that no one now knows whether or not we can meet the 1985 goal of no discharge. No one knows whether or not we can obtain the tremendous financial resources that will be required. No one knows if our scientists will be able to develop the very advanced technology that will be required.

The second point that must be made is that no one yet knows whether or not we should establish the 1985 goal of no discharge. There is a social dimension to this point in that we must be concerned with issues such as loss of jobs or too rapid redistribution of jobs, and we have no information on this issue.

Some Members of this body heard the testimony of some of the members of a local union from Holyoke, Mass. This gentleman, speaking extemporaneously and from the heart, expressed genuine concern over the impact of the Senate version and what would happen to their jobs. What would they do? And, what would it do to the unemployment compensation requirements in that area?

There is an economic dimension to this point as well in that, as Dr. Paul McCracken expressed it during our hearings,

If you spend your money for this, you will not have it for that.

This was stated by the gentleman from Ohio (Mr. HARSHA) when he noted the comparison between what we establish in the way of new priorities, and where do we take it from in some other program?

Let us examine some of the questions that arise with regard to the establishment of a national goal of zero discharge.

First, the inescapable question is cost. During our hearings, Governor Rockefeller of New York testified that—

For New York State the cost of eliminating all discharges into any navigable waters would be $230 billion.

I repeat, $239 billion for one State alone.

I might state, parenthetically, that Governor Rockefeller, I believe, is rec-

ognized by most of the people in the country as having been among the leading Governors to advance water quality control legislation in his State.

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

Mr. DON H. CLAUSEN. I am happy to yield to the gentleman.

Mr. GROVER. He did try to fix a dollar figure, as the gentleman stated, but he also stated that the solid waste disposal area required for what would be left, the dry waste, would be an area, if the gentleman from New Jersey will excuse my repeating it, about the size of the three northern counties of New Jersey.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from New Jersey.

Mr. ROE. In the spirit of the greatest cooperation on this side of the aisle, the great sovereign State of New Jersey will assure Mr. Rockefeller that its solid waste will not be deposited in the State of New Jersey.

Mr. GROVER. In addition to that, the gentleman will recall it was also stated that if the Muskie bill, the Senate version of this bill, were adopted, it would require a retaining area of liquid waste about the size of Long Island Sound, which is 15 miles across and roughly 100 miles long.

Mr. DON H. CLAUSEN. This, of course, is what we made reference to with regard to the total impact of the Senate version.

Governor Rockefeller projected his figures out to the national scene where he said the cost of a strict interpretation of this bill—and he was then referring to Senate bill, S. 2770—would be between $2 and $3 trillion.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from Ohio.

Mr. HARSHA. Does that cost include only the cost for the construction of publicly owned facilities or does it also include industrial treatment facilities?

Mr. DON H. CLAUSEN. It is my understanding that it is only the municipal facilities, and I am not sure that it would actually include, for instance, some of the storm sewers, as well as the lateral and collector requirements in a system.

Governor Rockefeller gave his testimony last December and to date no one has come up with any fact that would dispute his conclusion.

The second question, obviously, is who is going to pay for achieving the zero discharge goal. The solution I hear frequently is, "Let the polluters pay." Well, one of the worst polluters happens to be municipal sewer systems. Our cities are in difficult financial situations right now. Either they will have to substantially raise their tax rates or the Federal Government will have to raise its rates in order to return a portion to the cities. In any event, it is the taxpayers who must pay—and this is middle-income taxpayer—if I know the history of the past.

There are others who say that industry creates most of our pollution problems and should be required to pay the cleanup costs. Industry, of course, will have to pay a substantial portion of the costs but, in order to stay in business, any firm is going to have to pass its costs on to the consumer—and again that will be Mr. and Mrs. Middle America who will be paying the price.

Since we know that the taxpayer and the consumer is the same person, we know who will have to pay the costs of water pollution cleanup, although there are many who forget this key point.

The third question that arises is the question of appropriate enforcement and administrative practices. In establishing a sliding scale of increasingly stringent goals that are only defined in the most abstract sense, what effect will we have on those trying to comply with the law?

Mrs. Donald E. Clusen, the knowledgeable and articulate chairman of environmental program for the League of Women Voters has said:

> While we support effluent limitations and the "goal of no discharge," the interpretation of "best practicable" and "best available" control technology raises some difficult questions.

For example, suppose that in 1981 a company installs the best available pollution control technology on its plant. Suppose further that in 1982 a new system is developed. Does the plant have to scrap its brandnew control system for the even newer one? What about the question of the amortization of these installations, if there is no predictability as to the length of time they may be utilized?

A further important question that arises in the consideration of water pollution control legislation is the matter of shared jurisdiction in the effort to clean up our water.

It is interesting to note that the comments of both the gentleman from Alabama (Mr. JONES) and the gentleman from Ohio (Mr. HARSHA) tend to coincide with that taken by the League of Women Voters as expressed by Mrs. Clusen in her continuing and helpful testimony before the Public Works Committee in past years.

I refer specifically to our expansion of the involvement of State and local governmental officials in the field of water quality improvement. It is a role that must be retained and upgraded if we are to expect to implement a successful water quality program throughout the entire federal system.

Mrs. Clusen made the following statement to our committee:

> The League believes that both the federal and state governments should be given strong powers to set and enforce water pollution control requirements. To have a successful program, each must be able to bridge the gap when the other falls down on the job. As a general principle, we think that state governments are in the best position to establish requirements for meeting pollution abatement goals since they know the local conditions. However, we know from past experience that states do not always live up to their responsibility for firm control. When states are confronted by competition for industrial locations, water quality so often is the real loser. Many Leagues have been involved in establishing state discharge permit systems. Some are good while others lack for forcefulness necessary to abate pollution. In these latter cases, the federal government must have authority to impose stricter requirements.
>
> On the other hand, there are occasions when federal standards do not meet local desires for water quality. League members oppose federal pre-emption of responsibilities. Our members are agreed that local and state governments should be able to set and force higher environmental standards where they so desire. We ask this Committee to make sure that your final bill in no way diminishes the right of states and localities to adopt stricter requirements than called for by federal legislation.

We believe that sec. 510 is directed toward this objective.

A final, and vitally important question, is the matter of whether an inordinate amount of attention to the problem of water quality might not result in severe pollution of air or land resources.

During our hearings on this measure, Russell Train, Chairman of the Council on Environmental Quality, pointed out that:

> Since wastes will not simply disappear and must be disposed of or recycled in some way, a no-discharge requirement presupposes that it is uniformly preferable to dispose of all waterborne wastes on the soil or in the air rather than in the water except where some type of reuse is possible.

He continued:

> I am aware of no evidence that land can be regarded as the best or even a viable solution for all or most waste disposal requirements. There are practical limits on land availability; there is the potential for contamination of soil and ground waters by heavy metals and other materials.

Mr. Chairman, Mr. HARSHA, the ranking minority member of the Committee on Public Works has given an excellent statement where he reviewed the achievements of the committee in obtaining the desired balance on this legislation. It would be difficult for me or anyone to improve upon his most excellent statement. Therefore, I shall take but a few minutes discussing some of the policies and standards aspects of H.R. 11896.

This bill would create national goals for 1981 and 1985. The interim goal in 1981, wherever attainable, is to provide for the protection and propagation of fish, shellfish, and wildlife, as well as recreation, including swimming. It is a national goal that the discharge of pollutants into the navigable waters be eliminated by 1985. Mr. HARSHA most ably expressed the fact that these were national goals and not policies.

The committee attempted to clearly define not only our intent but the intent of the other body as expressed by the legislative history. As the chairman of the Air and Water Pollution Subcommittee of the other body said in the floor debate, it would be for Congress to decide whether achieving no discharges by 1985 is within the ability of the American people to absorb the cost. This is also the intent of our bill.

H.R. 11896 makes it a national policy that the discharge of toxic pollutants in toxic amounts be prohibited, that Federal financial assistance be provided to construct publicly owned treatment

works, that areawide waste treatment management be developed and implemented and that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants.

In carrying out these goals and policies, H.R. 11896 would recognize the necessity for establishing a primary responsibility and right of the States to prevent and abate pollution.

Title III which contains the provisions for effluent limitations and standards start off with the clear statement that any discharge of a pollutant not in compliance with effluent limitations, water quality standards, new source performance standards, toxic effluent standards, or a discharge permit shall be unlawful. Thus, we start off with the basic premise that a discharge of pollutants without a permit is unlawful and that discharges not in compliance with the limitations and conditions for a permit are unlawful.

Section 301(b) requires that no later than January 1, 1976, all point sources other than publicly owned treatment works must achieve effluent limitations which require the application of the "best practicable control technology currently available." In the case of a discharge into a publicly owned treatment works, pretreatment and other requirements under section 307 must be met.

Publicly owned treatment works in existence on January 1, 1976, or those approved for grants before June 30, 1974, must have effluent limitations based upon secondary treatment. This provides a technological basis for the setting of effluent limitations. By this I mean that the effluent limitations will be based upon technological capabilities and the plant and other local factors.

The term "best practicable" means that all those factors set forth in sections 304(b)(1)(B) which include age of equipment and facilities involved, the process employed—including whether batch or continuous—the engineering aspects of the application of various types of demonstrated control techniques, process changes, the cost and the economic, social, and environmental impact of achieving such effluent reductions, foreign competition, and such other factors as the Administrator deems appropriate must be considered in setting effluent limitations.

Now, and I emphasize this, such "best practicable control technology" will be required even if the quality of the receiving waters do not require the imposition of effluent limitations consistent with best practicable control technology. This is a technological standard. This is a standard that would be applied to all plants of a similar nature, regardless of location, if the applicable factors that I just enumerated were the same in each plant.

Now, I again call to your attention the fact that, as Mr. HARSHA so ably pointed out, any point source will be required to have effluent limitations which are consistent with the water quality standards and concomitant load limits for the receiving waters. Thus, if the best practicable control technology is inadequate to meet the water quality standards and load limits, a more stringent requirement would be imposed upon the given point source. The provision would be applicable to both intrastate and interstate waters. I emphasize that this is more stringent than the requirements of S. 2770 as passed by the other body.

We should note that the discharge of toxic pollutants in toxic amounts, as determined by the Administrator, would be prohibited. Thus, no permit whether issued by the State or the Administrator would be valid if it were not consistent with the requirements for toxic pollutants.

Mr. Chairman, the next section I would like to call to the attention of my colleagues is section 306. Section 306 requires that new point sources of the discharged pollutants must have effluent limitations consistent with new source performance standards. Thus, any new source or any modification of an existing source that would alter the nature or increase the amount of the discharge of pollutants, other than modifications to the water pollution control facilities themselves, would be required to have the best available demonstrated control technology, processes, operating methods, or other alternatives, which are consistent with the new source standards. This essentially is the "best available standard," and it would be a national standard applicable to all the States.

I have heard it said that H.R. 11896 would allow the industrial equivalent of legal forum shopping. This is ridiculous. If, for example, a factory in the State of Washington decided because of stringent water quality requirements in the State of Washington to move their factory to some other State, this would place the new factory under the requirements of section 306 for new sources. Thus, not only would the plant in the new location be required to meet local water quality standards but it would also have to meet new source performance standards which would be consistent with "best available demonstrated technology." You might say this would be like moving from the frying pan into the fire.

Mr. Chairman, the requirements for 1981 and 1985 and the National Academy of Sciences' study have been explained in considerable detail and I will not repeat what has been said except to urge my colleagues in the House to not forget that the requirements for the National Academy's study and the interrelationships between the policies, standards, enforcements and definitions sections of H.R. 11896, are the work product of the considerable expenditures of time by committee members, a competent and dedicated staff, and many, many experts and witnesses that have provided information to the committee.

At this time I would like to address myself to some of the comments that were made by my colleague, the gentleman from California (Mr. SMITH) who is the ranking minority member of the Committee on Rules, as it relates to the formula for the allocation of treatment works construction grant funds on the basis of actual need. I believe we should develop the legislative history on this point.

It is common knowledge that S. 2770 from the other body utilized a population formula for allotment of funds. H.R. 11896 on the other hand includes a needs formula that would severely and unfairly penalize California. It is based upon obsolete data. Because of this, there is a great deal of concern on the part of the Members from California and some of the other States as to the effect of the obsolete needs formula in H.R. 11896.

I do want to state that based upon the information I have, the reason the committee did not include an up-to-date needs formula, based upon 1972 estimates, is simply the fact that the information was not available at the time of the mark up.

However, I understand during the Rules Committee hearings a question by Mr. SMITH was directed to Mr. JONES who was presenting the bill to the Rules Committee, and he (Mr. JONES) indicated that his position and the position of the chairman of the House Public Works Committee (Mr. BLATNIK) would be to support the 1972 needs formula when we go into conference. Therefore, the Members of the California delegation should be made aware of this information.

It is my understanding that the report of a new needs study will be available to the Congress in a matter of a few days. When the study is available, it is my intent to place the new data in the RECORD. Then I intend to bring these new tables to the attention of the conferees. When this information is published it will be obvious why we had this concern.

To the best of my knowledge, the Governors' Conference has taken a position in support of the House version.

I urge your support of H.R. 11896 as reported and urge that noncommittee amendments be rejected. Because of the complexity of this bill, a well-meaning amendments can have unexpected and undesirable effects on other sections of the bill.

Mr. Chairman, I would like to conclude, by stating I am hopeful the House will stay, essentially with the House version, with a minimum amount of amendments other than those accepted by the committee.

A key element is the 2-year study and further congressional action based upon the best available information that science and scientists and technology can provide at that time. The emphasis of the future is on research and development, directed toward cleaning up the waters of America at the earliest practicable date.

Mr. Chairman, I hope Members will support the House committee.

Mr. Chairman, I yield 10 minutes or such time as he may consume to the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Chairman, I rise in support of this comprehensive piece of legislation.

This is a tough piece of legislation which assigns the duty of cleaning up our waters to the Administrator of EPA, and gives him authority to do so.

He establishes guidelines to be enforced by the States and requires them

to enforce those guidelines or he can assume complete control.

Mr. Chairman, I wish to compliment every member of the committee, particularly the chairman, acting chairman, and ranking member.

Mr. Chairman, title I is generally a restatement of existing law, beginning with section 102:

SEC. 102. (a) The Administrator shall, after consultation, prepare or develop comprehensive programs for cleaning up polluted water and ground water. To carry out this function, the Administrator may make joint studies on any aspect.

(b) (1) Control of flow cannot be used as a substitute for controlling waste.

(2) Need and value of storage must be determined and must be reported.

(3) Value of storage is a part of overall economic value. All project purposes must share equitably in the benefits of a multipurpose project.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

(5) FPC licensed projects shall not include storage for regulation of quality unless specifically recommended and such capacity shall not exceed such proportion of the total storage required for the water quality control plan as the drainage area of such reservoir bears to the drainage area of the river basin or basins involved in such water quality control plan.

(c) (1) Grant of 50 percent of administrative expenses of planning agency—not to exceed three years—if the agency provides for representation by all effected parties.

(2) Each agency receiving a grant shall develop a comprehensive plan which—

(A) is consistent with water quality standards;

(B) recommends such treatment works as will provide most effective and economical means of collection, storage, treatment, and elimination—use of such works should be encouraged;

(C) recommends maintenance and improvement of quality standards and adequate methods of financing;

(D) as appropriate, is developed in cooperation with, and is consistent with any comprehensive plan prepared by the WPC any areawide waste management plans developed pursuant to section 208 of this Act, and any State plan developed pursuant to section 303(e) of this Act.

(3) The term "basin" includes at minimum rivers and their tributaries, streams, coastal waters, sounds, estuaries, etc.

SEC. 103. (a) Administrator shall encourage cooperative activities between States and uniform State laws.

(b) Congress gives States authority to enter into compacts (that don't violate U.S. laws or treaties)—compacts must be approved by Congress.

SEC. 104. (a) Administrator shall establish national programs for the prevention and abatement of pollution and as part of such program shall—

(1) in cooperation with Federal, State and local agencies conduct research, surveys, et cetera, about cause and extent

(2) render technical aid to interested parties

(3) conduct public investigations and make reports

(4) establish advisory committees

(5) run water quality surveillance systems

(6) conduct research to develop tools and techniques for measuring social and economic costs and benefits

(b) To carry out the provisions of the above—(a)—Administrator can—

(1) publish results of studies and recommendations

(2) cooperate with other interested parties in the conduct of research

(3) make grants to interested parties

(4) contract with public or private agencies, institutions, organizations, and individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)

(5) establish research fellowships

(6) make available basic data on chemical, physical, and biological effects of varying water quality and other information about pollution

(7) develop devices for prevention

(c) According to subsection (a) Administrator shall research harmful effects on people caused by pollution

(d) Administrator shall develop and demonstrate

(1) Means of treating municipal sewage and waterborne wastes to remove maximum pollutants

(2) Methods to identify and measure effects of pollutants, including new ones

(3) Evaluations of augmented streamflows where other means are not available

(e) Field laboratory and research facilities are to be set up in various specified areas

(f) Administrator shall conduct research on the Great Lakes, with respect to present and future quality under various types of treatment

(g) (1) For purposes of trained personnel and increased efficiency, Administrator shall finance pilot programs.

(2) Administrator can make agreements with proper parties for forecasting the supply of, and demand for, various professional specialties.

(3) In furtherance of the purposes of this Act, Administrator is authorized to—

(A) *make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;*

(B) establish fellowships in EPA

(C) provide, in addition to (g) (i), training in technical matters relating to the causes, prevention and control of pollution for personnel of public agencies and others

(4) The Administrator shall submit a report to Congress by December 31, 1973, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth records of past action and recommendations for the future—

(h) Administrator shall make contracts with, or grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and abatement of pollution in lakes including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

(i) Administrator, in cooperation with Secretary of the Department in which the Coast Guard is operating, shall—

(1) engage in research on oil removal

(2) publish results

(3) publish in Federal Register specification and technical information on chemical compounds used in controlling oil spills.

To carry out these provisions Administrator may make contracts and grants.

(j) Secretary of Department—for Coast Guard—shall engage in research concerning the equipment relative to sewage disposal on vessels, especially small recreational vessels. The results shall be reported. Contracts and grants may be made for this purpose.

(k) Administrator may acquire land for experiments and field laboratories.

(l) (1) Administrator shall—by October 3, 1972—develop and issue to the States for the purpose of carrying out this Act the latest scientific knowledge available about the effect of pesticides in water on human health and welfare.

(2) President shall conduct studies of methods to control the release of pesticides into the environment—how long do pesticides stay in the environment?

(m) (1) *Administrator shall—to keep waste oil out of the environment—conduct a study of—(A) the generation of used engine, machine, cooling, and similar waste oil including quantities generated, the nature and quantity of such oil, present collecting methods and disposal practices, and alternative uses of such oil; (B) the long-term, chronic biological effects of the disposal of such waste oil; and (C) the potential market for such oils, including the economic and legal factors relating to the sale of products made from such oils, the level of subsidy, if any, needed to encourage the purchase by public and private nonprofit agencies of products of such oil, and the practicability of Federal procurement, on a priority basis, of products made from such oil. In conducting such study, the Administrator shall consult with affected industries and other persons.*

(2) Results shall be reported within 18 months of the date of enactment of the FWPCA Amendments of 1972.

(n) (1) Administrator shall carry on—with cooperation—continuing comprehensive studies on the effects of pollution—including sedimentation—on fish and wildlife, water supply and water power, and on other beneficial purposes. Studies shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

(2) In conducting such studies shall do what is necessary to *complete* a full study of estuaries and estuarine zones.

(3) Administrator shall submit reports to Congress at least every three years—

(4) *"estuarine zones" means—as used here—on environmental system consisting of an estauary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term "estuary" means all or part of the mouth of a river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.*

(o) (1) Administrator shall conduct research and investigations on devices, systems, incentives, pricing policy, and other methods of reducing the total flow of sewage.

(2) Administrator shall report preliminary results within one year after the date of enactment.

(p) Per subsection (a) of this section Administrator shall research the prevention of agricultural pollution, including the legal, economic, and other implications of the use of such methods.

(q) (1) Administrator shall conduct research and pilot project implementation into new and improved methods of eliminating pollution from sewage in rural and other areas where collection of sewage in conventional community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems.

(2) Administrator shall research and run a pilot project to implement new and improved methods for collection and treatment of sewage and other liquid wastes combined

with the treatment and disposal of solid wastes.

(r) Administrator can make grants to colleges to conduct basic research into the structure and function of fresh water aquatic ecosystems, and to improve understanding of the ecological characteristics necessary to the maintenance of the chemical, physical, and biological integrity of fresh water aquatic ecosystems.

(s) Administrator is authorized to make grants to one or more institutions of higher education for the purpose of conducting and reporting on interdisciplinary studies on the nature of river systems, including hydrology, biology, ecology, economics, the relationship between river uses and land uses, and the effects of development within river basins on river systems and on the value of water resources and water development activities. No such grant in any fiscal year shall exceed $1,000,000.

(t) Administrator shall conduct continuing comprehensive studies of the effects and methods of control of thermal discharges—in determining alternative methods of control, Administrator shall consider: (1) relative engineering and technical feasibility, (2) relative social and economic costs and benefits, and (3) their relative impact on the environment, considering not only water quality but also air quality, land use and effective utilization and conservation of natural resources. Such studies shall consider methods of minimizing adverse effects and maximizing beneficial effects of thermal discharges. The results of these studies shall be reported by the Administrator within one year and utilized by the Administrator in proposing regulations with respect to thermal discharges under section 316 of this Act.

(u) Authorizations for appropriations:

(1) $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, for carrying out the provisions of this section other than subsections (q), (p) and (r);

(2) not to exceed $7,500,000 for fiscal year 1973 for carrying out the provisions of subsection (q)(1);

(3) not to exceed $2,500,000 for fiscal year 1973 for carrying out the provisions of subsection (q)(2);

(4) not to exceed $10,000,000 for each of the fiscal years ending June 30, 1973 and June 30, 1974, for carrying out the provisions of subsection (p), and not to exceed $15,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out subsection (r).

SEC. 105. (a) Aministrator is authorized to conduct in the Environmental Protection Agency, and to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of—

(1) Any project which will demonstrate a new or improved method of preventing and abating the discharge into any waters of pollutants from sewers which carry storm water or both storm water and pollutants; or

(2) Any project which will demonstrate advanced waste treatment and water purification—and to include in such grants such amounts as are necessary for the purpose of reports, plans, et cetera.

(b) The Administrator is authorized to make grants in river basins to demonstrate advanced pollution treatment and environmental enhancement techniques—*includes nonpoint sources*

(c) Administrator is authorized to conduct in the EPA, to make grants to, and to enter into contracts with, persons for research and demonstration projects for prevention of pollution by industry—only for new or improved methods.

(d) Per provisions of this section, Administrator shall conduct an accelerated effort to develop, refine, or achieve practical application of—

(1) waste management methods applicable to point and nonpoint sources of pollutants to eliminate the discharge of pollutants, including, but not limited to, elimination of runoff of pollutants and the effects of pollutants from inplace or accumulated sources;

(2) advanced waste treatment methods applicable to point and nonpoint sources, including inplace or accumulated sources of pollutants, and methods for reclaiming and recycling water and confining and containing pollutants so they will not migrate to cause water or other environmental pollution, and

(3) improved methods and procedures to identify and measure the effects of pollutants on the chemical, physical, and biological integrity of water, including those pollutants created by new technological developments.

(e) (1) Administrator is authorized to (A) make grants to persons for research and demonstration projects with respect to new and improved methods of preventing and abating pollution from agriculture, and (B) disseminate such information obtained under this subsection, section 104(p), and section 304 as will encourage and enable the adoption of new and improved methods developed pursuant to this subsection.

(f) Federal grants under subsection (a) of this section shall be subject to the following limitations:

(1) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator;

(2) No grant shall be made for any project in an amount exceeding 75 per centum of the cost thereof as determined by the Administrator;

(3) No grant shall be made for any project unless the Administrator determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

(g) Federal grants under subsections (c) and (d) of this section shall not exceed 75 per centum of the cost of the project.

(h) Authorized for appropriation—$70,000,000 per fiscal year ending June 30, 1973 and June 30, 1974, and from such appropriations at least 10 per centum of funds actually appropriated in each fiscal year shall be available only for subsection (e).

SEC. 106. (a) Authorization for appropriation to remain available until expended—

(1) $60,000,000 for fiscal year ending June 30, 1973, and

(2) $75,000,000 for fiscal year ending June 30, 1974.

for grants to States and interstate agencies.

(b) From sums appropriated in any fiscal year Administrator shall make allotments to the several States and interstate agencies per regulations promulgated by him on need.

(c) Administrator is authorized to pay each fiscal year either—

(1) the allotment of such State or agency for such fiscal year under subsection (b), or

(2) the reasonable costs as determined by the Administrator of developing and carrying out a pollution program during such fiscal year, whichever amount is lesser.

(d) No grant shall be given to a State or agency which cuts back on spending its own funds below the level it was spending on June 30, 1971.

(e) Conditions for grants in this section:

(1) Must file within one hundred twenty days—

(A) summary report of current status and priority criteria, and

(B) other information as Administrator shall require.

(2) No federally assumed enforcement as defined in section 309(a)(2) is in effect with respect to such State or agency.

(3) Such State or agency submits within one hundred twenty days after the date of enactment and before July 1, of each year thereafter for Administrator's approval its programs for the prevention and abatement of pollution in accordance with purposes and provisions of this Act in such form and content as the Administrator may prescribe.

(f) Any sums allotted under subsection (b) in any fiscal year which are not paid shall be reallotted by the Administrator in accordance with regulation promulgated by him.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, the primary objective of the bill we are considering today is to restore and maintain the chemical, physical, and biological integrity of the Nation's water. Consistent with the provisions of this act, and in order to achieve the national goal of pollution control and clean water, the act provides that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants in the navigable waters and to restore the quality of water in the fresh water lakes throughout the United States.

The state of our environment is of major concern to people everywhere in contrast to even a decade ago. Critical situations in the availability of fresh water for its many widespread uses have appeared in certain locations throughout the Nation. Unlike the marine environment, clean, fresh waters are economical sources sustaining vast national needs. Numerous lakes and streams have become so fouled with domestic and industrial wastes that they are virtually useless as sources of pure or recreational water. As the population of this country continues to rise, the need for water supplies is becoming increasingly evident. There has been no major change in the availability of this resource, nor is there expected to be. In fact, the amount of clean fresh water continues to decline. It has become ever more obvious that the pollution of our waterways has reached an increasingly acute stage.

It is to this end that I wish to call my colleagues' attention to the activities of the Rensselaer Fresh Water Institute at Lake George, N.Y. An extensive study of the numerous factors involved with environmental systems in and around fresh water lakes has been initiated at this institute in Washington County, N.Y. This program was instituted in 1967 as a means to investigate and control the increased biological, chemical, and social problems associated with overfertilization of water routes via man's waste discharges. A coordinated interdisciplinary effort by a group of research engineers and scientists from the Rensselaer Polytechnic Institute, under the direction and management of Dr. Nicholas L. Clesceri, Mr. John S. Heywood and Dr. James J. Ferris, has been inaugurated at the center to examine comprehensively the complex interactions occurring in an aquatic environment. The facility is in existence now and is functioning with

the help of approximately 45 research scientists and engineers. The new president of Rensselaer Polytechnic Institute, Dr. Richard J. Grosh and the scientists who are undertaking the activities of the fresh water institute, are to be commended for their foresight and tireless efforts in preserving man's fresh water resources.

Because of the widespread interest expressed by many national environmental, labor, and consumer organizations concerning the legislation we are considering today, I would like to call my colleagues' attention to the following statement outlining the programs and objectives of the Rensselaer Fresh Water Institute at Lake George.

In my opinion, H.R. 11896 represents a substantial commitment to the protection and enhancement of our surroundings; its new and far-reaching programs will make possible giant strides in the campaign to strengthen, expand and accelerate the Nation's water pollution efforts.

The statement follows:

THE RENSSELAER FRESH WATER INSTITUTE AT LAKE GEORGE—PROGRAMS/OBJECTIVES

The availability of potable fresh water in the United States has progressed from a stage of abundance to one of critical insufficiency. Man has caused this situation through the introduction of excessive quantities of wastes into water sources, resulting in a national water supply which is increasingly over-fertilized and polluted. This process is illustrated by the many water sources currently useless for economical, industrial or recreational purposes.

Water despoliation is not a unique ecological malady; this pattern is evident today in connection with virtually all resources. The contrast of a growing population with a fixed amount of these natural resources dictates that a thorough understanding of pollution processes is needed in order to preserve these assets for future economic, industrial or recreational use. Such knowledge can maintain and subsequently improve man's response to this critical situation and thereby the overall quality of life.

Early in this century, environmentalists, conservationists and some dedicated citizens were primarily concerned with preserving wildlife and selected natural areas. By the 1950's Federal air and water pollution laws were passed which prompted the rate of environmental legislation to increase during the 1960's. This legislation has currently broadened itself to include the total environment, and emphasizes ecology, population, pollution and urban environments.

In addition to many scientists and technologists, the public now senses the magnitude of environmental complexities and the interrelationships of nature. The Santa Barbara oil spill, phosphates in detergents, DDT persistence in terrestrial and aquatic environments, recreational restrictions from polluted beaches, severe deterioration of the Great Lakes, and the inadequacy of wastewater treatment plants, have all alerted and accelerated the response of many Americans to the need for corrective activity. Citizens are ready to learn about the alternative or available measures to rectify the conditions existing in the environment. There is increasing awareness that the abatement of pollution will decrease the danger of disease, produce better potable water; attract new and environmentally responsible industries to communities; increase property values; provide more recreation in the form of fishing, boating, hunting and swimming, and enhance supplies of known and potential food products. The interdependencies occuring within the environment affect everything—including man.

Rensselaer Polytechnic Institute has kept pace with the rapid rates of change that occur within the complex world of society. Due to these changes, a newly defined role has evolved for technology and its application in solving environmental problems. For example, the Rensselaer School of Engineering was reorganized in 1963, establishing the Professional School of Engineering. The primary features of this reorganization are a five year educational program and a divisional administrative structure responsible for long range planning and research.

Another example was the establishment of the Rensselaer Fresh Water Institute at Lake George (FWI) in 1967 on the northeastern shore of this lake. It is located in the Adirondack Mountains of New York State. Rensselaer has been directly involved in finding solutions for environmental problems since 1957. The FWI research program has expanded from an activity supported by the School of Engineering to a program-budgeted independent university activity.

As an independent activity, the FWI is a research endeavor which is totally responsible for its financial viability and its Director reports to the Provost of the university, enhancing efficiency and flexibility. This administrative arrangement provides a strong basis for action-orientation in order that the basic research vitally necessary for the solution of today's pollution problems can be compressed into the shortest possible timeframe.

This action-orientation will facilitate attainment of the following objectives. It will further catalyze the development of a research team with expertise to analyze fresh water problems. It will provide for the training of new personnel who will have the advantage of multidisciplinary exposure. It will foster the development of new ecological theory to aid in abating the degradation of the quality of fresh water resources. Lastly, FWI facilities will afford a site attractive to the scientific community as a place where researchers can work together with their peers in an atmosphere conducive to the exchange of ideas. The studies already completed at Lake George provide a firm foundation upon which to build. Additional manpower and major resources will be committed to insure the FWI's continued and accelerated contribution to solving the problems of fresh water pollution.

The basic purpose of FWI is the in-depth study of biological, chemical, physical and social interactions in and around fresh waters via a multidisciplinary program. The data generated by these field and laboratory studies are stored, analyzed and mathematically modeled. Computer technology is used to assist the researchers in the analysis and assessment of their data and also affords them the opportunity to evaluate future environmental conditions which would result from increased human activities in the environment. This approach provides methods for preventing subsequent environmental degradation and allows for its maintenance at a pre-determined level of quality. FWI has as its objective the realization of research endeavors adequately describing environmental systems in order that they can be more intelligently managed for the benefit of mankind.

Since its inception FWI has experienced growth in several areas of research and physical development. The research program now encompasses many avenues of environmental investigation. Comprehensive descriptions of completed, ongoing and projected studies are available upon request from the Institute.

The number of active participants associated with FWI has increased from ten to more than forty faculty and staff representing nine curricular areas. These include Environmental Engineering, Biology, Chemistry, Economics, Geology, Mechanical Engineering, Operations Research and Statistics and Systems Engineering. The participants have both living and laboratory facilities available to them at the research site including more than 2,500 sq. ft. of laboratory space. Specialized instrumentation at the site provides analytical capability in atomic absorption spectrophotometry, infrared spectrophotometry, liquid scintillation counting, gas chromatography, carbon analyses and UV-visible spectrophotometry in addition to other specialized apparatus for conducting analyses of this nature.

The potential impact which the studies at FWI will have toward preserving man's freshwater resources parallels those investigations regarding marine research. Because of the equipment, experience and expertise gathered over five years and the substantial personnel commitment involved, it is believed that FWI is in a unique position to function in a regional capacity. If such a status is realized, even more can be done to implement the research endeavors described previously to solve the pollution problems of our nation's fresh waters.

As has been suggested throughout this report, the need for scientific and technical data and their analyses has arisen in environmental disciplines in order that the technological objectives of this research endeavor continue to be met. The employment of additional expert personnel and the construction of more refined and even better equipped on-site laboratory and field facilities will further catalyze the development of FWI and allow a more rapid expression of new ecological theories to aid in preserving water resources as well as other natural resources. The consequences of anything less than a total solution to the scientific, technical, social and political problems are self-evident. In the final analysis the treatment of these problems with their many facets may determine whether this land will be habitable for future generations.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. TERRY), a member of the committee.

Mr. TERRY. Mr. Chairman, I am going to direct my initial remarks today to the permit and enforcement aspects of the bill now before the House—H.R. 11896.

Before I do that I would like to extend, along with other members of the committee, our compliments to our acting chairman (Mr. JONES) and to the ranking minority member (Mr. HARSHA) for their enormous input and industry.

In the brief time that I have been a Member of this House, testimony on water pollution consumed approximately the same number of pages as in the 15 years preceding as attested to by the documents presented by the chairman of the committee, Mr. BLATNIK. This bill is brought forth after diligent study. Moreover, the staff effort was extraordinary.

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

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

Mr. DON H. CLAUSEN. I am not sure that there has been enough attention given to the extraordinary amount of time and effort and energy expended by the staff on both sides and the hundreds of man-hours that they have spent on this subject in cooperating with the Members and in following the policy guidelines established by the member-

ship. It is my opinion that this vast amount of work and effort should be a matter of record during the discussion of this historic antipollution and water quality control measure.

Mr. TERRY. I certainly second those remarks. The ranking member of the committee indicated that 250 man-weeks have been expended on this measure, and we all join in congratulating the staff.

As you indicated in your remarks, Mr. CLAUSEN, discharge from point sources would be unlawful unless they were in accord with permits issued by the State or the Environmental Protection Agency.

The committee, in H.R. 11896 has recognized the necessity of coordinating the Federal and State activities in the granting of permits, first, in order to have the uniformity that the Federal permit system would provide and second, in order to have the local input and initiative that a State permit would provide.

The committee has recognized that some States have the capability at this time of handling all of the needs in the development of their own capabilities. Having recognized this, the committee has designed a permit program which will allow those States with the demonstrated abilities to assume control of the permit program at the earliest possible dates, essentially immediately upon enactment via an interim program, while those States that have been dilatory will be required to demonstrate capabilities before the EPA Administrator could approve a State permit program. During this interim period, the Administrator would maintain the right to veto, which is essential to have a coordinated program.

The Administrator within 90 days of enactment must prepare and promulgate guidelines for a State-operated permit program. When these guidelines are promulgated, any State may present to the Administrator the plans for a State permit program. Within 90 days of the presentation by the State, the Administrator must decide whether or not the State program meets his guidelines. If so, and I emphasize that the guidelines will be comprehensive, the Administrator would approve the program and the States would be authorized to issue and enforce discharge permits. This is the basis for the program.

The committee expects prompt action by the Administrator and any State program submitted to the Administrator must, under section 402(c), be approved or rejected with notice of needed revisions or modifications within 90 days of submittal.

In addition to the basic permit authorization I just described, there is in H.R. 11896 an authorization for an interim permit program.

Immediately upon enactment of the 1972 amendments, the Administrator may for a period which may start on the day of enactment and which would end either on the 90th day after the Administrator promulgates his guidelines for State permit programs or upon the date of approval of a State program pursuant to the guidelines, whichever is the earlier. Thus, those States with adequate programs at this time would, under this interim provision be immediately authorized to issue section 402 permits. It is expected that the Administrator will encourage such interim programs. This has been discussed with the administration and they concurred that an interim program should be placed in effect. During this interim period, the Administrator would maintain the right to veto any State permit.

If the State has a fully approved program, which meets his guidelines, the Administrator would still have a veto capability in those cases where a downstream State objected to the issuance of a permit by another State where there is a navigable body flowing through several States. In the case of such an objection, the downstream State would have the right of receiving from the permitting State a notice in writing of the permitting State's failure to recognize the objections and accept any recommendations from the downstream State and thus they would have the right to appear before the Administrator to present their objection to the issuers of the permit.

And the Administrator, if he found their objections to be warranted, may veto the issuance of the permit in question. Thus, for a large number of our waters, the Administrator, upon objection by the downstream State, would have the veto power.

This is important in those States involved in river basins, and other areas where several States are involved.

In addition to the veto power for the interim period, and the veto power in the event of the downstream State objections, the Administrator, upon a showing that the permit program is not being carried out—and I emphasize is not being carried out—then in accordance with section 402 the Administrator can at that point withdraw the approval of the State permit program.

Without reviewing the details of the Federal-State enforcement procedures as required by the bill now before us, I do emphasize the fact that the Administrator in his discretion or the State involved may take enforcement action in the event of any violation of any condition or limitation of a State-issued discharge permit.

Thus even though the committee intends that the Administrator use this power sparingly, and that he rely to the maximum extent possible on the State enforcement actions, and the actions by the States, the Administrator may step in on an individual basis to enforce the individual permits.

With these provisions for interim veto power, downstream State objections, and the associated veto power, the capability of the Administrator of EPA to withdraw approval of a State permit program, and the Federal enforcement provisions, the committee feels it is totally unnecessary to have a permit-by-permit veto. The duplication of effort that would result from this and the magnitude of the paperwork that would be forthcoming is just too costly, and wasteful of experienced manpower and, quite frankly, simply unnecessary.

Mr. Chairman, we have before us a fair, effective and enforceable control program. State and local initiative, as well as the national uniformity, will be maintained. I urge my colleagues to support H.R. 11896, and particularly those provisions that I have just talked about of the permit program, and the standards of enforcement.

It is my further desire to call attention to section 206(a) which authorizes $2 billion for reimbursements for fiscal years 1967 through 1971.

This authorization includes payment of retroactive grants to States that did not prefinance up to 50 percent or 55 percent of the Federal share during this period. EPA has estimated that $456 million will be required to pay for retroactive grants, and we have recently learned that "conventional" reimbursables and retroactive grants total $2.246 billion. The authorization of $2 billion obviously is inadequate to meet the need. All but two or three of the 54 States and territories will be eligible for their proportionate share of whatever Federal funds are appropriated. The amount appropriated will be the responsibility of the appropriations committees in Congress.

But, whatever is appropriated, no State would receive more than its appropriate ratio, regardless of how small its claim, or how large.

It has recently come to my attention that there are unknown eligible reimbursables, and I am sure that the eligibility for retroactive grants is an equally unknown factor.

The reason such information is not yet available is that the cost of a project cannot be realistically determined until after the bids on a project are opened. Because bids have been higher than the engineers' estimates, and because Federal funds have not been available to finance the Federal share of these increased costs, many States such as New York have found it necessary to commit themselves to further prefinancing commitments in order to keep their projects moving along.

Without such additional prefinancing commitments and without adequate Federal funds, the projects could not have progressed beyond the bid-opening stage.

Mr. Chairman, this is not a problem that is peculiar to New York alone; indeed, all 50 States are involved in one way or another in the dilemma of how to finance increased costs. Soon, hopefully, by the end of this year, the bids will be in on the majority of the projects approved by EPA in the closing days of fiscal year 1971. Not until then will a figure be available that will more realistically reflect the amount of outstanding reimbursables and retroactive grants the States will be eligible to receive.

New York State has attempted to estimate the amount that will be required nationwide to meet the Federal commitments; we have estimated that nearly $2.5 billion will be required for conventional reimbursables, and over $500 million for retroactive grants, for a total of $3 billion.

In this connection, Commissioner Henry L. Diamond of New York's Department of Environmental Conservation, recently wrote to Mr. Ruckelshaus, the Administrator of the Environmental Protection Agency, to point out that the totals the EPA has been providing to

Congress are seriously underestimated, and that New York and its municipalities have committed over $1.3 billion to prefinance the Federal share. Without such commitments by New York, EPA could not, under the law, approve the projects involved.

Mr. Chairman, I will request permission to insert Mr. Diamond's letter in the RECORD, along with a detailed statement, project by project, of State and municipal prefinancing committed on behalf of the Federal Government when the committee rises.

Although the amount authorized in section 206(a) of H.R. 11896 is too small to meet the ultimate need, there will be an opportunity in future legislation to correct this inequity.

I pledge to do all I can toward this end, so that all projects in the Nation will be funded to the maximum of their Federal entitlement.

Mr. Chairman, I include at this point the following material which I believe will be helpful to the Members:

DIVISION OF MUNICIPAL WASTE WATER PROGRAMS EVALUATION AND RESOURCE CONTROL BRANCH

Additional WQO grant funds required to raise the grant amount to the 50% level should legislation be enacted permitting all projects proceeding with construction after June 30, 1966 to be eligible for the higher level grant.*

As of June 30, 1971

Alabama	$22.0
Alaska	0
Arizona	5.0
Arkansas	6.0
California	35.3
Colorado	7.2
Connecticut	1.3
Delaware	1.8
District of Columbia	0
Florida	6.1
Georgia	29.3
Hawaii	1.9
Idaho	1.3
Illinois	29.0
Indiana	2.6
Iowa	6.0
Kansas	10.7
Kentucky	21.1
Louisiana	5.6
Maine	.9
Maryland	4.1
Massachusetts	.7
Michigan	12.9
Minnesota	10.7
Mississippi	4.6
Missouri	26.6
Montana	1.5
Nebraska	2.9
Nevada	3.0
New Hampshire	.6
New Jersey	11.3
New Mexico	2.4
New York	4.1
North Carolina	28.2
North Dakota	1.4
Ohio	6.3
Oklahoma	16.7
Oregon	9.0
Pennsylvania	26.9
Rhode Island	.2
South Carolina	16.5
South Dakota	1.6
Tennessee	3.3
Texas	24.2
Utah	2.4
Vermont	.5
Virginia	11.7
Washington	19.7
West Virginia	7.2
Wisconsin	.5
Wyoming	.5
Guam	0
Puerto Rico	.5
Virgin Islands	0
Totals	455.8

*Excludes amount already accounted for in reimbursable reports.

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION,
Albany, February 28, 1972.

Hon. WILLIAM D. RUCKELHAUS,
Administrator, U.S. Environmental Protection Agency, Washington, D.C.

DEAR BILL: I am greatly concerned that the costs of the sewage treatment projects for New York State on your books are substantially underestimated.

The Congress is relying on these figures in authorizing reimbursement for the federal share which New York State and its municipalities have pre-financed. The underestimated totals could be a serious burden to taxpayers of our State if not corrected.

Enclosed is a list of all projects which have received Federal construction grant offers since the inception of New York State's Pure Waters Program on May 12, 1965. All are expected to qualify for a construction grant under the State Program which will expire on March 31, 1972.

The State Program provides for a 30% basic grant and pre-financing up to 30% of the Federal share. The municipality's share is usually 40% of which 20% or 25% is also pre-financing of the Federal share. In this connection, New York State officials on several occasions have indicated that the State and its municipalities have committed about $1.3 billion to pre-finance the Federal share of already approved projects. The purpose of this report is to identify the specific projects to which such pre-financing has been committed.

Estimated project costs shown are the Department of Environmental Conservation's estimates of costs based upon *bid experience*. Our records, particularly over the past year, prove that the Department's estimates more realistically reflect the actual bid prices for construction work than those originally furnished by the municipalities in their applications for aid.

As of December 31, 1971 there are 67 projects for which $611,564,201 in State pre-financing has been committed and 255 projects for which $678,566,789 in local pre-financing has been committed. These commitments were made under the Clean Water Restoration Act of 1966 and include only pre-financing that is eligible for reimbursement under that Act. They do not include any increases in Federal grants that are proposed in pending Federal legislation for projects approved prior to the 1966 Act. These amounts will change as bids are received on construction work not yet awarded. The final totals will be known after all construction contracts have been awarded.

The amounts of reimbursable owned by the Federal government is substantially more than those represented in the municipality's original grant applications or modifications thereof. These total only $77,437,221. The latter amount is that currently recognized by the United States Environmental Protection Agency and unfortunately, the amount being acknowledged by the Congress in pending legislation.

I urge you to take the necessary action to furnish this data to the Congress so that proper recognition of the funds owed taxpayers of New York State is reflected accurately in pending legislation.

Sincerely,

HENRY L. DIAMOND,
Commissioner.

REIMBURSABLES OWED NEW YORK STATE AND ITS MUNICIPALITIES FOR PREFINANCING THE FEDERAL SHARE OF CONSTRUCTION OF SEWAGE TREATMENT WORKS AS OF DEC. 31, 1971

CENTRAL SECTION

Cong. Dist.	Project number C-35-	Applicant	Eligible project cost	State prefinancing	Local prefinancing
33	228	Endicott (V), Broome	$1,693,867	[1] $109,085	
33	223	Johnson City (V), Broome	2,280,469		
33	226	Kirkwood S.D. No. 1, Broome	10,675		
33	242	Vestal (T) S.D. No. 1, Broome	62,432		
33	295	Vestal (T), Broome	118,043		$13,317
34	271	Auburn (C), Cayuga	274,154		
34	263	Port Byron (V), Cayuga	349,643		
34	285	Weedsport (V), Cayuga	600,695		
35	113	Norwich (C), Chenango	3,820		
31	181	Watertown (C), Jefferson	1,790,140		
35	254	Canastota (V), Madison	1,015,280		
35	259	Chittenango (V), Madison	477,937		
35	360	Hamilton (V), Madison	553,824		61,133
32	303	Camden (V), Oneida	58,585		6,894
35	308	Onondaga (Co.) DPW, Manlius S.D., Onondaga	87,625		2,504
35	296	Onondaga (Co.) Jail, Onondaga	95,300		21,817
35	251	Salina (T), Onondaga	467,000		
31	225	Centra. Square (V), Oswego	280,526		
31	132	Fulton (C), Oswego	1,423,201	[1] 154,660	
31	283	Canton (V), St. Lawrence	77,500		
31	196	Ogdensburg (C), St. Lawrence	23,767		
33	239	Owego (V), Tioga (6)	605,127		
33	278	Dryden (V), Tompkins	744,405		
33	224	Ithaca (C), Tompkins	13,867	[1] 138	
33	267	Ithaca (C), Tompkins	302,537		

EASTERN SECTION

Cong. Dist.	Project number C-35-	Applicant	Eligible project cost	State prefinancing	Local prefinancing
29	298	Altamont (V), Albany	$162,500		
28	258	Hudson (C), Columbia	1,033,870		
30	180	Port Henry (V), Essex	69,398		
28	108	Canajoharie (V), Montgomery	58,490	[1] $140	
28	338	Cooperstown (V), Otsego	941,689		
34	234	Onondaga (Co.), Camillus (T), Onondaga	684,925	[1] 40,168	[1] $20,548
34	482	Onondaga (Co.), Geddes (T), Onondaga	1,492,663		196,695
35	358	Onondaga (Co.), Ley Creek modification to S.T.P., Onondaga	3,361,400		384,429
35	313	Onondaga (Co.), Morgan Rd., Onondaga	3,187,829		389,937
35	266	Onondaga (Co.), Onondaga	3,873,000	[1] 32,146	[1] 154,954
35	454	Tully (V), Onondaga	938,000		98,200
35	474	Central Square (V), Oswego	129,547		16,820
35	462	Fulton (C), Oswego	1,163,294		164,121
35	386	Oswego (C), Oswego	6,100,000		890,600
35	336	Environmental Facilities Corp., Pulaski (V), Oswego.	1,074,500		183,395
31	369	Canton (V), St. Lawrence	2,635,600		293,120
31	520	Colton (T), St. Lawrence	363,416		36,056
31	486	DeKalb (T), St. Lawrence	198,200		33,440
31	316	Edwards (V), St. Lawrence	181,000		16,100
31	444	Fine (T), St. Lawrence	103,400		10,940
31	468	Heuvelton (V), St. Lawrence	629,000		56,000
31	464	Norwood (V), St. Lawrence	892,500		99,200

Cong. Dist.	Project number C-35-	Applicant	Eligible project cost	State prefinancing	Local prefinancing
31	320	Potsdam (V), St. Lawrence	$3,110,500		$488,650
31	501	Stockholm (T), St. Lawrence	190,624		21,231
31	435	Waddington (V), St. Lawrence	397,250		79,445
33	552	Owego (T), Tioga	3,570,000		574,000
33	412	Dryden (T), Varna S.D., Tompkins	152,600		18,670
29	562	Altamont (V), Albany	$40,623		$4,374
29	387	Coeymans (T), Albany	1,738,700		245,315
29	317	Colonie (T), Albany	1,093,700		133,315
29	377	Colonie (T), Dry River Area, Albany	556,000		121,500
29	571	Colonie (V), Albany	560,400		140,100
29	591	Colonie (T), Newtonville S.D., Albany	770,000		101,000
29	523	Guilderland (T), Albany	588,574		109,185
29	524	Monands (V), Albany	215,835		43,167
31	353	Keeseville (V), Clinton	1,231,500		169,002
31	521	Plattsburgh (C), Clinton	11,570,515		2,374,324
28	256	Sidney (V), Delaware	1,950,000		419,400
30	522	Env Facilities Corp., Westport (V), Essex	525,053		60,297
32	471	Gloversville (C), Johnstown (C), Fulton	8,780,900		1,244,180
28	503	Athens (V), Greene	926,280		114,650
28	514	Catskill (V), Greene	2,934,600		414,020
32	473	Indian Lake (T), Hamilton	379,000		77,780
29	516	Env Facilities Corp., Amsterdam (C), Montgomery	11,466,600	$671,280	2,866,650
28	607	Oneonta (C), Otsego	4,945,600	989,120	989,120
30	255	Hoosick Falls (V), Rensselaer	1,592,200		201,090
30	569	Saratoga County Homestead Infirmary at Providence, Saratoga	112,600		18,440
29	441	Niskayuna (T), Schenectady	979,000		244,750
29	625	Niskayuna (T), SD No. 6 Ext., Schenectady	135,000		590
28	580	Schoharie (V), Schoharie	341,102		59,946
28	543	Richmondville (V), Schoharie	253,000		35,660
30	466	Granville (V), Washington	916,000		138,000
33	306	Dickinson (T) S.D. No. 3, Broome	112,000		13,740
33	533	Port Dickinson (V) Broome	443,815		49,368
33	304	Union (T) Broome	1,506,000		157,700
33	528	Vestal (T) S.D. No. 4 Broome	829,000		108,780
34	535	Aurora (V) Cayuga	1,210,700		194,655
34	601	Fleming (T) Cayuga	388,000		79,660
34	349	Moravia (V) (EFC) Cayuga	914,505		137,998
34	477	Env Facilities Corp, Port Byron (V) Cayuga	223,400		33,750
34	647	Sennett (T) Cayuga	97,000		12,100
35	277	Bainbridge (V) Chenango	660,700		64,815
35	300	Greene (V) Chenango	667,900		42,541
35	549	Sherburne (V) (EFC) Chenango	1,178,494		230,471
32	572	Dolgeville (V) Herkimer	1,376,900		268,925
32	461	Herkimer (V) Herkimer	1,741,800		219,900
32	479	Little Falls (C) Herkimer	5,340,850		1,122,278
31	556	Brownville (V), Jefferson	818,615		180,098
31	478	Cape Vincent (V), Jefferson	422,200		37,540
31	547	Evans Mills (V), Jefferson	238,000		45,460
31	465	Philadelphia (V), Jefferson	270,600		29,540
31	292	Watertown (C), Jefferson	1,338,552		
32	301	Castorland (V) (EFC), Lewis	210,900		42,180
32	491	Env Facilities Corp., Martinsburg (T), Glenfield S.D., Lewis	153,400		22,380
32	606	Lowville (V), Lewis	441,200		35,540
32	302	Kirkland (T), Oneida	293,000		35,860
32	371	Oneida Co. S.D., Oneida	28,060,200	783,810	7,015,050
32	470	Waterville (V), Oneida	880,880		107,694
34	319	Camillus (V), Onondaga	64,700		6,334
35	452	Manlius (T), Fremont S.D., Onondaga	253,928		12,660
35	467	Marcellus (V), Onondaga	381,000		46,620
35	633	Minoa (V), Onondaga	661,500		165,375
35	450	Onondaga (Co.), Cicero S.D., Onondaga	1,725,556		211,016
26	67	Port Chester (V), Westchester	77,879	[1] 9,057	

WESTERN SECTION

38	182	Cuba (V), Allegany	42,221		
38	215	Jamestown (C), Chautauqua	44,407		
38	193	Erie County S.D. No. 2, Erie	3,802		
39	238	Erie County S.D. No. 3, Erie	1,894,569		
37	370	Erie County, Erie County Home and Penitentiary, Erie	322,232		39,411
40	324	Tonawanda (T), Erie	1,284,489		141,105
37	199	Batavia (C), Genesee	367,989		
34	260	Lima (V), Livingston	401,991		
36	281	Brighton (T), Monroe	750,328		
37	240	Brockport (V), Monroe	882,321		
36	147	East Rochester (V), Monroe	8,023	[1] 38	
37	315	Gates-Chili-Ogden S.D., Monroe	638,059		
36	202	Henrietta (T) S.D. No. 1, Monroe	16,185		
36	231	Henrietta (T) S.D. No. 1, Monroe	491,839		
37	246	Hilton (V), Monroe	235,021		
36	264	Irondequoit (T), Monroe	623,400		
36	288	Irondequoit (T), Monroe	$233,686		
36	233	Penfield S.D. No. 3, Monroe	197,644	[1] $691	
36	287	Penfield (T), Monroe	86,377		
36	270	Perinton (T), Monroe	229,627		
36	243	Pittsford (T), Monroe	185,200		
36	192	Rochester (C), Monroe	42,018		
36	249	Webster (V), Monroe	701,619		
40	350	Youngstown (V), Niagara	42,964		$4,658
34	157	Phelps (V), Ontario	19,769		
34	273	Victor (V), Ontario	582,065		
37	217	Medina (V), Orleans	77,333		
35	252	Newark (V), Wayne	152,260		
34	145	Penn Yan (V), Yates	18,623	[1] 49	

CENTRAL SECTION

33	544	Binghamton (C), Broome	9,906,100		1,837,245
29	203	Niskayuna (T), Schenectady	885,718		
29	291	Schenectady (C) Schenectady	133,000		14,799
28	195	Sharon Springs (V) Schoharie	6,189		
30	194	Lake George (V) Warren	62,855		
30	284	Lake George (T) Warren	590,300		

SOUTHEASTERN SECTION

4	318	Cedarhurst (V) Nassau	907,932		
3	236	Glen Cove (C) Nassau	47,748	[1] 4,632	
4	250	Lawrence (V) Nassau	1,650,516		
3	190	North Hempstead (T) Nassau	86,812	[1] 310	
7	109	Jamaica New York City	148,936	[1] 42,641	
26	229	Hillcrest Center Westchester	211,172		
27	265	Cornwall (T) Orange	153,208		
27	208	Montgomery (V) Orange	5,695		
25	176	Orangetown (T) Rockland	27,307	[1] 251	
25	275	Orangetown (T) Rockland	242,200		
28	232	Ellenville (V) Ulster	145,427		
27	619	Beacon (C), Dutchess	5,693,765		1,224,520
27	378	Poughkeepsie (T), Arlington SD Dutchess	3,871,400		473,510
27	511	Poughkeepsie (T), Ireland Estates Dutchess	79,844		9,785
28	519	Milbrook (V), Dutchess	353,400		59,730
28	469	LaGrange (T), Titusville SD Dutchess	179,010		21,335
27	340	Wappinger (T), Dutchess	159,800		34,180
3	341	Great Neck (V), Nassau	433,503		64,897
3	289	Great Neck SD, Nassau	1,174,759		
5	305	Long Beach (C), Nassau	260,000		57,200
5	361	Nassau Co SD #3, Nassau	151,416,000	13,122,630	48,877,076
3	351	Port Washington SD, Nassau	637,030		70,815
3	342	Roslyn (V), Nassau	131,200		17,113
14	86	Newtown Creek, New York City	64,488,733	[1] 19,249,888	
15	357	Owls Head, New York City	106,900		10,102
16	346	Port Richmond, New York City	3,030,492		370,710
21	406	Bowery Bay, New York City	975,340		119,287
23	214	Wards Island, New York City	1,405,147		
18	363	Wards Island, New York City	1,083,775		132,527
11	345	Coney Island, New York City	4,559,005		665,583
8	166	Tallmans Island, New York City	237,636	[1] 58,274	
7	321	Jamaica, New York City	718,951		21,569
27	368	Cornwall (T), Orange	1,135,923		143,419
27	475	County of Orange, Orange Farm, Orange	171,665		20,956
27	352	Goshen (V), Orange	691,000		95,960
27	508	Maybrook (V), Oragne	348,000		43,960
27	480	Middletown (C), Orange	66,300		7,287
27	53	Newburgh (C), Orange	8,013,170		1,090,793
27	364	New Windsor (T), Orange	2,348,202		289,060
27	456	New Windsor (T), S.D. No. 9; Orange	1,110,126		178,540
27	362	Walden (V), Orange	323,900		41,965
27	507	Wallkill (T), Orange	1,287,118		305,014
27	492	Joint Regional Sewerage Board, Haverstraw (T) and W. Haverstraw (V), Rockland	4,344,663		634,362
25	290	Orangetown (T), Rockland	3,533,000		
25	712	Orangetown (T), Rockland	663,400		145,950
25	9	Peirmont (V), Rockland	357,900		
25, 27	274	Rockland Co S.D. No. 1, Rockland	28,538,800		
25	268	Stony Point (T), Rockland	1,720,100		
2	343	Huntington (T), Huntington S.D., Suffolk	195,000		23,900
2	237	Northport (V), Suffolk	55,800		
1	536	Riverhead S.D., Suffolk	225,000		97,200
28	253	Liberty (V), Sullivan	321,735		
28	322	Rockland (T), Livingston Manor S.D., Sullivan	344,650		52,955
28	365	Fallsburgh (T), South Fallsburgh S.D., Sullivan	1,781,439		260,131
28	498	New Paltz (V), Ulster	1,390,810		196,185
25	247	Buchanan (V), Westchester	146,514		
25	88	Peekskill (C), Westchester	185,811		

[1] Projects prefinanced not eligible for reimbursement. Not included in totals.

REIMBURSABLES OWED NEW YORK STATE AND ITS MUNICIPALITIES FOR PREFINANCING THE FEDERAL SHARE OF CONSTRUCTION OF SEWAGE TREATMENT WORKS AS OF DEC. 31, 1971—Continued

Cong. Dist.	Project number C-35-	Applicant	Estimated project cost	State prefinancing	Local prefinancinng
		WESTERN SECTION			
38	420	Alfred (C), Allegany	$900,752		$189,253
38	311	Belmont (V), Allegany	537,500		
38	356	Caneadea (T), Allegany	869,200		91,130
38	354	Friendship (V), Allegany	533,310		11,215
38	279	Salamanca (C), Cattaraugus	2,814,100		421,648
38	245	Silver Creek (V), Chautauqua	1,408,385		42,252
33	325	Chemung Co SD #1, Chemung	1,748,700		213,915
33	632	Chemung Co SD #1, Ext D Chemung	193,310		42,630
33	297	Elmira (C), Chemung	433,600		51,159
39	197	Cheektowaga (T), Erie	158,304		
39	385	Erie Co, Erie County SD #3, Erie	229,130		30,411
41	257	Lackawanna (C), Erie	1,440,600		15,567
37	407	Elba (V), Genesee	448,237		56,630
34	314	Avon (V), Livingston	1,313,420		160,661
34	561	Geneseo (V), Livingston	1,026,040		225,742
36	327	Brighton (T), SD #2, Monroe	4,905,000		618,975
36, 37	414	Gates-Chili-Ogden SD, Monroe	2,772,600		338,890
37	329	Greece (T), Monroe	227,800		38,372
37	310	Greece (T), Monroe	277,701		35,285
36	423	Henrietta (T), Monroe	368,400		31,500
35	476	Henrietta (T), Monroe	1,698,780		299,649
35	425	Honeoye Falls (V), Monroe	1,195,000		150,900
36	424	Irondequoit (T), Monroe	127,000		10,512
36	261	Pittsford (V), Monroe	144,500		
36	489	Pittsford (T), Monroe	143,000		21,560
37	293	Scottsville (V), Monroe	$1,079,389		$136,264
37	383	Spencerport (V), Monroe	634,300		77,545
36	299	Webster (T), Monroe	4,019,200		861,288
36	419	Webster (V), Monroe	496,000		62,620
40	359	Lockport (C) (EFC), Niagara	8,468,680	$1,967,314	2,117,170
40	487	Lockport (T) SD #3 Niagara	255,100		42,830
40	382	Middleport (V) Niagara	1,046,400		128,010
34	272	Farmington (T), Ontario	813,500		177,100
34	560	Geneva (C), Ontario	6,213,500	1,298,110	1,553,375
34	330	Ontario County Ontario	171,334		14,877
37	539	Holley (V), Orleans	1,316,300		289,585
34	372	Seneca Falls (V), Seneca	2,700,720		330,366
34	416	Waterloo (V), Seneca	1,109,300		140,055
38	530	Env Facilities Corp., Addison (V), Steuben	1,004,200		220,930
38	421	Bath (V), Steuben	2,208,500		344,275
38	579	Canisteo (V), Steuben	1,093,700		240,615
38	331	Corning (C), Steuben	1,759,000		
38	373	Erwin (T), Steuben	1,188,000		145,360
38	280	Hornell (C), Steuben	2,991,200		
38	576	North Hornell (V), Steuben	290,000		22,970
36	415	Clyde (V), Wayne	1,552,400		220,918
36	422	Lyons (V), Wayne	1,082,475		184,741
36	484	Macedon (V), Wayne	1,185,695		149,753
36	367	Newark (V), Wayne	1,550,000		189,600
36	380	Sodus (V) (EFC), Wayne	811,915		130,533
36	490	Env Facilities Corp., Wolcott (V), Wayne	672,353		84,935
37	417	Perry (V), Wyoming	1,568,598		392,150
34	312	Dundee (V), Yates	486,680		101,502
34	332	Jerusalem (T), Keuka Park S.D., Yates	558,270		68,320

Cong. Dist.	Project number C-36-	Applicant	Eligible project cost	State prefinancing	Local prefinancing
		CENTRAL SECTION			
33	693	Dickinson (T) S.D., No. 5, Broome.	$199,800		$41,330
33	545	Endicott (V), Broome	3,807,900	$238,170	951,975
34	483	Auburn (C), Cayuga	7,326,600	2,146,170	1,831,650
32	602	Thruway Authority, Schuyler Service Area, Herkimer.			
31	502	Env Facilities Corp., Carthage (V); W. Carthage (V), Jefferson.	5,680,000	954,000	1,420,000
32	515	Boonville (V) (EFC), Oneida	1,016,856		203,388
35	447	Onondaga (Co.), Meadowbrook-Limestone S.D., Onondaga.	9,025,000		2,088,790
33	605	Cayuga Heights (V), Tompkins.	2,910,000	133,770	727,500
		EASTERN SECTION			
29, 30	388	Albany County S.D., Albany	72,000,000	14,100,000	8,000,000
29, 30	570	Albany (C), Albany	6,133,369	832,710	791,592
31	697	Plattsburgh (T), Route 3 S.D. Clinton	396,000		99,000
31	442	Lake Placid (V), Essex	2,547,575		574,016
29	590	Bethlehem (T), Albany	8,549,660	2,953,738	2,137,415
31	443	Saranac Lake (V), Franklin-Essex	2,190,000		510,150
32	620	Speculator (V), Hamilton	870,000		192,260
29	598	Thruway Authority, Pattersonville Service Area, Montgomery			
29	599	Thruway Authority, Mohawk Service Area, Montgomery			
30	555	Department of Correction, Great Meadows Correctional Institution, Washington			
		SOUTHEASTERN SECTION			
28	493	Tivoli (V), Dutchess	239,000		47,800
3	432	Glen Cover (C), Nassau	1,035,000	136,680	258,750
2, 3, 4, 5	628	Nassau Co. S.D. No. 3, Phase II, Nassau	93,945,000	27,722,970	789,000
3	130	Oyster Bay (T), S.D. No. 1, Nassau	136,000		
20	178	North River, New York City	770,285,000	224,061,600	192,571,170
16	593	Port Richmond, New York City	189,140,000	38,866,150	47,285,000
21	398	Bowery Bay, New York City	86,502,000	24,018,050	21,625,500
18	395	Wards Island, New York City	68,000,000	19,266,720	17,000,000
11	405	26th Ward, New York City	47,805,000	13,927,760	11,951,250
7	400	Jamaica, New York City	37,322,000	3,420,650	9,330,500
22	397	Hunts Point, New York City	65,936,000	18,785,226	16,484,000
11	347	Spring Creek, New York City	18,590,978	734,000	4,647,745
27	294	Washingtonville (V), Orange	$733,000		$161,260
27	282	Carmel (T), Putnam	1,068,000		
27	244	Env Facilities Corp., Cold Spring (V), Putnam	1,879,000		404,220
2	577	Northport (V), Suffolk	820,000		180,400
1	355	Suffolk County, Suffolk Co. Community College, Suffolk			
28	608	Ulster (T), Ulster	2,177,000		478,940
24	568	Westchester (Co), Yonkers (C), Westchester	58,000,000	$9,154,600	14,500,000
26	634	Yorktown (T), Yorktown Heights S.D., Westchester	3,000,000		750,000
		WESTERN SECTION			
38	409	Olean (C) (EFC), Cattaraugus	6,350,000	1,813,440	1,587,500
38	379	Dunkirk (C), Chautauqua	15,100,000	3,844,220	3,775,000
38	410	Jamestown (C), Chautauqua	333,300	16,470	83,325
38	583	Springville (V), Erie	631,800		138,996
34	623	Conesus Lake County S.D., Livingston	5,575,200	836,280	1,393,800
34	426	Mount Morris (V), Livingston		1,298,650	285,703
37	626	Churchville (V), Monroe	1,189,500	30,750	297,375
36, 37	581	Gates-Chili-Ogden S.D., Monroe	1,338,400		208,650
36	500	Irondequoit Bay PWD, Monroe	120,338,040	30,722,962	30,084,510
37	496	Northwest Quadrant, PWD No. 1, Monroe	40,193,000	4,362,800	10,048,250
36	375	Rochester (C), Monroe	79,040,000	18,792,500	19,760,000
37	603	Thruway Authority, Scottsville Service Area, Monroe			
34	459	Env. Facilities Corp., Clifton Springs (V), Ontario	1,069,000		235,180
34	617	Holcomb (V), Ontario	606,000		133,320
36	582	Palmyra (V), Wayne	696,000		173,470
37	537	Arcade (V), Wyoming	1,092,000	90,330	273,000
		CENTRAL SECTION			
31	701	Norfolk (T) S.D. No. 1, St. Lawrence Co	585,000	40,530	117,000
35	551	Homer (V), Cortland	1,680,000	27,300	420,000
31	653	Alexandria Bay (V) (EFC) Jefferson	2,200,000	69,960	550,000
31	513	Dexter (V), Jefferson	196,000	12,300	49,000
31	595	Orleans (T), Thousand Island Park S.D., Jefferson	830,000	47,310	207,500
32	636	Camden (V), Oneida	1,420,000		355,000
32	449	Env Facilities Corp., Vernon (V), Oneida	1,300	44,260	325,000
35	448	Onondaga (Co.), Lakeshore S.D., Onondaga	18,700,000	5,520,130	
31	584	Potsdam (T) S.D. No. 1, St. Lawrence	192,000	13,140	38,400

Cong. Dist.	Project number C-36-	Applicant	Estimated project cost	State prefinancing	Local prefinancing
		EASTERN SECTION			
29	604	Cohoes (C), Albany	$4,741,000	$538,560	$1,185,250
31	630	Plattsburgh (T), Cumberland Corners S.D., Clinton	381,000	17,480	95,250
28	366	Stamford (V) (EFC), Delaware	2,108,000	302,080	421,600
28	614	Env Facilities Corp., Delhi (V), Delaware	1,650,000		270,884
28	612	Coxsackie (V), Greene	1,997,000	105,720	499,250
29	721	Fonda (V), Fultonville (V), Montgomery	2,560,000	116,910	640,000
28	589	St. Johnsville (V), Montgomery	2,180,000		545,000
29	613	Hagaman (V), Montgomery	410,000	28,030	102,500
28	463	Richfield Springs (V), Otsego	648,000	51,540	129,600
30	594	Corinth (V), Saratoga	772,000		154,400
29	645	Schenectady (C), Schenectady	22,000,000	5,362,894	5,500,000
30	686	Lake George (V), Warren	58,000	2,620	14,500
		SOUTHEASTERN SECTION			
3	629	Great Neck S.D., Nassau	6,500,000	440,000	1,625,000
3	609	N Hempstead (T), Belgrave S.D., Nassau	730,500	85,860	182,625
4	559	West Long Beach S.D., Nassau	110,000		21,500
7	403	Rockaway, New York City	56,910,000	16,654,150	14,227,500
8	404	Tallmans Island, New York City	43,863,000	12,798,210	10,965,750
27	600	Env Facilities Corp., Florida (V), Orange	$1,000,000	$74,150	$250,000
27	668	Warwick (V), Orange	972,380	61,704	243,095
27	527	Suffern (V), Rockland	325,000	15,000	81,250
2	669	Huntington (T), Centerport S.D., Suffolk	6,460	150,000	37,500
1, 2	624	Suffolk (Co.), Southwest S.D., Suffolk	280,000,000	74,000,000	56,000,000
27	563	Monticello (V), Sullivan	250,000		50,000
28	497	Kingston (C), Ulster	2,900,000	53,750	725,000
25	671	Westchester (Co.), Tarrytown Ext., Westchester	5,000,000	1,462,020	1,250,000
		WESTERN SECTION			
38	610	Ellicottville (V), Cattaraugus	795,700	28,970	198,925
38	635	Randolph (V), Cattaraugus	793,000		158,600
39	616	Buffalo Sewer Authority, Buffalo (C), Erie	99,775,000	4,605,000	24,943,750
37	622	Batavia (T) S.D. No. 1, Genesee	256,100		
37	627	Corfu (V), Genesee	701,740	65,592	175,435
37	578	Gates-Chili-Ogden S.D., Monroe	26,637,000	7,871,480	6,659,250
34	538	Montour Falls (V), Schuyler	287,925		57,585
30	437	Env Facilities Corp., Schroon (T), Schroon Lake S.D. No. 1 Ext., Essex	1,239,570	45,411	247,914
		Total	2,997,983,282	611,564,201	678,566,789

Mr. WRIGHT. Mr. Chairman, I yield 10 minutes, or such portion of that as the gentleman may consume, to the gentleman from West Virginia (Mr. KEE).

Mr. KEE. Mr. Chairman and members of the Committee of the Whole, I would like to start out by saying that the House Committee on Public Works is known throughout our land as "the builder of America." There is not a single, solitary congressional district in the United States over which the Committee on Public Works does not have direct jurisdiction in one form or another.

Mr. Chairman, I am going to be as brief as I can, but at this point I would like to ask unanimous consent that I may be permitted to file my statement in the RECORD following my remarks.

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

There was no objection.

Mr. KEE. The members of the Committee on Public Works have put in in excess of 4½ months in very diligently conducted hearings. Why did we do that? We did that for the future benefit of Americans, actually of generations yet to come. I cannot too strongly urge the adoption, without one single solitary amendment, to the Water Pollution Control Act amendments, as reported, by the House Committee on Public Works in the bill H.R. 11896.

Mr. Chairman, I have been assigned sections 107, 108, 109, 110, 111, 112, 113, and 114. I have all of these, with the exception of two—these proposals which have been written so diligently are basically existing law where we want to improve and feel that we have an obligation to improve.

I have the page numbers in the House Report 92-911 and I want this to appear in the RECORD for each section and I am hopeful before we come in tomorrow, as I understand it, to the amendment—that Members of the House will make it a point to read this because these are all absolutely and positively definite facts.

Now on section 108 I certainly commend the leadership of the Committee on Public Works and I think it is only proper and fair for me to point out that under section 108(A) which appears on pages 11 and 12 in the House report that we all owe a debt of gratitude to the ranking minority member of our committee, the gentleman from Ohio (Mr. HARSHA), for what he has done. He was right and he convinced us and this is with reference to Lake Erie. He is certainly to be highly commended for his dedication.

As I have said, all of these proposals are a part of the water pollution control bill that we already have.

I am going to take some time with reference to section 113(A).

Basically, this comes under the economic development administration which was initiated and reported out by the House committee and passed the House overwhelmingly, and it is that we add $1 million, which makes it $2 million, to the $1 million. That has been added for our great State of Alaska.

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

Mr. KEE. I am delighted to yield to my colleague.

Mr. WALDIE. Mr. Chairman, I gather the gentleman was congratulating the efforts made in the bill and commending the protection given to Lake Erie.

Mr. KEE. Absolutely.

Mr. WALDIE. May I ask the gentleman what happened to the protections that were given to Lake Tahoe which were in the Senate bill and which no longer seem to be in this bill?

Mr. KEE. I yield to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. I thank the gentleman for yielding. If my colleague from California will yield, I will try to state an explanation.

Mr. WALDIE. Yes, I yield.

Mr. JOHNSON of California. As the committee considered the overall bill, we went into every detail that was included in the national needs for a water pollution bill, and in looking over all the testimony that we received from our State and from those of us who represent California on the committee, it was thought that the final draft of the bill that is before us today covers pretty nearly everything we could think of as far as taking care of the needs of California.

Lake Tahoe lies partly in California and partly in the State of Nevada. Under the construction moneys that are made available in the bill, we feel there is ample money that can be made available under the allotment formula to take care of our needs in cleaning up water pollution at Lake Tahoe. I have worked very hard for the past 24 years in dealing with problems at Lake Tahoe, both in the State Senate and here in the Congress of the United States. We have had the Public Works Committee out with us twice dealing with pollution problems at Lake Tahoe, and in every instance they came through with additional consideration and moneys that helped us to take care of the immediate needs under the existing legislation at that time.

I would say as a Representative from California that I am satisfied that the bill as it is now written and the positions that are in it give us needed funds for construction, planning, and studies. I know of no immediate problems there dealing with water pollution that is not covered by the bill at the present time.

Mr. WALDIE. I thank the gentleman. Just in response, I want to suggest that the amendments to which I have referred were specifically directed at Lake Tahoe as indicative of the belief on the part of the Senate that Lake Tahoe was, in fact, a unique problem that would not be served adequately by the general provisions of the bill. The amendment was supported by both U.S. Senators from Nevada, as well as California, and it was adopted unanimously by the Senate. I

will offer that amendment during the amending process tomorrow. I thank the gentleman.

Mr. KEE. I thank the gentleman for his remarks.

In concluding my remarks, Mr. Chairman, I should like to say that it gives us a feeling of satisfaction when the measure is not a political issue. Members on both sides of the political aisle have worked hard. Our staffing on both sides has endeavored to bring forth the best possible legislation which will—and I will repeat again—make a better America for tomorrow. Thank you very much.

Mr. Chairman, the material I previously referred to follows:

H.R. 11896

SEC. 107 (a) Administrator and Federal interests can enter into agreements to carry out demonstration projects for control of mine water pollution. Engineering, economic feasibility and practicality shall be taken into account.

(b) Administrator, in making selections, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas suitable for public use, (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

(c) Federal participation in such projects shall be subject to the conditions—

(1) that the State or agency shall pay not less than 25% of the actual project costs.

(2) that the State or agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

(d) Authorization of appropriation of $15,000,000, which sum shall be available until expended. No more than 25% of the total funds available in any one year shall be granted to one State.

Sec. 108(a) Administrator can—with other agencies—enter into demonstration projects to clean up the Great Lakes. Engineering, economic feasibility, and practicality shall be considered.

(b) Federal participation is limited by agreement of State or agency to pay at least 25%.

(c) $20,000,000 shall be available until expended.

(d) (1) Lake Erie is set aside for special consideration. A study of needs shall be made which shall be submitted to Congress for approval.

(2) Program to be developed in cooperation with EPA, and others. Alternatives for regional waste management shall be set forth—Program should include measures to control point sources of pollution, area sources of pollution and sources of in place pollutants.

(e) $5,000,000 shall be appropriated for subsection (d) which shall be available until expended.

Sec. 109. Administrator can make grants or contracts with educational institutions to assist in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as

(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works

(B) training and retraining of faculty members

(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works

(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works

(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

Sec. 110(1). A grant or contract authorized by section 109 may be made only upon application to the Administrator at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it

(A) sets forth programs, activities, research, or development for which a grant is authorized under section 109 and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 111;

(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(C) provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

(2) Administrator shall allocate grants or contracts under section 109 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purpose of this section.

(3) (A) Payment under this section may be used in accordance with regulations of the Administrator, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

(B) Departments and agencies of the U.S. are encouraged, to the extent consistent with efficient administration to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

Sec. 111(1) Administrator can award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Administrator may determine but not to exceed four academic years.

(2) Administrator shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable

(A) provide an equitable distribution of such scholarships throughout the United States; and

(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

(3) Administrator shall approve a program of any institution of higher education for the purposes of this section only upon application by the institution and only upon his findings

(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works

(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality

(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 110 of this Act; and

(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Administrator for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

(4) (A) Administrator shall pay to persons awarded scholarships under this section such stipends as he may determine to be consistent with prevailing practices under comparable federally supported programs.

Sec. 111(4) (B) Administrator shall—in addition to subsection (a)—pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Administrator finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Administrator by or pursuant to regulation.

(6) Administrator shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Administrator determines appropriate.

Sec. 112(a) As used in sections 109 through 112 of this Act—

(1) The term "institution of higher education" means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 which is accredited by a nationally recognized accrediting agency or association approved by the Administrator for this purpose. For purposes of this subsection, the Administrator shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(2) The term "academic year" means an academic year or its equivalent, as determined by the Administrator.

(b) Administrator shall annually report his activities under sections 109 through 112

of this Act, including recommendations for needed revisions in the provisions thereof.

(c) There are authorized to be appropriated $25,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, to carry out sections 109 through 112 of this Act.

Sec. 113(a) Administrator can agree to Alaskan demonstration projects for safe water and elimination and control of pollution for central communities—Projects must include water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, etc.—Also programs to encourage use and health and hygiene programs are also to be set up.

(b) Administrator should be cooperate with HEW personnel.

(c) Results shall be reported by January 31, 1974, along with recommendations.

(d) Appropriation Max.: $2,000,000.

Sec. 114. In the case of any economic growth center designated under section 143 of title 23, United States Code, the Administrator is authorized to make a supplemental grant to such center in any case where such center receives a grant for construction of treatment works under this Act. Such supplemental grant shall be for such percentage of the costs of such works as the Administrator determines. There is authorized to be appropriated to carry out this section not to exceed $5,000,000.

Mr. HARSHA. Mr. Chairman, I yield to the distinguished gentleman from Arkansas (Mr. HAMMERSCHMIDT), a member of the committee.

Mr. HAMMERSCHMIDT. Mr. Chairman, the bill we have before us today, H.R. 11896, is one of the most far-reaching and most complex, as well as most costly, ever considered in Congress. Certainly, it is the most extensive environmental legislation ever undertaken.

It is far-reaching because it can affect every citizen in this land—his pocketbook, standard of living, his job, his very way of life.

It is complex because it involves the entire gamut of organized social life, from huge metropolitan areas to the small hamlets and towns of the countryside, and to the individual farms and isolated homes all around the Nation.

Moreover, it seeks a legislative remedy to a multifaceted problem—environmental improvements of new technical dimensions, posing extreme economic demands. The costs are enormous.

Federal Government expenditures foreseen under this measure are approximately $25½ billion during the first 4 years of operation. This does not include many billions to be invested by industry and others in the private sector. However, I have no doubt in my mind that the Nation and the people are ready to pay the price to clean up the air and water, to overcome the accumulated results of too little action over the past years.

I come from a State that is relatively unspoiled, and yet a State on the edge of great industrial expansion. We recognize what problems can arise from industrialization. We have a fine conscientious pollution control commission which is very painstaking in its administration of environmental law.

Very few towns and cities in Arkansas are free from water supply and/or sewer problems. Most sorely need help. This legislation would help them overcome these deficiencies and it could prove among the most important laws enacted in the history of our Nation.

I know that my colleagues are aware of what is in the bill, but may I take the liberty of providing this additional reference background material:

WATER POLLUTION CONTROL LEGISLATION

I. LEGISLATIVE BACKGROUND

The first major piece of water pollution control legislation, other than the Refuse Act of 1899 which was fully activated only recently, was approved by Congress in 1948. It provided for low interest federal loans for the construction of municipal treatment facilities, Federal support for pollution research, assistance to the states to undertake abatement studies and plans, and authorized the Justice Department to bring suits against polluters provided state permission was granted.

In 1956, the program was significantly expanded to include $500 million in *grants* for the construction of treatment facilities over a 10 year period, increased Federal support for research, and provided $3 million per year in grants to assist states in planning comprehensive water pollution control programs. These construction grant authorizations were increased to about $100 million per year in 1961, and the ceiling on individual project grants was raised from $250,000 to $600,000. In addition, the amendment of that year allowed the Justice Department to bring suit without state permission, expanded coverage of the Act to navigable *intra-state* and coastal waters, and authorized seven regional laboratories for research and demonstration of improved sewage control methods.

The Water Quality Act of 1965 added major amendment to the law providing for Federal water quality standards, based on the multiple beneficial use concept, to be developed within a two year period by each state for its interstate waters. The states were also required to develop implementation plans and enforcement standards, and if they failed to develop such plans and standards by 1967, the Federal government was authorized to do so.

During the following year, Congress greatly enlarged the sewage treatment grant program, authorizing $3.5 billion for FY 1967–71, and increasing the Federal share of projects costs from 30% to 55% if the state agreed to cover 25%. However, actual appropriations have averaged only about 50% of the authorized amounts during this period. Finally, the Water Quality Act of 1970 added further provisions to the law regarding oil pollution from vessels and on-shore and off-shore facilities, federal permits and licenses, and the discharge of hazardous substances into the nation's waters.

II. SUMMARY OF MAJOR PROVISIONS

Goals and Policy—establishes a 1985 goal of no discharge of pollutants into the Nation's waters, and an interim goal for 1981 to achieve water quality suitable for recreation purposes and the propagation of marine life in all waters. In addition, the bill provides for a sharp increase in Federal grants for the construction of municipal waste treatment facilities in the amount of $18 billion over the next three fiscal years, and aims to preserve the primary right and responsibility of states to prevent and abate pollution by assigning them a large role in the national discharge permit system established by the Act.

Research, Training and Related Programs—grants EPA broad authority to participate in and encourage research relating to the causes and prevention pollution, training programs designed to provide the increased manpower and expertise that will be required to achieve the goals of the Act, and demonstration projects aimed at developing new pollution control technologies, municipal waste treatment techniques, and improved waste management methods. $135 million for FY 1974 is authorized for these programs.

Grant Assistance For Construction of Public Waste Treatment Facilities—provides an appropriations authorization of $5 billion for FY 1973, $6 billion for FY 1974, and $7 billion for FY 1975 for construction of municipal waste treatment works. The bill raises the Federal share of project costs from the current maximum level of 55% to 75% if the state assumes an additional 15% of the non-Federal costs, and permits the EPA to make these funds available by means of contractual obligation rather than on the basis of annual grant appropriations. It also provides for retroactive payments to projects eligible for Federal assistance of up to 30% of the total cost for the period 1956 through 1966, up to 55% for the period after 1966, changes the allotment formula from a population to needs basis, and requires that applicants establish users charges, including fees to cover capital costs attributable to industrial users.

Effluent Limits and Permit Program—establishes a national discharge permit system requiring all point sources emitting effluents into navigable waters to obtain permits specifying allowable discharge levels. The bill provides that by 1976 these discharge limits shall be based on the "best practical control technology" for private industry, and "secondary treatment", as defined by EPA regulation, for publicly owned plants. By 1981 industry must achieve zero discharge of pollutants unless compliance is not attainable at reasonable costs, in which case limits are to be based on the "best available demonstrated technology". For publicly owned facilities, the 1981 standard is the "best practical waste treatment technology". In addition, after appropriate regulations have been published pursuant to this Act by the EPA, all newly constructed or modified private plants must meet national discharge standards based on the "best available demonstrated control technology, process and methods", and this requirement applies to product processes as well as end-of-the-pipe emissions.

Evaluation of Zero Discharge Goal—the bill conditions the effectiveness of the 1981 and 1985 water quality goals on a study by the National Academy of Sciences and environmental effects of these goals, and upon subsequent affirmative legislative action by Congress.

State Role—permits the EPA to delegate administration of the permit program to states which submit acceptable plans and demonstrate a capacity to administer the program effectively, but this delegation is subject to termination if EPA determines, after public hearings, that the state program is not being run in accordance with its regulations. Also, the bill specifies that states may establish more stringent emission standards than those required by Federal law, and provides that interstate water quality standards established by a state, either pursuant to Federal law or to its own laws, determined by EPA not to be inconsistent with the Federal Water Pollution Control Act prior to the 1972 amendments shall remain in effect.

Enforcement—provides that any person who violates any provision of the Act would be subject to a maximum civil penalty of $10,000 per day. In the case of willful or negligent violations, the offender would be subject to a criminal penalty of $2500–$25,000 per day and/or one year imprisonment.

Other Provisions—authorizes citizens to bring a civil action against any violator of the Act, including government agencies, if they reside in the geographic area of the violation and if they have an interest which is, or may be, directly affected. The bill also provides that a state certification that appropriate water quality standards and limitations will not be violated, will be deemed

sufficient to meet the impact statement requirements of the National Environmental Policy Act regarding the issuance of Federal permits. Finally, the bill establishes an Environmental Financing Agency to purchase municipal bonds issued to finance the local share of waste treatment plant construction projects, and authorizes $800 million for assistance to small businesses to help them meet the pollution abatement requirements of the Act.

III. COMMITTEE ACTION

Our Committee on Public Works held oversight hearings on existing Federal water pollution control legislation over a period of six weeks beginning in May. During the period July through November it held a second series of hearings on over 200 separate bills introduced to amend the Federal Water Pollution Control Act.

Major findings of these hearings incorporated into H.R. 11896 include the following: 1) The Federal Water Pollution Control Act and the permit program initiated by the Administration in December of 1970 under the Refuse Act need to be consolidated in order to reduce overlap and coordination problems and prevent the total usurpation of water quality standards enforcement by the Federal government implicit in the Refuse Act permit program; 2) conditions accompanying Federal sewage treatment construction grants need to be tightened up to prevent wasteful expenditures due to excessive clear water infiltration and inadequate collection system, and to insure that applicants examine a much broader range of treatment alternatives; 3) contract authority rather than annual appropriations are necessary if states and localities are to plan and carry out construction projects in an orderly and efficient manner; 4) fair and equitable use charges should be a condition of grants for public treatment facilities, and specifically that industrial users should not be subsidized by the taxpayers at large; 5) there is no necessary correlation between financial assistance needed for waste treatment and the population of a state, so the allotment formula should be changed from the current population basis to a needs basis; 6) area-wide and regional waste treatment planning processes and requirements need to be strengthened in order to overcome current fragmentation of abatement efforts; 7) enforcement procedures must be stream-lined in order to prevent the excessive delays and complications of the enforcement conference and 180 day notices in the Water Quality Act of 1965; and 8) a substantial increase for funding for the construction of municipal treatment works will be required if water quality standards are to be attained.

Our committee authorized the following appropriations for construction, research, planning and other purposes for FY 72–75:

	Billions
Fiscal year 1972	$356
Fiscal year 1973	9,872
Fiscal year 1974	7,045
Fiscal year 1975	7,350
Total	24,623

Mr. Chairman, it is my hope as a cosponsor of the bill that this measure will be enacted into law for it represents a realistic legislative vehicle and a balanced approach toward reaching the 1985 national goal of clean waters in the United States, free from the discharge of pollutants by that time, enriching the quality of living for all.

Mr. HARSHA. Mr. Chairman, I yield to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Chairman, all of us in this body, I believe, are unequivocally for the preservation of the environment, to clean it up and leave to our posterity as much of the natural beauty and wonder of this great land as is posssible.

Unfortunately, during the past century, in making this the most productive Nation on earth, in building a great industrial empire, in extracting riches from the earth and cutting forests to build homes and factories, in giving our people the highest standard of living yet achieved on earth; in doing these things we have despoiled our land and our water and our air.

There has been a great deal of breast beating about all this, and I, for one, am pleased that the conscience and energy of our people has been awakened to the potential dangers that face succeeding generations.

I am proud to be numbered among the conservationists. I, too, would like to see the land and the water and the air restored to its primeval state, or at least to what it was a century ago. But rational men and women know that part of the price we paid for where we are today economically was that very despoiling of the natural elements in which we live.

Therefore, I welcome this opportunity to vote upon the Water Pollution Control Act Amendments of 1972. I suppose, like so many of my colleagues, if I had my own way and thought I could secure its enactment, there would be changes and modifications and additions that I would place in the measure.

But the facts are that the bill brought before us by the committee is, like most legislation that comes to us, a compromise. To undertake what some of the more emotional desire is not only costly beyond the wildest dreams of even this rich Nation, but is simply impractical, given the circumstances as they now exist.

I am satisfied that if the committee bill becomes law, we will have taken a giant step toward purifying our lakes and rivers. Moreover, we will have set a course and pattern that our successors in Congress will have little choice but to follow to the final fruition of the objective—an end to overt industrial pollution and a cessation of municipal pollution. Moreover, substantial dimunition of all other types of water pollution will also take place.

I am pleased that the committee bill gives direction and purpose to this important program—a federally authorized direction and direct administration by the States. The stated 1976 cleanup goals will be met. I congratulate the Committee on Public Works for a job well done, and I shall vote for its handiwork.

Mr. HARSHA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. McDONALD)

Mr. McDONALD of Michigan. Mr. Chairman, studying the problems of water pollution and finding solutions to those problems is a long and arduous task. The Public Works Committee has done a most commendable job on the Water Control Act, and I am proud as a member of this committee to have taken part in the deliberations which went into this bill.

I would, however, like to draw your attention to title II, sec. 204(b)(1)(B) of the committee's Water Control Act which requires industrial users of treatment works to pay, in addition to user charges, a portion of the investment capital cost. While I am a firm believer in the concept of user charges for the purpose of maintenance and operation, I feel it is a grave inequity for the bill to single out industry as the one user also responsible for capital costs.

Now the general intent of this legislation is to foster joint and regional approaches to water pollution control projects, and to provide Federal tax dollars to help achieve this objective. Unless we amend this bill so as to delete that punitive charge to industry, we may fail in our overall objective.

Consider this ramification of the bill as it is written: Industry may find that the capital outlay costs of joining a municipal project are higher than the cost of operating its own plant, and therefore, decide not to participate with private taxpayers in financing a project. This means a higher construction cost to the taxpayer, in addition to higher user charges due to the fact that industry is operating its own water treatment project.

What we have then, in effect, is a piecemeal approach to water pollution problems. Municipalities will pay more for their clean water; industry will pass its capital investment in clean water projects onto the taxpayer. I do not think I oversimplify when I say that the increased cost of a fragmented water pollution control plan is going to end up coming out of the taxpayer's pocket.

I think we must do all we can to encourage, not discourage, a unified approach to water pollution programs. On Tuesday, I will be offering an amendment which will delete title II, section 204(b)(1)(B). I am hopeful that each Member of the House will be on the floor to consider the merits of my amendment at that time.

Its effects are significant in that it would prevent double taxation, would foster a unified attack on the problem of water pollution, and would keep user taxes down. Industry can be a valuable ally in our quest for a cleaner environment, and I feel this amendment will do much toward obtaining that objective.

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

Mr. McDONALD of Michigan. I yield to the gentleman from Michigan (Mr. VANDER JAGT).

Mr. VANDER JAGT. Mr. Chairman, if this amendment is not adopted, what effect would it have on our desire to establish regional systems in coping with our waste?

Mr. McDONALD of Michigan. If this amendment is not adopted, I think industry will take a go-it-alone approach which means they will not be joining in our regional concepts. As we know, if there is more volume going through the plant and a greater size of plant, as a whole it makes the cost to the individual less. We will find without the coopera-

tion of industry and participation by industry that the end cost to the user will be much higher.

Mr. VANDER JAGT. Will industry pay the full user charge that everybody else pays, in addition to their participation in the portion of the investment capital cost?

Mr. McDONALD of Michigan. Yes. The user charge will be assessed every user, and that includes industry.

What we are talking about in my amendment is an additional user charge really, because industry will be compelled to pay their proportionate share of the capital investment. I think the estimates are that it will be somewhat in excess of $7 billion in the next 4 years.

Mr. VANGER JAGT. I thank the gentleman. I believe his amendment is a good one. I intend to support it.

Mr. McDONALD of Michigan. I thank the gentleman.

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

Mr. McDONALD of Michigan. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, I want to call to the attention of my colleagues the fact that this is an example of what I was talking about earlier. The gentleman is going to offer an amendment to strike out the user charge in the bill. Another amendment will be offered to charge an effluent tax in the bill. This is what the committee was contending with, one extreme on one side and another extreme on the other side. We tried to come up with a balanced approach, somewhere in the middle.

Mr. McDONALD of Michigan. I would say to the gentleman the amendment I offer is not an extreme amendment at all. It is but a very reasonable amendment, and I urge the committee tomorrow to adopt it.

Mr. WRIGHT. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, it is with great pleasure that I rise to associate myself with my colleagues on the Public Works Committee in support of the Water Pollution Control Act Amendments of 1972, which I firmly believe will achieve the basic goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters.

Under the leadership of Chairman JOHN BLATNIK, the distinguished gentleman from Minnesota who long has been known as the Nation's outstanding exponent of cleaning up our rivers, lakes, and other waterways, we have presented a fine bill. Chairman BLATNIK has done an outstanding job.

While every member of the committee and the staff worked long and hard to shape this legislation special commendations also should go to two other dedicated leaders who contributed so much in drafting a tough, decisive piece of legislation, our colleague, BOB JONES, the gentleman from Alabama who heads up the Subcommittee on Flood Control and Internal Development, and the gentleman from Ohio, BILL HARSHA, the ranking minority member of the Committee on Public Works.

As a member of the committee who also burned the midnight oil in hearings and drafting sessions to prepare this, one of the most important environmental conservation bills to be considered by this Congress, I could well be prejudiced in support of it and in urging its approval as reported from the Public Works Committee, without amendment.

But this view is shared by many, including the Governor of our Golden State who is responsible for a major effort to clean up our California rivers and streams, lakes and waterways. I quote from a message received from him in which he declares H.R. 11896 "is significantly superior to the Senate bill S. 2770 because it would allow California to continue an effective water pollution control program."

Mr. Chairman, this is a good bill.

The Committee on Public Works in this bill has rewritten our water pollution control law from beginning to end in order to provide new and effective machinery with which to cope with the critical conditions that exist in our waterways today.

We hear much about dates. The Federal Water Pollution Control Act Amendments of 1972 as now submitted to you declares it to be the national goal to eliminate completely the discharge of pollutants into waters of the United States by 1985 and to achieve water quality which provides for the protection and propagation of fish and wildlife and for recreation use, including swimming, of all the Nation's waters by 1981.

That is a goal of clean water within a decade, a goal which we all must recognize will necessitate major expenditures by government at all levels, local, State, and Federal and by private industry.

The legislation recognizes this and authorizes the expenditure of $18 billion during the next 3 fiscal years in grants to State and local government agencies for the construction of waste treatment plants and sewer collection systems.

Two points should be emphasized right here:

First. The committee bill proposed a Federal-State partnership program which will mean funding of 90 percent of the total construction costs by these two levels of government with local government, which today is placing a prohibitive burden on its local property tax base that many much-needed pollution abatement programs are held in abeyance because of lack of local funds. It should be pointed out that S. 2770 proposed only 80 percent State-Federal participation. It is my experience that this difference of 10 percent is sufficient in many instances to make desperately needed projects unattainable by local government.

Second. For the first time in the history of our efforts to fight water pollution, grants will be made available for sewer collection systems that are an integral part of the treatment process in existing communities. Here again we have had many projects "go down the drain" so to speak, because the Federal Government would participate in a treatment plant project, but the local community could not afford the collection system required to get the effluent to the plant.

This authority for collection system grants, Mr. Chairman, also includes assistance to a community in financing major rehabilitation of its system. Very often, such rehabilitation can be accomplished at a fraction of the cost of building a treatment plant or enlarging an existing plant.

Furthermore, authority is provided to finance sewer evaluation studies, and this bill requires that no Federal grants shall be made after June 30, 1973, until the Administrator of the Environmental Protection Agency is satisfied that the applicant's sewer collection system is satisfactory and that there is no excessive infiltration.

Without such studies, and without the communities themselves taking steps to assure the effectiveness of their collection systems, an enormous waste of public funds could occur in the construction of unnecessarily large waste treatment plant capacity.

In addition to the grant authority, this legislation provides the financial aids that our cities and States need to construct waste treatment plants, to develop new technologies, to establish sound management and planning in the use and control of our water resources.

The committee bill establishes a close Federal-State partnership in the administration and enforcement of regulations governing industrial discharges into our waters. It provides for a thoroughgoing study into the economic, social, environmental, and technological effects that will result if we do, or do not achieve our ultimate goal of clean, swimmable water by 1981. That information is essential to any rational program of environmental control, because we cannot blindly commit the resources of the American people to a venture unknown.

I urge my colleagues in the House of Representatives to support the legislation without amendment. I am confident that anyone concerned with the preservation of our environment, the conservation of our natural resources, and the restoration of the purity of one of our most important resources, the water we need for homes and farms, our businesses and industries, and for our fish and wildlife and recreation purposes can support this legislation, without amendment, and know in their hearts that they have participated in a major effort for not only the preservation of our environment but has also taken a major step toward the restoration of our water resources to the purity which our forefathers enjoyed. I would like to highlight title II at this point.

The purpose of title II is to establish the requirements and to provide the financial assistance needed for the expeditious development of the Nation's waste treatment plans and practices.

To accomplish the committee's purpose, major changes are proposed in the existing Water Pollution Control Act which I shall highlight.

The bill requires that the applicants for waste treatment grants consider all

potential impacts relating to water, land, and air in determining the best practicable water treatment technology to be used.

There might be no net gain to the Nation in our efforts to solve our pollution problems if we were to adopt a technology for improving water quality without assessing its possible adverse effect on our land and air resources.

The Federal shares for a waste treatment project will increase from the existing maximum of 55 percent of the project cost to 75 percent.

However, localities will receive this amount only if the State agrees to provide 15 percent of the cost; otherwise the Federal share would be 60 percent which compares with 30 percent under existing law.

The increased Federal share applies to all grants made from funds authorized after June 30, 1971.

The increased Federal participation will ease the financial pressure on the State and local governments but still maintain the joint financial responsibility which is basic to preserving the underlying philosophy of the Federal Water Pollution Control Act.

The State may pay its share by any means including loans.

The Administrator is authorized at the time he approves the plans, specifications, and estimates for a proposed project to enter into a firm contractual obligation on behalf of the United States for the payment of the Federal share.

He is also authorized to make progress payments as construction proceeds on the project.

These changes in the existing law will remove an element of uncertainty associated in the past with annual appropriations, and also relieve the pressure on the State and municipalities as to time when their funds must be available.

Before making a construction grant the Administrator must assure himself that a proposed project conforms to any applicable areawide basin plan, or State plan, is in accordance with the construction priorities established by the State water pollution control agency, and meets other conditions specified in the bill.

Another major change in existing law is a requirement for the establishment of user charges.

After June 30, 1973, no grant for a publicly owned treatment works may be approved by the Administrator unless the applicant has adopted, or will adopt, a system of user charges to assure that each recipient will pay its proportionate share of the cost of operation, maintenance, replacement, and expansion.

In the case of such user charges, industrial users of publicly owned systems will be required to pay an amount sufficient to pay their fair portion of all costs including the repayment of that part of a Federal construction grant to the community which is attributable to their anticipated use of the facilities.

Since one of the objectives of this bill is the development of self-sufficiency among local systems, the committee has recommended that the revenues received from industrial users be retained by the local system.

These revenues could then be used by the community for the maintenance, operation, and development of the system.

The committee believes that it is inappropriate to subsidize industrial users from funds provided by the taxpayers at large.

Experience under existing legislation has clearly demonstrated that there is no necessary correlation between population and the waste treatment needs of a community.

For that reason, H.R. 11896 provides that beginning in 1973 the annual allotments, as well as reallotments, will be distributed among the States on the basis of their respective proportions of the Nation's total actual waste treatment needs as determined by studies made by the Environmental Protection Agency.

In 1972 and 1974 the needs study made in 1970 will be used.

For 1975 and future years, the bill requires the submission to the Congress of biennially revised needs studies.

Since funds will be allotted in January preceding the fiscal year for which they are authorized the States will have 2½ years to obligate its allotment.

The proposed changes with respect to contract authority, allotments, reallotments, and obligations incorporates into the Water Pollution Act the procedures so successfully used in the Federal aid highway program.

The bill also provides authority and establishes the conditions for reimbursing States, municipalities, and intermunicipal agencies or interstate agencies for any federally owned treatment works constructed by them between 1956 and 1971 for which a full Federal contribution was not received.

A $2 billion appropriation authorization is provided for grants made during the period of 1966 through 1971 and $750 million for grants made between June 30, 1956, and June 30, 1966.

The committee believes that as a matter of equity the Federal Government should provide such reimbursements to States and localities which committed their own funds to prefinance a portion of the Federal share of the eligible cost of constructing waste treatment facilities.

Another significant provision included in the bill is to authorize agencies to procede with the construction of projects during a fiscal year after a State allotment for that year has been obligated.

Such prefinancing would be limited, however, to those fiscal years for which grant authorizations had already been approved by the Congress and could not exceed a State's expected allotment from such authorizations as determined by the Administrator.

Provision is made to continue grants for the construction of publicly owned waste treatment programs through June 30, 1975.

An authorization of $5 billion is provided for 1973, $6 billion for 1974, and $7 billion for 1975, making a total of $18 billion.

In addition, a $350 million authorization is provided for 1972 increasing the authorization to $2 billion for that year which, except for the Federal share, will be administered on the basis of the same requirements and conditions that prevailed prior to the enactment of the bill.

The increase in the percentage of Federal participation is effective for any grant made from funds authorized after June 30, 1972, except for funds used for reimbursements.

This bill also includes a provision emphasizing the importance which the committee attaches to strengthening the planning process.

Specific provision is made for the Administrator to issue guidelines for the purpose of assisting the Governors in designating urban, industrial, or other areas confronted with serious water quality programs.

Such areas would be designated by the Governor after consulting with the officials of local governments, and a single planning agency would be appointed for the area to draw up effective waste treatment plans.

The Federal Government would pay 100 percent of the cost of developing the plans for 1973 and 1974 and 75 percent of the cost thereafter.

The bill includes an appropriation authorization to the Environmental Protection Agency of $100 million for 1973 and $150 million for 1974 solely for the use of the local planning agencies.

In addition, an authorization of $50 million for each of the fiscal years 1973 and 1974 is provided to the Secretary of the Army to be used on the request of the Governor or the designated planning agencies, for assistance by the Corps of Engineers in developing and operating continuing management planning processes.

The committee expects that plans will, wherever possible, be developed by existing regional organizations to minimize the creation of new agencies and will be revised annually.

At the time a plan is approved, the Governor will designate one or more waste treatment management agencies to receive and spend Federal grants for the construction of publicly owned waste treatment facilities.

The plans developed are to be utilized by the States and by the Environmental Protection Agency in managing their water pollution control programs.

If these plans are used effectively we can bring some order to our fragmented approach to planning thereby giving greater assurance to the Congress that construction funds are used to meet our most urgent water pollution problems.

The consideration of water quality must be an integral part in the planning and development of our river basin plans.

Quality as well as quantity must be considered.

This bill includes an authorization of $200 million to be spent under the supervision of the Water Resources Council for the development by 1980 of comprehensive river basin plans for all areas of the Nation.

The committee believes that notwithstanding the importance of such studies to the development of our Nation's water resources practically no comprehensive river basin plans have been completed

since the establishment of the Water Resources Council in 1965 due to inadequate funding and the unwillingness of anyone to assume the responsibility for their timely initiation and completion.

Finally, authority has also been provided for the Administrator to make grants for sewage collection systems in communities existing on the date of enactment of this bill when necessary to the effective and economical operation of a waste treatment system.

Such systems are now included in the definition of treatment works.

The committee discovered that one of the reasons for the delay in initiating construction of some waste treatment facilities is the inability of public agencies to arrange for the financing of collection systems.

Until the Environmental Protection Agency is satisfied that an effective collection system will be available when a waste treatment plant is completed, no grant can be finalized.

The committee believes that by giving the Environmental Protection Agency full responsibility for making a decision involving a community, requiring both financial assistance for the construction of a waste treatment plant and a collection system, the national water pollution control program will be expedited.

The authority for collection system grants also includes assistance to a community in the financing of major rehabilitation of its system which can often be accomplished at a fraction of the cost of building a treatment plant or adding to its capacity.

Authority is also provided to finance sewer evaluation studies and the bill requires that after June 30, 1973, no grant shall be made unless the Administrator is satisfied that the sewer collection system is satisfactory and there is no excessive infiltration.

Without such studies and the community, then taking corrective steps to assure an effective collection system, an enormous waste of public funds—both Federal and non-Federal—may occur by constructing unneeded waste treatment plant capacity.

We must achieve the goal of clean water by 1981. The time is short. H.R. 11896, I am confident, is the best way to achieve this necessary goal.

Mr. HARSHA. Mr. Chairman, I yield such time as he may use to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I rise in support of this legislation.

I intend carefully to study the various amendments, and maybe I will feel the bill can be improved, but in general I think it is a good bill.

Mr. HARSHA. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, when a bill as bold in concept and complex in design as H.R. 11896 is proposed, there are bound to be many questions and a great amount of confusion regarding its overall effect. Truly, H.R. 11896 is one of the most monumental pieces of environmental legislation ever to be considered by the Congress, changing our national water pollution control policy from one of water quality standards to effluent limitations. No one can accurately predict what kind of economic and environmental impact it will have in the next decade. Deterioration of our natural environment is one of our most pressing domestic problems. But years of neglect cannot be righted overnight. What took man centuries to undo will take time and a tremendous expenditure of resources and new technologies to put back together.

By the vote that was recorded on the Senate version of the water pollution bill, one could be easily led to believe that there was unanimous agreement with the no-discharge approach. However, having been written behind closed doors in the Senate without public hearings and available in print only 1 day before the vote, the bill had to be accepted almost at face value—kind of a take-it-or-leave-it proposition. The momentum behind this bill since Senate passage has been tremendous, but much to the credit of the House Public Works Committee and its very able chairman, our distinguished colleague from Minnesota (Mr. BLATNIK) 4 days of intensive public hearings were conducted in December on the bill. This forum brought forth some very challenging issues and turned over valuable data that enabled the committee to make a better judgment with respect to the Senate bill and exactly what changes this body should make.

Mr. Chairman, I support the objectives of H.R. 11896 and believe it an improvement over S. 2770 and the present Federal Water Pollution Control Act, but I wish to emphasize it is crucial that the American public know what we are embarking upon and some idea of its possible ramifications. There are two initial points I want to cover which are important to the debate today. First, the recent Government-sponsored study "The Economic Impact of Pollution Control" has been construed by many to mean that the requirements contained in this bill are economically feasible and will not have the effects some have predicted and thereby negating the need for section 315, the National Academies study. Let the record show that the considerations contained in this report with respect to water pollution abatement costs are something altogether different than what we have before us in this bill. The report states:

> The water cost data were estimated under the assumption that the relevant standard is the best practicable treatment—roughly the industrial equivalent of secondary treatment. If the pending water quality bill sets more stringent standards to be met at any time in the next decade, investment and engineering decisions would undoubtedly be affected and higher costs would result.

Mr. Chairman, H.R. 11896 goes considerably beyond the 1976 "best practicable treatment" requirement by providing that all point sources have at least the best available demonstrated technology by 1981 and that our goal by 1985 is zero discharge of pollutants, and I support that goal. This important, although limited, report does give us a good idea of the impact of the 1976 goal but it makes no pretext as to forecasting any dislocations or closures which may be attributable to the 1981 goal and it therefore should not be used to disregard the genuine questions which have arisen over the economic impact of this bill after 1976.

One question I raised throughout our December hearings and the issue with which I am most concerned in this bill involves the total environmental impact of the "zero discharge" concept. Higher degrees of treatment will require additional energy expenditures at a time when we are in a very serious fossil-fuel shortage. Removal of all pollutants will intensify demands for tremendous amounts of deep-mined and strip-mined coal and offshore and arctic oil. By purifying our waters to the extent called for in the bill are we running the risk of causing an accelerated uprooting of our landscape? Will the benefits of clean water be negated by dirtier air? Are we going to solve one environmental problem only to have created or compounded another? In discussing the total environmental impact of the bill's goals, Mr. Ruckelshaus told the committee:

> What does this do to energy; what effect does it have on the environment; what does it do to the ground water supply; land use; air pollution. All of these things ought to be considered before we set such a goal.

Coal that is burned to operate the pollutant removal facilities will produce large amounts of fly ash, sulfur dioxide, nitrogen oxides, and B.t.u.'s of waste heat to be disposed of through the air. If land disposal is used serious problems exist, especially with heavy metals and chemicals, in terms of land availability and costs, transportation, land treatment techniques, and soil and underground water contamination.

One very enlightening example of this transferral problem was posed to the committee. To achieve the zero discharge level, one chemical plant has estimated it would annually take 9,000 tons of chemicals, 1,500 kilowatts continuous over a year of electric power, and a quantity of steam that would require 19,000 tons of coal to generate; 15,000 tons of natural resources would be required to produce the 9,000 tons of chemicals and 6,000 tons of coal would be required to produce the 1,500 kilowatts of electric power continuous over a year. The 1,500 continuous kilowatts of electric power would produce 300 tons of fly ash, 350 tons of sulfur oxides, 60 tons of nitrogen oxides, and billions of B.t.u.'s per year waste heat.

Each year 9,000 tons of chemical sludge would be generated creating a separate solid waste disposal problem. The plant would generate in producing the steam 1,200 tons of fly ash, 1,000 tons of sulfur and 200 tons of nitrogen oxides. Suppliers of the 9,000 tons of chemicals would generate 6,400 tons of chemical wastes, including 1,700 tons of chloride wastes and 800 tons of iron sludge. For this one plant, 40,000 tons of natural resources would be consumed to remove 4,000 tons of pollutants from the water and 20,000 tons of additional wastes—solid wastes and air pollution—would be produced to achieve a zero discharge. In other words, five times more pollutants would be produced than would be removed from the plant.

Another major manufacturing concern has calculated that at one of its facilities it is technologically feasible to reduce copper residual to 0.04 p.p.m. and zinc to 0.05 p.p.m. However, such a reduction is theoretically obtainable only at pH values greater than pH 9. This would create a high demand for lime, 60 percent of which would persist as sludge, with the excess lime required beyond pH 8 passing into receiving waters as dissolved solids. Thus, as a result of installing the best available technology two new pollution problems which had not existed before would be created having an adverse overall net environmental effect.

In still another example offered the committee, increased energy requirements for the paper industry to achieve a zero discharge level have been placed at 15 to 40 kilowatt-hours per 1,000 gallons treated in a typical primary and secondary treatment facility. This increase in power consumption approximates the total power requirements of the present pulp and papermaking process. If we have to double our energy consumption to achieve this level, where are we going to get the additional fuels and what additional environmental problems is this consumption going to create?

Dr. Edward E. David, science adviser to the President, has stated that:

If in fact we stop all our wastes from going into the water, then the cost in both money and energy as well as in land and air pollution will be considerable . . . our water quality goals should not be set arbitrarily but so that we always make a net gain in environmental quality.

Mr. Chairman, there are simply too many unknowns and not enough information on the environmental, social, and economic impact of the zero discharge goal to warrant setting the 1981 and 1985 dates in concrete at this time. Until we have a more definitive appraisal of the impact of the bill's 1981 goals and a better understanding of its implementation, we cannot make an intelligent and rational decision. That is why section 315, providing for an NAS-NAE[1] study, is essential and crucial. I support this provision and urge its retention.

Mr. Chairman, yesterday's Washington Star contained an editorial describing the necessity for this body to take into account the many unknowns associated with this legislation and then act responsibly and rationally. Of the Senate bill's stringent goals the article states:

"Strong" laws have been passed before that produced results far from the original goals. . . . It is a commendable thought, but only to the degree that the mechanics and the cost of reaching the goal are spelled out, and understandable, and feasible.

Mr. Chairman, I include the full text of the editorial in the RECORD at this point:

THE MURKY BUSINESS OF CLEANING THE WATERS

To get a good argument going among those who care about the world around us, try the following question: Which of the two major pollutions, air or water, is the more insidious and resistant to effective control?

Our own choice is water pollution. Polluted air, it is true, is impossible to contain and thus, for most people, impossible to escape. But the reverse of that proposition is that water, because it is more contained, can get incredibly dirty. No given amount of air is contaminated to the same degree as many of our major rivers and lakes.

Beyond that, the sources of water pollution are so numerous and disparate as to defy coordinated attack. Sewage from thousands of communities—treated, partially treated, untreated—is just one source. Industry pollutes the water in endless ways. And even if an industrial plant protects its own adjacent waterways, it may turn out a product such as detergent soap that winds up in rivers and streams thousands of miles away. Then there is thermal pollution, and mine acid drainage, and agricultural run-off, and off-shore dumping, and oil spills in coastal waters. Considered all together, it stuns the mind.

So does the cost of coping with it. As two examples: To halt mine acid drainage, which is limited to a few Appalachian states, might cost $7 billion; to separate sewer lines from storm drains in the cities where they are combined might cost $25 billion, or $50 billion. No one knows for sure. And no one can tell the cost of total water pollution control, except to say that it would dwarf all other environmental programs combined.

We bring all this up as a way of pointing up the immense significance of the debate scheduled to begin tomorrow in the House. Coming up is H.R. 11896, the House Water Pollution Control Bill. It is bewilderingly complex. With its four-year price tag of $24.6 billion, it could become the most expensive piece of environmental legislation ever passed. But even though the President's budgetmakers are dismayed at these dollar figures, much more is at stake.

As it now stands, the House bill must be seen as counterposed to an extremely ambitious and highly controversial water-pollution bill the Senate passed in November. The major differences between the two bills run far beyond questions of detail and degree to a conflict over whether this nation should change, and how far it should change, its basic approach to fighting water pollution through this decade and well into the next. This is not just any old water pollution fight. It is truly a fight over crossroads decisions. Enormous consequences will flow from what the House decides to do about the bill that has come from its Public Works Committee, and about a series of "clean water" amendments, backed by 25 environment, civic and labor groups, that would bring the bill in line with the Senate version.

Very briefly, the Senate bill would sweep away the current practice of setting, and trying to enforce, water quality standards for various waterways. With the Environmental Protection Agency, not the states, running the show, the new approach would be strictly regulatory. Through the creation of any number of national affluent limitations and a system of discharge permits, it would be directed at specific sources of pollution. The timetable is significant: For industry, by 1976, a requirement to use the "best practicable" technology; by 1981, the "best available" technology; by 1985, no discharges at all.

A breath-taking pill, indeed, and one that, especially in this politically charged election year, puts any critic of it in the position of seemingly advocating dirty water. This is precisely the tricky position in which the House committee found itself in trying to put together a separate version.

And yet the committee turned out a remarkably balanced product. It has some faults—notably in giving the federal government too little clout in making sure the states enforce the law. But in the main, we believe, it represents the right approach at this time to an extraordinarily difficult problem.

The House bill, though a large improvement over current law, is known as the "weaker" of the two bills. This kind of comparison, with all its implications of good versus bad, can be highly misleading. "Strong" laws have been passed before that produced results far from the original goals. In setting the no-discharge 1985 goal, and declaring that as national policy, the Senate took the position that the country will never solve its pollution problem until Congress legislates fixed goals and sets a timetable for realizing them. It is a commendable thought, but only to the degree that the mechanics and the cost of reaching the goal are spelled out, and understandable, and feasible. Supporters of the Senate bill hope it is workable. They cannot be sure. Some administration spokesmen have called it unworkable. Theirs, too, is educated and somewhat biased guesswork.

The House bill offers what appears a reasonable answer. It retains the 1976 requirement for "most practicable" technology. But the far more sweeping 1981 and 1985 goals are made subject to further congressional action after a two-year study by the National Academy of Sciences and the National Academy of Engineers. This is already being assailed as something of a cop-out. The arguments for it are more persuasive. Subjecting all the unknowns in the water-pollution issue to an exhaustive academic study only makes sense. In the short term, with the bill's fixed 1976 requirements, this would not represent a reprieve to polluters. By 1974 or 1975, with the study reports in hand, Congress will be in a far better position to legislate between basic, regulatory approaches. That it would fail then to act on water pollution seems highly improbable. And the tentative timetable is such that before 1981 industry would have enough time to adjust to higher standards.

The essence of the two-year study should be to make vital distinctions between the merits of water quality standards and the case-by-case regulations of pollution treatment at the source. Probably there is a case for a mix of both, and the House legislation wisely provides for such a mix at least until 1976. The trouble with relying solely on the present standards is the difficulty of establishing who is responsible for polluting a particular river system. But to switch entirely to a system calling for countless different treatment standards could prove just as cumbersome. For the government to direct an industry to eliminate all discharges, or even to install the "best available" technology, ought to be judged in light of identifiable benefit. There may be little point to ordering an industry on, say, the Mississippi River to go beyond 80 percent or 90 percent treatment control. For another industry located on a fragile waterway, 95 percent control might not be good enough.

Beyond the technical lie the economic considerations. They are far from idle ones. To hold new industries to the highest possible standards is one thing. It is quite another to mandate that every industry, including older, economically vulnerable plants, install the most expensive equipment and move to a 1985 no-discharge status. Beyond that, although the total costs remain elusive, it is beyond question that the costs of improving our waters will move upwards not on a straight line but on a sharp curve, so that the price tag for removing the last 3 percent of pollution could well prove higher, by multi-billions of dollars, than the cost of eliminating the first 97 percent. All this needs thorough delineation, and then the question must be faced of whether, in light of so many competing priorities, the nation wants to commit such a large part of its resources to go beyond basically adequate improvements in water quality.

The Senate, with its bill, has raised the

[1] National Academy of Sciences and National Academy of Engineering.

nation's environmental aspirations. The House version, though, because it does not sacrifice wisdom for simplicity, represents better government.

Mr. WRIGHT. Mr. Chairman, I yield to the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD with an outline of title V of H.R. 11896.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

OUTLINE OF TITLE V

SEC. 501(a) Administrator may prescribe necessary regulations.

(b) Administrator may borrow personnel with consent.

(c) Administrator may demand that complete records be kept.

(d) Administrator and Comptroller shall have access to all records and papers.

(1)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the U.S. Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs—the Administrator shall set standards, after consultation, within certain guidelines.

(2) Awarding of certificates.

(3) Federal Register will publish awards.

(f) State water pollution control agencies can borrow personnel from E.P.A.

SEC. 502. Definitions:

(1) "State water pollution control agency."

(2) "Interstate agency."

(3) "State"—including U.S. territories.

(4) "Municipality."

(5) "Person."

(6) "Pollutant."

Pollutant means, but is not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar and industrial, municipal, agricultural, and other waste discharged into water.

This term does not mean:

A. "Sewage from vessels" within the meaning of section 312 of this Act.

B. Water, gas, or other material injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if such State determines the injection or disposal of such water, gas, or other material will not result in the degradation of ground or surface water resources.

C. Thermal discharges in accordance with regulations in section 316.

D. Organic fish wastes.

(7) "Pollution."

(8) "Navigable waters."

(9) "Territorial seas."

(10) "Contiguous zone."

(11) "Ocean."

(12) "Effluent limitation."

(13) "Discharge of a pollutant." "Discharge of pollutants."

(14) "Toxic pollutant."

(15) "Point source."

(16) "Biological monitoring."

(17) "Thermal discharge."

(18) "Discharge."

SEC. 503. (a)(1) Establishes in Environmental Protection Agency a Water Pollution Control Advisory Board:

(2)(A) Term of office.

(B) Compensation.

(b) Board functions—advise, recommend.

(c) Clerical and technical assistance.

SEC. 504. Notwithstanding any other provision of this Act, Administrator upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons, may bring suit on behalf of the U.S. to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contributing to such pollution or to take other action as may be necessary.

SEC. 506. Attorney General shall represent Administrator in litigation. If he does not promptly respond, EPA attorneys shall represent the United States.

SEC. 507(a). No person shall be fired or discriminated against because he has caused action to be taken under this act or testified in proceedings.

(b) Rules for firings alleged to be discriminatory.

(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees), as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who, acting without direction from his employer (or his agent) deliberately violates any prohibition of effluent limitation of other limitation under section 301 or section 302 of this Act, standards of performance under section 306 of this Act effluent standards, prohibition or pretreatment standard under section 307 of this Act, thermal discharge regulation under section 316 of this Act, or any other prohibition or limitation established under this Act.

SEC. 508. (a) No Federal agency may enter into contract with any person, who has been convicted of any offense under section 309(c) of this Act, for the procurement of goods, materials, and services if such contract is to be performed at any facility at which the violation which gave rise to such conviction occurred, and if such facility is owned, leased, or supervised by such person. This prohibition shall continue until the Administrator certifies that the offending condition has been corrected.

(b) Notification of such offense, by Administrator, shall follow.

(c) The President, within one hundred eighty days of this Act, shall issue an order—

(1) Telling all agencies which are concerned with quality standards to start issuing their contracts.

(2) Setting forth procedures, sanctions, penalties, and provisions.

(d) President may exempt aid granted from provisions of this section—shall notify Congress.

(e) President shall make an annual report to Congress.

SEC. 509 (a) In connection with any determination under section 301(b)(3) of this Act, or for purposes of obtaining information under section 305 of this Act, Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for effluent data, upon a showing satisfactory to the Administrator that such papers, etcetera, if made public, would devulge trade secrets or secret processes. The Administrator shall consider such record confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such report may be disclosed to other personnel of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(b) Review of Administrator's action (1) in promulgating any standard of performance under section 306, (2) in making any determination pursuant to section 306(b)(1)(C), (3) in promulgating any effluent standard, prohibition, or treatment standard under section 307, (4) in making any determination as to a State permit program submitted under section 402(b), (5) in approving or promulgating any effluent limitation or other limitation under section 301, 302, or 306, and (6) in issuing or denying any permit under section 402, may be had by any interested person in the district court (where he resides/works) upon application by such person. Any such application shall be made within 30 days from the date of such determination, approval, promulgation, issuance, or denial, or after such date only if such application is based solely on grounds which arose after such thirtieth day.

(c) In any judicial proceeding brought under subsection (b) of this section in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

SEC. 510. Except as expressly provided in this Act, nothing in this Act shall (1) preclude or deny the right of any State or agency to adopt and enforce (A) any standard or limitation respecting discharge of pollutants, or (B) any requirement respecting control or abatement of pollution: except if an effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, standard of performance, or thermal discharge regulation is in effect under this Act, such State or agency may not adopt or enforce any effluent limitation, et cetera, which is less stringent than the regulations set forth by this Act, or (2) be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters of such States.

SEC. 511 (a) This Act shall not be construed as (1) limiting the authority or functions of any officer or agency of the U.S. under any other law or regulation not inconsistent with this Act; (2) affecting or impairing the authority of the Sec. of the Army (A) to maintain navigation or (B) under the Act of Mar. 3, 1899 (30 Stat. 1112): except that any permit issued under section 404 of this Act shall be conclusive as to the effect on water quality of any discharge resulting from any activity subject to section 10 of the Act of March 3, 1899, or (3) affecting or impairing the provisions of any treaty of the U.S.

(b) The consultation and coordination requirements of the Act of Mar. 10, 1934, as amended (16 U.S. Code 661, *et. seq.*), shall apply under this Act only to the provisions of (1) section 306 of the Act; (2) the publication of information under section 304 of this Act; and (3) the establishment of guidelines under section 403 of this Act.

(c) Discharges of pollutants into the navigable waters subject to the Rivers and Harbors Act of 1910 (36 Stat. 593; 33 U.S. Code

421) and the Supervisory Harbors Act of 1888 (25 Stat. 209; 33 U.S. Code 441–4516) shall be regulated pursuant to this Act, and not subject to such Act of 1910 and the Act of 1888 except as to effect on navigation and anchorage.

SEC. 512. If any provision of this Act, or the application of any provision of this Act to any person or circumstance is held invalid the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 513. The Administrator shall take such action as may be necessary to insure that all laborers and mechanics are paid according to local standards in accordance with the Act of March 3, 1931, as amended; that is, the Davis-Bacon Act.

SEC. 514. In the case of any water pollution control facility required to be constructed for any property used for any agricultural purpose, no owner or operator of any such property shall be required to expend any funds for the construction of any such facility (A) until a plant for such facility and its operation shall have been approved by the Administrator; and (B) until a certification by the Administrator that such plan, and the construction and operation of any facility in accordance with such plan, will not result in a violation of the laws or regulations of any local, State, or Federal health agency or other governmental agency.

SEC. 515. (a)(1) Effluent Standards and Water Quality Information Advisory Committee.

(2) Members shall be selected from the scientific community.

(3) Four year terms.

(b)(1) No later than one hundred and eighty days prior to the date on which the Administrator is required to publish any proposed regulations required by section 304(b) of this Act, any proposed standard of performance for new sources required by section 306 of this Act, or any proposed toxic effluent standard required by section 307 of this Act he shall transmit to the Committee a notice of intent to propose such regulations. The Chairman of the Committee within ten days after receipt of such notice may publish a notice of a public hearing by the Committee to be held within thirty days.

(2) Hearing records shall be transmitted to the Administrator within one hundred and twenty days of notice.

(3) These records shall be a part of the administrative record.

(4) In preparing these records, the services of any Federal agency may be used.

(c) (1) Committee shall appoint and define the job of a Secretary. Legal counsel and staff shall also be provided.

(2) Members of the Committee shall receive compensation as the President designates, but not to exceed GS 18 pay—

(d) Five members constitute a quorum. Official action can be taken only with the affirmative vote of 5 members.

(e) Committee is authorized to make its own rules.

SEC. 516 (a) Within 90 days following the convening of each session of *Congress*, a report on progress is to be submitted including:

(1) The progress and problems associated with developing comprehensive plans under section 102 of this Act, areawide plans under section 208 of this Act, basin plans under section 209 of this Act, and plans under section 303(e) of this Act.

(2) A summary of actions taken and results achieved in the field of water pollution control research, experiments, studies, et cetera.

(3) The progress and problems associated with the development of effluent limitations and recommended control techniques.

(4) The status of State programs.

(5) The identification and status of enforcement actions.

(6) The status of State, interstate, and local pollution control programs established pursuant to, and assisted by, this Act.

(7) A summary of the results of the survey required to be taken under section 210 of this Act.

(8) The Administrator's activities including recommendations under sections 109 through 111 of this Act.

(9) All reports and recommendations made by the Water Pollution Control Advisory Board.

(b) The Administrator, with State help, shall make—

(1) Estimate of the cost of the Act.

(2) Estimate, biennially revised, of cost of construction of publicly owned treatment works—in each State.

(3) Study of the economic impact on affected units of government of the cost of installation of treatment facilities.

(4) Analysis of national requirements for and the cost of treating municipal, industrial, and other effluent to attain the water quality objectives. These studies shall be submitted no later than Feb. 10 of each odd-numbered year. State estimates submitted to the Administrator shall be passed on to Congress.

SEC. 517. There are authorized to be appropriated to carry out this Act, other than sections 104, 105, 106(a), 107, 108, 112, 113, 114, 206, 207, 208(f) and (h), 209, 304, 311(c), (d), (i), (l), and (k), 314, 315, and 317, $250,000,000 for the fiscal year ending June 30, 1973, $300,000,000 for the fiscal year ending June 30, 1974, and $350,000,000 for the fiscal year ending June 30, 1975.

Mr. Chairman, I urge my colleagues to support this measure without amendment.

Mr. WRIGHT. Mr. Chairman, I yield 10 minutes or such part thereof as the gentleman may consume to the gentleman from New Jersey (Mr. ROE).

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

Mr. ROE. I yield to the gentleman.

Mr. VANIK. Mr. Chairman, with respect to section 404 on page 367 of the bill, I have a specific question concerning subsection (c), and I would appreciate it if I could have a response by the chairman of the committee, if possible.

Will this subsection relating to the disposal of dredgings on Federal projects terminate the program of the Corps of Engineers on the Great Lakes to place polluted dredgings in dike or land sites?

Mr. JONES of Alabama. Mr. Chairman, will the gentleman from New Jersey (Mr. ROE) yield?

Mr. ROE. I yield to the gentleman.

Mr. JONES of Alabama. No; it does not terminate those contracts.

I will further inform the gentleman from Ohio that there is $35 million for that purpose for the fiscal year 1973.

Mr. VANIK. That is set forth in the budget.

Mr. JONES of Alabama. Yes.

Mr. VANIK. Thank you, Mr. Chairman, for your answer. Your support of this important program is deeply appreciated. I would like to point out for the record how important this program is. In April of 1970, President Nixon announced his support of a program many of us fought long and hard for—the prohibition of further dumping of polluted dredgings in the open waters of the Great Lakes. He asked for $70 million to accomplish this goal in the 35 most polluted harbors of the Great Lakes for a 10-year period. This proposal was passed into law by Public Law 91–611, section 123. Under the provisions of this bill, after 10 years, enough source pollution will be eliminated that this program will not be needed. In the meantime, it is very much needed.

As long ago as May 1969, the Department of the Interior supported this goal saying:

> The costs of a program to prevent pollution from dredging disposal cannot be justified on a cost-benefit basis in this study without attempting to engage in the debate of cost-benefit numbers of questionable meaning. We should point out that the values to be protected by this program and other programs intended to reduce pollution in the Great Lakes are the total worth of these lakes. The real worth of these lakes to present and future generations is almost incalculable.
>
> It is generally conceded that the present level of pollutants discharged to the lakes is seriously degrading these waters and if not abated will hasten the essential destruction of the lakes. The elimination of any source of pollution in the Great Lakes will help enhance the water quality in those lakes which, in turn, will increase the long-range financial worth of the lakes and communities adjoining the lakes.
>
> This Department has taken and is maintaining a strong position opposing the continued dumping of polluted materials in the open waters of the Great Lakes. To this end, we have consistently recommended that permits not be issued by the U.S. Corps of Engineers when such permits would allow the open-lake disposal of polluted materials.

The Corps of Engineers itself has said that:

> The disposal of heavily polluted dredgings must be considered "presumptively undesirable" because of its long-term adverse effects on the ecology of the Great Lakes.

This program is particularly important on Lake Erie. Of the 10.8 million cubic yards of material dredged from Great Lakes harbors each year, 63 percent comes from Lake Erie harbors and the disposal of these dredgings in the open waters of the Lake would account for 8 percent of the total sediments and dissolved solids reaching the lake. In 1967, 660,000 tons of dry solids were dredged from Cleveland Harbor. It is estimated that this material contained 17,600 tons of oil and grease. If this material is stirred up and dumped in the open waters of the lake, it obviously is a serious source of additional pollution.

I am concerned about the adequacy of designating only 35 harbors for this program. In a letter from the Office of the Chief of Engineers of June 21, 1971, I was given a list of the harbors where dredgings were being placed in land or diked disposal sites. That list did not include all the harbors which are considered polluted. In fact, on Lake Erie, material from nine polluted harbors is being dumped in open water, on Lake Ontario, the dredgings from two polluted harbors are being dumped in the open lake. On Lake Superior there are three such cases and on Lake Huron, one such case. In a letter which I received from the corps on March 21, 1972, I was informed that about half of the material being dredged in the Cleveland area will be dumped in

the open lake because of a lack of space in the confined disposal site. Mr. Chairman, I insert this data in the RECORD at this point:

DEPARTMENT OF THE ARMY,
BUFFALO DISTRICT, CORPS OF ENGINEERS,
Buffalo, N.Y., March 21, 1972.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: I am replying to your letter dated 15 March, in which you asked about the disposition of material to be dredged in Cleveland in 1972..

The existing inclosed disposal areas at Cleveland are nearly filled, with only enough space remaining to hold the material to be dredged from Cuyahoga River under an existing contract in the spring of 1972. There is no room for material to be dredged from the outer harbor and entrance channel. In order to provide for the needs of navigation, this material, which is less polluted than that in the river, will be dredged and dumped in Lake Erie. A smaller quantity will be dredged in the latter area than was dredged in 1971.

We are nearing agreement with the Port Authority on a new disposal site, but because of the time required for design and construction, the site will not be ready to use for over a year. After completion of dredging this spring, there will be only two options open to us: to dredge and dump the material in Lake Erie, or not to dredge and allow the channels to shoal. Either procedure must be coordinated with other Federal and local agencies before a decision can be announced.

I will keep you informed.

Sincerely yours,

RAY S. HANSEN,
Colonel, Corps of Engineers,
District Engineer.

NORTH CENTRAL DIVISION, DREDGING PROGRAM—GREAT LAKES, CALENDAR YEAR 1971

[All work is maintenance unless otherwise indicated]

Project	Estimated quantity (cubic yards)	Classification FWQA: Polluted	Classification FWQA: Unpolluted	Method disposal
Lake Michigan:[1]				
Calumet Harbor and River, Ill. and Ind.	120,000	X		Confined.
Calumet Harbor and River, Ill. and Ind. (new work)	45,000	X		Do.
Charlevoix Harbor, Mich.	12,000		X	Open water.
Frankfort Harbor, Mich. (outer harbor)	37,000		X	Do.
Grand Haven Harbor, Mich. (outer harbor)	90,000		X	Do.
Grand River, Mich.	32,000		X	Confined.
Green Bay Harbor, Wis.	75,000	X		Do.
Green Bay Harbor, Wis. (new work)	1,000,000	X		Do.
Holland Harbor, Mich.:				
Inner	40,000	X		Do.
Outer	40,000		X	Open water.
Indiana Harbor, Ind.	220,000	X		Confined.
Ludington Harbor, Mich.	40,000		X	Open water.
Manistee Harbor, Mich.	65,000		X	Do.
Muskegon Harbor, Mich.	50,000		X	Do.
Pentwater Harbor, Mich.	36,000		X	Do.
Portage Lake Harbor, Mich.	18,000		X	Do.
Port Washington Harbor, Wis.	10,000		X	Do.
Saugatuck Harbor, Mich.	50,000		X	Do.
South Haven Harbor, Mich. (outer)	40,000		X	Do.
St. Joseph Harbor, Mich. (outer)	50,000		X	Do.
Two Rivers Harbor, Wis. (outer)	60,000		X	Do.
White Lake Harbor, Mich.	30,000		X	Do.
Lake Erie and Detroit River:[2]				
Ashtabula Harbor, Ohio	150,000	X		Do.
Black Rock Channel and Tonawanda Harbor, N.Y.:				
Canal	60,000	X[3]		Confined.
River	40,000	X		Open water.
Bolles Harbor, Mich.	20,000	X		Confined.
Buffalo Harbor, N.Y.:				
River	150,000	X		Do.
Harbor	400,000	X		Open water.
Cleveland Harbor, Ohio	925,000	X		Confined.
Conneaut Harbor, Ohio	100,000	X		Open water.
Dunkirk Harbor, N.Y.	25,000		X	Do.
Erie Harbor, Pa.	200,000	X		Do.
Fairport Harbor, Ohio	400,000	X		Do.
Huron Harbor, Ohio	200,000	X		Do.
Lorain Harbor, Ohio	300,000	X		Open water.
Monroe Harbor, Mich.	150,000	X		Confined.
Rock River Harbor, Ohio	20,000	X		Do.
Sandusky Harbor, Ohio	400,000	X		Open water
Toledo Harbor, Ohio:				
Inner	980,000	X		Confined.
Outer	220,000		X	Open water.
Detroit River, Mich.	100,000	X		Confined.
Rouge River, Mich.	275,000	X		Do.
Lake Ontario:[4]				
Little Sodus Bay Harbor, N.Y.	25,000		X	Open water.
Ogdensburg Harbor, N.Y.	30,000		X	Do.
Oswego Harbor, N.Y.	30,000	X		Do.
Rochester Harbor, N.Y.	360,000	X		Do.
Lake Superior:[5]				
Big Bay Harbor, Mich.	12,000		X	Do.
Cornucopia Harbor, Wis.	10,000		X	Do.
Duluth-Superior Harbor, Wis. and Minn.	110,000		X	Do.
Grand Marais Harbor, Minn.	8,000		X	Do.
Grand Traverse Bay Harbor, Mich.	7,000	X		Do.
Keweenaw Waterway, Mich.	130,000		X	Do.
Little Lake Harbor, Mich.	40,000		X	Do.
Ontonagon Harbor, Mich.:				
Inner	12,000	X		Confined.
Entrance	60,000		X	Open water.
Saxon Harbor, Wis.	9,000	X		Do.
Marquette Harbor, Mich.	125,000	X		Do.
Presque Isle Harbor, Mich.	55,000		X	Do.
Lake Huron and connecting channels (except Detroit River):[6]				
Alpena Harbor, Mich.	18,000		X	Do.
Au Sable Harbor, Mich.	20,000		X	Do.
Channels—Straits of Mackinac, Mich.	7,000		X	Do.
Clinton River, Mich.	35,000	X		Confined.
Harrisville Harbor, Mich.	17,000		X	Open water.
Inland Route, Mich.	4,000	X		Confined.
Port Sanilac Harbor, Mich.	21,000	X		Open water.
Saginaw River, Mich.:				
Inner	170,000	X		Confined.
Outer	60,000		X	Open water.
St. Clair River, Mich.	100,000		X	Do.

[1] 6 of 22 polluted.
[2] 17 of 19 polluted.
[3] Mercury.
[4] 2 of 4 polluted.
[5] 4 of 12 polluted.
[6] 4 of 10 polluted.

BREAKDOWN OF FISCAL YEAR 1972 DIKED DISPOSAL AREA PROGRAM

Project:	*Amount*
Ashland Harbor, Wis.	$640,000
Black Rock Harbor and Tonawanda Harbor, N.Y. and Buffalo Harbor	5,000,000
Bolles Harbor, Mich.	150,000
Calumet Harbor and River, Illinois and Indiana	250,000
Chicago Harbor, Ill.	100,000
Chicago River, Ill.	100,000
Cleveland Harbor, Ohio	7,000,000
Duluth-Superior Harbor, Minnesota and Wisconsin	1,250,000
Detroit River, Mich.	6,000,000
Erie Harbor, Pa.	1,000,000
Fairport Harbor, Ohio	500,000
Frankfort Harbor, Mich.	450,000
Grand Haven Harbor and Grand River, Mich.	275,000
Green Bay Harbor, Wis.	370,000
Harbor Beach Harbor, Mich.	60,000
Holland Harbor, Mich.	300,000
Kenosha Harbor, Wis.	65,000
Kewaunee Harbor, Wis.	200,000
Lake St. Clair, Mich.	6,000,000
Lorain Harbor, Ohio	1,000,000
Manitowoc Harbor, Wis.	170,000
Menominee Harbor and River, Michigan and Wisconsin	75,000
Michigan City Harbor, Ind.	70,000
Monroe Harbor, Mich.	10,000
Ontonagon Harbor, Mich.	110,000
Milwaukee Harbor, Wis.	200,000
Rochester Harbor, N.Y.	165,000
Rouge River, Mich.	1,050,000
Saginaw River, Mich.	2,500,000
Sandusky Harbor, Ohio	4,000,000
Sheboygan Harbor, Wis.	30,000
South Haven Harbor, Mich.	200,000
St. Joseph Harbor, Mich.	340,000
Sturgeon Bay and Lake, Michigan Ship Canal, Wis.	100,000
Toledo Harbor, Ohio	$1,000,000
Two Rivers Harbor, Wis.	170,000
Waukegan Harbor, Ill.	100,000
Total	41,000,000

Schedule is subject to change.

Mr. Chairman, will the gentleman yield for another question?

Mr. ROE. I yield to the gentleman.

Mr. VANIK. I have an amendment that relates to the dredging of sand as a mineral from the bottom of the Great Lakes. I will submit an amendment to the committee for review. I appreciate the committee reviewing this amendment at the time amendments are considered.

(Mr. VANIK asked and was given permission to revise and extend his remarks.)

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

Mr. ROE. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, growing out of the Buffalo Creek flood disaster in February 1972, when a dam burst on Buffalo Creek and released many mine wastes, as a result of this tragedy attention has been focused on the problem of the disposal of mine wastes.

I have an amendment which at the appropriate time I will offer tomorrow.

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks.)

Mr. ROE. Mr. Chairman, at the outset I too would like to join with my colleagues here in the House, particularly both on the majority and the minority side of this issue and congratulate both Mr. JONES and Mr. BLATNIK, our chairman, and the minority chairman, Mr. HARSHA, and all the members of the committee for the fine job they have done on what I believe to be a terribly important bill not only to this House but to this country.

Mr. Chairman, I would like to begin, if I may, and I think it has to be said, by exploding a myth.

I have heard and read a great deal about this issue in the press and from colleagues. I have heard and discussed and exchanged issues with different people on this bill, in this House, on both sides of the aisle, and I am sure all of them are well meaning. On the other hand, it ought to be said and it ought to be loud and clear in the record of this proceeding that the bill before the committee, H.R. 11896, is a very comprehensive, far-reaching measure. It is not a weaker bill by any stretch than that of the other body, which has already been voted on by that body. I would like to clarify a point which I think also has to be said. The House bill provides a host of measures that far exceed those measures provided in the Senate bill, the bill passed by the other body, and if they were not included in the House bill, the overall water quality program would not be workable at all in the manner in which we envision it. So I think this point should be made clear to the Members in this Chamber; I think it ought to be made very clear to the Members of the House; I think it ought to be made clear to the environmentalists. Sometimes one says that one reaps what one sows. But be very careful that this bill is not aborted or emasculated to produce what others may think would be a stronger bill.

It was said this morning and the second point I would like to make that we have to consider the priorities of America. We have to consider our fiscal priorities. Everybody, of course, agrees to that. By the same token, out of the other side of the mouth it has been said that we have had four or five major pieces of legislation since the early 1940's on water quality control and pollution and none of them have really been effective. But the fact remains that, as far as the people are concerned, as far as this body is concerned, the Congress of the United States has never appropriated adequate money to carry out any single piece of legislation in the field of water quality to make it effective and make it work. So to go back and say that the laws we have passed as we were evolving in knowledge of our environment were not effective is not totally true, as it will not be true in relation to this bill, and it ought to be said here loud and clear that if this body and the other body passes a water quality bill and the amount of authorization is cut in half, or the Appropriations Committee works some fiscal magic and reduces the funding that is made available, this bill, too, will be a farce, as it has been true of other bills passed before, in my judgment, in this House, and it will not carry out the jobs that ought to be done.

So it seems to me the issue of adequate funding, the issue of adequate authority on funding has to be met because the House bill includes a much broader spectrum of sewage collector systems, combined sewer systems, additional studies and work that has to be done, and if that is not included in the bill, and the fact of funding is not provided, the bill will not be effective and it will be again another disappointment to the American people, as I see it.

There are two issues that have to come to the forefront in the overall discussion as to whether or not, first, we should carry on a study by the National Academy of Science and Engineering, and to report back to this House in 2 years' time their observation on the whole spectrum of technical problems and fiscal problems relating to this legislation. And some people will say, "Do we need another study? We are studied to death. By the time we finish one study, we are making another one." That is not the intent of this particular part of the bill.

I think there is an issue that has not been brought forth yet in the discussion today. It turns out that by 1985, where all municipal sewers are being built in a particular way today, by 1985 they will have to go to a no discharge position. In both of these pieces of legislation there is no substantive provision, either in this legislation or in the Senate version, that provides adequate moneys for what is referred to, without getting too technical, as combined sewers, meaning sanitary sewers and with existing storm sewers.

In the urban centers of America, in my State of New Jersey and in the State of New York, tens if not hundreds of millions of gallons of sewage a day are involved in these combined sewers we are talking about, and I do not want the American people, particularly the people in my great State, to believe that this bill, the Senate bill, or particularly the amendments that are proposed, are going to insure pure water forever thereafter in America. That simply is not true. Unless the study is made that has been projected into this bill, neither this committee nor the House nor the Senate will thoroughly understand the order of magnitude of the technical program nor certainly will they understand the magnitude of its cost.

It is essential that the study be made, and it is essential that the study be locked into the trigger date as it is established presently by the committee in H.R. 11896.

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

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

Mr. DON H. CLAUSEN. Mr. Chairman, I associate myself with the remarks of the gentleman from New Jersey, because in many ways this House version is tougher than the Senate version. One of the areas, of course, that we do address ourselves to is by getting involved in intrastate basin requirements, whereas heretofore it has been strictly an interstate river basin approach, but we do ask for an extension of involvement of State and local initiatives to bring this about. Would the gentleman care to respond further on that?

Mr. ROE. Yes. I think this is the point I am developing, I will say to the gentleman from California (Mr. CLAUSEN) that I think the study triggers an intrastate river basin approach.

I think the second point which is highly germane in the misunderstanding that perhaps exists in this House is the Federal-State partnership. It is ludicrous for this body to review the legislative history, both the bills that were born and the carrying out of that legislation by the Federal Government, which has been a dismal failure, and then to come back and say the States have not done their job. The truth of the matter is that the Federal Government never provided the funds, nor were the laws effective, nor could they be litigated to the point where they could solve the problem they were supposed to in the first place.

I say this is a warning that to move this program back and put it solely in the hands of the EPA Administrator would be like taking a camel and trying to put it through the eye of a needle. And taking the State governments completely out of the whole issue would be a terrible mistake. Every time a piece of legislation passes that has to do with environment, or where there ought to be a true Federal-State partnership, everybody comes back and says the State is not doing its job, when, in fact, it is the Federal Government where the interminable delay is involved.

Regrettably my time is short. I do believe, however, the two key areas we are talking about, the study by the National Academy of Science and the Federal-State partnership, are vital if this legislation is to be truly effective and a true Federal-State partnership evolve.

I firmly support H.R. 11896 and I urge my colleagues to do likewise.

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

Mr. ROE. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I compliment the gentleman for the statement he has just made, and I commend the chairman and the members of the committee and the staff for the very good legislative product in this very difficult area.

I have furnished the gentleman from New Jersey with a detailed background of the questions that concern me.

As you know, Executive Order 11574, issued December 23, 1970, expanded the Refuse Act of 1899 to include tributaries of navigable streams and established the Refuse Act permit program. In a number of places in my district, especially in the Ozarks area, farmers own and operate small fish hatcheries—in most cases to supplement their farm incomes and in a few cases as their primary source of income. Therefore, this Refuse Act permit program which is assigned to the U.S. Army Corps of Engineers is a matter of great concern to these small fish hatchery owners. As a matter of fact, if the Refuse Act permit program is strictly enforced, many of them, if not most of them, will be forced to go out of business.

I would point out to the gentleman from New Jersey that these fish hatchery owners are in no way opposed to a pollution control program. Such a program has been in effect in Missouri for some time and the Missouri voters recently passed a $150 million bond issue for pollution control. As one of the fish hatchery owners wrote to me in a letter:

Fish biologists have been concerned with water quality long before the EPA came into existence. I know of no reason for discharging water that is not supporting a fish population of considerable higher density than the stream it might reach. A pond may be drained to harvest the fish. A toxicant would be used to kill the fish in the pond so the water could be kept in the pond. You don't spend money on chemicals to discharge them. If you drain the pond you do not need chemicals in the water. What this program has done is alienate fish hatchery owners from their traditional role of water quality advocates. My business depends on good fishing as I sell bait fishes.

It is certainly not pollution control but the expense and paperwork involved in the permit program set up by the Corps of Army Engineers that threatens the fish pond owners.

Let me offer an example: One farmer in my district has small fish ponds scattered over a wide area on his farm with 18 outlets. Now, according to the regulations of the Corps of Engineers, he must pay $100 for a permit for the first discharge point and $50 for each additional outlet. This would amount to $950. In addition he must provide a chemical analysis for each outlet. The biochemistry firm in his area charges $100 per outlet for such tests. This brings the cost to $2,750 just to file the application. Additional tests might be required. He must also provide scale drawings of all the small ponds. This is an unreasonable cost, and as this fish farmer points out, he is assumed to be guilty until proven innocent. With no evidence that he is or has been polluting any tributary which flows into a navigable stream he must bear such an outrageous cost to prove that he is not polluting. This cost and redtape certainly is not the answer. Is it the opinion of the gentleman from New Jersey that the provisions of H.R. 11896 will rectify such unreasonable requirements especially by allowing the States to administer the permit programs under the supervision of EPA?

Mr. ROE. I agree with the gentleman that the requirement he called to our attention was a bad one and not very well thought out.

During our oversight hearings we asked the Corps of Engineers as to the basis of the charges imposed and received the startling answer that there was no particular rationale for the amounts chosen. In other words, they literally picked it out of the air.

We would certainly recommend that the permit program in the future, whether operated by the Federal Government or the States, be operated in a reasonable manner. Certainly, if there is a true Federal-State partnership, these kinds of things affecting people of the States would be given proper consideration.

Mr. ICHORD. Section 402 of title IV of H.R. 11896 is a very important improvement over the bill passed by the Senate last November, in my opinion. I believe that the Federal-State relationship in the granting of permits is a reasonable and efficient way to avoid duplication and get the job done at the lowest cost to the taxpayers. In addition, those on the State level are best acquainted with the particular circumstances in their State. Under section 402, the Administrator of EPA must approve the State program for granting permits and retains the right to step in at any point when a State fails to live up to its assigned responsibility. The question that I would like to have answered relates to the time frame that it will take to set up the mechanics of allowing the State to administer the program under EPA supervision. Do you feel that EPA will be able to move in an expeditious manner to approve State programs that meet the requirements or do you see a period of delay in which EPA attempts to administer its own permit program?

Mr. ROE. I believe this is basic. The procedure does not permit delay on the part of EPA. It must act within a prescribed time period and, basically, as previously noted, the Administrator has 90 days under the legislation to establish guidelines as to what constitutes an acceptable State program.

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

Mr. WRIGHT. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ROE. The Governor of the State would then submit an application for the State to the Administrator, for the program in the State. Not later than 90 days after receiving the submittal the State would take over the program unless the Administrator found it did not satisfy the requirement. The procedures established in the bill specifically do not permit the Administrator of EPA to delay.

Mr. ICHORD. I raise the above question in view of the fact that the State of Missouri has had a concern to avoid unnecessary pollution of its waters for some time. The Missouri Water Pollution Board under the able direction of Jack K. Smith, executive secretary, has a permit granting program already in effect in the State. I feel quite certain that a program designed to comply with the standards set forth in this bill could be submitted to EPA in a very short period of time. Do you feel that such a program would receive priority attention with appropriate action by EPA?

Mr. ROE. I sincerely trust it would. I would rather see a combined program with the State and the Federal Government. I do not know what the Administrator will do, but I am sure he will give it attention.

Mr. ICHORD. I thank the gentleman for yielding. I commend him for the statement he has just made and I would also commend the committee, its staff, its chairman and all the members of the committee for bringing to the floor of the House a good legislative product in a very difficult area.

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

Mr. ROE. I yield to my colleague from New Jersey.

Mr. HOWARD. I wish to commend the gentleman for his fine statement and for the work he has done on this legislation. We in New Jersey are proud of our colleague, who is on the Public Works Committee, and especially in respect to this area of Federal and State relationships. I believe the experience the gentleman has had in his previous post for 8 years as the commissioner of economic development and conservation for the State of New Jersey, which he has brought to the Public Works Committee, is a good background for trying to get the knowledge we need to coordinate the State-Federal legislation and to know what Federal legislation does for and to the States.

I believe the gentleman's imprint on this legislation has made this a much better bill than it would have been had he not been a member of the committee, so I wish to commend him. We in New Jersey certainly are proud of him.

Mr. ROE. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire, a member of the committee (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, one of the major issues involved in the water pollution control bill (H.R. 11896) being considered today is the desirability of requiring a "zero-discharge" of pollutants by municipalities and industry by a date certain—1985.

Many environmental and citizen action groups like the Sierra Club and Common Cause have mounted a campaign in support of an amendment to require "zero-discharge" of pollutants by industry and municipalities by 1985. The House bill contains "zero-discharge" by 1985 as a goal, but one which will not go into effect until the Congress acts following completion in 2 years of a $15 million study by the National Academy of Sciences.

The whole debate, as urged by these groups, centers on whether to legislate this goal now, rather than waiting 2 years for the study. But there is almost no comment on the real issue, which is whether the goal of "zero-discharge" is desirable, even if it is attainable.

Reliable cost estimates on the subject are almost nonexistent, but range from several hundred billion to several trillion dollars. There seems to be general agreement that the cost of eliminating the last 3 percent of discharges is at least as great as the cost of eliminating the other 97 percent. Is this a wise use of our money?

Of course our emotions respond to the call for an absolute end to pollution. But maybe the hundreds of billions of dollars necessary to clean up the last 3 percent of municipal and industrial pollutants could be—indeed, should be—used for other of our needs. How about air pollution—is absolutely purity of waters more desirable than getting on with the task of abating air pollution? And solid waste disposal? And development of recycling technology? And economic development for those so unfortunate as to be poor in this affluent society? Have we forgotten so soon the War on Pov-

erty? Should we continue to have mediocre education in some places in order to spend so much of our money on trying to achieve "zero-discharge?"

Mr. Chairman, these questions must be faced. We cannot have utopia in all fields—so should we set such an absolute goal in one field to the detriment of others?

Furthermore—as if the question has not already answered itself—there is the very problem that even if we achieve "zero-discharge" by all industry and all municipalities, our streams will still not be clean if indeed there will be any water left in them. Continued use of fertilizers by our farmers will result in pollution and eutrophication of our streams, due to runoff from fields and pastures. "Zero-discharge" will do nothing to stop this source of pollution, and some rivers will continue to run green from algae bloom.

In many of our rivers, sedimentation is the major cause of visible pollution. Zero-discharge will not stop that. Indeed, only billions and billions of dollars of expenditures for soil conservation will stop that. So, will we spend hundreds of billions of dollars—maybe even trillions of dollars—to eliminate the last few percent of the pollutants by industry and municipalities, only to see many of our rivers still murky from sedimentation or eutrophication.

Mr. Chairman, I am not offering a definitive answer to these questions. But I am suggesting that they make the study of these issues by the National Academy of Sciences both a good investment and a wise one. Let us be governed by reason and not by our emotions. It is time for well-intended people to make a common cause of commonsense.

Mr. HARSHA. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Maryland (Mr. GUDE).

Mr. GUDE. I thank the gentleman for yielding.

Mr. Chairman, I should like to direct a question to the gentleman in reference to this legislation. The formula in this legislation, with adequate funding, has been considered by the State of Maryland and others who have studied it as sufficient to meet the needs of clean-up at Blue Plains and in the State of Maryland. However, when I use the word adequate I want to emphasize that the Congress and the American people must keep their commitment to clean up the waters of this Nation and not just half-way fund this bill. A half-a-loaf means a half clean river. Fortunately, a number of organizations such as the League of Women Voters have worked arduously and pretty successfully to get citizen support for adequate funding of these water pollution bills in the past. They have told me they will continue to work with us in Congress for adequate funding. When the committee rises I will ask permission to insert the testimony of the league before the Public Works Committee in the RECORD at this point in order to establish the continuity of the league's position on this issue and confirm its consistency in support of those provisions now embodied in the clean water package.

The statement follows:

STATEMENT TO THE HOUSE PUBLIC WORKS COMMITTEE BY MRS. DONALD E. CLUSEN

The League of Women Voters of the United States is pleased to have the opportunity to appear before the Public Works Committee to present our views on HR 11896. We believe that significant progress can be made to improve the federal water pollution control program this year and we commend this Committee for its commitment to that goal and for taking the time needed for a thorough perusal of the program. I can assure the members of this Committee that League members who have worked for fifteen years for water pollution abatement appreciate your efforts to move quickly now on this important legislation.

The League of Women Voters supports the establishment of a water pollution control program based on effluent limitations with the national goal of eliminating discharge of all pollutants by 1981. In order to control pollution effectively, we believe that guidelines applicable to individual dischargers must be clear and enforceable. Specific effluent limitations for industries and municipalities are necessary to accomplish this. We also see value in announcing long range pollution control goals. The League has been concerned about constantly changing water quality standards and guidelines.

While we certainly work to improve water quality, we think industries have a basis for further delays when standards are continually being revised and they are unsure of exactly what they are expected to do over a period of time. Setting a national policy of no discharge by 1981 will give industry a firm goal which they know they must meet and to which they should be held.

We have long been concerned by the emphasis on pollution control through sewage treatment. We think more emphasis should be placed on reduction of industrial wastes through better process control and water recycling. Effluent limitations and a goal of no discharges by 1981 are in line with such control.

While we support effluent limitations and the "goal of no discharge," the interpretation of "best practicable" and "best available" control technology raises some difficult questions. Since manufacturers of control equipment do not generally produce new equipment until there is a market demand for it, and industrial polluters do not install improved equipment until forced to do so, it is entirely possible that the "best known technology" will not become available and therefore not required. In the bill under consideration the Committee members have tried to arrange for assessment of "best practicable control technology," taking into account the various factors that bear upon the problem [Sec. 304 (b)(1-2)] and has provided for the publication of information on alternative waste treatment systems [Sec. 304 (d)(2)]. The legislation proposed in this Congress pins water quality to "best technology" rather than to "standards." Therefore the success of the new strategy depends on success in developing and *marketing* the necessary technology. Without a market, the upsurge in new devices and processes, with the concommitant economic stimulus, will not take place. With experience under the air act too limited to date to be of help, we urge the Committee to give extensive consideration to the problems of getting "best practicable" or "best existing" technology into use.

RESEARCH AND DEMONSTRATION PROJECTS

The League is pleased to see that H.R. 11896 increases the scope of and funding for water pollution control research programs, with pricing policies and other methods for reducing the total flow of sewage and unnecessary water consumption included for study. We are in total agreement with the emphasis throughout the bill on developing methods to control pollution from non-point sources. Leagues in the midwest are planning a special seminar on agricultural pollution in Cedar Rapids, Iowa next April.

Our local and state Leagues in the Great Lakes area and the Lake Tahoe area have been working vigorously to combat the pollution of these great natural resources, and the League of Women Voters of the United States strongly endorses proposals in H.R. 11896 and in the Senate-passed bill, S. 2770, to meet their particular needs. We are greatly interested in the plan for Lake Erie. Since to many people Lake Erie epitomizes the water pollution problem, we think it is an excellent place for the Corps of Engineers to undertake a demonstration project. Having said for years that alternative choices should be presented to officials and the public, the League of Women Voters of the United States is pleased that the Corps is to give the state and local governments involved alternative plans for comprehensive cleanup. Obviously the project must have the support of the people in the area if it is to be successful, and the best way to insure that support is to give local officials and the public responsibility for making the final choice. Not only do we support this proposal for its importance in cleaning up Lake Erie, but also because it is an opportunity to test the use of Corps resources to solve environmental problems.

The League strongly supports projects designed to demonstrate the effectiveness of using sewage sludge to reclaim mined land and prevent acid mine drainage. Leagues in coastal areas and around the Great Lakes have long been seriously concerned about dumping sludge into the oceans and lakes and have sought a non-polluting means of disposal. We hope that utilizing sludge to combat another type of environmental damage, returning otherwise useless land to productivity instead of adding to air and water pollution, will prove practical.

FUNDING

While the League has not advocated a specific amount for the federal waste treatment facility construction grant program, we are quite pleased with the $20 billion authorized in HR 11896 for a four year program. Money has always been at the heart of water pollution control problems, and members of this Committee know how hard members of the League have worked for appropriation and obligation of authorized sums.

We support the proposal that grant monies be allocated among the states according to need, believing the money should be put where the problems are.

We strongly support the provision in HR 11896 which makes approval of plans for a proposed construction project by the Administrator of the Environmental Protection Agency a contractual obligation of the United States to pay its proportional share of the costs. We want to see needed facilities constructed without delays caused by localities' not knowing whether, when, or how much federal aid they will receive. We believe some mechanism that will make it possible for hard-pressed states and localities to borrow the funds they need to finance their share of waste water treatment facility construction is essential to alleviating a situation which is so frustrating to local governments.

The League has been concerned throughout the discussion of the new federal sewage treatment grant program about increasing the federal share of construction costs. Will the change to 75 percent federal aid mean that fewer plants can be built with the money authorized? Would the nation actually accomplish more toward our goal of clean water with a lower percent of federal help per community and more communities aided to build plants? We understand the financial plight of the cities; however, we

believe in some self-sufficiency at the local level. The federal government will never be able to build all the waste treatment plants needed in this country!

We are also concerned about the effect a higher federal share has on the choices made by municipalities. Will localities actually delay construction of badly needed facilities in hope that the next authorization bill will raise the federal contribution even more? Will the high percent of federal aid for construction cause a community to choose a treatment system which has a high capital cost but low operative cost rather than a more efficient system which costs less to build but more to operate?

The League's ultimate goal has been to put sewage treatment on a more businesslike basis. This is the reason we have always favored user charges. We firmly believe all users should pay their share of the costs of operation, maintenance, and expansion of plants. We also believe that industries should be required to pay their portion of the federal share of municipal plant construction costs, and we highly approve of the emphasis in H.R. 11896 on these objectives. We understand, however, the possible effect on small and marginal businesses of costs of control equipment necessary to comply with new effluent limitations. To moderate this effect, we support the provision in H.R. 11896 for loans to companies severely affected by complying with water pollution control requirements. We also support putting the amounts of the federal share of construction costs repaid by industry into the Small Business Administration to be available to help small and marginal businesses.

CITIZEN PARTICIPATION

The League of Women Voters is especially pleased to see that public participation in the development, revision, and enforcement of regulations, and effluent limitations, is encouraged in H.R. 11896. Since the purpose of the League is "to promote political responsibility through informed and active participation of citizens in government," we applaud the inclusion of this provision in the policy section of the bill and its reiteration in many of the other sections. We are, however, skeptical of the practical possibility of valuable citizen input when there are no funds authorized for citizen education or for research by public interest groups. For example, section 302(b) calls for public hearings on water quality related effluent limitations. These hearings are to determine the relationship of the economic and social costs of achieving the limitations, including any economic or social dislocations, and economic benefits to be obtained, and to determine whether or not the limitations can be implemented with available technology. In order to comment intelligently on these complex points, citizen organizations must carry on extensive study and research. Money is the problem! Most public interest organizations do not have the funds to carry out such activities without help.

We believe the successful involvement of citizens in the air pollution program was due in large part to the provision of funds for citizen education through the National Air Pollution Control Administration's Community Support Program. Unless similar help is authorized in this legislation we believe it will become impossible for citizens' organizations to make the kind of knowledgeable response this Committee wants and expects.

We endorse the section of the citizen suit provision of HR 11896 for awarding reasonable attorney and expert witness fees. We think this is a step in the right direction and we ask the Committee to include funds to assure meaningful citizen participation in other areas of the program.

FEDERAL-STATE RELATIONSHIP

The League believes that both the federal and state governments should be given strong powers to set and enforce water pollution control requirements. To have a successful program, each must be able to bridge the gap when the other falls down on the job. As a general principle, we think that state goevrnments are in the best position to establish requirements for meeting pollution abatement goals since they know the local conditions. However, we know from past experience that states do not always live up to their responsibility for firm control. When states are confronted by competition for industrial locations, water quality so often is the real loser. Many Leagues have been involved in establishing state discharge permit systems. Some are good while others lack the forcefulness necessary to abate pollution. In these latter cases, the federal government must have authority to impose stricter requirements.

On the other hand, there are occasions when federal standards do not meet local desires for water quality. League members oppose federal pre-emption of responsibilities. Our members are agreed that local and state governments should be able to set and enforce higher environmental standards where they so desire. We ask this Committee to make sure that your final bill in no way diminishes the right of states and localities to adopt stricter requirements than called for by federal legislation.

I would like to make note that a new needs study which is being concluded at EPA indicates that this formula in the reported bill though once adequate could now be inadequate for several jurisdictions around the country. Do I understand this new needs formula will be considered and resolved in conference?

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

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

Mr. HARSHA. Let me say that the needs formula we have in the legislation is based upon the only cost estimate that was available at the time the bill was written. We do anticipate receiving some revised cost estimates. After the committee has had an opportunity to examine and review them we will in conference with the other body, we hope, be able to incorporate the appropriate part of that in the conference report. That would be, in all probability, a higher cost estimate, and would in that event take care of some of the problems to which the gentleman has reference.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARSHA. Mr. Chairman, I yield the gentleman an additional 30 seconds.

Mr. GUDE. In other words, your intention and the intention of the leadership in the committee is that in conference you would upgrade the formula so that the needs of California, Blue Plains, and any other jursidiction across the country would be adequately taken care of?

Mr. HARSHA. Well, we will upgrade the formula so that the needs of the entire country can be taken care of. I do not want to say that we want to just take care of California, much as I love California, because we have 49 other States in the Nation. However, the needs of the country will be taken into consideration, and certainly Blue Plains is one of those which are uppermost in our thoughts.

Mr. GUDE. I addressed myself to California, because I understand they feel the present formula is inadequate to their needs, and I was merely using them as an example.

Mr. HARSHA. I understand.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. VANDER JAGT).

Mr. VANDER JAGT. Mr. Chairman and members of the committee, I thank the gentleman for yielding and giving me this opportunity to talk and turn the attention of the committee to three amendments that I intend to offer tomorrow when this bill is up for consideration.

I believe these amendments encourage a system that will provide us with substantially cleaner water than any alternative at significantly less cost than any alternative. I would like to point out with regard to this system I am talking about, that we are only able to talk about it and to have the data and projections for it because of the imaginative encouragement of the chairman of the committee as well as the ranking member of the committee, and the acting chairman of the committee and the members on both sides of the aisle on the committee. I feel that the Nation should be indebted to them for making this kind of technological breakthrough possible.

The amendments that I will offer are very modest and limited in scope, but they are almost unlimited in the possibilities they hold for providing this Nation with cleaner water at lower cost.

It seems to me that by encouraging this in the bill we can help the Nation out of the dilemma that we face today, which is that in the opening passages of the bill we tell the American people we are setting a goal of zero discharge of pollutants by 1985. Having proclaimed this goal, then we make the main thrust of our efforts in 1976, relying on conventional treatment and technology that have not changed for about 50 years.

I think many people are right in what they say. If we rely on the conventional technology in this field, we will probably have to spend hundreds of billions of dollars, probably several trillion dollars, to achieve the goal that we have proclaimed here of zero discharge of pollutants. In other words, we will be investing in the next 2 years alone $13 billion to build systems that we are going to have to abandon in a few years if we have any seriousness whatsoever about the 1985 goal. This is the problem that we face. It is as though we said we were going to Montreal and then put the country on board a train heading for Miami.

It is as though 10 years ago somebody said we will put a man on the moon by the end of the decade, and we raced off spending $13 billion in attempting to do that through the procedure of buying railroad tracks and railroad cars. It seems to me that we need something in the Nation that will begin to encourage a system that will help us to reach our goal.

This is what I am proposing, namely, a resource management system which, through using the land, recycles pollutants into natural resources. It is based on simple principles.

First of all, the environment is an interrelated system of land, air, and water. It is a closed system, and we can never throw anything away. The second principle is that a pollutant is simply a resource which is out of place. When you recycle a pollutant into the

right place it becomes a resource. For example, nitrogen and phosphorus remaining in sewage effluent after treatment when dumped into water pollute the water. However, nitrogen and phosphorus, if used on the land, will enrich the land and our environment.

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

Mr. HARSHA. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. VANDER JAGT. I thank the gentleman for these 2 additional minutes.

Mr. Chairman, my first amendment would encourage revenue-producing resource management that recycles wastes into resources where a region can make money by so doing.

I submit to everyone that it would be difficult to be against that. It is sort of a motherhood thing. Why should we not encourage that kind of system that could produce that kind of environmental and economic merit?

That particular encouragement is contained in the committee bill itself. What I am proposing to do is to take it out of the committee bill where it is buried in the R. & D. section and say in the operative language of the bill that we want to encourage this kind of thing. In other words, if we can produce zero discharge of pollutants at less cost and make money by recycling resources, why not do it? That is worth 10 percent extra from the Federal Government which is what my second amendment provides for. We need to put our money where our mouth is. In other words, it is like telling your son that if he gets all A's, you will give him $10. That is a good investment.

The final amendment would release industry from the payback requirement which we have for the first time in this bill in those areas where they are able to put this system into effect. It will transform the footdragging of industry into enthusiastic leadership, and rolling up its sleeves and saying, "Let us get with the job of cleaning up our water."

Then, we have the environmentalists and the industrialists working together. We are encouraging them to bring together their coordinated efforts.

This package says instead of worrying about the 1976 deadline, or the 1981 deadline, or the 1985 deadline, if it is determined that it is economically feasible and technically feasible to install a system that will provide zero discharge of pollutants today and money can be saved while doing it, then we say we encourage it in specific language. This would provide the incentive and that is what this package intends to do.

Thank you, Mr. Chairman.

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

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

Mr. Chairman, while the gentleman is in the well, I would like to call his attention to the fact that the Corps of Engineers has just released a study that they concluded on the Chicago area employing the method which the gentleman is so convinced will lead to zero discharge.

I would like to read from the comments of the Chief of Engineers:

The Chief of Engineers also noted that the effluent from all alternatives would contain some residue of pollutants in the water discharged to lakes and rivers. Thus none is a "zero discharge" system.

Mr. VANDER JAGT. I will say in response to the gentleman that of the nine elements we considered pollutants in that particular study just released—and what a tragedy it was not released until 2 hours ago—six of the nine elements are zero discharges and two of them are 99 percent, plus. I say that is a weak argument because it only achieves 99 percent, plus, elimination of pollutants.

Mr. HARSHA. I would further call the gentleman's attention—although he has not had an opportunity to read this—to the fact that the EPA has sent me a letter in response to my request for information on this study.

Mr. VANDER JAGT. I commend the gentleman for requesting that information.

Mr. HARSHA. The gentleman has alluded to the EPA Administrator and makes three points as follows:

Land disposal is not equivalent to "zero discharge." Rather, it approximates the removal efficiency of tertiary treatment.

Second, the cost of applying land disposal techniques nationwide would be about $161 billion. Proper corrections to the Friends of the Earth calculation would raise their $55 billion to this level. By contrast, application of tertiary treatment nationwide would cost $118 billion.

The social cost of land disposal, as exemplified by the corps' Chicago study are substantial and perhaps prohibitive.

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

Mr. VANDER JAGT. Will the gentleman yield himself 30 seconds in order that I may respond to that?

Mr. HARSHA. I yield myself 30 additional seconds.

Mr. VANDER JAGT. The study on which that letter is based is concerned with the land treatment system for Chicago, and the South Shore of Lake Michigan, 9 million people, and costing $2 billion; for physical chemical treatment, $2.9 billion; for advanced biological treatment, $3.6 billion, and under the land treatment system the operating cost savings are $150 million a year.

And, again, I am so grateful that this report has finally been made public.

Mr. HARSHA. With respect to the other point here, and at the proper time I shall put the entire letter into the record, it states that—

The social costs of land disposal, as exemplified by the Corps' Chicago study, are substantial and perhaps prohibitive.

Then they go on to allude to the zero discharge possibility that you referred to, and to the economic costs, analyzing that with the cost of the final treatment system, so I will put it all in the RECORD.

Mr. VANDER JAGT. I urge a study of the full report.

Mr. HARSHA. The material referred to is as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C. March 27, 1972.

Hon. WILLIAM H. HARSHA,
House of Representatives,
Washington, D.C.

DEAR MR. HARSHA: In response to your inquiry concerning land disposal as a treatment alternative, I have prepared this letter to clarify the issues involved. These issues were raised in two recent reports. The Friends of the Earth have prepared an analysis which states that zero discharge is attainable using land disposal at a cost of $50–$55 billion. This cost range is compared with the Administration's estimate of $316.5 billion using distillation of wastes to achieve zero discharge. Also, the Corps of Engineers has updated the original Chicago land disposal feasibility study reducing the estimated costs from $14 billion to $2 billion, projecting that land disposal would be less costly than treatment alternatives, and claiming that the removal efficiency of land disposal would be significantly improved.

We have reviewed both these documents, and have concluded that:

1. Land disposal is not equivalent to "zero discharge." Rather, it approximates the removal efficiency of "tertiary treatment."

2. The costs of applying land disposal techniques nationwide would be about $161 billion. Proper corrections to the Friends of the Earth calculation would raise their $55 billion to this level. By contrast, application of tertiary treatment nationwide would cost $118 billion.

3. The social costs of land disposal, as exemplified by the Corps' Chicago study, are substantial and perhaps prohibitive.

ZERO DISCHARGE

The design manual for EPA's demonstration project in Muskegon indicates removal rates of 98–99% BOD, Phosphorous, and 85% Nitrates. These removal rates cannot be considered as a "zero discharge." Rather, they are equivalent to the removal rates of "tertiary treatment." Furthermore, there are many unknowns concerning the removal efficiency of large scale land disposal projects, e.g., possible salinity increases caused by evapo-transpiration, possible nitrate saturation and contamination, and unknown health effects. Until EPA's demonstration project in Muskegon and other projects are operating and evaluated, the applicability and removal efficiency of land disposal in a great variety of cases cannot be definitively stated.

ECONOMIC COSTS

Both the Corps' Chicago cost study and the Friends' estimate of national costs require further analysis.

For example, we have estimated that by using the most cost effective design that the biological and chemical treatment costs for the Corps studies would be $1.9 to $2.0 billion as opposed to $3.2 billion estimated by the Corps.

In contrast, the cost estimate for the land disposal project appears to be optimistic. Many of the components of this project have never before been built, thus, there is uncertainty about these figures. It should be noted that the preliminary estimate for the Muskegon project was $18 million and the final bid price $40 million.

The national cost for land disposal, based upon the Muskegon experience would be $55 billion for capital expenditures and $161 billion total cost including operation and maintenance, replacement and interest costs. The Friends of the Earth estimated that the total cost would be $50–$55 billion. A close examination of these calculations demonstrates that the Friends used the Muskegon cost figures for construction but not land acquisition. The study also did not include interest charges which alone amount to $41 billion. Finally, the Friends' cost was based on an average daily industrial and

municipal waste discharge flow that is significantly lower than the actual flow today. Thus, the appropriate cost comparison is $161 billion for land treatment versus high level physical chemical treatment (tertiary) cost of $118 billion.

SOCIAL COSTS

The social costs of land disposal are substantial. Implementation of the Chicago proposal would require acquiring—and removing from productive use—455,000 acres of prime agricultural land in northern Indiana and Illinois. As the attached map shows, much of the land area of two counties would be affected. Moreover, 20,000 people, their schools and other public facilities would be displaced. The problems associated with this displacement would be difficult, time-consuming, and potentially socially disruptive.

CONCLUSION

While I believe land disposal is a viable alternative to conventional wastewater treatment, the foregoing analysis suggests it is by no means universally applicable. The economic and social costs incident to land disposal are substantial, and its treatment efficiency is not fully understood. Conventional treatment, land disposal, and other alternatives should be considered on a case by case basis to select the most cost effective solution to individual problem. The Muskegon project will provide the specific data we need to evaluate the land disposal alternative fully in each case.

Nationally, the land disposal alternative appears to be more costly than tertiary treatment. Neither system, however, is equivalent to "zero discharge", and zero discharge systems would be more costly still. Given these facts, we continue to believe that careful study and further Congressional consideration at a future date is required before a national commitment to a zero discharge goal can prudently be made.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, I rise in support of the Federal Water Pollution Control Act amendments. The bill before us today is the biggest, strongest, and toughest water pollution bill ever to come to the House floor for a vote. I congratulate the committee for its efforts.

There are some weaknesses in the bill and, as a sponsor of the "clean water package," I feel that the passage of these amendments will serve to remedy those deficiencies. It is not my purpose today, however, to criticize specific portions of the legislation. I will save those comments for tomorrow and the amendments. What I would prefer to talk about are the contents of the bill and how the legislation will affect our States and cities and our industries.

As we all know, many cities have been unable to build adequate waste treatment facilities because they cannot raise the amount of money needed as their share of the cost. States, too, have had terrible problems raising their share. Previous legislation provided a minimum of 30-percent Federal funding—if the State refused to provide any money—and a maximum of 55 percent if the State paid 25 percent of the cost. The remaining 20 to 70 percent was owed by the cities. This has been an onerous and unfair burden. Many cities have been able to raise their share of the revenue only by increased property taxation, and I do not need to remind this body of the problems of spiraling property taxes. They are too high; they are punitive; and they have caused great and unjustifiable human misery.

The bill before today will correct many of these deficiencies. Under both the House and Senate bill the new minimum Federal share will be 60 percent, with additional Federal funds provided if the States contribute a portion of the cost. The Senate bill would raise the Federal share to a maximum of 70 percent if the States pay 10 percent of the cost, and the House bill will provide a maximum Federal share of 75 percent if the States pay 15 percent of the cost. I support the House figures.

We need as much Federal aid as we can get to combat pollution—and as little municipal contribution as possible. The House bill—using the maximum figures—would require only a 10-percent municipal share whereas the Senate bill would call for 20 percent. It is my hope that the conferees will accept the House figures.

One of the greatest problems we have encountered in the past is in allocating sufficient funds for the cleanup of our waters. The Senate bill provides a total of $15 billion for municipal waste treatment construction. The House authorization is $20 billion. The National League of Cities has estimated that it will cost between $30 and $50 billion to clean up our waters. Other estimates also fall within that range. The House bill's authorization figure of $20 billion is therefore more realistic and better fits the needs of the Nation. I am hopeful that the conferees will also approve this higher figure.

I do not need to remind my colleagues that one of the chronic problems facing our cities has been the lack of funding necessary to build treatment plants. Time and time again previous legislation has offered millions of dollars only to have the appropriation figure cut substantially. We fall in grave danger of such action again, but the situation has deteriorated to the point where it is clear that we cannot renege on our commitment to full funding of the program. In addition, the legislation before us recognizes the insufficiency of previous funding mechanisms by including a new section requiring contractual obligations between the Federal Government and municipalities for the money needed.

The problems we have always run into before is that cities, basing their plans on the money authorized, have committed themselves to building treatment facilities, only to find later on that the money simply had not been appropriated. With no contract between the city and the Government, the city has been left holding the bag—in some cases defaulting on their own obligations. Both the Senate and House committees have recognized this as a major problem and have included two provisions to rectify the situation.

The first is the contractual authority which I have just mentioned. Under the new bill, States and municipalities may plan construction programs with the assurance that once their plans, specifications, and estimates are approved, construction can proceed in an orderly fashion. The administration of EPA is authorized under this bill to commit the Federal Government to the payment of its proportional contribution to the construction of treatment works at the time he approves the plans, specifications, and estimates submitted to him by each applicant. Thus the cities and States will have a guarantee from the Government that they will receive the money they are counting on to build treatment facilities.

The second provision would provide an authorization of $2,750 million for retroactive grants for projects initiated after 1956 which meet the requirements of previous acts. The reimbursement will be for any publicly owned treatment works constructed by States, municipalities, intermunicipal agencies, or interstate agencies for any publicly owned treatment works constructed by them for which the full Federal contribution to which they were entitled was not received. These funds rectify previous inequities and demonstrate a fair and enlightened attitude toward States and cities fiscal problems in this area.

The legislation we are considering today marks a turning point in our antipollution efforts. It is the first time I can remember that we have attempted to attack the pollution problem by specifying concrete goals coupled with deadlines for reaching those goals. I applaud the intent of both the House and Senate in attempting to define the pollution problem and mandate its end. The House bill declares it to be the national goal to eliminate the discharge of pollutants into the waters of the United States by 1985 and to achieve water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water to be achieved by 1981.

These deadlines are essential to a serious and dedicated effort to stop pollution. We have long needed such a focus and I fully support the committee's intent in this area. Often our problems—be they pollution, poverty, education, housing, or health—seem so complicated, immense and overwhelming that apathy and malaise sets in. One does not see the way out. One cannot believe they are soluble. I think that the committee has done a tremendous service to all of us by pinpointing a deadline which can and must be met. It is outrageous that we cannot swim in most of our rivers, and that we cannot eat the fish from our waters. It is even more outrageous that we have accepted this situation and have not fought to reclaim our right to enjoy what nature has provided for us. The deadlines in this bill give us a focus we have been missing and hopefully will activate all of us toward reclaiming our rights.

There is one major flaw in this House bill in this area and I will speak in more detail about it tomorrow. Suffice it to say today, however, that the bill contains a section requiring a study be done of the economic, social, and environmental costs of achieving these deadlines. The problem is that the 1981 and 1985 goals would

not be implemented until the Congress evaluates this report and takes further action by voting 2 years hence to meet the deadline. In this respect, therefore, the bill before us is misleading because we will vote not to keep these deadlines but to delay the decision until the study has been completed. It is time to act. An amendment will be offered tomorrow as part of the clean water package to eliminate the need for Congress to vote again in 2 years on meeting these deadlines and requiring Congress to vote now on a real commitment to clean water. I support that amendment and will vote for it.

The Federal Water Pollution Control Act amendments comprise many worthy sections. The scope and complexity of the legislation is such that I could spend the rest of the afternoon analyzing each in detail. There are many Members who are far more expert than I, and I wish only to discuss just one last item in the bill which is of intense concern to most Americans—the fate of industry, particularly small businesses—in attempting to achieve the strict, but necessary, water pollution standards set forth in the legislation.

Section 8 of the bill contains a provision originally introduced by Congressman MORSE and myself to provide $800 million in low-cost loans to industries "likely to suffer substantial economic injury without assistance." The loan money may be used to assist any small business concern "in effecting additions to or alterations in the equipment, facilities—including the construction of pretreatment facilities and interceptor sewers—or methods of operation of such concern to meet water pollution control requirements established under the Federal Water Pollution Control Act."

The loans would be authorized for small businesses as defined under the Small Business Act, which means a firm independently owned and operated and not dominant in its field.

As consistent with SBA section 7 authority and regulations, the loans could be for up to $500,000 or 100 percent of the project's cost, whichever is less, with a maximum duration of 30 years. The interest would be the average cost to the U.S. Treasury of making the loans, minus 2 percentage points—currently. This would translate into a rate of about 4 percent.

Simply put, these loans may be used in one way by firms to obey the new pollution requirements. If the firm itself needs to build a treatment facility, the loan may be made for the construction of such facility.

We all know that the economy is in terrible condition. We know that there is a high rate of unemployment and that there are many depressed areas throughout the Nation. It is precisely these areas which contain the most small businesses whose existence would be jeopardized by inability to pay the cost of controlling their pollution, and it is to these industries that this section is directed. No one in Congress wishes to legislate so irresponsibly that we drive out of business those who sincerely wish to abide by the new pollution laws but who, because of a bad state of the economy, will be forced to close.

The $800 million authorized by this section may not be completely adequate. But it is a start. No adequate studies have ever been made about the financial problems of industries in pollution abatement. I am hopeful that EPA will keep close track of the demand for loans and that they will report to the Congress on the extent of the demand. If the demand exceeds the supply, I am sure that the Congress will vote to increase the funding.

Solving the pollution problem will take sacrifice on everyone's part. It will not be easy. But it is something that has to be done, and the legislation we will vote on tomorrow puts us squarely on record as willing to make those sacrifices. Specific goals, adequate funding, and touch enforcement will solve the water pollution problem and I am pleased to be able to vote for this bill.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, I thank the gentleman for yielding me this time, and I wish to congratulate the gentleman and the members of the staff of the great Committee on Public Works for the indefatigable energy they have put into this bill, and to commend many of the principal sections of the bill, and hope that the five or six perfecting amendments which will be offered tomorrow will have favorable consideration.

Mr. Chairman, today we begin consideration of very comprehensive amendments to the Federal Water Pollution Control Act.

H.R. 11896, among other things, authorizes $4.6 billion in total spending for water pollution control; increases the grant percentage for the construction of waste treatment works; establishes that by 1976 polluters must use the best practicable technology in controlling wastes; abolishes the slow and ineffective enforcement conference procedures; and expands the coverage of the law to intrastate, as well as interstate navigable waterways.

Chairman BLATNIK and the committee deserve great praise for these very fine improvements in the present law.

There are, however, several provisions of the reported bill that should be amended to make the bill conform more closely to the stronger Senate bill (S. 2770) that passed the other body last November, 86 to 0.

The clean water package of amendments cosponsored by myself and over 40 of my colleagues is designed to strengthen these provisions.

One of these relates to the permit program established by section 402 of the reported bill.

H.R. 11896, as reported, provides for the complete transfer of the permit program to each of the 54 States and other jurisdictions. This could be accomplished under the bill before standards for toxic pollutants and for the pretreatment of effluent standards are adopted. Even more importantly, effluent limitations will not be established before EPA is required to turn the permit program over to the States.

We believe that, before EPA turns the permit program over to the States, the basic requirements for controlling pollutants should be established. Our amendments would accomplish this.

The House bill, like the Senate bill, tells each State that it must transmit to EPA a copy of each permit application and provide notice to EPA of every action related to the processing of that application. But, once EPA receives the permit applications, it can do no more than merely file them. No provision is made for EPA to comment on the applications. EPA cannot object to the issuance of a permit. EPA must merely receive for its information thousands upon thousands of applications which will then gather dust in some records center.

In the Senate bill, this is a meaningful requirement. For in that bill, EPA has an opportunity to object in writing to the issuance of the permit by a State.

We think the Senate approach is sound. But we have improved upon it further by requiring that EPA act within 60 days after receiving notice from a State which proposes to issue the permit.

Furthermore, our amendments would continue the provision in the House-reported bill that EPA may waive this notice and veto requirement as to certain types or classes of point sources when EPA approves a State permit program. Thus, EPA would not be reviewing and commenting on every little permit, but on only those which are of consequential importance in each State.

To his great credit, Gov. Wendell R. Anderson of Minnesota testified before the House Public Works Committee on December 9, 1971 and indicated his strong support for turning over the permit program to the States. But in so doing, he emphasized that EPA must have a veto over individual permits. Governor Anderson said in his prepared statement:

If the States are to run the permit program, however, the EPA must have a veto over individual permits issued by the States. It is true that the House bill allows the Federal Government to review the State's total permit program, but once that program is approved by the administrator it is extremely unlikely that such approval would be rescinded.

The EPA Administrator should not have to veto a State's total program just to get at permits granted improperly to a couple of polluters. So we still need a veto on individual permits to check those that are improperly granted, and this concept is already embodied for interstate waters in section 402 (d) (2) of the House bill. The administrator, if he exercises a permit application veto, should be required to do so within 60 days or the veto will be waived. This will have the effect of requiring him to focus on only those permits that involve significant problems and would provide a reasonable double check on this crucial part of the States' program. (*Italic supplied.*)

Governor Anderson's comment that EPA "should not have to veto a State's total program just to get at permits granted improperly to a couple of polluters" is certainly well taken.

It is true that the House committee's bill provides that the EPA Administrator, after public hearings and a 90-day waiting period, can reach down and withdraw his approval of the permit program being run by a State. But the effect of this ac-

tion would be a Federal takeover of the entire permit program.

This type of total Federal takeover should not be necessary when EPA finds that only a few of the permit applications are being "improperly" issued. Such total takeover would result in chaos both at the State and Federal level. It should be exercised with great care and only when there is clear evidence that the entire State program has fallen into disrepair.

Governor Anderson discussed in more detail the reasons why this Federal check on State-issued permits is important. He said:

I suggest that there is one insight which should be shared with you. I suggest that every Governor in the country knows what is the greatest political barrier to effective pollution control. It is the threat of our worst polluters to move their factories out of any State that seriously tries to protect its environment. It is the practice of playing off one State against the other. It is the false but strident cry of the polluter that clean air and water mean fewer jobs.

Every Governor in this country knows that when he tries to put some teeth into his State's anti-pollution laws, his efforts will be met by precisely these sort of threats.

My message to you today is this: the answer to threats is uniformity. The only way to stop polluters from political intimidation is to prevent them from raising the alternative of moving to a place where pollution is allowed. There should be no such place in this country. We can no longer tolerate the fact that the price of diligence is intimidation. We should have uniform standards of pollution control in all fifty States—tough standards, fair standards, a set of meaningful and comprehensive rules that permit neither exception nor evasion. Pollution does not stop at State boundaries and neither must its regulation.

* * * * *

Suppose a State adopted a policy of approving more lenient permits as a device to lure industry away from more conscientious States. This would circumvent and destroy the uniformity created by national effluent standards. Or, what if the person in charge of issuing State permits owned stock in the company whose permit he issued? EPA's veto power should further apply to help overcome political and other pressures sometimes exerted by local industry on State agencies. The further away one is from such pressures, the easier it is to be objective in making important decisions. Each branch of government, therefore, must help the other resist untoward pressure and act as a check on the other to produce the strongest pollution control possible—that is cooperative federalism.

Minnesota's position on the Federal veto is a middle ground, therefore, between the Senate and House bills. We believe this approach will avoid the administrative problems which could bog down the program if an unlimited time period were allowed for Federal review of permit applications. Although a small increase in EPA staffing may be required, we believed this approach will provide a margin of additional safety on the side of the environment when the Administrator determines stronger protection is needed by strengthening an individual permit.

I appreciate the fact that several Governors, well informed on this issue and conscientious in their efforts to protect their citizens, have taken a somewhat contrary position. These gentlemen have opposed the right of the Federal Government to exercise a veto over individual permits. I appreciate their concern but respectfully submit that that concern is inappropriately applied in this instance. I appreciate the fact that several Governors are reluctant to give any veto power to the Federal Government which has in the past supported standards less stringent than those of the States. I referred to this problem earlier. But in this particular instance, I feel the cause of stricter standards is best served by permitting the individual permit vetoes.

If this safeguard is not permitted, those States which do not pursue a vigorous anti-pollution program will continue to be cited by polluters as havens from which to escape proper environmental regulations. The uniformity which I cited at the outset of these remarks as the major necessity for an effective pollution control program cannot, therefore, be achieved without permitting this type of Federal check on permits which simply do not accomplish the job of pollution control."

My colleagues and I share Governor Anderson's views. We feel certain that unless there is a Federal review of the individual permits, workers of the Nation and many industries would be harmed significantly because of the great pressures that exist in many States to encourage businesses to locate there.

I strongly urge my colleagues to support us in this effort to strengthen the committee's bill and to bring it more in line with the stronger Senate version.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman and colleagues, if anyone doubts the importance and the wide range benefits of this legislation they can take notice that in title I it starts with research, and ends up with sex discrimination in title XIII with over 200 pages in between. I do not think you can beat that with any legislation.

Seriously, Mr. Chairman and colleagues, we have labored long and hard in the Committee on Public Works to bring this legislation to you today.

I would be remiss if I did not take a moment to commend our distinguished chairman, the gentleman from Minnesota (Mr. BLATNIK), the gentleman from Alabama (Mr. JONES), the gentleman from Ohio (Mr. HARSHA), and all of the Members on both sides of the aisle for their diligence, because I can assure you that this is the culmination of many months of hard and uninterrupted work.

I would also like to commend Mr. Sullivan, our chief counsel, Mr. Enfield, and other members of the staff who have worked so hard.

This legislation certainly represents one of the most important, if not the most important, pieces of domestic legislation to come out of this session of the Congress. There are a number of issues that cry out for attention in America, and the attention of this Congress, on what we consider to be deep national concerns, but certainly there is none that has been neglected more than our national environment.

In one very real sense we are all passengers on the planet Earth, and unless we feel secure and comfortable about our natural environment there is very little prospect of dealing on a meaningful basis with the pressing social issues of our times.

The action taken by this Congress on water pollution will be watched around the world for, just as we have been the great embodiment of industrial and technological progress, we are also, Mr. Chairman, the embodiment of the environmental damage and clutter and trash that has been part and parcel of our great progress. This is an opportunity for this Congress to show the way, and the vehicle through which we can show our enlightened concern is this bill before us today.

It contains an approach that pinpoints responsibility at the various levels where the abatement problem must be tackled. I would like to make this one important point in my brief remarks, and that is, Mr. Chairman, that this is not a Federal bill alone, nor is it a State bill. Read it carefully, and you will find that the duties and responsibilities are distributed fairly among industry, the States, and the Federal Government.

The Federal responsibility is particularly great because the EPA is called upon to provide the scientific and technological leadership that will be necessary to advance the state of the art of waste treatment.

There is no single way that abatement can be approached. The concept of alternatives is an important one in this legislation. We emphasize such concepts as the recycling of wastes, reuse of water, and the development of programs that are ecologically sound.

Likewise this legislation does not permit the mere transfer of the pollution problem—yes—we do not allow any State or local community to just transfer the problem. We do not accomplish anything if we clean up the rivers and lakes and in the process create an air pollution problem or do damage to the esthetic quality of the countryside, whether it be in southern Illinois or someplace else.

This is a good bill and a fitting subject for the House of Representatives at this crucial moment of needed environmental leadership.

I would like to close by putting in proper perspective the reasons for our bringing out this bill today. I would like to do it with a poem.

"I once knew a man who built a wall.
A wall unfriendly, grim and tall.
I knew this man could not be bad.
Maybe timid or even sad.
So I built a tower by this wall so grim.
And I looked down and smiled at him.
This noble man's heart was about to break.
So he tore down the wall and built a gate."

Is not that what we are doing here? Many local communities and industries have built a wall around cleaning up our pollution. People have been indifferent to the needs of our society. They have built a wall saying that it cannot be done—a wall too high to get over.

So we provide the funds with which to tear down the wall of neglect and allow them to open a gate of partnership between the local communities, the States, and the Federal Government.

That is all we do here—is to allow a gate with good hinges to swing open wide so that we can be able to clean up our environment.

I strongly encourage a good attendance tomorrow. Amendments will be of-

fered to try to weaken this bill. I hope it can be passed in its present form so we can get on with the job of cleaning up America's waters. Thank you.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER resumed the Chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on March 24, 1972 the President approved and signed bills of the House of the following titles:

H.R. 1746. An act to further promote equal employment opportunities for American workers; and

H.R. 8293. An act to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968.

The SPEAKER. The Committee will resume its sitting.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

The Committee resumed its sitting.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Chairman, I would like to ask the distinguished gentleman from Ohio some questions with regard to this bill.

This bill authorizes the expenditure of $18 billion over the next 3 years for the construction of waste treatment works. With this huge expenditure of public funds, every effort must be made to assure that the best available technology is utilized and that designs are cost effective.

Since the design of new facilities to meet water quality standards will be completed in the next 3 to 4 years, new technology must be adopted now in order to have an impact on the design of new facilities. We cannot afford to invest in facilities which might soon become obsolete and cannot be readily modified to meet more stringent quality criteria in the future.

In this regard, I am especially concerned that there has not been sufficient emphasis given to developing new recycling and reclaiming techniques to replace or augment secondary and tertiary treatment processes. Moreover, research into this matter leads me to believe that the coordination of programs to develop this technology has been poor if not nonexistent. For instance, NASA has developed for long-term space missions and space stations a subsystem to recover and reuse water from urine, wash water, and atmospheric condensate and to recover water and gases from solid biological wastes, and decompose and incinerate the solid waste. Of particular importance is the fact that the system does not require a power supply from some other source.

Yet, although NASA feels the system has tremendous land-based potential if developed properly, the only other agency which is making an effort to utilize it is HUD, and they are only studying the methodology. The Environmental Protection Agency has made no effort to utilize this technology although they stated to me that "the basic concepts appears to be quite feasible for use in individual homes" and the "concept would accomplish much in regard to reducing waste-water flows and the resulting pollution that reaches our watercourses." Moreover, less than $1 million is now being expended on developing this technology.

My real concern is not with the particular technology used for recycling or reclaiming, but with utilizing what we have already developed so that we can develop in the shortest time possible technology which may be more economical and more pollution free. Is it your opinion, Mr. HARSHA, that section 105(d)(2) puts sufficient emphasis on developing this technology? And, second, does section 105(e)(2) make it mandatory that the Administrator shall utilize technology developed by other agencies such as NASA and HUD and coordinate development efforts with these and other agencies?

Mr. HARSHA. Mr. Chairman, if the gentleman will yield, my answer to the first question from the gentleman from Florida, who is to be commended as an effective advocate of commercially useful technological spinoff from the space effort, is "Yes."

The committee expects that the Administrator will pursue all avenues which might lead to effective solutions. The space effort has effectively demonstrated a number of potential techniques for recycling of pollutants. These may have potential for commercial development and for homes, boats, and vehicles. I definitely believe and intend that section 105(d)(2) require the Administrator to investigate NASA-developed technology.

In answer to the gentleman's second question, let me say that section 105(e)(2) specifically refers to areas where conventional systems are impractical, uneconomical, or otherwise unfeasible. Again, it is ridiculous not to use technology wherever it is developed. It is expected, and I am sure I speak for the committee on this, that the Administrator will use technology developed by other agencies. The legislative language in question authorizes research grants and it is expected that before such grants are made, the Administrator will consult with all relevant agencies to assess the utility of all available technology.

Mr. FREY. I thank the gentleman for his answer. I am delighted to have his opinion on this question, and certainly hope that we do get our money's worth. We have put a great deal of money into research in the space program in developing techniques, and I think this could be a tremendous payoff from the space program.

I commend the gentleman also for his work on this bill.

Mr. HARSHA. I thank the gentleman. We are proceeding on a crash basis on the water pollution control program. Certainly we ought to take advantage of all research and development programs throughout the Federal Government, and I would hope that the Environmental Protection Agency would heed that suggestion.

Mr. JAMES V. STANTON. Mr. Chairman, I yield 5 minutes to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Mr. Chairman, I would like to express my strong support for section 12 of H.R. 11896. This section of the bill is cited as "The Environmental Financing Act of 1972" and would establish an Environmental Financing Authority—EFA.

The purpose of EFA is to assure that there will be a market for the bonds issued by local communities to finance their share of the costs of waste treatment facilities eligible for a Federal grant under the Water Pollution Control Act.

EFA would be simply a financial intermediary. It would purchase obligations issued by local public bodies to finance the construction of waste treatment facilities, and it would obtain funds for this purpose by issuing its own debt obligations in the market.

Yet, while EFA is expected to be a relatively simple and self-supporting operation, it would perform a vital function. By standing ready to purchase municipal waste treatment bonds, EFA would assure that every municipality would have an opportunity to market its bonds at reasonable rates of interest.

Thus EFA would remove a serious obstacle to the waste treatment facility construction program and would make an essential contribution to the overall national effort to clean up the environment.

There has been no disagreement on EFA between the administration and the Congress. Both the House and Senate Public Works Committees reported this bill favorably without amendment. Yet a number of questions were raised in the hearings on this bill, and I would like to respond to these questions for the record.

EFA is not an assault on the tax-exempt market. EFA would lend only to those public bodies who are unable to borrow in the private market on reasonable terms. It is expected that the bulk of municipal borrowings for federally assisted waste treatment facilities would continue to be financed in the tax-exempt market. It is estimated that EFA would normally lend for perhaps only one out of five projects assisted by a Federal construction grant.

Under the proposed legislation, EFA could not purchase any municipal obligation unless the Administrator of the Environmental Protection Agency first, has certified that the borrower is unable to obtain on reasonable terms sufficient credit to finance its actual needs; second, has approved the project as eligible for a waste treatment construction grant under the Federal Water Pollution Control Act; and third, has agreed to guarantee timely payments of principal and interest on the obligations.

Most public bodies would have no desire to borrow from EFA, simply because the rate at which EFA would lend would be established by the Secretary of the

Treasury at a level higher than the interest rate at which most municipalities could borrow on their own in the private market.

EFA would raise its funds by issuing its own taxable obligations. Under present market conditions EFA might be paying about 7 percent on its own long-term taxable borrowings and purchasing tax-exempt municipal waste treatment obligations at about 6 percent. Under the bill, the 1 percentage point difference between EFA's borrowing and lending rates would be made up by an annual payment from the Secretary of the Treasury to EFA. This payment would not involve a net cost to the Federal Government, however, since it would be offset by the additional revenues which the Treasury would receive because of the substitution of taxable for nontaxable obligations.

EFA would not require a large new bureaucracy. It would rely heavily on the existing resources of the Treasury Department. EFA would be simply a financial intermediary operating under the direction of the Secretary of the Treasury and having as its sole function the borrowing of funds in the private market for the purpose of purchasing municipal obligations guaranteed by the Environmental Protection Agency.

EFA would have the advantages of consolidated financing and the flexibility necessary to obtain funds efficiently from the capital markets.

EFA would not undermine the autonomy of local governments. EFA would not result in Federal involvement in a single project which the Federal Government is not already involved in, since EFA would lend only for projects eligible for a Federal grant. No municipality would be required to borrow from EFA.

It has been argued that the need for EFA assistance to municipal borrowers has diminished because of the general improvement in bond market conditions since EFA was first proposed in February 1970. I would certainly agree that communities are having much less difficulty in selling their bonds today, as compared to the crisis situation municipal borrowers faced 2 years ago. Yet even in times of relatively favorable market conditions there are some communities that lack the size or credit standing necessary to support their bond issues at reasonable rates of interest. EFA would help these communities.

Also, as we learned in 1966 and in 1969, conditions in the municipal bond market can deteriorate rapidly. The construction of waste treatment facilities requires a great deal of planning, and the approval of interested groups at the Federal, State, and local levels is a time-consuming process that may extend for several years. This process can be facilitated greatly if we can assure in advance that when the project reaches the financing stage it will not be unduly delayed or canceled because of changing bond market conditions. EFA would provide that assurance.

I urge you to join me in support of the Environmental Financing Act of 1972.

Mr. Chairman, I include with my remarks an editorial published in yesterday's issue of the Washington Star entitled "The Murky Business of Cleaning the Water." The editorial, which points out the distinction between the bill now before the House and that passed by the other body, is as follows:

THE MURKY BUSINESS OF CLEANING THE WATER

To get a good argument going among those who care about the world around us, try the following question: Which of the two major pollutions, air or water, is the more insidious and resistant to effective control?

Our own choice is water pollution. Polluted air, it is true, is impossible to contain and thus, for most people, impossible to escape. But the reverse of that proposition is that water, because it is more contained, can get incredibly dirty. No given amount of air is contaminated to the same degree as many of our major rivers and lakes.

Beyond that, the sources of water pollution are so numerous and disparate as to defy coordinated attack. Sewage from thousands of communities—treated, partially treated, untreated—is just one source. Industry pollutes the water in endless ways. And even if an industrial plant protects its own adjacent waterways, it may turn out a product such as detergent soap that winds up in rivers and streams thousands of miles away. Then there is thermal pollution, and mine acid drainage, and agricultural run-off, and off-shore dumping, and oil spills in coastal waters. Considered all together, it stuns the mind.

So does the cost of coping with it. As two examples: To halt mine acid drainage, which is limited to a few Appalachian states, might cost $7 billion; to separate sewer lines from storm drains in the cities where they are combined might cost $25 billion, or $50 billion. No one knows for sure. And no one can tell the cost of total water pollution control, except to say that it would dwarf all other environmental programs combined.

We bring all this up as a way of pointing up the immense significance of the debate scheduled to begin tomorrow in the House. Coming up is H.R. 11896, the House Water Pollution Control Bill. It is bewilderingly complex. With its four-year price tag of $24.6 billion, it could become the most expensive piece of environmental legislation ever passed. But even though the President's budget-makers are dismayed at these dollar figures, much more is at stake.

As it now stands, the House bill must be seen as counterposed to an extremely ambitious and highly controversial water-pollution bill the Senate passed in November. The major differences between the two bills run far beyond questions of detail and degree to a conflict over whether this nation should change, and how far it should change, its basic approach to fighting water pollution through this decade and well into the next. This is not just any old water pollution fight. It is truly a fight over crossroads decisions. Enormous consequences will flow from what the House decides to do about the bill that has come from its Public Works Committee, and about a series of "clean water" amendments, backed by 25 environment, civic and labor groups, that would bring the bill in line with the Senate version.

Very briefly, the Senate bill would sweep away the current practice of setting, and trying to enforce, water quality standards for various waterways. With the Environmental Protection Agency, not the states, running the show, the new approach would be strictly regulatory. Through the creation of any number of national effluent limitations and a system of discharge permits, it would be directed at specific sources of pollution. The timetable is significant: For industry, by 1976, a requirement to use the "best practicable" technology; by 1981, the "best available" technology; by 1985, no discharges at all.

A breath-taking bill, indeed, and one that, especially in this politically charged election year, puts any critic of it in the position of seemingly advocating dirty water. This is precisely the tricky position in which the House committee found itself in trying to put together a separate version.

And yet the committee turned out a remarkably balanced product. It has some faults—notably in giving the federal government too little clout in making sure the states enforce the law. But in the main, we believe, it represents the right approach at this time to an extraordinary difficult problem.

The House bill, though a large improvement over current law, is known as the "weaker" of the two bills. This kind of comparison, with all its implications of good versus bad, can be highly misleading. "Strong" laws have been passed before that produced results far from the original goals. In setting the no-discharge 1985 goal, and declaring that as national policy, the Senate took the position that the country will never solve its pollution problem until Congress legislates fixed goals and sets a timetable for realizing them. It is a commendable thought, but only to the degree that the mechanics and the cost of reaching the goal are spelled out, and understandable, and feasible. Supporters of the Senate bill hope it is workable. They cannot be sure. Some administration spokesmen have called it unworkable. Theirs, too, is educated and somewhat biased guesswork.

The House bill offers what appears a reasonable answer. It retains the 1976 requirement for "most practicable" technology. But the far more sweeping 1981 and 1985 goals are made subject to further congressional action after a two-year study by the National Academy of Sciences and the National Academy of Engineers. This is already being assailed as something of a cop-out. The arguments for it are more persuasive. Subjecting all the unknowns in the water-pollution issue to an exhaustive academic study only makes sense. In the short term, with the bill's fixed 1976 requirements, this would not represent a reprieve to polluters. By 1974 or 1975, with the study reports in hand, Congress will be in a far better position to legislate between basic, regulatory approaches. That it would fail then to act on water pollution seems highly improbable. And the tentative timetable is such that before 1981 industry would have enough time to adjust to higher standards.

The essence of the two-year study should be to make vital distinctions between the merits of water quality standards and the case-by-case regulation of pollution treatment at the source. Probably there is a case for a mix of both, and the House legislation wisely provides for such a mix at least until 1976. The trouble with relying solely on the present standards is the difficulty of establishing who is responsible for polluting a particular river system. But to switch entirely to a system calling for countless different treatment standards could prove just as cumbersome. For the government to direct an industry to eliminate all discharges, or even to install the "best available" technology, ought to be judged in light of identifiable benefit. There may be little point to ordering an industry on, say, the Mississippi River to go beyond 80 percent or 90 percent treatment control. For another industry, located on a fragile waterway, 95 percent control might not be good enough.

Beyond the technical lie the economic considerations. They are far from idle ones. To hold new industries to the highest possible standards is one thing. It is quite another to mandate that every industry, including older,

economically vulnerable plants, install the most expensive equipment and move to a 1985 no-discharge status. Beyond that, although the total costs remain elusive, it is beyond question that the costs of improving our waters will move upwards not on a straight line but on a sharp curve, so that the price tag for removing the last 3 percent of pollution could well prove higher, by multi-billions of dollars, than the cost of eliminating the first 97 percent. All this needs thorough delineation, and then the question must be faced of whether, in light of so many competing priorities, the nation wants to commit such a large part of its resources to go beyond basically adequate improvement in water quality.

The Senate, with its bill, has raised the nation's environmental aspirations. The House version, though, because it does not sacrifice wisdom for simplicity, represents better government.

Mr. JAMES V. STANTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I rise in support of the bill as reported by the Public Works Committee. Drafted after a searching and painstaking analysis of the water pollution problems now confronting the United States—an analysis that spanned the better part of 3 years—the bill would set a goal of eliminating water pollution altogether by 1985. A less ambitious interim goal sought in the legislation is making the country's waterways fit for fish and wildlife, for swimming and boating, by 1981. Both these goals, although the principal objectives of the committee bill, are not presented to us as if graven on stone tablets—the holy writ that must be honored no matter what the consequences to American industry and its workers. Wisely, the committee bill makes the goals subject to further congressional action after a 2-year study by the National Academy of Sciences and the National Academy of Engineers.

The bill, still further, would shift the principal means of water pollution control from water quality standards to effluent limitations—and the principal responsibility from the Federal Government to the States. It calls for appropriations of $24.62 billion, $18.35 billion of this for building new waste treatment plants.

No rational man, Mr. Chairman, can dispute the need for a program of this magnitude. The need is so unmistakably plain that it hardly warrants mention here. The exploitation of our waterways—our rivers, our streams, our lakes—has left many of them so fouled they can barely support life. Lake Erie, for example, once the world's most prodigious source of fresh water fish, is now virtually dead. One river—the Cuyahoga, near Cleveland—actually burst into flames a few years ago. A growing menace to public health, beaches are being closed and rivers posted throughout the United States. In 1970, a public Health Service report showed that fully 30 percent of the country's drinking water contains substances hazardous to human health. And, a scant year later, the Geological Survey pointed out that drinking water in 12 cities falls short of scrupulous health standards.

The question before us, Mr. Chairman, is not whether we should clean up our waterways—but what means we should use to achieve that goal. The Senate Water Pollution Control Act, like the amendments that will be offered to the House act, envisions an almost millenarian era wholly free of water pollution—an era that can be reached, step by step, as if climbing a ladder to the heavens. The timetable calls on industry to use the best "practicable technology" by 1976, the "best available technology" by 1981, no discharges at all by 1985. Even further, the Senate bill and the House "Clean Water Package" amendments would abruptly dismiss water quality standards for the Nation's waterways. The Environmental Protection Agency, endowed with most of the authority for administering water pollution control, would take an entirely regulatory approach—establishing effluent limitations, awarding discharge permits, attacking specific sources of pollution.

The scenario, Mr. Chairman, is almost idyllic. But can it be realized? Perhaps, perhaps not. One thing is certain, at least in my mind: the committee legislation now before us is more closely reasoned, recognizing the threat posed by a timetable so rigid and so fixed that it would yield to virtually nothing.

I quote from a Washington Star editorial published yesterday:

The House bill, though a large improvement over current law, is known as the "weaker" of the two bills. This kind of comparison, with all its implications of good versus bad, can be highly misleading. "Strong" laws have been passed before that produced results far from the original goals. In setting the no-discharge 1985 goal, and declaring that as national policy, the Senate took the position that the country will never solve its pollution problem until Congress legislates fixed goals and sets a timetable for realizing them. It is a commendable thought, but only to the degree that the mechanics and the cost of reaching the goal are spelled out, and understandable, and feasible. Supporters of the Senate bill hope it is workable. They cannot be sure.

I think we can be sure, Mr. Chairman, that the Public Works Committee bill is workable. It maintains intact the 1976 requirement for the "most practicable technology," but makes the almost icarian 1981 and 1985 goals subject to the 2-year study I have already cited here. Such a study is necessary to shed light on the scores of unknowns in water pollution control: the efficacy of water quality standards versus case-by-case regulation, for example, or the impact of new pollution standards on industry and jobs.

The timetables sought in the Senate bill might jeopardize hundreds of industries and hundreds of thousands of jobs—even millions of jobs. Already operating on slender profit margins, many vulnerable industries may go bankrupt if the Government demands that they install the "best available technology" often the most expensive technology, as well—by 1981. The unemployment rate nationwide, despite a few heartening signs of stabilization, is still disquieting. In my own congressional district—largely within the Springfield-Chicopee-Holyoke Metropolitan Statistical Area—more than 8 percent of the work force is now idle. Can we afford to hastily adopt the Senate's timetable for pollution control, unaware of just how it may threaten employment? I do not think so, Mr. Chairman. I think it would be far more prudent, far more enlightened to carry out the study proposed for the National Academy of Sciences and the National Academy of Engineers.

The following letter from the Monsanto Co., in Springfield, Mass., makes clear the need for this study:

MONSANTO CO.,
Springfield, Mass., March 20, 1972.

Hon. EDWARD P. BOLAND,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BOLAND: It is my understanding that the Water Quality Bill (HR 11896) which has recently been reported out of the House Public Works Committee is a vast improvement over the Muskie Bill passed by the U.S. Senate last Fall. By vast improvement I mean that it appears to take a much more rational approach to cleaning up the waterways of America than does the Muskie Bill.

While we all believe that we should clean up our rivers and streams, we note the monumental expenditures required by the Muskie Bill. In marginal operations an added cost, as proposed by Senator Muskie, could mean the closing of a manufacturing facility and loss of employment.

Although I very much regret that the states' participation in the solution to this very complex problem is not strengthened by this proposed legislation, I urge you to support the House Water Quality Bill as reported and to ask the support of your colleagues to do the same. I am certain that there will be those who will offer amendments to the bill which, if adopted, would markedly change the intent of the House bill and the resolve of the House Public Works Committee. Please vote against any such amendments.

In particular, please support the section of the House Bill which provides for a study of the legislation by the National Academy of Sciences with the obligation on the Academy to report its findings back to the Congress within two years of the enactment of the bill. The requirement of Congressional implementation of the findings of the Academy as a part of that section is extremely important.

Your help in this vital matter will truly be appreciated.

Sincerely,

G. M. ELLSWORTH,
Plant Manager.

Mr. Chairman, I am persuaded that we must first identify the ultimate implications of the Water Pollution Control Act—especially its technical and economic impact—before committing ourselves to a rigid timetable. H.R. 11896 seeks to do just this. I commend the distinguished gentleman from Minnesota, the chairman of the Public Works Committee (Mr. BLATNIK) for bringing this bill to the floor. It is just another instance in a long line of his great endeavors to rid the Nation of pollutants that threaten its very existence. I applaud his committee for the very careful consideration it gave to this complex problem.

Mr. Chairman, the bill now under discussion deserves the support of the Congress.

Mr. JAMES V. STANTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I urge passage of the bill presented by the Committee on Public Works because it establishes the soundest, most workable program that has ever been devised to clean up the pollution that threatens to destroy our Nation's waters.

This legislation calls for perhaps the largest nondefense authoriation in all our history. But this is the measure of the stupendous task we confont in restoring and preserving our waters. I have heard it said that we cannot afford a program of such scope, to which I must reply: We cannot afford not to undertake this program, because our survival as a people hangs upon the survival of our waters. And no one can deny today that our waters are in mortal peril.

Mr. Chairman, this legislation recognizes that America's resources are not limitless, that there are many priorities with heavy claims on the public welfare. The committee has prudently provided for an intensive study into the possible consequences that might result from going full-blast to our States goals of swimmable water by 1981 and no discharge into our waters by 1985.

With the findings of that study in hand, in 1974, the Congress can then decide whether or not a midcourse correction of our program is required.

This bill contains specific and direct help for the Great Lakes region by initiating the pilot program for Lake Erie at a cost of $5 million. The authorization for the Great Lakes program is set at $20 million, which will be a direct and forceful step towards cleaning the waterways of America.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I have asked for this time so that after we go into session of the House I can ask permission to include at this point in the RECORD a letter from the Water Supply and Pollution Control Commission of New Hampshire, and also a very interesting article by Terry P. Frost, one of the officials of that organization that discusses tertiary treatment in a very constructive and knowledgeable way.

I offer the letter as it suggests needed improvements in the bill now before us.

I offer the article as it is a hopeful one and reminds us that we making progress. Because so many others have spoken on the details of H.R. 11896, and at length, I shall not do so.

The letter and the article follow:

WATER SUPPLY AND POLLUTION CONTROL COMMISSION,
Concord, N.H., March 24, 1972.

HON. JAMES C. CLEVELAND,
Longworth House Office Building, Washington, D.C.

DEAR JIM: Your office called yesterday and indicated you would welcome any last minute comments regarding HR 11896 in final draft. Incidentally, thank you for furnishing us with a copy of this legislation.

Clarence Metcalf and I have hurriedly reviewed the new draft and find it does not substantially deviate from the December 1971 version. Thus, our earlier comments would still have meaning.

We recognize the importance of focusing attention on major considerations rather than to offer a long enumeration of modifications which would be desirable. Accordingly, the features we wish to stress are outlined briefly as follows:

The arrangement with regard to industry bearing not only its share of operating costs, but also capital construction costs, will certainly serve to discourage joint projects. Industry will soon decide to go it alone because it will be easier, and, in many instances, more economical to do so. As a result, the main underlying objective which the Bill seeks to promote, namely, regional solutions, areawide treatment concepts, etc., will be frustrated. On this question of charges, we have always been impressed (and state law permits) that local governments should retain the authority to distribute the costs within a framework which will be equitable for all concerned. If the Federal Government assumes this responsibility, it is our opinion it will introduce more complications than solutions. Overall, by insisting upon charging industry its "fair share" there will be more loss than gain in terms of effective pollution control programs.

The permit system provides that ultimate authority will reside with EPA. As we have said previously, states should be allowed to develop strong permit programs in accordance with Federal guidelines rather than to have both governmental levels involved. It seems ridiculous to require that the state agency furnish a copy of every permit application and each permit issued to the Administrator. Moreover, he then has a period of 60 days to decide if he is in agreement that the judgment is sound. To qualify for operation of a state permit program the state must also be empowered to control ground water. New Hampshire statutes do not allow complete authority for us to function in this capacity. Insofar as ground water used for drinking supplies is concerned, we could qualify but the law does not afford complete coverage. In developing legislation of national scope where there is a need to be concerned with control of ground water pollution, there should be a period of grace allowed for states such as ours where it has not been significant to enact suitable statutes. Otherwise, we may not qualify for operation of the permit system.

Areawide and other forms of regional planning are encouraged but there is no clear indication that the stage pollution control agency will be designated to carry out this responsibility. We believe to preserve continuity of responsibility this should be the arrangement.

In order to qualify for construction grants under 201(3) collection systems must be free from "excessive" infiltration. This requirement becomes operative for all projects after July 1, 1973. Certainly infiltration should be corrected wherever it is a problem but there should be time allowed to achieve this objective. Likewise, it should be eligible for grant funding. Unless such improvements are phased, it means otherwise eligible treatment plant projects will be stymied pending corrective action which may, in most cases, require a considerable period of time.

The state of Minnesota is canvassing the states to protest the provisions of Section 312(f) which conveys all authority for boat pollution control to the Federal level. The Federal marine sanitation standards provide for discharge of treated sewage. This, of course, is inappropriate particularly in inland waters and many states, including New Hampshire, have statute which require "no-discharge" toilet systems for water craft. We would, therefore, endorse the so-called Ford Fraser amendment which would permit states to prohibit discharges from vessels of any sewage, treated or not, into waters on which they operate. We still believe that projects started after July 1, 1971 will not be eligible for reimbursement (see Section 206(a), pages 251-252).

Thanks for any help you can give us.

Sincerely,

WILLIAM A. HEALY, P.E.,
Executive Director.

SIP

(By Terry Frost)

This story is about SIP. SIP is a shiny new acronym for an ancient water pollution control—land enrichment system that probably dates back into antiquity farther than you and I, and perhaps even a competent historian or archaeologist, can pursue it. SIP is short-hand for "Spray Irrigation Projects" or "Spray Irrigation Programs."

Spray irrigation projects, *properly designed and operated,* are literally eat-your-"cake"-and-keep-it schemes. SIP can make large quantities of essential plant nutrients quickly available to land plants and keep them more or less permanently out of our surface waters—lakes, ponds, impoundments, rivers and streams—and even out of the ground waters that replenish our wells and feed our subsurface water supplies. Unwanted feed for nuisance algae and other noxious aquatic vegetation becomes much wanted feed for highly desirable land plants—field corn and other forage crops; white pine forests; hardwood timber crops; pulpwood forests and Christmas tree plantations—you name it. If it grows SIP can help it grow better—and bigger! So, being slightly repetitious, we wish to emphasize that good, healthy SIP's can considerably check the appalling "cultural eutrophication"—a plainer term, the "unnecessary manuring"—that threatens all of our surface waters including the most important reaches of the world's oceans.

SIP can forestall dangerous health hazards attributable to faulty water supplies infested with bacteria and viruses and overburdened with chemicals that can make you sick and, at worst, kill you. A proven example is the ability of SIP to strip nitrogen from liquid wastes. Nitrogen in solution, as you know, travels as a nutrient to ground crops and the ground crops literally drink in this solution for their sustenance. Thus the nitrogen is put to good use for man in crop-building and is kept out of drinking water in concentrations that might lead to methemoglobimenia in infants, the dreaded "blue-baby" disease. Nitrates and other salts in excess in drinking water supplies are dangerous to imbibe for anyone with certain forms of heart disease.

The first crude "spray irrigation" perhaps inadvertently occurred when the first mammal urinated in the primeval forest. In your time and mine when granny cast the nightly slips about her rose garden or lilac patch she was "treating" domestic wastes, lacking only the sophistication of even distribution, in about the same way modern spray irrigation facilities do the job. Grandma's approach satisfied the population she served. SIP serves a greater population than Grandma. And modern SIP units are a bit more complex and expensive and scientifically programmed to spread the stuff more uniformly.

Recent resurgence, considerable study, and effective refinement of SIP, a prehistoric waste disposal method, can be attributed, in large measure, to Dr. Louis Kardos, Dr. William Sopper, and their cooperating teams of scientists and associates at the Pennsylvania State University, Drs. Parizek, Myers, Davis, Farrell, Nesbitt, and others. Dr. Kardos, as a matter of interest to New Hampshire Audubon Quarterly readers, earlier in his highly productive career was a professor and researcher in the soil sciences at the University of New Hampshire, Dr. Kordos knows and loves New Hampshire and returns almost an-

nually to his family camp in our north country wilderness in the Pittsburg spruce country.

Engineer Dick Grossman of Concord, in charge of research, operation, and maintenance at all of the granite state's domestic waste treatment systems, and your author spent a number of days at Pennsylvania State University with Dr. Kardos, Dr. Sopper and their research associates back in April of 1970. We did this as part of our jobs with New Hampshire Water Supply and Pollution Control Commission. Most of our New Hampshire interest and enthusiasm for SIP stems from the meticulous work and research over many years by Dr. Kardos and his colleagues as does much of what we write about now.

Our visit to the actual, operating Pennsylvania project, then about seven years along, and with a vast backlog of scientific data, enthused us enough to report back to New Hampshire and push for and promote the concept and similar projects here. One, and for the moment, the only such project operates during the summer months at the Sunapee State Park in Newbury, preserving and protecting the Class A water quality of Chandler Brook and Lake Sunapee.

Based on this single SIP, we are now enthused enough to seek such trials and permanent installations elsewhere. Some of these "elsewheres" include Meredith, Center Harbor, Moultonborough, Wolfeboro, and Alton to maintain the already high water quality of Lake Winnipesaukee; Waterville to protect the high recreational quality of the Mad River system; New London to reclaim Kezar Lake and protect Cascade Brook and the Blackwater River downstream. The Eastman Pond development in Grantham, meant to be the ultimate model for sophisticated land management within a major subdivision, will in large measure rely upon spray irrigation to treat both its sewage wastes and its golf course. A recreational area in Francestown whose major attraction is skiing has already constructed a spray irrigation system which will be in use in the spring or summer of 1972. The entire system is "go" now, so I am told, but a major component is a storage pond to hold waste water during the cold weather months for spraying when the snow cover is gone, the ground thawed, and the vegetative cover ready to assimilate the irrigant.

At this point in time in New Hampshire everyone who thinks about SIP should realize that the irrigant to be sprayed is a "treated" sewage plant effluent. That is, it has usually had what sanitary engineers refer to as "primary sewage treatment" or its equivalent. At Sunapee, we're spraying effluent pumped up the mountain in three lines from a sewage stabilization pond—oxidation pond or lagoon—and this stuff is a little bit better treated than the normal primary effluent but not as well treated as secondary effluent. Summer operation is for the moment a keynote—storage for six to eight months must be provided until we've got enough winter operation experience under our belt.

Our old Juggernaut friends, the United States Army Corps of Engineers, if their current "Scheme IV" for the Merrimack Valley is ever implemented in its entirety, plan to serve a 1990 part-of-the-valley population of an estimated 352,000 people. SIP will then utilize a planned 80,000 acres in the Merrimack Valley and will service the major near-the-river towns and cities of Laconia, Belmont, Tilton, Franklin, Concord, Manchester, Nashua, and others near the river.

At least one county farm and home has eyed the SIP. Land developers are examining it carefully and will undoubtedly install SIPs or modifications thereof. Small municipalities, more or less isolated from their neighboring municipalities insofar as domestic waste treatment facilities are concerned, will turn to the spray irrigation concept as a treatment device. Numerous small, middle, and large-sized recreational complexes will adapt a SIP to their waste disposal needs.

Environmental Scientists, Dr. Louis Kardos and his co-researchers, refer to SIP realistically, and I am sure with some affection, as the "living-filter" system both in their popular and professional articles and papers.

Yes. You are right! The "living-filter" is the soil mantle and all the associated life that dwells therein and thereon, be it in forest, field, or cropland—or even wasteland, if there exists such land anymore. SIPs and "living-filters' are also less picturesquely known to engineers and scientists as "waste water renovation systems. Let's explore a little bit, the thinking behind the terms "living-filter" and "waste water renovation systems."

The "living-filter" or the soil and its accompanying vegetation can strip highly valuable nutrients and undesirable disease bacteria and, in some soils, viruses from the waste water. In fact the "stripping" takes place physically and chemically in the upper few inches of soil generally well above the average ground water level or water table. With your continuing interest in and study of eutrophication problems, the cultural manuring of our lakes, ponds, and some rivers and embayments, you can quickly see one major benefit that SIP provides—some salvation, and I believe major salvation, for our notorious algae-plagued lakes in New Hampshire—Winnisquam, parts of Winnipesaukee which we hope to save before it gets as green-mucked with vegetation as Skatuakee, Mascoma, Glen Lake, and others you know about as well as I do. The "cake" we're going to have and eat, too, is the nutrient we keep out of the lakes and the greatly increased crop production on the land.

Just to give you concrete figures illustrating what we mean by increased crop growth, during the Pennsylvania SIP the researchers used control plots of oats, corn, alfalfa hay, and corn ensilage all normally fertilized with recommended quantities of commercial fertilizers. With the same crops in equivalent soils but without the commercial fertilizer, two different spray levels were used—two inches per week and one inch per week. Considering only the two-inch rate with respect to the control plots, here's what happened to crop growth! The oats shot from 45.20 bushels per acre to 72.60 bushels. Corn from 63.30 to 110.80 bushels, alfalfa from 2.27 tons per acre to 5.42 tons. And silage corn from 3.11 tons per acre to 4.32 tons to the acre. Worthwhile increases? I'd say so—if they can be maintained without damage to the soils.

For you farm-minded Auduboners at the two-inch-per-week rate of application the commercial fertilizer equivalent was in Dr. Kardos' 1963 experiments 2,000 pounds per acre—2,000 pounds worth of commercial nutrients in two inches of sewage as it was applied! Paraphrasing in part some of Dr. Kardos' phraseology in one of his popular articles: "Since the mineral constituents of the sewage effluent varied somewhat from year to year, the fertilized equivalent in 1963 would have been 2,000 pounds of a 7-12-11 mixture (70 pounds of nitrogen, 120 pounds of super phosphote—P_2O_5—and 110 pounds of potassium—K_2O), in 1964 of a 14-15-14 mixture, and in 1965 of a 5-10-15 mixture."

Those of you who are forestry-minded out of bird-habitat or other considerations will be interested in the words of Dr. Kardos when he refers to the Pennsylvania research on spray effects on a white spruce plantation. "In the irrigated plots, total height of the trees over a five-year period was almost double what it was in the control plots. The ground vegetation was sparse in the control plots and abundant in the irrigated plots. In terms of dry-matter production in pounds per acre, the ground vegetation in the irrigated plots was always more than twice what it was in the control plots, and in one season was more than four times as much." Could this also mean there could be two to four times as much bird food and bird cover in a SIP forest? It could!

A little bit on the concept of "waste water renovation." Put as simply as I think anyone could, the March, 1970 issue of Environment magazine states, "The primary purpose of the Penn State experiment was to show whether the soil and plants could transform the sewage waste water to drinkable water." The results, at least for the Penn State soil system, were positive. The oil and plants can transform sewage waste water to drinkable water under favorable soil and plantlife conditions.

The upper few inches of soil further renovate the sewage water for re-use by milking out the waste detergents.

As with all other "systems" we can contemplate, all is not milk and honey with SIP. There can occur from poorly planned and operated SIPs serious salt imbalances in the soil system. This may be the major criticism you'll be hearing and reading in relation to proposed spray irrigation projects in New Hampshire. Although the danger of mineral upset in the soil exists it can, in my opinion, be simply overcome by proper application rates dependent on soil types that exist in the proposed spray areas. Here's where our United States Soil Conservation Service professionals can greatly assist us. Now the good news—and a quote from Dr. Kardos to sustain it. "In Pennsylvania, however, the climate is not dry, but humid, with the irrigation turning the soil climate to superhumid. Evaporation does occur, but is not sufficient to create a soil-salinity problem." To keep things in the proper prospective we must add another and sobering quote from Dr. Kardos: "However, the long-term effects of maintaining a superhumid soil climate on the physical and chemical attributes of the soil, including the salt balance cannot be fully evaluated as yet."

Despite the latter quote, we in New Hampshire are confident that SIP has a large future in solving many of our water pollution control problems. Bolstering such confidence is our limited experience at Newbury where it is only necessary to spray a few hours each week during two or three of the summer months to accomplish disposal on the land from the holding ponds, two sewage stabilization "lagoons," at the Sunapee State Park ski complex.

At Sunapee State Park we are spray irrigating three different slopes. Three pipelines lead from the pumphouse at the storage ponds into the forest on the mountainside. Each line when it reaches its spray area has an average of fourteen "Birdwing" nozzles atop two-foot-high aluminium pipe "risers" spaced about one hundred feet apart along the main feeder lines throughout the forest spray areas. Each spray area covers about one and a third acres of woodland, generally mixed hardwoods with a white pine and a hemlock here and there. Test wells are sampled periodically. Duff pan lysimeter samples are collected and analyzed. The duff pans intercept the rainwater and spray irrigant before they reach the true soil and groundwater to determine the effectiveness of the forest duff layer alone in treating the intercepted waste water. Drinking water wells nearest the spray areas are routinely sampled. Chandler Brook in the vicinity is sampled. We're building a record of the effectiveness of the living-filter at Newbury from the Sunapee ski area.

What about the birds in the spray areas? We don't know at Sunapee because nobody has studied this aspect. We do know a bit from the Penn State study. There bird populations were sampled during the first three years of the program with the result that no significant change in the numbers of the various species was indicated.

Mosquitoes, though the relative abundance was not assessed, did increase in terms of the number of species. In 1963 five species were trapped and in 1964 nine species were collected. Baits used were humans, lights and birds. It would appear that there may have been more mosquitoes in total numbers based on the increase in the number of species.

There are some important things to remember when you think about or are called upon to decide in favor of or against a SIP for your area. Quoting directly from Dr. Louis T. Kardos' superb story about the "living-filter" system. "A New Prospect," published in *Environment* magazine for March, 1970, "The soil has a very complex, active biological system. The success of the living filter depends upon maintaining many aspects of a healthy soil so that this system can continue to function. For example, soil needs to remain aerobic—to have enough oxygen in the spaces between the soil particles for the soil bacteria and other organisms, and so that the roots of the plants can 'breathe.' It must be kept moist, but must not become waterlogged. The exchange capacity of the soil—the ability of certain tiny particles (colloids) to absorb and then to release electrically charged particles of minerals—is another important aspect of coil condition. Observations over the five-year period showed that with two inches of waste water added at weekly intervals, these various needs of the soil system were being adequately met. . . .

This study has demonstrated that in regions where the water supply is primarily derived from the groundwater reservoir, the waste water can be recharged through the living filter, falling water tables can be halted or slowed in their fall and the water resource recaptured.

Although there will be variations in the adaptability of the system to different soil types, climates, and crops, it should be usable wherever the following conditions exist:

Infiltration capacity of the soil can accommodate irrigation water at all seasons of the year to minimize ponding and runoff and at the same time retain water long enough to allow interaction with plants and microbes.

The soil has a high exchange capacity to temporarily fix and store effluent constituents for use by plants and microbes and to prevent the migration of contaminants to the groundwater reservoir, especially in the winter months when root systems are inactive.

The top layers of soil are permeable enough to permit vertical drainage of the renovated effluent and thus maintain aerobic conditions.

The soil mantle—the layer between surface and bedrock—is thick enough to insure renovation of the effluent before recharge to the groundwater reservoir.

Since any disposal system must operate on a year-round basis, in northern climates, when higher plant forms become dormant in the winter period, the living filter system must rely more on the adsorptive capacity of the soil and less on the reduced activity of the microbes and the roots of perennial plants. Forested areas fit into the system as winter disposal areas by providing better winter infiltration and larger phosphorus adsorptive capacities under the acid conditions associated with forest soils. In forested areas, on the other hand, much of the nutrients absorbed during the growing season are recycled annually in the leaf and litter fall. Combinations of agricultural and forested areas will provide the greatest flexibility in utilizing the living filter concept. Under certain conditions either agricultural or forested areas alone can do the job.

"In the absence of a growing crop, the weakest link in a land-renovation system would probably be the breakthrough of excessively large amounts of nitrate nitrogen from additive effects of nitrate already in the waste water and nitrification of soil organic matter and organic nitrogen accumulating from the waste water. A report on the spreading basin at Whittier Narrows, in California, shows that nitrates in water percolating from undiluted effluent were two to three times as high as the recommended limit of the U.S. Public Health Service drinking water standards. This spreading basin is kept free of vegetation.

"The irrigation level of two inches a week, which looks very promising in the Penn State project, shows that disposal of one million gallons of waste water per day would require only 129 acres of land. To dispose of similar waste waters from a city of 100,000 people would require only 1,290 acres (or about two square miles), and, moreover, the productivity of the farm and forest land involved in these acres would be improved at the same time.

"Managing a living-filter system will require care and attention to different environments and to changing environmental conditions. Overloading the land and the vegetation with too much waste water could destroy its valuable renovation capability. It is better adapted to small cities and suburbs than to large metropolitan centers with little available open land. The living-filter concept suggests that it might be well in many cases to reevaluate the present trend to even larger and more centralized sewage treatment facilities, built on the handiest waterway, and consider decentralized facilities convenient to the most effective living filter."

Now with all the cautions and good things in mind about SIP, we hope you'll go for a SIP! We do!—Wherever it's approved by the New Hampshire Water Supply and Pollution Control Commission.

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

Mr. Chairman, as we conclude debate, I certainly would be remiss in my responsibilities if I did not call to the attention of the House the very effective and fair and yet forceful leadership of the gentleman from Alabama during the hearings and the executive sessions and the writing of this bill. He is a very tireless worker and a very dedicated and knowledgeable person in the field of water pollution control. I think the results of his leadership and his distinguished service on this legislation certainly are paramount. They are evidenced in this fine piece of legislation. I commend him and thank him for the way he gave us guidance and leadership during our long hours of deliberation.

Mr. Chairman, I certainly want to extend my appreciation to the gentleman from Alabama for the deep consideration he gave the minority. At all times all members of the committee were afforded the opportunity to express their views and to offer amendments and suggestions. This was the case throughout the entire proceedings.

This is not a partisan piece of legislation, Mr. Chairman; this is a bipartisan piece of legislation. It was developed under the leadership of the distinguished gentleman from Alabama, in the absence of our beloved chairman, who, as we all know, was unable to be present at all times. However, we still had his stewardship in many trying times.

I also want to commend the other members of the committee: the distinguished gentleman from Texas (Mr. WRIGHT), the gentleman from South Carolina (Mr. DORN), certainly the gentleman from California (Mr. JOHNSON), and our good friend the gentleman from Texas (Mr. ROBERTS), the gentleman from New Jersey (Mr. ROE), and the gentleman from West Virginia (Mr. KEE); all of whom spent hours upon hours giving of their time and dedicated effort to working out a very fine bill.

I also want to commend all my colleagues on my side of the aisle: the gentleman from California (Mr. DON H. CLAUSEN), the gentleman from New York (Mr. TERRY), the gentleman from New York (Mr. GROVER), the gentleman from Ohio (Mr. MILLER), the gentleman from New Hampshire (Mr. CLEVELAND), the gentleman from Iowa (Mr. SCHWENGEL), the gentleman from Kentucky (Mr. SNYDER), the gentleman from Indiana (Mr. ZION), the gentleman from Michigan (Mr. MCDONALD), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the gentleman from North Carolina (Mr. MIZELL), the gentleman from Nebraska (Mr. THONE), and the gentleman from Tennessee (Mr. BAKER). They all extended themselves and gave unstintingly of their time and service in order that we might come here with an unbiased, nonpartisan piece of legislation which will do the job and get the waters of this country cleaned up in the most effective, responsible, and workable way.

Mr. Chairman, I want to emphasize this. I want our colleagues to know how much we of the minority appreciated that cooperation and leadership from the Democratic side of the aisle.

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

Mr. HARSHA. I am glad to yield to the gentleman from Texas.

Mr. WRIGHT. I want to join my colleague, the distinguished gentleman from Ohio, in commending the leadership for a singular quality of understanding, patience, foresight, and ability, which the gentleman from Alabama (Mr. JONES) brought to the structure of this legislation.

The gentleman from Alabama (Mr. JONES) had this thrown upon his shoulders late in the last session of the Congress, to provide the leadership to bring together into one harmonious working relationship all the members of the minority and the majority, and I believe he achieved that objective. It was a difficult, painstaking job which required patience and skill.

I should like to express on behalf of the majority our appreciation for the cooperative spirit in which the gentleman from Ohio, the gentleman from California, and all other members of the minority worked to bring about a responsible piece of legislation. As the gentleman from Ohio has pointed out correctly, this is not a partisan piece of legislation. The goal of cleaning up the Nation's streams is truly nonpartisan and truly all-American in character.

Mr. HARSHA. I thank the distinguished gentleman for his remarks. I am sure he would want to join me again in commending the very excellent staff on both sides of the committee, who, as I mentioned earlier in my remarks, spent untold hours of work developing this bill, and who sought and obtained the advice

of many experts in the area. Without their dedicated and consolidated effort we would not have the fine legislation we have today.

Mr. Chairman, that concludes the requests for time on our side.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from South Carolina (Mr. DORN), a member of the committee.

Mr. DORN. Mr. Chairman, I rise in support of this bill. It is a good bill. The committee has worked long and hard on both sides of the aisle. I believe it is the very finest piece of legislation that could be written. I support it.

Mr. Chairman, the Federal Water Pollution Control Act now before the House is a tremendous step forward toward the goal of restoring our Nation's clean waters. This bill is the product of years of exhaustive hearings and investigations by the House Public Works Committee. Since its inception in 1946, our committee has been promoting the cause of clean water. No man better deserves the title of "Mr. Clean Water" than our great and beloved Chairman JOHN BLATNIK of Minnesota. Long before environmental improvement was a national concern JOHN BLATNIK was doing something about protecting our Nation's waters. Chairman BLATNIK and the gentleman from Alabama (Mr. JONES) have a thorough knowledge of the complexities and the technology of clean water, a knowledge gained by years of diligent work and study of this problem. Yes, Mr. Chairman, every major piece of water has been developed in our committee, pollution legislation since World War II and the bill before us is the product of years of hearings and study. Mr. Chairman, I personally can attest to the months of work we put in on this bill.

During 1971 our committee held three stages of hearings on the overall clean water program. First we held oversight hearings on the existing program and then we had hearings on bills designed to amend the existing program. Third, we held special hearings on legislation passed by the other body. Over a 7-month period in 1971 our committee held 38 days of hearings and listened to 294 witnesses. We have carefully considered every aspect of this program and have reported a bill that is comprehensive, effective, and fair to local government and industry. This bill will do the job of improving our environment without destroying the authority of the States or bankrupting the Nation.

Mr. Chairman, this Nation is making fantastic progress in improving the environment. And we will continue to do so if we maintain the proper relationship among the State and local governments, the Federal Government, and industry. We must avoid the negative hysteria of extremists and stay on the positive approach.

We must keep in mind the fact that industry is working to get the job done of cleaning up our waters. And we must keep in mind that we have made great progress toward clean air and clean water. For example, until 1925, man had planted a total of 1.6 million acres of trees. But now we plant that many every year. And a well-managed forest, by consuming tons of carbon dioxide and giving off tons of fresh oxygen while it cools the atmosphere, is a splendid natural antipollution device.

Every Government action must be considered in relation to other crucial national priorities such as education, health care, housing, and national defense. Our committee has considered this bill in light of other major national priorities.

Mr. Chairman, those of us on the committee greatly appreciate the hundreds of witnesses without whose expert knowledge we could not have written this bill. We especially appreciate the splendid help we have received from dedicated members of environmental groups. These groups have made tremendous contributions to our deliberations and have helped greatly in writing the bill. And we appreciate too, Mr. Chairman, the very helpful testimony from representatives of local, State, and National government as well as representatives of industry. What we have done is write a bill that is tough, effective, realistic, and fair to all concerned.

The heart of the bill is the new focus on point source limitations. All point sources must meet the 1976 standard of best practicable technology, and we have retained the 1981 and 1985 goals. Since there were so many grave uncertainties regarding the social and economic cost and the feasibility of the "zero discharge" requirement, we postponed its implementation until the Congress has the opportunity to take further action based on a completely unbiased and professional 2-year study by the National Academy of Sciences. Our bill adds language to make sure that when EPA makes new control technology mandatory under the 1976 deadline, the new requirements will take into account the social and economic impact such as unemployment. Also our bill provides that only demonstrated technology, and not drawing board plans, can be made mandatory.

Another vital aspect of this bill is the discharge permit program. Our committee has developed an effective national strategy that does not destroy the role of the States. Instead of allowing EPA an item veto over every single discharge permit granted by State authorities, our bill provides that the States will administer the program under national guidelines. Our bill will not allow any "shopping around" for States with weak permit programs, because any lax and ineffective State permit program will be taken over completely by EPA. We fully expect, however, that the States will vigorously and effectively administer the permit program if it remains free from a Federal item veto.

Our bill provides for greatly increased levels of Federal financial assistance for construction of waste treatment plants. A total of $24.6 billion is authorized. The Federal share is increased to 75 percent where the State pays 15 percent. And of special importance to my own State, Mr. Chairman, we intend that the State may pay its 15 percent either by loan or by grant, not necessarily by grant alone.

A common element throughout the hearings, Mr. Chairman, was the critical problem posed to U.S. job holders who must compete against cheap foreign imports from countries where pollution standards are primitive at best. Our bill requires the Secretary of Commerce to conduct a study of the extent to which our clean water program puts U.S. industry at disadvantage in foreign competition and directs the Secretary to recommend ways for equalizing this disadvantage.

We were concerned too, Mr. Chairman, with protecting local government, industry, and individuals from harassing law suits while still keeping the courts open to responsible parties concerned with environmental protection. Our bill encourages environmental groups to participate in the administrative stages of planning for projects and protects the rights of those directly affected to go to the courts.

Our bill provides that the user charges collected from industry will be retained for use in the local treatment district rather than being transmitted to Washington.

We added a new section on thermal discharges which requires the EPA to develop separate regulations which take into account regional variations and consider the alternative means of controlling this discharge.

Our bill authorizes $800,000,000 for loans to assist small businesses likely to suffer economic injury in meeting the new standards.

Mr. Chairman, this is one of the most complex and far-reaching bills to come before the Congress during my years of service here. Our bill is a tribute to the dedicated and devoted service of our outstanding Chairman JOHN BLATNIK. And it is a tribute to the gentleman from Alabama (Mr. JONES) who also worked so diligently to bring this before the House. Our bill is a splendid improvement over the legislation passed by the other body. We have carefully considered all aspects of the problem of restoring our Nation's waters, Mr. Chairman, and I enthusiastically support this legislation. It deserves the support of the Congress and of the American people.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, today we begin consideration of another water pollution bill. Since 1965, we have enacted three major water pollution control statutes—the Water Quality Act of 1965; the Clean Waters Restoration Act of 1966; and the Water Quality Improvement Act of 1970.

The legislation we are considering today—H.R. 11896—is by far the most far-reaching and comprehensive bill of them all.

It is a complete revision of the Federal Water Pollution Control Act which was first enacted under the leadership of our distinguished colleague from Minnesota—Congressman JOHN A. BLATNIK.

It significantly changes many of the policies and directions of the 1956 law and the 1965 and 1966 amendments to that law.

In short, this 414-page bill can be a significant new beginning in water pollution prevention and control. It deserves careful scrutiny by the House.

The committee bill vastly improves our ability to provide better and more efficient control of pollution at the municipal level. Its provisions encouraging areawide treatment of all point and nonpoint sources of pollution and the use of systems that reclaim and recycle water show great imagination and farsightedness on the committee's part.

I am pleased to see that the committee has adopted and, in some cases, exceeded my recommendations for raising the Federal share and appropriation authorization for the construction of waste treatment works. I feel certain that if the administration and the Congress follows through on these commitments to States and municipalities by requests for and the appropriating of, funds at the levels authorized, we will see a marked improvement in the quality of our waterways in this decade.

I recall all too vividly that the commitments we made in 1966 were never met because the executive branch refused to live up to them and request the needed funds from Congress. But 2 years ago, a determined Congress appropriated the authorized funds for fiscal years 1971 and 1972. Having begun that effort, I feel certain that the 92d and future Congresses will also want to continue to appropriate the sums authorized. I urge the President to request those sums.

I am concerned, however, about the provisions of title II of the bill allotting the sums appropriated to the States. The bill authorizes appropriations for fiscal years 1973, 1974, and 1975. Provision is then made for allotments in fiscal years 1973 and 1974. But, in the case of fiscal year 1975, the committee bill prevents the Environmental Protection Agency from making any allotments to the States until new cost estimates are made and submitted to Congress by February 1973 and until Congress approves those cost estimates by enacting a new statute during the 93d Congress.

It is my hope that, in conference with the other body, this restriction for fiscal year 1975 will be dropped so that we can encourage better and more efficient planning by the States.

The committee bill also contains a number of very excellent provisions in title I concerning research and appropriations to the States for water pollution control.

Many of the provisions in the other titles of this committee bill are also a vast improvement over current law. But there are a number of provisions that weaken the bill substantially from that—S. 2770—passed by the other body last November by a vote of 86 to 0.

Representatives REUSS, SAYLOR, ABZUG, RANGEL, and myself have joined with over 40 Members in offering the clean water package of amendments to—

Establish that, by 1981, without further action by Congress, polluters must use the best available technology, taking into account the costs, to clean up the wastes they pour into our waterways;

Provide more national control over State programs of discharge permits, in order to prevent economic hardship and interstate competition for industries, communities, and workers and to insure that the water quality objectives of the bill are achieved;

Strike from the bill provisions that give polluters who violate this bill or the Refuse Act a total immunity until 1976 from enforcement actions, merely because they file an application for a permit;

Provide that the rights of citizens to sue polluters and the Environmental Protection Agency, which this bill would gravely restrict, should be no less than the rights which Congress established in the Clean Air Act and which the House adopted on February 29, 1972, in the noise control bill—H.R. 11021;

Prevent the weakening of the National Environmental Policy Act of 1969 and the Fish and Wildlife Coordination Act;

Provide criminal sanctions against polluters who willfully violate an EPA order to abate their pollution; and

Provide adequate worker job protection.

Earlier this month, the House Committee on Government Operations, under the chairmanship of our distinguished colleague CHET HOLIFIELD, issued a report—House Report No. 92-918—in which the committee said:

Studies conducted by the committee's Conservation and Natural Resources Subcommittee [under the chairmanship of Rep. Henry S. Reuss] have shown that the national effort to abate water pollution has been inadequate. Many of our Nation's waters are severely polluted. Almost all of them are being used by municipalities and industry to dispose of untreated or inadequately treated wastes on the theory that swift streams and large lake areas have enormous capacity to assimilate these wastes without any measurable impairment of water quality. Quite clearly this is not the case. *The use of a river, lake, stream, bay, estuary, or coastal waters as a waste treatment system degrades the quality of those waters. This use must be halted.* (Italics supplied)

When I first opened the committee bill—H.R. 11896—to section 101(a) on page 198, I was pleased to learn that the committee bill seemingly adopted a best available technology goal for 1981. Moreover, when I turned to section 301(b) of the committee bill on page 267, learned that the committee had transformed this goal into a requirement for 1981.

That section states that, by 1981, effluent limitations for industrial and other private point source discharges shall be required to install and use the best available demonstrated technology, taking into account the costs thereof. Of course, the bill provides an opportunity, after public hearings, for EPA to grant extensions of this requirement for up to 2 years. But, basically I was pleased to see that the committee had taken this very important step.

But upon more careful study of section 301 of this bill, I soon found a lopohole in this provision. It is proceeded by the clause "except as provided in section 315". When I turned to section 315 of the bill on pages 346 and 347, I soon learned that my earlier pleasure was short lived.

For what the committee bill is it to delay, at least until the 94th Congress or later, the effectiveness of this 1981 requirement. In short, the requirement reverts back to a mere goal for 1981 and has no force or effect.

Section 315 of the bill calls for a 2-year study by the National Academy of Sciences and the National Academy of Engineering.

The study is not aimed at learning whether or not the no-discharge goals for 1985 are sound. No; it is aimed at learning first whether the requirement that industrial polluters install the best available technology to treat their wastes before they pour them into our waterways is a sound requirement for 1981.

The study will be completed sometime in late 1974. It will then be sent to Congress. At that juncture, the 94th Congress must once again review this whole subject and pass a new law confirming that the 92d Congress was right all along; that is, the 1981 requirement is sound.

Mr. Chairman, I, for one, do not believe it necessary for the 92d Congress to defer to the 94th Congress on this requirement. It is hardly earthshaking that we, today, are asking polluters to install and use nearly, a decade from now, the best available technology to treat their wastes.

If anything, I am uneasy that we are even delaying this requirement until 1981. I would hope that many industries would plan now to install such technology for 1976, rather than install the best practicable technology only.

I am delighted to note that Gov. Wendell R. Anderson, of Minnesota, in his prepared statement of December 9, 1971, for testimony before the House Public Works Committee on the introduced bill—H.R. 11896—which unfortunately was not printed in the public hearing record—shares my view. He testified—pages 2 and 3:

I am especially pleased that the House and Senate agree that our nation should eliminate pollution through the "best available treatment" by 1981 and a "no-discharge" rule by 1985. We can no longer afford to base our anti-pollution efforts on the assimilative capacity of our waters. Thus, strong national effluent standards are absolutely essential.

By achieving the no-discharge rule, we will save not just our lakes and streams, but also the wasted resources that are dumped in them. As an example of this resource waste, I would point out that five billion dollars of copper alone are lost each year by discharge into our waters. This type of senseless resource loss must be considered in the cost analyses required by this legislation.

It is said that some polluters will move to other countries if the United States enacts strong National pollution control standards. This is still another form of environmental blackmail, and one which must be thwarted, too. The ransom is too high. I recently met with Governors from Japan who are working hard to abate that country's pollution. The industrialized nations, who are this country's chief competitors, are also striving to control the spread of pollution within their own borders. The United States should move forward, too. If the efforts of other lands are not equal to our own, then we need not fear that our industry will as a consequence be placed at a competitive disadvantage in terms of production costs. This country is

perfectly capable, should it be necessary, of insuring that our industry is protected against foreign pricing that is possible only through pollution. (Italic supplied.)

The full text of the Governor's testimony of December 9 follows my statement.

I will not, at this time, discuss all the other amendments to the clean water package, as they will be fully discussed by other Members.

Let me at this juncture note, however, that the committee bill also contains other provisions which weaken the Senate-passed bill. For example, section 301(f) provides that any construction or modification of any point source, including municipal treatment works, commenced within 3 years after enactment of the bill, which meets "effluent limitations based upon the best available technology" at that time "shall not be subject to any more stringent effluent limitations" for up to 12 years after such construction or modification is completed.

The committee report—House Report No. 92–911—explains this amendment as follows—pages 103–104:

Subsection (f) of section 301 provides a statutory minimum useful life for any point source which is constructed or modified to meet effluent limitations based upon the best available technology at such time of such construction or modification. In so providing, the Committee recognizes the fact that industrial managers must be able to plan for some useful life before they can approve the modification or construction of any point source. The Committee recognizes that decisions on construction or modification of point sources must be made on the knowledge that such facilities will have a reasonably predictable useful life. Thus, subsection (f) provides that there shall be a restriction against the imposition of any more stringent effluent limitation for such modified new point source during a twelve-year period beginning on the date of completion of such construction or modification or during the period of depreciation or amortization of such facility. This restriction applies, however, only to a point source the construction or modification of which is begun after the date of enactment of this legislation and before the end of one year after the date of submission of the National Academy of Sciences report. If the decision is made to write off the entire cost of such modification or construction in the minimum five-year period, a more stringent effluent limitation could be imposed, at that time, under this Act. If, however, the fast writeoff provision is not fully utilized, no more stringent limitation could be imposed until the end of a 12 year period. If the writeoff schedule is changed during the first four years of the 5 year writeoff period, the facility would still be exempt from more stringent effluent limitations for the statutory 12-year period.

At present no "effluent limitations" exist today. They will not exist, under section 306, for new sources for nearly 2 years after enactment of this bill. Thus, under this provision new sources can be installed with only minimal treatment and then be "grandfather" for up to 12 more years.

This is a mistake. A "grandfather" provision like this cannot be justified on environmental grounds, let alone tax grounds. Depreciation writeoff provisions in the tax laws apply independently of anything in the water pollution bill. The only effect of this mandatory standstill period is to guarantee that industries and municipalities are protected from having to keep up with improvements in control technology.

It completely ignores the possibility that low-cost modifications to what may have once been the "best available technology" may be developed which would dramatically reduce pollution. We should not bar ourselves from being able to take advantage of opportunities for achieving low-cost waste reductions at more reasonable intervals.

This 12-year timeout provision also conflicts with section 301 and 302 requirements that effluent limitations be made more stringent whenever it is discovered that they are not adequate to meet applicable water quality requirements.

Finally, giving new point sources a breather like this discriminates unfairly against existing industrial point sources, which under subsection 301(c) face having their effluent limitations reviewed and upgraded at least every 5 years. This upgrading at 5-year intervals or less applies to existing sources notwithstanding the fact that they also may have, under section 301(b)(2), applied the "best available technology."

There is ample provision already in the bill, without this section, for dealing reasonably with companies that have made considerable investments in pollution control.

Another example relates to section 509 of the bill.

The Senate-passed bill authorized EPA to issue subpenas in connection with enforcement activities under section 309 of the bill. As introduced, H.R. 11896 conformed to the Senate bill in this regard. But the reported committee bill does not authorize the use of subpoenas in enforcement. Subpoenas are authorized only for extension of the 1976 date for point source effluent limitations (sec. 301) to obtain information for the water quality inventory (sec. 305).

No explanation is given in the committee report for this change.

Clearly subpena power is essential to any enforcement action.

If no amendments are offered concerning these items, I hope that, in conference, the committee will follow the Senate lead as to these weakening provisions.

Finally, I note that there are several technical errors in H.R. 11896, as reported, particularly in titles I and II of the bill which should be corrected. For example, on page 235, lines 9 and 22 and on page 238, line 2, there is a reference to "subsection (a)". A review of the sections where the reference occurs shows that there is no "subsection (a)." Similarly, on page 251, lines 22 and 24 and on page 252, lines 1, 3, 18, and 21 there is a reference to a "section 8" of the Federal Water Pollution Control Act. A careful review of the bill shows that the act will be renumbered and, as a result, the reference to "section 8" is meaningless.

We assume that the committee will offer amendments tomorrow to correct these and other technical deficiencies in the reported bill.

I strongly urge all my colleagues to join us in support of the clean water package of amendments.

At this point in the RECORD I insert Governor Anderson's testimony of December 9, an editorial in the Washington Post of March 27, 1972, and a copy of a letter of March 25, 1972, to the Director of the Office of Management and Budget from Mr. Ralph Nader concerning a suppressed report:

TESTIMONY OF GOV. WENDELL R. ANDERSON, MINNESOTA

This is a committee of experts. Your attention to the detail of pollution abatement is well known. On the single issue of an amendment to the Federal Water Pollution Control Act, this committee and the Senate have conducted seventy days of public hearings.

To the enormous body of material before you, and in light of your own commitment and expertise, what can be added by one Governor who has held executive office less than a year?

I suggest that there is one insight which should be shared with you. I suggest that every Governor in the country knows what is the greatest political barrier to effective pollution control. It is the threat of our worst polluters to move their factories out of any State that seriously tries to protect its environment. It is the practice of playing off one State against the other. It is the false but strident cry of the polluter that clean air and water mean fewer jobs.

Every Governor in this country knows that when he tries to put some teeth into his State's anti-pollution laws, his efforts will be met by precisely these sort of threats.

My message to you today is this: the answer to threats is uniformity. The only way to stop polluters from political intimidation is to prevent them from raising the alternative of moving to a place where pollution is allowed. There should be no such place in this country. We can no longer tolerate the fact that the price of diligence is intimidation. We should have uniform standards of pollution control in all fifty States—tough standards, fair standards, a set of meaningful and comprehensible rules that permit neither exception nor evasion. Pollution does not stop at State boundaries, and neither must its regulation.

My testimony to you today is directed toward this end. I am grateful for the opportunity to suggest a number of particulars in which this committee might strengthen its legislation aimed at achieving rigorous and uniform regulation for all the fifty States.

At the outset, let me state that all of us in Minnesota appreciate your dedicated and continuing effort to report before Congress recesses, a strong, enforceable, and carefully considered amendment to the Federal Water Pollution Control Act.

I am especially pleased that the House and Senate agree that our Nation should eliminate pollution through the "best available treatment" by 1981 and a "no-discharge" rule by 1985. We can no longer afford to base our anti-pollution efforts on the assimilative capacity of our waters. Thus, strong national effluent standards are absolutely essential.

By achieving the no-discharge rule, we will save not just our lakes and streams, but also the wasted resources that are dumped in them. As an example of this resource waste, I would point out that five billion dollars of copper alone are lost each year by discharge into our waters. This type of senseless resource loss must be considered in the cost analyses required by this legislation.

It is said that some polluters will move to other countries if the United States enacts strong national pollution control stand-

ards. This is still another form of environmental blackmail, and one which must be thwarted, too. The ransom is too high. I recently met with Governors from Japan who are working hard to abate that country's pollution. The industrialized nations, who are this country's chief competitors, are also striving to control the spread of pollution within their own borders. The United States should move forward, too. If the efforts of other lands are not equal to our own, then we need not fear that our industry will as a consequence be placed at a competitive disadvantage in terms of production costs. This country is perfectly capable, should it be necessary, of insuring that our industry is protected against foreign pricing that is possible only through pollution.

I have been discussing the necessity for uniform standards, both within this country and on the international level as well. Until such uniformity is achieved, however, I think it is appropriate to mention one area in which there has been a rather dramatic conflict between two different sets of standards. I refer to the clash between State regulatory standards and those of the Atomic Energy Commission. I submit to you that when the regulatory standards of States and other non-Federal units of government are stronger and more protective of the public interest than those of the Federal Government that the State, and not the Federal, standards should be permitted to prevail.

This concept was incorporated in the original Muskie proposal last August, which affirms the States' authority to regulate atomic power plants if the appropriate State standards were stronger than those of the AEC. We believe that the States have this inherent right.

I think that my own State of Minnesota provides a good example of State standards far better equipped to protect our citizens than any standards yet proposed by the Federal Government. Minnesota's isotopic limits on radioactive material released to water are some 300 times to more than 100 million times more restrictive than the limits set by the AEC. This means that the people of Minnesota are showing a willingness to pay a few more pennies for their electricity, if this should be necessary, in order to eliminate potential risks to the health of their children. Surely citizens in other States must also be so inclined. The language in the original Muskie proposal would have affirmed States' right to maintain stronger standards than those of the AEC. I would urge that that language be restored.

The need for such restoration has been dramatically illustrated in Minnesota. Since this July, Minnesotans have encountered several low-level radioactive discharges from a nuclear generating plant owned by Northern States Power Company located on the Mississippi River at Monticello, Minnesota, 35 miles northwest of the Twin Cities. Some of these releases have resulted from malfunctions and others have been deliberate. The deliberate releases could have been reduced by the use of different operating procedures, or avoided completely by the utilization of holding tank facilities.

On November 19th of this year a deliberate discharge of radioactive material was released from the NSP plant in question. Three days were permitted to pass before an Atomic Energy Commission compliance inspection team arrived on the site. Three days. During this period, intolerably long considering the risk, there was some action taken to minimize the dangers of the radioactive discharge. But that action was taken by the State. The AEC inspection unit had not yet arrived at the plant.

I can cite another example of State preparedness being superior to that now offered by the Federal Government. States should also be allowed to enforce stronger marine boathead standards than those prescribed by the Federal Government. Minnesota recently passed a holding tank law. We fear, however, that our standards will be pre-empted by more lenient Federal standards set pursuant to section 312(b)1 and 312(f)1. This can be remedied by deleting section 312(f) from the act. Or, the following can be inserted in lieu of section 312(f)3:

"(3) If the Administrator is requested by the Governor of a State to adopt holding tank requirements to further protect and enhance the quality of specified waters within or bordering on the State, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters."

Also, this act should provide funds for onshore disposal and pump-out facilities where needed.

Also, I would hope that you would clarify for the record whether it is the intent of Congress to have the marine sanitation devices governed by effluent standards and the no discharge rule provided for in title III. I believe title III should govern.

Just as the State and Federal Governments should provide for a check on each other, citizens should be allowed to check the government. It is good, therefore, that both the House and Senate bills include a citizen's right to sue provision. This section (505) can be strengthened by allowing persons (the definition of which includes states) to sue the EPA administrator for all acts and not just for non-discretionary acts, as is now provided. Such a provision would protect the States and the public from arbitrary action by the EPA administrator and still allow the administrator to take any action that could be supported by reasonable and factual evidence. In addition, this would provide for judicial review of disputes arising between the States and the Environmental Protection Agency.

Persons bringing a citizen's lawsuit may be required to post a bond when seeking a temporary injunction or restraining order. This requirement is in conflict with Minnesota law which waives the bond when the State is seeking a temporary injunction. A bond, if required at all, should be limited by law so that citizens with legitimate grievances can afford to air them. In addition, if a bond protects the polluter from the improper granting of an injunction, a bond must also protect the citizen from an improper denial. If citizens are required to post bond in the one instance, the polluter should have to do so in the other.

I support the mandatory language in both the House and Senate bills that directs the EPA to turn the permit programs over to the States if they meet acceptable criteria. The States should be required to provide enough manpower to run a credible permit program, however, and that manpower should be free from any conflicts of interest.

If the States are to run the permit program, however, the EPA must have a veto over individual permits issued by the States. It is true that the House bill allows the Federal Government to review the State's total permit program, but once that program is approved by the administrator it is extremely unlikely that such approval would be rescinded.

The EPA Administrator should not have to veto a State's total program just to get at permits granted improperly to a couple of polluters. So we still need a veto on individual permits to check those that are improperly granted, and this concept is already embodied for interstate waters in section 402 (d)(2) of the House bill. The administrator, if he exercises a permit application veto, should be required to do so within 60 days or the veto will be waived. This will have the effect of requiring him to focus on only those permits that involve significant problems and would provide a reasonable double check on this crucial part of the States' program.

The following reasons for such a check are apparent.

Suppose a State adopted a policy of approving more lenient permits as a device to lure industry away from more conscientious States. This would circumvent and destroy the uniformity created by national effluent standards. Or, what if the person in charge of issuing State permits owned stock in the company whose permit he issued? EPA's veto power should further apply to help overcome political and other pressures sometimes exerted by local industry on State agencies. The further away one is from such pressures, the easier it is to be objective in making such important decisions. Each branch of government, therefore, must help the other resist untoward pressure and act as a check on the other to produce the strongest pollution control possible—that is cooperative federalism.

Minnesota's position on the Federal veto is a middle ground, therefore, between the Senate and House bills. We believe this approach will avoid the administrative problems which could bog down the program if an unlimited time period were allowed for Federal review of permit applications. Although a small increase in EPA staffing may be required, we believe this approach will provide a margin of additional safety on the side of the environment when the Administrator determines stronger protection is needed by strengthening an individual permit.

I appreciate the fact that several Governors, well informed on this issue and conscientious in their efforts to protect their citizens, have taken a somewhat contrary position. These gentlemen have opposed the right of the Federal Government to exercise a veto over individual permits. I appreciate their concern but respectfully submit that that concern is inappropriately applied in this instance. I appreciate the fact that several Governors are reluctant to give any veto power to a Federal Government which has in the past supported standards less stringent than those of the States. I referred to this problem earlier. But in this particular instance, I feel the cause of stricter standards is best served by permitting the individual permit vetoes.

If this safeguard is not permitted, those states which do not pursue a vigorous anti-pollution program will continue to be cited by polluters as havens from which to escape proper environmental regulations. The uniformity which I cited at the outset of these remarks as the major necessity for an effective pollution control program cannot, therefore, be achieved without permitting this type of federal check on permits which simply do not accomplish the job of pollution control.

It is good to see the provision in the Blatnik bill which increases funding authorization to $20 billion. The House should also be commended for raising the federal share of funding sewage treatment works to 75 percent. Minnesota still has 346 municipalities with no collection systems or combined treatment facilities. Seventy-eight percent of these towns have less than 500 people. They must, therefore, depend on larger governmental units to finance the cost of such facilities. And we would appreciate your assurance that section 211 of this bill will allow grants to these existing municipalities for collection systems.

We are unimpressed by the argument that the success of this program should require local units of government to finance a substantial share of treating sewage. There is ample precedent in the federal highway program indicating that generous federal sharing does not impair the commitment of the participating local units of government. Indeed, the administration's com-

mitment to federal revenue sharing should not be allowed to wane in this area. Increased federal support of local construction projects is clearly needed to assist the many municipalities attempting to restore and preserve water quality. The economc position of many of these communities inhibits their present efforts.

We approve of the Blatnik bill's authorization of funds for collection systems. It is said that federal grant money for these collection systems and treatment works is available in contract authority in section 203. If this is your intention, we would appreciate a clarification for the record. Does the House bill negate contract authority by its deletion of Senate bill wording that keeps authorized funds "available until expended?" Also, if the authorization is available for contract obligation, the EPA administrator should be required to approve title II grant applications within 90 days or state his written reasons for rejection. Once those objections have been resolved by the states, EPA approval should automatically result.

Apparently there has been an oversight in section 301(2)(b) allowing public discharge sources to escape the effluent standards applied to private sources. I mention this to emphasize the importance of equal application.

I again express my admiration for the work you are doing here and thank you for the opportunity to participate. We must act now to reshape priorities so that both clean water and productive capacity are achieved. If we do not act, rivers like the Buffalo, Rouge and Cuyahoga will continue to catch fire because of the pollution in them. And nobody sets his own house on fire just to keep temporarily warm. When that glow is gone, all we are left with is ashes. Our people deserve a better legacy.

[From the Washington Post, Mar. 27, 1972]

THE HOUSE VOTE ON CLEAN WATER

The House Public Works Committee has reported out a water quality bill that is expected to come to the floor today for possible amendments and debate. There is no question that the committee's work has been thorough; by one count, the proposed legislation—201 pages long—is the result of 44 days of hearings, 265 witnesses and 150 statements. No one has denied or doubted that decades of pouring industrial and human wastes into our waters is finally catching up with us. Some waterways, so slicked with oil, actually burn; others smell, and still more—like the Potomac—can be touched or splashed only at a risk to one's health.

In the familiar pattern where politics, ecology, profits and the public interest are mixed, strong feelings exist as to which cure is best. The Senate, led by Sen. Edmund S. Muskie, passed unanimously (86 to 0) a broad and worthwhile bill that would set as a national goal elimination of all pollution discharges by 1985. The House bill, as reported, has several useful provisions; these include an authorization of $24.6 billion, an increase of $4.6 billion over the Senate bill. In addition, the House legislation is strong in the provisions for research and planning, and in reimbursing states and towns that have been progressive about cleaning up. At this point, however, parts of the House bill sink into the wide river of delay, confusion and weakness. It goes along with the Senate requirements for cleanup by 1976, for example, but does not provide adequately for the 1981 and 1985 zero discharge goals. Instead, the House calls for a two-year study by the National Academy of Sciences on the economic, social and environmental costs, impacts and benefits of such goals. Congress would then evaluate the report and "take further action." Studies are fine, but less so when the public's water gets dirtier while awaiting final word. On the matter of zero discharge, it is hard to understand why the committee shied away from it; the Senate bill is hardly rigid, because its standards apply only when they can be achieved at "reasonable cost." Moreover, the 1985 date is a goal, not an enforceable deadline.

A second weakness of the House bill is the serious restriction of citizen suits against polluters or a lax Environmental Protection Agency. Only the person or group whose property, say, is being damaged by a polluter may sue to stop it. The Senate bill—using the Clean Air Act amendments of 1970 as precedent—gives any citizen the right to sue to enforce the law. This is the way it should be, leaving aside the question of why so many environmental laws are not enforced in the first place. A third deficiency is on the matter of who should have primary responsibility for issuing effluent permits. The Senate empowers the EPA to do this, while the House gives the job to the States. It is fine to express this confidence in local authority, except that state agencies often lack not only personnel for these decisions but also lack the energy or will to resist the pressures that polluting industries and their lobbies often exert.

As an effort to strengthen the House bill, some 40 representatives are sponsoring a series of amendments offered by Reps. Reuss and Dingell and known as the clean water package. The amendments are sensible and fair, and are essential if our befouled waters are ever to be clean again. The package has wide endorsement, from conservation, consumer, public interest and labor groups. The logic of the amendments (which would help bring the House bill in line with the more desirable Senate version) is sound: as Rep. Dingell of Michigan has noted, if the Congress is going to go to the trouble of producing a clean water bill, it ought to be a strong one.

MARCH 25, 1972.

Mr. GEORGE SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: I would like to call your attention to a most serious example of the invisible and illegitimate controls the Office of Management and Budget and the White House have begun to extend over information developed by Federal agencies. Officials of OMB, in coordination with the White House, are holding up release of a report that is of critical significance to the debate now going on in the House of Representatives concerning water pollution legislation. The report contains convincing evidence that the cost of eliminating water pollution is but a small fraction of earlier Administration estimates and even less than the cost of using present-day inadequate control systems. The information in this report, prepared by the U.S. Army Corps of Engineers, could give a major boost to House proponents of tougher controls on industrial pollution. By withholding this information from the public at the very time the Congress and the American people most need it to make rational legislative decisions for the future, the Administration demonstrates again its willingness to place the interests of corporate polluters ahead of the public's interest in a clean and healthy environment.

The first details concerning this report came out at a meeting on March 22 between representatives of several environmental groups and EPA Administrator William Ruckelshaus. Mr. Ruckelshaus told the group of a study which the Corps of Engineers had recently completed which placed the capital cost of recycling the entire domestic and industrial wasteload of the Chicago metropolitan area—eliminating all discharges of pollutants into the waterways—at $2 billion. Under this recycling plan, already in use on a smaller scale in more than twenty locations in the U.S. alone, the city's wastewater would be piped to outlying areas and sprayed on the soil, which filters it to drinking water quality before it rejoins groundwater stores.

Proponents of recycling have pointed to the experience of Muskegon County, Michigan, where such a system is now under construction, as one piece of evidence that the goals of the Senate version of the water pollution bill, passed last November by an 86–0 vote, are not only reasonable but necessary. The Senate bill set a 1985 target to eliminate all discharges of pollutants into the navigable waterways. While not a legistively enforceable requirement, the 1985 goal was intended to challenge America to apply its technological ingenuity to developing low-cost waste recycling techniques and to use those that are already available. The aim of the zero-discharge goal is to prod polluters to find ways to turn their wastes into beneficial resources rather than dumping them in the lakes and streams, as we have done up to now with the obvious disastrous consequences.

The Muskegon experience illustrates the advantages of this approach. Available evidence indicates that land purification provides better removal of viruses—capable of causing respiratory, heart, and other diseases—than any other system. Recent Senate hearings on drinking water are revealing that viruses not only stand up to conventional sewage treatment but that they infiltrate their way through modern drinking water purification systems and make their way to the consumers' tap. For health reasons alone, we should be aiming to cease our present practice of dumping wastes into the public waterways and head towards recycling systems.

But in addition, the 170,000 residents of Muskegon County will get clean water at a lower cost—$3 less per capita per year—than they would have to pay merely to achieve existing dirty-water standards if they used conventional treatment technology (secondary treatment plus 80% phosphate removal). Furthermore, the system is geared to produce benefits that will offset even these costs. The nutrients in the wastewater—including phosphates from detergents—will fertilize the soil, permitting new crops and jobs. A power plant plans to locate on the system's waste water lagoon, improving the biological treatment process with its thermal discharges and sparing local waterways the damaging shock of its heated effluent. Because the County will charge the power plant s small fee for the cooling services, it actually plans to net a *profit* from pollution control. This result parallels the experience of many companies—Dow Chemical, for example—that have been forced to install closed-loop recycling control systems and discovered they are reaping cost savings and sometimes actually making a profit by reclaiming valuable products from the waste stream.

Opponents of higher pollution control aspirations, including the Administration, have conceded that Muskegon County has a good scheme but questioned the feasibility of applying recycling to our large metropolitan areas. The Corps report on Chicago shows that eliminating pollution from the big cities by recycling is not only feasible but relatively cheap. Officials at the Corps, in response to environmentalists' inquiries concerning the report, have refused to provide other figures from the report on the cost of alternative systems for comparison. But EPA personnel have conceded that the capital price tag for the land recycling system projected by the Corps report is considerably less than the cost of any alternative treatment system studied, including conventional models.

While making it clear that they had been muzzled at the instructions of the White House and OMB, Corps officials nevertheless defended the accuracy of the cost figures in

the report. For example, General Roper of the Corps' Board of Engineers for Rivers and Harbors, who said he was intimately familiar with the procedures followed in making cost estimates, said that he was "very confident" about cost data, much of which he characterized as having been developed and hardened over a long period of time. It was developed from actual bids or quotations, he indicated. He stated that "as far as we know, the Corps has finished working on it." Other officials corroborated General Roper's remarks.

According to Corps and EPA officials, the report has been undergoing "review" by Don Crabil of OMB and White House officials, including John Whitaker, for one week. One Corps official said that he didn't "know what the outcome will be, but I presume I'll be told in due time," EPA denied having a copy of the report, stating that they had received only an oral briefing at a meeting of Administration officials about a week ago.

Placing this report under wraps constitutes a continuation of Administration efforts to defeat those strong elements of the Senate version of the water pollution bill by throwing up a smokescreen of confusion concerning control costs. When the bill was first passed last November, the Administration attacked the zero-discharge goal as prohibitively expensive, projecting a national price tag of $316 billion for its attainment. Administration officials arrived at that incredible estimate, intended to frighten the House Public Works Committee into backing off from strong controls, by computing the cost of distillation of the nation's entire wasterwater volume, and in so doing, completely disregarded the Senate bill's intent and available low-cost recycling methodology like land disposal and closed loop systems for industry. The attack was successful nevertheless. Under extreme pressure from the Administration and industry, the House Committee inserted a proviso that not only renders the 1985 goal null and void but also scraps 1981 requirements that industries use the best available technology.

In its present form, the House bill is designed to protect industrial polluters. It has been rendered so full of loopholes that the corporate lobbyists, far from opposing it, are working hard to preserve its swiss cheese characteristics fully intact. Representatives Dingell, (D.-Mich.), Saylor (R.-Pa.), Reuss (D.-Wisc.), Abzug (D.-N.Y.), and more than thirty other Congressmen, both Republicans and Democrats, are working to restore vital elements of the bill by sponsoring a "Clean Water Package" of amendments on the floor. Their efforts are supported by a broad-based coalition of 25 civic, labor, environmental, and farm groups. Debate on the bill begins this coming Monday (March 27) and votes on the bill and on the "Clean Water Package" amendments are expected to be taken by the next day.

It should be emphasized that even without the information in this report, the control requirements that the House Committee removed from the Senate bill should be restored and the rest of the "Clean Water Package" amendments should also succeed, if the House bill is not to frustrate the public's demand that destruction of our water resources be prevented. Requirements that industries make cleanup progress should not stop after 1976, as they would if the current House version is not strengthened. The bill should set long-range cleanup requirements and demand that the polluters—who have all the cost information—bear the burden of attempting to prove that the targets are too tough. When an epidemic is underway, the burden of proof must be on the perpetrators to stay the application of health and safety measures. But the House should nevertheless not be forced to act without all the information that is available. This latest withholding of crucial information is part of the overall pattern, followed by the Executive Branch, in manipulating the news so as to further partisan objectives.

It is most important, and time critical given the House vote on Tuesday, for you, or the appropriate White House authority, to immediately Monday morning release the complete U.S. Army Corps of Engineers study to the Congress, to the media, and to the public. I am enclosing a copy of this letter to Speaker of the House Carl Albert urging him to use his good offices to secure this information and any additional information on behalf of the House of Representatives from the White House and the Office of Management and Budget.

Sincerely,

RALPH NADER.

Mr. JAMES V. STANTON. Mr. Chairman, will the gentleman yield?

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

Mr. JAMES V. STANTON. In respect to the bill with reference to that section which affects the Great Lakes area, does not the gentleman think the House bill is much superior to the version of the Senate?

Mr. DINGELL. I did not hear the gentleman's question.

Mr. JAMES V. STANTON. The section dealing with the Great Lakes as contained in the House version appears to me to be much superior to the Senate version of the bill. Would the gentleman concur in that statement?

Mr. DINGELL. I think the section dealing with the Great Lakes is very good, but I still maintain and hold to the contention that there is significant need for improving other sections of the bill.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, I rise in support of the Federal Water Pollution Control Act Amendments of 1972, as favorably reported by the Committee on Public Works.

There is no question that pollution of our Nation's waterways is becoming more of a problem each year. In 1960, it was estimated that 6 million fish were killed by water pollution in the United States. In 1968, this figure had more than doubled to 15 million. And in 1969, the latest year for which reliable estimates are available, there were more than 41 million fish killed as a result of pollution in our country's rivers, lakes, and streams.

Although there is a great deal of evidence to suggest that the increase in water pollution has been arrested temporarily, there is also substantial evidence to suggest that we must redouble our efforts in this area, not relax them. The Environmental Protection Agency has estimated that almost one-third of the Nation's stream-miles are in violation of Federal water quality criteria, and that less than 10 percent of American watersheds are unpolluted or even moderately polluted.

We must concentrate our efforts at the source of this pollution, and although the data on water pollution often conflict and present inconclusive evidence, it appears that industrial wastes are the largest source of organic water pollution nationwide. Municipal and agricultural wastes are the next two largest sources, and virtually hundreds of other sources also exist.

In all fairness to American industry, however, it should be recognized that tremendous resources already have been brought to bear on this problem. American business spent more than $3 billion for air and water pollution controls in 1971, a huge 46-percent increase above 1970. Total pollution control spending in 1971 was well above the 1970 level, and research and development spending on industry's pollution problem was almost a billion dollars last year, an increase of 25 percent over the previous year. From these facts, it is clear that although industry is the major polluter in America today, industry certainly is not dragging its feet in the effort to resolve this national problem.

What of the costs in the water pollution control program? As in many other areas of pollution control, it is difficult to find a consensus on what the costs of water pollution control will be over the next 10 to 15 years. The President's Council on Environmental Quality has estimated that a program aimed at "zero discharge" would eventually cost about $316 billion, while a program aimed at cutting pollution by approximately 85 percent would cost about $61 billion.

Many responsible persons, both within and outside of the environmental movement, dispute this claim. Many insist that the actual costs of an effective water pollution control program will amount to only one-sixth of these estimates. In any case, it seems evident that the costs are an unknown variable which, in the long view, must be weighed against the benefits we seek to derive.

The President's Council on Environmental Quality also suggests, however, that pollution control costs cannot be measured in dollars only. The Council tells us, for example, that although most industrial plants will continue to produce and be profitable, others are expected to close. We are told that profits will decline for firms that cannot pass on the full cost of pollution control to the consumer. We are told that prices will increase from 1 to 10 percent in the 1972 to 1976 period, depending on the industry. We are told that direct job losses for the entire 1972 to 1976 period are projected to be 50,000 to 125,000 jobs.

In addition to this, the President's Council on Environmental Quality states that the cost for control of all pollution will have adverse effects on our international trade position, retard the growth of the real gross national product, and decrease aggregate demand for goods and services.

It would of course be unfair to suggest that these views of the President's Council on Environmetnal Quality are shared by everyone. They certainly are not. In fact, some persons argue with equal persuasiveness that in the final analysis pollution control will save billions of dollars each year. A recent study by the National Wildlife Federation, for example, shows that pollution control will save the United States $12 billion each year between 1972 and 1980. The savings resulting from water pollution control

comprise slightly less than half this total.

Taken together, what does all this information really mean? Perhaps if there is one thing which may be learned from all this conflicting data, it is that there probably exists as much misinformation as accurate information in this area of pollution control. Basically, we all have the same objectives in wanting to improve the environment and hence the quality of life in the United States. However, there is obviously tremendous difference of opinion as to how we accomplish this objective, and similar difference of opinion as to the impact pursuit of this objective will have on our country. Much of this difference of opinion is honest disagreement, and much is a result of varying groups pursuing their own best interests.

Confronted with this kind of situation, the Committee on Public Works was charged with drawing up a program that would be effective, a program that would not necessitate prohibitive costs, and a program that would be acceptable to the American people as well as allow for a degree of flexibility needed in this kind of endeavor.

In my judgment, the committee succeeded in achieving this goal. The Federal Water Pollution Control Act Amendments of 1972, the product of extensive hearings and lengthy deliberations, will strengthen the existing water pollution control program. It will strengthen this program at a cost this country can afford. It will strengthen this program in a manner that the American people can accept. And it will strengthen this program in such a way as to allow for reasonable adjustments at some future date, as we continue to accumulate new information and seek better ways to clean up the Nation's waters.

I cannot accept the judgment of those Members who would have us believe that the Committee on Public Works has weakened America's pollution control program. The bill before us today presents a program that will be meaningful, a program that will be effective, and a program that will strengthen, rather "gut" existing law. And this program sets the very highest goals: the elimination of effluent discharges into the Nation's waters.

The Committee on Public Works has done a truly commendable job in drawing up this program, and I am privileged to give it my full support, as well as urge my colleagues to do the same. This bill offers the American people the very best program possible to produce clean waters in the United States, and we should be unwilling to accept less.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. CAFFERY).

Mr. CAFFERY. Mr. Chairman, I am certain that the people of America with few exceptions look with satisfaction at the work we are concluding this week in the House of Representatives on the most important water quality legislation to come before the Congress.

I share that satisfaction, together with a great sense of pride as a member of the Public Works Committee of the House in being party to the creation of this monumental bill from its genesis. The work has been long and arduous for our committee over the past year, but the legislation before us today is in itself the best commentary on the fact that the committee's labors were indeed fruitful.

Certainly not everyone will be fully satisfied with our product. Dealing in such a complex area, such an accord would not be possible. We are, after all trying to legislate comprehensively on a problem which has only recently moved to the fore of our national consciousness. And pollution control, because of its expense and inherent administrative difficulties, is an issue on which reasonable men can and do disagree.

But there are about this measure some central and undeniable facts on which there can be no disagreement. It is a thorough bill. Those of us on the committee held almost 50 days of public hearings during which we received testimony from some 300 witnesses from every sector and section of America. In addition, there were countless sessions during which we sought to ameliorate differences and to incorporate them into a law which would do the job but which the great majority of our people would find workable.

And, Mr. Chairman, it will do the job. It is the most sweeping environmental package this body has seen and I believe it gives us the tools to rid the streams of America of pollution. It is not perfect, I am sure, but it constitutes nonetheless the cornerstone of a bipartisan national effort to clean up our water. It signals as well the intention of responsible leaders in government, in business, indeed, in all facets of American life not to stop until this work is finished.

I especially commend our chairman (Mr. BLATNIK) for his leadership in this effort, and the ranking minority member of the committee (Mr. HARSHA) for his exemplary bipartisan spirit throughout these deliberations. This landmark legislation bears also the unmistakable imprimatur of the gentleman from Alabama (Mr. JONES), who served as acting chairman and unfailingly held our feet to the fire in finishing this work. The product of that work has my wholehearted support and I know that it deserves the support of every Member of this body.

Mr. WRIGHT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. DANIELSON).

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

Mr. Chairman, the city of Los Angeles and Los Angeles County Sanitation District have indicated their strong concern over the passage of either H.R. 11896 or S. 2770, in their present form.

The Los Angeles, Ventura, Orange, and San Diego County Sanitation Districts have raised $3 million from among their own members on a per capita basis to fund the California research project. It is a 3-year plan to discover, through scientific research, exactly what is occurring environmentally from the discharge which these sanitation districts are sending into our coastal waters.

The planned target date for completion of this study is October of this year—1972.

They feel strongly that they should have an opportunity to receive and study the results of their research project before we impose an additional cost of $600 million on the taxpayers of Los Angeles County, and an increased cost to the State of California of approximately $2 billion.

We in California, Mr. Chairman, are as interested in correcting pollution as anyone else. We live in a desert which has been made habitable by imported water. We have tried to dispose of our wastes in the most careful manner possible, but we submit respectfully, Mr. Chairman, that a community such as Los Angeles, which discharges its wastes into the ocean, 2 miles offshore, after both a primary and secondary treatment, should be treated differently from a city which simply disposes of its waste in a nearby lake or stream.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

Mr. DANIELSON. I am inserting at this point in the RECORD a copy of a resolution passed by Los Angeles County Sanitation District No. 2 in this regard, and a resulting communication sent to southern California congressmen:

MARCH 24, 1972.

Re S. 2770 and H.R. 11896.
U.S. House of Representatives,
Washington, D.C.

GENTLEMEN: The County Sanitation Districts of Los Angeles County have on their various boards of directors representatives of 71 of the 77 cities in the County of Los Angeles, these cities encompassing a population in excess of 4 million. We have over the years, taken the justifiable pride in the national leadership of these districts in the fields of water reclamation and the science of waste water collection, treatment and disposal.

As evidence of our concern with the effect of our treatment processes on the offshore ocean waters, we have joined with other local discharging agencies in creating and funding the Southern California Coastal Water Research Project Authority as an independent public agency. It is the function of this agency to conduct a comprehensive study of the effect of treated waste water on the offcoast marine environment. To date, the sum of $951,180 has been paid to fund the activities of this project.

This study is in addition to, and independent of, the significant research and development programs carried on by the contributing agencies and is justified by the belief that the results of the study will enable these agencies to plan future operations in the most responsible manner; that is, with sound scientific data on which to base decisions concerning what treatment processes are appropriate in order to protect the offshore ocean water.

The promise of a meaningful program to protect and enhance water quality based on scientific data will in large measure be lost if either S. 2770 or H.R. 11896 is passed in its present form.

We are advised that in the event of this occurrence the County Sanitation Districts of Los Angeles County during the first two years of implementation anticipate a doubling or tripling of current tax rates. This

alarming increase will be imposed upon our residents without any indication that the results of this massive expenditure will be a benefit to our environment.

It seems patently absurd to impose, on an agency that discharges two miles offshore into the Pacific Ocean at a substantial depth, discharge requirements that are identical to those imposed on one discharging directly into a small stream or lake. What is most disturbing, however, is that this vast undertaking, at a cost estimated between $50 billion and $350 billion is being required with an admitted lack of supporting scientific data.

We, and the Southern California basin, need but a short period of time within which to complete our research project, the results of which should be given careful consideration in setting discharge requirements for those agencies that discharge into the coastal waters of Southern California.

For these reasons we respectively and earnestly request that the members of the House oppose the passage of either S. 2770 or H.R. 11896.

A copy of the Resolution forming the Committee which I chair is attached.

Yours very truly,

T. D'ARCY QUINN,
Mayor of the City of Alhambra.

LOS ANGELES COUNTY SANITATION DISTRICT—RESOLUTION

Whereas, 71 of the 77 Cities of Los Angeles County are represented on the Board of Directors of the several County Sanitation Districts of Los Angeles County; and

Whereas, these Districts have from time to time been extensively advised concerning the financial impact of S. 2770 and H.R. 11896 upon the residents of Southern California; and

Whereas, these Districts have expressed their deep concern over the irreversible consequences attendant upon the passage of such legislation in its present form; and

Whereas, this Board acting as the Administrative Representative of all Los Angeles County Sanitation Districts has been requested to take all appropriate action to convey to the Members of the House of Representatives and of the Senate of the United States the disfavor with which each of the foregoing bills is looked upon by the County Sanitation District, Los Angeles County.

Now, therefore, be it resolved that a Committee is hereby formed for the purpose of corresponding, meeting and otherwise communicating with Members of the House and Senate of the United States with the view of informing these representatives of the reasons for the deep concern of the various County Sanitation Districts of Los Angeles County over the prospect of the passage of either S. 2770 or H.R. 11896 in its present form.

Resolved further, that they are appointed as Members of this Committee the following:

The Honorable T. D'Arcy Quinn, Mayor of the City of Alhambra, Chairman.

The Honorable Keith W. Miller, Mayor of the City of Whittier.

The Honorable Richard C. Brownell, Mayor of the City of Pomona.

State of California, County of Los Angeles.

The foregoing Resolution was duly adopted by the Board of Directors of County Sanitation District No. 2 of Los Angeles County at its regular meeting held Wednesday, March 22, 1972. This has the Seal of the District and attested to by R. M. Clarke Assistant Secretary of the District.

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

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. SMITH) for the purpose of a question.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman for yielding to me.

Among the provisions in the bill are retroactive payment provisions that are rather complex, and I would like to ask a question relative to them.

The city of Altoona, Iowa, in August of 1966 had their sewage plant condemned by the State health department, and were ordered to put in a new sewage plant or do some revisionary work.

Design and engineering was commenced in December of 1966 and completed in October of 1967.

On November 13, 1967, an application was made for a Federal grant with the Federal Water Pollution Control Administration.

On Januuary 22, 1968, the Federal grant was approved.

Contracts were signed on February 18, 1969, after the city had first tried to turn down the bid but had been sued by the Iowa Water Pollution Control Commission for not going ahead.

Construction was started in April of 1969, and the project was completed in March of 1970.

They were paid the smaller percentage under the previous law. They have been trying to get a retroactive grant.

My question is: Would they, under the provisions of section 206 and other provisions of the bill, be eligible for retroactive payments for the additional $71,177 which they would have been eligible for had they delayed until a higher aid formula went into effect?

Mr. WRIGHT. In answer to the question propounded by the gentleman from Iowa (Mr. SMITH) let me say that the answer is "yes." The circumstances and the dates cited by the gentleman would seem to make it very clear to me that they would be eligible for reimbursement.

The provisions of section 206 very clearly state that any publicly owned treatment works on which construction was initiated after June 30, 1966, or before July 1, 1971, would be eligible if such construction had been undertaken without the financial assistance authorized by section 8, or by lack of Federal funds, or with financial assistance authorized by such section, but in a lesser percentage of the total cost of construction thereof. And the circumstances as reported by the gentleman from Iowa would certainly seem to fall clearly within that provision.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman for his statement.

Mr. WRIGHT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, I appreciate the 3 minutes that the gentleman has yielded to me. I hope the minority, if the time is not sufficient, will not permit the time they are not utilizing to go unused and will permit those of us in the House who desire to go into this bill in some detail additional time.

In that regard I would like to ask a series of questions involving section 208 of the bill.

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

Mr. WALDIE. I yield to the gentleman.

Mr. HARSHA. I am sorry I did not understand what the gentleman said. Did the gentleman refer to me in his remarks?

Mr. WALDIE. Just contemplatively, I referred to you on the supposition that if my time expires—I was granted 3 minutes to discuss a bill which it seems to me to be extremely important—I would hope if I am not able to conclude the questions I want to ask which affect my State—that the minority who has time unexpended will permit that time to be utilized.

Mr. HARSHA. You have had this bill for several weeks now to go over and you have had ample time to find out what is in it. I will yield what time I consider proper at the proper time.

Mr. WALDIE. I appreciate that. That is another problem. As a Member of the House of Representatives, you do not have time to go into these bills in the detail which they require. It does not seem to me—and I dislike taking up time that ought to be utilized on the bill—but these are the restrictions of debating under a mechanical process which does not work correctly.

If you do have time that is not going to be utilized and a Member of the House of Representatives sitting in committee wants to express opinions on the bill and ask questions—that time ought to be given to the Members who want it rather than to be relinquished.

The question I want to ask the gentleman from California on the committee, my colleague and my friend, Congressman JOHNSON, affects section 208 which is the areawide waste treatment program.

In the bill that the committee first considered, there are very, very strong provisions on page 53 involving the problem of saline intrusion, and those provisions say:

> The plan shall include procedures to control salt water intrusion.

There is no qualification. Yet, I see when the bill was finally adopted that was weakened immeasurably to the point where it now says:

> The plan shall include a process to identify, if appropriate, salt water intrusion * * *

And then:

> They shall set forth procedures and methods to control * * *

Then it qualifies it even further by saying:

> To the extent feasible and where such procedures and methods are otherwise a part of the waste treatment management plant.

You made no amendments in any of the other nonpoint pollution techniques except salt water intrusion.

I have to conclude that this was a major weakening of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WALDIE. Mr. Chairman, I appreciate the additional time.

Mr. Chairman, I have to conclude that this was a major weakening of this bill and that it was done at the request of someone who does not desire to have salt water intrusion, which is nonpoint pollution, controlled in the bill.

Particularly I have reference to estuaries in which salt water intrusion and reduced outflows are particularly destructive. I particularly have reference to the delta in California. Someone did not want those sources on pollution to be controlled. Can the gentleman tell me for what reason this amendment was placed in the bill to weaken this bill as drastically as it did—and who proposed that amendment?

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

Mr. WALDIE. I yield to the gentleman.

Mr. JOHNSON of California. I believe you referred to the introduced bill in your first reference.

During the hearings we heard from representatives of California including the State water resources department and the State water pollution control board. We also were given the Governor's position. The language in the bill reflects their views. The committee report on page 96 states the following:

> The Committee notes that in some States water resource development agencies are responsible for allocation of stream flow . . .

Mr. WALDIE. Mr. Chairman, will the gentleman stop there?

Mr. JOHNSON of California. Would you let me answer the question?

You have asked a question and I would like to answer it, if I possibly can.

Mr. WALDIE. I have the reference that the gentleman is referring to. I do not want to use up precious time.

Can the gentleman tell me from that reference without reading it all—where it states:

> The Committee believes that where a state has an "approved" program for the handling of permits and which has a program for water resources allocation * * *

What is the difference between an "approved program" for handling permits and "a program for water resource allocation"?

Mr. JOHNSON of California. The gentleman well knows that in our State in the headwaters of the Sacramento and the San Joaquin Rivers we have developed dams and storage reservoirs up and down the Sierra Nevada Mountains and also minor diversion facilities in the coastal country. All this water flows through the delta, and this water has been controlled under a program in which the State and Federal agencies, including the Corps of Engineers and the Bureau of Reclamation, have participated. The fear was brought to the committee's attention when our State people testified that the State was losing control of its water resources programs under the introduced bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARSHA. I yield gentleman from California 2 additional minutes.

Mr. WALDIE. I thank the gentleman.

Mr. JOHNSON of California. The State wanted assurance this would not happen, and this particular provision on page 96 of the report points this up.

Mr. WALDIE. I have read this act.

Mr. JOHNSON of California. You stated further in your remarks about the permit system—certainly the bill has a very strong permit system in it——

Mr. WALDIE. I know the permit system.

Mr. JOHNSON of California. They have not yielded in that respect.

Mr. WALDIE. I understand that.

I do not yield any further to the gentleman.

I understand that. The permit system has nothing to do with salt water intrusion. Salt water intrusion is non-point intrusion. The permit system deals with point intrusion.

The difficulty with this provision—and I gather that it is a California provision—the act was amended and weakened from its initial strong provisions controlling saline intrusion and water diversions to take care of a problem that the water resources people wanted to take care of to enable them to exert control, the control over the delta they had been exerting.

I suggest to the gentleman that the weakening amendment is not in the best interest of the delta in California, the estuary in the San Francisco Bay, in any way, regard, or respect. The problem of protecting the waters that are gathered in that delta from saline intrusion and protecting that estuary from the consequences of saline intrusion, has been made much greater by the adoption of that weakening amendment.

I suggest to the gentleman that I will be offering an amendment tomorrow seeking to return this provision of the bill to where it was prior to the time the California water people started putting their hands into this national act to have it adopted and worked around to adversely affect California only and the part of California that the gentleman I represent in this particular issue.

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

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

Mr. JOHNSON of California. The gentleman asked me a question. I think it is well established in the record that California does have a very workable program under way at the present time. Our State water resources people, the Governor of the State, the Water Pollution Control Board, the Bureau of Reclamation, and the Corps of Engineers are working very carefully with the flow of the waters into the delta, and certainly under this measure the State will be given the opportunity to carry on that type of activity. The State will have a right to issue permits under that particular section. I see no harm in it whatsoever.

I point out to the gentleman that nonpoint sources are controlled under this bill.

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

Mr. WRIGHT. I yield the gentleman 1 additional minute.

Mr. WALDIE. I thank the gentleman.

In response I would point out that the permits involved in this bill have nothing to do with nonpoint salt water intrusion, and there is no control within this bill for nonpoint pollution, and that control will only come about by the development and adoption of an areawide management program that controls. The fact of the matter is that the State of California has done a miserable job in terms of protecting the estuaries of California from salt water intrusion, and this amendment which was adopted to the national act at the request of California authorities, enables them to continue doing the miserable job they have been doing without any guidance and without any control from the Federal Government. I think it is a very, very unhappy situation for our State but also for other States which now find a major weakening of the control section which protects estuaries. That is what is at stake here—the estuaries of the Nation. That provision has been weakened to the point where estuaries will be jeopardized.

I appreciate the gentleman's courtesy.

Mr. WRIGHT. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, there are about 20 States which now, by State law, prohibit the discharge of sewerage from boats into the waters of the State. My own State is one of those States.

Others include, Arizona, California, Colorado, Illinois, Indiana, Maine, Michigan, Missouri, New Hampshire, New Jersey, New York, Oregon, Texas, Utah, Vermont, and Wisconsin—and Ontario in Canada. If this bill passes in its present form, those laws which now require holding tanks in small vessels that ply the waters will be invalidated. If this bill goes through, there will be a retreat from the strict standards which have been imposed by these 15 or 20 States which require that all sewage be held in holding tanks and pumped out or discharged at a pier or marina.

I would hope that the committee would consider favorably an amendment which will be offered by the gentleman from Michigan (Mr. WILLIAM D. FORD) tomorrow, which will enable the States to retain the holding tank requirement where they feel it is appropriate to protect the quality of their waters in their States, I see no reason why there should be a backward movement in the name of trying to improve the quality of water in the United States. In Minnesota we are very proud of our waters and their use for recreation as well as for drinking. I would hate to see our strict standards pulled down and taken out of operation by this bill in its present form.

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

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

Mr. HARSHA. The gentleman's commentary is in reference to section 312 of the bill. That section provides, among other things, that upon application of the State to administrator, the State can prohibit the discharge of any effluent into waters at all. So that if the gentleman's State now has a holding

tank requirement, and if the rules and regulations adopted by the Coast Guard are such that the Federal requirement does not meet the holding tank requirement and would permit discharge of some kind, upon application of the gentleman's State to the administrator, the State could preclude, even though there is a less stringent Federal regulation, the discharge of any waste into its waters.

Mr. FRASER. The gentleman is right in a technical sense, but as a practical matter, as the executive director of Minnesota Pollution Control Agency points out:

> It would be impossible to prove the damage done to each of Minnesota's 13,000 lakes by polluting by boat toilets. The time required would delay pollution control efforts for years.

There is another problem. I have a cabin on the St. Croix River. Barges go up and down that river and through the waterways of the country. That exception would require that the administrator permit us to declare the whole of the St. Croix or of the Mississippi the subject of a holding tank requirement. In other words, they could not differentiate between the types of vessels involved.

In addition to commercial boats, we have hundreds and, I think, thousands of pleasure boats. We would not under Section 312(f3) of the bill be able to require them to have a holding tank without also requiring the commercial barges to have a holding tank, because the administrator is likely to be reluctant to do that. He is unlikely to give our State authority to proceed under that section. This is the reason why I think it would be wise to allow the States to have their own high standards.

Mr. HARSHA. Let me point out to the gentleman from Minnesota this is in the law now, in existing law. The only thing we have done in this bill is to expedite the effectiveness of the preemption we had in existing law.

Mr. FRASER. That is right. That is why we ought to have the amendment adopted tomorrow. It seems to me to be a good thing to allow the States to set higher standards in certain circumstance. We would certainly welcome the support of the committee on that amendment.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of our committee (Mr. BLATNIK).

Mr. BLATNIK. Mr. Chairman, I should like to acknowledge the fact that my very good friend and colleague from Minnesota raises a very important point. We discussed this several times last week.

It is not our intent to hinder the States in doing what they hope to do as to improving the situation in these areas, for we understand they have many problems.

We have many lakes in Minnesota, many recreational lakes, and this area is the beginning of one of the largest inland waterways for commercial as well as recreational shipping.

We have Duluth at the head of the lake, and the St. Lawrence Seaway. We have three waterways. We have the Mississippi, the St. Lawrence Seaway, and the waters north of Duluth.

We are very mindful of the problem the gentleman has raised, and will work where we can to see that a satisfactory resolution can be worked out.

Mr. FRASER. I thank the chairman very much.

Mr. WRIGHT. Mr. Chairman, I yield myself whatever time remains.

The CHAIRMAN. The gentleman has 5 minutes remaining.

Mr. WRIGHT. Mr. Chairman, we come to the end of the general debate on this historic bill. Simply because there has been some invidious rhetoric and a certain amount of oversimplification in some news journals which have sought to report on the bill, I should like to use this time merely to stress the gains this bill would achieve in the present water pollution control efforts, and to state a few of the ways in which this bill, as your Committee on Public Works brings it to you, is indeed a stronger, more effective and more workable bill than a companion measure which was passed by the other body.

In the first place, this bill from the Public Works Committee of the House adds $4.6 billion to the amount authorized in the Senate bill. Practically all of this additional money is committed for actual Federal grants for construction.

In the second place, your House bill increases the maximum Federal grant from the present level of 60 percent in existing law to a new proposed level of 75 percent, and this is higher than the Senate version, which recommended a maximum of 70 percent.

In the third place, for the first time your House bill would make collection systems eligible for Federal participation. They have never been eligible before. The Senate bill does not make them eligible. This is, I believe, a significant advance.

In the fourth place, the House bill creates a financing mechanism which would assist localities, hard hit by difficult bond markets and, therefore, heretofore unable to come up with their portion of the money, and creates a fund of $100 million for that purpose. There is no such provision in the Senate bill.

So in these four ways, each of which clearly affects the amount of help that is provided to the States and municipalities under this legislation, the House bill is manifestly superior to the bill as reported by the other body.

In the amount of actual cash help it authorizes, the House bill is clearly the stronger bill.

Now, let us consider the strength of its strictures, its requirements, and its control.

Here is a fifth major comparison: The House bill not only retains the water quality standards that heretofore have been the basis upon which we have cleaned up our streams, but also provides a new system of cleaning up streams by a limitation upon point discharges, a dual approach, and provides that whichever is the stronger shall apply. The Senate bill abandons the water quality standards and goes solely to point discharge limitations. Herein the House bill is manifestly a stronger bill.

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

Mr. WRIGHT. Of course I yield to my colleague.

Mr. HARSHA. The gentleman will agree that water quality standards of heretofore existing legislation apply only to interstate waters.

In this legislation we require the States to continue those water quality standards insofar as they apply to interstate waters and then adopt water quality standards for intrastate waters as well, together with lower limits for all of those streams within a State, which makes it imminently stronger than the bill before the other body.

Mr. WRIGHT. The gentleman is exactly correct. That was, interestingly enough, the very next point I was going to raise. This is a sixth major distinction, and again our bill is the stronger of the two. For the first time States are required in the House bill to adopt standards for intrastate waters, and there is no such provision in the Senate language.

Mr. HARSHA. Will the gentleman yield further?

Mr. WRIGHT. Of course I yield.

Mr. HARSHA. We require an upgrading of the water quality standards on the intrastate waters every 3 years, so we have a continued upgrading of them throughout the entire State.

Mr. WRIGHT. The gentleman is precisely correct. And this is a seventh point of comparison.

One other thing should be mentioned in connection with controls and requirements placed upon those who discharge pollutants into the streams. For the first time we would require in the House bill that industrial dischargers whose waste is cleaned up by newly created municipal systems would pay a portion of the cost of construction of those systems and that their portion of that cost would bear some direct relationship to the amount of pollution they are discharging into the municipal system for treatment. We would require that this money go to the local municipality to help defray the cost of construction. In that regard I think the House bill is clearly preferable.

There are some differences, perhaps in detail and perhaps in words only, concerning the statement of goals and policies.

The Senate bill in this regard is admittedly more ambitious. The Senate bill sets the no-discharge goal by 1985 as a policy. The House bill states it as a goal. Although all of us most earnestly hope it will come true, realistically we must recognize that it is a very difficult thing and probably an illusory thing to expect that by 1985 we would reach the point of having absolutely no discharge of any kind into any stream.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARSHA. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WRIGHT. I thank the gentleman for yielding me the additional time. I was suggesting that we should not hold out illusory promises to the public.

We might, if we were so rash, adopt a law in Congress to require that henceforward water shall run uphill rather

than downhill. We might get some kudos from the press and from some of our delighted constituents, but I daresay that by 1985 or by 1995 or 2005 water would not run uphill.

Larry O'Brien, who has been involved in political activity for many years, said the other day something with which I think a spokesman for either party would probably reluctantly agree. He said that public officials have gained the reputation, tragically, among much of the electorate of being big promisers and cruel deceivers. That lamentable fact is far too true.

So I think the choice confronts us here as to whether we shall promise big and perform relatively less, perform more and promise no more than we know we can perform.

I think the difference was pretty well summed up by an editorial that appeared yesterday in the Washington Star to which reference has already been made. I should like to quote in closing the last paragraph of that editorial. The Washington Star editorial concluded with these words:

The Senate, with its bill, has raised the Nation's environmental aspirations. The House version, though, because it does not sacrifice wisdom for simplicity, represents better government.

Mr. PELLY. Mr. Chairman, recently I joined with a number of my colleagues for whom I have great respect in sponsoring the so-called clean water package of amendments to H.R. 11896, the Federal Water Pollution Control Act. At the time I agreed to cosign a letter to the House membership endorsing the clean water package, I had not had an opportunity to review each of the proposed amendments in detail. Now that I have studied these amendments closely, I am frank to admit that I do not favor all of them and will not be able to support the entire package.

Gov. Dan Evans has provided me with his views as to the interests of Washington State. Meanwhile I have advised the gentleman from Michigan (Mr. DINGELL) that I will have to revise my position and vote for or against each amendment on its merits.

Principally, Mr. Chairman, I must oppose those provisions of the clean water package which would amend title V of H.R. 11896 eliminating States from an effective role in the permit program.

Aside from the clean water package, I also will vote in favor of the so-called Mahon amendment to limit the contract authority of the Environmental Protection Agency, and to require that the financing of sewage treatment plants be accomplished in accordance with the normal appropriation process and not by the back-door spending provision set forth in the reported bill.

Mr. Chairman, while I have determined that I cannot support the entire clean water package, I want to take this opportunity to commend my colleagues for the work they have done in developing a number of very meaningful amendments to the bill. My disagreement with them relates solely to the proper role of the States in our national effort to eliminate pollution. I am convinced that the States do have a proper role and should be encouraged to participate and to assume responsibility. The existing Federal Water Pollution Control Act has prompted many States to move effectively and to establish the machinery for policing their own industries. We should do everything we can to encourage the States to continue and to expand their own efforts rather than shift even more to a totally Federal approach.

Mr. ROONEY of Pennsylvania. Mr. Chairman, in light of this week's floor consideration of H.R. 11896, the Water Pollution Control Act Amendments of 1972, I think it is appropriate to focus on several very significant actions of a major industry in my congressional district to protect the environment.

Most significant of these, Mr. Chairman, was the recent signing of a Pennsylvania consent order by Bethlehem Steel Corp., in which Bethlehem committed itself to the investment of an estimated $22.5 million or more to eliminate air pollution from its byproduct coke oven operations in Bethlehem and Johnstown.

Gov. Milton Shapp described the consent order as an "amicable agreement between the Commonwealth and industry" and one which should serve as a "prime example for other industries to follow in view of our stepped-up efforts to improve the environment."

This is but one of many steps Bethlehem Steel has taken to resolve pollution problems associated with the steel-producing industry—an industry which ranks as the largest single employer in my congressional district.

Bethlehem is engaged now in the installation of a huge dust collection system at its Bethlehem plant—a system which will be able to remove 8½ tons of dust from its plant emissions daily. This pollution control project will cost $5.5 million.

The firm also has been cooperating with concerned citizens in a massive program to recycle cans and bottle caps. Can-collection centers were set up at its steelmaking plants in mid-1971 and by the end of the year 383 tons of cans and bottle caps had been recycled in Bethlehem furnaces.

I am pleased to call these matters to the attention of my colleagues and to include in the RECORD Governor Shapp's announcement of the consent order as well as the statement of Mr. John J. O'Connell, Bethlehem's vice president for industrial relations.

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., February 25, 1972.

Governor Milton J. Shapp today signed a consent order with the Bethlehem Steel Corporation which, in effect, represents a major step forward in implementing Pennsylvania's environmental improvement program.

"This order provides for the elimination of air pollution from the company's by-product coke oven operations at its Bethlehem and Johnstown plants," Shapp said.

"Complying with this order will require the application of new and innovative air pollution control techniques through the establishment of a control program which will cost the Bethlehem Steel Corporation an estimated $22.5 million or more.

"I realize," the Governor added, "that the control of air pollutants from by-product coke ovens, with respect to available control technology, is one of the most challenging issues for the steel industry.

"However, what we have signed here today, which represents an amicable agreement between the Commonwealth and industry, should serve as a prime example for other industries to follow in view of our stepped up efforts to improve the environment."

Shapp said the consent order contains a number of unique provisions.

"It provides for immediate steps to be taken to reduce emissions and for a long-range, comprehensive control program, and also contains specifications and performance standards. The latter includes an outline of specific procedures and equipment, and establishes standards to measure emissions for various phases of the control program."

Signing the consent order, along with Governor Shapp, were Secretary Maurice K. Goddard, Department of Environmental Resources and John J. O'Connell, Vice President, Industrial Relations, Bethlehem Steel Corporation.

STATEMENT BY J. J. O'CONNELL AT SIGNING OF THE AIR POLLUTION ABATEMENT ORDER FOR BETHLEHEM STEEL CORP., COVERING ITS PENNSYLVANIA COKE OVEN OPERATIONS

In signing this order I am committing Bethlehem to spend up to $22.5 million, or possibly more, over the time period specified in the order, to bring the operation of our coke oven batteries into compliance with Pennsylvania air pollution control requirements. We have worked hard with the Department of Environmental Resources to develop a compliance program which has a good possibility of success. I must emphasize, however, that in signing this order, Bethlehem is committing itself to the installation of control systems, the exact forms of which are unknown as of today. Development of coke oven air pollution control equipment and methods is still largely in the experimental stage. We sincerely hope that the abatement methods adopted under the various provisions of this order will be successful. However, when one is dealing with unknowns as we are in this case, complete success cannot be guaranteed.

Mr. ROSTENKOWSKI. Mr. Chairman, there is little need for any Member of this body to be reminded of the gravity of the problem of pollution that exists in our Nation's rivers and streams. It is a problem that each of us has witnessed in our own congressional districts. It is a problem whose murky presence can be seen less than a mile from this Chamber, where the once majestic Potomac, now tainted by years of misuse, stands as a symbol of how wasteful we, the American people, can be if we really try.

The legislation before us today is, in my opinion, significant in several respects. As a Representative of an area which borders the Great Lakes, I am especially interested in section 108 of title I of the bill. This section would establish channels by which the Environmental Protection Agency could, along with State and local agencies, develop plans and techniques to reduce pollution of the Great Lakes. I strongly support this section which authorizes $20 million to be appropriated for this endeavor with an additional $5 million to be set aside specifically for Lake Erie. I am hopeful that this money will be utilized effectively to restore the Great Lakes to their rightful position as the largest body of fresh water in the world.

This legislation is also significant because it represents the first attempt to change the emphasis in water pollution

legislation from water quality "standards" to actual prohibitions against the dumping of all types of untreated wastes into our rivers and streams.

For, it is only through positive steps such as these, will this legislation have significant impact on the future of our once beautiful waterways.

Recently, in sifting through my mail, I have noticed an increased awareness among the American people, not only in extent of the problems of pollution, but in the complexity of the solutions as well. The American people are well aware that there is no sweeping reform that is going to end the polluting of our streams overnight. They are aware that factories and shops cannot be shut down arbitrarily for polluting without consideration to the employer, the employees, and the economy of the region involved as well. They are aware that the practices of generations cannot be completely altered without due consideration to those whose life styles have been affected the most. They are also aware that the Federal Government cannot alone, without the cooperation of local authorities, settle all the difficulties involved. While they are aware of all these problems, they insist that we must soon take meaningful corrective action, action that will set deadlines—action that will establish meaningful penalties that cannot be easily circumvented—action that will put the burden of proof on the polluter and not on the Government—action that will make all polluters, including the Federal and State governments more responsible in their actions.

It is for this reason, Mr. Chairman, that I urge my colleagues to support the clean water package of amendments which will be offered by the gentleman from Wisconsin (Mr. REUSS) and the gentleman from Michigan (Mr. DINGELL). These amendments will strengthen the antidumping segments of the legislation in order that we may eventually realize the goal of lakes and rivers that live again. These amendments will stimulate the long-range planning, the national coordination and the active involvement of all our citizens which is needed if this legislation is to be effectively implemented.

Mr. VANIK. Mr. Chairman, the bill before the House of Representatives today, the Water Pollution Control Act—and the amendments to be offered to it—is one of the most important pieces of legislation which this Congress will consider. It is certainly the most important pollution control bill ever considered by the Congress.

Every Member of this Chamber is well aware of the disastrous conditions of our Nation's waterways. I am particularly concerned about water pollution, since the congressional district which I represent lies along the southern shore of Lake Erie. In analyzing the mail which my office receives, it is obvious that, week in and week out, the single largest concern of my constituents is the continuing deterioration of water quality throughout northeast Ohio.

DETERIORATION OF THE GREAT LAKES

Lake Erie is often cited as one of the most seriously polluted bodies of water in the Nation. Just this February, the Environmental Protection Agency reported:

> A mat of algae two feet thick and few hundred square miles in extent floats in the middle of the lake in mid-summer, oxygen levels in areas of the lake bottom are reduced to zero, displacement of indigenous fish populations by scavenger and trash fish is widespread . . . The zone of zero oxygen is spreading, bringing the threat that eutrophication will soon become self-sustaining.

Our lake is polluted not only by rivers such as the Cuyahoga and Grand, but it also becomes a settling basin for the pollution that flows in from Lakes Michigan, Superior, and Huron. For example, Detroit discharges some 1.4 million pounds of suspended solids into western Lake Erie every day. Scientific studies have shown that up to 80 percent of the phosphorous and other nutrients which enter Lake Erie are retained in the lake. It is no wonder that the few remaining fish and other organic life of the lake are in immediate danger of destruction.

However, I would like to point out, Mr. Chairman, that I am not one of those who believe that Lake Erie's condition is so bad that it is hopeless—that it is now, and forever will be, a "dead sea." Scientists have pointed out that the chances for improving Lake Erie are fairly good. If the upper lakes are cleaned up and Lake Erie's tributaries are purified, conditions will improve since it is theoretically possible to exchange all the water in the lake in a 3-year period, because of the magnitude of the flow through the lake and because of its shallowness.

This same EPA report noted that the pollution on all five of the Great Lakes is worsening and that they are now all seriously threatened with contamination. The quality of drinking water obtainable from these lakes is in jeopardy. Already, 30 percent of the Nation's tap water has quantities of chemicals exceeding the limits recommended by the Public Health Service. A report issued just this last December found high concentrations of copper and lead, as well as traces of chromium and cadmium, in fish caught near the headwaters of the Cuyahoga River.

INADEQUACY OF PRESENT LAWS

Amendments and improvements in our water pollution control laws are desperately needed now, because, as I have just stated, conditions are getting worse, and, second, the present control efforts are administratively unworkable and philosophically faulty.

Under the 1966 water pollution control law, the various States were to establish, within about a year, water quality standards. Now, 4 years after the deadline for submission of standards, only 27 States have fully approved standards.

Even where water quality standards are set, they are based on an unrealistic estimate of the ability of water to "assimilate" wastes. In addition, due to the pressures of powerful economic interests, the States often do not establish meaningful quality levels and create water "zones"—some good, but mostly bad. For example, most Lake Erie harbors were originally zoned for "Industrial water supply, aquatic life B." Such a classification is a hoax; aquatic life B cannot support any form of aquatic life—unless you consider sludge worms aquatic life.

The new Refuse Act permit program is a very powerful pollution control tool—but it applies only to industrial polluters and the number of permit applications being submitted will require years to process.

In 1968, I pointed out that Ohio, under the permit system, had issued 1,254 renewal permits and 117 new permits for a total of 1,371 permits to pollute the waters of the State. Between 1965 and 1969, the number of permits to pollute were reduced from 1,380 to 1,371—or nine permits in 4 years. At that rate of reduction, it would take 600 years to terminate this program.

In addition, this permit system is, in essence, a "permit to pollute" system. The fallacy in this system was brilliantly challenged by two Cleveland area lawyers, Mr. Jerome S. Kalur and Mr. Donald Large, who have been active in northeast Ohio Sierra Club activities. As a result of their law suit against a Federal agency, no more permits may be issued unless accompanied by a detailed statement of the environmental damage caused by the "permit to pollute." In addition, the court held that all discharges into nonnavigable waterways were illegal.

Unfortunately, as a result of the successful Kalur-Large suit, the administration is trying to gut the citizen's rights under the Refuge Act permit system. In addition, the decision of the lower Federal court in this case may be overturned by higher courts.

SENATE-PASSED POLLUTION CONTROL BILL

In an effort to stop the deterioration of the Nation's water quality and institute a workable pollution control system, the Senate passed a strong and comprehensive water pollution control bill on November 2, 1971, by a vote of 86 to 0.

This excellent Senate bill is so important, that I would like to take the time here to describe its major features.

The basic concept underlying the Senate bill is that:

> The use of any river, lake, stream, or ocean as a waste treatment system is unacceptable.

In other words, no one has the right to pollute.

To implement this concept, the nebulous water quality standard system is to be scrapped and, instead, the discharge of toxic materials is prohibited and controls are to be placed on all waste discharges.

Specifically, the bill does the following:

First. By June 30, 1974, all communities must be providing "secondary" treatment of waste discharges. This means the removal of 80 to 90 percent of all harmful wastes, and is important when one considers that 38 percent of the Nation's waste discharges now receive no treatment whatsoever and 30 percent receives only "primary" treatment which removes just 50 percent of the harmful materials.

Second. After June 30, 1974, Federal construction aid will only go to help build sophisticated and effective area-

wide or river basinwide treatment facilities. This section has particular reference to the Greater Cleveland area where there has been considerable controversy over the concept of regional treatment.

In addition, beginning in mid-1974, Federal aid for the construction of city treatment works will only be given when the best practicable technology is to be used, or—and this is most important—a method is found to prevent all discharges into waterways. An example of a method which provides for complete purification of wastes is the "Muskegon experiment." In this experiment, waste is given some treatment and then sprayed on agricultural land. The increase in agricultural productivity has been fantastic and the waste water, as it seeps through the ground back into the water table, becomes totally purified through the action of natural bacteria and filtration.

Third. Industrial waste discharges which account for 34 percent of estimated stream pollution, would be required to be treated with the best practical technology by January 1, 1976.

Fourth. By January 1, 1981, industrial waste discharges would be prohibited. There are a number of ways this can be achieved. For example, industry could develop closed systems in which the water used by a plant would be used, cleaned, reused in the industrial process, and then cleaned again. In other words, water is considered a scarce natural resource and is recycled. If there simply appears to be no way in which this "no-discharge" goal can be technically accomplished, within reasonable cost, then the industry would have to have in operation the best form of waste treatment equipment available at the time.

Fifth. As a result of the requirements on cities and industries, 1981 is set as a goal by which water quality will be able to provide for the protection and propagation of fish, shellfish, and wildlife, and for human recreation in and on the water.

Sixth. Further Federal activity, in research and in regulations, will continue to establish the policy of ending all discharges by 1985. Frankly, there may be some very few cases where "no-discharge" cannot be obtained—and further study will have to be made of these cases in 1985. But a goal has been set. It is a great goal, worthy of the support and commitment of every American.

FEASIBILITY OF SENATE BILL

It should be pointed out here that the goal of "no-discharge" by 1985 has been opposed by the administration on grounds of cost and impracticality. The arguments against the concepts in the Senate bill have been conducted on a "scare tactic" basis—and they are arguments without merit. The effort to clean up our Nation's waterways will be expensive—but independent researchers and consultants have shown that the Government's cost figures are exaggerated by up to 600 percent. Further, a Government study released March 12, 1972, states that the cost of abating pollution will not threaten "the long-run viability" of any industry, particularly when the same rules will apply to all. Others argue that "no-discharge" technology is not available. Yet many new plants are already constructing such systems. The Senate bill provides 13 years to employ and develop no-discharge technology and specifically makes exemptions in case of totally unreasonable costs requirements. If we do not set these guidelines and goals, we may be sure that there will be no impetus to develop such technology—and our environment will continue to deteriorate at a disastrous rate.

Further, the final definite goal of "no-discharge" will save our cities and businessmen from the confusion, uncertainty, and waste which have accompanied their efforts to meet the constantly changing water quality standards of the last decade. No more will a company build a treatment facility only to find that by the time it is constructed, it fails to meet some new law's requirements.

WEAKNESSES IN HOUSE BILL

Unfortunately while the water pollution control bill which has been approved by the House Public Works Committee and which we are considering today has most of the same provisions as the strong Senate-passed bill, it contains a number of clauses which would weaken the antipollution effort and actually set back the struggle to save our environment. As the chairman of the League of Women Voters' Environmental Quality Program stated:

> The House version is considerably weaker and lacks some essential elements we consider necessary in a good clean water bill.

The House bill is the strongest anti-water pollution bill we have ever considered. But the fact remains that in comparison to the Senate bill, it is disappointing.

CLEAN WATER AMENDMENTS TO HOUSE BILL

For this reason, I have joined with a leadership coalition of 40 of my colleagues to offer a "package" of clean water amendments to the House bill. Briefly, these amendments will do the following:

First. Maintain the Senate bill's automatic deadline of 1981 for the installation of "best available technology" for the treatment of industrial wastes, if it can be done at reasonable cost.

The House bill requires no action after 1976. It simply establishes another study of pollution and eliminates the incentive for cities and industry to move toward zero discharge technology. This will increase costs as interim facilities are constructed and delay the day when we finally have clean water.

Second. Provides that permits for the discharge of wastes which will be required between now and the achievement of "no-discharge" in 1981 or 1985 will be under the final control of the Environmental Protection Agency.

The House bill gives final permit authority to the various States. In the past, some States have set very weak permit standards in an effort to "pirate" industries from States which are sincerely attempting to stop water pollution. This amendment we are offering attempts to prevent job loss by unnecessary industry relocation.

Third. Strike from the House bill a provision which would give polluters who violate the Refuse Act immunity until 1976 from Federal or citizen suits.

Fourth. Additional amendments would protect the rights of citizens to sue the Government or others for illegal pollution activties, and would maintain the strength of the important environmental impact statement program.

In addition, I am joining with a coalition of seven other Great Lakes State Congressmen to offer an amendment to allow our States to continue to set the standards for the dumping of wastes from ships and boats. The House bill gives regulatory authority in this area to the Federal Government, and—from all indications—the Federal standards will be weaker than those which the Great Lakes states and Canada have set.

I do not mean to imply that the House bill is all bad or that the Senate bill is all good. For example, both bills exempt the discharge of harmful chemicals into oil wells—a common practice which the industry uses for various reasons—such as to flush out extra oil. These chemicals and salty solutions can, of course, work their way into the underground water tables from which drinking water is drawn. This type of loophole certainly should be closed.

FINANCIAL AID TO LOCAL GOVERNMENTS

There is, in addition, one principal area where the House bill is better than the Senate bill—the area of financial assistance to local governments for the construction of waste treatment procedures.

The U.S. League of Cities Conference of Mayors, after careful study, have found that the Nation's cities will need to spend between $33 to $37 billion over the next 6 years on water pollution control programs. One of the most important forms of "revenue sharing" which the Federal Government can provide is assistance in meeting this cost.

The Administration proposed $6 billion for 3 years.

The Senate-passed bill proposes $14 billion for 4 years.

The House bill before us today proposes $18.3 billion for 3 years.

Obviously, the House bill, if followed through by full appropriations, is the only one which begins to meet the needs of the cities.

Both the House and Senate bills make an additional change in existing law which is of vital concern to local governments. I testified before both the House and Senate Public Works Committees in support of my bill to increase the percentage of Federal construction assistance to local governments from 50 percent of cost permitted in present law to 70 percent. That proposal was adopted in both bills:

	Percent U.S. aid in new bill if no State assistance to local government	If State pays (percent)	Then United States becomes (Percent)
Senate bill	60	10	70
House bill	60	15	75

Thus, the cost to local communities for the construction of waste treatment facilities will drop from between 60 to

80 percent. In addition, public maintenance of treatment plants will be made easier by a requirement in both the House and Senate bill that "user charges" be assessed for industrial wastes poured into a public facility.

These changes are of major importance to Cleveland and Ohio. For example, the Association of Metropolitan Sewage Agencies estimates that the required investment for pollution control in Cleveland between 1970 and 1985 will be $1.6 billion. Under the old Federal grant program, Cleveland and Ohio would have to pay $800 million of that amount. Under the new law, the State and local cost will drop to between $480 to $400 million. In addition, under either the House or Senate bill, Ohio and its local governments will receive millions of dollars as reimbursement for waste treatment construction projects which were undertaken in previous years and which did not receive the proper level of Federal matching assistance.

LAKE ERIE AID

There are several provisions in these two bills of special interest to northern Ohio. First, both bills continue at a $20 million level the amendment which I made to the 1970 Clean Water Act. This amendment provides for projects designed to "demonstrate new methods and techniques and plans for the elimination or control of pollution" in the Great Lakes. The House bill—but not the Senate bill—provides for a new $5 million program on Lake Erie alone. This provision directs the Corps of Engineers to design and develop a demonstration waste water management program for the rehabilitation and environmental repair of Lake Erie. It is my hope that the entire Lake Erie community will support this project and that the corps, through consultation with the people of the Lake Basin, will successfully develop a project that can help us all save our Lake.

MAJOR LAKE ERIE PROGRAM CUT

While these two provisions relating to the Great Lakes are important and are helpful, they hardly compensate for the administration's decision to oppose a massive Great Lakes cleanup now. The Environmental Protection Agency hoped to include in the President's February 8 environmental message to the Congress a proposal for a crash cleanup program at 12 of the most polluted places on the lakes. The level of first-year support for this program was to have been $141 million. As EPA officials reported to the President:

> Most of the actions called for under this proposal will be required in any event, to implement pending water pollution legislation. The difference lies in focusing priority, manpower, and management attention on the Great Lakes to assure better and quicker results. In doing so, we will be demonstrating a positive Administrative initiative, rather than allowing our actions to be dictated by events. We will also be demonstrating a positive and sensible strategy for implementing the pending water pollution legislation.

Officials of the Executive Office of the President—who have apparently never seen the Cuyahoga River—struck the program from the President's agenda and budget. This is particularly distressing in view of Canada's decision to commit $250 million to Great Lakes cleanup—even though Canada causes only a small fraction of the pollution that we do.

The House and Senate water pollution bills which I have been discussing will, of course, provide a long-range solution to the Lake Erie disaster. But the entire Great Lakes congressional delegation must continue to work for the special remedial assistance needed by our lakes.

A NEW PHILOSOPHY IN POLLUTION CONTROL

In closing, Mr. Chairman, I would like to comment again on the importance—the basic philosophical importance—which the Senate bill has on America's—and the world's—approach to the ecology problem.

The Senate bill stresses recycling and the termination of all harmful discharges.

If we do not accept that concept, if we continue to allow harmful discharges and the waste of resources—even small amounts—we will continue to rapidly disrupt, in ways which we do not now understand, the natural balance of the world—a balance that evolved over billions of years and which supports all living things, including ourselves.

If we allow only 5 percent of our present waste discharges to reach the waterways, and through them, the sea, we may slow down the rate of natural disruption—but the disruption continues to accumulate, perhaps irreparably.

Dr. Barry Commoner, perhaps the most thoughtful of all the experts dealing with the problems of the world environment, states that the first law of ecology is that "everything is connected to everything else." If we continue to discharge wastes from the Cuyahoga River, for example, the effect is eventually felt in the oceans—the ancient source of life and the hope of so much of our future.

Waste discharges have destroyed large parts of Lake Erie and are threatening the other Great Lakes. The Baltic is now considered a dead sea. The Mediterranean is dying; Jacques Cousteau, the famous French underseas explorer, reports that sea life and vitality in the Mediterranean has declined 30 to 50 percent in the last 20 years.

If the United States—and the other nations of the world—continue to discharge harmful wastes into the waterways, the sea itself can die. One of the most frightening reports I have read on the health of the world's environment was a report by Dr. Thor Heyerdahl, the explorer who crossed the Pacific on the raft *Kon-Tiki* and who recently crossed the Atlantic twice on a primitive boat such as used in ancient Egypt. Dr. Heyerdahl said that on his trip across the Pacific two decades ago, he saw no evidence of pollution. Last year, in crossing the Atlantic, the pollution was everywhere, massive and serious.

It may thus be safely assumed that the 2,407 nautical miles covered by *Ra II* during the initial 43 days of its voyage represented an uninterrupted stretch of polluted surface water, the degree of visible pollution varying from slight to very grave.

Dr. Heyerdahl noted that:

> Lake Erie is only one of a long series of lakes destroyed by man in the most different parts of the world. Place ten Lake Eries end to end and they span the ocean from Africa to America.

If we can destroy Lake Erie, we can destroy the sea. Similarly, we can destroy the delicate balance of the world's atmosphere. That destruction is happening each hour of every day.

Neither the House or the Senate bill is the final answer in our effort to preserve our environment, but certainly the no-discharge goal and emphasis on recycling is a major step forward.

The principles, the philosophy of environmental management stated in the Senate bill should be a working tool which the American delegation to the coming Stockholm convention of the United Nations Conference on the Environment can present as a model for the rest of the world.

Perhaps the greatest contribution our Nation can make to the rest of the world in the coming decades is assistance in providing the controlled, environmentally sound technology which will end human misery around the earth without destroying this, our only world.

Mr. HEINZ. Mr. Chairman, I indicated in a "dear colleague" letter last week that I intended to offer an amendment to H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972, to provide for the imposition of effluent charges against owners and operators of point sources of pollution other than publicly owned treatment plants. Tomorrow I will offer an amendment which provides an incentive to cut pollution through a rebate of 50 percent of the aggregate sum of effluent charges paid by an industry that installs equipment or revises production methods to meet the standards set by the Administrator of the Environmental Protection Agency. The balance of the money collected from the effluent charges will be used to finance State grants and municipal waste treatment construction. With respect to this amendment, there are several points which I believe need clarification.

First. Effluent charges are compatible with the concept of user charges. Furthermore, since user charges are based on the construction of waste treatment plants, effluent charges, which induce industry to reduce pollution at the source, will reduce the cost of construction of waste treatment facilities to local communities.

Second. Effluent charges, when combined with the 50-percent rebate, provide an economic incentive to industry not only to meet the standards, but to surpass them and thereby aid us in attaining the goals contained in this legislation.

Third. Effluent charges will provide an incentive to marginal corporations who were not affected by the amortization of pollution control facilities provided by the Tax Reform Act of 1969. This is very important since it is often these companies which are the worst polluters.

The text of the amendment follows:

SECTION 319—EFFLUENT CHARGES

SEC. 319. (a) It is the purpose of this section to supplement the enforcement procedures of this Act by providing for desirable economic incentives to water users to con-

serve water and to minimize pollution through reduction in the quantity of waste products dumped into these waterways. It is also the purpose of this section to encourage the formation of regional waste treatment management organizations pursuant to section 208(a) of this Act.

(b)(1) In furtherance of the purpose of this section, the Administrator and the Secretary of the Treasury shall prescribe such regulations as are necessary to establish and put into effect two years after the enactment of this Act a schedule of national effluent charges for all those discharges other than municipal, agricultural, industrial, recreational, sport, wildlife, and commercial fish uses. These discharges shall include, but not be limited to, biochemical oxygen demand (BOD), suspended solids, thermal discharges, and toxic wastes. The charges shall be set at a level which will provide for the attainment of the standards and goals of this Act. Such regulations shall also provide for making available as public information all amounts collected pursuant to such charges.

(2) Any person who willfully fails to pay any charge as required by regulations established pursuant to this Section or who willfully fails to make any return, keep any records, supply any information, or to do any other act required by such regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than one year, or both, together with costs of prosecution.

(3) The United States district courts shall, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States, have jurisdiction to restrain violations of regulations established pursuant to this Section.

(c) Revenues collected by the Secretary of the Treasury pursuant to such charges shall be deposited in a trust fund (hereinafter referred to as the "fund") in the Treasury to be available without further appropriation to the Administrator for use as prescribed in subsection (d).

(d) Money from the fund shall be available for distribution by the Administrator in each year for the purpose of funding Section 106 of this Act (to assist water pollution control programs of States and interstate agencies), except that any owner or operator of a point source of pollution other than publicly owned treatment plants, who installs pollution abatement equipment or revises production methods to comply with standards shall receive a rebate of 50 percent of the aggregate amount of effluent charges paid prior to the installation or revision, such rebate not to exceed 100 percent of the cost of the pollution control facility. Money in the fund in excess of the amounts required to fund Section 106 shall be available for the general purposes of Title II of this Act (grants for construction of treatment works).

(e) Organizations established pursuant to Section 208(a) of the Act shall, not later than two years after the enactment of this act, or, in the case of organizations designated two years or later after the enactment of this act, not later than 180 days after they are designated, provide for a schedule of effluent charges covering all navigable waterways within the boundaries of the area designated pursuant to Section 208(a)(2). Charges may be set at or above the level and on substances in addition to those designated by the Administrator pursuant to subsection (b)(1) of this Section. After approval by the Administrator, the charges may be imposed by the State or interstate agency, and all revenues therefrom shall henceforth accrue to the State or interstate agency to be used for the purpose of attaining the standards and goals of this Act.

Mr. VANIK. Mr. Chairman, tomorrow, Tuesday, March 28, when amendments are offered to H.R. 11896, the Federal Water Pollution Control Act, I hope to offer an amendment to section 7 which is found on page 402 of the bill and which deals with "International Agreements."

Section 7 as presently worded requires the President to work with other nations to:

Apply uniform standards of performance for the control of the discharge and emission of pollutants from new sources, uniform controls over the discharge and emission of toxic pollutants, and uniform controls over the discharge of pollutants into the ocean.

In addition, the section refers to the presentation of proposals by the United States at the U.N. Conference on the Human Environment to be held this summer in Stockholm.

Section 7 is a good idea. Even if we effectively control the pollution we cause, but the rest of the industrial world—and those nations which are rapidly industrializing—do not take similar steps, then in time the air over the United States and the waters which wash against our shores will be degraded by the action of foreign nations. Even if we lead the way in solving our own environmental problems, the balance of life in the world can be destroyed by other nations who fail to act.

I believe the wording in section 7 can be improved, however, and it can be made to give special reference to America's most serious water pollution problem—the condition of the Great Lakes.

Therefore, I intend to offer the following amendment as a substitute for the present language in section 7:

The President shall undertake to enter into international agreements for the control of the discharge and emission of pollutants into the oceans and the Great Lakes. Such agreement should endeavor to control not only existing pollutants but activities including, but not limited to, oil, gas, sand, and mineral exploration, drilling, development, extraction, and transportation which have the potential for producing or allowing a discharge of pollutants. For this purpose, the President should encourage the use of existing international organizations including the International Joint Commission and shall negotiate treaties, conventions, resolutions or other agreements and formulate, present, or support proposals at the 1972 United Nations Conference on the Human Environment and other appropriate international forums.

There are two changes in the language of the section which have important general applications. By dropping the words "new sources" of pollutants, it frees the hands of our negotiators to work for international cooperation on the control of existing pollution discharges—and in most countries of the world there are no adequate controls on existing discharges. Our Nation should be able to help lead the way toward international cooperation on the control of all pollutants—not just "new sources" of pollutants.

The other change is the specific mention of oil drilling on underwater lands. Throughout the world, there is increasing reliance on offshore drilling for oil and gas. We are trying to insure that our offshore drilling activities are conducted as safely as possible. Oil pollution is the most serious form of pollution in the world's oceans. We should seek to work for international cooperation in this area.

But the major thrust of the new language is to encourage greater cooperation between the United States and Canada for the improvement of the Great Lakes.

The land under the waters of the Great Lakes not under the control of the Government of Canada are under the control of the various Great Lakes States.

These States—and Canada—have a variety of regulations governing the lakes. For example, while at the current time there is a voluntary but temporary moratorium among the States on the exploration and drilling for oil and gas from land under the waters of the lakes, the various States have almost no permanent controls on these operations. Further, the Province of Ontario has permitted some 32 drillings and brought in 14 gas wells on Lake Erie. Though restrictions have now been placed on these, Canada has leased 3.1 million acres of bottom land for drilling purposes.

The International Joint Commission on the Great Lakes has repeatedly warned about the grave dangers of large oil spills or oil well blowouts within the confined waters of the Great Lakes.

We have already suffered a number of major oil accidents on the Great Lakes. In a letter to my office of September 14, 1970, from the Corps of Engineers, the following record of accidents were reported:

SEPTEMBER 14, 1970.

HON. CHARLES A. VANIK
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: This is in response to your letter of 13 August 1970 requesting information on the history of major oil spills on the Great Lakes.

A major oil spill as defined by the U.S. Coast Guard involves a quantity of 10,000 or more gallons of oil. Our records indicate such spills, as follows:

1. 2 December 1942—Barge *Cleveco* sank in Lake Erie about nine miles out of Cleveland Harbor, carrying one million gallons of oil. A considerable amount of this oil was lost at the time of the sinking. Several years later when the barge was salvaged, there was no oil aboard the vessel.

2. 13 November 1966—Tanker *Mercury*. A submerged hose was accidentally disrupted at unloading site, immediately Northerly of Harrisville Harbor, Lake Huron, Michigan. This unloading site accommodates U.S. Air Force Station, Wurtsmith, Michigan. Check valve difficulties allowed 160,000 gallons of JP 4 jet fuel to flow from a storage tank into Lake Huron. Detroit District Engineer reported the incident to the Federal Water Quality Administration and the U.S. Coast Guard.

3. 18 April 1967. Mackinaw Island College, Mackinaw Island, Michigan. No. 2 fuel oil escaped from storage tanks and entered Lake Huron. USCGC SUNDEW reported oil slick to be 4,000 yds. by 700 yds. At 1/1000 of one inch thickness spread over 70% of water surface, this would be approximately 12,000 gallons. After investigation by U.S. Coast Guard, ruptured pipe was found on the College fuel receiving dock.

4. 19 September 1967—General American Milwaukee Terminal. A leak from a storage tank through an abandoned drain allowed 800 barrels or 33,600 gallons of No. 2 fuel oil to spread into Lake Michigan.

5. 19 September 1967—Indiana Harbor, In-

diana. Oil slick of unknown amount that stretched along a 75-mile area.

6. 27 May 1968—American Oil Company, Whiting, Indiana. Visible amounts of oil originating from cooling water outfall, quantity unknown but enough to cover a 1 x 4 mile area.

7. 22 April 1969. Chrysler Corporation, Trenton, Michigan wasted 117,000 gallons of Resin Soap and Oil in Monguagon Creek No. 2 which empties into Detroit River (Trenton Channel). Investigated by Michigan Water Resources and U.S. Coast Guard and Federal Water Quality Administration. Samples from Detroit River (FWQA) Monguagon Creek No. 2 (MWRC) and waste pond (MWRC) had very close resemblance to "Dresinate—95." One sample contained 37% oil. Thus, about 43,000 gallons of oil wasted into Detroit River. Detroit District referred to Department of Justice. Action by Department of Justice in progress.

Sincerely yours,

WILLIAM G. STEWART,
Colonel, Corps of Engineers.

Since this report was written an abandoned well in Lake Erie 30 miles north of Port Clinton, Ohio, sprung a leak and spewed out an unknown quantity of oil creating three slicks up to 3,000 feet long.

In its report of April 1970, the Commission noted that some 1,000 barrels of oil per day were being discharged into the Detroit River, with the Buffalo River also contributing substantial amounts of oil and grease to the waters of Lake Ontario.

The Commission further noted that on any one navigation day on Lake Erie alone, there were an average of 22 lake freighters, four large tankers, and seven deep sea freighters carrying an estimated 120,000 barrels of oil as either fuel or cargo.

These facts illustrate the gravity of the total oil pollution threat on Lake Erie and the need for adequate controls over the several aspects which comprise the total threat.

As a result of its study, the Commission recommended that oil production and the production of "wet gas," containing appreciable amounts of liquid hydrocarbons from wells in Lake Erie, be prohibited and that all wells in Lake Erie capable of oil production be adequately plugged and that all drilling in the western basin of Lake Erie be totally prohibited. These recommendations are particularly important when one considers that though the Great Lakes Basin is not an active earthquake zone, we have experienced several major earthquakes during the last 100 years.

The danger to the drinking water supply, health, and environment of the tens of millions of people living in the Great Lakes Basin are in serious danger because of the failure to fully develop and enforce—between the States and between the United States and Canada—adequate, uniform, and long-range regulations. A serious oil spill on the confined slow-moving waters of the Great Lakes would make the damage of the Santa Barbara spill seem insignificant.

The amendment which I propose would also attempt to provide for international agreements on mineral development on underwater resources. My particular concern here deals with the methods of dredging carried out on the Great Lakes, with special reference to the dredging of sand and gravel.

First, the very act of dredging can often be harmful to the ecology of an area, particularly closed and slow-moving bodies of water such as the Great Lakes. It is time that the several States and the United States and Canada begin to work together to set minimum standards for such dredging activities. The damage which improper dredging can do is well described in the following extracts of two letters which I have received on this subject:

[Letter to Congressman CHARLES A. VANIK from Great Lakes Basin Commission, July 17, 1970]

Potential detrimental effects which might result from sand and gravel dredging in Lake Erie might be classified in the three broad categories of physical, chemical and biological effects. Negative physical effects might comprise increased erosion or deposition in specific shore areas. In the chemical category the disturbing of recently deposited, polluted bottom sediments by the dredging and washing operations might return to suspension, and to some extent, solution, some undesirable compounds. In the biological area there is a potential for destruction of fish spawning beds and habitat for other aquatic wildlife through the dredging operation itself and through the deposition of sediment from the wash operation. Whether, in fact, any of the above detrimental effects will be felt from sand and gravel dredging in Lake Erie should be examined on an individual case basis.

[Letter to Congressman CHARLES A. VANIK from Lt Col. James M. Miller, District Engineer. Detroit, U.S. Army Corps of Engineers, July 15, 1970]

1. The removal of the material should not expose the underlying black organic shale or clay. Such exposure would allow the break-up of the shale or clay, lift it into suspension and combine it with the oxygen available in the water.

2. The process for removal of the sand and gravel should not agitate the silt overlaying or deposited in the material to be dredged.

Second, I am concerned about the removal of enormous amounts of sand and gravel from the lake bottoms. At the present time, sand is being taken for commercial purposes from some 23 different locations in Lakes Michigan, Huron, and Erie. Nearly 800,000 cubic yards of sand and gravel are taken from Lake Erie each year. Some 350 million cubic yards of sand deposits have just been discovered in Lake Ontario and we may expect dredging to begin there in the future.

There are three questions at issue here.

First. Does the removal of this sand and gravel, a natural filtration system, hurt the ecology of the lakes. It seems to me that as the waters of our polluted lakes wash up on sand beaches they are to some extent filtered and purified. Sand deposits on the bottoms of the lakes may serve the same purpose as currents pass over them and as some of the water filters downward.

Second. The removal of this sand by commercial dredgers creates new gradients in the lake that may speed up the rate of erosion along the shore. Three months ago I received a letter from a homeowner in Geneva, Ohio, who said:

For years, I have watched the beach on my lake front property receeding, knowing full well that the sand dredge that works between Painesville and Ashtabula is adding to the problem. I, personally, have spent thousands of dollars erecting jetties into the lake to prevent this erosion, but it is a losing battle.

Third. Finally, the sand and gravel in the lake is a valuable natural resource which could be used by local governments or by the Corps of Engineers to help stop the massive erosion which is destroying hundreds of homes and threatening public property and roads along the lakeshores. The U.S. Army Corps of Engineers recently completed their national shoreline study. The study found that on the Great Lakes there were 214.3 miles of shoreline eroding at a critical rate. The cost of protecting these shorelines, which are usually heavily developed, is estimated at $127 million. In many of these areas, sand and gravel placed along the shore can help stop this erosion. Yet as the corps report further notes:

Sand is a rapidly diminishing natural resource.

I believe that agreements should be reached between the States and between the United States and Canada to regulate these dredging and excavation practices so that the public interest and the environmental quality of the lakes is protected.

Finally, my amendment makes specific reference to the International Joint Commission. It is time that the United States began to give more consideration and support to the Commission. The Canadians have been good neighbors on this subject. They have followed the recommendations of the Commission—for example, after one recent IJC report the Canadians immediately banned the use of high phosphate detergents, a step we have yet to take. Canada recently announced the commitment of $250 million to the cleanup of the Great Lakes, even though they cause only a fraction of the pollution that we do. Yet just this February the Office of Management and Budget scrapped a $141 million Environmental Protection Agency proposal for a crash cleanup of the lakes' most critically polluted areas. Even our support of the International Joint Commission had been inadequate. For example, our level of staff and financial commitment to the IJC has never equaled Canada's commitment. At the present time, we have two professional staff members—the Canadians, four. In the present fiscal year, the Canadians are spending about 50 percent more on IJC activities than we are. It is time that we supported Canada in the effort on the Great Lakes.

Mr. Chairman, my amendment is aimed at maintaining the present thrust of the proposed section 7 while calling special attention to our special needs for cooperation with Canada. I hope that my colleagues can support this new wording to the proposal.

I would like to add that I have just had a telephone conversation with legal counsels at the State Department, and they believe that the wording of my amendment makes a great improvement in this section. They point out that the term "uniform" in the House and Senate bill is too binding—it would be too diffi-

cult for many underdeveloped nations to meet immediately and could impose some standards or weaker regulations on us which we do not want. They support the idea of controlling all pollutants not just "new sources."

Mr. HECHLER of West Virginia. Mr. Chairman, when the appropriate point is reached during the amending stage, I shall offer the following amendment which is a direct outgrowth of the Buffalo Creek disaster of February 26 in West Virginia:

AMENDMENT TO TITLE III OF H.R. 11896, AS REPORTED, PROPOSED BY MR. HECHLER OF WEST VIRGINIA

Page 291, between lines 11 and 12, insert the following:

"(b) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within six months after the date of enactment of this title (and from time to time thereafter) regulations for the effective treatment, including, where appropriate, the safe storage for treatment purposes of mine water wastes resulting from new or currently operating surface and underground coal mines. Effluent limitations for point sources established by this title shall, where applicable, be in accord with such regulations. Upon promulgation such regulations would be subject to the enforcement provisions of section 309(a) of this title."

Mr. Chairman, the February 26 disaster at Buffalo Creek was caused by a poorly engineered coal refuse "dam" which ruptured after heavy rains and poured millions of gallons of sludge, waste and acid water down on the helpless residents of the Buffalo Creek valley. Coal preparation plants produce both solid and liquid wastes. It is ridiculous to blame "trout-lovers" for retaining these wastes behind unsafe dams. To dump highly polluted wastes into our streams is no solution to the problem of protecting people. The only answer is to enforce the treatment of these mine wastes, a process which is already being carried out at many mines in West Virginia and Kentucky through closed-circuit coal preparation facilities. These systems recycle and reuse the mine waste water, so it is not discharged in polluted form into our waterways.

My amendment would authorize the publication of regulations to require the treatment of mine water wastes, in keeping with the purpose of the pending legislation.

Mr. VANDER JAGT. Mr. Chairman, in further response to Mr. HARSHA and the administration letter which he read concerning land treatment costs, let me reiterate that Corps of Engineers Chicago figures, with all respect to Mr. HARSHA and I have the greatest respect for Mr. HARSHA, do not bear out what he has read. Land treatment is substantially less expensive in the Chicago report both in capital costs and in operating costs. I see no possible way that these figures can be interpreted otherwise.

For the administration to state that land treatment costs are equal to "tertiary" treatment costs is equally incongruous. The figures simply do not bear out the contentiton. The $161 billion cost figure mentioned apparently is capital cost through 1981 plus operating expenses over a 20-year period. Such figures were used to arrive at the administration's $316.5 billion total cost over the next 20–25 years for distillation. Using Chicago figures on land treatment and national waste flows of 40 billion gallons per day, capital costs would be $33.6 billion—84 cents times 40 billion gallons—while operating costs come to $1.314 billion per year—9 cents per 1,000 gallons times 40 billion times 365 days—or $26.28 billion in 20 years, or a combined total of $59.88 billion for that period. These figures, rather than undermining Friends of the Earth contentions, tend to undergird them.

The letter stated that land requirements might be prohibitive. But the figures must be placed in proper perspective. Chicago would use 448,000 acres of land. But most of this land is in agriculture today and would continue in agriculture. Changes would have to be made when bringing nutrient rich irrigation water to the land.

But how many farmers are going to argue when crop yields may well be doubled over normal cultivation practices? Yes, there will be changes in some land use. However, there are many positive aspects to this change.

Then there is the question of "zero discharge," unfortunately set up as a strawman in this letter. The requirement in the bill is not "zero discharge," but zero discharge of pollutants. And the land treatment system, while it will produce water of better than U.S. Public Health drinking water quality standards, does discharge water with some chlorides and sulphates in it. However, the level of those substances in that discharge will not effect the integrity of the receiving water. But what bothers me most in this letter is the fact that by downgrading land treatment, in effect, it attempts to upgrade alternative treatment systems. And there is no way those systems can approach land treatment in providing clean water, unless, as the administration has calculated, one wants to spend $316.5 billion for distilled water.

Mr. Chairman, the Chicago report can help this Nation to have clean water at less cost. It provides strong encouragement for the amendments I will offer tomorrow. I hope that every Member will find it possible to support those amendments.

Mr. SAYLOR. Mr. Chairman, I am pleased to be able to make a part of the debate record on the Water Pollution Control Act Amendments bill, H.R. 11896, the just-released report of the U.S. Corps of Engineers on its Special Wastewater Management Study. Made public today, the summary report is not "final" nor exhaustive, but it is indicative of the direction and scope of the activities undertaken by the corps to evaluate various wastewater management alternatives in selected metropolitan areas.

The supporters of one side or the other in the great "Clean Water Debate of 1972" will not be able to use this particular summary report to buttress their arguments in spite of the advance, and unfortunate, publicity attending its publication. The document, "Regional Wastewater Management Systems for the Chicago Metropolitan Area: Summary Report (March 1972)," is nevertheless a valuable contribution to our consideration of H.R. 11896, and the numerous amendments designed to bring about a stronger national commitment to "clean water" throughout the Nation in the foreseeable future.

The Corps of Engineers press release dated March 27, 1978, on the study and the report itself follows:

CORPS OF ENGINEERS STATEMENT ON SPECIAL WASTEWATER MANAGEMENT STUDY

The Chief of Engineers released today a special report on controlling water pollution in the Chicago metropolitan area. This study was occasioned by concerns expressed about both the costs and effectiveness of alternative wastewater management systems to meet high levels of wastewater treatment. In the initial feasibility studies for the pilot wastewater study program, covering five metropolitan areas, the Chief of Engineers recognized that for the alternative systems developed, including land treatment systems, the evaluation of costs and performance were of only a preliminary nature and therefore could not be used as a basis for comparison among systems.

Primarily to place the costs of alternative systems in perspective and to evaluate the performance of advanced biological, physical/chemical, and land treatment alternatives on a comparable basis, a special study for the Chicago metropolitan area was undertaken for the express purposes of:

(1) Formulating least cost waste treatment management system alternatives that achieve comparable performance;

(2) Detailing capital costs and operation, maintenance, and replacement costs of the alternative systems; and

(3) Analyzing the relative merits of alternative systems

The results of this special study indicate the following for the Chicago metropolitan area:

(1) Significant strides can be made toward achieving comparably high levels of treatment by all three alternatives studied.

(2) Costs of any one of the systems involves several billions of dollars.

(3) Costs for land treatment may be lower both for capital and for operation and maintenance than either of the other alternatives.

In releasing the report, the Chief of Engineers pointed out that Corps' study of the Chicago area is continuing and that the special report should not be construed as a final recommendation of the Corps of Engineers. He stressed the importance of considering a wide range of alternatives for achieving a high level of treatment and cautioned against using the special Chicago study as the sole basis for selecting a specific treatment system for any individual area or for the country as a whole. Systematic comparison of alternative systems designed to meet the specific characteristics of each area will be needed to determine the most cost-effective approaches nationwide.

The Chief of Engineers also noted that the effluent from all alternatives would contain some residue of pollutants in the water discharged to lakes and rivers. Thus none is a "zero discharge" system.

The Corps of Engineers will continue to examine the land treatment and other alternative systems and to work with the Environmental Protection Agency in seeking greater understanding of the costs and effectiveness of alternative wastewater management systems.

REGIONAL WASTEWATER MANAGEMENT SYSTEMS FOR THE CHICAGO METROPOLITAN AREA

SUMMARY REPORT

OFFICE OF THE CHIEF OF ENGINEERS,
DEPARTMENT OF THE ARMY,
March 1972.

THE SECRETARY OF THE ARMY

I submit herewith my special report on alternative wastewater management systems for the Chicago Metropolitan Area.

Background and purpose

Of critical concern to the Nation is the problem of selecting from amongst alternatives that program which would permit the Nation to move toward the goal of high levels of wastewater treatment. Central to this concern is the cost and performance of alternative wastewater management systems.

The Pilot Wastewater Management Program feasibility reports which the Corps prepared contained preliminary cost estimates for alternative waste treatment management systems to achieve high levels of wastewater treatment. In my report to you on the Pilot Wastewater Management Program, I concluded, "That the capital and annual costs presented in the feasibility studies be considered as only very preliminary and not as yet fully indicative of the financial or economic costs for any one alternative wastewater management system. As a result, valid direct cost comparisons among alternative systems cannot be made."

Despite the warning, these very preliminary costs have been used out of context to justify a position that some waste treatment management systems were too costly to warrant serious consideration. To place the cost of alternative systems in perspective, I have undertaken a special study of the Chicago Metropolitan Area with the express purpose of:

(1) formulating least cost waste treatment management system alternatives;

(2) detailing capital costs and operation, maintenance, and replacement costs of the alternative systems; and

(3) analyzing the relative merits of alternative systems.

SUMMARY OF RESULTS

A fold out map inside the back cover (not reproduced) shows the layout of the alternative systems developed; the cost of each is summarized in Tables I and II.

TABLE I.—COSTS OF ALTERNATIVE BASIC WASTEWATER TREATMENT SYSTEMS

Cost component	Alternative system costs: Advanced biological treatment	Physical-chemical treatment	Land treatment
Capital costs ($ millions)	3,642	2,987	2,000
Annual costs ($ millions):			
Debt service	215	176	118
Operation and maintenance	181	166	74
Major replacement	46	49	4
Total annual costs	442	391	196
Unit costs:			
Capital cost per gallon of installed capacity	$1.53	$1.26	$0.84
Annual operation, maintenance and replacement cost to treat one thousand gallons of wastewater	$0.26	$0.25	$0.09
Total annual cost per capita (9,000,000 population in 1990)	$49.20	$43.50	$21.80

Note: Each of the basic systems is designed to treat:
(A) 100% of the projected 1990 municipal flows } (2076 mgd).
(B) 100% of the projected 1990 industrial flows }
(C) 50% of the urban runoff (stormwater) (300 mgd).

TABLE II.—COSTS OF ALTERNATIVE COMPREHENSIVE WASTEWATER TREATMENT SYSTEMS

Cost component	Alternative system costs: Advanced biological treatment	Physical-chemical treatment	Land treatment
Capital costs ($ Millions)	7,480	6,745	5,357
Annual costs ($ Millions):			
Debt service	442	399	316
Operation and maintenance	228	211	101
Major replacement	59	63	7
Total annual costs	729	673	424
Unit costs:			
Capital cost per gallon of installed capacity	$2.28	$2.06	$1.63
Annual operation, maintenance and replacement cost to treat one thousand gallons of wastewater	$0.24	$0.23	$0.09
Total annual cost per capita (9,000,000 population in 1990)	$81.00	$74.80	$47.10

Note: Each of the Comprehensive Systems is designed to treat:
(A) 100% of the projected 1990 municipal flows } (2076 mgd).
(B) 100% of the projected 1990 industrial flows }
(C) 100% of the urban runoff (stormwater) (600 mgd).
(D) 100% of the rural (agricultural) runoff (600 mgd).

As illustrated in Table II, expanding the basic systems to treat all urban and rural runoff generated in the Chicago area will increase the capital cost from 200 to 280 percent, depending on the basic system selected; or on an average annual basis, the cost increase ranges from 160 to 220 percent.

The information summarized in Tables I and II represent the results of this special study. A summary of the criteria and assumptions used to develop these alternative systems, a description of each including performance and evaluation, and a comparison with feasibility study findings is presented in the following paragraphs. More detailed, supporting information is contained in the attached technical appendix and cost data annex.

Criteria and assumptions

Technical Goal.—The technical goal established for the alternatives developed in this report is to achieve high levels of wastewater treatment. To achieve this goal, the design of the alternatives reflects an application of the best available technology for the collection, treatment, and management of wastewater. The quality of the reclaimed water produced by each of the alternatives studied is discussed in a subsequent section of this report.

System Concepts.—A basic wastewater treatment system and a comprehensive wastewater treatment system were developed. These differ in concept and design with respect to the handling of non-point sources of water pollution particularly urban and rural runoff. The basic system provides for handling approximately 50 percent of the urban stormwater and none of the agricultural runoff while the comprehensive system provides for handling all of the urban and rural-agricultural runoff.

Alternative Technologies.—The alternative treatment technologies developed in this special report are designated as either treatment plant alternatives or land treatment alternatives. For the treatment plant alternatives, a separate system is developed for advanced biological treatment and a separate system for physical-chemical treatment. A brief description of both treatment plant alternatives and the land treatment alternative are presented in a subsequent section. Details are contained in the Technical Appendix.

Cost Bases.—In deriving the costs of the alternative systems, two considerations were of paramount interest: First, the relaxation of institutional constraints which might otherwise preclude the development of technically sound alternatives; and the use of actual bid prices, when possible, in lieu of laboratory data as a basis for deriving cost estimates.

With respect to the first consideration, the relaxation of institutional constraints made it possible to formulate optimal waste treatment management systems. In the feasibility studies, this was not done and the systems formulated were suboptimized with resulting substantial increases in costs. In this special report, the systems developed represent the

least-cost alternatives for each technology studied.

The second consideration which had a significant impact on system costs was the use of bid prices in lieu of cost data derived from an extrapolation of laboratory tests or earlier developed cost curves. Much of the cost data presented in the current literature is derived from information generated from small pilot systems which is then applied to large scale systems. Actual bid prices were used, to the maximum extent possible, and when necessary were supplemented with experimental cost data.

Additional criteria for estimating costs are listed below:

(1) Price levels established as of January 1, 1972.

(2) 5.5 percent interest rate used for computation of annual costs.

(3) Systems assumed operative for 50-year period.

Wastewater Flows.—Average wastewater flows reaching treatment plants in the Chicago Metropolitan Area are currently estimated at 1,586 million gallons per day (mgd). Much of the area is served by combined sewers, and some stormwater and infiltration flows are carried in these sewers. However, when combined storm and ordinary flows exceed the capacity of the sewer system, spills occur and a substantial sewage volume may be bypassed directly to streams without treatment. An additional 3,200 mgd is discharged directly to water courses by industry.

It is anticipated that it will be to industry's advantage to reduce its water intake and wastewater discharge through extensive in-house recycling. This would be an extension of current trends. Eventually, the residual industrial wastes will be discharged to the regional management system because the economies of scale in the larger systems cannot be achieved by individual industries. By 1990, it is assumed that all industry, new and old, will be discharging these residual flows to the larger regional management systems. Thus, industrial water requirements and wastewater discharges will be reduced drastically over the next 20 years, and the practice of discharging directly to water courses will be eliminated.

Recent population projections and more detailed studies of per capita water usage have been made in conjunction with the current study of the Chicago Metropolitan Area. Based on these studies, projected residual industrial flows, and refined estimates of urban runoff, the projected 1990 wastewater flows are estimated as follows:

TABLE III.—CHICAGO METROPOLITAN AREA WASTE-WATER FLOWS

Wastewater flow components	Average daily flows in millions of gallons		
	1970	1990 base plan	1990 comprehensive plan
Dry weather municipal and industrial flows	1,286	2,076	2,076
Stormwater flows from existing combined urban sewer network	300	300	300
Remainder of stormwater flows from improved urban stormwater system	0	0	300
Total wastewater flows in treatment systems	1,586	2,376	2,676

Employing the 1990 comprehensive plan, an additional 600 mgd of rural-agricultural runoff would be captured and treated in a separate management system. The treatment plant peak design flow for either the 1990 base plan or the 1990 comprehensive plan was established as 4152 mgd. The peak design flow is twice as large as the dry weather municipal and industrial flow.

Study Area.—The Chicago Metropolitan Area, as illustratead in the fold-out man just inside back cover of this report, covers 2500 square miles and is populated at present with 7.2 million. The 1990 population is expected to be 9.0 million. The area includes northwestern Illinois and extreme northern Indiana, together with all or parts of Lake, Cook, DuPage and Will Counties in Illinois, and Lake and Porter Counties in Indiana.

Alternative systems

Treatment Plant Alternative.—In this alternative, wastewater is collected from municipal and industrial sources and treated in plants; reclaimed water is then discharged to nearby waterways; and separated solids are utilized for disposal on agricultural lands. The reclaimed water is available for reuse including aquifer recharge.

Two distinct treatment plant alternatives have been formulated to attain the desired effluent; one using advanced biological treatment plants and one using physical-chemical treatment plants. Biological advanced treatment involves the addition of a variety of advanced waste treatment process to existing secondary treatment plants. This alternative would preserve the three largest existing secondary treatment plants in the Chicago Metropolitan Area. The other existing plants in the study area were eliminated from this alternative because they would not be efficient on the basis of cost effectiveness. criteria.

Physical-chemical treatment utilizes unit process that have generally been used by various industries for specific purposes and subsequent adapted to wastewater treatment plant design as the need for higher effluent quality has developed. This alternative would require total replacement of existing treatment facilities in the study area.

Both of the treatment plant alternatives consist of eight plants which are designed to handle a 1990 average daily flow of 2376 million gallons and a peak flow of 4152 mgd. Interceptor sewers, force mains, and tunnels would be used to transport the wastewater flows to the plants sites. The reclaimed water would be discharged to the streams of the study region to provide for low flow agumentation. Resulting sludge would be collected and transported by pipeline to a land area where it would be plowed into the soil conditioner and fertilizer.

The plants utilizing biological advanced treatment processes are expected to produce 1.0 tons of sludge per million gallons treated, while the physical-chemical treatment plans would produce sludge at the rate of 0.5 tons per million gallons treated. The sludges from the advanced biological alternative would require 34,750 acres using a spreading rate of 25 tons dry solids/acre/year. Sludges from the physical-chemical alternative would require 144,859 acres employing a spreading rate of 3 tons dry solids/acre/year. This sizeable difference in rates of application is necessary because of the highly concentrated nature of the sludges from the physical-chemical process.

Land Treatment Alternative.—In this alternative, wastewater is collected from municipal and industrial sources, transported to a 448,000 acre site; treated and stored; sprayed on agricultural land, collected, and returned to the waters of the study area. The sludges are applied to the land as a soil conditioner and fertilizer. The land treatment includes biological pretreatment. Although this treatment could be provided by existing biological secondary treatment plants, it was determined to be more efficient to locate this process at the treatment site. This would also provide greater flexibility to handle flow surges.

This system is designed to handle the 1990 average daily flow of 2376 mgd, and can accommodate peak flows of 4152 mgd. Nine access points would feed the wastewater to deep tunnels using gravity to transport the flows to the treatment area, where it would be pumped into aerated lagoons to provide biological pretreatment. The effluent from the biological treatment cells would be discharged to storage basins. Sedimentation of solids would occur and the liquid portion would be stored for irrigation purposes.

During the growing season the pretreated water would be applied to approximately 371,000 acres of crop land using spray irrigation methods. Agricultural crops and the dynamic characteristics of the soil would act as a living filter to reclaim the wastewater effluent. An extensive system of underdrains would collect high quality waters percolating through the living filter and discharge them in a manner which would enhance the surface or groundwater resources of the Chicago Metropolitan Area. The sludge would be dredged from the bottom of the storage lagoons at the treatment site and distributed at an application rate of 25 dry tons/acre/year on 27,520 acres of land.

Stormwater Treatment.—Stormwater runoff from the Chicago Metropolitan Area is dealt with in a similar manner for both of the treatment plant alternatives and the land treatment alternative. The stormwater originating in the urban portion of the area (800,000 acres) currently served by combined sewers would be collected in any of the three alternatives previously described and treated as part of the basic system design. For the comprehensive plan, an additional 300 mgd storm flow would be designed into each of the alternatives.

Beyond this, the runoff (600 mgd) from the rural portion of the area (800,000 acres) would be collected and given local land treatment in the comprehensive plan. The basic approach would be to utilize in-stream impoundments to capture and regulate the storm runoff so that it could be irrigated on adjacent agricultural lands when the opportunity arises.

System performance and reliability

A critical element in evaluating the performance of the alternative systems is the quality of the treated water discharged back

to the environment. This evaluation was made on the basis of how each alternative satisfies national concerns through achieving high levels of wastewater treatment. Table IV presents the data on systems performance as related to key water quality constitutents and parameters.

Another aspect of system performance is the ability of the systems to perform as intended, that is, their reliability. Clearly if either the treatment plant alternative or the land treatment alternative perform as designed every day of the year, the National would take a significant step toward cleaning its water.

TABLE IV.—ALTERNATIVE PROCESS SYSTEM PERFORMANCE DATA[1]

Constituents	Effluent quality		
	Biological advanced	Chemical-physical	Land treatment
COD mg/l	10	10	6
BOD mg/l	3	3	2
Suspended Solids mg/l	1	1	0
Dissolved Solids mg/l	350	350	400
Soluble Phosphorus mg/l	0.1–0.2	0.1–0.2	0.01
NH_3–N mg/l	0.3	0.5	~0
NO_3–N NO_2 mg/l	2–5	2	2
Organic N mg/l	~0	~0	~0
Heat Temp. ° F	53–78	53–78	55–70
Oils, Greases mg/l	1	1	~0
Phenols mg/l	0.01	0.01	~0
Pathogens, viruses	** Present	** Present	~0
Trace metals*	0.1	0.1	~0
Boron	1.0	1.0	~0
Arsenic	0.03	0.03	~0
Cyanide	~0	~0	~0

[1] Performance data for advanced/biological is based primarily on small scale operating systems, and for physical/chemical and land treatment performance data is based on limited small scale operating experience and on pilot plants and engineering and laboratory studies. Specific information on performance data contained in studies and reports is referenced in COST DATA ANNEX to the TECHNICAL APPENDIX to this report and in the report "Wastewater Management by Disposal on the Land", February 1972, by the Cold Regions Research and Engineering Laboratory, Corps of Engineers, U.S. Army. The performance data above are for the systems designed and costed in this study. In the context of the high level treatment established as the objective of the study, all systems meet the objective. Higher performance may be technically attainable by each process.

*Trace Metals: Aluminum, Cadmium, Chromium, Copper, Lead, Nickel, Zinc, Iron, Manganese Mercury.

**Present with Current Disinfection Practice.

However, experience has shown that wastewater management systems often fail to produce effluent of the quality intended. For example, it is a well known fact that biological treatment systems can be upset to the point of failure by shock loads, toxic constituents or the like.

In a like manner, treatment plants, be they advanced-biological, physical-chemical or land treatment, could be by-passed during heavy storm periods. However, due to the relatively immense storage capacity inherent in the design of the land treatment alternative, this alternative would have a much higher reliability than either the advanced-biological or the physical-chemical system.

Assessment and evaluation

A general assessment and evaluation has been performed in order to identify the effects and opportunities associated with the treatment plant and land treatment alternatives. In terms of the degree of detail employed in this evaluation, the effects associated with both treatment plant alternatives are essentially the same.

The assessment and evaluation was based on the following assumptions. First, the net contributions of each system were identified by projecting the conditions that would exist in the study region without the alternatives and comparing this situation with the conditions expected if either system were implemented. Employing this "with vs without" method of analysis, a number of key parameters were identified and provided a basis for this assessment. Second, the specific regional needs identified below were considered:

(1) increasing recreation opportunity.

(2) restoring depleted ground water supplies.

(3) enhancing the visual quality of the region.

(4) increasing agricultural production.

Finally, the assessment and evaluation was conducted in two steps. Assessment included identifying the key parameters which were impacted by each of the systems whereas evaluation established the beneficial and detrimental effects of each system, the opportunities associated with each, and the potential net contributions that the two systems could make meeting the regional needs.

Assessment.—The key parameters impacted by the systems were classified as being ecological, hygienic, social, aesthetic, or economic as follows:

Ecological Parameters: Aquatic life; Sustaining stream flows; Terrestrial life; and Atmospheric conditions.

Hygienic Parameters: Absence of pathogens and System reliability.

Social Parameters: Community displacement and Recreation opportunity.

Aesthetic Parameters: Water clarity and Land reclamation.

Economic Parameters: Tax base; Economic productivity; and Water supply.

Evaluation.—Given the above parameters as a basis for evaluation, Table V presents the expected direction of impacts in terms of the beneficial and detrimental effects.

Opportunities.—Waste treatment management systems can be expanded into multipurpose facilities. For example, the treatment plant alternatives provide opportunities to develop new urban industrial parks that would rely on the reclaimed water for a water supply. Also, the treatment plant sites can be landscaped and designed to provide recreational and open space benefits to the urban area.

TABLE V.—EVALUATION OF SYSTEM EFFECTS

	Land treatment	Treatment plant
Ecological parameters:		
Aquatic life	HB	HB
Sustaining stream flows	HB	HB
Terrestrial life	D	D
Atmospheric conditions	NE	D
Hygienic parameters:		
Absence of pathogens	HB	B
System reliability	HB	B
Social parameters:		
Community displacement	DC	DC
Recreation opportunity	HB	B
Esthetic parameters:		
Water clarity	HB	B
Land reclamation	B	B
Economic parameters:		
Tax base	DC	DC
Economic productivity	HB	B
Water supply	HB	B
Contributions of systems to regional needs:		
Increasing recreation opportunity	HB	B
Restoring ground water supplies	HB	HB
Enhancing the visual quality of the region	HB	B
Increasing agricultural productivity	HB	B

Note: HB—Highly beneficial; B—Beneficial; D—Detrimental; DC—Detrimental but correctable; NE—No effect.

The land treatment alternative, through the elimination of treatment plants in the urban area, provides an opportunity for the urban redevelopment of these sites. This alternative also provides for locating power generation facilities adjacent to the storage lagoons using the water to dissipate the heat created. The concept of land treatment also could be used in creating functional greenbelts to help control urban sprawl.

Comparison with feasibility study

There are several differences between the treatment plant and the land treatment systems presented here and similar systems that were selected for evaluation in the previously completed feasibility study for the Chicago Metropolitan Area. These differences relate to projections of the future conditions, completeness of the systems and finally to the costs. These major differences are summarized in Table VI.

TABLE VI.—A COMPARISON OF THE DESIGN DATA USED IN THE FEASIBILITY AND SPECIAL STUDIES

Basic projection and assumptions	Feasibility study	Special study
1. Population in 1990	9.2 million	9 million.
2. Wastewater flows in year	2020	1990.
Municipal	2,375 m.g.d	1,018 m.g.d.
Industrial	3,103 m.g.d	1,058 m.g.d.
Stormwater	1,822 m.g.d	600 m.g.d.
Total flow	7,300 m.g.d	2,676 m.g.d.
3. Time base for systems design	2020 needs	1990 needs.
4. System effluent goal	Meet or exceed standards.	High levels of wastewater treatment.
Treatment plant alternative:		
1. Wastewater flows handled:		
Municipal	2,375 m.g.d	1,018 m.g.d.
Industrial	400 m.g.d	1,058 m.g.d.
Stormwater	1,125 m.g.d	300 m.g.d.
System total	3,900 m.g.d	2,376 m.g.d.
2. System features:		
Number and type of treatment plants.	20 advanced biological.	8 physical-chemical.
Collection system length	263 miles	254 miles.
Land treatment alternative:		
1. Wastewater flows handled:		
Municipal	2,375 m.g.d	1,018 m.g.d.
Industrial	3,103 m.g.d	1,058 m.g.d.
Stormwater	1,822 m.g.d	300 m.g.d.
System total	7,300 m.g.d	2,376 m.g.d.
2. System features:		
Sq. mi. for land treatment using:		
(a) cropping	1,243	700.
(b) rapid infiltration ponds	93	0.
Number of sites	6	1.
Collection system—miles	±1,100	402.
Costs:		
1. Treatment plant alternative:		
A. Construction costs	$4.3 billion	$2.987 billion.
B. Annual charges:		
(1) Debt service	Not calculated	$176 million.
(2) Operation and maintenance	Not calculated	$166 million.
(3) Replacement	Not calculated	$49 million.
Total annual charges	Not calculated	$391 million.
2. Land treatment alternatives:		
A. Construction costs	$14.7 billion	$2.000 billion.
B. Annual charges:		
(1) Debt service	Not calculated	$118 million.
(2) Operation and maintenance.	Not calculated	$74 million.
(3) Replacement	Not calculated	$4 million.
Total annual charges	Not calculated	$196 million.

Future wastewater volumes in the study area have been reduced to about one-third of those originally estimated because (a) per capita use is now based on actual experience in the area as opposed to a previously assumed value of 200 gpcd (gallons per capita per day) (b) industrial recycling, reuse and conservation of water has now been taken into account, and (c) more refined studies of anticipated stormwater flows have been conducted.

An analysis of the treatment plant alternatives shows that the systems in the feasibility study handled little more than half the expected volume through twenty treatment plants. In the special study the basic alternative systems handle all expected municipal and industrially generated wastewater and half the stormwater in eight waste treatment plants. The reduction in number and type of treatment facilities permits a substantial cost reduction.

The land treatment alternative developed in this study differs from the earlier plan by utilizing only one site for treatment of all wastewaters thereby significantly reducing the collection system required and avoids the use of rapid infiltration ponds.

The cost estimates set forth in the feasibility study did not include estimates for replacements, operations and maintenance. Furthermore, these cost estimates were based on handling 7300 mgd in the land treatment system and only 3900 mgd for the treatment plant alternative. Current study estimates are for the revised average volume of 2376 mgd for both alternatives and include all costs for installation, replacement and operation.

Finally, the costs used in the feasibility study relied heavily on data generated from small scale and experimental pilot systems. However, this was not the case in the special study since, as previously stated, actual bid prices were used to the maximum extent possible.

F. J. CLARKE,
Lieutenant General, USA,
Chief of Engineers.

The CHAIRMAN. If there are no further requests for time, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Water Pollution Control Act Amendments of 1972".

Mr. BLATNIK. 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. SMITH of Iowa, 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. 11896) to amend the Federal Water Pollution Control Act, had come to no resolution thereon.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 11896 and to include extraneous matter.

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

There was no objection.

THE AMERICAN WELFARE SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-270)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

The American welfare system is a national disgrace.

Thirty-one months ago, I first proposed to the Congress my plan for total reform of that system.

Since that time, the welfare situation has continued to worsen, and sweeping changes have become even more imperative.

There can be absolutely no excuse for delaying those changes any further. The present system must be reformed.

Its shocking inequities continue to drain incentive from the many poor who work but who see some families making as much or more on welfare.

Its widely varying, discriminatory benefits continue to force needy families, millions of children, and the needy aged, blind and disabled into a web of inefficient rules and economic contradictions.

Its vast costs have continued to escalate, undermining State and local governments and threatening to erode taxpayer support for a welfare system of any kind.

The present system continues to contribute to the breakup of poor families, rather than reenforcing the role of the family in our national life. The welfare life-style continues to dehumanize those who are caught in it, and threatens now to create yet another "welfare generation."

NOW IS THE TIME FOR ACTION

This year must be the year in which we raze the ramshackle welfare system, patched up so many times in the past but still basically unchanged since it was first enacted as emergency legislation in the mid-1930s. In its place, we must build a new system, taking a new direction. We must create an environment that will draw forth and support—rather than smother—the innate ambitions and personal obligations of all needy Americans.

Last December, the Congress did pass transitional legislation which took parts of my welfare reform package—certain of the workfare provisions for job training and work requirements for all employable welfare recipients—and applied them to the present system of welfare. These actions will become effective later this year.

Acceptance of those workfare provisions by the Congress was a step in the right direction, as I said when I signed the measure. But it is still part of the patchwork approach. Now something far better than a patchwork approach is required if the needy are to receive rational assistance, if waste and inefficiency are to be abolished, and if America's work incentive-job reward system is to be placed within reach of every citizen.

We should never forget that it is precisely this system that has enabled us to develop the highest standard of living—with the most widely shared advantages—in the history of the world. We should continue to rely on it as we drive to close the final gaps between economic promise and economic reality.

On June 22 of last year the House of Representatives, for the second time, passed by a wide majority omnibus legislation which would implement my overall welfare reform. This legislation is now being closely scrutinized by the Senate Finance Committee, whose able Chairman, Senator Long, has assured me that the committee will report H.R. 1 to the Senate floor as soon as possible. H.R. 1 continues to have my full support, and I hope that it will be enacted into law this year in the basic form approved by the House of Representatives.

We need reform this year so that, instead of pouring billions more into a system universally recognized as a failure, we can make a new start.

We must not forget that H.R. 1 contains basic reforms in social security and medical benefits, as well as welfare reform.

These benefits, by themselves, are pathbreaking in scope and impact—including a further 5 percent benefit increase in social security, the automatic adjustment of social security benefits in the future to make them inflation proof, and a host of additional reforms discussed in my recent message to the Congress on older Americans. As I said in that message, even one more year of delay in the passage of H.R. 1 would cost older Americans some $5½ billion in annual benefits.

H.R. 1 clearly lies at the heart of economic progress of millions of Americans in 1972—and into the future. It is the most important single piece of social legislation to come before the Congress in several decades. I strongly urge the Congress to pass it as soon as possible this year. No legislation should have a higher priority.

THE WELFARE MESS WORSENS

When I first presented my welfare reform proposal to the Congress on August 11, 1969, I declared that "America's welfare system is a failure that grows worse every day."

Nine hundred and fifty eight days have passed since that message and that comment. The welfare landscape today is a greater fiscal and ethical wasteland than ever:

—*Injustice and inequities are widespread:* There are glaring differences between welfare benefits paid in various parts of the country—they can range from $60 a month to $326 a month for a woman with three children, depending on in which State she happens to live. Moreover, too many Americans can get more money by going on welfare than by going to work. There is no real requirement that a recipient seek, much less accept, a job.

—*The basic immorality of the system still prevails:* In most States welfare still offers a man a bounty to desert his family.

—*Incentive continues to be penalized:* A man working hard for low wages can see neighboring families on welfare that are better off than his own family.

—*Millions of children suffer:* They are forced to live in degrading and deplorable conditions because the present system precludes their families from any benefits.

—*Waste continues unabated:* State quality control surveys indicate that as many as one in 20 welfare recipients may actually be ineligible for benefits, and that inaccurate payments are being given to as many as one case in every four—a potential total annual waste of more than $500 million.

—*Administration remains a quagmire of red tape:* There are 1,152 separate State and local welfare jurisdictions, with separate eligibility determinations and administrative procedures—making program integrity a virtual impossibility.

What we have in short, is a crazy quilt of injustice and contradiction that has developed in bits and pieces over the years with little serious thought of basic reform. I believe that H.R. 1 is the best and most comprehensive answer yet devised to meet this challenge.

FISCAL CRISIS: WASHINGTON AND THE STATES

The present welfare system is not only morally bankrupt—but is a significant factor in driving the States toward fiscal bankruptcy.

Since I first proposed reform in 1969, the costs of maintaining the present system have mounted at an alarming rate. Each day of delay means further costs—without any offsetting benefits. For example:

—Welfare costs have skyrocketed from $6.2 billion in 1969 to an estimated $9.4 billion in 1971, *a 51 percent increase in just two years.*

—The overall welfare caseload has risen from 9.6 million people in 1969 to 13.5 million today. It has been estimated that, if no changes are made, 17.3 million people will be on welfare in 1974, *an 80 percent rise in just five years.*

What we have on our hands is nothing less than a social and political time bomb. And, in a development of concern to all of us, the patience and support of the American public for welfare programs has been slipping dangerously. Those who are truly needy are becoming scapegoats in the eyes of taxpayers understandably angered about waste and inconsistency.

What we are seeking is an end to the need for public support for people who are essentially employable, but have not been able to work for reasons beyond their control, just will not work, or will not even make themselves available for work-related training—and this is what H.R. 1 would cure.

We also need to establish a nationally uniform system of efficient aid for totally needy families and the old and infirm—and H.R. 1 would achieve that goal, too.

OUTLINE OF REFORM

My program, as embodied in H.R. 1, would place a floor beneath the income of all American families not able to adequately support themselves. Its payment would vary, according to family size and resources, from a minimum of $1,600 to a maximum of $3,600. The basic benefit for a family of four with no other income would be $2,400.

Employable adult members of such families would have to register with the Department of Labor in its Opportunities for Families program for manpower services, work training and employment availability before any benefits were paid to such persons. Exceptions would include mothers of children younger than 6, and mothers whose husbands were either working or registered for work.

Families without employable adult members would not be subject to registration requirements but would receive the same basic benefits under the Department of Health, Education, and Welfare's Family Assistance Program.

For the first time in our history, national wage supplements would be paid to the working poor on a proportionate sliding scale designed to spur, rather than kill, the incentive to start working and keep on earning.

Eligible persons would be able to keep the first $720 earned during the year without reduction in their supplements. As job income rose beyond that, supplements would be reduced by two-thirds of job income until a cut-off point were reached and the recipient had attained a degree of self-sufficiency.

A family of four thus could earn $720 and receive a benefit of $2,400—for a total income of $3,120. When such a family's earnings reached $3,600, it still would be eligible for a supplement of $480 for a total income of $4,080.

When such a family reached earnings of $4,320 it would move completely out of the Federal assistance program.

Under the terms of H.R. 1, the Opportunities for Families program, the Family Assistance Plan and programs for the needy, aged, blind and disabled would be totally financed by the Federal Government—thereby providing much-needed financial relief for the States, which now share welfare costs.

In several respects, the proposed payments to the working poor constitute the basic conceptual foundation of my new approach.

These payments would encourage those who are working to keep on working, rather than sliding into welfare dependency. And they would motivate welfare recipients to start work.

We must hit head-on the cruel fallacy that any income, no matter how low, is sufficient for an American family merely because that money comes from full-time work.

We must establish the more humane and relevant principle that the total income of each American family must reach a certain minimum standard.

Another foundation of my approach is the strong work requirement and the provisions which would help implement that requirement, including child care benefits, manpower services, job training and job locating, and a program of 200,000 transitional public service jobs.

Recipients, with very few exceptions, would have to register for training and accept jobs which were offered, or benefits would be terminated for that recipient.

An entirely separate new Federal program would be established for needy aged, blind and disabled individuals and

couples. While no work requirements would be included, of course, those who could work would be provided with strong incentives for doing so.

The current State payments to such individuals and couples, varying widely across the Nation, would be replaced by a Federal benefit of $130 a month for an aged, blind, or disabled individual, rising to $150 in two steps. For a couple in these categories, $195 a month would be provided, rising to $200. Such benefits now can be as low as $70 a month for an individual and $97 a month for a couple.

In all, some $2 billion in new money would go directly into the hands of the aged, blind and disabled in the first full year.

TIGHT ADMINISTRATION AND PROGRAM INTEGRITY

Those who receive welfare, while they are the most visible victims, are not the only ones who suffer because of the myriad confusions and contradictions of the present welfare mess. The taxpayers are victims as well, for they are paying for a program that not only fails to accomplish its objectives, but is virtually impossible to administer.

Welfare administration is woefully outmoded in this country, with its 1,152 separate State and local welfare jurisdictions. Although virtually all have the same basic programs—Aid to the Blind, Aid to the Disabled, Aid to the Aged, and Aid to Families with Dependent Children—each operates with its own eligibility determination and administrative methods.

In the administrative area, especially, there is nearly an incomprehensible variety of management philosophies, operating policies and methods, and personnel arrangements. Only 20 percent of these jurisdictions have automated management techniques.

Under such conditions, it is not surprising that there are major management problems which exacerbate the skyrocketing costs and add to the growing public concern about welfare. Moreover, because of current open end financing arrangements, States and localities have what amounts to a blank check on the Federal treasury for this activity.

Thousands of dedicated people are doing their best to operate this ponderous machinery. But this system has been patched and repaired too many times. The frustration of current State program managers has resulted in very substantial support among Governors and State welfare administrators for Federal administration of the benefit payments function.

In recent months we have documented the failings of the current system, including the absence of cross-checks of records in adjacent areas, inadequate verification of income and benefits from a variety of benefit programs, and rapid turnover of personnel.

While decentralized management is highly desirable in many fields and is indeed central to my philosophy of government, I believe that many of these problems in welfare administration can best be solved by using a national automated payments system, which would produce economies and considerably increase both equity of treatment and tightened administration.

Such a unified system—partially modeled on the Social Security system—would reduce errors and provide greater controls for fraud and duplicate payments.

H.R. 1 would require each recipient to have a social security number for identification to prevent duplicate benefits and to facilitate the receiving of recipient income information from such sources as the Social Security Administration, the Internal Revenue Service, the Veterans' Administration, and other units.

National administration and standards would also ensure equitable treatment for individuals: they would no longer be subject to conflicting rules in different areas, to delays caused by back-ups, and to the confusing tangle of red tape.

Under such a system, States and counties would be freed to concentrate on social services to recipients, making use of their closer understanding of the needs of local residents.

AN INVESTMENT IN THE FUTURE

Because we want a *better* system—not just a new one—welfare reform will cost more in the early years and cover more needy people.

Against the increased initial costs of my proposals in H.R. 1, however, we must weigh the unknown future costs—both human and fiscal—if the present chaotic system, with its present soaring growth rates, is continued. The new system contained in H.R. 1 would be far less costly in the long run—both in terms of dollars and in terms of people.

Historians of the future no doubt will focus on America's 200th birthday—and the years leading up to that significant anniversary—as one important point for measuring the progress of our Republic.

They will find, of course, that over 200 years America's mastery of the industrial revolution, its bountiful economic system, its military might and its technological triumphs helped to make it preeminent in the family of nations.

They will rightfully highlight our moon landings, our deep space probes, our satellite communications, our electronic innovations, and our extraordinary gross national product.

Penetrating observers, however, will also ask other questions:

What did all of this mean to the average American?

What was the quality of the daily life and the basic spirit of all the American people in the 1970's?

How, in particular, did our great Nation provide for those citizens who—through no fault of their own—were unable from time to time to provide for themselves and their families?

I believe that the program contained in H.R. 1 will stand us in good stead when such historical evaluations are considered, for this is a program which has grown out of a fundamental concern for our least fortunate citizens.

The enactment of H.R. 1 would demonstrate both our concern for what is responsible and our concern for what is compassionate.

RICHARD NIXON.

THE WHITE HOUSE, *March 27, 1972.*

VOTER REGISTRATION BILL

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

Mr. RONCALIO. Mr. Speaker, today I rise to introduce a measure enabling all Americans to register for Federal elections by mail. Such elections include those for a President, a Vice President, a Senator, a Representative or a Delegate to Congress. As this measure is identical to the one which was introduced by Senator McGEE and tabled recently in an exceedingly close vote in the other body, it might be in order to quote Senator McGEE's own words on what the measure promises to accomplish:

The Voter Registration Bill would establish under the Bureau of the Census a system whereby voters can register to vote on Federal elections without having to go to the courthouse. The United States Postal Service will distribute postcard voter registration forms which are to be filled out and mailed to the local registration office. This registration by-mail system should go a long way toward moving barriers which keep our American citizens from the polls. It has would open the door to 11 million non-voting Americans.

Many fear that taking voter registration away from the localities would produce a high incidence of voter fraud. Nothing could be less likely. Every other major Western democracy sponsors voter registration of its citizen by the central government, and ours is the only democracy in which voter fraud is even an issue. Those who want to find the true proximate cause of such fraud would do well to shift their focus toward the local nonuniform procedures which we practice at present.

The bill I am introducing today bears most directly on the people's rights.

In democracy, citizens are only as loyal as they are free. A wide measure of freedom or of citizen participation in their own Government is voting. Thus, an orderly democracy is a meaningful one—or one which insures the widest voter participation that is possible; and that is what this bill sets out to effect.

Under present means, we are failing in that quest. In Canada, 75 percent of those eligible vote. In Great Britain, it is 80 percent; in West Germany, 85 percent; and in Australia, 95 percent. By contrast, what is our score? In 1968, only 61 percent voted in the Presidential election. Forty-seven million, who were eligible to cast their ballots, stayed away from the polls. This is distressing when one realizes only 31 million voted for the man who won.

Our democracy is not functioning. It has not always been this way. In 1876, more than 80 percent voted for President. At that time, the States had not taken over registration. As has been shown by two competent scholars, Prof. Richard Ayers of Yale Law School and Prof. William Bowen of Princeton University:

In the period from 1896 to 1924, the time when voter turnout declined almost steadily, state after state enacted registration laws which typically required registration annually and in person of all voters in the nation's large cities.

Sixty-one percent of eligible voter participation is not effective democracy. It indicates, rather, a very direct disenfranchisement of the people of this country by their local governments. The people have become alienated of rightful participation by wrongful acts of what might be loosely termed "their" local governments. As a Gallup Poll concluded in 1969:

It was not a lack of interest but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation.

This should no longer be the partisan issue that it recently became in the Senate. It is my hope, by introducing the same measure into the House today, to keep alive the very right of the people to guide the course of their own government.

The Casper Star-Tribune of Wyoming agrees on this, and its editorial approval follows:

POSTCARD REGISTRATION

Senator Gale McGee's postcard voter registration bill was a casualty of the Florida primary. It was defeated in the Senate 46–42, while some of its supporters were campaigning in Florida. These included Democratic presidential candidates Muskie, Humphrey and Jackson.

The Wyoming senator hopes to revive the measure by taking it to another bill, as an amendment, when the opportunity affords. Meanwhile, it may be dead for this session.

The proposal, attacked by Republicans and some influential southern Democrats, sought to provide a simple system for expanding voter registration—keeping in mind that only about half of the electorate votes at the polls in the U.S. This is a disgracefully low percentage.

A leading opponent, Democrat Senator Sam Ervin Jr. of South Carolina, declared the measure should have gone to his judiciary committee, instead of to McGee's Post Office and Civil Service Committee.

From the tenor of Senator Ervin's scathing remarks on the measure, its fate in the judiciary committee was sealed.

The southern senator asserted that if citizens do not have enough gumption to walk or drive to the nearest voter registration place and register, they would be too indifferent to vote anyway.

This does not take into account the large numbers of people in the "mobile population," moving from state to state, who are deprived of the opportunity to vote in federal elections, due to state residency requirements.

Nor does it seem fair to the poor and elderly and others who have no way to walk or drive to a county clerk's office to register.

The National Voter Registration system proposed by McGee would provide for mailing of registration postcards to all eligible citizens. The cards would be signed by individual citizens and returned to local authorities. Stiff penalties were provided for fraudulent registration.

Some opponents professed to see a sinister plot to set up a new federal bureaucracy which could control future elections.

More realistically, they may have feared a huge roundup of the "great unwashed" at election time resulting in the passage of more liberal legislation, or they may have felt massive voter registration by this simple means would favor Democrats over Republicans, numerically.

Whatever the reasons for the defeat of the McGee measure, it resulted in a fairly close vote in the senate. This suggests that it should be revived for future discussion. If the proposal has as much merit as Senator McGee proclaims, it should attract stronger support, more on the order of a 2–1 majority.

H.R. 14123

A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Voter Registration Act".

SEC. 2. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 11—NATIONAL VOTER REGISTRATION ADMINISTRATION

"Sec.
"401. Definitions.
"402. Establishment.
"403. Duties and powers.
"404. Qualifications and procedure.
"405. Registration forms.
"406. Distribution of registration forms.
"407. Prevention of fraudulent registration.
"408. Penalties.
"409. Financial assistance.
"410. Regulations.

"§ 401. Definitions

"As used in this chapter—

"(1) 'Administration' means the National Voter Registration Administration;

"(2) 'State' means each State of the United States, the political subdivisions of each State, and the District of Columbia;

"(3) 'Federal office' means the office of the President, the Vice President, a Senator, a Representative, or the Delegate to the Congress;

"(4) 'Federal election' means any primary, special, general, or other election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the Office of President and Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

"(5) 'Stae and local election' means any election other than a Federal election; and

"(6) 'State or local official' means any individual who acts as an official or agent of a government of a State to register qualified electors, or to conduct or supervise any Federal election in a State.

"§ 402. Establishment

"(a) There is established within the Bureau of the Census, Department of Commerce, the National Voter Registration Administration.

"(b) The President shall appoint, by and with the advice and consent of the Senate, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be adherents of the same political party. The Administrator shall be the chief executive officer of the Administration.

"§ 403. Duties and powers

"The Administration shall—

"(1) establish and administer a national voter registration program for Federal elections in accordance with this chapter;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States;

"(3) provide assistance to State and local officials concerning the national voter registration program and election problems generally;

"(4) obtain facilities and supplies, and appoint and fix the pay of officers and employees, as may be necessary to permit the Administration to carry out its duties and powers under this chapter, and such officers and employees shall be in the competitive service under title 5, United States Code;

"(5) appoint and fix the pay of officers and employees for temporary services as authorized under subchapter II of chapter 1 of this title for temporary employees of the Bureau of the Census;

"(6) prepare and submit to the President and the Congress a report on its activities, and on voter registration and elections generally in the United States, immediately following each biennial general Federal election; and

"(7) take such other action as it deems necessary and proper to carry out its duties and powers under this chapter.

"§ 404. Qualifications and procedure

"(a) An individual who is a qualified elector under State law except as to duration of residency but who is a resident of a State on and after the thirtieth day before a Federal election, shall be entitled to register and vote in a Federal election in that State.

"(b) An individual registered to vote under the provisions of this chapter shall be entitled to vote in a Federal election.

"(c) Whenever a Federal election is held in any State, the Administration may, upon the request of any State or local official, furnish officers and employees and such other assistance as the Administration and the State or local official may agree upon to assist in the registration of individuals applying to register in that State under the provisions of this chapter.

"§ 405. Registration forms

"(a) The Administration shall prepare voter registration forms in accordance with the provisions of this section.

"(b) Printed registration forms shall be designed to provide a simple method of registering by mail to vote in Federal elections. Registration forms may be a perforated double postal card and may include the following on the first part of the postal card—

"(1) printed instructions for completing the registration form;

"(2) a printed statement of the requirements of State law for voting in Federal and State and local elections, other than the requirements of duration of residency;

"(3) space for the individual to write his name, address, and political party preference if appropriate;

"(4) a printed statement that the individual is a qualified elector under the laws of the State except as to duration of residency, and that the individual—

"(A) has been a duly qualified resident of the State for the period required by State law to be a qualified elector voting in any State or local election, or

"(B) will be a resident of the State on and after the thirtieth day before the next Federal election and an appropriate space for the individual to indicate which statement is applicable to him;

"(5) a printed statement of the penalties of law of the United States and the State for fraudulent registration to vote, and a place for the individual to sign a certification that he is a qualified elector of that State;

and may include the following on the second part of the postal card—

"(6) a printed statement that the individual is a qualified elector in the State and that his name has been placed on the list of registered electors;

"(7) a printed statement that the individual is a qualified elector in the State only

for Federal elections, and that his name has been placed on the list of registered electors for Federal elections;

"(8) a printed statement that the individual is not a qualified elector in the State and that his name has not been placed on the list of registered electors;

"(9) a space for a written explanation of the reasons why paragraph (8) of this section is applicable to the individual; and

"(10) an appropriate space for the State or local official to indicate whether paragraph (6), (7), or (8) of this part of the postal card is applicable to the individual.

"(c) Registration forms shall provide adequate space on the reverse side of the form for the writing of the name and address of the individual submitting the form for registration to vote, and the second part of the form shall be completed and promptly returned by the State or local official to the applicant at the address on the form. A returned form shall not be forwarded to another address but shall be returned to the State or local official mailing the form. The possession of such a form indicating that the individual is entitled to vote in any Federal election for which he qualifies shall be prima facie evidence that the individual is a qualified and registered elector entitled to vote in any such election but shall not be required for presentation to cast his ballot.

"(d) Registration forms may be prepared in a language other than English when the Administration deems that such a language is appropriate.

"§ 406. Distribution of registration forms

"(a) The Administration is authorized to enter into agreements with the Postal Service, with departments and agencies of the Federal Government, and with State and local officials for the distribution of registration forms in accordance with the provisions of this section.

"(b) Any agreement made between the Administration and the Postal Service shall provide for the preparation by the Administration of sufficient quantities of registration forms so that the Postal Service can deliver registration forms to each postal address in the United States and to each Armed Forces installation in the United States for the number of individuals at that address or installation who may be qualified electors and for the preparation of a reasonable quantity of such forms for public distribution at any post office, postal substation, postal contract station, or on any rural or star route.

"(c) The Postal Service shall distribute the registration forms to postal addresses and Armed Forces installations not earlier than forty-five days or later than thirty days prior to the close of registration for the next Federal election in each political jurisdiction in any State.

"(d) Whenever the Administration determines that the circumstances of a Federal election, other than a biennial general Federal election, present such difficulties of compliance with the provisions of this section as to justify an execption, it may issue such rules and regulations for the preparation and distribution of registration forms as it deems suitable, or for cooperative assistance with State and local officials.

"(e) This section shall not be construed to place any time limit up on the general availability of registration forms in post offices and appropriate Federal, State, and local government offices pursuant to agreements made under this section.

"§ 407. Prevention of fraudulent registration

"(a) Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the Administration and request its assistance to prevent fraudulent registration. The Administration shall give such reasonable and expeditious assistance as it deems appropriate in such cases, and shall issue a report on its findings.

"(b) Whenever the Administration or a State or local official determines that there is a pattern of fraudulent registration, attempted fraudulent registration, any activity on the part of any individuals or groups of individuals to register individuals to vote who are not qualified electors, the Administration or the State or local official may notify the Attorney General, and the Attorney General may bring a civil action suit in an appropriate United States district court or the United States District Court for the District of Columbia for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate to prevent such registration.

"§ 408. Penalties

"(a) Whoever knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purposes of establishing his eligibility to register or vote under this chapter, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) Any person who deprives, or attempts to deprive, any other person of any right under this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(c) The provisions of section 1001 of title 18, United States Code, are applicable to the registration form prepared under section 405 of this chapter.

"§ 409. Financial assistance

"(a) The Administration shall determine the fair and reasonable cost of processing registration forms prescribed under this chapter, and shall pay to each appropriate State an amount equal to such cost per card multiplied by the number of registration cards processed under this chapter in that State.

"(b) The Administration is authorized to pay any State which adopts the registration form and system prescribed by this chapter as a form and system of registration to be a qualified and registered elector for State and local elections in that State. Payments made under this subsection may be made without regard to whether the State changes its requirements for duration of residency to be a qualified elector. Payments made to a State under this subsection may not exceed 15 per centum of the amount paid that State under subsection (a) of this section for the most recent general Federal election in that State.

"(c) The Administration is authorized to pay any State which adopts the registration form and system prescribed by this chapter as the form and system of registration to be a qualified and registered elector for State and local elections in that State and reduces any duration of residency requirement otherwise in effect to a period not exceeding thirty days prior to any Federal or State and local election. Payment made to a State under this subsection may not exceed 30 per centum of the amount paid to that State under subsection (a) of this section for the most recent general Federal election held in that State.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"§ 410. Regulations

"The Administration is authorized to issue rules and regulations for the administration of this chapter."

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11. National Voting Registration Administration ---------- 401"

SEC. 3. (a) Section 3202(a) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of clause (4);

(2) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof:

"(6) mail relating to voter registration pursuant to sections 405 and 406 of title 13."

(b) Section 3206 of title 39, United States Code, is amended by adding the following new subsection:

"(d) The National Voter Registration Administration shall transfer to the postal Service as postal revenues out of any appropriations made to the Administration for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (6) of section 3202(a) of this title."

(c) Section 404 of title 39, United States Code, is amended—

(1) by striking out "and" at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(10) to enter into arrangements with the National Voter Registration Administration, Bureau of the Census, for the collection, delivery, and return delivery of voter registration forms."

SEC. 4. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Administrator and Associate Administrators (2), National Voter Registration Administration, Bureau of the Census."

SEC. 5. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Amend the title so as to read: "A bill to amend title 13, United States Code, to establish a National Voter Registration Administration, and for other purposes."

COMMON MARKET BREAKS FAITH

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

Mr. THOMSON of Wisconsin. Mr. Speaker, over the past few months the United States has been engaged in negotiations with the Common Market and other industrialized nations in regard to a number of outstanding trade and financial issues. One of the most serious of these has been the artificial EEC Common Agricultural Policy which discriminates against the United States and limits our legitimate agricultural exports.

In early February it appeared progress was being made on the agricultural issue. The EEC agreed to make certain modifications in CAP and discuss others at a later GATT conference. These agreements were not as extensive as I had hoped, but they appeared to be a solid foundation.

Now, however, I read with bitter disappointment a March 25 article in the Washington Post where the EEC has virtually reversed itself and again raised the import levy to American agricultural products. Not only did the EEC in effect renege on its commitment to modify CAP with an eye toward reduction of import duties, but actually increased the levy by an average of 6½ percent.

To say this EEC action is an outrage would be to understate the case. In addition to expanding their unfair and foolish agricultural policy, the Common Market has broken faith. Either should be justification for retaliatory action, but in combination the situation demands it.

If the United States cannot trust the good will and common sense of our closest allies, then who can we trust?

Mr. Speaker, at this point I would like to insert into the RECORD the Washington Post article.

[From the Washington Post, Mar. 25, 1972]

EUROPE UPS FOOD PRICES; BLOW TO U.S.

(By Richard Norton-Taylor)

BRUSSELS, March 24.—After 100 hours of tough and sometimes bitter debate, the six Common Market countries agreed early this morning on a package of increased farm prices and plans to modernize European agriculture.

The price increases will average 6½ per cent for the coming year. The agreement is a blow to American agricultural exporters, because Common Market levies on imports from the United States will rise by the same percentage.

As a group, the Common Market countries—France, Italy, Belgium, Luxembourg, the Netherlands and West Germany—are the biggest customer for U.S. farm exports. They purchased about $1.8 billion of the $7.8 billion in U.S. farm exports for the 1971 fiscal year.

American officials have argued that any increase in the import levy, along with existing tariffs and subsidies in the six countries, would keep out American products, exacerbating U.S. balance-of-trade problems.

France, with background support from Britain, persuaded her Common Market partners to hold price increases for grains to 4 per cent, except for corn, which will go up 5 per cent.

Prices for beef are likely to be increased by 8 per cent this year, as France wanted, but largely because of the impending general elections in Italy the price will not officially be announced until September. Beef prices in Italy are among the highest in the Common Market already, and Rome is more concerned with the rising costs of living than with higher prices for its farmers.

Other increases are milk, 8 per cent; sugar, 4 per cent; tobacco 2 to 8 per cent depending on type; pork, 3.1 per cent; and olive oil, 5 per cent.

The weary agriculture ministers of the six countries also reached half-hearted agreement on a series of measures designed to modernize agricultural holdings.

Over the next five years, $800 million from the common farm fund will be spent on special pensions to encourage elderly farmers to leave the land and to stimulate farm development through cheap investment loans.

Much of this money will go to Italy, some to France. But there is a long way to go. For example, more than half of all French farmers are over 55 years old, and over 75 per cent of all the dairy farmers in the six countries own fewer than five cows each.

The reform plan is the brainchild of Sicco Mansholt, president of the Common Market Commission, who told a press conference that 2.5 million farmers could benefit from it.

The extreme political sensitivity of the farm issue in the Common Market has never been more clearly demonstrated than it was this week.

French insistence that Germany agree to a fixed deadline for the abolition of border taxes on farm products, for example, led Josef Ertl, the West German representative to the talks, to make a quick trip home to Bonn to seek personal support of Chancellor Willy Brandt.

The taxes were introduced last year to protect German farmers from a loss of income from the upward revaluation of the mark.

The Common Market's guaranteed prices for farmers are fixed in gold-based "units of account," rather than in any one national currency. With reevaluation of the mark, there are fewer marks for each "unit of account." The border tax system insures that foreign products do not have an unfair advantage in Germany.

France is anxious to patch up the cracks in the integrated farm market caused by international monetary upheavals. Paris has always laid great store by the protectionist common agricultural policy and remains suspicious of Britain's intentions toward that policy when the community is enlarged next year.

At the same time, France was pressing here for the eight per cent increase in beef prices, over the objections of some of the other countries.

After a cabinet meeting Wednesday morning, French agricultural minister Michael Cointat agreed to shelve the border tax issue. The price increases were agreed on two days later.

PAUL DOUGLAS—REFORMER AT 80

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

Mr. PRICE of Illinois. Mr. Speaker, a deserving tribute has been paid to the Honorable Paul Douglas, former Senator from the State of Illinois, in an article which appeared in the Washington Post and the Chicago Sun-Times on Sunday, March 26, 1972. As one who has known Paul Douglas since he first entered upon the national scene and who was acquainted with his work prior to his becoming a United States Senator, I was more than pleased to see this recognition of his great career.

I had the honor and pleasure to serve in the U.S. House of Representatives with Emily Taft Douglas and I was happy to find in the article recognition of her contribution in support of Paul Douglas' many accomplishments throughout his political service. The article, itself, recounts the many achievements of the former Illinois Senator beginning with his interest in social legislation in the early years of the Roosevelt administration and prior to his own service in the Senate. He was an architect of the original social security legislation.

I hope every Member will have an opportunity to read this brief summary of Paul Douglas' public life and of his work in the legislative field—always in the interest of the people of his country. As the article states, he was a leader in the development stages of legislation touching the lives of every American—social security, tax reform, truth in lending, aid to education, area redevelopment, housing, minimum wage, and civil rights and liberties.

The article follows:

PAUL DOUGLAS: REFORMER AT 80

(By Jean M. White)

A touch of mellowness, perhaps, that comes with the years, but the eyes are the same—the blue, piercing eyes that fixed evasive Senate witnesses; the same great shock of white hair; the same resonant voice that reached into the Senate galleries; the same mind—quick, lively, searching.

And still that same passionate concern for social justice and the righteous indignation at wrongs and chicanery.

"I say it because it is true," former Sen. Paul H. Douglas snapped tartly after he was gently reminded that perhaps an interview on the eve of his 80th birthday was not the time to recall bitter fights with two former colleagues over civil rights and reapportionment.

Sen. Douglas will be 80 today. It is a landmark in any man's life, but his birthday also is a landmark for the American liberal conscience.

Unlike Miniver Cheever, Paul Douglas was born too early, not too late. There were long, lonely years when he was a crusader for causes then unpopular to advocate, causes that came to be accepted in legislation touching the lives of every American—social security, tax reform, truth-in-lending, aid to education, area redevelopment, housing, minimum wage, and, above all and always, civil rights and liberties.

Fortunately, for us and the senator, he has lived long enough to become a prophet with honor.

Today a small circle of old friends will gather at the cheerful home at 2909 Davenport St. NW to share the 80th birthday with Sen. Douglas and his wife. Later will come a "queen's birthday" celebration in June when the sun warms the patio in the back.

A stroke 2½ years ago has left Sen. Douglas confined in a wheelchair, but only physically. The confinement does not extend to his mind or conscience.

The former Democratic senator from Illinois still percolates with stimulating ideas and questions, gets outraged at injustice ("I never knew a man who could get so outraged," a retired Senate reporter recalls), and talks vigorously about present problems and future needs—urban ills, federal-state-city relations, congressional reform. His wife, Emily Taft Douglas, a handsome, gracious woman, herself a former congresswoman, arranges the late-afternoon discussions that keep her husband in touch from his wheelchair.

Once the 80th birthday is out of the way, there are busy months ahead for Paul and Emily Douglas: Publication in mid-April of his 670-page autobiography, dedication of the Paul H. and Emily Taft Douglas Library building at Chicago State University, and then perhaps a sentimental journey back to the Indiana Dunes county, that wild area along Lake Michigan where the Douglas family spent its summers, later to be saved by the senator as a national lakeshore park.

The autobiography—revised in longhand on yellow legal pads after the senator suffered his stroke in August, 1969—bears an apt title: "In the Fullness of Time: The Memoirs of Paul H. Douglas."

The memoirs of Paul Douglas should make quite a story as a reflection of American politics and life in the first seven decades of the 20th century.

It is the story of a professor in politics, a distinguished economist-scholar (the Cobb-Douglas Function, see economics textbooks) who ventured into the harsh reality of everyday politics as a city alderman from Chicago's South Side and specialized in problems of garbage collection.

It is the story of the 50-year-old patriot who, defeated in his first run for the Senate, enlisted the next day as a Marine private, won the bronze star and two purple hearts in landings in Okinawa and Peleliu and was left with a withered left arm from his war wounds. It is the story of the Democratic senator from Illinois, elected on his second try in 1948, who became the liberal goad of the Senate, always in the forefront

of the fight for social advances in the crucial years of the 1950s and 1960s.

And it also will be the story of Paul and Emily Douglas, two people who share deep affection for each other and politics.

"I was the only man who ever succeeded my wife in Congress," Sen. Douglas likes to point out.

"Paul, why don't you say I was the only woman who ever preceded her husband in Congress. It's women's lib these days," Mrs. Douglas corrected her husband the other day.

Emily Taft Douglas, a former actress, served as congresswoman-at-large from Illinois with the same constituency her husband was to represent when he was elected senator in 1948.

Rugged, slouch-shouldered and bespectacled, the economics professor came to Washington and soon plunged into the midst of the early battles for social and reform legislation that came out of Congress in the following two decades. But he was too much of a marverick ever to become part of the Senate's inner circle. Douglas has a dramatic flair, which he employed effectively to focus attention on the causes he was championing.

There was a time that he wanted to take a hatchet and scalpel on the Senate floor to demonstrate the difference between hacking and surgically pruning a budget.

"His staff talked him out of that one," recalls Howard Shuman, who was the senator's administrative aide for 14 years and now holds the same post with Sen. William Proxmire (D-Wis.).

"But he did go on the floor with a huge magnifying glass once. The public works bill was up for vote, and projects are sacrosanct to senators. Anyways, the senator came into the chamber carrying a magnifying glass and a large map. It seems there was a river—in New England, I think—mentioned for an appropriation and the senator couldn't find it on the map."

Shuman remembers Douglas as "an absolutely honest man," even to avoiding the phone calls that can swamp a senator's time.

"When he couldn't take a phone call, before he would have his secretary say he was out of the office, he would open the door and step out into the hall. I've seen him do it numerous times."

Once William McChesney Martin, disturbed over remarks attributed to Douglas in criticism of Martin's fiscal policies, came up to the Hill to check with the senator personally.

The senator told him: "I honestly don't remember saying that. But I've thought it a number of times so I suppose I could have said it."

But the senatorial career of Paul Douglas has more substance than a collection of lively anecdotes. It is a career threaded with landmark legislation on the big issues that the nation faced in the 1950s and 1960s. Perhaps the most dramatic was the long fight for civil rights, crowned by the sweeping Civil Rights Act of 1964.

"As for 1964, that was done years earlier—that was done in the hard years when we could get only 20 votes or so," Douglas points out. "What was heresy then, the nation has accepted, intellectually at least. Now remains the pain of working it out."

Despite the acrimonious legislative fights and his lonely crusades, Paul Douglas does not look back in anger or bitterness today.

"If he was righteous in causes, he was never self-righteous about people," Shuman says.

And the senator still has the buoying hope that sustains reformers.

"Well, I'm not a pessimist," he said the other day. "It's a great source of relief in bowing out of politics to see new men and good people coming up."

In the Senate, he points to such men as Proxmire, Alan Cranston of California, Adlai Stevenson III (whose father ran for governor of Illinois on the same ticket with Douglas), Walter Mondale of Minnesota. And Douglas always remembers Sen. Hubert H. Humphrey, who fought by his side in many of the old battles.

Among the governors, Douglas singles out Florida's Reubin Askew and Ohio's John J. Gilligan as "absolutely fine men."

Douglas also sees promise in the young people. "We had a bad convention in 1968. But I see healthy signs with the younger people working in politics, social causes, environment."

If some of the Douglas causes have come in the fullness of time, there are those still being fought: cloture in the Senate, the family allowance (Douglas proposed this idea as a young economist in 1925), pollution, consumer protection, the vanishing wilderness of areas like the Indiana Dunes, disclosure of campaign financing, tax reforms.

When he talks of tax loopholes today, there are flashes of the old Douglas indignation.

"I think they say we—Lister Hill of Alabama was with me—have saved the nation $4 billion up to now in blocking a clause that would have allowed offshore drilling in the open ocean to take oil," the senator points out.

In 1967, at 75, when he was no longer a senator but a private citizen, Douglas journeyed to Colorado to inspect the oil shale deposits there.

The year before, defeated in his try for a fourth term in the Senate, Douglas had made a graceful exit, giving a final accounting of his assets and income and thanking the voters who had kept him in office 18 years. It took two farewell parties for all his friends and admirers to pay tribute.

In that race, Douglas campaigned with his usual vigor. But there was his age—he was 74 and his challenger, Charles H. Percy, was 47, with the attractive face of new Republican liberalism. There was the race backlash. And there was the deteriorating war in Vietnam, in which Douglas had been a firm supporter of the Johnson administration.

A pacifist in World War I from his Quaker upbringing, Douglas had gone to Europe in the 1930s and was in Italy when Mussolini sent his legions into Ethiopia. He warned of appeasement of Hitler. During World War II, he was an enlistee in the Marine Corps, accepting a commission only to get into battle when he saw they were not going to send 50-year-old riflemen overseas for combat.

He still believes in collective security, of "keeping our guard up while exploring the possibilities for peace."

After his 1964 defeat, Douglas went back to work in a double harness. He returned to teaching and served as head of the National Commission on Urban Problems, making a study at the time the incendiary cities were flaring up in riots and racial turmoil.

Soon after the Commission on Urban Problems made its report, the stroke hit the senator's right side. His recovery was complicated by his war-disabled left arm and a fall abetted by a football knee (Douglas played center on the Bowdoin College team while winning a Phi Beta Kappa key).

In 1969, he returned a $5,000 check that went with an AFL–CIO award. While in the Senate, Douglas had set a $2.50 limit on the value of any gifts he would accept, and he is a man who holds firm to a principle.

If the "18 most stimulating years of my life" were spent in the Senate, Douglas also had several decades of achievement before he entered the Senate at 56.

As a distinguished economist, his applied work on the theory of wages and production is one of the bedrocks of contemporary economic analysis. The Cobb-Douglas Function—a mathematical formula set forth in the 1920s—is discussed at length in the recent Nobel Prize-winning work of Prof. Paul A. Samuelson.

"I once was an economist," the senator says now with a rueful smile. "They are now feeding information into the computers at Brookings Institution and coming out with figures to support the formula."

Born in Salem, Maine, March 26, 1892—the New England twang has been leveled a bit by the Midwest plains—Douglas remembers when mill workers in Newport, Maine, were told not to vote for Bryant and the factory whistles sounded for 24 hours when McKinley was elected.

"And I grew up feeling it was . . . well, improper," he once told an interviewer.

He was a friend of Jane Addams and Clarence Darrow. He helped organize the steel workers. Even before entering politics as a Chicago city alderman in 1939, he was one of the earliest advocates of old-age pensions and unemployment insurance in the 1920s and 1930s, working with then New York Gov. Franklin D. Roosevelt and Pennsylvania Gov. Gifford Pinchot.

Now, the autobiography finished, there will be two labors of love for the 80-year-old economist and former senator.

First, another look at the theory of wages and productivity as a statistical study. Then a study of the last days, the winter years of genius, in the lives of Beethoven, Shakespeare, Michelangelo, and Titian.

"A fine subject for a crippled politician," Douglas observes.

It will be a fine subject for the senator who brought a graceful touch of erudition and scholarship to the Senate. In Douglas' former office, Suite 109 in the Old Senate Office Building, photographs of live politicians never were hung. Instead, there were studies of Michelangelo's majestic, brooding figures for the tombs of the Medici and Titian reproductions.

As a campaigner, Douglas was known to quote John Stuart Mill or "Spoon River Anthology" poetry to voters at the factory gate.

The other day, on the eve of her husband's 80th birthday, Emily Taft Douglas looked fondly, but objectively, at her husband and said:

"He's a much handsomer man than the man I married. He doesn't wear glasses any more. They say we make our own faces. It is a good man that makes a good face."

WATER POLLUTION CONTROL BILL

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

Mr. KEMP. Mr. Speaker, first I would like to commend the distinguished chairman of the Committee on Public Works, and the committee members and staff for the amount of time and effort which they have expended in order to bring this bill before us today.

I believe that H.R. 11896 contains a number of excellent provisions. I especially refer to provisions concerning the conduct of antipollution research and related programs and provisions concerning the construction of municipal waste treatment systems.

The House bill, like the Senate bill, changes the Federal antipollution effort from the water quality standards approach to a program of effluent limitations to control water pollution at the source. I heartily agree with this landmark change in philosophy and I believe that the water pollution control legislation which will emerge from this Congress will mark the turning point in our battle for clean waters.

I feel we can point with pride to the efforts of the House Public Works Committee and look forward to additional legislation which will continue the progress. In fact, rather than try to amend the bill at this time, I feel the three amendments that I had considered are deserving of special attention as separate bills at a later date.

I will outline those three areas today in an extension of remarks.

Mr. Speaker, soon I will introduce legislation which would add $100 million to the already proposed $20 million sighted for Great Lakes projects. I will propose the bill to bring the appropriations for the Great Lakes up to the estimated cost for their proposed program.

The Environmental Protection Agency has been pursuing a vigorous environmental program for the Great Lakes. They feel that a proposed special program will further accelerate their present effort. At this point I would like to enter in the RECORD a letter from the Administrator Bill Ruckelshaus describing their present activity on the Great Lakes:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., March 15, 1972.

Hon. JACK KEMP,
House of Representatives,
Washington, D.C.

DEAR JACK: Thank you very much for your letter about the Great Lakes. You are absolutely right that attendance to the problems of water quality evident in the area, and especially those in Lake Erie, is a mater of very great urgency.

We believe that it is also one of high priority in EPA's programs. EPA is already pursuing a vigorous action program for the Great Lakes, within the context of its normal program authorities. The special program proposed by EPA would further accelerate this already active effort, by providing a program that required approaches beyond those included under existing water pollution legislation. However, the Congress right now is considering extension of the existing Federal water pollution control legislation. There are a number of unresolved issues as to the form of that legislation, and the future nature of the national water pollution program. The decision has been made that until the legislation is resolved, it would be premature to launch a separate Great Lakes program which might require approaches different from those which will be provided under general legislation.

Present efforts include:

1. Regulatory activity

(a) Regional personnel are aggressively pursing compliance with existing municipal and industrial implementation schedules.

A number of 180-day notices have been issued (e.g., Hammond, Whiting, Cleveland) and others are under consideration.

Region V recently made public reports on the status of compliance with implementation schedules on Lake Michigan. These reports showed increased lags and we are now discussing with the States plans for taking action against delinquent polluters.

(b) At EPA's request, the Justice Department has filed suit against Reserve Mining.

(c) Field investigations and inspections necessary for establishment of permits are proceeding for major industrial polluters. We are moving ahead with the development of permit conditions and are not allowing recent court decisions to delay our work up to the point of actually granting permits.

2. Research

(a) We began our Great Lakes research activity at Grosse Ile in the summer of 1971. This year we will be expanding the effort—OMB added $4 million in FY 73 budget.

(b) We will be participating in the International Field Year on Lake Ontario—a joint study with the Canadians.

3. U.S.-Canada agreement

(a) Negotiations are progressing and we expect to complete the agreement within the next several months. We expect to be able to meet the far-reaching commitments in this Agreement—for example, a joint program to achieve major reduction over the next few years.

(b) We are providing funding in FY 73 to support the International Joint Commission in studies to develop joint U.S.-Canada action programs for the Upper Lakes and for abating agricultural pollution.

4. Funding

(a) We provided special construction grant funds to Detroit ($39 million) to help it accelerate its sewage treatment programs.

5. Other

(a) Work with the Corps of Engineers in development of programs to terminate disposal of polluted dredge spoil is proceeding.

(b) Our Oil and Hazardous Spills Program is geared up, and we are capable of working with the Coast Guard and Canada on any emergency spills.

These are examples of some of the kinds of activity that we are pursuing in the Great Lakes. We will be continuing to give this area high priority. I welcome your interest. Please let me know if you have additional questions.

Best personal wishes,

Sincerely,

WILLIAM D. RUCKELSHAUS,
Administrator.

Mr. Speaker, the EPA had originally asked the Office of Management and Budget for $141 million for the program but was rejected. They have since reevaluated their program and it is my understanding the new figure will be $118 million to $120 million. If we are going to authorize any money for this let us provide adequate funding or nothing at all. It is my feeling that I will have the details soon, which will provide a comprehensive plan for cleaning up the Great Lakes. EPA will need the full authorization—$120 million—so they can attack the problem before it is too late.

Different chemicals from sewage and industrial and agricultural sources are causing major difficulties. Phosphates, coming from all three sources, are causing rapid growth of algae causing huge algae blooms as is the case of Lake Erie. These algae blooms use up much of the dissolved oxygen leaving little for other aquatic life. This has affected greatly the sport and commercial fishing of the lakes.

Pesticide runoff has added numerous other compounds similar to DDT in chemical structure which are as poisonous and have the same residual properties as DDT to the lake waters. These chemicals, including DDT, have caused buildups in fish, making them unfit for human consumption.

Thermal pollution is a growing concern on the Great Lakes as can be seen on Lake Michigan.

To dramatize this problem, I include a recent decision of the New York Supreme Court:

STATE OF NEW YORK SUPREME COURT,
ALBANY COUNTY

In the matter of the application of Richard D. deRham, as Treasurer of Scenic Hudson Preservation Conference, the Sierra Club and its Atlantic Chapter, the Hudson River Fishermen's Association, Inc., the city of New York, Town of Poughkeepsie, and Robert H. Boyle, Theresa M. Rotola, Eliot D. Hawkins, Helen Lee Sherwood, Raymond E. Bell and David Sive, individually and as members of Scenic Hudson Preservation Conference, petitioners, for a judgment pursuant to article 78 of the civil practice law and rules against Henry L. Diamond, as State Commissioner of Environmental Conservation, Respondent, and Consolidated Edison Company of New York, Inc., and town of Cornwall, Intervenors.

(Supreme Court, Albany County Special Term, February 11, 1972.)

(Justice De Forest C. Pitt, Presiding)

Appearances: Louis J. Lefkowitz, Attorney General, State of New York, Attorney for Respondent, Henry L. Diamond, State Commissioner of Environmental Conservation.

Berle & Butzel, Esqs., Attorneys for Petitioners, Richard D. deRham as Treasurer of Scenic Hudson Preservation Conference, Theresa M. Rotola, Eliot D. Hawkins, Robert H. Boyle, Helen Lee Sherwood, Raymond E. Bell and David Sive, and the town of Poughkeepsie.

Winer, Neuburger & Sive, Esqs., Attorneys for Petitioner, the Sierra Club and its Atlantic Chapter

J. Lee Rankin, Esq., corporation counsel of the City of New York, Attorney for Petitioner, the City of New York.

LeBoeuf, Lamb, Leiby & MacRae, Esqs., attorneys for inventenors, Consolidated Edison Company of New York, Inc.

Spear & Hill, Esqs., attorneys for petitioner, the Hudson River Fishermen's Association, Inc.

Rider, Weiner & Loeb, Esqs., attorneys for intervenor, Town of Cornwall.

MEMORANDUM

Pitt, J.

Consolidated Edison Company of New York Inc., sought a Federal license for the construction and operation of facilities known as the Cornwall Project to be constructed on the west bank of the Hudson River in the Village and Towns of Cornwall and Highlands in Orange County, New York. The project is described as a pumped storage hydroelectric generating facility. The purpose of the project is stated to be to supply electricity to the Metropolitan New York Region and the New York Power Pool during periods of peaked demand and during periods of emergency. In its operation the facility, to be the largest in the world, would pump water from the Hudson River at night and on weekends to a storage reservoir and then discharge the water back into the River when generating electricity.

Section 21(b) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1171(b)) provides that an applicant for a federal license to construct or operate facilities which will result in discharge into navigable waters shall provide the licensing agency (The Federal Power Commission in this instance) with a certification from the State that there is "reasonable assurance * * * that such activity will be conducted in a manner which will not violate applicable water qualities standards." The noted section continues, "Such State * * * shall establish procedures for public notice in the case of all applications for certification by it and to the extent it deems appropriate procedures for public hearings in connection with the specific applications. * * * No license * * * shall be granted until the certification required by this section has been obtained or has been waived * * *. No license * * * shall be granted if certification has been denied by the State * * *."

Thus, reserved to the State by this Federal legislation is the opportunity to consider water qualities standards of the navigable water within its boundaries. This opportunity became an obligation of the Respondent, Commissioner, under Section 15 (10) (13) of the Environmental Conservation Law and Section 1210 of the Public Health Law. Pursuant to these sections the Commissioner gave notice of the application pending before him as well as an opportunity for objections to the same to be filed. Apparently, finding that a public hearing was necessary to assist him in his determination the Commissioner, pursuant to discretionary authority contained in Rules and Regulations promulgated by him, ordered that a public hearing be held. (6 NYCRR 611.16 [b] [I] [i] [ii] and [2].)

The issues before this Court narrow to a consideration of what questions were to be properly considered by the Respondent, Commissioner, in determining the application before him, and whether or not he erred in granting the noted certificate.

Casting aside certain aesthetic considerations urged by the petitioners the Court finds that properly before the Commissioner were questions of salt water contamination, potential damage to the Catskill Aqueduct, thermal pollution of the waters of the Hudson, as well as the effect of the project upon the fish population of the Hudson and of certain salt water species which spawn in its waters. It is to this Court's mind of no moment that some of these questions may well have been considered at the federal licensing level. These questions clearly concern water quality standards. The Commissioner was then obligated to examine into these questions to determine whether or not the proposed project would in any manner violate existing water quality control standards. He is called upon by statute to certify that there is reasonable assurance that the project would not violate such standards.

It is urged that the Commissioner acted in excess of his jurisdiction and in violation of law. This argument is sound. The report of the Commissioner's Hearing Officer noted that there exists a complete absence of studies concerning salt water contamination. It admitted, also, a lack of assurance that the waters would not be thermally polluted. It recognized that the fish would be killed. The aqueduct problem received no consideration. In short the report to the Commissioner and the Commissioner's determination itself reflected a lack of the "reasonable assurance" that he was thereafter to certify existed. Indeed, and notwithstanding the fact that the noted § 21(b) called for the present existence of reasonable assurance, the Respondent, Commissioner, attempted to provide for the future assurance of the same. This was done by attaching to his certification conditions. In effect these conditions would require Consolidated Edison immediately to terminate the operation of its project upon evidence of "violations or contravention of the water qualities standards assigned to the Hudson River," and specifically noted as areas of concern thermal pollution and salt water intrusion. The monitoring of the project to assure that these conditions were fulfilled was delegated to Consolidated Edison.

It is argued that this delegation of authority by a public agency to a private entity is unlawful. It is also urged that in operation the conditions are impractical to the point of being ridiculous in the light of human experience. Consolidated Edison is by these conditions called upon to police itself and if it finds itself violative of the Commissioner's conditions to abandon immediately its multi-million dollar project. This Court hearing no sound contrary argument and failing to imagine any concludes the conditions to be meaningless in law and in fact.

Certainly, the conditions reflect the lack of the existence of present reasonable assurance. What factual presentation would constitute reasonable assurance may and must be left to the sound determination of the Commissioner. But, this state of assurance must be founded upon something factual. The Commissioner has effectively demonstrated that he did not possess this assurance at the time he issued his certificate. His act, therefore, was in excess of his authority and in violation of law.

The above renders unnecessary specific treatment of other issues and of the Objections in Point of Law seeking dismissal.

Submit accordingly.

Mr. Speaker, the second bill which I will reintroduce and will ask for cosponsors, is H.R. 10800, legislation which deals specifically with subsurface waste disposal. This includes the injection into subsurface strata of sewage or any material used in, or resulting from, any process of industry, manufacture, trade, business, or agriculture.

Although we are all familiar with the urgent need to preserve and restore our surface waters, the environmental protection of ground water and the subsurface environment has almost entirely been overlooked.

Mr. Speaker, my bill is so comprehensive that it would have involved about 50 amendments to the bill we have up today. Therefore, I feel it should be considered as a separate act. The bill I will reintroduce follows:

H.R. 10800

A bill to regulate the disposition of wastes by surface injection.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Subsurface Waste Disposal Control Act".

SEC. 2. For the purposes of this Act—

(1) the term "subsurface waste disposal" means the injection into subsurface strata of sewage or any material used in, or resulting from, any process of industry, manufacture, trade, business, or agriculture;

(2) the term "Administrator" means the Administrator of the Environmental Protection Agency; and

(3) the term "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the territories and possessions of the United States, and all lands within the jurisdiction of the United States for any purpose.

SEC. 3. The Congress hereby declares it is the policy of the United States that there shall be no subsurface injection of wastes in the United States except in accordance with the provisions of this Act.

SEC. 4. The Administrator shall have exclusive authority for determining (1) those subsurface areas and stratigraphic zones which are suitable for subsurface disposal or storage of wastes, (2) those wastes (including sewage) which are suitable for subsurface disposal, and (3) criteria for the construction and operation of wells for the disposal or storage of such wastes.

SEC. 5. In carrying out his authority under this Act, the Administrator is authorized—

(1) to regulate the construction and casing of injection wells so that wastes are excluded, completely and permanently, from the zone between the land surface and the zone into which they are released;

(2) to promulgate and enforce safe injection pressures and rates of injection, which shall vary as hydrodynamic conditions may require;

(3) to prescribe an aggregate volume of waste permitted to be injected into a particular area or zone;

(4) to require any waste to be treated before injection, as may be necessary to render it chemically compatible or stable;

(5) to prohibit injection of chemically incompatible or excessively noxious wastes;

(6) to declare any area or zone to be unsuitable for injection, permanently or temporarily, as may be necessary to achieve or maintain suitable hydrodynamic and geochemical balances;

(7) to reserve, as warranted, any particular area or zone for a declared resource-management purpose;

(8) to preserve the integrity of the confining layer above any designated area or zone, by requiring that all wells or other openings penetrating that layer for any purpose be adequately cased, and plugged when abandoned;

(9) to conduct a continuing search for alternative and economically competitive methods of waste handling, to the end of minimizing encroachment on the land surface environment while prolonging capacity for injection underground; and

(10) to provide specific exemptions for the injection of materials into an oil production zone for the purpose of stimulating oil production, or for the injection of oilfield brines into the porous zone from which they were produced or a deeper zone containing brine with a similar or higher concentration of dissolved solids.

SEC. 6. (a) The Administrator shall develop, promulgate, and revise, as may be appropriate, such standards and regulations as may be necessary to carry out this Act.

(b) Notwithstanding any other provision of law, this Act, and the standards and regulations issued under this Act, shall be applicable to all departments, agencies, and instrumentalities of the United States.

(c) Sections 551 through 559, inclusive, and 701 through 706, inclusive, of title 5, United States Code, shall apply to standards and regulations issued under this section.

(d) The district courts of the United States shall have jurisdiction to restrain violations of standards and regulations issued under this Act. Actions to restrain such violations shall be brought by, and in the name of, the United States. In the case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Any person who violates a standard or regulation issued under this section shall be liable to a civil penalty in an amount not to exceed $10,000. The Administrator may assess and compromise any such penalty but no such penalty shall be assessed until the person charged shall have been given notice and opportunity for hearing on the charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notice, shall be considered by the Administrator.

SEC. 7. (a) Except as provided in subsection (b), no State or political subdivision thereof may adopt or attempt to enforce any law, ordinance, rule, regulation, or standard respecting the subsurface disposal or storage of wastes, on or after the date of the enactment of this Act, unless such law, ordinance, rule, regulation, or standard is specifically approved by the Administrator as meeting the requirements of (and as being consistent

with) this Act and the regulations and standards issued under this Act.

(b) If the Administration determines that any State or political subdivision has and is enforcing a program which regulates the disposition of wastes by subsurface injection and which substantially meets all of the requirements of this Act and the regulations and standards issued under this Act, he may publish such determination in the Federal Register; and the provisions of this Act shall not apply with respect to the subsurface disposition of wastes within such State or political subdivision, from and after a date specified in the determination as published, so long as such determination is in effect and has not been revoked by a subsequent finding that the program of such State or political subdivision no longer meets such requirements, regulations, and standards. Any such subsequent finding, which shall be made only after reasonable notice and opportunity for hearing to the State or political subdivision involved, shall be published in the Federal Register and shall be effective from and after a date (no earlier than thirty days after the date of publication) which shall be specified in the finding as published.

(c) On and after the date of enactment of this Act, any license, permit, or authorization issued by any officer or employee of the United States under authority of any other provision of law shall be terminated and be of no effect whatsoever to the extent that such license, permit, or authorization authorizes any activity to which this Act applies.

SEC. 8. (a) As soon as practicable, the Administrator shall determine the number and extent of injection wells in operation on the date of the enactment of this Act. The Administrator shall determine with respect to each such well whether the disposal or storage of wastes from such well is in accordance with this Act and, in each case which is not so in accordance with this Act, shall terminate such disposal or storage.

(b) In the case of any injection well the disposal or storage of wastes from which is terminated under subsection (a) of this section, the United States shall pay just compensation to the owner of the property involved.

Mr. Speaker, I had also planned to introduce a third amendment today—providing for an additional $1 billion authorization for reimbursement. The original estimated reimbursement owed to the State of New York for prefinanced projects was $877 million. But now we find due to inflated costs, the amount owed New York is $1.3 billion.

This situation I am sure exists in all 50 States. The integrity of the Federal Government is at stake—and equity demands that we honor our previous agreements with the States.

The 1972 Costs of Clean Water Report from the EPA, I am told, takes into consideration the inflated costs of reimbursement for all of the States, but the report is being held up in the Office of Management and Budget. This report might very well show that the additional authorization should be more than $1 billion and therefore, in order to be accurate and responsible, I will hold my amendment until I know the exact costs involved.

I know that Senator BUCKLEY, a member of the Senate Public Works Committee, will support an increase in this area. I hope the report is released prior to the conference and I hope the very able and distinguished junior Senator from New York (Mr. BUCKLEY) will be a conferee.

Mr. Speaker, I will urge the OMB to release this report promptly, but if the details are made public subsequent to enactment of the legislation before, I will certainly introduce a separate and third bill to provide for adequate funds in order that the Federal Government might fulfill its commitments.

A TRIBUTE TO SENATOR PAUL H. DOUGLAS ON HIS 80TH BIRTHDAY

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

Mr. BRADEMAS. Mr. Speaker, I rise to pay tribute to one of the noblest figures ever to serve in American public life—the Honorable Paul H. Douglas, U.S. Senator from Illinois from 1948 to 1964.

Yesterday, March 26, 1972, marked the 80th birthday of Senator Douglas and it is therefore fitting that we extend recognition to this extraordinary man.

A distinguished economist for years before he entered the Senate, in 1929, while a professor of economics at the University of Chicago, Mr. Douglas began an investigation of the dealings of Samuel Insull and the inquiry showed how Insull was trying to cheat the people of Chicago.

Paul Douglas championed old-age insurance and unemployment compensation long before the Federal Government adopted these measures, now widely accepted as fundamental in a civilized society.

Early in his public life, Paul Douglas demonstrated the political independence that came to characterize him in the Senate, for on his election as an alderman to the Chicago City Council, he fought to expose graft and waste in municipal government.

In World War II, Paul Douglas entered the Marines at the age of 50, fought at Peleliu and Okinawa, was wounded in both actions, and received the Bronze Star.

Mr. Speaker, once in the Senate, Paul Douglas became a vigorous and articulate advocate of measures to cope with high and persistent unemployment, to establish the Indiana Dunes Lakeshore, to reform the tax structure, to protect welfare and pension funds, expand trade, reduce unnecessary public works expenditures, insure civil rights for all Americans—to cite only a few of the major areas of his concern and activity.

Senator Douglas' wife, Emily Taft Douglas, a lovely and highly talented person, is herself a former Member of the House of Representatives.

If, Mr. Speaker, I may be permitted a personal recollection, after I first ran for Congress in 1954, and lost, I came to Washington to work for a time on the staff of the late Senator Pat McNamara, of Michigan and, later, on the staff of my friend and colleague, Congressman THOMAS L. ASHLEY, of Ohio. It was during that period of time that I became acquainted with Senator Douglas

The Senator was extremely kind to me and you can imagine, Mr. Speaker, how touched I was when Senator Douglas telephoned me after I had decided to run for Congress a second time, in 1956, to ask if he could come to my district in Indiana to campaign on my behalf.

The Senator did so, tirelessly, for an entire day, on farms, in small towns, in cities, and in my 18 years of campaigning for Congress, that day remains one of my most memorable experiences. Moreover, Senator Douglas came back a second time to Indiana to campaign for me in a subsequent election.

That so distinguished and senior and busy a U.S. Senator should have taken the time—and the initiative—to help a young man starting out in politics is something for which I shall always be deeply grateful to this remarkable man.

Paul Douglas, Mr. Speaker, has come to represent to all those who know him an extraordiary combination of keen intelligence, total integrity, and the deepest dedication to our country and to his fellow human beings.

At a time, Mr. Speaker, when many demean the profession of politics, the name of Paul Douglas continues to inspire those who have chosen a career in public service.

So, Mr. Speaker, as Senator Douglas observes his 80th birthday, he will, I hope, know that he has the warmest regards and best wishes of his friends in the House of Representatives.

Mr. Speaker, at this point in the RECORD, I include an article by Jean M. White from the Washington Post of March 26, 1972, entitled "Paul Douglas: Reformer at 80":

PAUL DOUGLAS: REFORMER AT 80

(By Jean M. White)

A touch of mellowness, perhaps, that comes with the years, but the eyes are the same—the blue, piercing eyes that fixed evasive Senate witnesses; the same great shock of white hair; the same resonant voice that reached into the Senate galleries; the same mind—quick, lively, searching.

And still that same passionate concern for social justice and the righteous indignation at wrongs and chicanery.

"I say it because it is true," former Sen. Paul H. Douglas snapped tartly after he was gently reminded that perhaps an interview on the eve of his 80th birthday was not the time to recall bitter fights with two former colleagues over civil rights and reapportionment.

Sen. Douglas will be 80 today. It is a landmark in any man's life, but his birthday also is a landmark for the American liberal conscience.

Unlike Miniver Cheever, Paul Douglas was born too early, not too late. There were long, lonely years when he was a crusader for causes then unpopular to advocate, causes that came to be accepted in legislation touching the lives of every American—social security, tax reform, truth-in-lending, aid to education, area redevelopment, housing, minimum wage, and, above all and always, civil rights and liberties.

Fortunately, for us and the senator, he has lived long enough to become a prophet with honor.

Today a small circle of old friends will gather at the cheerful home at 2909 Davenport St. NW to share the 80th birthday with Sen. Douglas and his wife. Later will come a "queen's birthday" celebration in June when the sun warms the patio in the back.

A stroke 2½ years ago has left Sen. Douglas confined in a wheelchair, but only physically. The confinement does not extend to his mind or conscience.

The former Democratic senator from Illinois still percolates with stimulating ideas and questions, gets outraged at injustice ("I never knew a man who could get so outraged," a retired Senate reporter recalls), and talks vigorously about present problems and future needs—urban ills, federal-state-city relations, congressional reform. His wife, Emily Taft Douglas, a handsome, gracious woman, herself a former congresswoman, arranges the late-afternoon discussions that keep her husband in touch from his wheelchair.

Once the 80th birthday is out of the way, there are busy months ahead for Paul and Emily Douglas: Publication in mid-April of his 670-page autobiography, dedication of the Paul H. and Emily Taft Douglas Library building at Chicago State University, and then perhaps a sentimental journey back to the Indiana Dunes country, that wild area along Lake Michigan where the Douglas family spent its summers, later to be saved by the senator as a national lakeshore park.

The autobiography—revised in a longhand on yellow legal pads after the senator suffered his stroke in August, 1969—bears an apt title: "In the Fullness of Time: The Memoirs of Paul H. Douglas."

The memoirs of Paul Douglas should make quite a story as a reflection of American politics and life in the first seven decades of the 20th century.

It is the story of a professor in politics, a distinguished economist-scholar (the Cobb-Douglas Function, see economics textbooks) who ventured into the harsh reality of everyday politics as a city alderman from Chicago's South Side and specialized in problems of garbage collection.

It is the story of the 50-year-old patriot who, defeated in his first run for the Senate, enlisted the next day as a Marine private, won the bronze star and two purple hearts in landings in Okinawa and Peleliu and was left with a withered left arm from his war wounds. It is the story of the Democratic senator from Illinois, elected on his second try in 1948, who became the liberal goad of the Senate, always in the forefront of the fight for social advances in the crucial years of the 1950s and 1960s.

And it also will be the story of Paul and Emily Douglas, two people who share deep affection for each other and politics.

"I was the only man who ever succeeded my wife in Congress, Sen. Douglas likes to point out.

"Paul, why don't you say I was the only woman who ever preceded her husband in Congress. It's women's lib these days," Mrs. Douglas corrected her husband the other day.

Emily Taft Douglas, a former actress, served as congresswoman-at-large from Illinois with the same constituency her husband was to represent when he was elected senator in 1948.

Rugged, slouch-shouldered and bespectacled, the economics professor came to Washington and soon plunged into the midst of the early battles for social and reform legislation that came out of Congress in the following two decades. But he was too much of a maverick ever to become part of the Senate's inner circle. Douglas has a dramatic flair, which he employed effectively to focus attention on the causes he was championing.

There was a time that he wanted to take a hatchet and scalpel on the Senate floor to demonstrate the difference between hacking and surgically pruning a budget.

"His staff talked him out of that one," recalls Howard Shuman, who was the senator's administrative aide for 14 years and now holds the same post with Sen. William Proxmire (D-Wis.).

"But he did go on the floor with a huge magnifying glass once. The public works bill was up for vote, and projects are sacrosanct to senators. Anyways, the senator came into the chamber carrying a magnifying glass and a large map. It seems there was a river—in New England, I think—mentioned for an appropriation and the senator couldn't find it on the map."

Shuman remembers Douglas as "an absolutely honest man," even to avoiding the phone calls that can swamp a senator's time.

"When he couldn't take a phone call, before he would have his secretary say he was out of the office, he would open the door and step out into the hall. I've seen him do it numerous times."

Once William McChesney Martin, disturbed over remarks attributed to Douglas in criticism of Martin's fiscal policies, came up to the Hill to check with the senator personally.

The senator told him: "I honestly don't remember saying that. But I've thought it a number of times so I suppose I could have said it."

But the senatorial career of Paul Douglas has more substance than a collection of lively anecdotes. It is a career threaded with landmark legislation on the big issues that the nation faced in the 1950s and 1960s. Perhaps the most dramatic was the long fight for civil rights, crowned by the sweeping Civil Rights Act of 1964.

"As for 1964, that was done years earlier—that was done in the hard years when we could get only 20 votes or so," Douglas points out. "What was heresy then, the nation has accepted, intellectually at least. Now remains the pain of working it out."

Despite the acrimonious legislative fights and his lonely crusades, Paul Douglas does not look back in anger or bitterness today.

"If he was righteous in causes, he was never self-righteous about people," Shuman says.

And the senator still has the buoying hope that sustains reformers.

"Well, I'm not a pessimist," he said the other day. "It's a great source of relief in bowing out of politics to see new men and good people coming up."

In the Senate, he points to such men as Proxmire, Alan Cranston of California, Adlai Stevenson III (whose father ran for governor of Illinois on the same ticket with Douglas), Walter Mondale of Minnesota. And Douglas always remembers Sen. Hubert H. Humphrey, who fought by his side in many of the old battles.

Among the governors, Douglas singles out Florida's Reubin Askew and Ohio's John J. Gilligan as "absolutely fine men."

Douglas also sees promise in the young people. "We had a bad convention in 1968. But I see healthy signs with the younger people working in politics, social causes, environment."

If some of the Douglas causes have come in the fullness of time, there are those still being fought: cloture in the Senate, the family allowance (Douglas proposed this idea as a young economist in 1925), pollution, consumer protection, the vanishing wilderness of areas like the Indiana Dunes, disclosure of campaign financing, tax reforms.

When he talks of tax loopholes today, there are flashes of the old Douglas indignation.

"I think they say we—Lister Hill of Alabama was with me—have saved the nation $4 billion up to now in blocking a clause that would have allowed offshore drilling in the open ocean to take oil," the senator points out.

In 1967, at 75, when he was no longer a senator but a private citizen, Douglas journeyed to Colorado to inspect the oil shale deposits there.

The year before, defeated in his try for a fourth term in the Senate, Douglas had made a graceful exit, giving a final accounting of his assets and income and thanking the voters who had kept him in office 18 years. It took two farewell parties for all his friends and admirers to pay tribute.

In that race, Douglas campaigned with his usual vigor. But there was his age—he was 74 and his challenger, Charles H. Percy, was 47, with the attractive face of new Republican liberalism. There was the race backlash. And there was the deteriorating war in Vietnam, in which Douglas had been a firm supporter of the Johnson administration.

A pacifist in World War I from his Quaker upbringing, Douglas had gone to Europe in the 1930s and was in Italy when Mussolini sent his legions into Ethiopia. He warned of appeasement of Hitler. During World War II, he was an enlistee in the Marine Corps, accepting a commission only to get into battle when he saw they were not going to send 50-year-old rifleman overseas for combat.

He still believes in collective security, of "keeping our guard up while exploring the possibilities for peace."

After his 1964 defeat, Douglas went back to work in a double harness. He returned to teaching and served as head of the National Commission on Urban Problems, making a study at the time the incendiary cities were flaring up in riots and racial turmoil.

Soon after the Commission on Urban Problems made its report, the stroke hit the senator's right side. His recovery was complicated by his war-disabled left arm and a fall abetted by a football knee (Douglas played center on the Bowdoin College team while winning a Phi Beta Kappa key.).

In 1969, he returned a $5,000 check that went with an AFL-CIO award. While in the Senate, Douglas had set a $2.50 limit on the value of any gifts he would accept, and he is a man who holds firm to a principle.

If the "18 most stimulating years of my life" were spent in the Senate, Douglas also had several decades of achievement before he entered the Senate at 56.

As a distinguished economist, he applied work an the theory of wages and production is one of the bedrocks of contemporary economic analysis. The Cobb-Douglas Function—a mathematical formula set forth in the 1920s—is discussed at length in the recent Nobel Prize-winning work of Prof. Paul A. Samuelson.

"I once was an economist," the senator says now with a rueful smile. "They are now feeding information into the computers at Brookings Institution and coming out with figures to support the formula."

Born in Salem, Maine, March 26, 1892—the New England twang has been leveled a bit by the Midwest plains—Douglas remembers when mill workers in Newport, Maine, were told not to vote for Bryant and the factory whistles sounded for 24 hours when McKinley was elected.

"And I grew up feeling it was . . . well, improper," he once told an interviewer.

He was a friend of Jane Addams and Clarence Darrow. He helped organize the steel workers. Even before entering politics as a Chicago city alderman in 1939, he was one of the earliest advocates of old-age pensions and unemployment insurance in the 1920s and 1930s, working with then New York Gov. Franklin D. Roosevelt and Pennsylvania Gov. Gifford Pinchot.

Now, the autobiography finished, there will be two labors of love for the 80-year-old economist and former senator.

First, another look at the theory of wages and productivity as a statistical study. Then a study of the last days, the winter years of genius, in the lives of Beethoven, Shakespeare, Michelangelo, and Titian.

"A fine subject for a crippled politician," Douglas observes.

It will be a fine subject for the senator who brought a graceful touch of erudition and scholarship to the Senate. In Douglas' former office, Suite 109 in the Old Senate Office Building, photographs of live politicians never were hung. Instead, there were studies of Michelangelo's majestic brooding figures for the tombs of the Medici and Titian reproductions.

As a campaigner, Douglas was known to quote John Stuart Mill or "Spoon River Anthology" poetry to voters at the factory gate.

The other day, on the eve of her husband's 80th birthday, Emily Taft Douglas looked fondly, but objectively, at her husband and said:

"He's a much handsomer man than the man I married. He doesn't wear glasses any more. They say we make our own faces. It is a good man that makes a good face."

THE MINIMUM WAGE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ERLENBORN) is recognized for 30 minutes.

Mr. ERLENBORN. Mr. Speaker, Mr. FUQUA, Mr. QUIE, and I are introducing today a new minimum wage bill which will be offered as a substitute for the minimum wage bill, H.R. 7130, reported by the Education and Labor Committee.

Emphasizing a simplified approach, our substitute has two major objectives: One objective is to rectify the inequity of existing minimum wage scales by adopting reasonable increases. The second objective is to expand and encourage the employment of youths by the establishment of a special youth differential wage, in recognition of the high unemployment rate among the Nation's young people.

Before detailing our specific legislative solutions to these two problem areas, it should be noted that our action in introducing this bill is prompted primarily by the action of the Education and Labor Committee in favorably reporting out H.R. 7130. The committee bill can best be characterized as the "hyperthyroid minimum wage bill of 1972," because it does too much, to the wrong people, at the wrong time. A few of the foibles and errors in judgment encompassed within the committee bill will be discussed, but it is important first to emphasize the major facets of our proposal.

WAGE INCREASES

With the inflationary spiral of the past few years, I am sure most will agree that a reasonable increase in the minimum wage is desirable and equitable. The increases proposed in our substitute are reasonable and will not contribute measurably to inflation.

Briefly, wages of nonagricultural employees go either to $1.80 or $2 an hour 30 to 60 days after passage of the bill. If they were covered by the Fair Labor Standards Act prior to 1966, they will go to $2 at that time. If newly covered by the 1966 amendments, they will go to $1.80 first and then to $2 an hour 1 year later.

Agricultural employees will go from the present $1.30 to $1.50 an hour 30 to 60 days after passage and to $1.70 an hour 1 year later.

The effective date of the substitute bill is the first day after the second full month after enactment. Therefore, depending upon the date the bill actually becomes law, the effective date will be not less than 30 days nor more than 60 days after enactment. The committee bill sets January 1, 1972, as the effective date of the first raise and January 2, 1973, as the date of the second raise. Obviously, these effective dates would need modification.

EXPANDING OPPORTUNITIES FOR YOUTH EMPLOYMENT

As set forth in more detail in the minority views of House report No. 92-672 accompanying H.R. 7130, the committee bill contains no provision for expanding the hiring of youths and, in fact, the committee provision is limited to full-time students only.

As to the amount of the youth differential wage: The committee bill would permit full-time students to be employed at a wage rate of not less than 85 percent of the applicable minimum wage of $1.60 an hour—$1.30 an hour in the case of employment in agriculture—but prohibits payment of this youth wage in employment in an extensive list of industries. The substitute bill would permit employment in any field of youths under age 18 and students under age 21 to be paid at a rate of 80 percent of the applicable minimum wage or $1.60, whichever is higher—$1.30 in agricultural employment.

Not only does the committee bill exclude a long list of industries in which students can be employed at the youth rate, it continues prior certification by the Secretary of Labor, a factor which drastically discourages the hiring of students. In essence, the committee bill favors the affluent, by providing an opportunity for students to get employment at less than the minimum wage while ignoring school dropouts or poor youths, youths of various minorities living in ghettos, youths who are financially unable to go on to college. Our bill will remedy this major defect.

The substitute bill will reach those under age 18, regardless of whether they are currently students, and thus will expand the opportunities for employment of these young people. It will reach the high school dropout who is not planning on continuing his education, and will provide a similar opportunity for full-time students under age 21, without imposing ridiculous conditions such as prior certification, the inhibiting redtape which practically forecloses the hiring of youths.

Thus, our bill reaches and helps resolve the two significant problem areas: It proposes a reasonable increase in minimum wages, and it provides a real opportunity for the employment of youths and students.

Additionally, our bill includes three generally agreed-upon amendments to clarify existing law with regard to:

Husband and wife teams employed by certain institutions when they are provided board, lodging, and a combined cash salary of more than $10,000 a year;

Treating retail employees who are paid a guaranteed weekly salary, or a guaranteed weekly salary plus a small commission, in manner similar to the way the law treats retail employees who are paid largely on a commission basis, and

The inclusion of employees who deliver advertising materials in the exemption of employees engaged in the delivery of newspapers.

The simplicity and effectiveness of this approach becomes clearer if contrasted with the committee bill.

Illustrative of the controversial and detrimental provisions in the committee bill are the following:

1. EXTENSION OF THE FAIR LABOR STANDARDS ACT TO FEDERAL, STATE, AND LOCAL EMPLOYEES

The committee bill extends the minimum wage and overtime requirements to all Federal, State, and local employees. Thus the Federal Government would be intervening in the fiscal operations of State, county, and other local units of government not only by setting minimum wage rates but by additionally requiring overtime pay—and leaving to them, of course, the question of where they are to get the funds to pay any extra costs. Proponents may argue that it affects only a few thousand employees; but that in itself is a forceful argument for nonintervention.

In any event, the overtime provisions would be onerous. When emergencies arise where State and local employees may be required to work long hours of overtime—to clear major roads or arteries during a snowstorm, for example—the cost of paying overtime in such instances may prove a significant burden to precariously balanced local budgets throughout the country. This provision in the committee bill is not only a striking illustration of unwarranted intervention into State and local affairs, but its effect is to legislate a tax increase at those levels.

2. PHASING OUT OF EXISTING EXEMPTIONS

At a time when unemployment is a nagging national problem, the committee bill tinkers and tampers with and takes away many existing exemptions under current law. The administration has proposed, and in many cases implemented, a variety of approaches to help reduce unemployment and to encourage industry to expand production. In my view, to tinker with the many exemptions under the existing minimum wage law would be counterproductive.

For instance, the committee bill seeks to reduce, and ultimately eliminate, the exemption from overtime for transit employees. Throughout the Nation, the transit industry—whether privately or municipally owned—is in desperate financial condition. Moreover, the nature of the business—requiring as it does split shifts and continuous operation— necessitates the use of overtime more than many other industries do.

A second example of counterproductivity is the committee bill's reduction, and ultimate elimination, of the number of weeks in which seasonal and agricultural processing employees are now exempt from overtime. These exemptions were put into law in recognition of the seasonal nature of the industries and the necessity for longer hours of employment for short periods of time.

Whatever merits there may be for some change in these exemptions at a later date, now is not the time.

3. RESTRICTIONS ON EMPLOYMENT REFERRALS

Despite current unemployment levels, the committee bill seeks to restrict the use of public employment agencies by prohibiting their referral of job seekers

to employers not paying the minimum wage. This means the small employer or one not covered by the act is unable to get employees referred, even though he or she is not legally required to pay the minimum wage. If anything, there should be increased utilization of public employment agencies, not a restriction on their referral activities.

4. RESTRICTIONS ON FOREIGN IMPORTS

Title III of H.R. 7130 imposes drastic restrictions on foreign imports and, as a practical matter, would require Federal procurement contracts to buy America. We think this bill is an inappropriate vehicle for such legislation.

Under existing legislation, the President already has broad powers to curtail imports harmful to American workers, and these provisions of H.R. 7130 would be in direct conflict with present international efforts on the part of the United States to seek mutually satisfactory solutions to international trade problems. This is an area requiring negotiations and mutual agreement—an area best left to the State Department and the President. It has no place in a minimum wage bill.

The above are but a few examples of the controversial, and in many cases detrimental, provisions proposed by the committee bill. They by no means constitute a detailed critique of H.R. 7130.

I am attaching a copy of our proposed substitute bill and a comparison of it and H.R. 7130. If you will contrast the two, I feel certain you will appreciate and support our simplified approach.

H.R. 14104

A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that Act, and to establish a youth differential wage to encourage the hiring of youths, and for other purposes

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

SHORT TITLE; REFERENCES TO ACT

SECTION 1. (a) This Act may be cited as the "Fair Labor Standards Amendments of 1972".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the section or other provision amended or repealed is a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201–219).

TITLE I—INCREASE IN MINIMUM WAGE

NONAGRICULTURAL EMPLOYEES

SEC. 101. (a) Section 6(a) (29 U.S.C. 206(a)) is amended by striking out "(a) Every employer" and all that follows through paragraph (1) and inserting in lieu thereof the following: (a) Except as provided in this section, every employer shall pay each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, at a wage rate of not less than $2 an hour."

(b) Such section is amended by adding after paragraph (5) the following new paragraph:

"(6) If this section was made applicable to such employee by the amendments made to this Act (other than section 18 thereof) by the Fair Labor Standards Amendments of 1966, not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972, and not less than $2 an hour thereafter."

AGRICULTURAL EMPLOYEES

SEC. 102. Paragraph (5) of section 6(a) is amended to read as follows:

"(5) If such employee is employed in agriculture, not less than $1.50 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972 and not less than $1.70 an hour thereafter."

GOVERNMENT, HOTEL, MOTEL, RESTAURANT, AND FOOD SERVICE EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 103. Section 5 (29 U.S.C. 205) is amended by adding at the end thereof the following new subsection:

"(e) The provisions of this section, section 6(c), and section 8 shall not apply with respect to the minimum wage rate of any employee employed in Puerto Rico or the Virgin Islands (1) by the United States or by the government of the Virgin Islands, (2) by an establishment which is a hotel, motel, or restaurant, or (3) by any other retail or service establishment if such employee is employed primarily in connection with the preparation or offering of food or beverages for human consumption either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees or to members or guests of members of clubs. The minimum wage rate of such an employee shall be determined in accordance with sections 6(a), 6(b)(5), 7, 13, and 14 of this Act."

OTHER EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 104. (a) Section 6(c) is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2(A) In the case of any such employee who is covered by such a wage order and to whom the rate prescribed by subsection (a) would otherwise apply, the following rates shall apply: The rate or rates applicable under the most recent wage order covering such employee issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, increased by 25 per centum, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5). The increased rate or rates prescribed by this subparagraph (or if such rate or rates are superseded as authorized by this subparagraph, the superseding rate or rates) shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B) Any employer, or group of employers, employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, may apply to the Secretary in writing for the appointment of a special industry committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates provided by subparagraph (A). Any such application shall be filed before the effective date of the Fair Labor Standards Amendments of 1972.

"(3)(A) In the case of any such employee who is covered by such a wage order and to whom the rate or rates prescribed by subsection (b)(4) for employees in agriculture would otherwise apply, the following rates shall apply:

"(i) The rate or rates applicable under the most recent wage order covering such employee, issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, increased by 16 per centum, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5). The increased rate or rates prescribed by this clause (or if such rate or rates are superseded as authorized by this clause, the superseding rate or rates) shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(ii) Beginning one year after the applicable effective date of the increase under clause (i), not less than the highest rate or rates (including any increase provided under clause (i)) in effect on the day before the effective date of the rate or rates under this clause under a wage order covering such employee, increased by an amount equal to 16 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972 covering such employee, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5).

"(B) Any employer, or group of employers, employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, may apply to the Secretary in writing for the appointment of a special industry committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates provided by clause (i) or clause (ii) of subparagraph (A). Any such application with respect to any rate or rates provided for under clause (i) of subparagraph (A) shall be filed before the effective date of the Fair Labor Standards Amendments of 1972, and any such application with respect to any rate or rates provided for under clause (ii) of subparagraph (A) shall be filed not more than one hundred and twenty days and not less than sixty days prior to the effective date of the rate or rates under such clause.

"(C) Notwithstanding subparagraph (A) or (B) of this paragraph, in the case of any employee described in subparagraph (A) whose hourly wages are subsidized, in whole or in part, by the Government of Puerto Rico, the following rates shall apply:

"(i) The rate or rates applicable under the most recent wage order covering such employee, issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972 increased by (I) the amount of the subsidy in effect on the effective date of such Amendments, and (II) 16 per centum. The increased rate or rates prescribed by this clause shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972.

"(ii) Effective one year after the effective date of the increase under clause (i) not less than the highest rate or rates (including the increase provided under clause (i)) in effect on the day before the effective date of the rate or rates under this clause under a wage order covering such employee, increased by (I) an amount equal to 16 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, covering such employee, and (II) the amount of the subsidy in effect on the effective date of such Amendments.

"(4)(A) In the case of any such employee who is covered by such a wage order and to whom this section was made applicable by the amendments made to this Act by

the Fair Labor Standards Amendments of 1966, the following rates shall apply:

"(i) The rate or rates applicable under the most recent wage order, covering such employee, issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972 increased by 12.5 per centum, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5). The increased rate or rates prescribed by this clause (or if such rate or rates are superseded as authorized by this clause, the superseding rate or rates) shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(ii) Beginning one year after the applicable effective date of the increase under clause (i), not less than the highest rate or rates (including any increase provided under clause (i)) in effect on the day before the effective date of the rate or rates under this clause under a wage order covering such employee, increased by an amount equal to 12.5 per centum of the rate or rates applicable to the most recent wage order issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, covering such employee, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5).

"(B) Any employer, or group of employers, employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, may apply to the Secretary in writing for the appointment of a special industry committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates provided by clause (i) or clause (ii) of subparagraph (A). Any such application with respect to any rate or rates provided for under clause (i) of subparagraph (A) shall be filed before the effective date of the Fair Labor Standards Amendments of 1972, and any such application with respect to any rate or rates provided for under clause (ii) of subparagraph (A) shall be filed not more than one hundred and twenty days and not less than sixty days prior to the effective date of the rate or rates under such clause.

"(5)(A) The Secretary shall promptly consider any application duly filed under paragraph (2)(B), (3)(B), or (4)(B) for a special industry committee and may appoint a special industry committee if he has reasonable cause to believe, on the basis of financial and other information contained in the application, that compliance with any applicable rate or rates prescribed by paragraph (2)(A), (3)(A), or (4)(A), as the case may be, will substantially curtail employment in the industry with respect to which the application was filed. The Secretary's decision upon any such application shall be final. In appointing a special industry committee pursuant to this paragraph the Secretary shall, to the extent possible, appoint persons who were most recently convened under section 8 to the special industry committee for such industry. Any wage order issued pursuant to the recommendations of a special industry committee appointed under this paragraph shall take effect on the applicable effective date provided in paragraph (2)(A), (3)(A), or (4)(A), as the case may be. In the event a wage order has not been issued pursuant to the recommendation of a special industry committee appointed under this paragraph prior to the applicable effective date under paragraph (2)(A), (3)(A), or (4)(A), as the case may be, the applicable percentage increase provided by any such paragraph shall take effect on the effective date prescribed therein, except with respect to the employees of an employer who filed an application for appointment of a special industry committee and who files with the Secretary an undertaking with a surety or sureties satisfactory to the Secretary for payment to his employees of an amount sufficient to compensate such employees for the difference between the wages they actually receive and the wages to which they are entitled under this subsection. The Secretary shall be empowered to enforce such undertaking and any sums recovered by him shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to the employee or employees affected. Any such sum not paid to an employee because of inability to do so within a period of three years shall be covered into the Treasury of the United States as miscellaneous receipts.

"(B) The provisions of section 5 and section 8, relating to special industry committees, shall be applicable to special industry committees appointed under this paragraph. The appointment of a special industry committee under this paragraph shall be in addition to and not in lieu of any special industry committee required to be convened pursuant to section 8(a), except that no special industry committee convened under that section shall hold any hearing within one year after a minimum wage rate or rates for such industry shall have been recommended to the Secretary, by a special industry committee appointed under this paragraph, to be paid in lieu of the rate or rates provided for under paragraph (2)(A), (3)(A), or (4)(A), as the case may be.

"(C) The minimum wage rate or rates prescribed by this subsection shall be in effect only for so long as and insofar as such minimum wage rate or rates have not been superseded by a wage order fixing a higher minimum wage rate or rates (but not in excess of the applicable rate prescribed in subsection (a) or subsection (b)) hereafter issued by the Secretary pursuant to the recommendation of a special industry committee.

"(6) Notwithstanding any other provision of this subsection, on the effective date of the Fair Labor Standards Amendments of 1972, no wage rate in effect under a wage order for any employee in Puerto Rico or the Virgin Islands may be less than 60 per centum of the wage rate that (but for this subsection) would be applicable to such employee under subsection (a), (b)(4), or (b)(5)."

(b) The third sentence of section 10(a) (29 U.S.C. 210(a)) is amended by inserting after "modify" the following: "(including provision for the payment of an appropriate minimum wage rate)".

TITLE II—REVISION OF EXEMPTIONS

SALES AND MANAGERIAL PERSONNEL

SEC. 201. Section 7 (29 U.S.C. 207) is amended by adding after subsection (j) the following new subsection:

"(k) For a period or periods of not more than seven workweeks in the aggregate in any calendar year, the requirements of subsection (a) of this section shall not apply with respect to the employment of any employee (not otherwise exempted from such subsection by subsection (1) or section 13(a)(1)) in a retail or service establishment if—

"(1) such employee is employed in a bona fide sales capacity in, or as manager of, such establishment;

"(2) such employee's regular rate of pay is not less than twice the wage rate in effect under section 6(a); and

"(3) for employment in such establishment in excess of forty-eight hours in any workweek during such period or periods, such employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed in such establishment."

NEWSPAPER DELIVERY EMPLOYEES

SEC. 202. Section 13(d) (29 U.S.C. 213(d)) is amended by inserting after "newspapers" the following: "or shopping news (including shopping guides, handbills, or other types of advertising material)".

HOUSE-PARENT FOR ORPHANS

SEC. 203. Section 13(a) (29 U.S.C. 213(a)) is amended by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; or" and by adding after that paragraph the following:

"(15) any employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of children—

"(A) who are orphans or one of whose natural parents is deceased, and

"(B) who are enrolled in such institution and reside in residential facilities of the institution, while such children are in residence at such institution, if such employee and his spouse reside in such facilities, receive, without cost, board and lodging from such institution, and are together compensated, on a cash basis, at an annual rate of not less than $10,000."

TITLE III—EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTHS

SPECIAL MINIMUM WAGES FOR EMPLOYEES UNDER 18 AND STUDENTS

SEC. 301. Section 14(b) (29 U.S.C. 214(b)) is amended to read as follows:

"(b)(1) Notwithstanding the minimum wage rates required by section 6(a) or 6(b)(5), any employer may, in compliance with applicable child labor laws, employ any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21,

at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.60 per hour, whichever is the higher.

"(2) Notwithstanding the minimum wage rates required by section 6(b)(4), any employer may, in compliance with applicable child labor laws, employ in agriculture any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21,

at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.30 per hour, whichever is the higher.

"(3) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable."

TITLE IV—CONFORMING AMENDMENTS

CONFORMING AMENDMENTS

SEC. 401. (a) Section 6(a) is amended—

(1) by inserting before paragraph (2) the following:

"(b) In lieu of the wage rate prescribed by subsection (a), every employer shall pay each of his employees (described in a paragraph of this subsection) who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages, at the following rates:";

(2) in paragraph (2), by striking out "(2) if" and inserting in lieu thereof "(1) If" and by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (3)—

(A) by striking out "(3) if" and inserting in lieu thereof "(2) If",

(B) by striking out "in lieu of the rate or rates provided by this subsection or subsection (b),", and

(C) by striking out "paragraph (1) of this subsection;" and inserting in lieu thereof "subsection (a).";

(4) in paragraph (4)—

(A) by striking out "(4) if" and inserting in lieu thereof "(3) If",

(B) by striking out "paragraph (1) of this subsection" and inserting in lieu thereof "subsection (a)", and

(C) by striking out "; or" and inserting in lieu thereof a period; and

(5) by redesignating paragraphs (5) and (6) (as amended and added by sections 101 (b) and 102 of this Act) as paragraphs (4) and (5), respectively.

(b) Subsection (b) of section 6 (as in effect on the date of enactment of this Act) is repealed.

(c) Section 6(e) is amended to read as follows:

"(e) Notwithstanding the provisions of section 13 of this Act (except subsections (a) (1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357) or to whom subsection (a) of this section is not applicable, wages at a rate not less than the rate provided for in section 6(b)(5)."

(d) Section 8 is amended by striking out "paragraph (1) of" in subsections (a) and (c).

(e) Section 13(b) is amended by striking out "(1)" in paragraph (13).

(f) Section 13(e) is amended by striking out "6(a)(3)" each place it occurs and inserting in lieu thereof "6(b)(2)".

(g) Section 16(d) is amended by striking out "6(a)(3)" and inserting in lieu thereof "6(b)(2)".

(h) Subsection (c) of section 14 is repealed and subsection (d) of such section is redesignated as subsection (c).

TITLE V—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 501. (a) The effective date of this Act and the amendments made by this Act is the first day of the second full month after the date of its enactment.

(b) Notwithstanding subsection (a), on and after the date of the enactment of this Act the Secretary of Labor is authorized to prescribe necessary rules, regulations, and orders with regard to the amendments made by this Act.

FAIR LABOR STANDARDS ACT AMENDMENTS—COMPARISON OF MAJOR PROVISIONS OF H.R. 7130 AND SUBSTITUTE, BY REPRESENTATIVES ERLENBORN, QUIE, AND FUQUA

Category	Current law	H.R. 7130 Hourly rate	H.R. 7130 Effective date[1]	Substitute Hourly rate	Substitute Effective date
Coverage:					
Nonagricultural employees covered prior to 1966 amendments	$1.60	[2] $2.00	Jan. 1, 1972	$2.00	30 to 60 days after passage.[3]
Nonagricultural employees covered by 1966 amendments	1.60	[4] 1.80	do	1.80	30 to 60 days after passage.[3]
		[4] 2.00	Jan. 1, 1973	2.00	1 year after effective date.
Agricultural employees	1.30	1.50	Jan. 1, 1972	1.50	30 to 60 days after passage.[3]
		1.70	Jan. 1, 1973	1.70	1 year after effective date.

[1] Presumably, these dates would be modified.
[2] Also Federal employees covered by 1966 amendments.
[3] Exact language: "Effective 1st day of the 2d full month after enactment."
[4] Also nonagricultural employees newly covered under H.R. 7130.

FAIR LABOR STANDARDS ACT AMENDMENTS—COMPARISON OF MAJOR PROVISIONS OF H.R. 7130 AND SUBSTITUTE

EMPLOYEES IN PUERTO RICO AND VIRGIN ISLANDS

H.R. 7130 and the substitute are essentially similar. An exception is the effective dates. The Committee bill has January 1, 1972 and January 1, 1973 as effective dates for two step raises. The substitute provides that the first step is effective 30 to 60 days after passage, with the exact language reading: "effective the first day of the second full month after enactment." The second step is one year after the effective date.

Secondly, H.R. 7130 extends coverage to employees of conglomerates in Puerto Rico and the Virgin Islands, and the substitute does not.

In brief, employees of hotels, motels, restaurants (and conglomerates in H.R. 7130) and employees of the United States Government and of the Virgin Islands would receive the same rate as that applicable in the U.S.

Other employees in Puerto Rico and the Virgin Islands would receive a 25% increase on the effective date if they were covered by the Act prior to the 1966 amendments. Both bills provide a two step increase of 12.5% each in the most recent wage board order for employees covered by the 1966 amendments, with the second step effective one year after the first increase. With respect to agricultural employees in Puerto Rico and the Virgin Islands, two 16% increases in the most recent wage board order applicable to such employees are provided, with the same effective dates as for nonagricultural employees.

Both bills retain the review procedure first established by the 1961 amendments. They also provide that, notwithstanding any other provision, no wage rate for covered employees may be less than 60% of the minimum applicable to counterpart employees in the U.S.

EXTENSION OF COVERAGE; REVISION OF EXEMPTIONS

H.R. 7130 extends coverage of the Act to Federal, State, and local public employees for both payment of the minimum wage and payment for overtime.

H.R. 7130 also extends minimum wage and overtime protections of the Act to: domestic service employees, employees of preschool centers, and employees of conglomerates with an annual gross volume of sales made or business done in excess of $5 million.

H.R. 7130 extends overtime coverage to maids and custodial employees of hotels and motels.

H.R. 7130 reduces, and ultimately repeals, the overtime exemptions for: transit employees, nursing home employees, sugar employees, seasonal industry employees, and requires that laundry and cleaning establishments be considered service establishments for certain purposes.

The substitute does not extend coverage to employees not presently covered by the Act, nor does it phase out any of the existing exemptions.

YOUTH WAGE DIFFERENTIAL

Category

Age.

H.R. 7130

Full-time students, regardless of age.

Substitute

Youths under age 18, and full-time students under age 21.

Hourly rate.

H.R. 7130

85% of applicable minimum wage or $1.60 ($1.30 in agricultural employment), whichever is higher.

Substitute

80% of applicable minimum wage or $1.60 whichever is higher ($1.30 in agricultural employment).

Category

Limitations.

H.R. 7130

Youth rate not to be paid for work in hazardous employment, as determined by Labor Secretary (including, among others, work in mines, factories, warehouses, storage, construction, explosives, motor vehicle driving, logging, and certain power driven machines).

Students paid youth wage rate may not work more than 20 hours a week.

Secretary of Labor must certify that certain requirements have been met and find that employment of any such student will not create a substantial probability of reducing the full-time employment opportunities of other workers.

An employer who intends to employ 5 or more students must obtain a similar certificate from the Secretary.

Substitute

No restrictions except that employment must be in accordance with the applicable child labor laws.

No similar provision.

Eliminates certification by Secretary, but the Secretary shall by regulation prescribe standards to insure that such employment will not create a substantial probability of reducing the full-time employment opportunities of other workers.

The substitute contains three generally agreed upon provisions to clarify existing law with regard to: husband and wife teams employed by certain institutions, retail employees, and newspaper deliverers.

There are no similar provisions in H.R. 7130.

IMPORTS

Title III of H.R. 7130 creates machinery and procedures designed to restrict foreign imports in certain circumstances, which constitute a drastic modification in the long-established international trade policies in the United States.

There is no similar provision in the substitute.

EMPLOYMENT REFERRALS BY PUBLIC EMPLOYMENT SERVICE AGENCIES

Section 213 of H.R. 7130 prohibits public employment service agencies from assisting in the placement of any individual with an employer who will pay such individual at a wage rate less than the applicable minimum wage rate.

There is no similar provision in the substitute.

EMPLOYMENT OF ILLEGAL ALIENS

Sec. 214 of H.R. 7130 provides that any employer subject to the Act who knowingly employs and alien who is in the U.S. in violation of law or in an immigration status in which the employment is not authorized, shall be guilty of a misdemeanor and subject to a fine of not more than $1,000, or imprisonment of not more than a year, or both.

It also provides that any contract subject to the Davis-Bacon Act, the Walsh-Healey Act, or the Service Contract Act of 1965 shall contain an additional provision by which the contractor agrees not to employ any such alien in the performance of the contract.

There are no such provisions in the substitute.

NATIONAL FARM LABOR LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 15 minutes.

Mr. TALCOTT. Mr. Speaker, there is no Federal farm labor legislation. National legislation is desperately needed. For years I have urged the appropriate committees of the Congress to hold hearings and to enact legislation to protect the farmworker.

The Subcommittee on Agricultural Labor of the House Committee on Education and Labor held hearings last week. I am hopeful that the hearings will continue, that hearings will be held in the farm areas so that the persons directly affected by the proposed legislation can be heard, and that the committee will pursue the evidence until legislation can be enacted.

Every Member of this Congress should be interested in this legislation to protect and help the most neglected worker in America today. If we can help the farmworker, particularly the unadvantaged and unskilled farmworker, we will be helping the farmer and the consumer. In other words, every American should urge the enactment of national farm labor legislation, now.

Mr. Speaker, first, I commend this subcommittee for holding these hearings. I also commend the gentlemen from California (Mr. SISK, Mr. MCFALL, and Mr. VEYSEY) for their sizable contributions to the resolution of the agricultural problems of our State. They have considerable knowledge and their proposals are worthy of serious considerations. My proposals differ. My proposals are not so simple; my proposals do break new ground. I want to develop plans for the future as well as resolve a few knotty problems which irritate the agricultural industry and community today.

I come here with some credentials, also. I have belonged to a union, I have been on strike, I believe in organized labor and collective bargaining and responsible democratic unions.

My district may not be the richest but I live in, and represent, one of the most productive and progressive farm areas on this planet. We produce close to 30 percent of our Nation's strawberries, head lettuce, and celery. The largest beet sugar manufacturing plant in the world is in our district. We lead in the production of many other vegetables.

NATIONAL FARM LABOR LEGISLATION NEEDED

I believe I have introduced more legislation to improve the condition and welfare of farmworkers than any other Member of the Congress.

For a number of reasons, agriculture was expressly excepted from the National Labor Relations Act in 1935. It has been in limbo ever since. Mavericks—among farmers, farmworkers, and union organizers—have marauded in the fields, processing plants, and grocery stores. There are practically no rules or laws. Only the law of the jungle prevails. The chaos frustrates and damages the worker and farmer; it increases the cost and reduces the quality and wholesomeness of our food products for the consumer.

We desperately need Federal legislation, now.

Agricultural workers, farmers, processors, suppliers, merchandizers, and unions all operate in interstate commerce.

Piecemeal, conflicting or varying State legislation would be confusing and ineffective.

HARVESTTIME STRIKES

Mr. Speaker, in the summer of 1970 while the farms in a small portion of my congressional district were producing approximately 70 percent of the head lettuce consumed in the United States, most of the farming operations were struck. The harvest, shipment, and distribution of head lettuce was choked to a stop. Thousands of agricultural workers—including harvesters, truckdrivers, packinghouse workers, processors, railroad employees, carton manufacturers, and so on and on—were affected, adversely and tragically.

Additionally, tons of lettuce spoiled in the fields. Growers and farm suppliers lost thousands of dollars—some faced bankruptcy. The price of lettuce to the housewife and restauranteur skyrocketed.

In fact, hundreds of thousands of innocent persons were deprived of an important nutritional food.

Farmworkers, farmers, employees in allied industries, and the consumers were deprived and harmed. The losses were permanent, unrecoverable. Lost wages cannot be recouped. Spoiled crops cannot be revived.

Such injuries, losses, and waste should not be tolerated by our society. Events which transpired during the summer of 1970 in the Salinas Valley made it incumbent upon me, as the elected Representative of over 500,000 residents of the 12th Congressional District and as the Representative of an agriculture region upon which the 200 million consumers in the United States depend for approximately 30 percent of their principal row crop vegetables, to advocate enactment of agricultural labor-management legislation which will protect these consumers from loss or interruption of their nutritional food supply.

Our brains should be applied to develop machinery to resolve farm labor disputes without such permanent injury and unrecoverable losses.

Some ground rules must be adopted at the earliest possible date in order to assure the orderly process of planting, growing, harvesting, and distributing agricultural products which are so vital to our Nation's health.

FARM STRIKES ARE DIFFERENT FROM INDUSTRIAL STRIKES

Disruptions of the agriculture process, especially of harvests, are quite different from disruptions of a manufacturing process. Assembly lines can often stop and steel ingots and automobiles can be stored or inventoried for weeks without deterioration—sometimes, as a matter of fact, with an increase in value. No man, group, or government can stem the inexorable process of fruit and vegetable growth and maturation. A strawberry, for instance, must be picked, processed, and packaged within hours of maturity or spoilage begins and losses accelerate.

Agricultural losses are compounded when the growth and harvesting processes are interrupted. Even spoiled crops must be picked or disced under—at additional cost—even though they are useless. Vegetables that spoil while stalled enroute to market, for instance, must be disposed of, as garbage, usually at great cost and without any recoupment.

THE WORKER IS HURT MOST BY A FARM STRIKE

Farmworkers can least afford a harvesttime strike, with the attendant loss of work, because after the crops mature, there is no work until the next harvest—which may be months away. Also, harvesttime provides special opportunities for extra work—overtime, additional jobs, longer shifts; when extra work is available, the work stoppages are extraordinarily disastrous.

The flow of farm produce to the consumer is always subject to the exigencies of weather, availability of transportation, refrigeration markets—over which the individual farmer and farmworker have no control.

THE CONSUMER IS THE ULTIMATE LOSER

The consumer, when all is said and done, is the ultimate loser in the war of one-upmanship in the current drive to organize agriculture fieldworkers.

Everyone, whether farmer or worker, is a consumer. No self-anointed pressure group, however vocal, should be permitted to force its will on the overwhelming majority of the American people for its own selfish ends.

Obviously an entirely different legal and administrative mechanism—other than the one presently used in settlement of industrial disputes—is necessary for the settlement of disputes in agriculture and the food processing industry.

There are historical, economic and humanitarian reasons why a Federal Farm Labor Relations Board is necessary. The basic structure of the extant National Labor Relations Board can be useful, but such a Board and its functions and operations must be modified to fit the unique conditions and problems of agriculture, farm labor, and food products.

STRIKES AND LOCKOUTS SHOULD BE OUTLAWED

A unique need is certain—there can be no strike, slowdown, or lockout at harvesttime.

I believe strikes and lockouts can be eliminated without jeopardizing the rights or the power of the farmer or the farmworker. I believe a legal mechanism can be established to protect the farmer, the farmworker, and, most importantly, the consumer.

Congress should devote its attention toward developing a mechanism to achieve an equity between the demands of agriculture workers and the policies of the farmers in order to protect both of them and the consumer from being exploited or injured.

NATIONAL FARM LABOR BOARD IS NEEDED

I have introduced some comprehensive legislation, H.R. 1689, to establish a National Farm Labor Relations Board.

My bill has been drafted with the rights of the individual citizens, the individual consumer in mind. No individual citizen or group is entitled to abridge these rights or to claim favored treatment. A unique feature of this bill prohibits strikes and lockouts. In lieu of strikes and lockouts, I have proposed a Board of Mediation and Arbitration to expedite the fair settlement of all farm labor disputes. It would be instituted whenever a work stoppage occurs or a labor dispute arises.

SETTLEMENT OF DISPUTES BY NEGOTIATION, MEDIATION AND ARBITRATION

The five-man Board of Negotiation, Mediation and Arbitration would include one representative designated by labor and one representative by management; these two would then jointly select three neutral other members. The Board would assist the parties in reaching a fair voluntary settlement of the dispute. If the dispute is not settled within 30 days, the Board would publicly announce the offer of each party which is most favorable to the other party. If the dispute is not settled within 5 days thereafter, the Board will designate the proposal which it considers the more reasonable—not a compromise of the two. The designated proposal will immediately become the agreement of the parties and subject to enforcement by law.

This new legal mechanism will permit the parties to bargain freely; it will provide two strong incentives for the parties to bargain promptly and reasonably.

Union representation, collective bargaining, and all other benefits and privileges of conventional labor-management relations are available and encouraged—excepting the strike and lockout.

Most labor-management experts recognize that the strike and lockout are outmoded and barbaric techniques for solving problems in a civilized society. Violence and interference with the rights of third parties must be avoided in labor-management relations just as in other aspects of societal living. Harvesttime work stoppages and interruptions of our food supply must be minimized.

A fair, reasonable, and workable mechanism to replace the strike and the lockout is the key feature of my bill.

Time is of the essence. The disruption of the harvest and orderly flow of agricultural products from the farm to the consumer is wasteful, costly, and injurious to the farmer, the farmworker, and the consumer.

It is past time for platitudinous rhetoric, but time for sincere, practical solutions to the problems arising in farm employer-employee relations.

I solicit any objective appraisal of the proposal which I have submitted. I am convinced that the individual agricultural worker will quickly realize that my proposal can settle the emotional as well as the practical disputes.

My bill, H.R. 1689, has been referred to the Committee on Education and Labor in both the 91st and 92d Congresses.

RIGHT TO SECRET STRIKE BALLOT IS NEEDED

Mr. Speaker, I have introduced another bill, H.R. 9458, to guarantee employees the right to decide by secret ballot whether or not to strike—or, if they are already on strike, to decide whether or not they want to continue on strike.

This bill, of course, is intended to benefit all union members—and thus does not come under the direct jurisdiction of this subcommittee which recently held hearings; however, its provisions should be incorporated in any legislative proposal reported out of committee.

Working men and women should have an effective voice in their union's decision to call a strike. I am pleased to report that many workers do have such a limited voice now. My amendment will assure this voice for all—not just before a strike is called, but also at intervals while the strike is continuing. As a practical matter, today's prestrike vote means very little because in too many cases it is a mere show of hands by those who attend a prestrike union meeting. It is seldom democratic; it is not now a legal requirement.

The nearest provision we have in present law for a strike vote is the provision of section 203 of the Taft-Hartley law. That provides that the Federal Mediation and Conciliation Service will try to persuade the parties to settle their dispute by some other means other than work stoppages. The statute states that this will include "submission to the employees in the bargaining unit of the employer's last offer of settlement approval or rejection in a secret ballot." This, of course, is a purely voluntarily undertaking and there is no requirement in the statute that a vote be conducted. Also, the statutory language indicates that any vote is to be conducted prior to a strike.

Under these circumstances there is no true opportunity to assess the last offer proposed by the employer. It generally amounts only to a broad vote of confidence in the union leadership which may be useful as far as it goes, but it does not go far enough. The statute does not give employees the chance to vote on a particular and identifiable offer. My amendment will provide this additional opportunity, without impairing in any way the opportunities which these employees now have to vote and express themselves on any and all other aspects of their relationship with their employer.

STRIKE VOTING HELPS TO INSURE UNION DEMOCRACY

The amendment I offer, Mr. Speaker, improves upon all procedures now available. It permits a meaningful vote 30 days after a strike has started, with authority to repeat that vote at succeeding 30-day intervals. Obviously, it would be necessary that a majority of those voting have control over whatever action would be taken pursuant to my amendment. However, the balloting itself—either prior to the strike or while the strike is in process—could be called on the petition of the union, the employer, or 10 percent of the employees in the bargaining unit.

The balloting would be conducted by the National Labor Relations Board, following its regular secret balloting procedures. It would be an unfair labor practice for a union to call a strike or continue a strike after a majority of the employees had voted against such strike in such a secret election. Additionally, an employee would lose his status as an employee under the law if he took part in a strike after the majority of his fellow union members voted in such an election against such a strike.

My bill would also authorize injunctive relief in the Federal courts upon a showing of reasonable cause to believe that a strike is being carried on in violation of this secret ballot decision of the employees.

Mr. Speaker, all of us know that strikes have become an uncivilized and unnecessary means of settling disputes between employees and employers who should be working cooperatively toward the same objective of supplying better products or services for the consumer.

Until a better legal mechanism can be designed to replace the strike, I believe the worker should have a real voice and a democratic procedure for participating in labor negotiations affecting him and his family. I believe the union negotiator also wants, and urgently needs, a legal procedure to which he can refer to enable the rank-and-file union members to share the responsibility of labor negotiations.

Mr. Speaker, my bill seeks to amend the National Labor Relations Act to give the rank-and-file union members this democratic voice in their vital union affairs.

My bill would guarantee the right of a secret ballot to farmworkers when they become covered by national legislation.

Mr. Speaker, in addition to the abovementioned legislative proposals which address themselves to labor-management relations, there are several broad areas of legislation which should receive concurrent consideration. I have introduced in three successive Congresses a bill which will prohibit the Secretary of Agriculture from paying any Federal benefits to farm producers under any of the various subsidy, diversion payments, or crop loan programs unless he has duly determined that the State in which a claimant or other eligible producer is located has approved and is operating satisfactory programs in each of the following areas:

First. Regulation of farm labor housing centers and employer-furnished housing accommodations, including standards of sanitation, location, con-

struction, density, and maintenance of housing.

Second. Regulation of farm labor contractors and crew leaders, requiring annual licensing or registration and prompt payment of wages to laborers, and prohibiting such undersirable employment practices as giving false information on terms, conditions, or the existence of employment.

Third. Regulation of transportation of migratory farmworkers, including standards for safety and operation of equipment, qualifications of drivers, and safety and comfort of riders.

Fourth. Regulation of uniform minimum ages for agricultural employees.

Fifth. Regulation of uniform minimum wages for agricultural employees.

Sixth. Regulation of wage payments requiring regular paydays, payment in cash or readily negotiable form, and prompt payment on termination of work.

Seventh. Workmen's compensation providing monetary and medical benefits to agricultural employees injured on the job.

Eighth. Temporary disability insurance providing benefits for agricultural workers for non-work-connected illnesses or injuries.

Ninth. Unemployment insurance providing benefits for agricultural employees during periods of involuntary unemployment.

Tenth. Regulation of field sanitation facilities.

It was only in 1970 that a few other Members of the Congress displayed any interest in unemployment compensation for farmworkers—and this was a superficial, "grandstand," last-minute amendment to an industrial compensation bill without any prior committee study or deliberation.

Mr. Speaker, now that I have enumerated my legislative proposals with respect to agricultural labor, I request your indulgence so that I may underscore what I believe to be the most important and basic aspect of the migrant problem; that is, the problem of the migrant child and his future.

Next to imprisonment, the nomadic life of a migrant farmworker is the most cruel existence in our society—especially for the children. The innocent school-aged children suffer most.

The children's deprivations are, among others, lack of security and a normal home. They lead a disruptive life, without roots, which often results in permanent emotional, social, and educational scars and malformities. They do not "drop out," because they are never "included in." They cause problems for themselves and for society.

Until you have lived with a migrant family, or have lived in a community through which the migrant families must swarm, you cannot appreciate the cruelties imposed upon them by this nomadic way of life.

A family needs a permanent home; a migrant never has one. A child needs an education; a migrant child seldom obtains one.

The migrant life is cruel in many respects; it is a scourge of education; it damages the individual and society; it disrupts every phase of community life.

We, in Congress, should not encourage or perpetuate this nomadic way of life. However, present Federal policies strongly encourage and promote family migrancy for farmworkers. Congress itself terminated the bracero program—thereby purposefully forcing upon our domestic farmworkers, and their innocent children, a nomadic, decivilizing way of life.

THE FORGOTTEN MIGRANT

While many programs have been enacted for the poor, the uneducated, the disadvantaged, and the underemployed, little has been enacted to alleviate the misery of the migrant families, the misfortune of the migrant children, or the burdens of the communities through which the migrant farmworkers must wander.

Housing for migrant families is the most difficult to finance and maintain. College dormitory housing for students who can afford higher education is not lacking, but basic housing for impoverished migrant children is practically nonexistent.

Federal aid for education to almost every educational segment of our society has been proposed—preschool to university, public schools and private schools, day schools and night schools, for bright students and dull students, for mentally retarded and emotionally disturbed students, for blind and deaf students—but practically nothing for migrant farmchildren.

The educational needs of the migrant children are the greatest, yet they have been most neglected. They receive the least Federal attention or assistance.

NEED TO IMPROVE MIGRANT EDUCATION

If child migrancy cannot be terminated, it should be improved. The helpless children should be our first concern. Next to their protection, the education of our children should be our foremost mission.

An even sadder fact is that migrant children are often undereducated, far behind their age level and unable to compete with the permanent students. The migrant child becomes frustrated, then troublesome. He disturbs the regular education program or "drops out." He does not learn and prevents other students from learning.

Another tragic fact is that many of the migrant children often speak little English—certainly not enough to enable them to progress satisfactorily in a regular school. These students need extra help in language.

Many migrant students are culturally deprived, asocial, or semiliterate. These pathetic children require a very special extracurricular program under school supervision and direction.

The migrant children invariably need special compensatory education—which is the most difficult to provide. An educational program for the migrant—even with ample facilities—is a most expensive and ambitious undertaking.

Local governments do not have the funds or tax resources. The property tax is not an appropriate tax for any educational purpose. It is especially not appropriate for nomadic students from other school districts. Financial assistance should come from the Federal Government.

Migrant education is interstate in character. Students often attend school in five or six different States—and often several schools within one State. Inadequate education for migrant children is a national problem.

A poorly taught or uneducated child from any State will be a poor citizen and often a public charge in every State in which he resides. Every State has a stake in making certain that the migrant student becomes an adequately trained and educated adult citizen of the State where he finally resides. Our Nation should not expect one area of our country to undertake the entire burden of educating and training the migrant simply because he stops in one school district.

MIGRANT IMPACTION

There is considerable similarity between the educational problems of a rural agricultural community "impacted" by children of migrant farmworkers and the problems of a city or school district which is impacted by children of Federal employees stationed at nearby military bases. The agricultural community suffers much more because the influx of students varies much more, the student turnover is much greater.

I first introduced a bill, H.R. 14947, in 1966 which would amend title I of Public Law 874, 81st Congress, to provide financial assistance to local educational agencies for the education of children of migrant agricultural workers. I have reintroduced this bill in each succeeding Congress. The present bill is H.R. 1691.

Congress has long neglected the poorest of our poor, the most illiterate of our educationally deprived, the most frustrated of our culturally disadvantaged—the migrant family.

With all our professed concern for education and schools, the administration and the Congress have neglected the schools with the most difficult and expensive problems and the least resources—the rural schools in the migrant farm labor stream.

The most essential need of a migrant child—his education—is being sorely neglected. He is being crippled and scarred. He is being left defenseless to cope with both society and his employment needs.

Many mothers in the farmworker families want and need to work in the fields, especially during harvesttime when high earnings are possible. Small children should not be in the fields but need daytime care and supervision. Even some training in language, nutrition, and personal hygiene could be useful means of utilizing the children's time. Working farm mothers have the most urgent need for child day-care centers for young children. We should provide day-care centers for farmchildren long before we attempt to provide permanent year-round, child-improvement programs for all children in all communities.

Mr. Speaker, in summary, I would like to emphasize the six points of concern to which my remarks have been directed:

First. The cruel circumstances of the migrant farmworker and his family.

Second. The need for farmworker protective legislation to improve—

a. Wages and working conditions of the farmworker,

b. Living conditions of farmworker families,

c. Educational and training opportunities for farmworkers' children.

Third. The need to treat agriculture differently from conventional manufacturing, transportation, or building and construction industries.

Fourth. The need to outlaw the strike, lockout, and secondary boycott—and to replace these barbaric, outmoded weapons of economic warfare and destruction with legal mechanisms for settling disputes fairly and promptly without injury to the parties or the consumer.

Fifth. The need for secret elections in unions—for organizational and representative purposes and whether or not to strike or to continue a strike in process.

Sixth. The need to hold these hearings in the field—where the problems are and where the people are. Poor farmworkers cannot come to meetings here. They are not represented. Their voices are not heard. They want to be heard. They should be heard. The Education and Labor Committee would be doing a great service to hold hearings in a farm community. The committee, itself, needs to know much more intimately the conditions and problems of the farmworker as they exist in the fields. You would help yourselves to understand if you would "see it as it is." I would be pleased to assist the committee in making arrangements for field hearings in Salinas, Calif., at any time.

STATEMENT OPPOSING THE DOWNGRADING OF NATIONAL GUARD TECHNICIANS' POSITION

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, I would like to express my strong opposition to the recent initiatives of the National Guard Bureau in downgrading the civil service status of their National Guard technicians. Supposedly this was done to comply with civil service standards, but in my opinion, the Civil Service Commission has committed a gross violation of the rights of these dedicated workers.

Besides being wholly inequitable to the National Guard technicians I have great reservations regarding the wisdom of this decision when we consider the long range effects of this action. A reduction in pay will result in a reduction in force and we cannot begin to envisage the development of an all-volunteer armed force with a reduction rather than increase in the pay of skilled manpower such as the National Guard technicians. In sum, I find this act somewhat arbitrary and dangerous to the overall success of the all-volunteer concept.

Let me take just a few minutes to outline the origin of the problem. In January of 1969 all National Guard technicians were granted Federal service employee "excepted"—not "competitive"—status under a special act of the Congress. The reason behind granting National Guard technicians "excepted" civil service status is clear. The Guard was given better leverage to procure able personnel for these skilled manpower positions and they would be able to set their own standards and qualifications for applicants who seek National Guard technicians positions.

In competitive civil service positions, however, the Civil Service Commission controls the standards of competition. Although the National Guard technicians are in the excepted civil service status, the National Guard Bureau now states that it must conform to the rigid standards set by the Civil Service Commission. The rationale for this move is also based on the premise that the technicians must meet the rigid standards set by the Civil Service Commission for other Federal agencies. The position of the National Guard Bureau is that they too must reclassify a great percentage of their technicians downward in pay grades to comply with civil service standards. I must emphasize again, Mr. Speaker, that this is not a just and reasonable explanation for downgrading the National Guard technicians' position.

A number of problems in downgrading National Guard technicians became apparent in late 1970. In December of that year, the Civil Service Commission, becoming aware of these problems, ordered that all actions to downgrade the technicians be suspended pending review by the Commission. This freeze, however, was removed January 31, 1972, and since that time, the Civil Service has now issued a set of arbitrary standards to permit the National Guard Bureau to proceed in the downgrading of the National Guard technicans' positions. The Commission ordered, moreover, that all new positions for National Guard technicians be filled at lower pay grades. Again there is no explanation as to why the Commission took this action. In another related and still confusing action incumbent National Guard technicians will be reduced in grade sometime late next year. If the National Guard technicians are in an excepted civil service status because of the difficulty of recruiting qualified personnel, it seems ridiculous that the Civil Service Commission should be acting to demote future and incumbent National Guard technicians and thus further add to the recruiting problem.

The problem is all the more apparent when we stop to think that the Civil Service Commission and National Guard Bureau should be upgrading and not downgrading the technicians if we are ever to see the development of an all-volunteer armed force. It is for this reason that I find these actions of the Civil Service Commission and National Guard to reveal some glaring contradictions. Indeed, I am mystified as to why the National Guard Bureau has not chosen to upgrade their personnel position in their excepted civil service status. I do know that the Congress and the President in passing the 1971 Military Selective Service Act last year went on record to enhance the status and pay of the National Guard and Reserves. Yet we note that the National Guard Bureau has now chosen to act in complete opposition to the expressed desire and interest of the President and Congress.

The ramifications of this action by the National Guard Bureau and Civil Service Commission are dubious at best. Whether the Guard recognizes it or not, it has seriously lowered the status of National Guard technicians, both in moral and monetary standards. Ultimately the National Guard technicians may experience an overall reduction in force strength and quality of their personnel. This one simple action to downgrade existing skilled positions may do more than any other single act to jeopardize not only the National Guard, but our overall national defense interests. I would hope that we would upgrade positions for these dedicated men and insure the growth of a competent technical force. I submit that we have so very far to go to build up our National Guard and Reserve Forces. Our Nation deserves no less.

THE RESOURCE MANAGEMENT AMENDMENTS TO BE OFFERED BY HON. GUY VANDER JAGT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. VANDER JAGT) is recognized for 30 minutes.

Mr. VANDER JAGT. Mr. Speaker, on November 30, 1971, I placed in the RECORD a comprehensive statement discussing the water pollution legislation passed by the Senate, S. 2770. Today I would like to add to that statement the benefits of accumulated knowledge and events which have taken place since that date, relating directly to H.R. 11896, the legislation which is being taken up by the House this week.

Members of the House Public Works Committee under the chairmanship of Congressman JOHN BLATNIK and significant leadership of Congressman ROBERT JONES and Congressman WILLIAM HARSHA have created a truly creditable piece of legislation for House consideration. Time and effort have been spent in prodigious amounts to produce this excellent vehicle for returning America's lakes and streams to conditions of purity. The committee deserves great thanks from the Nation for its work.

Inasmuch as I have had an opportunity to assist in the evolution of this legislation, particularly in the area related to the spray-irrigation land treatment method of sewage management, I would like to provide at this time certain new research information potentially valuable to the House in its final deliberations on the bill.

As discussed in my statement last year, the U.S. Army Corps of Engineers under the guidance of Dr. John R. Sheaffer had last summer completed the initial phase of alternative sewage treatment studies for the Merrimac River Basin in New England, Cleveland-Akron, Detroit-southeast Michigan, Chicago-south end of Lake Michigan, and San Francisco. Because these initial studies indicated higher costs for land treatment systems compared with advanced waste treatment—AWT—or physical-chemical systems, Environmental Protection Agency Administrator William Ruckelshaus last fall called for termination of these studies.

My own experience with initial cost estimates in the development of the Muskegon land treatment system in my district led me to carefully consider these estimates. I became deeply disturbed that the figures easily could be misinterpreted, creating an erroneous impression of the economics and benefits of land treatment systems. For example, the land treatment costs for Chicago included both municipal and industrial wastes, while the estimates for AWT included only municipal wastes. In addition, the alternatives' results were not comparable; AWT at Detroit would not improve Lake Erie, but only slow its eutrophication, while land treatment would return Lake Erie to a desirable character. Recognition of these factors led me and other Members of Congress to call for a continuation of these studies. An administration decision then allowed them to continue.

During January of this year it became apparent, however, that unless greatly accelerated efforts were put forth to bring about intensive review of the initial corps studies, any basic direction suggested by the studies would be lost in terms of affecting congressional deliberations on water pollution legislation this year. The administration could not change its position in this regard without further evidence and the House could not be expected to give greater emphasis to the land treatment approach than already described in good, but perhaps inadequate, language in the Senate legislation. Substantial language was added to the R. & D. section of H.R. 11896, providing for the possible development of a major land treatment system to demonstrate the potential for such a system in the cleanup of Lake Erie, but otherwise the House bill was somewhat weaker than S. 2770 in this regard.

During this same period additional information came to my attention, further supporting an already substantial but growing conviction that land treatment was the basic direction the Nation must take in the management of its sewage.

Progress continued in the construction of the Muskegon system. Considerations of a nuclear powerplant sited to utilize water in the storage lagoons of the system for cooling purposes progressed to intensive review by Consumers Power Co. Other power companies, both private and public, expressed interest in the possibilities. A system of charges at quite substantial levels for such use of the water began to appear feasible in view of much higher cost construction and operating costs for alternative evaporation tower cooling systems. Private interest appeared for the development of a regional industrial waste treatment center discharging its treated wastes into the system. Plans evolved further for the establishment of a solid waste disposal facility which would have the capacity to manage such wastes for all of western Michigan for a period of 100 years through sanitary land fill and recycling of recoverable materials using acreage available between spray irrigation circles on the agriculture land. All of the aforementioned are potential revenue-producing activities in addition to agricultural output of the basic system.

Detailed reports of the Melbourne, Australia, sewage management system in operation since 1893 became available. The irrigation farm at that location currently manages 114 million gallons per day of sewage. Beef cattle and sheep are raised on the farm with 3,500 head of cattle and 35,000 sheep sold from agriculture operations in 1971 alone. Twenty-seven thousand acres of land with more than 10,000 acres irrigated for pasture are included in the system.

The efficacy of the land treatment concept was further confirmed by a University of Washington study just completed indicating basic components of sewage are reduced by the following amounts in the lagoon-spray irrigation approach: BOD—99 percent suspended solids—99-plus percent, nitrogen—80 to 90 percent, phosphorus—99 percent; heavy metals—99 percent, organic compounds—99 percent, viruses—99 plus percent, bacteria—99 percent. All of these reductions are substantially greater than produced by "advanced" waste treatment techniques and "physical-chemical" systems currently advocated by EPA and State water pollution control agencies.

The question of costs of lagoon-spray irrigation systems is being answered by experience beyond Muskegon contract evidence where capital costs including land amount to about 80 cents per gallon of treatment capacity. No AWT or physical-chemical system recently bid or constructed to my knowledge can approach this low cost, and operating costs for land treatment are estimated at half the costs of alternatives.

A question of availability of land continues for the very substantial acreage required in land treatment. But the corps' studies found sufficient land within reasonable distance of five major urban areas presently under consideration. There will be substantial dislocations of farm families if we do not develop lease arrangements or other means to insure the use of land for spray irrigation by other than outright government ownership. However, there is also evidence that substantial dislocations will occur with the siting of alternative systems since such systems tend to be located at urban shorelines which are generally occupied and prime lands.

Evidence of the intense interest in the Congress in corps review of waste management alternatives appears in the administration's 1973 budget, where additional studies have been requested including Duluth, Seattle, Spokane, Boise, the Colorado River and tributaries in Texas, Omaha, St. Louis, Kansas City, and Denver. In addition, resolutions have just been filed for New Orleans, Atlanta, and the Washington, D.C., metropolitan area.

A substantial discussion of the entire subject is included in an article prepared for the National Association of Counties by Dr. John R. Sheaffer, currently scientific adviser to the Secretary of the Army, on leave rfom the cenrte for urban studies at the University of Chicago. Dr. Sheaffer's article, dated February 1972, is titled "The Ecological Revolution: Is There a Role for County Government?" and is quoted as follows:

"The desire to improve the environmental quality has emerged as a common cause which has helped to unify our pluralistic society. Historic differences between rural and urban areas and city and county governments are melded into a unified environmental effort. In part, this effort has addressed the question of water quality deterioration and actions necessary to restore and enhance the quality of our lakes and streams. In particular, there has been disenchantment with the in-stream water quality standards approach which dominates current Federal efforts. Since 1956, more than $7 billion has been spent for the construction of sewage treatment facilities, but very few water bodies have been rehabilitated and restored to a desired quality.

"The apparent ineffectiveness of the current standards approach has stimulated environmentalists to search for other means to cope with the water quality problem. What is emerging from this effort is a new resource management approach that emphasizes the recycling and reclaiming of pollutants."

A RESOURCE MANAGEMENT APPROACH

The resource management approach which is emerging today may be referred to as an ecological revolution. The term "revolution" is particularly appropriate because of the basic changes encompassed in the new approach.

Foremost, there is a change from a "disposal strategy" involving partial treatment and discharge to a "management strategy" that focuses on the recycling and containment of pollutants and the reclamation of water. The disposal strategy is typified by a secondary treatment program. The management strategy is illustrated by the land treatment system contained in the Muskegon County, Mich., waste-water management plan.

Implicit in the shift from a disposal to a management strategy is a shift from single purpose waste-water planning that seeks to develop sewage treatment facilities to multipurpose planning which formulates plans for total waste management centers. Such centers will provide tertiary treatment of effluents, disposal of removed solids or sludges and municipal and industrial solid wastes, dissipation and beneficial use of waste heat, production of agricultural crops, and provision of open space. These several purposes must, in turn, be integrated in a total waste management plan which is a subsystem of a larger and more complex

urban system. Thus, the total waste management plan must be consistent with overall development goals and objectives of the region it serves.

Several of the purposes that will be incorporated into a management strategy are potential revenue producers; for example, dumping fees for solid waste disposal, cooling charges, and the sale of crops. Thus, there is an opportunity to shift from a program of Federal subsidy to stimulate the construction of treatment facilities to a program of Federal investments which not only provide for the management of waste water but also have the potential to stimulate a flow of revenue to the local units of government—a dynamic illustration of revenue sharing.

PLANNING FOR MANAGEMENT

The ability to implement the ecological revolution is related directly to the ability to formulate and analyze alternative plans for managing waste water. The Corps of Engineers has launched such a planning effort for five major metropolitan areas—Merrimack Basin-Boston, Cleveland-Akron, Detroit-Southeast Michigan, Chicago-Northwest Indiana, and San Francisco Bay-Delta—which constitute 12 to 15 percent of the urbanized population in the United States. This planning effort is guided by the three basic environmental principles that undergird all ecologically sound planning. First, the environment is an interrelated system with air, land and water interacting and affecting and being affected by urban development. Second, the environmental system for planning purposes is closed; nothing can be thrown away. Third, pollutants are potential resources out of place and if relocated in the environmental system can take on renewal value. For example, the nutrients in waste water which accelerate eutrophication when discharged to a water body would be beneficial fertilizer if applied to cropland.

The Muskegon County land treatment system involving spray irrigation is illustrative of one alternative that is being prepared in the Corps of Engineers' planning effort. Because, from a national perspective, land treatment has not been fully developed as a viable alternative for metropolitan areas and urbanized counties, much interest has focused on this new approach to waste-water management.

In simple terms, the Muskegon County system involves the following steps:

First, collection of the waste water and its transport away from the urban area;

Second, secondary treatment of the wastes to avoid odors;

Third, storage and disinfection of the waste water;

Fourth, irrigation of the treated waste water on agricultural or silvicultural land;

Fifth, "tertiary" treatment through the aerobic soil zone (the "living filter"); and

Sixth, retrieval of the reclaimed water (now pure enough to meet Public Health Service drinking water standards) through a drainage system; this water is then available for reuse in a manner best suited to regional needs.

As the Muskegon plan is being implemented, it has become quite clear to its sponsors that other facilities might be usefully integrated into its 10,000-acre waste treatment center. To date, the planning involves the following:

First, the tertiary treatment of the wastewater by recycling the nutrients and confining and containing those pollutants including industrial wastes which cannot be recycled or reclaimed;

Second, the ultimate disposal of sludge or solids removed in the treatment process through the application of the solids to the land as a soil conditioner and fertilizer;

Third, the disposal of municipal and industrial solid wastes through the creation of hills—sculptured landscape—and the recycling of paper, glass, and metals;

Fourth, the exploration of the location of power generation facilities and the beneficial dissipation of the heat in the wastewater; and

Fifth, the creation of functional greenbelts which help control urban sprawl and which can also serve as a recreational open space during the winter nonirrigation season—small game hunting and snowmobiling areas.

The implementation of such a plan offers the potential to convert a waste management facility into a revenue producing enterprise. In Muskegon County, the following annual returns are expected:

Some $360,000 agricultural profits—1-acre inch of treated effluent has the fertilizer equivalent of 25 pounds of 10–10–12 commercial fertilizer.

Some $300,000 solid waste disposal fees (based on a disposal charge of $2 per ton).

Some $2,500,000 cooling charges and location fees from industry.

This amounts to an annual revenue in excess of $3 million from the related or synergistic effects of the system, more than enough to cover the local share of the debt retirement—$16 million bond issue—and the total operation and maintenance costs which are estimated to be about $2,650,000 annually. In addition, the county achieves clean water with all of its attendant benefits and will realize the standard charges for providing that service.

A perusal of the Muskegon County system shows that it serves as an example of the ecological revolution. The system focuses on management rather than disposal and treats pollutants as resources out of place. The land involved in the system provides a number of services in an integrated and coordinated manner—a multipurpose total waste management approach. By expanding the system beyond sewage treatment and sludge disposal—traditionally viewed as costs which must be borne by the general public and users—to include revenue producing activities such as commercial agriculture, solid waste disposal, and heat dissipation, the system becomes a public investment analogous to a multiple-purpose water resources project. As a public investment, the system has the potential to yield average annual benefits. When one views this range of opportunities provided by investments in water quality management systems, it becomes quite evident that such systems are not ends in themselves but means to an end and that they offer great opportunities for stimulating economic growth and development.

REACTIONS TO WASTEWATER MANAGEMENT

The Muskegon County wastewater management plan has prompted a number of reactions. The environmentalists strongly supported the land treatment-spray irrigation approach. On September 13, 1971, David R. Zwick, project director, Nader Task Force on Water Pollution, appeared before the House Public Works Committee and stated:

> The most promising provision in the Senate draft (of the water pollution bill) is its strong endorsement of the concept of total waste recycling—purifying sewage by spraying it on the land as fertilizer as exemplified by the Muskegon County, Michigan sewage treatment project. This Committee has, I recognize, been interested for some time in diverting the Federal water pollution bureaucracy from its myopic preoccupation with secondary treatment, which is inadequate for many of our Nation's waters. This Committee has shown interest in the progress of the Muskegon Project and the planning activities of the Corps of Engineers over whom you exercise major responsibilities involving similar projects. You have a chance this year in the water pollution bill you write to turn this interest into a practical reality.

It would be well to note that the pollution control profession, including Government officials at every level, has a stake in perpetuating the old technology which the Muskegon project is designed to replace. This is the only technology many of these officials and private engineering consultants know. For a builder of sewage treatment plants, the spectre of a massive spread of Muskegon type projects produces great discomfort because it promises a permanent solution. It could put an end to our spiraling need to build more and bigger sewage treatment plants. Whatever eventually happens in the Senate, I would urge this committee to hold the line for truly clean water by stressing the natural waste recycling alternative as the first priority choice when municipal grant funds are handed out.

Obviously, there were opposite reactions. In essence, opponents of the land treatment-spray irrigation system have questioned the workability of the approach, its costs, and the land use implications. Before land treatment can be viewed as a viable alternative for metropolitan areas and urban counties these issues must be resolved.

The questioning of the effectiveness and the effects of land treatment methodologies has prompted a number of research efforts. Such efforts have been undertaken at Pennsylvania State University, Michigan State University, University of California, University of Washington (Seattle) and at several Federal facilities—Flushing Meadows, Arizona, Kerr Water Research Center, Ada, Okla., and the Cold Regions Research and Engineering Laboratory, Hanover, N.H.

EFFECTIVENESS OF LAND TREATMENT

Based on the systematic consideration of treatment mechanisms and their projected significance and following an eval-

uation of available experience, the estimated effectiveness of a properly designed land treatment system to reclaim secondary effluent is as follows:

ESTIMATED EFFECTIVENESS OF LAND TREATMENT TECHNIQUES

	Spray irrigation	Overland runoff	Rapid infiltration
BOD	99	80	99
SS	99+	80	99
N	80-90	80	80
P	99	80	90
Heavy metals	99	10-30	95
Organic composition	99	50	90
Viruses	99+	90	99+
Bacteria	99	90	99+
Total dissolved solids[1]			
Cations	0-75	0-50	0-75
Anions	0-50	0-10	0-50

[1] While most cations and anions will be retained/treated at the higher indicated values, a few (e.g. Na and Cl) will be relatively unresponsive to treatment.

Source: Summary assessment of University of Washington consultants, February 1972.

This strong endorsement of on-the-land waste treatment is consistent with views presented by the Environmental Protection Agency in Volume II of its 1971 report on the Cost of Clean Water. The Agency observed:

The (land treatment procedures) have the great virtue of recycling the materials so disposed, both by replenishing water tables and by converting and utilizing organic and inorganic waste matter in natural life processes of decay and growth. Their secondary merit is more germane to this discussion. Water reaching watercourses after passage through the filtering and decomposition processes afforded by soil is far purer—provided that soil loading rates are not exceeded—than any waste treatment process short of distillation could make them.

This emerging consensus regarding the effectiveness of land treatment establishes confidence in the workability of such a system. The experience at the Board of Works Farm, Melbourne, Australia, which has been growing grasses with waste water and feeding cattle and sheep on the same site since the turn of the century attests to the relative permanence of land treatment systems. With respect to the steers marketed from the Farm, the Board reported in July, 1969:

There is a good demand for them and many of Melbourne's top butchers, who appreciate the succulence and quality of the Farm-raised beef, are regular buyers.

COSTS WILL BE EXCESSIVE

The controversy over the cost of constructing alternative systems can only be resolved through the bidding process. Further insight can be derived by comparing bids for alternative systems on a capital cost per gallon basis. The Muskegon system can treat a design flow of 43.4 million gallons a day and a peak flow of 90 million gallons a day at a direct construction cost of $34,000,000 (includes $3,000,000 for land). The capital investment amounts to $0.78 per gallon of installed capacity. This compares very favorably with more conventional advanced waste treatment systems. For example, the Salt Creek water reclamation plant in Cook County, Illinois, is designed to treat 30 million gallons a day and peak flows of 50 million gallons a day at a direct construction cost of $43,259,000 (land site not included) or a capital investment of $1.44 per gallon—nearly twice that of the Muskegon system. In addition, the Muskegon system has lower operating costs because it uses fewer chemicals and less power per million gallons of wastewater. The high-yield crop production from the irrigated and fertilized land as well as the other revenue producing features are further benefits.

A further comparison with a recently bid secondary treatment plan with provisions for 80 per cent phosphate removal produces interesting results. At Grand Haven, Michigan, a 5 million gallon a day plant received a low bid of $6,000,000 or $1.20 per gallon of installed capacity. This bid was rejected and the plant will be readvertised.

Based on the above comparisons, it appears that land treatment alternatives are competitive with other technologies, even in terms of capital costs. This does not imply that land treatment will always be less costly, but it does suggest that it is an alternative that should be formulated and analyzed for all metropolitan areas and urban counties to be certain that the cost effective alternative is implemented.

For projection of financing needs for the nation, the capital costs per gallon capacity bid at Muskegon can be used. The 1990 national wastewater flow is estimated to range from 30 to 70 billion gallons per day. At a cost of 80 cents per gallon, a capital investment of from $24 billion to $56 billion to treat 1990 waste flows would be required for the nation, certainly consistent with current estimates of Federal funding.

LAND USE IMPLICATIONS

The land use implications of land treatment systems have recently been called into question. In essence, this last remaining unsolved issue has two dimensions. The first dimension relates to the availability of suitable land for the waste flows from large metropolitan areas. The second dimension is concerned with the dislocation of rural residents from the land treatment centers.

With respect to the availability of land, the identification of suitable land ought not be a problem. (Sufficient land was identified for each of the metropolitan areas in the Corps of Engineers Pilot Wastewater Management Program). In Muskegon County, for example, the land requirements are 230 acres per million gallons per day of wastewater while at Penn State University only 130 acres per million gallons of wastewater per day were used. The difference reflects the length of the irrigation season and the amount of storage contained in the system. The Muskegon system is designed for a 7 month irrigation season and 5 months of storage. The Penn State system calls for year round irrigation with no storage. In the light of these two extremes, an average of the two systems can be used for planning purposes—180 acres per million gallons of wastewater per day. Applying this figure nationally, land requirements would range from 5,400,000 acres (30 billion gallons per day) up to 12,600,000 (70 billion gallons per day) with a figure of 7,700,000 commonly cited as the need. This estimate is of manageable proportions when it is compared to the estimated 7,000,000 acres of land needed for power transmission by 1990. Also, it is approximately one per cent of the cropland harvested in the United States.

With respect to relocation and disruption, land treatment in sparsely settled rural areas will affect fewer people than urban renewal and highway construction in the urban areas. In fact, an interesting comparison can be made between a land treatment and a secondary treatment system. The Muskegon land treatment system will dislocate 166 occupance units of 3.82 units per million gallons of capacity (166 units/43.4 mgd). The site selected for the Grand Haven, Michigan, secondary treatment plant with 80 per cent phosphate removal required that 23 occupance units be relocated for a 5 million gallon a day plant or 4.60 units per million gallon capacity. This finding is opposite of what is commonly believed and illustrates the complexity of the issue. But it is not unreasonable when one realizes that the shoreline or land-water interface is prime land and generally occupied in urban areas. Therefore, the traditional urban sewage treatment plant must compete with and dislocate other urban land uses. On the other hand, land treatment facilities, if located beyond the commuting zone, will compete with low cost agriculture, forest, or waste lands.

Another factor to be considered is that the other facilities that might be integrated into a waste treatment center would require significant amounts of land if they were undertaken singularly. For example, Illinois Power Company announced in the February 14, 1972, *Wall Street Journal* that the development of the Clinton, Illinois, nuclear power plant site (eventual capacity of 4,000 megawatts) will require a 17,000 acre site that includes a cooling lake with a 5,000 acre surface area. If this site area is to be considered typical and one is to accept the estimated need for 300 new nuclear power plants by 1990, 5,100,000 acres would be required for this single purpose activity or 66 per cent of the estimated 7,700,000 acres required for total waste management centers which could *incidentally* include the nuclear power plants and which would make beneficial use of the waste heat.

The Uniform Relocation Act provisions assure that persons moved are relocated into sound housing with the cost of upgrading and moving being borne by the public. This Act will assure that persons dislocated by any treatment system will be treated fairly and will be relocated in sound housing without incurring additional financial burdens.

PROSPECTS FOR A RESOURCE MANAGEMENT APPROACH

The resource management approach to wastewater treatment is analogous to the issue of non-returnable bottles. As ecologist Barry Commoner stated before the Illinois Pollution Control Board:

I'm just proposing a very simple thing: lend the nitrogen to the city folks—but get it back. I think that's clear.

Simply stated, the beneficial use and recycling of wastewater pollutants are the wave of the future. Many such as Commoner have advocated it but felt that "we would have to clear economic hurdles to do this." Muskegon County has shown that the economic hurdles can be cleared. The Corps of Engineers pilot wastewater management program is seeking to determine if there are any dramatic diseconomies of scale which would preclude the use of the resources management approach for major metropolitan areas. The completion of the Corps of Engineers' survey scope reports will answer that question.

THE ROLE FOR COUNTY GOVERNMENT

In Muskegon County, after efforts to use political consolidation (one city) and a special district government (a water and sewer authority) as the means to achieve regional resource management had failed, the general purpose County government became the vehicle to achieve functional consolidation. One reason for the County's success was its offer of a total waste management approach which was viewed by local governments and industries as a solution.

In essence, the County provided the vision around which the local governments and industrial interests organized. In so doing, the County injected new dimensions—regionalism and resource management—into the decision making process rather than competing with the local governments by attempting to do the same thing each of them could do by themselves—construct conventional sewage treatment plants. Urbanized counties have the opportunity to play such a leadership role and fill the planning vacuum that exists in many areas.

Rural counties must also play a role in

a total waste management program. The farm products or nutrients shipped to the urban areas for consumption and use must be considered as returnable nutrients. Thus, it is necessary for rural counties to plan systematically for the recycling and reclamation of urban pollutants which are, in essence, resources out of place.

These roles of both urban and rural counties relate to providing opportunities for developing resource management approaches to waste-water problems. County governments can assure that our nation can follow the admonition of Daniel Burnham to "make no little plans, for they have no power to stir men's souls." Total waste management requires planning on a scale larger than generally undertaken. Through the involvement of urban and rural counties, it can be made to succeed.

Because of a recent article in the Washington Post reporting on virus perils discovered in drinking water at two Massachusetts cities, it is worthwhile to give special attention to the fact that these cities draw this water from the badly polluted Merrimack and Concord Rivers. Those viruses come from sewage plant discharges into the rivers. Muskegon will no longer be threatened with such a potential problem. Land treatment of sewage removes and destroys virtually 100% of viruses. Those virsuses are held by soil particles and then attacked by bacteria which break them down to harmless protein in the land treatment process.

The first amendment encourages the development of revenue-producing waste management centers capable of handling sewage, solid wastes and managing thermal pollution problems. The second amendment provides additional Federal funds for such systems. The third amendment leads industry to encourage the development of such systems and in turn assists industry during this period of transition. I strongly urge Members to give careful consideration to these amendments.

Mr. Speaker, relative to H.R. 11896, I plan to offer three amendments to Title II of the legislation. These amendments are based on the preceding information only recently available in detail. The amendments follow:

AMENDMENT TO H.R. 11896, AS REPORTED

(Proposed by Hon. GUY VANDER JAGT)

Page 241, between lines 23 and 24 insert the following:

"(d) The Administrator shall encourage waste treatment management which results in the construction of revenue producing facilities providing for—

"(1) the recycling of potential sewage pollutants through the production of agriculture, silviculture or aquaculture products, or any combination thereof;

"(2) the confined and contained disposal of pollutants not recycled;

"(3) the reclamation of wastewater; and

"(4) the ultimate disposal of sludge in a manner that will not result in environmental hazards.

"(e) The Administrator shall encourage waste treatment management which results in integrating facilities for sewage treatment and recycling with facilities to treat, dispose of or utilize other industrial and municipal wastes, including but not limited to solid waste and waste heat and thermal discharges. Such integrated facilities shall be designed and operated to produce revenues in excess of capital and operation and maintenance costs and such revenues shall be used by the designated regional management agency to aid in financing other environmental improvement programs.

"(f) The Administrator shall encourage waste treatment management which combines 'open space' and recreational considerations with such management."

Page 241, line 24, strike "(d)" and insert "(g)".

Page 243, line 17, after the word "increased" insert "(1)" and on line 20 change the period to a comma, and add the following:

"(2) to 65 per centum of such costs, if the system of waste treatment management is developed in accordance with the provisions of section 201(d) of this Act, except that such 65 per centum grant shall be increased to 85 per centum of such costs, if the State agrees to pay 10 per centum of the cost of all such systems for which Federal grants are to be made from funds allocated to such State for such fiscal year."

Page 248, line 11, change the semi-colon to a comma and add the following:

"except in any case of a waste treatment management system developed pursuant to section 201(d) of this title, for which a grant is made under this title within five years after the date of enactment of this title, such payment shall not be required;".

PANAMA TREATY SITUATION: DEBAUCHERY OF CANAL ZONE MUST BE PREVENTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, I read with a sense of indignation two United Press International news dispatches from Panama, Republic of Panama, on March 15, 1972, about the abrupt and high handed action of the revolutionary government of that country in expelling three attachés of the U.S. Embassy there for alleged "intervention in Panamanian internal affairs": Charles W. Cecil, Ruben Monzo, and Wilbur V. Plase. The sole function of these attachés was to do their best to inhibit the smuggling of narcotics and dangerous drugs through Panama to the United States.

What interests me most about the action was its violence. As stated on other occasions, the collaboration of Panama with Cuba and U.S.S.R. has long been evident and invites these questions. Does the expulsion mean that our agents have uncovered the source of revenue for financing Soviet espionage? Does it mean that Foreign Minister Juan Antonio Tack is a Soviet Agent? It is well known that in the past the U.S.S.R. has used narcotics and other dangerous drugs to covertly finance subversion and espionage.

The Panamanian action was triggered by the publication in the United States on March 14 of a newsstory by Jack Anderson that involved persons high in the Panama revolutionary regime, including Foreign Minister Tack and the Panamanian Ambassador to Spain, Moises Torrijos, brother of Panamanian dictator, Gen. Omar Torrijos.

Though a State Department spokesman denounced the expulsion as unwarranted, the only action that it took, as could be expected, was to insipidly express the hope for continued cooperation in "suppressing narcotics traffic through Panama."

In addition to being contrary to normal diplomatic courtesies, the Panamanian action is destructive of what should be the mutual goal of both countries—the abolition of smuggling of narcotics and dangerous drugs through Panama into the United States. I trust that the Department of State will strongly protest the brazen action of Panama and respond by expelling some of Panama's attachés in Washington.

It is pertinent to add that Panama is a small, weak country, which I know well and have always sought to serve its best interests. As shown by its history it is a land of endemic revolution, endless intrigue, and political instability.

Panama has had these major sources of income: Panama Canal, tourism, and sale of liquor. Now it has apparently developed a fourth: Narcotics and dangerous drugs.

Under the terms of the proposed treaties that would surrender sovereignty over the Canal Zone to Panama that country would have the right to move all of these and other activities, however pernicious, into the Canal Zone, which now has clean and orderly towns resembling the small settlements of New England and the middle west.

Mr. Speaker, the expulsion by Panama of our narcotic agents attached to the U.S. Embassy there emphasizes in dramatic manner that our loyal officials and employees in the Canal Zone are right in opposing the debauchery of the Canal Zone that State Department functionaries are attempting to perpetrate through cession of the zone sovereignty to Panama and the imperative necessity for protecting the welfare of our citizens and the morale of our fighting men in the Armed Forces stationed on the isthmus from the destructive influences that would inevitably follow such surrender of sovereignty.

It is well known that our State Department takes the position that what Panama does is of no concern to the United States even if it openly embraces the U.S.S.R. as to Panamanian and Canal Zone affairs.

In order that the Congress and the Nation may be informed as to this further evidence of instability on the isthmus and the indispensable need for continued and undiluted sovereign control by the United States of the Canal Zone and Panama Canal, I quote the indicated UPI dispatches, news stories from the Washington Daily News and New York Times, and the Anderson column as parts of my remarks.

UPI TELEGRAMS

Panama City.—Panama's foreign minister last night expelled two U.S. narcotics agents "for intervention in Panamanian Internal Affairs."

The order stemmed from a syndicated column written by Jack Anderson accusing high Panamanian officials—including foreign minister Juan Antonio Tack—of being implicated in heroin smuggling. Anderson's column also implicated Moises Torrijos, brother of Panamanian strongman Gen. Omar Torrijos.

Narcotics agents Ruben Monzon and Wilbur Plase, both assigned to the U.S. Embassy, were given 24 hours to leave Panama in a brief announcement read over Panamanian television.

A U.S. Embassy spokesman said Monzon and Plase were classified as "attaches" but were in Panama on assignment from the U.S. Bureau of Narcotics and Dangerous Drugs. He said both men would probably leave the country today.

WASHINGTON.—The United States today called "unwarranted" the expulsion from Panama of three agents of the U.S. Bureau of Narcotics and Dangerous Drugs (BNDD).

The three were ordered to leave the country within 24 hours in the wake of a report which linked Panama's Foreign Minister Juan Antonio Tack with a recent heroin smuggling case.

State Department spokesman Charles W. Bray said the United States regretted the Panamanian action "and we consider it unwarranted." The three agents were identified as Wilbur Plase, Ruben Monzon and Charles W. Cecil.

Bray said, however, that "despite this unfortunate incident, we are hopeful that Panama and the United States can continue their cooperation, which we believe to be useful to both countries in suppressing narcotics traffic through Panama."

The spokesman said U.S. Ambassador Robert M. Sayre was informed by Panama last night that Plase and Monzon were to be expelled. The name of Cecil was received early today.

[From the Washington Daily News, Mar. 15, 1972]

PANAMA EXPELS U.S. ATTACHÉS

PANAMA CITY.—Panama's foreign minister last night expelled two U.S. narcotics agents "for intervention in Panamanian internal affairs."

The order stemmed from a syndicated column written by Jack Anderson accusing high Panamanian officials—including Foreign Minister Juan Antonio Tack—of being implicated in heroin smuggling. Mr. Anderson's column also implicated Moises Torrijos, brother of Panamanian strongman Gen. Omar Torrijos.

SHORT NOTICE

Narcotics agents Ruben Monzon and Wilbur Plase, both assigned to the U.S. Embassy as attaches, were given 24 hours to leave Panama in a brief announcement read over Panamanian TV.

A U.S. embassy spokesman said both agents would probably leave the country today.

The foreign minister called Mr. Anderson's column a smear campaign to break "the capacity for struggle of the Panamanian people."

He linked Mr. Anderson's charges against himself to his position on negotiations for a new treaty concerning the Panama Canal and jurisdiction and defense of the canal zone.

LINKED TO CANAL FLAP

Mr. Tack said, "first we are accused of being communists, but it seems that this accusation had no results. No, they are looking for dirtier weapons to try to break the capacity for struggle of the Panamanian people."

In Washington, Rep. John M. Murphy, D-N.Y., insisted Mr. Anderson's drug charge was well-founded.

Mr. Murphy reiterated U.S. narcotics agents had implicated Mr. Tack and Mr. Torrijos in a heroin case during recent briefings held for him in Washington and in Panama.

A spokesman for the Bureau of Narcotics and Dangerous Drugs confirmed several agents met with Mr. Murphy during his recent trip to Panama, but denied they supplied him with information concerning Mr. Tack and Mr. Torrijos.

[From the New York Times, Mar. 16, 1972]

HOUSE MEMBER CHARGES NARCOTICS SMUGGLING INQUIRY TOUCHES "HIGHEST LEVELS" OF PANAMA GOVERNMENT

(By Benjamin Welles)

WASHINGTON, March 15.—Representative John M. Murphy charged today that an investigation into heroin smuggling into the United States had touched the "highest levels" of the Government of Panama.

Mr. Murphy, Democrat of Staten Island, who is chairman of a house subcommittee on the Panama Canal, named Juan Tack, Panamanian Foreign Minister, and Moises Torrijos, Panamanian Ambassador to Spain as the officials allegedly involved in narcotics: Mr. Torrijos is a brother of Brig. Gen. Omar Torrijos, ruler of Panama.

José Antonio de la Ossa, the Panamanian ambassador here, issued a statement vigorously denying the charges. He suggested that Mr. Murphy was reviving old charges because he had been "cold-shouldering" by Panamanian officials during his recent inspection visit to the Panama Canal.

He suggested too that Mr. Murphy was using the drug charges to impede progress toward a new Panama Canal treaty which, if negotiated, would restore "sovereignty" over the Canal Zone to the Panamanian Republic.

Late yesterday Mr. Tack ordered the expulsion of three American narcotics agents from Panama within 24 hours. He asserted that the men, agents of the United States Bureau of Narcotics and Dangerous Drugs, had "intervened in the internal affairs of Panama."

The expulsion followed initial reports two days ago in the syndicated column of Jack Anderson linking Mr. Tack and Mr. Torrijos with narcotics smuggling. The first hint of the development came a week ago in a brief allusion by the Panama Canal subcommittee to "confidential" information passed to the subcommittee by the Bureau of Narcotics.

United States officials involved in the treaty negotiations, which have been under way here since June, declined to speculate whether the flareup would jeopardize the talks. Panamanian diplomats, who denied recent reports of an "impasse," said that they thought the talks would not be fundamentally affected.

Mr. Murphy said today that he and other subcommittee members had been briefed here on Jan. 24 by Customs Bureau agents placed at their disposal by Myles Ambrose, then Director of the Treasury's Bureau of Customs and now President Nixon's special consultant for drug abuse enforcement. The subcommittee was then preparing to visit Panama and the Canal Zone.

REPORT NOT PUBLISHED

A passage from the unpublished report of the subcommittee dated March 8 and entitled "Overview of the Narcotics Problem in Panama" cited a recent drug-smuggling case involving Panamanians and stated in part:

"The [customs] briefing team concluded that based on the customs investigation this case reached into the highest levels of Panamanian officialdom and included Moises Torrijos, the brother of Gen. Omar Torrijos and the Panamanian Foreign Minister, Juan Tack.

"The subcommittee report also asserted that this involvement was confirmed by B.N.D.D. officers in the Republic of Panama on Feb. 23 during the subcommittee briefing in that country."

The State Department said that the bureau had denied "in writing" that its agents had implicated Mr. Tack or Mr. Torrijos in its briefings of the House subcommittee. A bureau spokesman, who confirmed this, was unable to explain the conflict with the subcommittee's report, which said that bureau agents had "confirmed" information about the "involvement" of the Panamanian officials.

A spokesman for the Customs Bureau said that it had nothing to add to what it had told Mr. Murphy and his subcommittee colleagues.

"UNWARRANTED," AIDE SAYS

Charles W. Bray 3d, the State Department spokesman, said that the department considered the expulsion of the three agents, Wilbur Plase, Ruben Monzon and Charles W. Cecil Jr., as unwarranted.

"Despite this unfortunate incident," Mr. Bray said, "we are hopeful that Panama and the U.S. can continue their cooperation, which we believe to be useful to both countries in suppressing narcotics traffic through Panama."

Mr. Murphy, a graduate of West Point and a decorated infantry commander in World War II and the Korean war, cited growing drug abuse among American servicemen and dependents in Taiwan, Okinawa, the Philippines, Vietnam and, especially, Panama.

"The subcommittee in no way wishes to cast all of the blame on Panama or its officials," his report emphasized. It criticized "mercenary American nations, soldier-of-fortune pilots and others" who were "making small fortunes" by drug-running. It also criticized "high level apathy, ignorance and/or collusion" in Panama.

[From the Washington Post Mar. 14, 1972]

DRUG REPORT NAMES PANAMANIANS

(By Jack Anderson)

American narcotics agents have implicated the foreign minister of Panama and the brother of Panamanian dictator Omar Torrijos in a scheme to smuggle hundreds of pounds of heroin into the United States.

The foreign minister is handsome Juan Tack, who looks like a Latin American movie idol but talks as tough as a Mafia overlord, particularly on the subject of narcotics.

In fact, a few weeks ago when we disclosed that American officials were worried about the Panamanian drug traffic, Tack vehemently rejected the report as injurious, offensive and false.

"Panamanian authorities are dedicated," he said, to wiping out "hard drugs." Tack was firmly backed by dictator Torrijos, whose brother Moises is Panamanian ambassador to Spain.

Now, however, federal agents have confieded to the chairman of the House Panama Canal Subcommittee, Rep. John Murphy (D-N.Y.) that they believe Tack and Moises Torrijos are at least sanctioning and perhaps assisting in the lucrative heroin traffic between Panama and the United States.

Murphy is passing on the information to the House Merchant Marine Committee in a formal, but hitherto secret report. It tells how Murphy met privately in Panama with two agents from the Bureau of Narcotics and Dangerous Drugs (BNDD).

"They were not complimentary over the degree of cooperation being afforded by the Panamanaian National Guard," Murphy reports. "While there seems to be ample narcotics traffic in the area, all cases that have been initiated thus far were the result of BNDD-supplied or developed information . . .

"Information supplied by BNDD on the involvement of high ranking Panamanian officials in the international drug traffic is of such a sensitive nature that (it) will be contained in a separate subcommittee report which will necessitate strict confidentiality."

If released, Murphy writes, the information could cause "a possible rupture in relations with the present leadership in the Panamanian government."

We have now learned that the "high ranking Panamanian officials" mentioned by Murphy are none other than foreign minister Tack and Moises Torrijos.

It was Tack, Murphy has been told, who signed a dubious diplomatic passport for Rafael Richard Jr., son of the Panamanian ambassador to Taiwan.

Arrest at Kennedy

Young Richard was arrested last July at New York's Kennedy Airport as he tried to

use the diplomatic credentials to avoid inspection of his luggage. It contained 75 pounds of nearly pure heroin.

Later, customs agents seized Guillermo Gonzalez, who is a long-time friend and ex-bodyguard for Moises Torrijos, and a third Panamanian. Since then, Murphy has been in contact with both customs and BNDD to find out who is at the top of the smuggling.

The federal agents told the congressman their investigations showed it was "impossible" for the dictator's brother to be unaware of the dope-running.

After all, they said, the three arrested men had already moved into the United States almost 1,000 pounds of heroin which had a street value of more than $100 million.

When my associate Les Whitten asked at the Panamanian embassy whether Tack or Moises Torrijos were doing any trafficking, a surprised spokesman sputtered "No! Definately not!"

FORTY-EIGHT DAYS, AND STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, it has now been 48 days since House Ways and Means Committee Chairman WILBUR MILLS wrote President Nixon asking for the tax reform proposals the President promised last September. In his February 7 letter, Chairman MILLS pointed out that such proposals should be submitted by March 15 in order for Congress to have time to act on them in this session. The White House has managed to acknowledge receipt of Chairman MILLS' letter, but no substantive response has been forthcoming.

The ranking minority member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. BYRNES), told the House on March 13 that it was his understanding that "the administration does intend to respond in more detail," but he did not know when. Chairman MILLS said on March 15 that he thought the President "probably has in mind some further response to the letter," and he speculated that it would come "before we take up the next debt ceiling increase."

It is becoming clear what the administration's game is. It is going to stall, and stall, and stall some more, until so much of the session has passed that there will be no time to enact a meaningful tax reform package. The administration should keep in mind, however, that there will be another vote on raising the debt ceiling in June. The House Democratic Caucus resolved on March 15 that any further increase in the debt ceiling "will be jeopardized" unless the President makes known his views on tax reform. The administration is free to consider this idle if it wishes, but it cannot say it has not been put on notice.

The Secretary of the Treasury has taken the position that there has already been more than enough tax reform in the last few years, citing the Tax Reform Act of 1969. However, Secretary Connally is a man whose appetite for tax reform is easily sated, so it may be instructive to look at one of the highly touted 1969 reforms to see how it has actually worked out.

The so-called minimum tax provision of the 1969 act was intended to assure that all persons with very high incomes paid at least some Federal income tax. It went into effect for the first time in 1970, and preliminary Treasury statistics for that year have now become available.

I put a table in the CONGRESSIONAL RECORD last Monday—March 20, 1972, page 9004—which showed that there are still thousands of individuals with very high incomes still escaping all Federal income taxes. There were, for example, 394 persons with 1970 adjusted gross incomes in excess of $100,000 who paid no tax. The minimum tax failed to catch them.

But even those tax avoiders who were apprehended by the minimum tax escaped relatively minor payments. The Treasury figures show that 18,646 individuals were subject to the minimum tax for 1970, and they paid a total of $116,875,000 in minimum tax payments. The average payment thus came to $6,268. This may sound like a lot to pay in taxes, until you realize that the average income this tax is being paid on is somewhere between $100,000 and $150,000. The average tax rate is, therefore, between 4 percent and 7 percent. The average wage earner making $10,000 a year pays around 9 percent of it in Federal income taxes, a higher percentage than your average tax avoider who has at least 10 times as much income.

Back in 1969 when the Tax Reform Act was passed, the Treasury estimated that the minimum tax would bring in more than $500 million a year in new revenue. The take for the first year—$117 million—falls considerably short of that. Perhaps it will get better as time goes on, but I would not count on it.

Another striking revelation in the Treasury's minimum tax data is that there were 1,302 people who reported no adjusted gross income at all for 1970, yet they were all subject to the minimum tax. These are all very wealthy people, or they would not have had to pay a minimum tax in the first place, yet here they are reporting to IRS that they had no adjusted gross income. Their average minimum tax was $5,660 apiece, so it is easy to calculate—working backward—that they had an average of $86,600 apiece in income from various tax loopholes. But they had no adjusted gross income.

There is nothing illegal about this, but it does show that the figures I put in the RECORD last week showing the number of people who escape all Federal income taxes greatly understate the problem of tax avoidance. These figures are all based on adjusted gross income, that is, income after the deduction of various business expenses, one-half of long-term capital gains, and various other items. But what the minimum tax figures show is that it is possible to have very large amounts of income from various tax loopholes, while at the same time having little or no adjusted gross income. These people are not only escaping the tax collectors—they are escaping the statisticians as well.

I have been joined by 58 other House Democrats in introducing legislation (H.R. 13877) that would tighten up the minimum tax, and similar legislation has been introduced by 12 Senate Democrats (S. 3378).

As it stands now, the minimum tax administers just a small "love tap" to wealthy tax avoiders. They can continue to use tax loopholes if they will just pay a small admission fee for the privilege. At the very least we should increase the admission fee, and the legislation I have proposed would do this. Better still, however, we should simply do away with all these tax loopholes once and for all. Income is income, and there is no reason why wealthy investors, executives, and oilmen should get more favorable treatment than the average wage earner.

The following table shows the number of returns subject to the minimum tax in each adjusted gross income bracket, and the average minimum tax paid in each bracket:

Adjusted gross income bracket	Number of returns subject to minimum tax	Average minimum tax
No adjusted gross income	1,302	$5,656
$1 to $3,999	351	2,316
$4,000 to $7,999	267	2,333
$8,000 to $11,999	181	3,448
$12,000 to $19,999	439	3,708
$20,000 to $49,999	2,709	2,845
$50,000 to $99,999	4,703	3,129
$100,000 to $199,999	4,646	4,265
$200,000 to $499,999	2,983	8,163
$500,000 to $999,999	747	21,063
$1,000,000	318	73,890

INACCURATE INFORMATION ABOUT CHILDREN OF MISSISSIPPI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 10 minutes.

Mr. MONTGOMERY. Mr. Speaker, this past Friday on Metro Media's channel 5, a Mrs. Barbara Bode with the Children's March for Survival made some highly inaccurate statements which I would like to correct at this time. Without even having been near the State of Mississippi, she said that children are forced to work on chain gangs in my home State. Mr. Speaker, I can assure you that this is not true and has never been true. When questioned about her statement later and off-camera, Mrs. Bode admitted that she did not have any proof and had only heard someone say something to that effect one time.

Mr. Speaker, if there was ever a case of children been on a so-called chain gang, it was probably this past Saturday during the Children's March for Survival.

I would like to share with some of my colleagues the answers given by some of the children dragged to the Saturday afternoon charade by their parents. The children were asked by B. D. Cohen with the Washington Post the following question, "Why are you taking part in the march this afternoon." Their answers are as follows: first, "I don't know, I'm just going. I just want to march"; second, "I want to march to get the free balloons"; and third, "We are going to get Congress to give us some money."

Mr. Speaker, I regret that the leaders of the Children's March for Survival saw fit to take advantage of the children in Washington. They should hang their

heads in shame for their gross actions, as well as the inaccurate information that spewed forth from the rostrum Saturday afternoon.

WEEKEND AT FRIENDLY SUPERMARKET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 5 minutes.

Mrs. GRASSO. Mr. Speaker, I have just returned from a weekend at my friendly supermarket, and I want to report that Mr. Butz should be completely happy at last. All those good cuts of beef are sitting on the counter—all for him—because most people just can't afford the price. Veal is off the market and he can have that New Zealand lamb for himself. Chicken was up to 53 cents a pound and Mr. Butz should be laughing himself sick.

The sayings of Secretary Butz may be this administration's consumer guide book but this living example of foot-in-mouth disease is an insult to people who must eat to survive. Beans and fatty hamburger are a poor substitute for Mr. Hoover's promise of a chicken in every pot, and a poor slogan for the American dream in 1972.

TELEPHONE PRIVACY BILL GAINS SUPPORT

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, today I have reintroduced along with 28 other House Members the Telephone Privacy Act. This bill would give to an individual the right to indicate to the telephone company if he does not want commercial firms to solicit business over his phone. Commercial firms wanting to solicit business over the telephone would then be required to obtain from the phone company a list of its customers who do not want to be called.

I originally introduced this legislation last month and have received more letters on this than I have on any other issue. Almost all of it has been fervently in support. One of those letters, for example, was from an elderly person, an invalid, who had been commercially solicited over the phone by undertakers. Many people complained of getting an average of four or more commercial calls a day. Others complained that they had been solicited over the phone numerous times within several months by one magazine or newspaper company, even though they were already subscribers in some cases.

If there is any place where the right to privacy is absolute, it is within one's own home. Commercial firms such as magazines, newspapers, laundries, undertakers, and many other types of business have recently turned to the telephone as an inexpensive and personal media through which to do business. This legislation is simply designed to stem this growing telephonic invasion of our privacy.

Under this legislation the telephone company would be required to either make lists of customers who do not want to be commercially solicited available to firms, or put an asterisk directly in the phone book by the names of those invoking the commercial solicitation ban. If more than 10 complaints are received against a firm, its officers could be criminally prosecuted.

Those not covered by the legislation would be charities and other nonprofit groups, political organizations, and polltakers, and debt collection agencies, or any other individual or company with whom the individual has an existing contract or debt.

ON THE PRICE OF MEAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, I have sent the following letter to several thousands of my constituents urging a 2-day-a-week boycott of meat. I believe that this is an effective, but voluntary, means to bring down the price of meat. I am also hopeful that this action will force the President and his Cost-of-Living Council to move to lower food prices.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIENDS: As many of you know I have been attempting to get the President and his Cost of Living Council to take action to halt the continuing escalation of food prices. So far they have turned a deaf ear to the plight of the consumer who has watched in despair while each week the groceries eat up more and more of his frozen wages.

I think it is time for direct consumer action. The Nixon Administration has exempted food prices from price controls because agricultural prices supposedly respond to the forces of supply and demand. I suggest we put that theory to the test by cutting down on meat consumption.

What I am asking is that you join me in forming the nucleus of a nation-wide meat boycott. If each family that receives this letter sets aside at least two meatless days each week and encourages neighbors to do the same the effect could be quite dramatic. Supermarkets will buy less meat from wholesalers. Wholesalers will buy less meat from packers and packers will buy less cattle. Sooner or later those cows will have to come to market and at a lesser price. I single out meat because it represents over 20 percent of most family food budgets. Also there are many protein alternatives to meat such as fish, chicken, turkey, eggs and cheese.

I am not singling out grocery stores, though they will be the first to experience the impact of such a boycott. As a matter of fact I think the relatively poor profit figures for groceries and supermarkets indicate they are caught in the price squeeze too.

Hopefully if enough consumers respond to this boycott the President and his Cost of Living Council will be forced to face this issue squarely. By squarely I mean that they will recommend steps that would not only halt the escalation in food prices but also roll back prices which have risen disproportionately high.

Sincerely,

WILLIAM R. COTTER,
Member of Congress.

FLORIDIANS PROUD OF FLORIDA STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, the fans of UCLA have a right to be proud of their national champion basketball team, but I can assure you that they are not any prouder than Floridians are of their Florida State University Seminoles.

Florida State lost to UCLA in the national championship game, 81 to 76, last weekend, but not the tremendous enthusiasm which FSU fans and I share for our team.

We offer no apologies for this defeat. UCLA is fantastic and their record of six consecutive NCAA titles, eight in 9 years, speaks for itself. Florida State and all of us who were pulling for them knew that we were meeting a team with poise, ability, pride, tradition, and that same cry "Why, this team is better than the one the year before, and they were the best basketball team in history."

I think that national basketball fans admired Hugh Durham's Seminole team. They started off the game with poise and were ahead for a time.

When they got behind, they continued to play to win.

Coach John Wooden is like Adolph Rupp, he is already a legend. He deserves congratulations as does his team.

Yet there are those of us from the Sunshine State who today would pay tribute to a gallant squad from Florida State. They were unheralded and came from nowhere to take a great Kentucky team and one of the very finest clubs in the land, North Carolina.

We are still on cloud 9. Maybe we lost the game by five points. It would be hard to convince the community of Tallahassee, Fla., of that fact.

To Coach Durham and his great team, might I add this tribute to that which has been paid them throughout the Nation.

They richly deserve it.

FORTHCOMING APPROPRIATIONS TO MAINTAIN THE VALUE IN TERMS OF GOLD OF U.S. CONTRIBUTIONS TO INTERNATIONAL MONETARY AND LENDING INSTITUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GIBBONS) is recognized for 10 minutes.

Mr. GIBBONS. Mr. Speaker, last week I voted for the Par Value Modification Act, as did a majority of my colleagues in the House. In supporting this bill I did not think that it would provide all the answers to the international monetary crisis, and even less that it would solve our domestic economic difficulties, but it did seem to me to reflect a sensible appraisal of the structural disequilibrium underlying our worsening balance of payments situation.

We were told that this bill was simply a ratification of the decision which our negotiators had already made. Although

we have debated in committee and on the floor the effects on our economy this devaluation is likely to have, the action of devaluing itself has always been considered a bookkeeping detail. I think that we have skipped too quickly over the mechanics of devaluation. The Treasury has passed pages of figures and prose before our glazed eyes, showing automatic increases of assets here and of liabilities there. I believe that we ought to focus in a little closer on these figures.

Let us look in particular at the cost of maintaining the value in terms of gold of our contributions to international monetary and lending institutions, which we agreed to do in joining these organizations and as devaluing countries have done in approximately 200 instances so far. The administration has estimated that appropriations in the neighborhood of $1.5 to $1.6 billion will be necessary to maintain our contribution level. This figure covers several different expenditures.

First, Congress will be asked to appropriate $525 million to cover both the increase in dollar cost of our IMF subscription and the increase in dollar cost of the money which we have already drawn from the Fund, which now constitutes an outstanding obligation. Following appropriation of these funds, the U.S. Treasury would issue letters of credit to the Fund to cover this sum.

Second, we will be asked to come up with $1.69 billion to cover the increased cost of our contributions to the international lending institutions—the International Development Association, the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank. This again breaks down into two categories: $663 million for callable capital, money which we have to be willing to come through with if requested but which is not likely to be drawn down, and $406 million for paid-in subscriptions.

The total of these obligations is between $1.5 and $1.6 billion. I do not question the accuracy of the figures for a minute, or the necessity of fulfilling our international commitments. It is in our national interest to support a stable international monetary system, just as it is in our interest to retain the control over multinational lending to the less developed countries to which our preeminent position as contributor in these institutions entitles us.

We cannot afford to delay formal devaluation. I would like to call your attention here to an article in the Wall Street Journal on March 23, 1972, in which Michael Bradfield, the Assistant General Counsel specializing in international finance at the Treasury, is described as "hinting" that the administration may put off notifying the IMF formally of the dollar's devaluation until Congress has been persuaded to pass the related appropriations. If true, this would be a very unwise move. We have all seen the dollar fluctuate wildly in international markets; we have heard the complaints of foreign central banks as they are forced to absorb increasing quantities of unwanted dollars; worse, we have seen quiet little exchange controls imposed upon the inflow of American currency in these countries. We cannot encourage speculation and irritate our trading partners by allowing any question of our "seriousness" in this matter to exist. We must complete the process of devaluation which we voted on favorably last week.

Mr. Speaker, I am sure that very shortly we are going to be asked to appropriate this money, this $1.5 billion. Let us turn our attention now to the form which this appropriation should take. We have heard a lot about increased assets offsetting increased liabilities as a result of devaluation. But still we in Congress will be asked to come up with the money to cover the $1.5 billion liability while the "roughly equal" assets remain buried in the heart of the Treasury's accounting labyrinth.

We must not forget the source of this expense we are asked to meet: The decrease in the value of the dollar, which has raised the number of dollars required to meet our commitments abroad. But just as the dollar has depreciated by 8.57 percent, our gold reserves have appreciated by the same percentage. Our liquid assets have appreciated by $828 million. Section 4 of the Par Value Modification Act provides for this "paper profit" to be "covered into the Treasury as a miscellaneous receipt." At this point, our $828-million asset will be used to reduce the borrowing costs incurred in servicing our fantastic national debt and eventually will drift into limbo, unless Congress does something to prevent it.

I maintain that we should not lose sight of this money; $828 million is not peanuts. It is over 150 percent, for instance, of the 1972 budget allocation for the entire legislative branch of this Government. This sum is the result of the same devaluation process which requires us now to find $1.5 billion in appropriations; let us take that $828 million of "windfall gain" and earmark it for partial payment of our "windfall" liabilities.

I plan to introduce legislation directing Congress to establish a trust fund and at the same time to appropriate the $828-million profit resulting from the increased dollar value of our liquid reserves, these funds to remain in trust, to be administered by the Secretary of the Treasury, and to be used in future for the purpose of offsetting U.S. obligations to international monetary and credit institutions which have been increased through devaluation of the dollar this year.

There is plenty of precedent for Congress to instruct the Treasury to disburse the profit from currency realinement in a specific way. After the 1934 devaluation, Congress directed the Treasury to use the profit for a number of purposes: To set up an exchange stabilization fund which is still with us today, to provide capital for direct loans to industry, and for other uses.

Today, because of increased international economic interdependence, we are no longer free to spend this much smaller profit in creating domestic programs to stimulate the economy, sorely needed though these are. If our assets, increased through devaluation or otherwise, outweighed our international liabilities, we would not be in our present balance-of-payments predicament. But we can still make positive and precise use of our devaluation profit.

It could, perhaps, be argued that special action is unnecessary, that with or without a special trust fund the Treasury will spend the money, and I have no doubt that eventually our international obligations would be fulfilled. But setting up a trust fund to apply the increase in our assets against the increase in our liabilities is no idle bookkeeping technicality. It will serve two important functions. First, it will underline the close connection between revenue and appropriation, income and outlay. It will insure that profits from devaluation are used specifically to reduce losses from devaluation, instead of being dispersed anonymously to improve the appearance of the Federal deficit. Second, it will serve as a reminder that it is the Congress of the United States and no other body which has ultimate authority in deciding the allocation of revenue in this country.

The question of supplemental appropriations will soon be upon us. No one can seriously dispute that we must meet our international obligations; but let us stop being a rubberstamp for a monetary policy which has not, up until now, proven outstandingly successful. Let us take the initiative, demand that devaluation profits be used to pay part of devaluation losses, and appropriate the necessary balance expeditiously. These are most important issues which demand our urgent attention.

NLRB AND THE UNITED FARMWORKERS

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

Mr. KOCH. Mr. Speaker, on March 16 I placed a statement in the RECORD reporting on an action taken by the NLRB against farmworkers. The NLRB filed a petition in the Federal district court in Fresno, Calif., requesting a nationwide injunction which, if granted, would prohibit the boycott activities of the United Farmworkers. I have had correspondence on this matter with Senator ROBERT DOLE which I am setting forth with the thought it would be of interest to our colleagues:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 16, 1972.

Senator ROBERT H. DOLE,
Chairman, Republican National Committee, Washington, D.C.

DEAR SENATOR DOLE: I know that you are undoubtedly receiving communications urging you to take a position in opposition to the recent action of the NLRB which, I am informed, filed a petition on March 9th in Fresno, California requesting a nationwide injunction against the United Farm Workers. A letter from a Democratic Congressman, I know, will not have as much impact upon you as one that might be received from a Republican colleague, but I believe that the gross inequity that would be perpetrated if

the NLRB is successful is such as to require every public office holder without regard to partisanship to make his or her view known.

I urge you, in your individual capacity and as Chairman of the Republican National Committee to speak out in opposition to the NLRB's action and to take whatever measures you can to rescind that action.

Sincerely,

EDWARD I. KOCH.

REPUBLICAN NATIONAL COMMITTEE,
Washington, D.C., March 21, 1972.

Hon. EDWARD I. KOCH,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: This will acknowledge your letter of March 16, with reference to the action taken by the National Labor Relations Board in connection with the United Farm Workers.

At the outset, let me assure you that the Republican National Committee played no role whatsoever with reference to the NLRB's action in the case. As you know, the NLRB is an independent entity of the Federal government, and all appointments to that Board have been made on a bipartisan basis.

In any event, I have been in touch with the NLRB, and enclosed is a copy of their response, which is self-explanatory. You will note, of course, that a hearing has been set for April 6, and I am confident that all those wishing to make their views known will have the opportunity to be heard at that time.

I appreciate your concern, and regret the unfortunate misunderstanding that the Republican National Committee was in any way responsible for the NLRB's action.

Sincerely yours,

BOB DOLE.

NATIONAL LABOR RELATIONS BOARD,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., March 17, 1972.

Hon. ROBERT J. DOLE,
U.S. Senate,
Washington, D.C.

Re: Free Marketing Council, Case Nos. 21–CC–1365, et al.

DEAR SENATOR DOLE: On March 14, 1972, Mr. Taggert of your office telephoned to inquire about proceedings instituted by this Agency against United Farm Workers Organizing Committee, now United Farm Workers National Union. After I explained to him what we are doing and why he asked that I put it in writing to facilitate your response to inquiries you have received, and I do so now.

A number of unfair labor practice charges have been filed in various of our Regional Offices around the country alleging, in essence, that UFWOC has engaged in, and is engaging in, conduct violative of the secondary boycott provisions of the National Labor Relations Act. It appears that UFWOC is engaged in an effort to organize and secure collective bargaining contracts covering employees of wineries who convert wine into champagne. In aid of this effort, it has been picketing various retail outlets which sell the products of the winery or wineries with which it has this dispute, an object of the picketing being to induce customers not to patronize these retail outlets, in short, to boycott the retail outlets.

Such conduct, if engaged in by a labor organization subject to the provisions of our Act, is violative of the Act. However, the question presented is whether UFWOC is a labor organization within the meaning of our Act. Agricultural employees are not covered by our Act and any labor organization which represents only agricultural employees is not a labor organization subject to the provisions of our Act. UFWOC does, of course, represent agricultural employees but our investigation revealed that UFWOC also represents employees of commercial packing sheds, who are employees within the meaning of our Act, and indeed, in connection with the instant dispute seeks to bargain for employees who also are considered statutory employees. As noted above, the employees here involved are engaged in converting wine into champagne, which is not agricultural work.

Thus, on the basis of our investigation we concluded that UFWOC is a labor organization within the meaning of our Act inasmuch as it admits to membership and represents statutory employees as well as agricultural employees.

It has further been alleged by the party filing the unfair labor practice charges that in its boycott activities UFWOC has also been acting as an agent of a statutory labor organization, the claim having been made that, in sum, the AFL–CIO is involved in the boycott and UFWOC is engaging in such activities not only on its own behalf but also as an agent of the AFL–CIO. Our investigation in this connection has not yet been completed. However, on the basis of our conclusion that UFWOC itself is a labor organization the General Counsel authorized issuance of a complaint against UFWOC alleging that UFWOC is a labor organization and that it is engaging in conduct violative of Section 8(b)(4)(B) of our Act, the Section which proscribes certain types of secondary boycott activity. Under Section 10(1) of the statute, whenever it is determined that a complaint should issue alleging such a violation, the Agency is mandated to apply to a federal district court for an injunction enjoining the continuation of such conduct pending a hearing by the Board upon the charges and the Board's determination of the case on the merits. Accordingly, a petition was filed in the Federal District Court in Fresno, California, praying for such injunction. A hearing on the petition is now set for April 6, 1972.

I trust that the foregoing will give you sufficient information for your purposes. If there is any other question you have, please do not hesitate to call upon me.

Sincerely yours,

JULIUS G. SEROT,
Assistant General Counsel.

HAIL AND FAREWELL TO CHIEF CLIFF

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

Mr. RONCALIO. Mr. Speaker, Forest Service Chief Edward P. Cliff, whose 40-year career spans two-thirds the formal history of that agency, will retire on April 29.

The ninth Chief in the agency's history, Mr. Cliff held the top job longer than any predecessor and guided the Service through the decade of its greatest change and growth.

Succeeding Dr. Richard E. McArdle as Chief on March 18, 1962, Mr. Cliff has directed the initial development of the national wilderness preservation system, dramatically expanded forest and land-management research and taken great strides toward balancing management among the many uses of the national forests.

Chief Cliff, whose friendship I have valued since my introduction to his ability during my previous service in the 89th Congress, has said his major goal in office was to establish a multiple use program that worked.

He outlined his objectives in the document, "Framework for the Future," in which he ordered a new emphasis on the noncommodity values of the forests, without diminishing commodities vital to the Nation's needs.

Chief Cliff has ably served those goals. Though he has not escaped the criticism which every public servant who would make lasting change must become resigned to, the chief has won the respect of every knowledgeable person whatever the perspective.

In the histories of the Forest Service yet to be written, Chief Cliff's tenure will dominate, both for its innovations and its continuity of dedication.

A native of Utah, Ed graduated from Utah State University in 1931 and began as an assistant ranger on the Wenatchee National Forest in Washington State that year.

He rapidly worked his way up, exhibiting exceptional administrative skills and particular talents in range management work and national forest administration. He became one of 10 regional foresters in 1950 and in 1952 was named assistant chief.

He holds the Department of Agriculture's highest honor, the Distinguished Service Award "for consistently outstanding vision, courage and dedicated leadership in developing, administering and managing the resources of the National Forest System in an age of conflicting interests and dynamic change."

He will, in the phrase of the entertainment world "be a tough act to follow." I have the highest expectations, however, that his successor, John McGuire can meet the test. John also began his service with the agency while still in college, serving as a junior field assistant in Ohio in 1939.

In subsequent years, he received increasingly responsible positions at research stations and in 1962 came to Washington as assistant to the Deputy Chief for Research. After 4 years as director of the Pacific Southwest Station, he returned to take the post of Deputy Chief for programs and legislation in the Washington office. He was promoted to his present position as Associate Chief last year.

Through my service on the Interior Committee, I have also enjoyed the friendshlip of John McGuire, whose capabilities are well known to the members who rely on his expert testimony as a valued guide in a whole spectrum of land management problems.

With mixed emotion, we all pay tribute to Ed Cliff's superb record of service, regretting his departure, but wishing for him the best that life can hold in these coming years. To his successor we can confidently predict continuing responsible and professional service along with the best wishes for an equally commendable tenure as the Nation's premier forester.

NATIONAL BLOOD BANK PROGRAM

(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, subsequent to my introduction of H.R. 12715, National Blood Bank Act, on January 27, 1972, interest in the establishment of a

national blood bank program has escalated. The recent efforts of the President and the American Red Cross have followed the intent of my proposed legislation which would establish a Federal program to encourage the voluntary donation of pure and safe blood, require licensing and inspection of all blood banks, and establish a national registry of blood donors.

Essential to any national blood bank program is the recruitment of voluntary donors. Their blood has been found to be highly reliable and free of the infectious diseases which have been found in the blood of many paid donors. My bill would provide $9 million for the establishment of such a national recruitment program.

The State of Connecticut has the only statewide voluntary blood donation program which adequately meets the blood needs of an effective medical program. Rather than being the exception, this should be the rule. Only through the establishment of national standards and the encouragement of the establishment of effective voluntary programs of donation will we bring an end to the instances of diseased and tainted blood being utilized in transfusions. I urge my colleagues to support the National Blood Bank Act.

I attach the following article from the March 6, 1972, edition of the Hartford Courant entitled "Blood Bank Held Model for Nation."

BLOOD BANK HELD MODEL FOR NATION

(By David H. Rhinelander)

Leaders of the Connecticut Red Cross blood program have been anticipating federal involvement in blood bank programs and think this state's system could be a model for a national plan.

President Nixon Thursday called on the Department of Health, Education and Welfare (HEW) to develop a scheme for a national blood collection and distribution system.

HEW has hired the consulting firm of Booz, Allen and Hamilton to look at present programs. One of its experts spent two days last week touring the Connecticut Blood Program with Donald Cornish, director of the Connecticut Red Cross.

Cornish said Friday that the state Red Cross' building program will put the Connecticut Blood Bank ahead of most others. The Red Cross will build a new state headquarters, and blood banking facilities on state land next to the University of Connecticut Health Center in Farmington.

"I feel we will be able to meet any and all federal licensing and inspection criteria and will be able to satisfy future blood requirements for Connecticut from our new building," said Cornish.

Only Connecticut has a statewide voluntary program that guarantees to meet all the blood needs of hospitals in the state. There are no commercial blood banks in the state and no blood is sold to any hospital.

Elsewhere in the nation, commercial blood banks have grown because the Red Cross covers only 40 per cent of the national need. The price of a pint of blood has risen and the incidence of hepatitis and other blood diseases in commercially distributed blood has increased.

HEW Secretary Elliot L. Richardson said Thursday in Washington that there was no national system but that there was a great need for nationwide blood programs to match supplies with needs.

About 8 million pints of blood are collected in the United States each year. There are about 100,000 persons who sell their blood.

REPORTS ON NURSING HOMES

(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, when the Social Security Act was enacted in the late 1930's, section 1106 was included "to protect the earnings records of those enrolled—a perfectly laudable objective." Regretfully, this section, 42 United States Code 1306, has been used by the Department of Health, Education, and Welfare and Social Security Administration to prevent the public from having access to the reports which the agency receives as to the quality of care and the conditions which prevail in the thousands of nursing homes which exist in this country and the operations of which are paid for in large measure by the Federal Government.

I introduced, on February 2, 1972, H.R. 12864, which would remove the present bar to the availability of this important nursing home information, and this measure is pending before the Committee on Ways and Means. The text of this bill and section 1106 of the Social Security Act follows:

H.R. 12864

A bill to amend the Social Security Act by providing for the release of information concerning certain aspects of the medical programs authorized by the Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1106(a) of the Social Security Act is amended by inserting "(1)" after "(a)", and by adding at the end thereof the following new paragraph:

"(2) Nothing in subsection (a) or in the regulations prescribed thereunder shall prohibit, prevent, interfere with, or delay the timely disclosure or dissemination of any file, record, report, or other paper, or any information, which (A) primarily relates to or concerns (i) the performance, fiscal data, or activities of one or more providers of services (as defined in section 1861(u)) or any other institutional entity or entities providing medical or related services covered by the health insurance programs under title XVIII or by a medical assistance program under a State plan approved under title XIX, or (ii) the activities or findings of any Federal, State, or local agency in connection with any such provider or entity or with any such services, and (B) does not specifically identify any particular beneficiary of the medical or related services involved or include personal information about any particular beneficiary or his entitlement or earnings.".

DISCLOSURE OF INFORMATION IN POSSESSION OF DEPARTMENT

Sec. 1106. (a) No disclosure of any return or portion of a return (including information and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or under subchapter E of chapter 1 or subchapter A of chapter 9 of the Internal Revenue Code of 1939, or under chapter 2 or 21 or, pursuant thereto, under subtitle F of the Internal Revenue Code of 1954, or under regulations made under authority thereof, which has been transmitted to the Secretary of Health, Education, and Welfare by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the Secretary or by any officer or employee of the Department of Health, Education, and Welfare in the course of discharging the duties of the Secretary under this Act, and no disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the Secretary or from any officer or employee of the Department of Health, Education, and Welfare, shall be made except as the Secretary may by regulations prescribe. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.[1]

(b) Requests for information, disclosure of which is authorized by regulations prescribed pursuant to subsection (a) of this section, and requests for services, may, subject to such limitations as may be prescribed by the Secretary to avoid undue interference with his functions under this Act, be complied with if the agency, person, or organization making the request agrees to pay for the information or services requested in such amount, if any (not exceeding the cost of furnishing the information or services), as may be determined by the Secretary. Payments for information or services furnished pursuant to this section shall be made in advance or by way of reimbursement, as may be requested by the Secretary, and shall be deposited in the Treasury as a special deposit to be used to reimburse the appropriations (including authorizations to make expenditures from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund) for the unit or units of the Department of Health, Education, and Welfare which furnished the information or services.[2]

(c)(1)(A) Upon request (filed in accordance with paragraph (2) of this subsection) of any State or local agency participating in administration of the State plan approved under title I, X, XIV, XVI, or XIX or part A of title IV, or participating in the administration of any other State or local public assistance program, for the most recent address of any individual included in the files of the Department of Health, Education, and Welfare maintained pursuant to section 205, the Secretary shall furnish such address, or the address of the most recent employer, or both, if such agency certifies that—

(i) an order has been issued by a court of competent jurisdiction against such individual for the support and maintenance of his child or children who are under the age of 16 in destitute or necessitous circumstances.

(ii) such child or children are applicants for or recipients of assistance available under such a plan or program,

(iii) such agency has attempted without success to secure such information from all other sources reasonably available to it, and

(iv) such information is requested (for its own use, or on the request and for the use of the court which issued the order) for the purpose of obtaining such support and maintenance.

(B) If a request for the most recent address of any individual so included is filed (in accordance with paragraph (2) of this subsection) by a court having jurisdiction to issue orders or entertain petitions against individuals for the support and maintenance of their children, the Secretary shall furnish such address, or the address of the individual's most recent employer, or both, for the use of the court (and for no other purpose) in issuing or determining whether to issue such an order against such individual or in determining (in the event such individual is not within the jurisdiction of the court) the court to which a petition for support and maintenance against such individual should be forwarded under any reciprocal arrangements with other States to obtain or improve court orders for support, if the court certifies

that the information is requested for such use.[3]

(2) A request under paragraph (1) shall be filed in such manner and form as the Secretary may prescribe (and, in the case of a request under paragraph (1)(A), shall be accompanied by a certified copy of the order referred to in clauses (i) and (iv) thereof).

(3) The penalties provided in the second sentence of subsection (a) shall apply with respect to use of information provided under paragraph (1) of this subsection except for the purpose authorized by subparagraph (A)(iv) or (B) thereof.

(4) The Secretary, in such cases and to such extent as he may prescribe in accordance with regulations, may require payment for the cost of information provided under paragraph (1); and the provisions of the second sentence of subsection (b) shall apply also with respect to payment under this paragraph.

FOOTNOTES

[1] Reorganization Plan No. 2 of 1949 (see p 899, vol. II) transferred to the Secretary of Labor certain duties and functions of the Federal Security Administrator (now Secretary of Health, Education, and Welfare), with respect to employment services, unemployment compensation, and the Bureau of Employment Security (which was also transferred to the Department of Labor from the Federal Security Administration). Reorganization Plan No. 19 of 1950 (see p. 901, vol. II) transferred the Bureau of Employees' Compensation from the Federal Security Administration (now the Department of Health, Education, and Welfare) to the Department of Labor and provided for the transfer from the Federal Security Administrator to the Secretary of Labor of certain functions and duties with respect to the Bureau of Employees' Compensation and with respect to employees' compensation, including workmen's compensation. In effect with respect to these functions and duties, the provisions of this section of the Social Security Act also apply to the Secretary of Labor.

[2] See footnote 1, above.

[3] P.L. 90–248, sec. 241(c)(1), deleted "IV," which appeared before the numeral "X", and inserted "or part A of title IV,".

The Congressional Research Service of the Library of Congress, at my request, has prepared a legislative history of section 1106, and this, too, I have included as a part of these remarks:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., March 8, 1972.

To: Honorable JOHN SAYLOR,
From: American Law Division,
Subject: Legislative history of section 1106 of the Social Security Act, 42 USC 1306—Disclosure of information in possession of Department of Health, Education, and Welfare or Department of Labor; compliance with requests for information and services.

H.R. 6635, of the 76th Congress, a bill to amend the Social Security Act, contained in Title VIII, § 802, a provision prohibiting the disclosure, except pursuant to board regulations, of any returns or statements filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act or the Federal Insurance Contributions Act, or regulations thereunder, which have been transmitted by the Commissioner to the Board. The prohibition against disclosure, except pursuant to Board regulations, also extends to any file, record, report, paper or information obtained by the Board or any of its officers or employees in the course of official duties, any such material obtained by any person from the Board or any of its officers or employees. Violation of the prohibition is punishable as a misdemeanor. The House Ways and Means Committee reported HR 6635 as House Report No. 728, 76th Congress on June 2, 1939. Section 802 of Title VIII remained unchanged as HR 6635 passed the House on June 10, 1939. The Senate Finance Committee reported HR 6635 as Senate Report No. 734, 76th Congress on July 7, 1939. HR 6635 was passed by the Senate on July 14, 1939. A conference report No. 1461 was issued on August 4, 1939 and the bill became public law No. 379, 76th Congress on August 10, 1939. We have enclosed a copy of the public law. HR 6000, of the 81st Congress, a bill to amend the Social Security Act, was reported from the House and Means Committee as House Report No. 1300, 81st Congress on August 22, 1949. The bill passed the House on October 5, 1949, and was reported from the Senate Finance Committee as Senate Report No. 1669 on May 17, 1950. On June 20, 1950, HR 6000 passed the Senate amended. A conference was requested by the House and a report was issued on August 1, 1950 as House Report No. 2771, 81st Congress. On August 28, 1950 HR 6000 became Public Law 734, of the 81st Congress. The House version of section 1106 retained existing law with respect to disclosure of information and in addition specifically authorized the Federal Security Administrator to release, upon request, and to charge fees for: (1) wage-record information for State unemployment-compensation agencies, (2) special reports on individual wage records, and (3) special statistical studies and compilations of data relating to social-security programs. The Senate amendment authorized the Administrator to release, upon request, and to charge fees for: (1) wage-record information to state agencies administering unemployment-compensation laws and (2) special statistical studies and compilations of data relating to social-security programs. The Senate amendment required the Administrator to furnish wage-record information to a wage earner or his agent designated in writing (or, after death, his wife, child, or parent).

The Senate amendment did not authorize any other disclosures. The conference agreement retains existing law respecting authority for disclosure of information and authorizes the Administrator to charge fees for the information furnished. In addition, it requires the Administrator to furnish wage-record information to the legal representative of an individual or to the legal representative of the estate of a deceased individual. We have enclosed a copy of the Public law.

In the 85th Congress, HR 13549, Social Security Amendments of 1958, was enacted as Public Law 85–840. Section 701 of this act amended section 1106 (b) to provide for furnishing services and for collecting, and depositing in the old-age and survivors insurance and disability insurance trust funds, of appropriate charges for such service by the Secretary of Health, Education, and Welfare. Services would not be provided, however, where they would unduly interfere with the administration of the old-age and survivors insurance program. This section originally authorized the furnishing, and charging, of information permitted under applicable regulations to persons requesting the information; it did not provide for furnishing of services and the imposition of charges where the Secretary of Health, Education, and Welfare deemed such charging appropriate. We have enclosed a copy of Public Law 85–840.

In the 89th Congress, section 108c of HR 6675, social security amendments of 1965, amended section 1106 (b) of the Act so that the two new insurance trust funds established by the bill, like the old-age, survivors, and disability insurance trust funds may be reimbursed for costs of furnishing information (disclosure of which is authorized by regulations) or services to individuals or organizations. HR 6675 also added subsection c to section 1106. The Senate amendment added to the House bill a new section 343, amending section 1106 of the Social Security Act, to require the Secretary to furnish promptly, at the request of a welfare agency or a court, the most recent address in the social security records for a person who has failed without lawful excuse to provide support for his or her destitute child or children under age 16, or his destitute wife. The House receded with an amendment requiring the Secretary to furnish, at the request of a State or local agency participating in any State or local public assistance program, the most recent address in the social security records for a parent (or his most recent employer, or both) who has failed to provide support for his or her destitute child or children under age 16 who are recipients of or applicants for assistance under such public assistance program, where there is a court order for the support of the children and the information requested is to be used by the welfare agency or the court on behalf of the children. The report numbers for HR 6675 are House Report No. 213 (Ways and Means), Senate Report No. 404 (Finance), and Conference report No. 682, all of 89th Congress.

In the 90th Congress, H.R. 12080, the Social Security Amendments of 1967, was enacted as Public law 90–248 on January 2, 1968. The report numbers are House Report No. 554 (Ways and Means), Senate Report No. 744 (Finance), and conference report number 1030. Section 241(c)(1) of H.R. 12080 amended section 1106(c)(1) by striking out "IV," following "I," and inserted "or part A of subchapter IV of this chapter," after "XIX of this chapter". Section 168 of H.R. 12080 amended section 1106(c)(1) by adding a new subparagraph (B) requiring the Secretary of Health, Education, and Welfare to furnish the most recent address of an individual (or his most recent employer, or both) to a court having jurisdiction to issue orders or entertain petitions against the individual for the support and maintenance of his children if the court certifies that the information is requested for its own use in issuing or determining whether to issue such an order against such individual in the event the individual is not within the jurisdiction of the court to which a petition for support or maintenance is filed; the information might be used to determine the court to which a petition would be forwarded under any reciprocal arrangements with other States to obtain or improve court orders for support. Sections 168 (b) and (c) make conforming changes in the present provisions of section 1106(c) relating to the manner of making a request for information and to the applicability of penalties with respect to misuse of information furnished to a court.

JANICE G. GLASER,
American Law Division.

H.R. 6635—76TH CONGRESS,
PUBLIC LAW 76–379

"DISCLOSURE OF INFORMATION IN POSSESSION OF BOARD

"SEC. 1106. No disclosure of any return or portion of a return (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or the Federal Insurance Contributions Act or under regulations made under authority thereof, which has been transmitted to the Board by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the Board or by any officer or employee of the Board in the course of discharging the duties of the Board, and no disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the Board or from any officer or employee of the Board, shall be made except as the Board may by regulations prescribe. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon convic-

tion thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both."

H.R. 6000—81ST CONGRESS, PUBLIC LAW 81-734

"DISCLOSURE OF INFORMATION IN POSSESSION OF AGENCY

"SEC. 1106. (a) No disclosure of any return or portion of a return (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or under subchapter E of chapter 1 or subchapter A of chapter 9 of the Internal Revenue Code, or under regulations made under authority thereof, which has been transmitted to the Administrator by the Commissioner of Internal Revenue, or of any file, record, report, or other paper or any information, obtained at any time by the Administration or by any officer or employee of the Federal Security Agency in the course or discharging the duties of the Administrator under this Act, and no disclosure of any such file, record, or other paper, or information, obtained at any time by any person from the Administrator or from any officer or employee of the Federal Security Agency, shall be made except as the Administrator may by regulations prescribe. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

"(b) Requests for information, disclosure of which is authorized by regulations prescribed pursuant to subsection (a) of this section, may be complied with if the agency, person, or organization making the request agrees to pay for the information requested in such amount, if any (not exceeding the cost of furnishing the information), as may be determined by the Administrator. Payments for information furnished pursuant to this section shall be made in advance or by way of reimbursement, as may be requested by the Administrator, and shall be deposited in the Treasury as a special deposit to be used to reimburse the appropriations (including authorizations to make expenditures from the Federal Old Age and Survivors Insurance Trust Fund) for the unit or units of the Federal Security Agency which prepared or furnished the information."

(e) Section 1107 (a) of the Social Security Act is amended by striking out "the Federal Insurance Contributions Act, or the Federal Unemployment Tax Act," and inserting in lieu thereof the following: "subchapter E of chapter 1 or subchapter A, C, or E of chapter 9 of the Internal Revenue Code,".

(f) Section 1107 (b) of the Social Security Act is amended by striking out "Board" and inserting in lieu thereof "Administrator", and by striking out "wife, parent, or child", wherever appearing therein, and inserting in lieu thereof "wife, husband, widow, widower, former wife divorced, child, or parent".

H.R. 13549—85TH CONGRESS, PUBLIC LAW 85-840

TITLE VII—MISCELLANEOUS PROVISIONS

Furnishing of services by Department of Health, Education, and Welfare

Sec. 701. Section 1106(b) of the Social Security Act is amended to read as follows:

"(b) Requests for information, disclosure of which is authorized by regulations prescribed pursuant to subsection (a) of this section, and requests for services, may, subject to such limitations as may be prescribed by the Secretary to avoid undue interference with his functions under this Act, be complied with if the agency, person, or organization making the request agrees to pay for the information or services requested in such amount, if any (not exceeding the cost of furnishing the information or services), as may be determined by the Secretary. Payments for information or services furnished pursuant to this section shall be made in advance or by way of reimbursement, as may be requested by the Secretary, and shall be deposited in the Treasury as a special deposit to be used to reimburse the appropriations (including authorizations to make expenditures from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) for the unit or units of the Department of Health, Education, and Welfare which furnished the information or services."

H.R. 6675—PUBLIC LAW 89-97

DISCLOSURE, UNDER CERTAIN CIRCUMSTANCES, TO COURTS AND INTERESTED WELFARE AGENCIES OF WHEREABOUTS OF INDIVIDUALS

Sec. 340. Section 1106 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c)(1) Upon request (filed in accordance with paragraph (2) of this subsection) of any State or local agency participating in administration of the State plan approved under title I, IV, X, XIV, XVI, or XIX, or participating in the administration of any other State or local public assistance program, for the most recent address of any individual included in the files of the Department of Health, Education, and Welfare maintained pursuant to section 205, the Secretary shall furnish such address, or the address of the most recent employer, or both, if such agency certifies that—

"(A) an order has been issued by a court of competent jurisdiction against such individual for the support and maintenance of his child or children who are under the age of 16 in destitute or necessitous circumstances,

"(B) such child or children are applicants for or recipients of assistance available under such a plan or program,

"(C) such agency has attempted without success to secure such information from all other sources reasonably available to it, and

"(D) such information is requested (for its own use, or on the request and for the use of the court which issued the order) for the purpose of obtaining such support and maintenance.

"(2) A request under paragraph (1) shall be filed in such manner and form as the Secretary may prescribe, and shall be accompanied by a certified copy of the order referred to in paragraph (1)(A).

"(3) The penalties provided in the second sentence of subsection (a) shall apply with respect to use of information provided under paragraph (1) of this subsection except for the purpose authorized by subparagraph (D) thereof.

"(4) The Secretary, in such cases and to such extent as he may prescribe in accordance with regulations, may require payment for the cost of information provided under paragraph (1); and the provisions of the second sentence of subsection (b) shall apply also with respect to payment under this paragraph."

(c) Section 1106(b) of such Act is amended by striking out "and the Federal Disability Insurance Trust Fund" and inserting in lieu thereof ", the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund."

H.R. 12080—90TH CONGRESS, PUBLIC LAW 90-248

DISCLOSURE TO COURTS OF WHEREABOUTS OF CERTAIN INDIVIDUALS

Sec. 168. (a) Section 1106(c)(1) of the Social Security Act is amended by inserting "(A)" after "c(1)", by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and by adding at the end thereof the following new subparagraph:

"(B) If a request for the most recent address of any individual so included is filed (in accordance with paragraph (2) of this subsection) by a court having jurisdiction to issue orders or entertain petitions against individuals for the support and maintenance of their children, the Secretary shall furnish such address, or the address of the individual's most recent employer, or both, for the use of the court (and for no other purpose) in issuing or determining whether to issue such an order against such individual or in determining (in the event such individual is not within the jurisdiction of the court) the court to which a petition for support and maintenance against such individual should be forwarded under any reciprocal arrangements with other States to obtain or improve court orders for support, if the court certifies that the information is requested for such use."

(b)(1) Section 1106(c)(2) of such Act is amended by striking out ", and shall be accompanied" and all that follows and inserting in lieu thereof "(and, in the case of a request under paragraph (1)(A), shall be accompanied by a certified copy of the order referred to in clauses (i) and (iv) thereof)."

(2) Section 1106(c)(3) of such Act is amended by striking out "authorized by subparagraph (D) thereof" and inserting in lieu thereof "authorized by subparagraph (A)(iv) or (B) thereof".

* * * * *

(c)(1) Section 1106(c)(1) of such Act is amended by striking out "IV,", and by inserting after "XIX," the following: "or part A of title IV,".

It is very clear from the legislative history, Mr. Speaker, that the original section did not contemplate the result which has been achieved by the interpreters in Social Security Administration. No nursing care was provided or authorized in the original Social Security Act. No reference was made to this subject in the amendments which have been made to section 1106 as indicated by the history reproduced above.

I am advised that the Committee on Finance in the other body, has adopted an amendment to H.R. 1 which would be of a liberalizing nature, but which does not provide the full information permitted under my bill, H.R. 12864. It is also my information that the senior Senator from Connecticut, Senator RIBICOFF, has pending an amendment which goes farther than the one adopted by the committee. Also, I am told the senior Senator from California, Senator CRANSTON, has requested information on this subject, but has not been able to obtain it. The gentleman from Maryland, Mr. LONG, has a request pending which has not been met. I am sure there are many other congressional requests which have been ignored or denied.

Under dates of February 3, 1972 and March 2, 1972, I wrote the Secretary of Health, Education, and Welfare information on this subject as it related to the Commonwealth of Pennsylvania. The text of the two letters follows:

FEBRUARY 3, 1972.

Hon. ELLIOT L. RICHARDSON,
Secretary, Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I would like to be furnished with certain information your Department is required to obtain from vari-

ous sources under certain sections of the Social Security Act.

Specifically, I would like to have the most recent Medicare survey report on each extended care facility, home health agency, and each hospital not accredited by the Joint Commission on Hospitals in the Commonwealth of Pennsylvania.

In addition, I would like to have copies of the inspection reports, obtained by the Department, performed by the State for the purpose of certifying or recertifying nursing homes to receive Medicaid vendor payments or to receive payments as an intermediate care facility.

Lastly, I would like to have the same information on hospitals and home health agencies in the Medicaid program in the State.

Naturally, I am requesting this information in my official capacity as a Member of the United States House of Representatives.

I need this information at an early date and would appreciate it if it could reach my office no later than the close of business on Tuesday, February 22.

JOHN P. SAYLOR,
Member of Congress.

MARCH 2, 1972.

HON. ELLIOT L. RICHARDSON,
Secretary, Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: Enclosed is a copy of my letter of February 3, which I believe you will find self-explanatory and to which I have no response, formal or informal, as of this date.

I can understand that the information requested might take some reasonable time to compile, but I think an acknowledgement would be in order, to say the least.

I would appreciate receiving this information at the earliest possible convenience.

Sincerely yours,

JOHN P. SAYLOR,
Member of Congress.

As of the date of these remarks, I have had no official reply from Secretary Richardson. No acknowledgement has come from the Assistant Secretary for Legislation. My office did receive one call from a James Byers, who indicated on March 14 that a publication would be supplied which would give a summary of the information requested in my letter of February 3. He had indicated earlier that to comply with my request would entail the compilation of numerous reports and that it would be time consuming and expensive. On March 17, Mr. Byers called my office the second time and reported that he had been advised by "counsel" that he could not furnish the publication to which he had referred on March 14. He was advised in language which was not susceptible to misunderstanding what was expected of him and of the Department. I do not know this individual's capacity or his authority, though I gather from his conversation with my office that the latter is somewhat limited. I do know, Mr. Speaker, that a Member of the Congress is entitled to a written reply, and promptly, to any inquiry made of an executive agency. This I have not had.

It is a matter of considerable regret to me to see Secretary Richardson take the attitude he has in this case. Disregarding my letter would do justice to one of his predecessors, Wilbur Cohen, who earned quite a reputation for ignoring or adopting dilatory tactics in responding to the Congress. He is, unfortunately, following in the footsteps of his predecessors who have without exception refused to release this pertinent information. There is no real legal basis for the denial of this material, only an imagined one dreamed up by bureaucrats who are either blind to their responsibilities, lazy, incompetent, or perhaps a combination of all three.

Mr. Speaker, this information on the quality of care given in nursing homes across the Nation should be available to the public without any question. It is in the public interest. Homes which are operating on a quality basis have nothing to fear. Many of these homes, in fact the vast majority, could not operate without public funds. The public foots the bill, thus the public is entitled to know the facts. The information sought and needed should be, and can be, released without the enactment of any legislation. If, however, the Department is to continue its stubborn refusal to divulge this information, then legislation will be enacted—of that I am quite sure.

TO PROVIDE TEMPORARY PARTIAL EXEMPTION ON ENVIRONMENTAL IMPACT STATEMENTS

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

Mr. DINGELL. Mr. Speaker, on December 16, 1971, Judge Aubrey E. Robinson, Jr., of the District Court for the District of Columbia, in the case of *Kalur* v. *Resor, et al.* (Civ. No. 1331-71), issued an order permanently enjoining the Corps of Engineers "from issuing permits—under the 1899 Refuse Act—to discharge refuse matter into" the Nation's waterways until the corps' permit regulations are amended "to require environmental impact statements as specified by section 102(2)(C) of the National Environmental Policy Act of 1969."

The court, in that case, carefully analyzed NEPA, its legislative history, and recent court decisions interpreting NEPA. It concluded that the corps' regulations, which now generally provide that environmental impact statements are not required in the case of the permit program, "clearly fly in the face of NEPA's mandate that all agencies of the Federal Government shall make such reports and include detailed statements."

On February 3, 1972, the Department of Justice filed notice of appeal of this decision. Several months will pass before a decision is reached on this appeal.

The corps, the Environmental Protection Agency, and the Council on Environmental Quality find that immediate compliance with the court's order would create an untenable "administrative burden" over the short run.

Mr. John R. Quarles, Jr., EPA's General Counsel, testified on March 24, 1972, that:

> If we [EPA and the Corps] are required to prepare impact statements in connection with this great mass of pending [Refuse Act permit] applications, we anticipate that the program would operate under a great handicap. Our continuing judgment is that application of the impact statement requirement would frustrate the very purposes for which NEPA was enacted.

I do not agree that the application of section 102(2)(C) to Refuse Act permits "would frustrate the very purposes for which NEPA was enacted." It is inconceivable to me that EPA and the corps could issue any permit without first considering the very factors set forth in that section of NEPA.

Environmental impact statements are intended as the mechanism to implement Government coordination and to help agencies make a comprehensive approach to environmental management. Making these impact statements require Federal agencies to face the problems of pollution while they are still of manageable proportions and while alternative solutions are still available, rather than to persist in environmental decisionmaking wherein policy is established by default and inaction, the environment continues to be degraded in small but steady increments, and the mistakes of the past are perpetuated and not dealt with until they reach crisis proportions.

Furthermore, the environmental impact statement provides at least some evidence that the agency has given consideration to environmental factors, and enables the public to evaluate and weigh them also. NEPA and the environmental impact statements thus make the decisionmaking more responsive and more responsible.

One court decision—*Environmental Defense Fund* v. *TVA* (3 ERC 1553) recently summarized the importance of these statements as follows:

> The purpose of a section 102(2)(C) detailed environmental impact statement is (1) to aid the agency's decsion-making process and (2) to advise the public of the environmental consequences of the proposed action. The requirement seeks to insure that each agency decisionmaker has before him, and takes into proper account, all environmental impacts of a particular project. Only if this is done will the most intelligent, optionally beneficial decision be likely to result. Moreover, the detailed statement provides evidence that these factors have been taken into account. More importantly, it allows those removed from the decision-making process to evaluate and balance the factors on their own. In fact, "if the decision was reached procedurally without individualized consideration and balancing of environmental factors—*conducted fully* and in good faith—it is the responsibility of the courts to reverse." (Emphasis added.) *Calvert Cliffs* v. *AEC*, ——— F. 2d ——— (D.C. Cir., 1971). 2 ERC 1779, 1782.
>
> At the very least, NEPA is an environmental full disclosure law. The Congress, by enacting it, may not have intended to alter the then existing decisionmaking responsibilities or to take away any then existing freedom of decisionmaking, but it certainly intended to make such decisionmaking more responsive and more responsible.

Even so, a number of administration spokesmen have expressed great concern over the prospects of such statements being required in the case of the Refuse Act permit program or in the case of the permit program proposed in section 402 of the Senate-passed bill, S. 2770, or H.R. 11896, as reported. They feel that such a requirement for approximately 20,000 permit applications would interminably bog down the program.

I note, however, that if H.R. 11896, as reported by the House committee, is enacted without the clean water package of amendments, it is possible that NEPA will not apply to the permit program once it is transferred to the States.

The House committee has sought to devise a method by which Federal laws, like NEPA will not apply to a State operated program. The committee bill does not provide for a delegation of the Federal program to the States, but merely a suspension of the Federal program and approval of the State program, with provision for withdrawal of such approval if a State does not administer the program in accordance with the approval.

The clean water package of amendments, however, will cure this grave defect.

Suggestions that the permit program be permanently exempted from the environmental impact statement requirements of NEPA are not acceptable to me. It has been suggested, however, that a temporary suspension of this requirement might be possible in order to prevent any adverse effect on the permit program in its early stages.

This approach is more reasonable. It deserves consideration. For this reason, Congressman PELLY—the able and distinguished ranking minority member of the Subcommittee on Fisheries and Wildlife—and I are today introducing a bill for this limited purpose.

The bill would suspend the requirements of section 102(2)(C) of NEPA concerning environmental impact statements in the case of the present and proposed permit program for the discharge of wastes into our navigable waterways. The suspension would only apply to permits issued prior to January 1, 1976. Moreover, even as to those permits, impact statements will be required by December 31, 1977, unless EPA determines that such permit does not "constitute a major Federal action significantly affecting the quality of the human environment." This determination will have to be published and, of course, will include a full discussion of the basis for that determination. The suspension would not apply to permits issued for facilities for which construction begins on or after April 1, 1972.

The bill is intended to be very narrow in scope. Other Federal permit, licensing, or construction activities of Federal agencies are not affected by the bill. Moreover, the bill specifically provides that it does not affect in any way the other provisions of NEPA, such as the policy and other provisions of section 101 of NEPA. Those provisions will continue to apply, where applicable, to the permit program.

Our Subcommittee on Fisheries and Wildlife is currently holding hearings on NEPA. It is our intention to include consideration of this bill at those hearings. We will be particularly interested in learning the views and comments of public witnesses on the bill. Administration spokesmen reviewed this bill in draft form and assures us that the administration believes it is adequate for its limited purposes.

At this point I insert in the CONGRESSIONAL RECORD the text of the bill, H.R. No. 14103:

H.R. 14103

A bill to amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the National Environmental Policy Act of 1969 (83 Stat. 852) is amended by adding a new section to read as follows:

"Sec. 106. The provision of section 102(2)(C) of this Act providing for the preparation and filing of environmental impact statements shall not apply to the issuance on or before December 31, 1975, of permits under section 13 of the Act of March 3, 1899, or under section 402 of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, or to any action taken by any Federal agency in connection with such issuance: *Provided,* That unless the Administrator of the Environmental Protection Agency determines, and publishes his determination, that the issue of any such permit does not constitute a major Federal action significantly affecting the quality of the human environment, such permit shall not remain in effect beyond December 31, 1977, unless there has been compliance with section 102 of this Act: and *Provided further,* That this section shall not apply to any permit for a discharge from a facility on which construction commenced after April 1, 1972. Nothing in this section shall be construed as affecting any other requirements or procedures established by, or pursuant to, this Act."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Bow (at the request of Mr. GERALD R. FORD), for March 27 through March 29, on account of official business.

Mr. GOLDWATER (at the request of Mr. GERALD R. FORD), for week of March 27, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HILLIS) to revise and extend their remarks and include extraneous material:)

Mr. ERLENBORN, for 30 minutes, today.
Mr. TALCOTT, for 15 minutes, today.
Mr. HALPERN, for 5 minutes, today.
Mr. VANDER JAGT, for 30 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 10 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. REUSS, for 20 minutes, today.
Mr. MONTGOMERY, for 10 minutes, today.
Mrs. GRASSO, for 5 minutes, today.
Mr. ASPIN, for 5 minutes, today.
Mr. COTTER, for 5 minutes, today.
Mr. FUQUA, for 5 minutes, today.
Mr. GIBBONS, for 10 minutes, today.
Mr. O'HARA, for 15 minutes, on March 28.
Mrs. ABZUG, for 30 minutes, on March 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON, and to include extraneous material.
Mr. MAHON, to revise and extend his remarks made in the House today.
Mr. BLATNIK to revise and extend the remarks he made in Committee today.
Mr. SCHWENGEL (at the request of Mr. HARSHA) to extend his remarks in Committee of the Whole.
Mr. HARSHA during general debate on H.R. 11896 and to include extraneous matter.
Mr. DON H. CLAUSEN during general debate on H.R. 11896 and to include extraneous matter.
Mr. TERRY during general debate on H.R. 11896 and to include extraneous matter.
Mr. CLEVELAND during general debate on H.R. 11896 and to include extraneous matter.
Mr. RONCALIO during general debate on H.R. 11896 and to include extraneous matter.
Mr. KING during general debate on H.R. 11896 and to include extraneous matter.
Mr. GUDE following his remarks during general debate on H.R. 11896 and to include extraneous matter.

(The following Members (at the request of Mr. HILLIS) and to include extraneous material:)

Mr. DUNCAN.
Mr. SCHERLE in 10 instances.
Mr. DERWINSKI in three instances.
Mr. BURKE of Florida.
Mr. WYMAN in two instances.
Mr. SHRIVER.
Mr. BROOMFIELD.
Mr. ZWACH in two instances.
Mr. SCHWENGEL.
Mr. MINSHALL in two instances.
Mr. ANDERSON of Illinois in two instances.
Mr. HALPERN in three instances.
Mr. CARTER in four instances.
Mr. GROSS.
Mr. GROVER.
Mr. MCCLORY.
Mr. BLACKBURN.
Mr. WHITEHURST.
Mr. SCHMITZ.
Mr. BROYHILL of Virginia in three instances.
Mr. TALCOTT.
Mr. STEIGER of Wisconsin.
Mr. KEMP.
Mr. GUBSER.
Mr. MCEWEN in six instances.
Mr. HEINZ.
Mr. BOB WILSON in five instances.
Mr. HAMMERSCHMIDT in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. FLOOD.
Mr. MOSS in two instances.
Mr. PRYOR of Arkansas.
Mr. EVINS of Tennessee in three instances.
Mr. STOKES in two instances.
Mr. CORMAN in three instances.
Mr. HAMILTON.
Mr. YATRON.
Mr. HAGAN in three instances.
Mr. ROGERS in five instances.

Mr. MILLER of California in five instances.
Mr. KLUCZYNSKI in two instances.
Mr. RARICK in three instances.
Mr. DRINAN in two instances.
Mr. ANDERSON of California in three instances.
Mr. ROYBAL in 10 instances.
Mr. LONG of Louisiana.
Mr. ROSTENKOWSKI.
Mrs. ABZUG.
Mr. RANGEL in three instances.
Mr. REES in two instances.
Mr. REID.
Mr. SYMINGTON in four instances.
Mr. DANIELS of New Jersey in three instances.
Mr. FRASER.
Mr. BEGICH.
Mr. BOGGS.
Mr. BRADEMAS in six instances.
Mr. EILBERG in three instances.
Mr. BADILLO in three instances.
Mr. MOORHEAD in five instances.
Mr. RODINO in three instances.
Mr. PEPPER.
Mr. SATTERFIELD.
Mr. EDWARDS of California in three instances.
Mr. WALDIE in two instances.
Mr. HARRINGTON.
Mr. ROONEY of New York.
Mr. OBEY in six instances.
Mr. WILLIAM D. FORD.
Mr. GALLAGHER.
Mr. O'HARA in two instances.
Mr. BRASCO.
Mr. ROONEY of Pennsylvania in five instances.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 141. An act to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3153. An act to amend the act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3178. An act to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for President and Vice President; to the Committee on Interstate and Foreign Commerce.

S. Con. Res. 59. Concurrent resolution to authorize the loan of the Cornelia Fasset painting, "The Electoral Commission of 1877," to the National Portrait Gallery of the Smithsonian Institution; to the Committee on House Administration.

S. Con. Res. 70. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the Consumer Product Safety Act of 1971; to the Committee on House Administration.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 18. An act to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty; and

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 28, 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:

1772. A communication from the President of the United States, asking cancellation of fiscal year 1972 supplemental requests for budget authority which were transmitted in the budget for fiscal year 1973, and consideration of amendments to the request for appropriations transmitted therein for the Atomic Energy Commission (H. Doc. No. 92–269); to the Committee on Appropriations and ordered to be printed.

1773. A letter from the Secretary of Defense, transmitting his 1971 Annual Report on Reserve Forces, pursuant to 10 U.S.C. 279; to the Committee on Armed Services.

1774. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations and for other purposes; to the Committee on Armed Services.

1775. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

1776. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, and the Military Selective Service Act to permit the oversea assignment of members of the armed forces who have completed basic training and who have been awarded a military specialty; to the Committee on Armed Services.

1777. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit the Secretary of the Navy to establish annually the total number of limited duty officers permitted on the active list of the Navy and Marine Corps, and for other purposes; to the Committee on Armed Services.

1778. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the submarine U.S.S. *Torsk* to the Maryland Militia on behalf of the State of Maryland, pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

1779. 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–December 1971, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1780. A letter from the Director of Action, transmitting a draft of proposed legislation authorizing continuation of programs of Action, creating a National Advisory Council for that Agency, and for other purposes; to the Committee on Education and Labor.

1781. A letter from the Director of Action, transmitting a draft of proposed legislation authorizing continuing appropriations for Peace Corps and for other purposes; to the Committee on Foreign Affairs.

1782. A letter from the Assistant Secretary of the Interior, transmitting notice of the receipt of an application for a loan from the Semitropic Water Storage District on behalf of the Pond-Poso Improvement District of Wasco, Calif., pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

1783. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed amendment to concession contracts for the continued operation for an additional period of 1 year of facilities and services for the public in Zion, Bryce Canyon, and Grand Canyon (North Rim) National Parks, and Cedar Breaks National Monument, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1784. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1785. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of February 29, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1786. A letter from the Chairman, National Commission on Marihuana and Drug Abuse, transmitting the first year's report of the Commission, entitled "Marihuana, A Signal of Misunderstanding," pursuant to section 601 of Public Law 91–513; to the Committee on Interstate and Foreign Commerce.

1787. A letter from the Acting Attorney General, transmitting a draft of proposed legislation to amend section 3401 of title 18, United States Code, to authorize U.S. Magistrates to use the probation provision of the Youth Corrections Act, and for other purposes; to the Committee on the Judiciary.

1788. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a draft of proposed legislation to amend the Disaster Relief Act of 1970; to the Committee on Public Works.

1789. A letter from the Director, National Science Foundation, transmitting a report on Federal support to universities, colleges, and selected nonprofit institutions during fiscal year 1970, pursuant to the National Science Foundation Act, as amended; to the Committee on Science and Astronautics.

1790. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

1791. A letter from the Secretary of Health, Education, and Welfare, transmitting the Annual Report of the Social Security Administration for fiscal year 1971, pursuant to 42 U.S.C. 904; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

1791. A letter from the Comptroller General of the United States, transmitting a report that most veterans are not completing correspondence courses and that more guidance is needed from the Veterans' Administration; to the Committee on Government Operations.

1792. A letter from the Comptroller General of the United States, transmitting an assessment of Federal and State enforcement efforts to abate water pollution; to the Committee on Government Operations.

1793. A letter from the Comptroller General of the United States, transmitting a report on the collection of child support under the program of aid to families with dependent children administered by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. H.R. 12652. A bill to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discriminaton because of sex, to authorize appropriations for the Commission, and for other purposes; with amendments (Rept. No. 92–946). Referred to the Committee of the White House on the State of the Union.

Mr. DONOHUE: Committee on the Judiciary. H.R. 12979. A bill to amend title 28, United States Code, to authorize the recall of retired commissioners of the U.S. Court of Claims for temporary assignments (Rept. No. 92–947). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Post Office and Civil Service. S. 1989. An act to amend title 39, United States Code, to provide for the renewal of certain star route contracts; with amendment (Rept. No. 92–948). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALDIE: Committee on Post Office and Civil Service. H.R. 440. A bill to amend the Civil Service Retirement Act, as amended, to provide annuities for additional personnel engaged in hazardous occupations; with amendments (Rept. No. 92–956). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 862. Resolution authorizing the Committee on House Administration to incur expenses in making certain improvements in the House Restaurant and related facilities in the Longworth House Office Building (Rept. No. 92–949). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 907. Resolution providing funds for the expenses of the investigations and studies authorized by House Resolution 819 (Rept. No. 92–950). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 908. Resolution providing expenses for the Committee on Interstate and Foreign Commerce (Rept. No. 92–951). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 909. Resolution to provide funds for the further expenses of the investigation and study authorized by House Resolution 20 (Rept. No. 92–952). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 910. Resolution providing for the expenses of the House Select Committee on Crime (Rept. No. 92–953). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 911. Resolution to provide funds for the expenses of the investigations and studies authorized by rule XI(8) and House Resolution 304; with amendment (Rept. No. 92–954). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 912. Resolution to provide for the further expenses of the investigation and study authorized by House Resolution 201 for the Committee on Armed Services (Report No. 92–955). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 14095. A bill to amend title VII of the Housing and Urban Development Act of 1965; to the Committee on Banking and Currency.

H.R. 14096. A bill to create the position of ombudsman, and for other purposes; to the Committee on House Administration.

By Mr. ASPIN (for himself, Mrs. ABZUG, Mr. BLACKBURN, Mr. BUCHANAN, Mrs. CHISHOLM, Mr. DANIELS of New Jersey, Mr. DELLUMS, Mr. DENT, Mr. GIBBONS, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HASTINGS, Mr. HECHLER of West Virginia, Mr. LENT, Mr. MOSS, Mr. MURPHY of New York, Mr. O'HARA, Mr. PIKE, Mr. RANGEL, Mr. SCHEUER, Mr. SEIBERLING, Mr. SYMINGTON, Mr. VEYSEY, and Mr. CHARLES H. WILSON):

H.R. 14097. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. DRINAN, Mr. HELSTOSKI, Mr. STOKES, and Mr. WINN):

H.R. 14098. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGLAND:

H.R. 14099. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits (with a $100-minimum primary benefit), to increase the earnings base to $15,000 for both benefit and tax purposes, and to provide that one-third of the revenues required for the social security program be contributed by the Federal Government (with corresponding reductions in tax rates); to the Committee on Ways and Means.

By Mr. BLANTON (for himself, Mr. BELL, Mr. BRASCO, Mr. BROWN of Michigan, Mr. DAVIS of South Carolina, Mr. DONOHUE, Mr. DOWDY, Mr. DRINAN, Mr. FASCELL, Mr. FISHER, Mr. GUDE, Mrs. HICKS of Massachusetts, Mr. HORTON, Mr. JONES of Tennessee, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MITCHELL, Mr. MORSE, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. ROY, and Mr. YATRON):

H.R. 14100. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rates as unmarried individuals and to provide a special rule in the case of earned income which is community income; to the Committee on Ways and Means.

By Mr. BURLISON of Missouri:

H.R. 14101. 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. CHAMBERLAIN:

H.R. 14102. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. PELLY):

H.R. 14103. A bill to amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements; to the Committee on Merchant Marine and Fisheries.

By Mr. ERLENBORN (for himself, Mr. FUQUA, and Mr. QUIE):

H.R. 14104. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, and to establish a youth differential wage to encourage the hiring of youths, and for other purposes; to the Committee on Education and Labor.

By Mr. GIBBONS:

H.R. 14105. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. JOHNSON of California (for himself, Mr. DON H. CLAUSEN, Mr. HOSMER, Mr. CAMP, Mr. DELLENBACK, and Mr. MCKEVITT):

H.R. 14106. A bill to amend the Water Resources Planning Act to authorize increased appropriations; to the Committee on Interior and Insular Affairs.

By Mr. KEMP (for himself, Mr. MIZELL, and Mr. VANDER JAGT):

H.R. 14107. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; to the Committee on Armed Services.

By Mr. MILLER of California:

H.R. 14108. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MONAGAN:

H.R. 14109. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE (for himself, Mr. HUNT, Mr. DANIELS of New Jersey, Mrs. DWYER, Mr. FORSYTHE, Mr. FRELINGHUYSEN, Mr. GALLAGHER, Mr. HELSTOSKI, Mr. HOWARD, Mr. MINISH, Mr. PATTEN, Mr. RODINO, Mr. SANDMAN, Mr. THOMPSON of New Jersey, and Mr. WIDNALL):

H.R. 14110. A bill to provide for the expansion of the Beverly National Cemetery in or near Beverly, Burlington County, N.J.; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (for himself, Mr. TEAGUE of California, Mr. DANIELSON, Mrs. HICKS of Massachusetts, Mr. MONTGOMERY, Mr. SATTERFIELD, Mr. SAYLOR, and Mr. WINN):

H.R. 14111. A bill to amend title 38 of the United States Code in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ARCHER (for himself, Mr. CLEVELAND, and Mr. KUYKENDALL):

H.R. 14112. A bill to repeal the Davis-Bacon Act and the Contract Work Hours Standards Act, and related provisions of law; to the Committee on Education and Labor.

By Mr. BRASCO:

H.R. 14113. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. FISHER:

H.R. 14114. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. HALPERN (for himself and Mr. HATHAWAY):

H.R. 14115. A bill to promote international cooperation in United Nations efforts to protect the world's oceans and atmosphere; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself and Mrs. GRASSO):

H.R. 14116. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN:

H.R. 14117. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. BEGICH, Mr. BRASCO, Mr. BURTON, Mrs. CHISHOLM, Mr. DELLUMS, Mr. DONOHUE, Mr. DOW, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. GALLAGHER, Mrs. GRASSO, Mr. GUDE, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KEMP, Mr. LENT, Mr. MATSUNAGA, Mr. MOLLOHAN, Mr. NIX, Mr. ROSENTHAL, and Mr. ROYBAL):

H.R. 14118. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mr. PEPPER, Mr. SARBANES, Mr. SCHEUER, Mr. STOKES, Mr. SYMINGTON, Mr. TIERNAN, Mr. BOB WILSON, Mr. WINN, and Mr. YATRON):

H.R. 14119. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mrs. ABZUG, Mr. BELL, Mr. BOLAND, Mr. BURTON, Mr. O'HARA, and Mr. RYAN):

H.R. 14120. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to cities for improved street lighting; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 14121. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rates as unmarried individuals and to provide a special rule in the case of earned income which is community income; to the Committee on Ways and Means.

By Mr. MIZELL:

H.R. 14122. A bill to amend the Public Works and Economic Development Act of 1965 to extend its coverage with respect to the economic development of rural America; to the Committee on Public Works.

By Mr. RONCALIO:

H.R. 14123. A bill to amend title 13, United States Code, to establish a National Voter Registration Administration, and for other purposes; to the Committee on House Administration.

By Mr. RYAN:

H.R. 14124. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Assistance Administration to carry out a program of financial assistance to encourage and assist the States in registering voters; to the Committee on House Administration.

By Mr. STUBBLEFIELD:

H.R. 14125. A bill to amend the Federal Meat Inspection Act, as amended, by exempting salt-cured smoked meat; to the Committee on Agriculture.

H.R. 14126. A bill to provide for the establishment of a veterans' hospital in western Kentucky; to the Committee on Veterans' Affairs.

By Mr. GERALD R. FORD:

H.J. Res. 1130. Joint resolution authorizing the President to proclaim the first Monday in May as Industry Day; to the Committee on the Judiciary.

By Mrs. GRASSO:

H.J. Res. 1131. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.J. Res. 1132. Joint resolution to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

344. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the creation of a Commission on Indian Treaties; to the Committee on Interior and Insular Affairs.

345. Also, a memorial of the Legislature of the State of Hawaii, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

346. Also, a memorial of the Legislature of the State of Nebraska, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

347. Also, a memorial of the House of Representatives of the State of Arizona, relative to appointing a committee to investigate and recommend changes in the tenure provisions of the civil service laws; 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. BENNETT:

H.R. 14127. A bill for the relief of Mrs. John Poon; to the Committee on the Judiciary.

By Mr. BROOKS:

H.R. 14128. A bill for the relief of Jorge Ortuzar-Varas and Maria Pabla de Ortuzar; to the Committee on the Judiciary.

By Mr. ECKHARDT:

H.R. 14129. A bill for the relief of Mary Moore Aalund; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 14130. A bill for the relief of Jean Claire Casey; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 14131. A bill for the relief of Miss Albertina C. Dias; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

204. The SPEAKER presented a petition of Gordon L. Dollar, et al., Represa, Calif., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE PLIGHT OF THE INDIANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. WALDIE. Mr. Speaker, when America was discovered the Indian population is estimated to have been about 1.5 million in the continental United States.

After contact with Europeans, the numbers fell rapidly as a result of many wars and the introduction of Western European diseases such as smallpox and measles which were fatal to many Indians. This was just the beginning of lives of misery and oppression for many Indians—a tragic period in their history and in our history—which is still not ended.

Some of the Indian tribes were totally decimated. Others merged and lost their special identity. Their land—which they treasured and respected—was taken away in ever-increasing chunks.

Now they are herded onto reservations. These reservations consist mainly of land which is not fit for farming or much else, for that matter. Their natural resources are slowly being eroded and their water resources are drying up. Altogether, a shameful episode in our Nation's past history that continues in its shameful neglect into our present.

A constitutent of mine who is concerned about the native Indian populations—Mrs. Dorothy T. Metzger, of Moraga, Calif., has sent me an article by Homer Bigart which appeared in the San Francisco Chronicle of March 12, 1972. I would like to share the article with my colleagues:

INDIANS FIGHT TO KEEP THE LAND

(By Homer Bigart)

RENO.—A grim determination to defend and preserve their shrinking land and water resources is developing among 477,000 Indians who live on 263 reservations in the West.

These resources are still being whittled away. "Manifest destiny," which justified the seizure of Indian lands on the presumption that the whites were destined to rule the continent, has been replaced by more subtle forms of expropriation, the Indians say.

"FIRST LANDLORDS"

Indians occasionally reflect with bitterness that, as the "first landlords of this continent," they might have started collecting rent from the pilgrims. Now they are down to some 50 million acres held in trust for