

long study of surgery books. You cannot be a good lawyer without long study of legal books. You cannot understand the principles essential to a free country such as ours without studying the Bible, in which the principles are set forth.

Freedom is directly dependent upon the principles proclaimed by the Bible.

What must we do to recapture the faith that gave our country its birth? The second step is to recapture the essential principles as proclaimed by the Bible.

(3) Third, we have to rediscover and follow our Leader, whom we call our Lord and Master.

Fifty-six men signed the Declaration of Independence 195 years ago. They did not sign it on the Fourth of July; they only voted to sign it and then got out of town because now they were traitors. They signed it a month later on August 2. Their names

were not made public for six months longer in the hope that they could get back safely to their homes.

Of the fifty-six men who signed the Declaration of Independence nine died in the Revolutionary War, five were captured and tortured before they died, twelve had their homes burned, two lost sons in the war, ten died in poverty, one's wife was arrested and died in prison. All fifty-six signers pledged three things: "Our lives, our fortunes, and our sacred honor". Some paid with their lives, and some paid with their fortunes, but none lost their honor. Not one man wavered.

Do you remember the last sentence in the Declaration of Independence? "And for the support of this Declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

What must we do to recapture the faith

that gave our country its birth? The third step is to rediscover and follow our Leader, whom we call Lord and Master. With a firm reliance on the protection of our Lord and Master, we shall have the mighty power to maintain the liberties which our forefathers won for us.

On this Fourth of July let each Christian accept the challenge of St. Paul: "Stand fast therefore in the liberty wherewith Christ hath made us free." Galatians 5:1.

#### PRAYER

Almighty God, who hast given us this good land for our heritage; we give Thee most humble and hearty thanks for the inestimable blessings of religious and civil liberty. Fill our hearts with thankfulness and suffer not our trust in Thee to fail; through Jesus Christ our Lord. Amen.

## HOUSE OF REPRESENTATIVES—Wednesday, July 14, 1971

The House met at 12 o'clock noon.

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

*Your faith should not stand in the wisdom of men, but in the power of God.—I Corinthians 2:5.*

Almighty and everliving God, from whom cometh life and all good things and to whom we are responsible for our conduct, hold us close in Thy hands that we may not leave the path of truth and love but may ever labor under the banner of righteousness and justice as we live through these tumultuous and trying times.

Inspire us to work more earnestly for unity in our country and for peace in our world. By the power of Thy spirit may we lift our country above hatred and beyond ill will and endeavor to lead the nations into the glorious light of a better world where people can dwell securely and safely.

In the Master's name we pray. Amen.

#### THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

#### PRESIDENT DEMEANs WOMEN

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

Mr. KOCH. Mr. Speaker, today President Nixon and Secretary of State William Rogers demonstrated their insensitivity to the need to gain equality for women in this country. The President and Secretary of State referred in demeaning language to four leaders of the women's political caucus: Our distinguished colleagues from New York (Mrs. ABZUG and Mrs. CHISHOLM) and Betty Friedan and Gloria Steinem. I know each of these women. They are talented and equal in ability to anyone in this country. The shabby attitude displayed by the President and his top diplomatic

adviser graphically demonstrates why we need these women and their supporters, male and female alike, who are dedicated to changing the male chauvinist attitudes which pervade our society.

This attitude of sex discrimination is unacceptable from anyone, but particularly reprehensible when coming from those who have been elevated to the highest positions of leadership in this country. The need for the immediate adoption of the equal rights amendment to the Constitution, in its original unencumbered form, was made even more clear today in San Clemente, Calif.

#### EDUCATION FOR VETERANS

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

Mrs. GRASSO. Mr. Speaker, the current levels of educational benefits for veterans are both unrealistic and inhibiting. With costs of a college education skyrocketing a veteran pursuing a full-time course can hardly begin to cover his school expenses with the allotment in benefits currently available.

Tuition alone at many schools reaches \$2,000 per year; and a full course load often precludes any substantial outside employment to supplement a veteran's VA stipend.

Today I am introducing legislation to provide for substantial, across-the-board increases in the education benefits program for veterans.

The veterans' education assistance program is an outgrowth of the GI bill enacted after World War II. Currently, monthly allowances are made to veterans on a sliding scale for a variety of school programs, including a standard college degree, technical or trade school program, and correspondence course.

The Government makes a direct payment to an eligible veteran pursuing a full-time college course. This amounts to \$175 a month to meet, in part, the living expenses, tuition, fees, supplies, books, equipment, and other educational costs.

Under this bill, an eligible veteran, who is a full-time student, would receive \$277 each month. This figure is based on a

\$1.60 per hour minimum wage at a rate of 40 hours per week. A provision is included which would raise these benefits if the minimum wage is increased. If enacted, the legislation would go into effect in January 1972.

Too often the veteran must drop out of school and into a shrinking job market. The bill which I have introduced would permit many more veterans to complete their education and later enter the field of their choice, hopefully at a time when the economy is able to meet their needs.

#### PERSONAL ANNOUNCEMENT

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

Mr. UDALL. Mr. Speaker, I had planned and hoped to be present yesterday for the vote on the motion to censure the Columbia Broadcasting System, roll-call 188. Earlier in the week, I instructed my staff by phone from overseas to inform the whip's office that in the event air connections made my presence possible, I would vote against the censure.

As chairman of the Postal Service Subcommittee, I had led a delegation of House Members and Postal Service officials to Italy, Germany, and England for consultation with Government officials of those nations on postal operations and labor-management problems. Those consultations were most useful and productive and may lead to several new legislative and administrative initiatives.

Unfortunately, our return flight was almost an hour late, preventing me and the other members of the delegation from voting on the important censure motion. I am gratified that the margin of defeat was substantial and that our votes could not have been decisive one way or the other.

Mr. Speaker, I applaud the action of the House in recommitting the censure motion.

#### NEGOTIATIONS BEGIN ON CANAL ZONE FATE

(Mr. HALL asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, very few U.S. citizens are aware that U.S. negotiators have begun formal talks with the Panamanian Government relating to a new treaty that would govern Canal Zone operations. An Associated Press report on June 30 of this year stated that negotiations began on June 29, 1971, and that the United States is being represented by former Treasury Secretary Robert B. Anderson and by John C. Mundt. I might add that this is the same Robert B. Anderson that sold out American interests when he negotiated the abortive proposed 1967 treaty.

With negotiations now underway it is imperative that the American people and the Congress express its strong conviction that U.S. rights and sovereignty not be relinquished over the strategic and vital Canal Zone.

Mr. Speaker, as we debate the Department of Transportation appropriation bill before the House today, we find that it contains an appropriation for the Canal Zone in the amount of \$54,500,000. The American taxpayer has no desire to see more of his hard-earned dollars spent on the Canal Zone if we are to give it away to our enemies.

Therefore, Mr. Speaker, I am again reintroducing a House resolution expressing the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone. I hope that the Members who have not introduced or cosponsored one of the earlier resolutions will do so today. Time is of the essence.

#### PERMISSION FOR THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON OCEAN-DUMPING LEGISLATION

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight Saturday next to file a report on ocean-dumping legislation.

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

There was no objection.

#### NATIONAL MOON WALK DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate joint resolution (S.J. Res. 101) to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

#### S.J. RES. 101

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the many achievements of the*

*national space program and in commemoration of the anniversary of the first moon walk on July 20, 1969, the President is authorized and requested to issue a proclamation designating July 20, 1971, as "National Moon Walk Day", and calling upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.*

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

#### NATIONAL HOME FASHIONS WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 727) authorizing the President to proclaim the period September 26 through October 2, 1971, as "National Home Fashions Week."

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

#### H.J. RES. 727

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to focus national attention on the importance of an attractive and comfortable home to the quality of family life, the President is hereby authorized and requested to issue a proclamation designating the period September 26 through October 2, 1971, as "National Home Fashions Week," and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.*

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

#### AMERICAN TRIAL LAWYERS WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 714) designating the week of August 1, 1971, as "American Trial Lawyers Week."

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

#### H.J. RES. 714

*Whereas the American Trial Lawyers Association, the Nation's and the world's largest trial bar association, is observing its twenty-fifth anniversary this year, and*

*Whereas the American Trial Lawyers Association has dedicated itself to improving the quality of the law and the administration of justice for the public good, and*

*Whereas the American Trial Lawyers Association has established a tradition of excellence in advancing the science of jurisprudence, and*

*Whereas the American Trial Lawyers Association has advanced the cause of the injured, the accused, and those whose rights are jeopardized, by upholding and improving the adversary system and trial by jury, and*

*Whereas the American Trial Lawyers Association has demonstrated that change can be accomplished by orderly process and by pursuing remedies available in the courts, and*

*Whereas there is a need to encourage a continuing commitment by all interests in society to improving the quality of law, the adversary system, and trial by jury: Now, therefore, be it*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week commencing August 1, 1971, be designated as American Trial Lawyers Week, a week to honor the American Trial Lawyers Association on the occasion of its twenty-fifth anniversary, and to renew the commitment of each American to support the efforts of the American Trial Lawyers Association in enhancing the administration of justice for the public good, and to this end, we request the President of the United States to direct the appropriate Government officials to display the flag of the United States on all public buildings on August 2, 1971.*

#### AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On pages 1 and 2, strike out all "whereas" clauses.

The SPEAKER. The question is on the amendment offered by the gentleman from California (Mr. EDWARDS).

The amendment was agreed to.

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

#### WAIVING POINTS OF ORDER DURING CONSIDERATION OF H.R. 9667, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 535 and ask for its immediate consideration.

The Clerk read the resolution as follows:

#### H. RES. 535

*Resolved, That during the consideration of the bill (H.R. 9667) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes, all points of order against the provisions contained under the following headings are hereby waived:*

*"Grants-In-Aid For Natural Gas Pipeline Safety", beginning on page 3, line 3, through line 7;*

*"Operating Expenses", beginning on page 3, line 13, through page 5, line 8;*

*"Acquisition, Construction and Improvements", beginning on page 5, line 9, through line 14;*

*"Reserve Training", beginning on page 6, line 1, through line 16;*

*"Research, Development, Test, and Evaluation", beginning on page 6, line 17, through line 23; and*

*"Construction of Compliance Facilities", beginning on page 15, line 9, through line 13.*

The SPEAKER. The gentleman from New York (Mr. DELANEY) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30

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

Mr. Speaker, this resolution (H. Res. 535) makes in order consideration of H.R. 9667. All points of order are waived against certain provisions of the bill, as follows: Lines 3 through 7 on page 3, line 13 on page 3 through line 8 on page 5, lines 9 through 14 on page 5, lines 1 through 16 on page 6, lines 17 through 23 on page 6, and lines 9 through 13 on page 15.

Mr. Speaker, in each instance the authorization bill has passed the House, but the legislation has not been enacted.

The purpose of H.R. 9667 is to make appropriations for the Department of Transportation and related agencies for the fiscal year 1972. I am informed that action will be taken on the authorization of each of these bills in the other body.

I urge the adoption of the rule so that no points of order may be raised against these specific provisions of the bill.

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

Mr. DELANEY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate my friend, the gentleman from New York, the distinguished representative of the Committee on Rules, yielding to me. I simply want to voice an objection to the waiver of these points of order after the homework has been done by individual Members, and the points of order have all been outlined on the parent bill, namely H.R. 9667, making appropriations for the Department of Transportation and related agencies.

As an individual Member, I must object to waiving points of order, because I still feel in my heart that this takes away the prerogative of any individual elected Member of the House of Representatives, the representatives of the people.

I full well understand that these specific authorizations have passed the House, some with our support and vote and some without our support and vote, but the fact remains they are not yet enacted into law.

It has almost become a custom that we winnow out the wheat from the chaff in the Committee on Rules—indeed, that may be its function—and waive points of order in order to consider appropriation bills, whereas in the past we used to simply have the chairman of the subcommittee move that we consider in the Committee on the Whole House on the State of the Union as in the House the appropriation bills, and therefore they were automatically placed under the 5-minute rule. Thus the Member could exercise his rights individually and collectively by attention and points of order where appropriate.

I know the committee calls this an "open rule," and that these are selective points of order. I simply want to raise my objection to waiving the rights of individual Members against making points of order on such a bill.

I thank the gentleman.

Mr. DELANEY. I appreciate the gentleman's comments. May I say that all of these have been passed by the House. I understand a number have passed in the

Senate, and there are just one or two waiting. They may have been passed yesterday; I am not sure.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, he admits they are not yet enacted into law.

Mr. DELANEY. That is right.

Mr. HALL. Therefore they are unauthorized.

Mr. DELANEY. I so stated.

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

Mr. Speaker. Each of the six items on which points of order are to be waived, are set forth line by line. The authorization bills have been passed by the House.

We seek to keep up with the schedule of the Appropriations Committee, in the hope of getting out before Christmas. I do not know how we can do this except by requesting what we propose in House Resolution 535. Your Rules Committee is attempting to cooperate.

Mr. Speaker, I urge approval of House Resolution 535.

Mr. DELANEY. Mr. Speaker, I have no further requests for time, and 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.

#### CALL OF THE HOUSE

Mr. HALL. 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. 189]

Abourezk	Green, Pa.	Nichols
Alexander	Hanna	O'Hara
Blanton	Hansen, Wash.	Pepper
Brasco	Hébert	Powell
Celler	Hollifield	Riegle
Clark	Jones, Tenn.	Scheuer
Collier	Long, La.	Seiberling
Collins, Ill.	McClure	Shibley
Danielson	McCulloch	Teague, Tex.
Donohue	McKinney	Thompson, N.J.
Edwards, La.	Metcalfe	Van Deerlin
Esch	Mikva	Ware
Evins, Tenn.	Mitchell	Wilson, Bob
Gray	Mizell	Wolf
Green, Oreg.	Murphy, Ill.	

The SPEAKER. On this rollcall, 389 Members have answered to their names, a quorum.

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

#### MESSAGE FROM THE PRESIDENT

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

On June 30, 1971:

H.J. Res. 744. Joint resolution making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes;

H.R. 1729. An act giving the consent of

Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States;

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the Estate of Charles J. Hiler;

H.R. 2011. An act for the relief of Phillip C. Riley and Donald F. Lane;

H.R. 2036. An act for the relief of Miss Linda Ortega

H.R. 2047. An act for the relief of Marion Owen.

H.R. 2132. An act for the relief of Comdr. Albert G. Berry, Jr.;

H.R. 2835. An act for the relief of William E. Carroll;

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois;

H.R. 3929. An act for the relief of Gheorghe Jucu and Aurelia Jucu.

H.R. 4327. An act for the relief of Robert L. Stevenson; and

H.R. 5257. An act to extend the school breakfast and special food programs.

On July 1, 1971:

H.J. Res. 617. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of non-combat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission;

H.J. Res. 742. Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes;

H.R. 1161. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act;

H.R. 8311. An act to amend the Renegotiation Act of 1951 to extend the act for 2 years, to modify the interest rate on excessive profits and on refunds, to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes; and

H.R. 8313. An act to amend the Social Security Act in order to continue for two years the temporary assistance program for U.S. citizens returned from abroad.

On July 2, 1971:

H.J. Res. 556. Joint resolution providing for the observance of "Youth Appreciation Week" during the 7-day period beginning the second Monday in November of 1971;

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities; and

H.R. 7767. An act to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap.

On July 9, 1971:

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired);

H.R. 4724. An act to authorize appropriations for certain maritime programs of the Department of Commerce, and for other purposes;

H.R. 4848. An act to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report;

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes;

H.R. 7736. An act to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act.

H.R. 8825. An act making appropriations for the legislative branch for the fiscal year

ending June 30, 1972, and for other purposes; and

H.R. 9271. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

#### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. McFALL. 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. 9667) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Massachusetts (Mr. CONTE) and myself.

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

There was no objection.

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

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. 9667, with Mr. EDMONDSON in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from California (Mr. McFALL) will be recognized for 1 hour, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 1 hour.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, this is the 5th year of operation of the Department of Transportation, and this is the fifth annual transportation appropriation bill to be brought before the committee. During this last year the Congress has passed a number of significant pieces of legislation relating to virtually every mode of transportation—urban mass transportation, rail passenger service, airport and airway development are just a few of them. With this new legislation, I believe that our Nation's traveling public can look forward to a more coordinated and better balanced transportation system.

The Department of Transportation, under the leadership of Secretary Volpe, is addressing itself to some of the great requirements of our transportation system. The Department has underway a number of activities aimed at better assessing the current and future demands that will be placed on transportation system and is moving ahead to accommodate the demands.

As chairman of the Subcommittee on Appropriations for the Department of

Transportation and related agencies, I want to express my appreciation to the other members of the committee for their cooperation and the numerous contributions they made during the detailed hearings on this bill. My three Democratic colleagues, the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Illinois (Mr. YATES), and the gentleman from Oklahoma (Mr. STEED) continued their excellent service to the committee, the Congress, and the country.

I especially want to thank the distinguished ranking minority member from Massachusetts (Mr. CONTE) for his active participation in our hearings. And the gentleman from Ohio (Mr. MINSHALL) and the gentleman from Alabama (Mr. EDWARDS) for their significant contributions. It is a privilege to serve with them. Also the staff, Tom Kingfield and his assistant, Paul Crabtree, have done an especially good job in keeping with the tradition of excellent work of the Appropriations Committee staff.

The committee, in general, believes progress is being made by the Department of Transportation, and the reductions made should not be interpreted as criticism of the officials of the Department.

#### SUMMARY OF THE BILL

The bill includes a total of \$7,982,264,000, of which about \$5 billion is liquidating cash, \$228 million represents re-appropriations, and \$2.7 billion is new obligational authority. The \$2,732,169,997 of new obligational authority is \$275,381,000 below the budget estimates and \$252,450,608 below the amounts appropriated for fiscal year 1971 for similar activities. As explained on page 5 of the committee report, this reduction includes two unusual items, one large reduction and one addition above the budget. If these two items are excluded from the computation, the new budget authority recommended is, in effect, a reduction of about \$94 million below the comparable fiscal year 1972 budget estimate.

The bill provides funds for over 118,000 positions, including about 40,000 military personnel for the U.S. Coast Guard. This is an increase of about 2,700 positions over fiscal year 1971. The increased personnel are, for the most part, related to the additional activities of the Coast Guard in areas such as marine environmental protection and to the added air traffic control and air navigation equipment maintenance requirements of the Federal Aviation Administration.

I would call the attention of the members of the committee to the summary of major recommendations beginning on page 4 of the report. These actions are as follows:

First, the appropriation of the \$252,009,300 requested for facilities and equipment of the Federal Aviation Administration;

Second, the addition of \$53,600,000 above the budget for subsidy payments for nine local service and four Alaskan air carriers;

Third, the additional of \$15,356,000 above the budget to provide for the continuation of the Coast Guard selected reserve at the fiscal year 1971 level;

Fourth, approval of the Coast Guard's full budget request of \$96,682,000 for acquisition, construction, and improvements;

Fifth, the addition of \$4,150,000 above the budget to initiate six new bridge alteration projects;

Sixth, a reduction of \$14,700,000 in construction, national capital airports, based on the deferral of funds for expansion of the Dulles terminal building;

Seventh, a reduction of \$14 million in the traffic and highway safety appropriation of the National Highway Traffic Safety Administration;

Eighth, approval of the \$9,600,000 requested for a highway safety compliance test facility;

Ninth, a reduction of \$26 million in the research program of the Urban Mass Transportation Administration;

Tenth, provision of the full \$174,321,000 advance appropriation for fiscal year 1973 for the Federal share of the subway system in Washington, D.C.;

Eleventh, a general provision limiting commitments for grants-in-aid for airport development to \$280 million; and

Twelfth, a general provision limiting commitments for urban mass transportation grants to \$800 million.

#### OFFICE OF THE SECRETARY

Mr. Chairman, the bill provides a total of \$41,342,000 for the Office of the Secretary of Transportation. This includes \$21,342,000 for salaries and expenses. The amount recommended is sufficient to provide for 35 additional positions under this appropriation. The bill also includes a total of \$24 million, of which \$6.5 million is to be derived by transfer, for the transportation research activities of the Office of the Secretary. I am pleased to report that the Department has completed the requested review of its research activities. We believe it is imperative for the Department to have a well organized and coordinated research program, and it is good to see progress being made in this direction.

No appropriation is recommended for any aspect of the U.S. SST program. The committee did receive testimony from certain aviation organizations, pertaining to the refund of the \$58.5 million invested by a number of airlines in the SST program. This matter was previously discussed in connection with the conference report on the second supplemental appropriation bill for fiscal year 1971. These funds were not included in the final version of that bill, and they are not included in the bill being considered by the committee today.

There is no dispute that in February 1967, the Government insisted that the airlines put up this money. Nor is there any dispute that the airlines' money was used as a substitute for Government funds. In view of this, it is my feeling, speaking as one member of the committee, that the \$58.5 million should be repaid to the airlines. However, the administration did not formally request that our committee take such an action, although such a request has been subsequently made and if the funds were included in the bill, I am advised that they would be subject to a point of order.

## COAST GUARD

The Coast Guard is one of the finest organizations in our Government. It has a reputation for being cost conscious, and the committee's \$3,838,000 reduction for operating expenses is less than 1 percent below the budget. A substantial part of the \$28 million increase recommended over last year is for the important marine environmental protection responsibilities of the Coast Guard.

Mr. Chairman, the bill includes the full \$96,682,000 requested for the capital acquisition, construction, and improvements program of the Coast Guard. The budget did not request nor did the committee include funds for a new polar icebreaker. Testimony received during our hearings indicated that the Coast Guard is working on a system of charges to be levied against other Government agencies for the use of its icebreakers. It is anticipated that after these proposed user charges have been developed, a budget amendment will be submitted for a new icebreaker. I would support such a budget request.

As most of you know, the budget proposed the transfer of necessary elements of the Coast Guard Selected Reserve training program to the Navy Reserve by the end of fiscal year 1972. The committee saw little advantage in this proposal and is recommending a \$25.9 million appropriation to continue the Coast Guard Reserve. In so doing, we feel it is important for Coast Guard Reserve to develop a peacetime mission. The missions of the regular Coast Guard are equally applicable in peace and war, and the programs of the Reserve should supplement these activities.

The bill includes \$14 million for the research, development, test, and evaluation program of the Coast Guard. The \$4.5 million increase over last year is directed primarily toward increasing the capacity of our national marine transportation systems, improving the marine environment, and protecting public safety at sea.

## FEDERAL AVIATION ADMINISTRATION

As in past years, the committee recommends virtually the entire amount requested by the Federal Aviation Administration. For operations, the bill includes \$989,074,000 to be derived from the Airport and Airway Trust Fund.

There has been much controversy over the allocations of airport and airway trust fund moneys. It is my feeling that the basic authorization, Public Law 91-258, can be interpreted in at least two different ways. Section 14 of the Airport and Airway Development Act—title I of Public Law 91-258—has been interpreted by some as establishing priorities or minimum funding levels for certain programs. No such priorities or minimum levels are referred to in section 208 of the Airport and Airway Revenue Act—title II of Public Law 91-258—the section which establishes the Trust Fund.

We are advised that there is legislation pending which could clarify this matter. The committee, however, did not want to anticipate any changes which might finally be made in the basic authorization and, therefore, has not made

any substantial changes in the appropriation format recommended in the President's budget.

Briefly, the format proposed by the administration and included in the bill provides for funding airport planning and development, airways facilities and equipment, research and development, operation and maintenance of the airways system, administration of the airports program, and related support costs from the trust fund. The committee feels this structure is consistent with the existing legislative authorization, and did not change it in advance of any final action by the legislative committees and the House.

The bill includes the full budget request of \$252,009,300 for facilities and equipment of the FAA. This amount includes funds for 6 new air traffic control towers and 24 new airport surveillance radars. The specific locations for these facilities are contained in the committee report on page 12.

The committee recommends a \$280 million obligation level for airport development grants. In order to meet the payments resulting from these obligations, the bill includes a liquidating cash appropriation of \$92 million. The bill also includes \$15 million for airport planning grants. These appropriations are in addition to the \$196 million of appropriated but unexpended funds which were available for the grants-in-aid programs as of May 31, when the committee concluded its hearings on the bill.

The safety regulatory functions of the FAA are not financed out of the airport and airway trust fund. We have included a separate appropriation of \$160 million for this purpose. These regulatory activities include the certification and inspection of pilots and aircraft, the training of regulatory inspectors, administration of medical standards, and certain research and development programs. As explained in the report, the air security guard program is also being funded under the safety regulation appropriation.

With respect to the National Capital airports, the committee recommends \$11,467,000 for operation and maintenance and \$4,930,000 for construction. Under our recommendation, the \$14.7 million requested to expand the Dulles terminal building would be deferred. We provided \$500,000 for the design contract in fiscal year 1970 and have approved a reprogramming of an additional \$400,000 to complete the architectural and engineering work on the terminal building design. If this work is completed during the current year, the necessary excavating and grading could be started with existing unobligated funds.

## FEDERAL HIGHWAY ADMINISTRATION

For salaries and expenses of the Federal Highway Administration we recommend a total of \$99,447,000. This includes a direct appropriation of \$7,110,000 and \$92,337,000 to be derived by transfer. We held rather detailed hearings on this appropriation and made seven specific reductions totaling \$9,735,000. The largest of these reductions was in the urban corridor demonstration program. While

this should be a good program, it is still in the planning stages and we felt that the funds recommended would allow the program to move forward at a reasonable rate.

Under highway beautification, we recommend a \$10 million liquidating cash appropriation. The Federal-Aid Highway Act of 1970 provided for a revised program emphasis which will concentrate on the billboard removal portion of the program. The bill also includes a \$30 million limitation on highway beautification obligations for fiscal year 1972.

The Federal-Aid Highway Act authorized a number of new programs for which the committee has included funds. For example, we have included \$4 million to initiate a demonstration project to eliminate or upgrade certain rail-highway crossings, \$1 million to establish a long-range highway development program in the territories of the Virgin Islands, Guam, and American Samoa, and \$15 million to continue the construction of the Darien Gap Highway.

The largest single item in the bill is a \$4,661,393,000 liquidating cash appropriation for federally aided highway construction. No reduction below the budget is recommended in the construction program. About \$3.2 billion of the funds recommended are for the Interstate System, which is presently about 75 percent completed.

A total of \$25 million is provided for the right-of-way revolving fund. These funds will permit the acquisition of rights-of-way several years in advance of actual construction, thereby reducing potential inflationary pressures on property costs.

For the forest highways and public lands highways programs, the committee recommends the budget requests of \$25 million and \$5 million, respectively. The committee did not act on the budget proposal to rescind the unobligated balances of prior year contract authority for these programs. Such an action would have been legislation in an appropriations bill and would have been subject to a point of order.

## NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

During the past year, the highway safety functions of DOT have been elevated to a separate operating administration status within the Department. The operating expenses and contract research of this administration are funded under the traffic and highway safety appropriation. The \$62,837,000 recommended under this heading is \$14 million less than the budget estimate and \$19.9 million more than was provided for similar activities in fiscal 1971. The largest part of this increase, \$15.5 million, is to continue the alcohol safety action program. The demonstration projects under this program are an attempt to stimulate community level interest in reducing the high number of alcohol-related traffic fatalities.

The committee has included the \$9.6 million requested for the construction of a highway safety compliance test facility at East Liberty, Ohio. This facility will enable the Highway Safety Adminis-

tration to test cars, tires, and other motor vehicle equipment to assure compliance with the Federal safety standards.

The other activity under this Administration is State and community highway safety. We recommend a \$47 million appropriation for this matching grant program. In addition, the bill includes a \$5 million appropriation to the Federal Highway Administration for the safety standards which they administer.

#### FEDERAL RAILROAD ADMINISTRATION

For the Federal Railroad Administration, under salaries and expenses, Office of the Administrator, we recommend a \$433,000 increase over fiscal year 1971. The Federal Railroad Safety Act of 1970 imposed added responsibilities on this administration, particularly in the safety area. In view of this, the committee has recommended appropriations of \$7 million for railroad research, which is primarily related to safety, and \$5,481,000 for the Bureau of Railroad Safety. These represent increases over fiscal year 1971 of \$3,550,000 and \$656,000 respectively.

The committee has deferred action on the high speed ground transportation research and development appropriation, since the required legislative authorization for this program has not yet passed the House.

#### URBAN MASS TRANSPORTATION ADMINISTRATION

For the administrative expenses of the Urban Mass Transportation Administration, we have included the sum of \$6.3 million. This is nearly a \$3 million increase over last year and will provide for 115 additional positions.

With this increase UMTA will have more than five times the number of personnel it had 3 years ago. At that time our committee's investigative staff reported that the many administrative deficiencies in this program were, in part, the result of inadequate personnel. With the personnel increases provided by the Congress over the past 3 years, there is no longer a manpower shortage in this administration.

The bill includes a total of \$52 million for mass transportation research and development. This represents a very substantial increase in this area. The committee is aware of the need to conduct urban transit research and demonstrations, and recognizes that a certain amount of this effort has to be somewhat experimental in the search for new technology. As one member of the committee which reviews these projects, however, I tend to get the impression that large amounts of funds are being expended on projects which seem to be quite removed from the realities of mass transportation. Although the committee has not specifically denied any individual programs, it is expected that UMTA will carefully screen all research activities which are currently in progress or proposed to be initiated during the current year.

The committee recommends the budget request of \$150 million to liquidate grants which have been made under the contract authority provided in the basic legislation.

#### RELATED AGENCIES

Title II of the bill includes \$333,656,000 for five transportation related agencies. This includes the sum of \$7,150,000 for the National Transportation Safety Board. This is a very important organization which investigates and determines the probable cause of all aviation accidents and selected surface transportation accidents.

Mr. Chairman, the bill includes the full amount requested by the Civil Aeronautics Board for operating expenses. For payments to air carriers, we have included the sum of \$53.6 million for nine local service and four Alaskan air carriers. Although the budget did not contain a request for subsidy payments, the Chairman of the CAB testified that he felt a subsidy appropriation would be required during the current year. These subsidy payments result from orders issued by the CAB, and are a legal obligation of Government. The committee has provided what we consider to be sufficient funds to meet this obligation.

For the Interstate Commerce Commission, we recommend an increase of \$1.7 million over the budget to cover the restoration of 140 positions. This will give the Commission 1,865 permanent positions. It is unfortunate that the administration has chosen to attempt to curtail the regulatory activities of the ICC by continually reducing the Commission's employment level. This action is even more arbitrary when one considers that, under the Constitution, these regulatory powers are vested in the legislative branch.

It is the general public that suffers when the Commission's regulatory activities are impaired. And we believe it is the responsibility of the Congress to provide the Commission with sufficient personnel to properly administer its regulatory functions and to protect the public interest.

This is the first year in which the Panama Canal has appeared in the transportation appropriations bill. For the Canal Zone Government, the bill includes \$50.8 million for operating expenses and \$3.7 million for capital improvements. For the Panama Canal Co. the committee recommends approval of the proposed \$19.283 million limitation on general and administrative expenses.

As mentioned earlier, the committee has approved the full \$174,321,000 advance appropriation requested for the Federal share of Washington, D.C., Metro system.

In summary, I believe we have brought a good bill to the committee. In some areas, after considering all the facts, we have recommended that programs go forward at a faster rate than proposed in the budget. These increases notwithstanding, however, the bill is well within the total appropriations requested in the President's budget.

Mr. Chairman, I urge the adoption of the bill as recommended by the Committee on Appropriations.

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

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

Mr. GROSS. Mr. Chairman, does the gentleman's statement mean that there is no money in the bill for a 13-mile rapid transit line to Dulles Airport?

Mr. McFALL. There is no money in the bill for that purpose. It is not related, however, to the high speed ground appropriation.

Mr. GROSS. Is there money for research and development on that particular project at any place in this bill?

Mr. McFALL. No, there is not.

Mr. GROSS. There is none at all?

Mr. McFALL. Earlier in the year there was a request by the administration for a reprogramming of existing funds for that project. This request was heard by the committee and was not approved.

Mr. GROSS. And it was turned down?

Mr. McFALL. That is correct.

Mr. GROSS. I thank the gentleman and I commend the committee for not dumping money into that particular project, certainly not at this time—for a rail line that would begin nowhere and end nowhere, or apparently at least about a mile from the terminal. It would begin somewhere on the beltway and would end about a mile from the main terminal at Dulles Airport.

I thank the gentleman.

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

Mr. McFALL. I yield to the gentleman from Missouri.

Mr. HALL. I hesitated to interrupt the distinguished gentleman's exposition of the bill as a whole.

Mr. McFALL. I am glad the gentleman did not. I was trying to proceed as fast as possible.

Mr. HALL. Mr. Chairman, I wonder if the gentleman would not take a little additional time to go further into the matter of urban mass transit in this appropriation. I heard him say that they had reduced the administration request to something like \$52 million, and certainly I compliment him for that. But I understand that there is what is referred to in the hearings, beginning on page 242 and continuing some pages, which I have had an opportunity to review, a "people movers" project, and certainly I can understand the need for this, whether it be in the downtown area to get out to where fresh air is or otherwise.

I am not sure why these should be Federal projects, whether it be for that purpose, or to get to or from an airport, or to or from a World's Fair, or whatnot. But specifically, I understand that in Morgantown, W. Va., they are planning to move 7,000 people an hour over a 2-mile distance from a retirement area to downtown, and that the cost has gone up from about \$1 million per mile for this demonstration project to now something over \$12 million per mile. I am well aware of the importance of demonstration projects and research and development along those lines, but I would like to be reassured by the gentleman that this is an erstwhile and paramount consideration for use of taxpayers' moneys, and that the committee has well founded a need for this type of program and this type of appropriation.

Mr. McFALL. The committee has looked at this project carefully, and we are well aware of the increase in the expense of the project. We have been assured by the Mass Transportation Administration that it is a worthwhile and innovative project in which they will determine how to move people over short distances.

We have reduced the amount of money that is available for urban mass transit research and demonstrations. We have reduced the amount of money which will be going into the total R. & D. program. But this is the kind of project which we must have in order to meet the needs of people in certain areas such as airports, and crowded urban areas. I believe it is the kind of program we must experiment with in order to determine how to move people within confined areas in the next two decades of development in mass transportation.

Mr. HALL. If the gentleman will yield further, I would have no objection to that. As a matter of fact, I have amendments prepared concerning a limitation of funds for this project, and if it could be adequately explained to the members of the Committee of the Whole House on the State of the Union, I would consider refraining from offering those amendments at the appropriate time. Now to pursue the matter further, do they involve ionic induction propelled transportation, enclosed, suspended, air cushioned, or subterranean cars?

Do they involve magnetic propulsion? Has the committee, before going along with this expenditure, satisfied itself that the Department of Transportation has, indeed, had people visit Lyon, France, where such a monorail system and such a magnetic or ionic induction transportation system is in effect at this time?

Mr. McFALL. This does not include those kinds of propulsion systems, which are geared to high-speed transportation.

The Morgantown demonstration is concerned with low-speed ground transportation over a 2-mile distance experimenting with the movement of people such as we would have within and around an airport.

Mr. HALL. This involves only students then and not retired people living within this particular area?

Mr. McFALL. The explanation I received is that it involved primarily the students of the University of West Virginia.

Mr. HALL. Many of them need to be moved, I am sure, but does this involve a continuous and/or carpet-type of movement?

Mr. McFALL. It utilizes cars, and the construction of an elevated track system. It, of course, is innovative, but it does not include the type of high speed transportation the gentleman mentioned.

Mr. HALL. Has the gentleman's committee convinced itself that the necessary officials of the DOT research and development, have at least gone to see the monorail transportation system in Seattle or Tokyo, which has been long in being and which most of us experienced at the international expositions there; or some of these other techniques,

before recommending to the Committee of the Whole this necessary appropriation?

Mr. McFALL. The committee has discussed this with the officials of the Mass Transportation Administration over a number of years. I believe I can assure the gentleman they are well aware of these other developments and they have really gone into the value of this particular system of transportation.

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

Mr. McFALL. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, I notice under "Safety Regulation" on page 14 of the report, there is an increase in the recommendation in the bill, which is an increase from the 1971 appropriation of \$138 million to \$160 million.

One of the areas of deficiency in our national aviation program is that of providing adequate safety equipment for our airports. We have had a tragic experience of this recently in my own State, and there are obvious defects there in the existing airport. Can the gentleman say this would contribute toward an increase in the funds available for this program, or are there funds elsewhere in the bill that can be used for this purpose?

Mr. McFALL. There is \$160 million in the bill under the title "Safety Regulation." As the gentleman points out, this is an increase from a level of about \$138 million in fiscal year 1971. This appropriation involves the safety regulatory responsibilities of the FAA. In addition, there are other funds under a separate heading which provide for the necessary equipment to insure the safety of our airways system. These funds have to do with ILS and other facilities.

We put in approximately \$252 million for "Facilities and Equipment." In addition, there was, at the time of our hearings, an additional \$307 million in unobligated funds for this purpose. So the FAA, we believe, has a sufficient amount of money for facilities and equipment and for these safety regulation activities.

Mr. MONAGAN. I am sure, if the gentleman will yield further, that the gentleman from Connecticut (Mr. GIAIMO) will go further into this, but before closing I do want to compliment the chairman and the committee on the funds that have been made available for the Coast Guard. As the gentleman has said, it is within 1 percent, I believe, of the request. We seldom appreciate the scope of the activities of this service with its aids to navigation and oceanography and maritime law and search and rescue operations.

I am happy to see adequate funds have been made available for this purpose.

Mr. McFALL. I appreciate the gentleman's comments.

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

Mr. McFALL. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I want to compliment the gentleman on the efforts he certainly has demonstrated in trying to bring out adequate funding for the Federal Aviation Agency. I am disturbed by certain aspects involving air safety.

As my colleague from Connecticut (Mr. MONAGAN) indicated, less than a month ago we had a tragic air crash in my home city of New Haven, where many people were killed. In looking into this matter we find there are very many airports in the Nation which do not have instrument landing systems. I have heard the figure referred to as high as 50 percent of the airports in the country do not have instrument landing systems. I find this shocking if we are really concerning ourselves with air safety.

This is my question to the gentleman. I am told there is no request by the Federal Aviation Agency in this budget for moneys for the installation of instrument landing systems at new locations this year. Would the gentleman address himself to that, please?

Mr. McFALL. During the past 3 years we have provided for new instrument landing systems at 81 locations, at a cost of about \$12.6 million. Only about 50 percent, or \$6.5 million, had been included in the budget. In addition, \$5.7 million has been appropriated to improve ILS facilities at 105 locations.

Mr. GIAIMO. To clarify that further, as I understand it, they have been funded with the amount the gentleman mentioned over the past 2 years. My information also is in this budget they have requested no moneys for the installation of ILS's at any new locations. I find this very disturbing.

The CHAIRMAN. The gentleman from California has consumed 32 minutes.

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

Mr. Chairman, I should like to have the attention of the gentleman from New Haven, who referred to the accident which happened at the Tweed New Haven Airport. I had an investigation made of that. I was also interested, having flown out of the airport many times.

I find that that airport has been surrounded and engulfed in litigation since 1967, involving the cities of New Haven and East New Haven.

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

Mr. CONTE. I am glad to yield to the gentleman from New Haven.

Mr. GIAIMO. Let me say that the litigation has nothing to do with this problem. The litigation involves the obtaining of additional land.

Mr. CONTE. For a runway?

Mr. GIAIMO. Not for a runway. It is for clear-zone airspace. The runway is already extended and is there.

What I really want to say to the gentleman is that I also have looked into the matter of the air crash. We do not know as yet, any of us, what the evidence will bring out so far as the cause of the crash is concerned.

Mr. CONTE. That is correct.

Mr. GIAIMO. Except that the evidence does seem to bear out that the aircraft came in at a very low altitude over water. In the minds of many people who are experts it is conceivable an instrument landing system could well have avoided this and brought the plane in on a proper flightpath, which would not have caused the plane to come in at such a low altitude.

The fact remains that there are altogether too many airports in this country which do not have an ILS. I think all of us—and I know the gentleman from Massachusetts is, too—are committed to getting the most safety we possibly can in air travel these days. It disturbs me when I am told that the FAA requested no money in this budget for ILS systems.

Mr. CONTE. I thought there was over \$6 million in the budget for ILS systems. I would also point out that the 1969 budget provided for an ILS system for Tweed Airport based on turbo-jet operations. An ILS is scheduled for installation in October 1971 at that airport. This is part of a purchase of 99 ILS's under the 1969 contract.

Mr. Chairman, I will put in an entire factsheet at this point in the RECORD rather than taking up the time of the committee here in regard to the Tweed Airport:

#### TWEED-NEW HAVEN STORY

##### RUNWAY EXTENSION STORY

FAAP grant issued in 1967 to extend runway from 4771 to 5600 feet.

Extension completed October 1967.

Strengthening of original 4771 feet for turbojets completed under another FAAP project in 1969.

National Airport Plan (1968 and 1969) recommends extension from 5600 to 6300 feet to serve turbojet operations (DC-9-30).

New Haven requested FAAP extension to 6300 feet in 1968. Request denied due to litigation associated with previous extension.

Presented status remains unchanged.

##### LITIGATION STORY

In 1967, the FAA entered into a grant agreement with the City of New Haven for a Runway (02/20) extension from 4771' to 5600' and land acquisition for a clear zone south of the Runway in the Town of East Haven.

Extension completed and use made by turbojet aircraft. East Haven filed suit in Federal District Court to restrain Eastern Airlines jet operations and injunction ordering the FAA to abate nuisances caused by jet operations. Administrator dismissed as defendant. Action against Eastern Airlines still pending.

East Haven sued New Haven in Connecticut Superior Court to restrain expansion of the airport for failure to comply with State law for acquiring land. Court enjoined New Haven from maintaining clear zones over land acquired.

To comply with order, city displaced threshold at point of extension. Thus, extension is not being used for landings to the north and takeoffs to the south.

U.S.A. (FAA) filed an action against City of New Haven and the Town of East Haven et. al.; for injunction to restrain City of New Haven against not complying with terms of the grant agreement and against Town of East Haven against doing anything to prevent the City of New Haven from complying with the grant agreement. Hearing was held last week before Judge Murphy who has reserved judgment.

#### LITIGATION DEVELOPMENTS, NEW HAVEN AIRPORT

The Eastern Regional Attorney's office has advised that the U.S. District Court has granted the preliminary injunction requested by the Government, ordered the opening of the full runway 2-20, and directed the Town of New Haven to take appropriate action to vacate the contempt order issued by the state court against the City of New Haven for the use of the runway extension.

The Town of East Haven has appealed the injunction to the U.S. Court of Appeals for the Second Circuit. In accordance with this appeal, the Second Circuit granted a stay on 1 July 1971 of the District Court injunction but directed that the appeal be expedited. Accordingly, the appellant East Haven must file its brief by 16 July 1971, the Government its brief by 30 July 1971 and argument on the appeal has been set for 9 August 1971.

##### ILS STORY

ILS put in FY '69 budget based on turbo-jet operations.

ILS scheduled for installation in October 1971 (part of AIL purchase of 99 ILSs under 1969 contract). (NOTE.—No longer any turbojet operations and airport technically no longer qualifies.)

No delay to date in ILS project and none expected.

If runway extension case is not resolved glide slope will be installed on 4771 runway length. Would prefer to locate glide slope for 5600 foot length.

##### SAFETY STORY

Last air carrier accident occurred on 1 March 1958 when an American Airlines Convair suffered a gear collapse on take off. No injuries or fatalities.

Over one million airport operations have been conducted safely since then. In calendar year 1970 there were 175,927 operations.

Airport Control Tower commissioned 1 December 1969. City built structure; FAA operates it.

Runway End Identifier Lights (REILs) commissioned on Runway 2 in April 1964.

Visual Approach Slope Indicator (VASI) commissioned on Runway 2 in July 1970.

Convair 580 at maximum gross weight (50,000 lbs.) needs 4,160 feet of runway at sea level (well within safety limits at Tweed).

##### RUNWAY WEIGHT STORY

Runway 2 has been built to accommodate DC-9-30 aircraft—110,000 lbs.

Mr. CONTE. Mr. Chairman, it was a pleasure to work once again this year with my very able colleagues on the Appropriations Subcommittee on Transportation and I want to take this opportunity to commend them and especially our chairman, the distinguished gentleman from California (Mr. McFALL).

At times the transportation problems of this Nation seem positively insurmountable: more Americans are killed every year on traffic-clogged highways than the total losses sustained by this country in Vietnam since 1961. The atmosphere is contaminated with over 170 million tons of auto-caused smog. Sixty to seventy percent of our cities have been converted into parking lots, expressways, and airports. Delay time at New York's three airports last year substantially exceeded 100,000 hours and for a certain period of time, the Nation's rail system seemed perilously close to collapse.

Mindful of these factors and of the weakened state of our country's economy, the committee has the crucial responsibility of determining what improvements are essential to meet and hopefully overcome these tremendous problems. In my estimation, the bill we are considering today evidences both the effort that went into it and the balance that must be struck between improving transportation systems and holding back inflationary spending. It recommends a

level of \$7.98 billion, which is \$305 million less than the total 1972 request and \$444 million below last year's appropriation.

##### TITLE I

In title I of the bill, which covers the Department of Transportation itself, we cut \$329.4 million from the administration request and recommended a level of \$2.39 billion. This is a \$55.3 million decrease from 1971.

I should like now to discuss the recommendations for the items in title I, beginning with the Office of the Secretary.

##### OFFICE OF THE SECRETARY

The committee cut \$244.1 million from the request for the Office of the Secretary and recommended \$41.3 million. This is \$252 million below the fiscal 1971 appropriation. The bulk of this decrease is attributable to the termination of the Federal Government's participation in the civil supersonic aircraft program.

The committee cut \$1 million from the request for salaries and expenses and recommended a level of \$21.3 million. Of the requested 89 additional permanent positions, a total of 35 additional slots was allowed. No increase was allowed for the Office of Consumer Affairs since the committee believes that most consumer transportation inquiries concern one particular aspect of transportation. Consequently they can be handled by the respective modal administrations.

An increase of nine positions was allowed for regional representatives. This will provide a full time regional representative for each of the 10 regional councils plus one clerical position for each office.

Under transportation planning, research, and development, the committee cut \$7.1 million and recommended \$17.5 million. The entire appropriation is available for intermodal and other research since air traffic research will be refunded by a transfer from the trust fund. This represents a 150-percent increase in transportation research outside of the air traffic capacity area.

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

Mr. CONTE. I shall be glad to yield to the gentleman from Wyoming.

Mr. RONCALIO. The gentleman just mentioned the transfer from the trust funds and those words struck me like a shock of electricity.

We have had objections and complaints throughout the Rocky Mountain West that these funds received a year ago in trust have been used for administrative expenses within the Federal Aviation Administration and not for airport and airway capital improvement. This is an absolute breach of trust.

Has anything been done to take care of that situation and to see that these funds are used for the purposes for which taxes were levied?

Mr. CONTE. The committee is very conscious of this. If the gentleman will read the testimony of the witnesses who appeared before our committee he will find that this bill contains \$282 million which was taken from general revenues to be put into the trust fund in order to provide the total amount of necessary needed funds. I will go into that in more detail a little bit later.



Mr. RONCALIO. Mr. Chairman, if the gentleman will yield further, then the funds in the trust fund will be used for ILS improvements and no longer used for administrative expense?

Mr. CONTE. Let me get down to the trust fund and I believe I will answer some of the questions which the gentleman has in mind.

Mr. ADAMS. Mr. Chairman, will the gentleman yield later to me on this point because it is a very complicated matter?

Mr. CONTE. I shall be glad to do so.

The Department of Transportation has completed its requested report on its research and development activities. The report is reprinted in part 3 of the committee hearings, beginning on page 730. I commend it to the attention of my colleagues. It includes a summary of the Department's fiscal 1972 technological research and development program; a description of the management steps taken to assure a strong, integrated research and development program to meet the transportation needs of the Nation; a description of the specific programs underway to strengthen the policy formulation, planning, execution, and quality of the R. & D. program; and a discussion of steps taken to further strengthen the overall program.

The committee feels the Department must have an organized, coordinated research program; and the substantial increase recommended reflects confidence that the initial steps taken to improve the Department's research program will continue.

The committee approved the \$500,000 request for transportation research activities overseas—the special foreign currency program. These funds will establish cooperative research programs with Poland and Yugoslavia. The program with the former will concern itself with the field of telecommunications and will explore three areas of interest: maritime distress, maritime navigation, and data communications.

The program with Yugoslavia will involve transportation engineering areas related to bridging, tunneling, and urban transportation. Its objectives are to identify respective problem areas and coordinate a mutually acceptable research and development program leading to the development of transportation engineering techniques and procedures mutually beneficial to American and Yugoslavian transportation programs.

Regarding grants-in-aid for natural gas pipeline safety, the committee cut \$500,000 and recommended that same figure for the program. This will provide for grants to State agencies to carry out a State natural gas pipeline safety program. Authorization for this program passed the House on June 21, 1971.

For consolidation of departmental headquarters, the committee cut \$500,000 and recommended \$1.5 million. Six-hundred thousand dollars is earmarked for the first full year cost of leasing employee parking space in the Nassif Building. Nine hundred thousand dollars is provided for relocation of the Department's printing plant from Washington Navy Yard. Funds were disallowed for installation of a library sprinkler system

and for construction of a driveway entrance to the building.

As alluded to previously, the committee recommended no appropriation for the SST program.

#### U.S. COAST GUARD

Turning now to the U.S. Coast Guard, the committee recommended an increase of \$12 million for a total level of \$688.9 million.

Three and eight-tenths million was cut from operating expenses, with a level of \$474 million being recommended. Activities funded under this category include search and rescue, aids to navigation, merchant marine safety, icebreaking and oceanography.

Much of the increase from last year's appropriation is for marine environmental protection responsibilities. Other increases include maintaining existing facilities, operating new ones, and providing additional staffing of training facilities.

The committee approved the \$96.6 million request for acquisition, construction and improvements. Authorization for this program passed the House on April 29, 1971. I would point out at this time that funds for bridge alteration previously carried under this category have been transferred to a separate new appropriation and that the committee has recommended a \$4.1 million increase for this activity. The total \$7.1 million recommendation will allow for alteration work on 8 bridges.

No cut was made from the \$71.3 million request for retired pay. The total average number of personnel on the retired rolls is estimated to be 14,909 in fiscal 1972, as compared with 14,281 in fiscal 1971, and 13,838 in fiscal 1970.

The committee recommended an increase of \$15.3 million for Reserve training, bringing the total level for this activity to \$25.9 million.

The budget had proposed to phase out the Selected Reserve by June 30, 1972, and anticipated that thereafter, its responsibilities would be assumed by the Navy Reserve. However, the committee discovered during its hearings that the Navy has no formal plans to implement the transfer of Selected Reserve functions to the Navy Reserve. Moreover, the committee believes that, contrary to the Defense Department's expectation, little, if any, savings in overhead costs of training per individual would result under the proposed new arrangement.

Consequently, the committee is recommending a continuation of the selected reserve program. However this recommendation does not constitute a complete endorsement of the program. I wholeheartedly concur with its suggestion that a peacetime mission be found for the reserve. I suggested during the hearings—part I, page 359—that the reservists could be put to good use in inspecting boats on fresh water lakes and in patrolling such lakes. Not only would this provide tangible benefits to the taxpayers for their investment but also it should improve the motivation of individual reservists.

The committee's final recommendation for the Coast Guard was a \$3.6 million cut from the request for research,

development, test, and evaluation. A total of \$14 million was approved. The reduction in the budget request is based on three factors: first, the estimated \$2.5 million unobligated balances as of June 30, 1971; second, deferral of some of the 13 new programs to be initiated at a first year cost of \$15.15 million; and third, a reduction of 20 of the requested 50 new positions.

The national data buoy development project, previously funded under this appropriation, has been transferred to the Department of Commerce's National Oceanic and Atmospheric Administration.

#### FEDERAL AVIATION ADMINISTRATION

Turning now to the Federal Aviation Administration, the committee cut a total of \$31.6 million from its request and recommended a level of \$1.49 billion.

From operations, \$2.5 million was cut and a level of \$989 million was recommended. This appropriation, funded through the airport and airway trust fund, has been the subject of much controversy.

The trust fund was established by Public Law 91-258. According to that statute, the operations activities and personnel to be funded under this appropriation include those pertaining to: first, air traffic control operation and maintenance; second, air navigation; third, communications; fourth, airway system supporting services; and fifth, those portions of DOT administrative expenses attributable to these and other programs financed with trust fund moneys.

The committee recommends an appropriation structure similar to that proposed in the budget and believes its recommendation is consistent with the legislative authorization. Legislation is currently being considered which could change the programs to be financed with trust fund moneys. Should this legislation be enacted, the committee will give it due consideration in recommending future appropriations.

The air security guard program, included in the budget here, has been transferred to the safety regulation appropriation and will be financed with general Treasury funds.

All 927 new positions requested were approved, for a total of 49,322 operations personnel funded from the trust fund. Nearly all the increases are for maintaining equipment in the air traffic control and air navigation system. No additional air controller personnel were requested and none have been provided. Testimony during the hearings indicated that a substantial number of the 9,496 new air traffic controller positions provided in fiscal years 1968 through 1971 are unfilled.

The budget request of \$252 million for facilities and equipment was approved without any cuts being recommended. Once again, the committee saw no merit in the proposed consolidation of "facilities and equipment" and "research and development" under one heading and recommended separate appropriations for each of these functions. Funds are included here for six air traffic control towers and 24 airport surveillance radars.

Also included is \$15.9 million to relocate air traffic control towers. The locations involved are set out on pages 978 and 979 of part 2 of the hearings.

For research and development, the committee cut \$10 million and recommended \$63.3 million. Forty million dollars for activities previously funded under this appropriation was transferred in the 1972 budget to "facilities and equipment," so actually research and development will show a substantial increase.

No cut was made from the \$107 million request for grants-in-aid for airports. The funds recommended include \$92 million in liquidating cash for airport development grants and \$15 million for airport planning grants. The FAA indicates that, as of May 31, 1971, \$196 million of appropriated but unexpended funds were available for this program. The \$15 million for planning grants constitutes a \$5 million increase from last year's appropriation.

The committee cut \$58.8 million from the Federal payment to the airport and airway trust fund. The Airport and Airway Revenue Act of 1970 authorizes additional appropriations from general revenues to the trust fund as may be required to make expenditures for certain FAA activities. Two hundred eighty-two million nine hundred thousand dollars is recommended to make up the deficit between user tax receipts and appropriations from the trust fund.

Under safety regulations, the committee cut \$4.4 million and recommended a level of \$160 million. This is essentially a new appropriation which for the most part was previously funded under "operations" and "research and development." It can be divided into three major categories: First, funds to finance 5,269 positions for FAA regulatory activities; second, a \$8.6 million research program, including 207 positions, to conduct aircraft safety and medical research needed to modify Federal air regulations; and third, funds for the air security guard program. Authorizing legislation to finance the last program has not as yet been approved. Thus the committee is recommending that it be financed with general Treasury funds.

No cut was made by the committee from the \$11.4 million request for operation and maintenance of the National Capital Airport. While the National Airport is operating at a substantial profit, the net loss at Dulles Airport for fiscal 1972 is estimated to be \$5.4 million. The net loss for the two airports is placed at \$1.8 million, including depreciation and interest.

For construction of the National Capital Airport, the committee cut \$14.7 million and recommended \$4.9 million. The cut reflects the recommendation to defer the plan to expand the Dulles terminal building until architectural and engineering work on the design is completed. Should it be possible to begin the necessary excavating and grading work in fiscal 1972, the committee believes that existing unobligated funds could be used for this purpose. These funds stood at \$8.8 million at the time of the hearings.

#### FEDERAL HIGHWAY ADMINISTRATION

The committee cut \$17.3 million from the total request for the Federal Highway Administration and recommended a level of \$27.2 million.

From salaries and expenses, the committee cut \$9.7 million and recommended a total of \$99.4 million; 23 of the 47 requested new positions were denied. The committee believes that the Highway Administration should utilize the Office of the Secretary's internal audit staff to a greater extent and thus approved only two new positions for its projected program review division.

The committee also believes that \$5 million—last year's level—is adequate for the urban corridor project since the cities involved have not completed their planning studies and FHWA does not as yet know the costs of completing ongoing projects.

The committee made no cut from the \$10 million request for highway beautification liquidation of contract authorization. The Federal-Aid Highway Act of 1970 provides for a revised program emphasis concentrated on removing all nonconforming billboards along interstate and Federal-aid primary highways by 1976.

Two hundred and fifty thousand dollars was cut from administrative expenses, with a total of \$1.1 million being recommended. Ten of the 20 additional requested positions were approved.

The committee cut \$1 million from highway-related safety grants and recommended \$5 million. This appropriation provides liquidating cash to assist States and localities in implementing highway safety standards administered by FHWA.

From rail crossings-demonstration projects, the committee cut \$6 million and recommended a \$4 million level. This will provide funds to eliminate or upgrade all public ground-level rail-highway crossings near Greenwood, S.C., and along the route of the high-speed ground transportation demonstration projects between Washington and Boston. The committee believes it unlikely that the 10-percent matching contribution requirements from the railroads can be met with respect to the Northeast corridor project.

The sum of \$200,000 was cut from the request for territorial highways, with a \$1 million level being recommended. This program, authorized by the Federal-Aid Highway Act, will assist the Virgin Islands, Guam, and American Samoa in setting up a long-range highway development program.

The committee cut \$5 million from the Darien Gap Highway and recommended \$15 million. These funds would provide for 25 positions to administer the first phases of construction of 250 miles of highway in Panama and Colombia. It has been estimated that it will take 10 years to complete construction of the highway.

From Federal-aid highways the committee cut \$8.6 million and recommended \$4.66 billion. This will result in no reduction of the construction program.

Work is either completed or underway on 41,000 miles of the Interstate Highway System.

The committee cut \$10 million from the request for the right-of-way revolving fund and recommended \$25 million, since only about \$30 million of the \$75 million appropriated to date has been expended.

No cut was made from the \$25 million request for forest highways. Nor was any cut made in the \$5 million request for public lands highways. Also recommended was a \$10 million limitation on obligations, the same as the budget estimate and \$3 million less than the obligations estimated to be incurred in fiscal 1971.

The request of \$5 million for improvements on the Baltimore-Washington Parkway was denied. The Highway Act of 1970 provided that no funds could be expended for the reconstruction of the parkway until an agreement for this project was reached among the Secretary of Transportation, the Secretary of the Interior, and the State of Maryland. Discussions on this agreement are still in a very early stage.

#### NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

The committee cut a total of \$14 million from the National Highway Traffic Safety Administration's overall budget request and recommended a level of \$72.4 million.

The sum of \$14 million was cut from the request for traffic and highway safety, with a level of \$62.8 million being recommended. The largest single increase under the activity is for the alcohol safety action program: \$15.5 million for the 29 ongoing demonstration projects. The total appropriation for this program is \$21 million.

The committee made no cut from the \$9.6 million request for construction of a compliance test facility at East Liberty, Ohio. The facility will be equipped to conduct tests on automobiles, tires, and other motor vehicle equipment to assure compliance with Federal motor vehicle safety standards.

From State and community highway safety, the committee cut \$10 million and recommended a level of \$47 million. Funds for all 16 safety standards are being provided partly by the Federal Highway Administration and partly by the Traffic Safety Administration. If both appropriations are considered together, an increase over fiscal 1971's level is being recommended.

#### FEDERAL RAILROAD ADMINISTRATION

The committee cut a total of \$7.5 million from the budget request for the Federal Railroad Administration and recommended \$14.4 million; \$525,000 was cut from salaries and expenses of the Office of the Administrator, with \$1.9 million being recommended. The committee believes that high priority should be given to issuance of initial railroad safety standards by October 1971.

The committee cut \$6.7 million from railroad research and recommended \$7 million. The committee expects the FRA to delineate specific, tangible accom-

plishments from research into train derailments, collisions, and so forth; \$300,000 was cut from the Bureau of Railroad Safety and \$5.4 million recommended. No authorizing legislation has been enacted to continue the high speed ground transportation research and development program and thus no appropriation has been recommended.

No appropriation was requested or recommended for the Alaska Railroad Revolving Fund.

#### URBAN MASS TRANSPORTATION ADMINISTRATION

The committee cut \$26.8 million from the total request for the Urban Mass Transportation Administration and recommended \$58.3 million.

Cut from the administrative expenses was \$849,000, with \$6.3 million being recommended; 115 of the 190 additional positions requested were approved. This includes 50 to establish field offices and four for the Financial Management Division. This increase will provide UMTA a total of 313 positions, five times the number it had 3 years ago. The committee expects proper auditing, accounting, engineering feasibility reviews, and cost analyses for all ongoing and future projects.

The committee cut \$26 million from research, development, and demonstrations, and university research, and training and recommended a total of \$52 million; \$5 million is recommended as UMTA's contribution to the urban corridor demonstration program in conjunction with the FHWA.

As for liquidation of contract authorization, the committee made no cut from the request of \$150 million. It is recommending a limit on commitments in fiscal 1972 to \$800 million. This is \$200 million more than the fiscal 1971 limitation and \$400 million more than the 1971 limitation imposed by the executive branch.

The importance of the Federal Government's commitment to mass transit can hardly be overemphasized. The expansion of city boundaries and the exodus to the suburbs over the last decade have created millions of new commuters. It has been estimated that 18 million persons ride the Nation's mass transit systems every day, and that almost 50 million more drive to work in automobiles. There are now 80 million cars, twice the number that existed in 1950, clogging areas in and around our cities.

All this has created a huge problem. I pointed out in our hearings that traffic in central Philadelphia moves at 12 miles per hour, the same speed of horse-drawn carriages 100 years ago. To meet the mass transit crisis, it is imperative that UMTA be given solid and continuing support.

#### ST. LAWRENCE SEAWAY

No cut was made from the \$749,000 requested for the St. Lawrence Seaway Development Corporation. No new positions were requested.

#### TITLE II

Turning briefly to title II of the bill, the committee added \$54 million and recommended \$333.6 million as follows:

#### NATIONAL TRANSPORTATION SAFETY BOARD

The committee cut \$92,000 from salaries and expenses for the National

Transportation Safety Board and recommended \$7.1 million. Eight of the requested 10 new positions were approved.

#### CIVIL AERONAUTICS BOARD

No cut was made from the \$13.4 million request for salaries and expenses for the Civil Aeronautics Board. Of the 16 additional positions approved: 10 were for the rates and fares program, three for handling the increased number of consumer complaints, and three for the Board's enforcement program.

No budget request for payment to air carriers was made. These payments result from orders issued by the CAB and constitute a legal obligation of the Government. If no appropriation is provided, the funds can be collected by a suit against the Government in the Court of Claims. To preclude this possibility, the committee recommended \$53.6 million for subsidy payments.

#### INTERSTATE COMMERCE COMMISSION

The committee added \$1.7 million to the budget request for salaries and expenses for the Interstate Commerce Commission and recommended a total level of \$30.6 million. The committee believed the effectiveness of the Commission would have been seriously impaired had it adopted the proposed budget cuts. The recommended increase will provide an additional 140 positions.

#### PANAMA CANAL

The committee cut \$132,000 from operating expenses of the Panama Canal Zone Government and recommended a level of \$50.8 million. This appropriation represents an advance of funds that is repaid to the U.S. Treasury through charges for services furnished or from revenues of the Panama Canal Company.

From capital outlay of the Canal Zone Government, the committee cut \$1 million and recommended \$3.7 million. These funds will finance necessary improvements in educational facilities, hospitals, and clinics, and municipal facilities. This appropriation is repaid to the U.S. Treasury over the life of the capital asset through depreciation charges to the Canal Zone Government.

The committee made no cut from the \$19.2 million request for limitation on general and administrative expenses for the Panama Canal Company.

#### WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Finally, no cut was made from the \$174.3 million request for the Federal contribution to the Washington Metropolitan Area Transit Authority. This is an advance appropriation for fiscal 1973.

Thank you, Mr. Chairman, for the opportunity to detail the committee bill. I have certainly enjoyed serving as the ranking minority member on the Transportation Subcommittee and look forward to continued association with my able colleagues on it.

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

Mr. CONTE. I yield to the gentleman.

Mr. ADAMS. Mr. Chairman, the problem that some of us are having who were on the authorizing committee regarding the use of the trust fund as opposed to

the use of operations fund is that for this year you have for the operations of the FAA appropriated \$989 million. However, the bill provides on page 9 for only \$282 million to come from the general fund.

The result of this is that approximately \$700 million is taken out of the trust fund which will drain this trust fund by the end of the year to zero.

Now it was the intent, I believe of the House, when it passed the Expanded Airways Facilities Act that there be set aside each year for construction no less than \$250 million for facilities and equipment and \$280 million for grants in aid to airports. Now some of us will have an amendment to present later in the course of this debate, and I want to emphasize we are not in any way tampering with the figures for appropriations made by the committee—in other words, the same amounts would be appropriated and the same amount would be spent.

But instead of taking all the approximately \$700 million from the trust fund, which was to be used for construction and using it for FAA operations, we are recommending that a portion remain in the trust fund for, as the point is made by the gentleman from Connecticut (Mr. GIAIMO), this was to be used for the construction of facilities at these airports. This was to construct the ILS system and other safety features. The point was very well made by the gentleman from Wyoming that we set this money aside through user taxes, not to be used to replace the general appropriations for the general operations of the FAA, but to leave the FAA where it had been with its regular operating funds to be appropriated from the general fund, as it has been in the past.

This trust fund was set aside in order to construct the facilities we need to keep people from being killed around the United States.

I would ask the gentleman this question: Is it not true that, rather than adding \$293 million from the general fund by this bill, what you really have done is that you have, instead of appropriating some \$900 million from the general fund, you have appropriated only \$282 million, and you are taking the remainder of approximately \$700 million from the trust fund?

Mr. CONTE. Of course, that is absolutely right, and who is going to argue? Where does that money go? A good portion of that money goes for air controllers and for the other operating expenses that are involved, including operation of traffic control systems, installation of material services, maintenance of traffic control systems, administration of flight standards, administration of medical standards—where is this money going to come from? That is the whole idea.

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

Mr. CONTE. Let me finish and then we will return to your inquiry. We have got to take that money from the trust fund, and that was the intent of the law. The law is very specific and clear. It says that this trust fund money should be used for air traffic control, air navigation, communication, or supporting as-

sistance for the airway system. That is exactly what we are doing here. What we also are doing is making the taxpayers of this country who do not use the airways—which is about what? Ninety percent of the people do not use the airways—we are making them subsidize the people who use the airways to the tune of \$282 million. And what the gentleman wants to do is to make the general taxpayers, who are carrying too heavy a burden right now, subsidize this area even further.

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

Mr. CONTE. I am glad to yield to the gentleman from Connecticut.

Mr. GIAIMO. Let us take that last point first. Yes, we do want to make the general taxpayer pay for the expense of having a good air traffic system in this country. We do not have earmark taxation principles in this Nation. People pay their taxes to support public schools, whether or not they have children who go to these schools. People pay their taxes to pay subsidies to farmers as the gentleman from Massachusetts well knows, whether or not they are involved in agriculture. People pay taxes in this Nation to subsidize a merchant marine, whether or not they are involved in it. People pay taxes to support people on welfare whether the taxpayer is involved in any way with it or not. So that argument leaves me cold.

Mr. CONTE. First of all, I cannot conceive of a tax on welfare recipients. It is ridiculous to speak of taxing the payments on welfare assistance.

The second untenable argument is in relation to sending children to school. Children have to go to school and have to be educated, but people do not have to fly in an airplane. They can drive an automobile or take a train. We have a Highway Trust Fund, and the people who drive automobiles support the Highway Trust Fund. We build roads with that money.

If the taxpayers only knew, we previously used Trust Fund moneys to provide air guards to prevent airline hijackings. But this year the committee, under the leadership of the gentleman from California (Mr. McFALL), and myself has removed that item from the Trust Fund and financed that activity with general revenues. As a result, the general taxpayer is now paying for air guards to provide safety for the airline-flying public.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Is it not true that in every case mentioned by the gentleman from Connecticut the people who are beneficiaries cannot afford to pay the cost of the service for which they are being subsidized, and is it not equally true that there is probably no class of people in this country so affluent and so well able to pay for the cost of serving them as those people who ride on the airplanes?

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

Mr. CONTE. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, one of the problems with the Air Traffic Control System and the reason for general fund support is the fact that over 25 percent of the system is for the benefit of the military, and it is carried in this budget.

A second point is the danger which is caused by flying in and out of cities. The Air Traffic Control System is used for the protection of the general public in the vicinity of the airways.

I agree with the gentleman, we should perhaps arrive at a compromise figure on this but, if we clean out this fund entirely, we will be left in the city of Boston and the city of New York, for instance, with no funds available in future years to try to correct those airport deficiencies and make them safer.

Mr. CONTE. I can sympathize with the gentleman, but no one is trying to clean out the fund. Next year this money will be coming in again.

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

Mr. CONTE. I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I wonder if I understood the gentleman from Washington correctly, that the cost of the military operations of the Air Traffic System is paid out of the trust fund?

Mr. ADAMS. That is what is proposed here.

The Air Traffic Control System is apportioned between the general aviation, military, and commercial traffic. That is the basis on which the FAA puts in its application for funding of the total system. Therefore, we do not believe that user fees should be charged for the total cost.

Mr. BOLAND. Mr. Chairman, if the gentleman will yield further, it is my understanding that the amount of money expended for civil aviation, for the air navigation system, and for the air traffic control system is taken out of the trust fund. There is a separate account for the regulatory functions of the FAA.

Mr. ADAMS. The military operations, however, are included in the general figure of \$989 million for FAA operations within the FAA. Separate accounts may be kept, but it is all in their general operations figure, and if we take all the money for operations, out of the trust fund then we are in the position of spending user tax fund for the allocated military costs.

Mr. BOLAND. If the gentleman will yield further, I agree with the gentleman from Massachusetts, although I think there is a controversy here, there is no question about it. The gentleman from Washington (Mr. ADAMS) and a great number of members in the authorizing committee are concerned about the fact that we or the FAA is taking a considerable amount of money out of the budget to pay for operations.

As I recall at the time the bill was passed, which is now Public Law 91-258, there was discussion with respect to what would be paid for out of the Airport Airways Trust Fund, and there were some priorities. However, I think the operations of the Air Traffic Control System should be funded out of the trust fund, and this is precisely what the gentleman from Massachusetts (Mr. CONTE)

said. The budget includes a half billion dollars just for air traffic control, that is the people who actually run the Air Traffic Control System.

The question is whether or not it ought to be paid for by the people who use the airways, or whether or not it ought to be paid for by all the taxpayers of the Nation. There are some people who say it ought to be paid for by all the taxpayers. In my judgment, I do not think so, and I agree with the position taken by my colleague and the position of the subcommittee and the position of a great number of Members of Congress, and particularly members of the Ways and Means Committee.

As the gentleman from Washington knows, this was a separate bill. The user tax hearings were developed by the Committee on Ways and Means. And the Committee on Interstate and Foreign Commerce was involved in that part of the bill having to do with establishing the funds for the construction of airports, and facilities, and equipment, and other things. So there was a difference of opinion between the two committees and among the members of the committees with respect to what the user taxes would pay for.

I have no quarrel with the Interstate and Foreign Commerce Committee now deciding that it ought to bring a new bill to the floor and precisely delineate where those costs ought to be allocated, and let the Congress work its will. But I do not believe we ought to do it in this bill. I believe we ought to wait until the Interstate and Foreign Commerce Committee, the legislative committee, brings a bill to the floor. Then we can debate it and determine precisely what the feeling of the majority of the Members of the whole Congress is with respect to what should be charged to the Airport and Airway Trust Fund.

Mr. ADAMS. Mr. Chairman, if the gentleman will yield further briefly, in reply I would state that the problem we have here is one of already established legislative priorities.

I agree with the gentleman that we should delineate and correct the authorizing legislation so there is no controversy. But it was clearly stated in the debate and clearly set forth in the bill that facilities and equipment, in the amount of \$280 million, and that airway construction—in other words, grants-in-aid—to the extent of \$230 million would be covered. In other words, these amounts were authorized, and then if there were something left over in the trust fund this could go into operations, under the operation of title II.

The amendment we will be discussing will be simply to protect the established priorities that were intended in the authorizing legislation.

It is not that any more money will be spent. In other words, we are not changing the spending of \$107 million, as is set forth in the bill, on grants-in-aid. The money above the \$107,000,000 would remain in the trust fund until next year. If we do not act we will find that it is gone and the authorizing committee will have nothing to operate on next year.

Mr. BOLAND. Mr. Chairman, if the

gentleman will yield further, the gentleman is correct when he says that the airport and airway trust fund will probably be exhausted in fiscal year 1972. I believe there would be about \$1.4 billion in there. This money is being expended under this bill.

I do not have any problem in the fact that there will be no money left in the airport and airway trust fund. More money will be generated by user charges next year.

If there is a necessity and a requirement for additional appropriations for facilities and equipment and for grants-in-aid to airports, the Appropriation Committee, I believe, will provide these funds.

In this bill alone we are appropriating \$107 million for grants-in-aid to the airport programs. In addition, they have almost \$200 million which has been appropriated but is unexpended. So, I have no fear that there will not be any money left, so that we will not be able to take care of the priorities established under the substantive legislation for grants-in-aid to airports and for facilities and equipment.

If there is no money in the trust fund, the subcommittee and the committee and the Congress would have an obligation, I believe, to appropriate sufficient funds to go ahead on the same timetable and on the same basis that the authorizing committee desires we go ahead.

Mr. ADAMS. I thank the gentleman.

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

Mr. CONTE. I yield briefly to the gentleman from California.

Mr. DON H. CLAUSEN. It will be brief, because most of the answers to my questions have been developed in the colloquy which has occurred.

I do believe the authorizing Committee on Interstate and Foreign Commerce and also the Ways and Means Committee will have to address this question, and quickly, because the people who are utilizing the airport and airway facilities of this country with the airport and airway trust fund to finance those facilities, do not feel they are getting their money's worth. I am pleased to see the Appropriations Committee members are aware of this, as evidenced by the comments here today.

Mr. CONTE. I thank the gentleman.

The CHAIRMAN. The gentleman from Massachusetts has consumed 36 minutes. Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I take this time to discuss 2 points.

The first relates to the subject which was the center of controversy at the time the House debated the termination costs of the SST some months ago, to which reference was made by my good friend the chairman, the gentleman from California (Mr. McFALL).

It relates to the question of the return of the funds contributed by the airlines to the Boeing Co. pursuant to contracts the airlines had with that company. The sum involved is \$58.5 million. I propose when the committee returns to the House

to place in the RECORD as a part of my remarks the actual contracts between the airlines and the Boeing Co. under which the \$58.5 million was made available for the construction of phase 3 of the SST.

I want at this time only to read paragraph 3 of those contracts, which reads as follows:

3. Neither Boeing nor the U.S. Government shall have any obligation pursuant to this Agreement to:

(a) complete the design, development, fabrication, or test of any SST prototype aircraft;

(b) manufacture, sell, or offer to sell any SST aircraft; or

(c) return or refund, under any circumstances whatsoever, any money contributed pursuant to this Agreement.

This is a very specific provision, Mr. Chairman. I think the members of the committee will want to consider it in coming to their decision on repayment of the money.

The second point I want to discuss, Mr. Chairman, relates to the matter raised by my good friend from Connecticut (Mr. GIAMMO). Earlier in the debate he raised the question as to why there were not additional installations of ILS.

I went into the question in the hearings, and my interrogation appears on page 494 of part II of our hearings. I asked the question there of Mr. Shaffer, the Administrator of FAA:

Why is it that you have not requested funds for additional ILS systems for fiscal year 1972?

And Mr. Shaffer replied:

Basically because we have 158 on order in the pipeline for 138 different installations. This will essentially saturate our ability to do the installation and checkout job over the calendar period that this budget covers.

Mr. Chairman, my impression upon receiving that answer—and I think it was the committee's impression, also—was that there were to be installed during this fiscal year the 158 ILS systems that were on order. I repeat the word "installed." I find upon calling the FAA a few moments ago that there are scheduled for installation during fiscal year 1972 only 58 ILS systems. During the remainder of the fiscal year 1971 and 1972 there will be completed a total of 86. I consider this a very shocking revelation, Mr. Chairman. I will not designate the reply during the hearing as deceptive, but certainly, it did not give the complete information to the committee. We of the committee appropriated sufficient funds for the installation of the full number of 158. That money has been made available to the FAA. The fact that only 58 are scheduled for installation during fiscal year 1972 means to me that too many airports in the country will still have a most unfortunate gap in the equipment which will make those airports safer for passenger flight. It is an unacceptable situation to have so few systems installed during this fiscal year.

Mr. Chairman, I want to commend my good friend (Mr. GIAMMO) for raising this point. I certainly intend to explore it thoroughly when the FAA appears before the committee again.

The contract referred to is as follows:

[Form 1 dated 4/7/67]

GROUP 1. AIRLINE CONTRIBUTION AGREEMENT BETWEEN THE BOEING COMPANY AND \_\_\_\_\_ AGREEMENT No. \_\_\_\_\_

This agreement, entered into as of the 1st day of May, 1967, between The Boeing Company, a Delaware corporation (hereinafter called Boeing), and \_\_\_\_\_ a \_\_\_\_\_ corporation (hereinafter called the Airline).

WITNESSETH:

Whereas, the Airline and the United States Government represented by the Federal Aviation Administration (FAA) have entered into a United States Supersonic Transport Delivery Position Agreement (Delivery Position Agreement) pursuant to which the Airline has reserved \_\_\_\_\_ ( ) commercial supersonic transport (SST) production aircraft delivery positions; and

Whereas, Boeing and the United States Government have entered or may enter into a research and development agreement (the Phase III Contract) pursuant to which Boeing will design, develop, fabricate and test two SST prototype aircraft and perform other SST research and development work, and Boeing and the United States Government will each bear a portion of the cost thereof; and

Whereas, the Airline has an interest in having such SST research and development work performed; and

Whereas, a contribution by the Airline towards the cost of performing such SST research and development work would benefit all parties concerned.

Now, therefore, the parties agree as follows:

1. The Airline agrees to pay to Boeing in 1968 (a) on or before January 12, 1968, the sum of U.S. \$\_\_\_\_\_ (\$500,000 per SST aircraft delivery position reserved with the FAA) and (b) on or before March 31, 1968, the further sum of U.S. \$\_\_\_\_\_ (\$500,000 per SST aircraft delivery position reserved with the FAA), as a contribution to the costs incurred and to be incurred by Boeing in performing such SST research and development work.

2. Boeing agrees to use the funds contributed by the Airline hereunder, and by other airlines signing agreement substantially identical to this Agreement (Group 1 Contributors), solely for the performance of the Phase III Contract and to reduce the U.S. Government's obligations under said Contract by the amount of such contributions.

3. Neither Boeing nor the U.S. Government shall have any obligation pursuant to this Agreement to:

(a) complete the design, development, fabrication or test of any SST prototype aircraft;

(b) manufacture, sell, or offer to sell any SST aircraft; or

(c) return or refund, under any circumstances whatsoever, any money contributed pursuant to this Agreement.

However, in the event that Boeing does undertake to manufacture and sell any SST aircraft and, as a result, Boeing becomes obligated to pay royalties to the United States Government pursuant to the terms of Exhibit G to the Phase III Contract (including any amendment thereto or other agreement between Boeing and the United States Government which supersedes such Exhibit G), Boeing shall pay to the Airline, and other Group 1 Contributors pro rata, based upon the amount contributed by each, the first royalties payable under Exhibit G, up to a maximum of \$1,500,000 or each \$1,000,000 contributed by the Airline. Boeing and the United States Government shall have the right to amend or waive any provisions of Exhibit G without the consent of the Airline; provided that no change shall be made in the obligation of Boeing to pay to the Group 1

Contributors the first royalties payable under Exhibit G, up to a maximum of \$1,500,000 for each \$1,000,000 contributed, without the written consent of all of the Group 1 Contributors.

4. Termination of the Phase III Contract by the United States Government prior to the date on which any payment provided for in paragraph 1 of this Agreement is received by Boeing or prior to the date on which such payment is due under said paragraph, whichever date first occurs, shall relieve the Airline of its obligation to make such payment. However, termination of the Phase III Contract by the United States Government on or after the date on which any such payment is received by Boeing or the date on which any such payment is due, whichever date first occurs, shall not obligate Boeing or the U.S. Government to refund such payment nor relieve the Airline of its obligation to make such payment.

5. Boeing agrees that, if Boeing undertakes to manufacture and sell any SST production aircraft, Boeing will offer to the Airline a definitive purchase agreement covering the purchase and sale of the SST production aircraft represented by the delivery positions reserved by the Airline under its Delivery Position Agreement. However, if the Airline and Boeing do not sign a mutually satisfactory definitive purchase agreement for the sale by Boeing to the Airline of such SST production aircraft within six (6) months after the date Boeing first submits a draft of such agreement to the Airline, the Airline shall lose all rights to such delivery positions. Such loss, however, shall not affect the rights and obligations of the Airline and Boeing under paragraphs 1 through 4 of this Agreement. To the extent the matter is subject to Boeing's determination, Boeing does not intend to require payments in advance of delivery of such SST production aircraft in excess of fifty percent (50%) of the aggregate purchase price of all such aircraft, payable in installments to be scheduled equitably over the period between the signing of the definitive purchase agreement and six (6) months prior to delivery of the first such aircraft, based on aircraft lead time, Boeing's investment in the program and anticipated expenditure curves.

6. This Agreement shall be deemed terminated on December 31, 1967, and of no force and effect whatsoever after that date unless, after April 7, 1967 and prior to January 1, 1968:

(a) The United States Government executes the Phase III Contract, and

(b) Congress appropriates funds towards the financing of all or any portion of the costs of the Phase III Contract work.

7. This Agreement supersedes and replaces Research and Development Participation Agreement No. ---- between Boeing and the Airline, entered into as of March 8, 1967, and all understandings, commitments, conditions and amendments relating thereto except the Delivery Position Agreement.

8. This Agreement shall have no force or effect whatsoever unless, on or before May 5, 1967, two copies hereof, executed on behalf of the Airline, are received by Boeing.

By \_\_\_\_\_  
Its \_\_\_\_\_  
Witness \_\_\_\_\_  
The Boeing Company.  
By \_\_\_\_\_  
Its \_\_\_\_\_  
witness \_\_\_\_\_

[Form 2 dated 5/1/67]

GROUP 2. AIRLINE POSITION RESERVATION AND CONTRIBUTION AGREEMENT BETWEEN THE BOEING COMPANY AND \_\_\_\_\_, AGREEMENT NO. \_\_\_\_\_

This agreement, entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, between the Boeing Company, a Delaware corporation

(hereinafter called Boeing), and \_\_\_\_\_, a \_\_\_\_\_ corporation (hereinafter called the Airline).

WITNESSETH:

Whereas, Boeing and the United States Government represented by the Federal Aviation Administration (FAA) have entered into a research and development agreement (the Phase III Contract) pursuant to which Boeing will design, develop, fabricate and test two commercial supersonic transport (SST) prototype aircraft and perform other SST research and development work; and

Whereas, the cost of such SST research and development work will be borne by Boeing, the U.S. Government and the airlines that make contributions towards the cost of such SST research and development work pursuant to agreements with Boeing; and

Whereas, the Airline desires to reserve one or more delivery positions for SST production aircraft.

Now, therefore, the parties agree as follows:

1. The Airline agrees to pay to Boeing (a) in \_\_\_\_\_, on or before \_\_\_\_\_, the sum of U.S. \$\_\_\_\_\_ (\$375,000 per SST aircraft delivery position reserved pursuant to this Agreement) and (b) in \_\_\_\_\_ on or before \_\_\_\_\_, the further sum of U.S. \$\_\_\_\_\_ (\$375,000 per SST aircraft delivery position reserved pursuant to this Agreement) for the purpose of reserving delivery positions for SST production aircraft and as a contribution to the costs incurred and to be incurred by Boeing in performing such SST research and development work.

2. Boeing agrees to use the funds contributed by the Airline hereunder, and by other airlines signing agreements substantially identical to this Agreement (Group 2 Contributors), solely for the performance of the Phase III Contract and to reduce the U.S. Government's obligations under said Contract by the amount of such contributions.

3. Neither Boeing nor the U.S. Government shall have any obligation to:

(a) complete the design, development, fabrication or test of any SST prototype aircraft;

(b) manufacture, sell, or offer to sell any SST aircraft; or

(c) return or refund, under any circumstances whatsoever, any money contributed pursuant to this Agreement.

However, in the event that Boeing does not undertake to manufacture and sell any SST aircraft and, as a result, Boeing becomes obligated to pay royalties to the U.S. Government pursuant to the terms of Exhibit G to the Phase III Contract (including any amendment thereto or other agreement between Boeing and the U.S. Government which supersedes such Exhibit G), Boeing shall pay to the Airline, and other Group 2 Contributors, on a first in-first out basis (based on the time of receipt by Boeing of the executed copy of the Airline Position Reservation and Contribution Agreement), the first royalties payable under such Exhibit G, following satisfaction of all of Boeing's obligations to make payments from such royalties to the Group 1 Contributors pursuant to their agreements with Boeing.

Such royalty payments to the Airline shall not exceed one hundred percent (100%) of the amount contributed by the Airline for each delivery position reserved under this Agreement; provided, however, such royalty payments to the Airline shall not exceed seventy-three and one-third percent (73 1/3%) of the amount contributed by the Airline for any delivery position reserved under this Agreement in the event the Airline does not enter into a definitive purchase agreement with Boeing for the sale by Boeing to the Airline of the aircraft relating to such delivery position within six (6) months after Boeing first submits a draft of such agreement to the Airline. Boeing and the U.S. Government shall have the right to amend or waive any provision of Exhibit G without

the consent of the Airline, provided that no change shall be made in the obligation of Boeing to the Airline under the two preceding sentences.

4. If Boeing undertakes to manufacture and sell to the commercial airlines any SST production aircraft, Boeing will reserve for the Airline the following \_\_\_\_\_ ( ) delivery positions: \_\_\_\_\_ Said numbered positions may, at Boeing's option, be rescheduled to earlier available positions prior to signing the definite purchase agreement provided for in paragraph 5 of this Agreement. Said numbered positions are for aircraft purchased in essentially the standard configuration, including standard options. The position of any aircraft incorporating customer requested deviations from the standard configuration will be subject to adjustment, if Boeing determines such deviation would delay delivery, and subsequent positions will be subject to acceleration. Any such adjustment or acceleration will be made or provided for in the definitive purchase agreement. Prior to signing the definitive purchase agreement, Boeing may, at its option, convert said numbered positions to a schedule provided for delivery during or before specified months. Such monthly schedule shall be consistent with the sequence of such numbered positions and be based on the applicable production rate then in effect. Such conversion shall release Boeing from any obligation under this Agreement with respect to the sequence of delivery of the aircraft to be covered by such purchase agreement.

5. If Boeing undertakes to manufacture and sell to the commercial airlines any SST production aircraft, Boeing will offer to the Airline a definitive purchase agreement covering the purchase and sale of the SST production aircraft represented by the delivery positions reserved in paragraph 4 above. Definitive purchase agreements under which the delivery schedule is in the form of numbered delivery positions, will contain suitable provisions for adjustment of delivery positions to prevent an unforeseen delay in delivery of any aircraft from delaying delivery of subsequent aircraft. If the Airline and Boeing do not sign a mutually satisfactory definitive purchase agreement for the sale by Boeing to the Airline of the SST production aircraft relating to any such reserved delivery position within six (6) months after the date Boeing first submits a draft of such agreement to the Airline, the Airline shall lose all rights to such delivery position. To the extent the matter is subject to Boeing's determination, Boeing does not intend to require additional payments in advance of delivery of such SST production aircraft in excess of fifty percent (50 percent of the aggregate purchase price of all such aircraft, payable in installments to be scheduled equitably over the period between the signing of the definitive purchase agreement and six (6) months prior to delivery of the first such aircraft, based on aircraft lead time, Boeing's investment in the program and anticipated expenditure curves.

6. Termination of the Phase III Contract by the U.S. Government prior to the date on which any payment provided for in paragraph 1 of this Agreement is received by Boeing or prior to the date on which such payment is due under said paragraph, whichever date first occurs, shall relieve the Airline of its obligation to make such payment. However, termination of the Phase III Contract by the U.S. Government on or after the date on which any such payment is received by Boeing or the date on which any such payment is due, whichever date first occurs, shall not obligate Boeing or the U.S. Government to refund such payment.

7. This Agreement shall not be deemed to be an option or contract to purchase or sell any aircraft.

8. The Airline shall not sell, assign, or transfer any of its rights under this Agree-

ment, except as a result of merger with, or acquisition of its assets by another Company.

9. If for any reason Boeing does not manufacture and sell the SST aircraft to any commercial airline, this Agreement shall be deemed terminated and Boeing shall retain all amounts paid hereunder.

10. This Agreement shall be deemed terminated on December 31, 1967, and of no force and effect whatsoever after that date unless, after April 7, 1967 and prior to January 1, 1968, Congress appropriates funds towards the financing of all or any portion of the costs of the Phase III Contract work.

11. This Agreement shall have no force or effect whatsoever unless, on or before -----, two copies hereof executed on behalf of the Airline, and the payment required by paragraph 1 hereof are received by Boeing.

By -----  
Its -----  
Witness -----  
The Boeing Company.  
By -----  
Its -----  
Witness -----

Mr. CONTE. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, when the spokesmen for the Department of Transportation and the Federal Aviation Administration came before the subcommittee, to discuss a piece of legislation that has recently been passed out from the Aviation and Transportation Subcommittee of the Committee on Interstate and Foreign Commerce, the spokesmen for the administration started talking to our committee about what the intent of Congress was and what the intent of our committee was in drawing up the details of the airport and airways trust fund.

Well, Mr. Chairman, it did not take the chairman on that day many moments to make clear the fact that he did not want to be told what the intent of our committee was, that he was very well aware of what the intent of our committee was since he was sitting in on all of the markup of the airport and airways trust fund legislation.

Granted, Mr. Chairman, that the FAA and the DOT have used—I will use the term “diverted”—airport and airway trust funds into general administration in a perfectly legal way, because there were loopholes in the law that allowed this to be done legally.

However when those of us on the Commerce Committee and the Ways and Means Committee authorizes a taxation on gasoline for general aviation, a ticket tax for the riding public, the licensing fee that every owner of the very smallest aircraft up to the largest in this country has to pay, we did this, of course, under the gun of a great many people. Almost all of us who were directly responsible in the Ways and Means Committee and in the Committee on Interstate and Foreign Commerce committed ourselves to the taxpaying public that these funds would be used primarily in three areas.

First, they would be used for safety; that is, facilities including the airways safety devices such as the ILS systems that you heard the gentleman from Connecticut (Mr. GIAIMO) and the gentle-

man from Chicago (Mr. YATES) mention earlier. Also, surveillance radar in the vicinity of airports and on the airways. This is one of the areas in the general safety area.

Second, is the construction area. A great deal of this is matching funds with local governments and a great deal of this money has to do with safety also. I think the gentleman who just discussed this point will remember that the length of runways is something that must be increased before an ILS system can be installed.

Then, Mr. Chairman, the third area is research and development. Now, after this first year of operation, obviously, there was no way that all of the money that came into the trust fund could be properly used. But those of us—most of us at least on the Committee on Interstate and Foreign Commerce and I think a great many of the other Members on this floor, feel like that there must be some assurance given to the taxpaying public, to the people who are paying approximately \$750 million of taxes into this trust fund, that at least the amount of money required by the legislation be spent for those designated purposes; and obviously this has not been done.

I think you are all aware of the fact that we do have legislation coming out of our committee which will further designate what this money can be spent for. But, I shall later offer an amendment which will require that this year, this fiscal year coming up, fiscal 1972, begin some accumulation in the airport and airways trust fund for the future.

In writing this legislation and reworking it in the Subcommittee on Aviation and Transportation we projected over a period of 10 years what the drain on this trust fund would be for construction purposes. We took into consideration the extensive drain that would take place as a result of certain regional facilities like the New York Metropolitan Area Airport—if they ever decide which State is willing to take it—and some of the other regional airports. We knew that the draw on the trust fund in any one year as a result of that will be greater than the income for that particular year can tolerate. So the amendment that I will offer at the proper time will require that \$75 million be left in the trust fund at the end of 1972.

There will probably be legislation later to further define what trust funds may be used for.

Let me for a moment discuss the point that was discussed earlier, and that is the use of general revenue funds for the total budget of the FAA, and why this is justified and necessary.

On the airways system of this Nation the air traffic controller handles the military aircraft just as he handles the commercial aircraft or the private aircraft, and we know that about 25 percent of all transactions in the airways are military transactions. It is certainly not the responsibility of the air carrier who pays a license on his airplane, and the air passenger who pays a ticket tax, and the private aircraft user who pays a whopping big gasoline tax, to carry the military burden. That is the reason that

a certain proportion of the total FAA budget is designated to come from general revenue.

To everyone here who in any way has been questioned about the increase in taxes by either the riding public, general aviation, or commercial aviation, I think they will recall if they had many deep discussions on this subject they told, particularly general aviation, what this money was to be used for.

Let me say this: The amendment that I am going to offer is a stopgap measure, and is not a substitute for permanent legislation. But I do not want to have it on my back to try to explain at the end of fiscal year 1972 that less than half of the money that has come into the airport and airways trust fund has been spent for any of the three designated purposes, less than half of it, and then that at the end of that 2-year period we show a zero balance.

I am not ready to face up to that. I think it is time now to make a modest beginning, and to take a realistic look at this. I am not saying at all that the entire balance between the expenditures for those three priority purposes and the total income has to be kept in the trust fund balance, but I say we must make a modest beginning. So the amendment that I shall offer at the proper time will offer that modest beginning, so that each and every one of us can answer our taxpaying public by saying we have made a beginning, and guaranteeing that when these big draws come against the airport and airways trust fund we can handle these needs. Oh, sure, it is very nice to say now, “We will increase the appropriation for whatever is necessary to cover the obligation.” But, my friends, how nice it has been over the last 12 years to be able to turn to the highway trust fund instead of general fund appropriations to build our expressway system. That is what I think most of us who have studied this legislation anticipate having in the coming years.

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

Mr. YATES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, reference was made earlier to the fact that only a small percentage of the American people use the airways and, therefore, they should carry the burden of the cost involved therein. I think this is a specious argument and I would like to address myself to it for a moment.

I think the mistake is that we think only in terms of those people who actually use the airplanes. The fact of the matter is that there are hundreds of thousands of people, if not millions of people, who whether they fly or not are vitally interested and vitally connected with this entire area of the air travel industry. In my own State of Connecticut there must be several hundred thousand people who derive their livelihood from the aircraft and aviation industry.

I am sure that in the gentleman's State of Washington, in Seattle, and in the surrounding areas there are hundreds of thousands of people who derive their livelihood from this. Suffice to say that

the entire aircraft industry must be one of the major contributors to the gross national product of the United States so what happens in this industry is of vital concern to all of us.

Certainly—certainly air safety is of vital concern to all Americans. All one has to do is to have an accident such as we had a month ago in my hometown of New Haven where 29 people died. I will say to the Members of the House, one becomes even more concerned about this question of air safety after such an air crash than one might have been heretofore, especially if one has the suspicion, as I have, that it was the type of accident which might have been avoided and which could have been averted if we had proper equipment such as an instrument landing system.

Part of the dispute here rises from the fact that the basic Aviation Act whereby the FAA and their spokesmen, as has been stated earlier by the gentleman from Massachusetts, whereby they claim the legal right, and properly so, to take from the trust fund the moneys found necessary for the total operation of the Federal Aviation Administration, including the air traffic controllers' salaries and expenses and all other items of expenditure.

The law, unfortunately, as written would allow them legally to do this. However, it has been our contention and argument that if they would look beyond the law and look into the congressional intent which was clearly stated at the time that act was passed, the purpose of setting up the airways and airports users tax was primarily and clearly to obtain funds to provide necessary facilities and equipment for safety and for airport construction and development.

My point is, and my contention is, that the intent of the Congress as set forth in that law has been avoided and that, in fact, the FAA is using almost all of the trust fund moneys to conduct the operations of its agency.

I believe that out of the nine hundred and some odd million dollars available in this budget to the FAA over \$700 million of that money has come from the trust fund and the result is that the trust fund is being quickly depleted, and we will not have funds for equipment and for safety devices and for the safety equipment or the proper development of our airports.

Now there is an effort being made by the legislative committee to remedy this law. There is no question about it. I commend them for it. The argument is also thrown at us that we are a committee on appropriations and that we should not take upon ourselves the functions of usurping the power of a legislative committee. I do not believe that the Committee on Appropriations should usurp the power of the legislative committee—let the legislative committee change the law.

But if we as an appropriation committee see what we consider an inequity being performed or a wrong being performed, where this trust fund is literally being bled dry to run the everyday operations of the FAA, I think we can and I think we should do something to limit

the amount of the trust fund moneys which they can reach through a perfectly proper limitation, which the Appropriations Committee has done many times in the past on other items of legislation through the device of a limitation on expenditures.

Some of this money, if not all, certainly should be earmarked, should be restricted in this budget so that the FAA must spend it for safety equipment and for the development of airports and certainly appropriated funds should be provided for the everyday operations of the Federal Aviation Administration. I think we have got to do this in the interest of safety, which everyone in this Nation, not just the few people who use the airlines, but which everyone in this Nation demands from us.

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

I certainly do not want the record to remain the way the gentleman has stated it in the well of the House. I have fought since coming to the House for 13 years as hard as he has or maybe harder for airway safety. I believe in it. I believe in it strongly. I believe that the Tweed Airport litigation in respect to an extension of the runway strip there between East New Haven and New Haven, ought to be straightened out. The gentleman as a citizen of that community ought to help straighten it out. I believe they should have an ILS and that it should have been installed long ago. We appropriated the necessary money. The gentleman from Illinois has stated that we appropriated the money for those ILS's, and I do not want the record to show that our committee at any time did not measure up and appropriate more than was necessary for airway safety.

I now yield 5 minutes to the gentleman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Chairman, at the outset I would like to pay tribute to the committee, especially to the distinguished chairman from California (Mr. McFALL), my two colleagues from Massachusetts (Mr. CONTE and Mr. BOLAND), and all the others who have done an excellent job in reporting out this bill.

It is quite obvious that the Department of Transportation today is a multifaceted agency, performing many vital functions for the Nation, and assuring that each of these functions is adequately funded is an important and demanding task. I think the committee is to be commended for its work.

One of the Department's principal operating units is the U.S. Coast Guard in whose mission and funding I am particularly interested. I have no quarrel with the investigations done by the committee of various proposed projects in which the Coast Guard is interested. However, it is in terms of the Coast Guard's total and fundamental function of patrolling the waterways that I am particularly concerned. It so happens that the subcommittee held its hearings on April 6 and the Commandant of the Coast Guard, Adm. Chester R. Bender, was asked a question by Mr. CONTE as

to whether or not there had been any incidents of harassment of fishermen by the Soviets or other foreign vessels off the New England Coast.

The Admiral replied that there had been very few, if any, such incidents. As a matter of fact, shortly after that there began a spate of incidents involving the harassment of fishermen and extreme damage, amounting in the case of the Prelude Corp. of Westport, Mass., in my district, to a quarter of a million dollars. In an attempt at peaceful negotiations, the State Department arranged a meeting on the Russian mother ship in the waters off Nantucket. The Russians promised that they would respect the fixed gear priority of the New England lobstermen.

The very next day, in response to an invitation by Mr. GARMATZ, the distinguished chairman of the Committee on Merchant Marine and Fisheries, Mr. Joseph Gaziano, the president of Prelude Corp., was testifying in Washington and received a call from Massachusetts reporting that the very pledge made by the Russians 24 hours earlier was broken by still another incident of Soviet ships cutting through Preludes gear.

This is a serious matter in which diplomatic conversations have obviously not been adequate. We have found only one particular form of assistance which has been effective in Massachusetts. All the fishermen who ply their trade along the coast of this country, whether Massachusetts or other areas, have testified to one fact—and I have recently had a meeting with many of them from New York, New Jersey, Virginia, Massachusetts, and Maine—that the only effective assistance given to the fishermen by our Government is the presence of Coast Guard cutters. When a cutter appears on the scene, the Russians then disappear. When the cutter leaves to go off on other missions, the Russians then resume their activity without regard for American lines or American fixed gear.

This matter affects not merely corporations and big businesses, but also simple fishermen with very limited resources. And all of them, large and small, are now forced to take pictures of the marauding vessels and to keep very detailed logs in which the exact position of the Russians is carefully defined and in which each incident is carefully documented. We are presenting this evidence to the Committee on Merchant Marine and Fisheries.

I would like to recount one specific incident which is in danger of wiping out a small fisherman. On May 28 and 29, again in the same general area, a small boat, the *United States*, owned by a group of fishermen from Westport, Mass., was fishing off Montauk Point, Long Island. They were harassed and part of their gear destroyed.

For the next 12 hours they identified 12 Soviet vessels as they went through the gear of the *United States*. Some pulled away when the *United States* approached, and others ignored the presence of the *United States* and just continued on despite the signaling.

After it notified the Coast Guard, the *United States* was then contacted by the



same Russian mother vessel on which the May 19 conference was held and asked to come alongside. The skipper of the *United States* went over to the *Robert Eihke*, the Russian vessel, and held a long and difficult conversation with the Russians, showing them charts and the exact location of the clearly marked gear.

The Soviet response at that time was that they would radio their ships to stay clear of the *United States* gear. A few hours later, three large Russian stern trawlers cut through the *United States'* lines despite their recent agreement. This is one experience which involved \$5,000 worth of damage, which really threatens to destroy the future of that operation, the future of the men whose lives and whose total financial resources are tied up in this particular ship.

This is just one of the many stories which can be told about incidents all along our coast.

Mr. Chairman, at the appropriate time I intend to offer an amendment in order to increase the appropriations for the operating facilities of the Coast Guard, since that is the only effective agency which is helpful and which does prevent the loss to American fishermen.

I intend to present this amendment increasing their appropriation by \$1 million in order to safeguard and insure their protection for next year.

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

Mrs. HECKLER of Massachusetts. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I commend the gentlewoman from Massachusetts for her statement and her interest in this very vital problem all along our coast. I believe this additional appropriation is necessary so the Coast Guard can adequately perform their surveillance duties which, as the gentlewoman said, has been the only successful effort we have made against the encroachments. I intend to support her amendment when she offers it.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I rise again hoping to obtain further rationale as to the \$52 million included in here primarily for research and development on urban mass transit. It seems to me that we have appropriated a lot of funds for urban mass transit over a period of years, and that we have made considerable progress.

As I said when the chairman of the subcommittee generously yielded to me and we held our colloquy before, I am certainly not against developmental projects or demonstration projects and certainly not against research and development. Indeed, I serve on that subcommittee on the Committee on Armed Services. I know that we have to have parallel research funding as well as vertical building blocks in the development of basic and all subsequent research and development.

But I am terribly concerned about spending this type of money when there are many other demonstration projects available and when we cannot be com-

pletely reassured that the committee, and indeed those in charge of transportation downtown, have taken them into consideration; including these new developments that we always see just beyond the horizon, including history, including demonstrations in being such as the ones in Tokyo and Seattle, and the monorails, and the others.

I know well the difference between high-speed transportation and its inherent research and development projects and those for urban mass transit; whether they are going to and from airports, to and from juxtaposed cities such as Fort Worth and Dallas, whether they are on the moving carpet type of slow transportation, of mass groups, or otherwise.

I am particularly concerned about this Morgantown, W. Va., project. If I have erred, that it is not a part of our retired persons or aging persons project but is to move students back and forth from one campus to the other, I am sorry, but I think perhaps that makes little difference.

I should like very much to be assured, as I read in the hearings, that the proper officials have been to study the Disneyland in Florida. Mr. Chairman, I am well aware of the fact that Mr. Hemmes of the Department of Transportation, in reply to a question by the subcommittee chairman, our colleague from California, (Mr. McFALL), said he met with Admiral Fowler, who has charge of the Anaheim Disneyland and the Florida Disneyland mass transit projects, and that it is a very serious business with them because it is a private investment on which they wish to make a return.

Well, if they have made private investments and if they are making a productive return in circumferential monorail mass movement of people, as well as surface level movements wherein they orient people in many different directions in order to expose them and move them rapidly through the features of the park, certainly we could adapt these without spending additional millions of the taxpayers' money to study, to research, and to develop that which belongs to local levels of State and municipal governments.

I can remember many years ago when at the airport at Love Field, Dallas, Tex., we had a moving carpet similar to a modern-day escalator, albeit parallel to the surface, which I felt was most efficient. It is true they do not run anymore, but this was the beginning of research, and there is history to be consulted concerning the mass movement of people from one area to the other, and I doubt very much if we should spend 21-plus millions of dollars in this particular appropriation bill for further study. Rather, let us get on with the job.

As I understand it from reading this bill, the administration asked for \$78 million for research and development pertaining to mass transit. The committee—and I complimented it during the colloquy previously on the floor—allowed \$52 million, as shown on page 24 of the report. Therefore, the committee re-

duced the administration request by one-third. Out of this \$52 million, \$21.4 million is for the Morgantown demonstration. I believe that this should be removed.

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

Mr. SHRIVER. Mr. Chairman, I rise to protest strongly the flagrant breach of faith on the part of the administration in regard to the use of trust fund money generated under the Airport and Airway Development Act of 1970. Congress clearly intended this trust fund, which is composed of taxes collected from users of our air transportation system, to be utilized for the improvement of airport and airway facilities. Instead, as is evident in this bill, much of this trust fund money is to be used for administrative and housekeeping costs of the Federal Aviation Administration.

On June 16, 1969, President Nixon sent a message to Congress calling for the establishment of this trust fund and for the initiation of a massive development program for our overburdened airports and airways. He stated:

Years of neglect have permitted the problems of air transportation in America to stack up like aircraft circling a congested airport. . . . The growth in the next decade must be more orderly. It must be financed more fairly. It must be kept safe. And it must not permit congestion and inadequate facilities to defeat the basic purpose of air transportation: to save time.

The President correctly observed that the costs of airport and airway improvements should be borne mainly by the users of those facilities, who would benefit directly. Thus, a "pay-as-we-grow" trust fund was proposed.

The President's message concluded:

I propose that there be established a revised and expanded schedule of taxes, the revenues from which would be placed in a Designated Account in the Treasury to be used only to defray costs incurred in the airport and airway programs.

So we were told from the very beginning that these trust funds would be used for airport and airway improvements, which were and are badly needed.

When the President's proposals were being considered by the House Interstate and Foreign Commerce Committee on July 21, 1969, the Secretary of Transportation, John A. Volpe, testified consistently with the President's intent in this regard. I quote that testimony:

The bill would establish a designated account into which all user tax receipts would be deposited. Funds could be appropriated from the account only for the purpose of airport development and airway development, operation and maintenance.

Emphasizing this point later in his statement, the Secretary said:

Any fears that moneys received through user taxes will be diverted to nonaviation purposes are more theoretical than real. To the extent these fears are real, the establishment of a designated account should completely allay them.

As a member of Congress at that time, I believed these statements, and why not? The needs were urgent and obvious. The

proposed means were equitable and effective. On May 21, 1970, the Airport and Airway Development Act became law.

The very title of that act explains without any doubt the intent of Congress. Further, the declaration of policy, section 2 of the act, states:

That substantial expansion and improvement of the airport and airway system is required to meet the demands of interstate commerce, the postal service, and the national defense.

There was no indication whatever that in passing the act, Congress intended to provide a new source of funding for the administrative expenses of the FAA. Any such interpretation of the act is false, specious, and callous.

Yet, today, we are faced with just such a misinterpretation. In response to requests from the administration, this bill includes recommendations for the use of most of the airport and airway trust fund receipts for operating expenses rather than capital expenditures.

For example, the administration is planning to use trust fund money to pay 922 maintenance personnel and 1,758 inspectors. These positions are important and are needed in the operations of the FAA. But they have nothing to do with the intent of Congress in this act.

The announced legal basis for such allocations is section 14(d) of the act. As is obvious, (d) is the fourth subsection under section 14, which is the basic airport and airway development program. The first three subsections authorize the planning, development, and acquisition of "a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics."

Specific authorization levels are stated for each of the activities to be undertaken in establishing this system. Subsection (d), entitled "Other expenses," merely states that any "balance" of the money available in the trust fund after these original authorizations have been satisfied can be used for the necessary administrative expenses related to the establishment of the public airport system.

In using these trust funds for a myriad of routine chores for which the FAA had responsibility long before this act was passed is a gross distortion of the language of this section. Apparently, clarifying legislation is going to be necessary to force the FAA to adhere to the original policy of Congress.

I have cosponsored legislation to close this loophole. I am pleased to see that a similar bill has been reported favorably by a subcommittee to the full House Interstate and Foreign Commerce Committee. I hope prompt action will be taken on this measure.

Congress was not the only entity misled as to the intentions of the administration regarding the implementation of this act. The air transportation industry itself, including general aviation, was surprised and bitterly disappointed by the failure to actually invest these user taxes in capital improvements for the future. These are the people who are paying the tab. In the face of misgiving on the part of their stockholders and peers, many of these companies supported the imposi-

tion of the user tax in the hopes and expectations that long-term benefits would prove it to be a wise investment. Now they feel that they have been betrayed.

Mr. Chairman, the needs which led to the passage of the Airport and Airway Development Act last year are bigger than ever. It is now estimated that at the end of fiscal 1971, there will be more than \$300 million worth of environmentally sound, but unfunded, airport projects that are ready to go. The local sponsors are prepared to put up their 50 percent matching money. The completion of any one of these projects could mean the avoidance of air tragedies.

In view of these needs, it makes no sense to use the funds legally designated for airport improvement to pay janitors for the FAA. It is irresponsible, and I hope Congress will take action this year to halt the practice entirely.

Mr. McFALL. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, I note with concern and a great degree of frustration the fact that this bill comes to the floor under a rule granting a waiver of points of order, with respect to certain programs for which there is no authority of law. I am particularly chagrined with the situation involving capital expenditures for the Coast Guard.

The Coast Guard authorization bill, H.R. 5208, was the subject of hearings before the Merchant Marine and Fisheries Committee on March 24 and 25; on April 1 the bill was reported both out of the subcommittee and the full committee; it was reported to the House on April 13; and it passed the House on April 29.

Seventy-six days have elapsed since this bill was sent to the other body for action. It has not yet been reported out of the Senate Commerce Committee. And, of course, under those circumstances, any bill proposing appropriations for these items would be subject to a point of order were it not for the rule to which I have referred.

I have been constantly plagued with the same type of dilatory tactics on the part of the other body in connection with the authorization for certain programs of the Maritime Administration. This year, for example, the maritime authorization bill, H.R. 4724, was heard before my committee in March and passed the House on April 20. It was 35 days later before the Senate committee could pass the bill. Again, before this bill became law, the appropriation bill was brought to the floor of this House and, as you know, there was a point of order made with respect to maritime funds, which the chairman of the Subcommittee on Appropriations reluctantly conceded was well taken.

I am firmly convinced that the authorization procedure is sound and in the public interest. It enables the Legislative Committee to analyze and thoroughly investigate the budget request for agencies under its legislative jurisdiction. What has happened today is, of course, a step toward making the authorization process a complete nullity. I do not say this so much in criticism of the Rules

Committee nor, indeed, of Chairman McFALL of the committee who had brought this bill to the floor before the authorization bill became law. I do say that the other body, by its inactivity and delay, is gradually and steadily weakening the legislative process of the Congress in connection with the making of funds available to the executive branch for fiscal year expenditures.

I am forced to say that this situation shows all signs of worsening. Indeed, it extends to other than appropriation bills. My committee has been extremely active during this session, and we have sent bill after bill to the other body only to see it languish there. This is an intolerable situation. I do hope that my words here today will be given cognizance by my colleagues in the other body, and that steps will be taken to correct the situation.

Mr. McFALL. Mr. Chairman, I yield myself 30 seconds.

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

Mr. McFALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Will the chairman of the subcommittee be good enough to advise the House whether or not there is any money in this bill for the sale of the Washington National Airport?

Mr. McFALL. No; there is no money in the bill for that purpose. I would advise the gentleman from Illinois that this is a matter which would have to be authorized by the House.

Mr. PUCINSKI. I thank the gentleman from California for his response.

Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. DOW).

Mr. DOW. I thank the gentleman from California for yielding. I would like to have the gentleman's attention, if I might.

Mr. McFALL. Yes.

Mr. DOW. I have one or two questions to ask the gentleman. I allude to the \$52,000,000 that the gentleman from Missouri (Mr. HALL) mentioned, relating to urban mass transit.

Now, in connection with that I want to go back to page—I guess you would call it page 31 of the committee report—which indicates that there are \$4 billion or \$5 billion being spent on Federal aid for highways.

Then, I would draw the gentleman's attention to a figure which appears on page 41 of the committee report which speaks of "Urban mass transportation grants—Limitation on commitments."

Now, as I see it, in spite of the comments by the gentleman from Missouri (Mr. HALL), I think that \$52 million is a very minor allowance for urban mass transportation when our highway trust fund provides \$4 billion or \$5 billion for highways.

I wonder whether this allotment which appears on page 41 for "Urban mass transportation grants—Limitation on commitments" has any bearing on the comparisons of those two figures?

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

Mr. DOW. I am delighted to yield to the gentleman from California.

Mr. McFALL. I shall try to put the matter into perspective.

The \$52 million about which the gentleman from Missouri (Mr. HALL) was talking was for research and development of the Urban Mass Transportation Administration. The amount of money that would be committed for projects such as subways and other mass transportation throughout the country would be under the \$800 million yearly limitation which is in the bill. This is a part of the \$3.1 billion program which has previously been approved by the Congress.

There is over \$4 billion for highway construction, that is true. You would compare, I think, the \$800 million which is available for contract authority for urban mass transportation projects with that. The \$52 million has reference to the research and development program. The gentleman from Missouri (Mr. HALL) was referring to a portion of that program which is being utilized for the Morgantown, W. Va., project and directed his comments to that project.

Mr. DOW. I would like to make another point here and that is this: It seems to me that we are spending an inordinate amount of money from the trust fund on highways but still not enough on mass transportation and some other requirements. I see these concrete ribbons that are all over the city of Washington, those that string along in my district, they are an immense feature on the landscape of this country. I do not know whether they should have the priority they do in view of some other requirements.

Recently, I will say to the chairman of the subcommittee, I held a hearing for older people in my district. These older people made the constant point, one after another, that one of their most serious problems was transportation; they could not get downtown to buy groceries, they could not get transportation to take them to the weekly meetings of the senior citizens.

It is a very tragic situation. Yet here we are spending \$5 billion or more under the highway trust fund, and billions under this bill, and some of the basics of our citizens in need are not being covered, some of the basic transportation needs.

I have people in my district who have rather low-paying jobs, or would like to have such jobs in factories 4 or 5 miles from their village homes, and they cannot even get to where they want to work because they do not have the transportation. They cannot finance cars, and there are no buses.

I submit that our priorities are out of whack in some of these transportation problems. I think that we continue to perpetuate the Federal highway trust funds because we have always had them. I think this is true of a lot of things in the bill. We are just adding on money because of rooted habits and activities that we have started up in the past, and we have not given enough thought to an analysis of the true needs for transportation in this country.

I submit that we need a reexamina-

tion of the transportation needs of this country before we continue the process represented in this bill.

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

Mr. McFALL. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I rise at this point to thank the Committee on Appropriations and the distinguished chairman of the subcommittee who have done more for mass transit in this bill than the administration. The committee should be complimented for its decision to increase by \$200 million the level of commitments requested by the administration for fiscal year 1972.

The mass transit budget included in this bill demonstrates the Congress' interest in stepping up the Federal mass transit program, but indicates that the administration is still going slow on mass transit development. I would submit that the administration's continued reluctance to make the necessary commitments for mass transit development, in part caused by the Office of Management and Budget's restraints, is penny wise, pound foolish. Each year, our public transportation needs become more critical, and each year the cost of developing transportation facilities to restore public mobility becomes more costly. Thus, the administration's waiting game and procrastination will eventually cost the taxpayers millions of dollars.

Last year the Congress enacted the Urban Mass Transportation Act of 1970. This act established a 5-year, \$3.1 billion program for mass transit. On January 2, 1971, the Congress established a \$600 million ceiling on commitments during fiscal year 1971. Between October 15, upon the enactment of the law and January 2 there was no limitation on the commitments that the Department of Transportation could make—but UMTA stood still and made no commitments during this 3-month period. I was particularly disturbed to see UMTA Administrator Carlos Villarreal's statement before the House Appropriations Committee that his administration was not able to make commitments before January—and for this reason it was able to make only \$400 million in commitments during fiscal year 1971. This is a common explanation provided by the administration for the cutback in expenditures; but it is simply misleading. We should set the record straight, and not let the administration put the onus on Congress for the insufficient level of commitments made in fiscal year 1971.

On October 15, 1970, the Urban Mass Transportation Act of 1970 was enacted. On that day the Department of Transportation could have obligated the entire \$3.1 billion authorized for contract authority. No ceiling was placed on the commitment level until January 2, 1971. Furthermore, UMTA already had received \$214 million for fiscal year 1971 in forward funding provided by the 1970 appropriations bill. Even if UMTA had felt reluctant to make any commitments before the Congress settled on a ceiling,

there was nothing to stop it from spending this \$214 million and going forward with the processing of applications to get them ready for commitment when the Congress did act. Thus, it is rather startling to find Mr. Villarreal's statement before the Appropriations Committee that in January when the ceiling was established the following allegedly transpired:

When we considered our personnel resources and the fact that only 6 months of the year were left, the administration considered that \$400 million would be a prudent amount to obligate in the remaining 6 months.

I would hope that this statement does not mean that nothing was done in the first 6 months of the fiscal year. Frankly, I doubt it. My own view is that Mr. Villarreal was asked to make an excuse for the administration's decision to cut back the mass transit program by one-third—\$200 million. The OMB freeze on mass transit commitments came early this spring.

This year the administration has requested \$600 million in commitment authority and \$150 million to liquidate contracts due this year, in addition to the \$7.1 million requested for administrative expenses and \$78 million for research and development. The committee has rightly increased the level of commitments to \$800 million, although my own view is that the limitation should be completely removed or at least increased to \$1.5 billion. What we are talking about here are commitments for expenditures over a number of years. It is this commitment from the Federal Government that is required to get transit development started throughout the country. This is not a matter of providing Federal dollars this year, but rather a Federal commitment that money will be forthcoming in the future.

Before undertaking a subway or rail system project, there must be the assurance that funds will be provided in future years. Large sums are required, and a transit system cannot be used if only half completed. As Milton Pikarsky, commissioner of public works for the city of Chicago, so aptly put it in his testimony before the Appropriations Committee:

Where you have a few miles of highway you can put it in service. If you have some college buildings constructed you can put them to use. If you have stations and track without cars you cannot have the completed system.

UMTA now has pending applications for Federal assistance amounting to \$2.6 billion. It is critical that contracts be executed and commitments be made for these programs. Each year we wait costs the public at least an additional 10 percent because of escalating prices—say nothing of the millions of manhours lost by the people deprived of adequate public transportation.

An analysis of the pending applications for capital grants was presented to the House Appropriations Committee by the American Transit Association. This association, taking into account the law's 12½ percent State limitation, estimated

that \$1,685 million in requests for Federal assistance are eligible for obligation in fiscal year 1972. This estimate is based on applications pending with UMTA as of April 30. It does not take into account the projects presently coming in for consideration. Mr. Villarreal in his testimony stated that his administration was in a position to obligate only \$600 million in Federal funds during fiscal year 1972. It is interesting to note that last year when he appeared before the Appropriations Committee, at a time when he had only \$1 billion in applications pending, he stated that with the passage of the 1970 act he could obligate as much as \$850 million in fiscal year 1971. And yet, with \$2.6 billion in applications pending, he told the committee that his administration is only able to obligate \$600 million. Mr. Villarreal is a competent administrator, and I am sure is anxious to go forward with commitments, but again, it would appear that he is being restrained by the Office of Management and Budget.

Mr. Chairman, today's bill authorizes \$800 million in commitments. It is essential that this Congress press the administration to commit all of these funds and to give mass transit a higher priority than it has to date.

To suggest the size of the projects now pending and awaiting funding, I would just like to speak about some of the applications submitted to UMTA from New York City. New York has an application pending for an \$800 million grant to assist in the development of a \$1.2 billion project for the construction of 10 new subway lines and modernization of the city's transit system. This project has already been approved by the State and city, but awaits Federal funding. In addition, \$200 million has been requested for improvements and extension of the Long Island Railroad. Other applications are pending from New York and so the State's total request is over a billion dollars.

With the present limitations in the law—both the \$3.1 billion allowable in commitments and the 12½-percent limitation per State—New York State can expect to get only \$387.5 million in the next 5 years, plus whatever additional few million are provided from the Secretary's 15-percent discretionary fund.

New York needs this \$387.5 million, and could prudently put such funds into action if they were provided this year. In fact, economy calls for commitments being made this year, and not 3 years from now when costs will be higher.

I think that few would deny that mass transit is in desperate need of help. In the last 25 years, the number of transit passengers decreased precipitously from 23 billion in 1945 to 5.8 billion in 1970—and the falloff continues. This is an incredible statistic when one takes into account that the population has grown and urban concentrations have increased.

If our cities are to survive, if we are to maintain and improve mobility in our urban areas, we must restore our public transportation service and encourage more people to use it. Automobiles are simply not an efficient means of transportation for commuter purposes. The development of mass transit systems will

decongest our roads and benefit all travelers. Furthermore, as Carlos Villarreal said in his testimony before the Appropriations Committee.

Good public transportation going into the center of the city, will increase the value of real estate which should, in turn, provide a greater tax yield to the municipal government. It also will provide people transportation to get to the center of the city, to buy goods offered by local merchants. This, of course, should increase profits.

I think that as real estate values go up and business continues to flourish, that there will be more construction and more building, which means more jobs. This is just a simple example of how public transportation really benefits everybody in the community. Indeed, sometimes those who do not ride public transportation benefit even more than those who do ride it.

It is frustrating indeed when so many cities need improved systems and have plans ready for execution, that there continues to be the imbalance in funding in the Federal transportation budget. The bill we are considering today appropriates \$7.98 billion for all transportation programs. Over \$5 billion of this sum is for highways. Approximately \$1.348 billion is for airport development and then we have a measly \$58.3 million plus \$150 million for liquidating contracts for mass transit.

This is a disheartening and ludicrous distribution of our Federal transportation resources.

I would like to make one further comment and that is on the committee's decision to reduce the Administration's request for personnel positions. UMTA had requested 190 new positions, 90 of which were to be field positions. UMTA has no field positions now. I believe the Congress should give the department the manpower it says it needs to efficiently process applications and coordinate transit plans and programs with local, State and regional officials. As I have said before the Federal Government's mass transit program needs to be greatly accelerated. Furthermore, our failure to meet the staffing request will just provide an excuse, justified or not, for further delay by the Administration. The 190 new positions requested by the Administration would have brought the total personnel of UMTA to 388. This compares to the highway department's staff of 4,084 people. With this built-in lobby, is it any wonder that we spend so much more on highways than mass transit?

In conclusion, I would point out that mass transit is an area in which today's untapped resources in the aerospace industry can be effectively applied. Furthermore, a stepped-up transit program will provide thousands of new jobs for many trades while at the same time making a great contribution to the health of our cities.

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

Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I take this time to indicate to the Committee the form of an amendment that will be offered in an attempt to have the appropriation bill conform with the intent of

the authorizing committees. What is being suggested in this case, and I think the gentleman from Connecticut (Mr. GIAMMO) put it very well in his remarks, is that there has been a change in the requests that were presented to the Committee on Appropriations from what was originally intended by the law to be presented from the administration downtown.

And I want to quote, so that it is clear, what the FAA officials said to us as the authorizing committee this year, and this was from Mr. Olson of the FAA, and he indicated that—and this is a quote from him, that—

On an annual basis the act authorized not more than \$15 million of planning and grant obligations, and not less than \$280 million of development grant obligations.

When this matter appeared before the Committee on Appropriations that amount of \$280 million was agreed to. But then the act states, with regard to the fund on the airways side:

That the annual obligational authority for the period July 1, 1970, through June 8, 1980, for the establishment and improvement of air navigation facilities—

And this is annually—  
shall be not less than \$250 million.

But the FAA and DOT came in and requested less than that, and the Committee on Appropriations only appropriated \$107 million.

So the amendment which we will offer will simply restore the difference between \$280,000,000 and \$107,000,000 plus \$75,000,000 to make certain the fund will have in it the amounts contemplated in the authorizing legislation. Then in the next year the Committee on Appropriations will have before it the requests of the DOT and FAA and can decide what should be appropriated for the various functions. Basically the amendment will change the language on page 9, to say:

There shall be appropriated instead of \$282,944,000, \$530,944,000.

What that figure represents is to leave in the trust fund \$280 million for development obligations which have been appropriated and \$250 million for grants in aid of which the committee has only appropriated \$107 million.

So \$173 million will remain in the fund for future appropriations by the Committee on Appropriations, and if there is to be future action by authorizing committees to delineate it more carefully—and we will have to take a chance—plus \$75 million which is to cover other parts that were given to us by the Federal Aviation Administrator where he has changed the amounts that were necessary to be obligated to meet the 10-year program that has been laid out in the authorizing bill.

So what this amendment is an attempt to do is not to change in any way the appropriations recommended by the Appropriations Committee, but to do what was the intent of the law and what has been admitted by the Federal Aviation Administrator when he testified before us—namely, to leave in the trust fund \$173 million plus \$75 million which would be available in future years.

I think this is a compromise between

the pure position that no money should be used by the Federal Aviation Administration at all for operations, and the position which is presently in the bill, of taking all the money, in effect over \$600 million in users taxes from the trust fund, and using that for general FAA operations this year.

We hope that this compromise can be accepted and it will then, I think, give the House a period of a year so that your authorizing committees and appropriations committees can work together to carry out the program that was presented originally to this House and which was passed last year for the construction of facilities and for the construction of airways so that we will have the safety factors in the order of priority that this House originally intended it. This is not in any way legislation. All it simply does is to, as I believe, carry out the original intent and purpose of the act. I hope the committee will accept it and I hope the House will accept it.

Mr. Chairman, I thank the gentleman from California for yielding this time.

Mr. McFALL. Mr. Chairman, I yield the balance of the time remaining to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, as a member of the transportation and aeronautics subcommittee, I rise immediately following my good friend and colleague, the gentleman from Washington (Mr. ADAMS) to discuss briefly one of the aspects of the amendment which will be offered by the gentleman.

Mr. ADAMS is going to offer an amendment, which he has already explained, which will see to it that some of the intent of this Congress in passing the airport and airways development fund legislation during the past Congress is carried out properly.

The administration sent to the Congress an appropriation proposal and a budgetary statement which flows directly and diametrically opposite to the intent of the Congress in adopting that legislation.

They did something else, which was to arrange the level of spending under that authorization in clear defiance of the intent of the Congress so, that at the conclusion of a 2-year period, there will be zero dollars remaining in the airport and airways trust fund. It was the intent of this Congress, and the legislative committee that the trust fund should be so utilized that it would provide for an orderly and even flow of the needed construction of airports, and procurements and equipment, and the maintenance and operation, of navigation facilities.

We also provided for an adequate level of what we thought would be sufficient funding of research programs.

The administration's budget and proposal which was sent to the Congress—and the language as embodied in the appropriation bill now before us—do not carry out the intent of the Congress, and our legislative committee which fathered this airport and airways de-

velopment fund has communicated by letter that the subcommittee which reported this appropriation to the floor and has indicated that the legislation we are now considering does not follow the intent of the Congress and, indeed, reduces the airport and airways trust fund to zero in a period of 2 years, when the maximum need is going to be present for both the construction of airports and the procurement of safety equipment.

Mr. YOUNG of Florida. Mr. Chairman, I commend the subcommittee for its wisdom in disapproving the recommendation for the elimination of the Coast Guard Selected Reserve and for increasing the funds recommended in the budget for this worthwhile service. I wish to point out to my colleagues, however, that the amount recommended, although equal to the sum appropriated last year, will not permit the Select Reserve to reach the strength mandated by the legislative committee because in the ensuing months there has been a pay increase plus the inflationary spiral of costs that has also affected the operations of the Coast Guard Reserve.

The Commandant has testified before a subcommittee of the other body that it will require \$35,000,000 to maintain the authorized strength during the fiscal year, and I do hope the other body will see to it that the necessary amount is included when it reports its recommendations to that body.

Mr. PICKLE. Mr. Chairman, for more than a year the administration has been trying to dip into the trust till. For more than a year, they have been trying to divert funds from the Airport-Airways Trust Fund.

Mr. Speaker, it was never the intention of this Congress to use these moneys to pay overdue bills of the FAA. It was never the intention of this Congress to make the FAA budget look good by fattening it out with money which was not intended. It is more than a simple book-keeping matter.

It was, Mr. Speaker, the intention of Congress to improve air service, to build airports, and to save lives with modern equipment.

A while back, I joined several of my colleagues in writing Comptroller General Elmer Staats about the legality of the administration's budget plan. In a long, complicated, legalistic reply Mr. Staats admitted—if you read the letter carefully with your attorney at your side—that there did exist some question as to the legality of the administration's plan to use the trust fund to offset FAA administrative costs.

I was under the impression that congressional intent had been made clear and that no future attempts would be made to dip into this money. However, here we are again today facing the same essential situation.

The financing of airports and airways systems—and the FAA—is complex. The gentleman from Washington has a good amendment—even if it did no more than freeze the trust funds—as they relate to operating expense—until

the Commerce Committee can finish its consideration of a bill which would set things straight. I commend Congressman ADAMS for his amendment and offer my full support.

Mr. RARICK. Mr. Chairman, once again this House is asked to vote in July on a generalized appropriations bill that contains, in addition to necessary expenditures, budget authorizations for Christmas gift programs designed to increase existing Federal control over the lives of American citizens.

H.R. 9667, the bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes, is a classic case in point. Containing many necessary and needed appropriations, this bill has been infiltrated with programs which would also strengthen two agencies whose primary goal is to federalize transportation in the United States—the Federal Railroad Administration, an agency that has failed to solve the grave problems of our country's rail system, and the Urban Mass Transportation Administration, whose program is designed to destroy the identity of the individual American citizen, to make him but one of a faceless mass, through forcing him into closer and closer relationship with others, thereby increasing the interdependence between sections and destroying his uniqueness as an individual.

H.R. 9667, would authorize an appropriation of \$217,243,000 for these two agencies. What this means is that the House is being asked to subsidize programs designed to destroy the uniqueness of the individual—to do what God Himself refused to do, make us all as one, that is an equalitarian extension to equal rights for transportation, that is, except for the very rich.

I cannot support this; I have promised my people to oppose any and all programs that would further Federal control over their lives and destroy their identity as individuals. Where can it be found that the Constitution gave the Federal Government the duty to tax the productive people of America to give equal transportation?

Furthermore, Mr. Chairman, if it ever became public knowledge in my district of Louisiana that I had voted for an appropriations bill that contained a provision authorizing an expenditure of up to \$50,000 for housing for Federal Aviation Administration officials stationed in Alaska while at the same time continuing the Alaskan Railroad, I would be the laughing stock of my people—I could not go home and face them.

Much as I approve of many of the other programs I find I must cast my people's vote against H.R. 9667, the bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. HOGAN. Mr. Chairman, I appreciate the opportunity to add my voice in

support of H.R. 9667, the Department of Transportation appropriation bill.

Three items of particular interest to Marylanders are included in this \$7.9 billion appropriations measure. They are: Rapid rail transit, the Baltimore-Washington Parkway, and railroad track crossings in the northeast corridor.

During the last Congress, I worked with the former chairman of the Public Works Committee, the Honorable George Fallon, who was then dean of the Maryland delegation in this body, to secure approval of a \$65 million authorization in the 1970 Federal Aid Highway Act to widen the Baltimore-Washington Parkway to six lanes, bring it up to interstate standards, and turn it over to the State of Maryland. When the Federal-aid highway bill became law last year, it included this proposal but it required agreement among the Secretary of Transportation, the Secretary of the Interior, and the Governor of Maryland on the plans for the parkway before funds for the project would be appropriated.

Unfortunately, agreement has not yet been reached among the parties, so this appropriations measure does not include the necessary \$65 million funding. I am gratified, however, that the distinguished members of the Appropriations Committee have made reference to this project in their report and I am urging the respective officials to reach quick agreement so that funds can be appropriated by this body and work on the Baltimore-Washington Parkway can begin.

In a second area of interest to my constituents in Prince Georges County in suburban Maryland, this appropriations measure includes a \$4 million funding for a demonstration project to upgrade all public ground-level rail-highway crossings along the train route between Washington and Boston.

I am advised, in this regard, that Secretary of Transportation John Volpe has announced that a preliminary accord has been reached with six States, including Maryland, to correct grade problems along the route traveled by the highspeed Metroliner which passes through Prince Georges County in my congressional district.

Finally, this transportation appropriations bill includes additional Federal funding for a project which is of extreme importance and high priority to all Washington metropolitan residents—the rapid rail system. By including the full 1973 advance appropriation of more than \$174 million for the Washington Metropolitan Area Transit Authority, the House will insure that the Federal Government upholds its share of the \$2.98 billion project.

I am pleased, Mr. Chairman, to see the Federal Government meet its obligations for the Metro system. I have been involved with the quest for a balanced transportation system for the Washington metropolitan area since the early 1960's when I served as coordinator of the Joint Committee on Transportation for Metropolitan Washington.

It was nearly 8 years ago, on December 9, 1963, that our early efforts in behalf of a balanced transportation system for the Washington area met with a temporary setback when a bill to create the system was rejected by the 87th Congress. On that day, Members of that Congress voted to recommit the bill which would have authorized a 23-mile rapid-rail system for the Washington area. Our work in support of the system continued and in 1965 the National Capital Transportation Act was passed, authorizing a 25-mile system.

Public Law 89-774 created in 1966 a Washington Metropolitan Area Transit Authority compact between the District of Columbia, Maryland, and Virginia with the consent of Congress. Representatives of each jurisdiction form the authority which planned the 25-mile system.

The WMATA plans for this limited line have since expanded into the 97.7-mile system which is today being constructed in many locations throughout the area.

Because of the frustration of those early years when planning for a balanced system was making little or no progress, it was particularly satisfying to me to be a Member of the Congress when the final authorizing legislation was enacted.

On November 24, 1969, this body passed a bill which I had cosponsored in May of that year, authorizing the Federal and District of Columbia contributions for the regional Metro system. Passage of that bill represented the climax of a funding program which was begun on November 5, 1968, when area voters, including my constituents in Prince Georges County, authorized bond issues to finance local shares of the cost of constructing and equipping the system.

Mr. Chairman, the residents of the Washington Metropolitan area, and especially my fellow Marylanders, have a great stake in several of the provisions of H.R. 9667. I urge its speedy passage.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECRETARY  
SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed \$27,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine; \$21,342,000.

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

Mr. Chairman, before the gentleman from Maryland (Mr. GARMATZ) leaves, I would like to commend him for his statement in respect to the waiving of points of order on this bill, as I want to commend my friend, the gentleman from Missouri (Mr. HALL), for having raised the issue when the rule was before the House.

There are two alternatives to correct this situation. First, if enough chairmen of committees who are being hit with these waivers come before the House to

fight these rules waiving points of order, they will get some help.

The second alternative is for the House to resolve not to pass authorizing bills but rather wait for the other body to first approve and send them over here. We might not pass any legislation. We might have a long vacation if the responsibility for the original passage of the authorizing bills was in the other body.

The third alternative is to go along pandering to the procrastination of the other body, as we are doing now.

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

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

Mr. McFALL. With reference to the request of the subcommittee and the committee for a limited rule waiving points of order on the matters that were in the bill, restricted to that legislation which had passed the House but which had not passed the Senate, our purpose was not to deprive the Members of the House of an opportunity to make a point of order against the matter, although it has that effect. Our purpose was to allow the Members of the House to work their will on matters that otherwise they would be precluded from doing. Our intention is to enlarge the powers of the Members of the House so that they could effectively have a hand in saying how much money there should be for these important matters in our appropriation bill.

Mr. GROSS. I appreciate the gentleman's statement and say to him that I have no criticism of the House committee in this instance, but it is happening all too often now. The rules of the House are being circumscribed by this kind of device. It is not the normal or responsible legislative process.

I am not casting reflection upon this particular appropriation subcommittee. I am simply protesting the situation that has been allowed to develop and is now growing.

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

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

Mr. YATES. I agree with the gentleman about not having rules waiving points of order, but if rules are required to waive points of order with respect to an appropriation for an authorization bill not yet passed, perhaps the Rules Committee could limit waivers to that particular point.

Mr. GROSS. They have limited them, but it is not normal nor should it be normal procedure in the House. If the rules require that authorizing bills be passed by both bodies of the Congress and signed by the President before considering appropriations, that is the way it ought to be—either that or amend the rules so that we will know where we are at.

Mr. Chairman, in reading the hearings on this bill, I noted a request was made for a half million dollars to provide for research activities in Yugoslavia and Poland.

A Mr. Beggs, the representative for the Department of Transportation, was asked by the gentleman from California, Mr. McFALL, and the gentleman from Alabama, Mr. EDWARDS, what this was all about, and Beggs came up with the answer that Secretary of Transportation Volpe visited Yugoslavia personally last year and would go back on his current trip to Europe, because he is so impressed by the opportunities for research cooperation with the Yugoslavs. That was the only answer given in justification for the spending of that \$250,000.

Then, on the subject of Poland, Beggs says they are "interested primarily in maritime kinds of things. They have apparently developed some expertise that looked reasonably good."

On that flimsy justification another \$250,000 would be spent in Poland.

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

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

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

(By unanimous consent, Mr. Gross was allowed to proceed for 3 additional minutes.)

Mr. McFALL. Mr. Chairman, I would refer the gentleman to the hearings on page 1011, of part 3, which is supplemental to what the gentleman in the well referred to, which describes the programs intended as a cooperative program with Poland and a cooperative program with Yugoslavia. The one for Poland says:

The purpose of this effort is to explore three areas of interest—maritime distress, maritime navigation, and data communications.

I will not read all of it. On the one with Yugoslavia, that has to do with bridging, tunneling, and urban transportation.

The Department of Transportation told us these two countries behind the Iron Curtain did have expertise in these matters, and we thought utilizing these foreign currencies for this purpose would give us an opportunity to communicate with these people behind the Iron Curtain and we thought it would be in the interest of the United States.

Mr. GROSS. I thank the gentleman for his answer, but the fact still remains, when all is said and done, the witness from the Department of Transportation, testifying in behalf of this business, was not positive that either in Yugoslavia or Poland had they developed anything worthwhile. But we have counterpart funds over there and so, as one of the members of the subcommittee suggested, it was just a question of spending some counterpart funds. The answer, at least in my book, has to be: Get rid of the money. It is there. Get it spent. It is going out of style, anyway.

Mr. Chairman, I have one further observation, and that is the \$27,000 in this bill for official receptions and representation expenses for the Secretary of Transportation for this coming year. I wonder whether \$27,000 is going to pro-

vide him with enough reception or enough representation. I just wonder if that amount will get the job done and just what it all goes for. I suggest this is \$27,000 that could well be saved the taxpayers of this country—but I know it will not be.

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

#### OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, including services as authorized by 5 U.S.C. 3109; purchase of not to exceed sixteen passenger motor vehicles for replacement only; and recreation and welfare; \$474,000,000, of which \$143,003 shall be applied to Capehart Housing debt reduction: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and seventy-six exclusive of planes and parts stored to meet future attrition: *Provided further*, That, without regard to any provisions of law or Executive order prescribing minimum flight requirements, Coast Guard regulations which establish proficiency standards and maximum and minimum flying hours for this purpose may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Coast Guard otherwise entitled to receive flight pay during the current fiscal year (1) who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska, makes it impractical to participate in regular aerial flights, or who have been assigned to a course of instruction of 90 days or more: *Provided further*, That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), this appropriation shall be available for expenses of primary and secondary schooling for dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents: *Provided further*, That not to exceed \$15,000 shall be available for investigative expenses of a confidential character, to be expended on the approval and authority of the Commandant and his determination shall be final and conclusive upon the accounting officer of the Government.

#### AMENDMENT OFFERED BY MRS. HECKLER OF MASSACHUSETTS

Mrs. HECKLER of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. HECKLER of Massachusetts: Page 3, line 18, strike out "\$474,000,000" and insert in lieu thereof "\$475,000,000."

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of the Heckler amendment, which I discussed earlier. While this amendment will not earmark the increased appropriation of \$1 mil-

lion for a specific purpose, I wish the legislative history to show clearly that my intent in offering this amendment is to provide for and to insure that in the future the American fishermen will receive continued Coast Guard supervision, and that this appropriation is submitted to this body on that basis.

We have found in Massachusetts, and I believe in other parts of the country, that the Coast Guard is in effect the "cop on the beat" in terms of the protection of the waterways. There is no way to actually recompose these fishermen under this appropriation for the damage and devastating losses, but we can prevent this kind of damage from occurring in the future by insuring that they have the Coast Guard protection they need.

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

Mrs. HECKLER of Massachusetts. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I wish to commend the gentleman for her very valuable amendment and her statement as to legislative history.

I rise today in support of the amendment offered by the gentleman from Massachusetts to increase the appropriations for the U.S. Coast Guard, in order to bring their funding up to their needs.

The additional funds, \$1,000,000, would enable the Coast Guard to continue their surveillance operations with respect to the foreign fishing boats which have been harassing American fishing fleets, despite diplomatic agreements. As my colleagues are aware, such incidents of harassment—the fouling of lines and traps, dangerously close movements and other actions have been much in the news recently, particularly occurring off the New England coast.

These actions affect my own Third District of New Jersey as well. Lying along the eastern seaboard, a significant contribution to our economy is made by fishing fleets. These are small, independent businessmen who are greatly concerned about the lack of respect paid to our fishing treaties by these Soviet ships.

It is my understanding that the Coast Guard will not be able to meet its increasing responsibilities as a result of this lack of funds. Certainly, however, the protection of the American fishing fleet is among the most important of their services. I believe these cuts in funds were made by the committee prior to the latest rash of incidents against our fishing fleet, so perhaps the great need was not clear at that time. It must be so by now, however. It is vital to our interests that the Coast Guard have the flexibility to meet the needs of our fishermen. Without these funds, it is my understanding that this may not be the case.

It becomes more and more apparent that the State Department efforts to reduce or eliminate the harassment of our fleet, despite treaties and negotiations, have been primarily in vain. Certainly these efforts must continue, however.

In the meantime, it is also obvious that the appearance on the scene of such incidents of the Coast Guard cutters has a most salutary effect—the Soviet ships back off on their arrival.

The U.S. Coast Guard has had a long history of providing exemplary service to not only our fishing fleet, but to all vessels in trouble. I believe it is vital that we provide this arm of our Government with the ability to continue these services, and urge my colleagues to support the Congresswoman from Massachusetts in her efforts to give the Coast Guard the funding it needs to continue these services.

Mrs. HECKLER of Massachusetts. I thank the distinguished gentleman for his support.

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

Mrs. HECKLER of Massachusetts. I am happy to yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I strongly support the amendment of the gentleman from Massachusetts. The hearings before the Subcommittee on Fisheries and Wildlife Conservation clearly indicate that the time the Coast Guard has been able to allocate to the protection of our fishermen has been completely inadequate.

The North Atlantic Fisheries Treaty, which this House passed very recently, calls for greater surveillance on the part of the Coast Guard.

I commend the gentleman for her amendment.

Mrs. HECKLER of Massachusetts. I thank the gentleman for his remarks. No one is more knowledgeable on the problems of our fishermen than the distinguished gentleman from Washington, and I appreciate his comments.

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

Mrs. HECKLER of Massachusetts. I am happy to yield to my distinguished colleague from Oregon.

Mr. DELLENBACK. I thank the gentleman for yielding and commend her fine work in introducing this amendment.

I am aware of the fact that the members of the subcommittee are very much concerned about the Coast Guard. Quite frankly, if one looks at the bill in its entirety carefully, they have treated the Coast Guard generously, and I commend both its ranking member, Mr. CONTE, and the chairman, Mr. McFALL, for this.

At the same time, there is a unique situation which is existent in districts such as those represented by the gentleman from Massachusetts, by my colleague from Washington (Mr. PELLY) and by me. We have had some very severe problems in recent years with Russian fishing vessels operating off the coast of Oregon. We badly need additional help from the Coast Guard in policing present agreements with the Russians. We know we have special needs for helicopter surveillance, for which the Coast Guard does not have funds.

We know we have special needs for

the utilization of boats and ships which the Coast Guard does not have or does not have funds to operate.

I join the fishermen of my district in Oregon in a deep distress over the invasions by the Russians of fishing grounds which have for a great many years been fished by fishermen from the west coast of our Nation. What has been a strong segment of our economy has already been badly hurt and still greater injury is threatened if agreements, laboriously worked out with the Russians, are not adhered to. We need every bit of help we can get from the Coast Guard to make certain that the Russians do live up to their part of those agreements.

I urge support of the gentleman's amendment. The additional funds which this amendment will provide will not solve all our problems, but the dollars can and will be put to very good use.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. BURKE of Massachusetts, Mrs. HECKLER of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. BURKE of Massachusetts. Will the gentleman yield?

Mrs. HECKLER of Massachusetts. I am glad to yield to my distinguished colleague.

Mr. BURKE of Massachusetts. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Massachusetts. She has done an outstanding job on this problem. I rise in support of her amendment.

Mrs. HECKLER of Massachusetts. May I say that I appreciate the comments of my very distinguished colleague from Massachusetts, but in all fairness I want to say that the committee deserves great credit for what it has done in support of the Coast Guard and in its recognition of the urgency of the need at this time, particularly the chairman of the subcommittee. Mr. McFALL, as well as the members from Massachusetts who know this need as well as I do.

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

Mrs. HECKLER of Massachusetts. I will be happy to yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in strong support of the gentleman from Massachusetts (Mrs. HECKLER) who has offered an amendment to increase funding for Coast Guard operating expenses.

In discussing the problems faced by American fishermen with the gentleman and other Members representing coastal districts around the United States, I find not only a similarity of problems but a common agreement on the need for increased Coast Guard surveillance to patrol and protect our territorial fishing grounds from harassment by foreign interests and vessels.

I am also in complete agreement with the gentleman when she makes the point that, when Coast Guard cutters or aircraft appear on the scene, foreign marauders not only cease and desist their harassment tactics, but quite often de-

part swiftly from the area. Thus, there is a sense of urgency in restoring full funding since the Coast Guard offers and provides the only real protection our fishermen have.

Representing the north coast of California, as I do, I can tell you that our northern California fishermen are experiencing exactly the same kind of harassment and vandalism from foreign fishing marauders as have been recorded off the coasts of Alaska, New England, Florida, and elsewhere along the Pacific Northwest coastline.

Quite frankly, Mr. Chairman, these fishermen are fed up. They feel very strongly that they have been let down by their Government and that their pleas for help have, for too long, gone unheeded. In spite of this, however, a great majority of them still have faith in the Coast Guard. But, if the Coast Guard is to do the job they were commissioned to perform; namely, to patrol and guard our coasts, then the need for this additional funding becomes academic.

Thus, I strongly support and urge favorable action on the gentleman's amendment in order to protect the livelihood of our American fishermen and to enhance this vital segment of our Nation's economy and an essential resource to our future.

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

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

Mr. McFALL. I yield to the gentleman from Virginia (Mr. DOWNING).

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

Mr. Chairman, I would like to take this opportunity to express my support for the amendment being offered by my colleague.

The administration's budget originally called for \$474,000,000, for operating expenses for fiscal year 1972 for the Coast Guard. The Appropriations Committee reduced this by \$3,838,000. My colleague's amendment would restore this reduction.

I support the restoration of this reduction because it would provide the Coast Guard with increased patrolling and surveillance flexibility to respond to situations such as the one involving the lobster fishermen off the coast of New England, as well as situations which may arise in other sensitive locations along our seaboard.

As the Members know, the House Merchant Marine and Fisheries Committee held hearings on this intolerable situation off the coast of New England in which marauder Russian trawlers have done great damage to the equipment of our lobster fishermen. In order to provide increased capability to respond to situations such as this, I think it would be most helpful for the Coast Guard to have the modest sum of money called for in the amendment added to its operating expenses for the fiscal year in question. For these reasons, I ask the support of the Members for our colleague's amendment.



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

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

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Massachusetts, and wish to compliment her on her effort to make sure that our Coast Guard is properly equipped to handle this problem.

Mr. Chairman, I support the amendment offered by Mrs. HECKLER for the following reasons:

First. It is a clear fact which has been documented in statements before the House Merchant Marine and Fisheries Committee that Soviet vessels have been harrassing American lobster boats that are operating in legitimate areas by deliberately ripping and destroying gear and equipment. I therefore believe that an additional appropriation of \$1 million should be approved for operating expenses for the Coast Guard in order that it may adequately patrol open waters in which our American fishing vessels operate. The fact that the Russians will not approach our vessels when a Coast Guard cutter appears demonstrates the importance of this function, in my estimation.

Second. This surveillance will provide protection against other countries who might take undue advantage of our fishing vessels and will serve notice that our country will not longer tolerate this type of unfair practice against its citizens. If this amendment is approved, I believe it will reflect a clear statement of policy on the part of Congress that the United States does not intend to allow Russian piracy to continue.

Third. The Coast Guard is the appropriate national agency to provide this protection.

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

Mr. McFALL. I yield to the distinguished gentleman from Maryland, the chairman of the Committee on Merchant Marine and Fisheries (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, although the money called for in this amendment was originally in the budget, I am informed that it was not earmarked specifically for the maintenance by the Coast Guard of the surveillance of American fishing waters off the northeast coast of the United States. Nevertheless, this money would be allocated for fuel and maintenance cost and would provide the Coast Guard with the flexibility to respond to such situations wherever they may occur off our coast.

My position is well known concerning this lobster pot farce. I have spoken out strongly regarding depredations of the Russian marauder and the laxity of our State Department in dealing with them. In addition, the House Merchant Marine and Fisheries Committee has gone into this subject at some length in hearings in order to get the facts in the record. I agree with my colleague from Massachusetts that this is a deplorable situation and that increased Coast Guard patrolling capability would go a long way toward controlling it. With this in mind,

I think the sum set out in the amendment under consideration would be useful in maintaining this Coast Guard surveillance capability. Thus, I support the amendment.

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

Mr. McFALL. I yield to the gentleman from Alaska.

Mr. BEGICH. Mr. Chairman, I will be most direct in my remarks today. I urge as strongly as I know how that the House approve the amendment offered by the gentlewoman from Massachusetts (Mrs. HECKLER), and after having done so, proceed to approve the appropriation in full for the Coast Guard operating expenses budget.

The Heckler amendment would increase the Coast Guard operating expenses budget by over \$1 million to the requested amount of \$477,838,000. It is an increase that we cannot afford to neglect in our actions today. The people who are looking over our shoulders as we deliberate today are the fishermen of the United States, and I believe we have a responsibility to them that cannot be denied.

The additional funds included in the Heckler amendment would be directed largely to increase Coast Guard surveillance and enforcement activities in the territorial waters of the United States. Those of us who have seen with growing alarm the numerous violations of our fishing grounds must insist that our fishermen deserve no less than a full measure of protection.

From Florida up the full length of the east coast, all along the west coast and in the waters off of Alaska, a trend seems to be developing toward a decreased respect for our territorial waters by foreign vessels. My office, like those of each of my colleagues from a State which harbors a fishing industry, has been engaged in diligent documentation of this problem and a search for the best remedy. Each year the Merchant Marine and Fisheries Committee labors over strategies for solving the problem.

My conclusion is that the best, most immediate and effective solution to this situation is the strongest possible enforcement of presently existing laws. On a long-range basis, we must look further into the areas of new territorial provisions, international agreements and economic sanctions. But for this time, we must insure that our laws do not go unenforced.

I have nothing but praise for the Coast Guard, for I believe they function in an efficient and highly commendable manner given the limitations under which they must work. In Alaska, there are 33,000 miles of shoreline, more than the combined shoreline of the remainder of the United States. To enforce our territorial water laws along that coastline, there are only a handful of patrol boats and aircraft. In most instances of reported violations, the nearest enforcement vessel is so far away that no realistic chance of capture exists.

I believe our fishermen deserve better,

and I can tell you that at least in Alaska, fishermen rate improved enforcement potential as their first priority. The Heckler amendment is directed at precisely this objective.

I would add that I believe the committee which cut back these funds after hearings acted in good faith, but without the full benefit of recent developments in this area. The recent series of blatant territorial water violations has, I believe, given notice that this problem is far worse than many Members of the House had previously believed.

I believe we must continue to give the Coast Guard the funds to increase protection for our fishermen. We will know we have done enough when we cease to read about the vessels of foreign countries in the waters off New England, Florida, Oregon, Washington, Alaska, and the other fisheries States of our country. I urge your support for full funding of the Coast Guard request.

Mr. McFALL. Mr. Chairman, this is a matter which is of urgent importance. The committee did not have an opportunity to discuss this matter with the Coast Guard. However, since that time the committee has recognized the need for the Coast Guard to do this important patrolling.

Speaking from this side of the aisle, we would accept the amendment.

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

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

Mr. CONTE. Mr. Chairman, I certainly have no objection to the amendment. However, I do want the record to show that this is a budget for the Coast Guard of some \$688 million, although there was a \$3.8 million total cut. I felt that the Coast Guard was well provided for in the committee bill because the cut was less than 1 percent. However, I have no objection to this amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Massachusetts (Mrs. HECKLER).

The amendment was agreed to.

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

FEDERAL PAYMENT TO THE AIRPORT AND AIRWAY TRUST FUND

For payment to the Airport and Airway Trust Fund as provided for by section 208(d) of Public Law 91-258, \$282,944,000.

AMENDMENT OFFERED BY MR. ADAMS

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

The Clerk read as follows:

Amendment offered by Mr. ADAMS: On page 9, strike lines 23, 24 and 25 and insert in lieu thereof the following: "For payment to the Airport and Airway Trust Fund as provided by section 208(d) of Public Law 91-258, \$530,944,000; however, the unappropriated balance in the Trust Fund as of July 1, 1972, shall be available solely to liquidate obligations incurred subsequent to June 30, 1972, under Sections 14(a)(1) and 14(a)(2) of Public Law 91-258."

Mr. ADAMS. Mr. Chairman, I would state to the Chair and to the Members

that I have already explained what this amendment does. It does not appropriate any more money this year. It does not expend any more money this year. It simply provides that money will remain in the trust fund.

And the money is appropriated out of the trust fund, and when that is completed will then be available for the purposes intended by the original authorizing committee. This is a compromise position we have tried to arrive at so that there will remain in the trust fund enough money to meet the 10-year program as outlined in the authorizing legislation.

As testified to by—and I mentioned this in my earlier remarks—Mr. Olson of DOT testified \$280 million would be available for development grant obligations each year, and \$250 million for air navigation facilities.

I hope the committee will agree to this amendment. It is based upon maintaining that amount plus \$75 million so that at the end of this next year the Committee on Appropriations will have in the trust fund the amounts of money that were contemplated in the original legislation for construction, and for facilities, and equipment, plus \$75 million. Then at that point the Committee on Appropriations will have before it additional authorizing legislation from the authorizing committee, and will have the money in the trust fund to use, and then can decide whether or what amounts of money from the general fund are necessary.

Again I say I hope that the committee will agree to this amendment. This is a position we have tried to work out that provides money for operations from the user fund, as both the gentlemen from Massachusetts have indicated that they felt was appropriate, and at the same time we have tried to protect the priorities established in the authorizing legislation.

I repeat, I hope that the committee will adopt the amendment.

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

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

Mr. DINGELL. Mr. Chairman, I would like to make one thing very clear, and that is that this amendment does not change the amount of the expenditures or increase the total cost of the Government, it simply says at the end of 2 years there will be enough money in the airport and airways development trust fund to assure that it can begin to meet the extremely heavy burdens which will fall upon it at that time by reason of increased construction, and by reason of deliveries at that time, which will begin to come forth, of expensive air safety and air navigation equipment which is so desperately needed to assure that our airways are safe.

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

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

Mr. KUYKENDALL. Mr. Chairman, on

passage of this amendment, if it is passed, I shall not introduce the amendment that I had previously mentioned that I would offer.

Mr. ADAMS. I thank the gentleman.

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

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

Mr. Chairman, I am not going to oppose the amendment which has been offered by the gentleman from Washington (Mr. ADAMS). I realize that there are a number of Members of this House who feel that the method of appropriation which we have provided for consideration of the House in this bill is contrary to what they had intended with the passage of the Airport and Airway Trust Fund Act of the previous Congress.

However, it is as consistent as possible, we believe, with the present act. There are two sections in that act; one seems to say one thing, and one seems to say another. However, I am not going to oppose the amendment because it offers to the House an interim compromise, if you will, until such time as the House has the opportunity to consider the legislation which will soon be reported by the Interstate and Foreign Commerce Committee. At that time, the Members of the House will have the opportunity to determine for themselves how they want to allocate these funds.

In a sense, it is a bookkeeping operation that is involved.

We are not spending any more money under the amendment. But I would point out to the House that the Committee on Appropriations does not determine the policy in this matter. It is up to the legislative committees to bring this legislation to the House. This interim solution, the amendment, is probably as good as we can have at this time.

I would point out again to the Members of the House that this is a policy decision which they will have an opportunity to act on later. I hope it will be determined in a consistent way so that the Committee on Appropriations will know exactly what the Members of this House want to do with the airports and airways trust fund.

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

Mr. Chairman, I do not disagree with the statement made by the distinguished gentleman from California (Mr. McFALL), the chairman of the committee. I am not sure that I agree as quickly as he does with this amendment. Actually what this amendment does is to forward fund this program by making available until 1973 an additional \$250 million.

There have been some statements made here on the floor that the Congress is getting completely away from the intent of the legislation passed by the Congress with respect to the airport and airways trust fund. This committee, that is, the whole Committee on Appropriations, I think, has to appropriate on the basis that was recommended by the Committee on Ways and Means. And

the Committee on Ways and Means specifically in its part of Public Law 91-258 specifically calls attention to the expenditures from the trust fund for particular operations of the Federal Aviation Administration. It indicates that there will be moneys expended for the airport and airways program and for facilities and equipment and then it goes on to talk about another phase of the Federal Aviation Administration, and that is a very costly program—that is, operations.

The Ways and Means section specifically says that operations will be paid for out of the airport and airways trust fund. I am talking about operations of the air traffic control systems and the air navigation systems. It is listed here in the act—the air traffic control, the air navigation, communications, and supporting services.

There are no priorities placed upon these expenditures by the Committee on Ways and Means with respect to grants in aid for airports and with respect to facilities and equipment and with respect to operations.

It is my contention, and this is a contention which I think is shared by a majority of the members of the subcommittee and by the great majority of the members on the Committee on Appropriations and I am sure by some other Members of the Congress, that operations ought to be paid for out of the airport and airways trust fund.

This is the big item—it runs to about \$1 billion—over \$989 million. This is the money that pays for air traffic controllers who work in the towers and centers all over the United States.

If it is the desire of the Members of the House that operations should not be paid for out of the airport and airway trust fund, so be it.

As the gentleman from Washington and the gentleman from Michigan who serve on the legislative committee and who write the substantive laws—as they have indicated, there is going to be legislation brought in here for the purpose of determining precisely what we are going to pay for out of the airport and airway trust fund.

Again it is my contention that we ought to pay for operations out of it. I have listened to the arguments of the gentleman from Connecticut and others, and they are entitled to their opinion as I am entitled to my opinion and others who agree with me are entitled to theirs.

There are millions and millions of people who do not fly the airways. Why do they have to pay for the operations of FAA which amounts to a billion dollars a year? I think this is the responsibility of the people who fly the airways. They ought to pay it.

I would agree with the gentleman that there is a conflict between the section of the bill that was passed out of the Committee on Interstate and Foreign Commerce and the section that the Committee on Ways and Means dealt with.

The section that the Ways and Means Committee dealt with specifically authorizes the appropriations for the cost

of operations of the Federal Aviation Administration. I am not going to disagree with my chairman and the others, including the gentleman from Washington. I think we can probably let it go at that this year. When we get the bill from the authorizing committee, we can determine precisely what the Members of Congress want to pay for out of the airport and airway trust fund.

Let me say for myself and I believe for some other Members that I think we are following the dictates of Congress by saying that operations ought to be paid for out of the airport and airway trust fund.

Mr. DON H. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to support the amendment of the gentleman from Washington. While I do not see this as the full solution to our objective, I do see it as an appropriate interim measure.

Many of us, in the Congress, with aviation experience and background, feel very strongly that the funds collected from users, and accumulating in the trust fund, must be allocated to and for airport and airway facilities.

The allocation of funds must be constant and uninterrupted. Furthermore, they should not be diverted to other purposes. We must keep our construction timetable on schedule, consistent with the original intent of the legislation.

For the safety, and efficient operation, of our commercial, military and general aviation air transportation system, we are dependent upon these basic airport, air navigation and approach facilities that will permit an accelerated economic growth pattern to evolve as we move people, goods, and services throughout all sections of the country.

I have spoken to the chairman and members of the Interstate and Foreign Commerce and the Ways and Means Committees, asking that they assist in clarifying this situation.

We need a clear-cut delineation of allocations, spelled out in legislation, that is consistent with the in-put of funds collected from the users of our airport and airways facilities. Once this loophole is closed, the job of this appropriations committee will be simplified and the airport planning and management people can look forward to the guaranteed method of finance initially intended when we passed the Air-Airways Trust Fund legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### SAFETY REGULATION

For necessary expenses of the Federal Aviation Administration for safety regulation activities, including arms and ammunition, operation and maintenance (including administrative expenses for research and development), acquisition and modernization of facilities and equipment, and research, development, and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and ac-

quisition of necessary sites by lease or grant, \$160,000,000 to remain available until expended: *Provided*, That the obligated balance of amounts appropriated for safety regulation activities, under appropriations for "Operations" and the unexpended balance of amounts appropriated for "Research and development," for the prior fiscal year, shall be transferred to this appropriation.

#### AMENDMENT OFFERED BY MR. ADDABBO

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

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: Page 10, line 11, after the word "expended" strike out the colon and insert ", of which \$4,500,000 shall be available only for research and development for noise abatement and pollution control:".

Mr. ADDABBO. Mr. Chairman, the Federal Government has admitted its responsibility to take steps to reduce aircraft noise and pollution which threaten to destroy the environment and also endanger the growth of the aircraft industry. The 1968 Aircraft Noise Abatement Act which I cosponsored was a step in that direction but lack of determination in enforcing that law has blocked progress in the fight against jet noise.

The only effective noise controls must come from Federal guidelines and Federal research and development in the area of short-term retrofit programs to reduce noise on existing aircraft as well as long-range noise reduction techniques for future aircraft. While some rulemaking power has been exercised with respect to the long-range solution, little has been done by the FAA to achieve short-term results. The FAA rulemaking is lagging by 15 to 18 months.

I believe that those of us in the House who cosponsored and fought so long for Federal aircraft noise control legislation have been disappointed and frustrated by the lack of enforcement of the 1968 Federal law. Now is the time for tougher administrative action by the FAA and new legislation, if necessary, to combat the noise problem. For that reason I have supported legislation to set Federal ceilings on aircraft noise and provide federally guaranteed loans to finance the modifications and retrofit programs to meet those standards.

To assure proper emphasis on this problem I am proposing this amendment providing for at least \$4.5 million of the research and development funds under safety regulation of the transportation appropriation bill for fiscal year 1972 be allocated solely for aircraft noise and pollution projects. This is an increase over expenditures in fiscal 1971 and certainly represents a small investment in terms of providing new answers to a crisis which could impede progress in the aircraft industry for years and continues to damage the lives of those living near airports.

The chairman, the gentleman from California and the members of the subcommittee are to be commended for the extensive questioning of the witnesses

from FAA on this important question of noise abatement and air pollution.

The Administrator of FAA, Mr. Shaffer and his staff in their testimony point out that delay in setting of rule has been particularly due to lack of funds. There is nothing in the bill or report to require the FAA to expend any funds for noise abatement or air pollution research.

My amendment would earmark \$4.5 million of the research funds as a floor, not a ceiling, for noise abatement and air pollution research. I would wish the figure would be greater but I am informed this is all the FAA can properly program for this fiscal year 1972.

Mr. Chairman, this Congress and the Nation are deeply interested in ecology and environmental controls and improvements. The airplane engine is one of the worse offenders. I believe we must be assured and assure the Nation that research will be done to find a solution to this problem. Especially now in view of the recent statement of Secor Browne, Chairman of CAB, in opposition to pending legislation.

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

The CHAIRMAN. The gentleman from California is recognized.

Mr. McFALL. I wish to commend the gentleman from New York for his presentation of his amendment to the committee. What the subcommittee has done in prior years in connection with this program is this: We provided \$1 million last year. In this budget there is another \$3.5 million.

By this amendment the gentleman from New York would provide in this fiscal year an additional \$1 million. We hope the Department can accelerate, and I am sure it will make every attempt to do so, this important program on noise abatement and pollution control. The extra funds which the gentleman from New York would make available by this amendment will assist the Department to accelerate this important program.

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

Mr. McFALL. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. ADDABBO) which will provide \$6 million for research into methods to reduce jet noise and for development of an expanded noise abatement program.

I must commend my colleague for bringing this important measure up. The residents of our city for too long now have been assaulted from the air by the excessive noise of jet aircraft flying overhead every minute or two of the day. Their demands for relief have barely been heard.

Moreover, these long-suffering souls are further harassed by a Federal Aviation Administration that has failed to speedily implement the 1968 Aircraft Noise Abatement Act. This law would provide considerable relief by reducing existing jet noise levels through the use of retrofitting on existing aircraft.

Over and over again, I have asked the

FAA to speed up their rulemaking process which has so far been fraught with more delays than a hijacked airline encounters in Cuba. Nevertheless, all they still seem to do is keep promising that retrofiting will come someday.

Well, Mr. Chairman, "someday" is not good enough for me. Nor is it good enough for the people of my district. If need be, we should speedily enact a tougher law that would require retrofiting of jets with noise suppressors by 1972.

The Administrator of the FAA, Mr. Schaffer, did testify in the hearings on this bill. He said more money was needed to provide a strong noise abatement program. If that is what they need over there at the FAA, then this amendment will give it to them and I hope at the same time bring relief for the many Americans now living under the pounding of constant jet aircraft noise.

Mr. McFALL. Mr. Chairman, this will not provide additional funds in the budget at all, but it will earmark funds that are already allocated for this kind of research for this particular program, and it will help accelerate the program as is necessary and required.

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

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

Mr. CONTE. Mr. Chairman, the minority strongly supports this amendment. The gentleman from New York spoke to me about it many times. It is certainly a worthwhile amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

**HIGHWAY BEAUTIFICATION (LIQUIDATION OF CONTRACT AUTHORIZATION)**

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 131, 136, and 319(b), \$10,000,000, to remain available until expended, together with \$1,100,000 for necessary administrative expenses for carrying out such provisions of title 23, United States Code, as authorized by section 105(a) of the Federal-Aid Highway Act of 1970.

Mr. CASEY of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to call to the attention of the committee that the beautification program has a provision in it that permits the Secretary to withhold funds if a State does not comply with the beautification program. The Secretary has not withheld any funds up to date, giving the States the opportunity to meet the standards required in the act, but he has indicated that this year he is going to withhold funds from any State—and he can withhold 10 percent of the allocated funds for construction of Federal aid highways—if the States do not comply.

The House Committee on Public Works passed a bill to create a study commission on beautification because there seems to be confusion as to the administration of the present act, and the commission has to report back in 1 year.

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Unfortunately, the President has not appointed his members to this commission.

However, there are only 16 States that now comply, according to the Secretary of Transportation. That means the remainder of the States are going to have 10 percent of their construction funds withheld if the Secretary does not give up this idea of putting a penalty on all the States now, unless they comply as he thinks they should comply.

I would hope that the gentleman who is chairman of this subcommittee, the gentleman from California (Mr. McFALL) would use his good offices to encourage the Secretary not to be too hasty in holding up the 10 percent of the construction funds, because as we know there has been an administrative withholding of construction funds in the past, and if we add another 10 percent of the Federal highway funds to that, we are going to be in trouble.

I would like to ask the Chairman if he can enlighten the committee any further on this—as to whether this is actually going to be withheld.

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

Mr. CASEY of Texas. I yield to the gentleman from California.

Mr. McFALL. I do not have the information the gentleman seeks, but I am in favor of the amendment which will be offered by the gentleman from Illinois (Mr. KLUCZYNSKI) in a few minutes, when we get to that portion of the bill, which will provide for the \$200,000 funding for the Beautification Commission which is going to look into this very subject. I am sure when the gentleman from Illinois makes his presentation he will have some comments concerning this matter.

The Public Works Committee of the House is very much interested in this new Commission. I believe we should fund it and it should be added to this bill, and they can look into this matter.

Mr. CASEY of Texas. I appreciate the statement by the chairman of the subcommittee. I, too, will support the amendment when it is offered. It did concern me. It concerns, I believe, 34 other States, which are going to wake up one of these mornings and find out 10 percent of their construction funds are being withheld and the Commission which was created by the committee of the distinguished gentleman from Illinois did not have an opportunity to make any report.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

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

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

There was no objection.

The CHAIRMAN. Are there any points of order to be made against any provisions in the remainder of the bill?

**POINT OF ORDER**

Mr. HALL. Mr. Chairman, I make a point of order as to the language on page 16, lines 1 through 3, as being an unauthorized appropriation and violating rule XXI, clause 2.

The portion of the bill reads as follows:

**RAILROAD RESEARCH**

For necessary expenses for conducting railroad research activities, \$7,000,000, to remain available until expended.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. McFALL. Mr. Chairman, I should like to be heard on the point of order.

The point of order which the gentleman from Missouri makes is with reference to the language that indicates the amount of \$7 million for conducting railroad research activities will remain available until expended. The phrase "to remain available until expended" is legislation on an appropriation bill. Just as soon as I can get an amendment ready I will offer an amendment which will preserve the \$7 million and leave out the "to remain available until expended."

The CHAIRMAN. Does the gentleman from California concede the point of order?

Mr. McFALL. I concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. EDMONDSON). The point of order is sustained.

**AMENDMENT OFFERED BY MR. McFALL**

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

The Clerk read as follows:

Amendment offered by Mr. McFALL: On page 16 insert the following on line 1:

**RAILROAD RESEARCH**

For necessary expenses for conducting railroad research activities, \$7,000,000.

Mr. McFALL. Mr. Chairman, this preserves the \$7 million, which we believe is very important for research for the Federal Railroad Administration. They have a number of safety activities they have been charged with the responsibility of upholding. They need this \$7 million to conduct research for these railroad safety activities.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

I ask the question: Under the amendment is there still no authorization for this research center?

Mr. McFALL. This is not a research center. This is merely for railroad research. I am informed that the language that was objectionable was the language which provided that these funds would remain available until expended.

Mr. HALL. Mr. Chairman, I wonder if the gentleman could cite the authorization.

Mr. McFALL. It is the Federal Railroad Safety Act of 1970.

Mr. HALL. I see. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. McFALL).

The amendment was agreed to.

## AMENDMENT OFFERED BY MR. PODELL

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

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

## RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

For an additional amount for the urban mass transportation program, as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended; \$52,000,000: *Provided*, That \$49,000,000 shall be available for research, development, and demonstrations and \$3,000,000 shall be available for university research and training, and managerial training as authorized under the authority of the said act.

The Clerk read as follows:

Amendment offered by Mr. PODELL: Page 17, line 22, after "demonstrations" insert the following: ", of which not less than \$3,000,000 shall be available for research, development, and demonstrations related to subway safety."

Mr. PODELL. Mr. Chairman, I offer my amendment not in conflict with the committee's fine bill, but rather, as a complement to it.

The transportation appropriations bill is rightfully divided into separate sections for the Federal Railroad Administration and the Urban Mass Transportation Administration. The former deals with the Nation's railways, while the latter is concerned with the transit problems of our great cities. However, for some unfathomable reason, the funds appropriated for both of these Administrations have been utilized almost solely for railroad research. The problem of mass urban transit—the subway systems—has been woefully neglected.

Since 1965, a total of only \$501,000 has been employed for projects specifically dealing with subway safety. However, last year alone, the Urban Mass Transportation Administration received \$26 million for such research. Thus, the total 7-year expenditures for subway safety have totaled less than 2 percent of 1 year's appropriation for that purpose.

Under normal circumstances, this situation would be shrugged off as merely another example of governmental inefficiency. However, these are far from normal circumstances. For while safety appropriations were being mismanaged, a huge wave of breakdowns and serious accidents has overtaken our mass transit facilities.

Allow me to document for you, Mr. Chairman, some of these tragic incidents:

On December 29, 1969, 48 persons were injured when an IRT train was derailed in the Bronx.

On February 27, 1970, an IRT collision in the Bronx resulted in seven injuries. A train had apparently come into the station too fast.

On May 20, 1970, an empty IND train smashed into a local in Queens, killing two and injuring 37.

On July 17, 1970, an IND train in Brooklyn plowed into a halted train, injuring 37.

On August 1, 1970, a woman died of a

heart attack, allegedly brought on by smoke inhalation from an electrical fire on the IRT line in downtown Manhattan. Fifty passengers and rescue workers were overcome by the smoke as panic-stricken commuters blindly groped through the smoke-filled tunnel.

On August 3, 1970, two persons were injured when 500 passengers stampeded in fright from a stalled IRT train.

More recently, on May 28, 1971, a water-main break shut down service on three different lines in Manhattan and the Bronx.

In the last 5 years, while safety appropriations have been ignored, service interruptions have risen from 14,000 to 24,000 yearly. More passengers have been killed and injured in the last 14 months than in the previous 42 years between 1928 and 1969.

Mr. Chairman, my solution to this problem does not entail the spending of any additional sums of money. Quite to the contrary, I believe that the committee has established guidelines that are most equitable. The purpose of my amendment is to insure that at least \$3 million of the mass transportation research appropriation is used for subway safety research.

There are presently over 10 million Americans who ride subways throughout the Nation daily. In addition, several cities are now in the process of building new subway systems, which will soon carry millions more to and from work every day.

It is the responsibility of Congress to make certain that each and every one of these commuters be guaranteed a safe, danger-free ride. My amendment will provide a giant step toward making such a guarantee a reality.

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

Mr. PODELL. I am delighted to yield to the gentleman from Massachusetts.

Mr. CONTE. The minority has no opposition to this amendment, if it will save time.

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

Mr. PODELL. I am glad to yield to the chairman of the subcommittee.

Mr. McFALL. Mr. Chairman, on this side of the aisle we have no opposition to the amendment. It is earmarking funds for safety research for subways. Certainly, the activities of the Urban Mass Transportation Administration in their research and development program are broad enough to be able to utilize the funds which the gentleman in the well is asking for in order to protect the many people in this country who use the subways. We have no objection to the amendment.

Mr. PODELL. I thank the gentlemen.

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

Mr. PODELL. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. PODELL) which would insure that at

least \$3 million of the mass transportation research appropriations will be spent for subway safety research.

Daily over 10 million Americans ride the subways, and several cities are in the process of building subway systems. Congress has the obligation to protect the safety and welfare of these commuters by promoting research for subway safety, in order to alleviate the problems that now exist, and to prevent the tragedies that have occurred in the past 2 years.

In the last 16 months 174 persons have been injured, and three persons have died as a direct result of subway mishaps. This is more injuries and fatalities than occurred in the 42 years from 1928–1969. This is a shocking situation, and it must be rectified.

Mr. Chairman, the transportation appropriations bill is divided into sections for the Federal Railroad Administration—which deals with the Nation's railways—and the Urban Mass Transportation Administration—which deals with the transit problems of the cities. The problem of the subway systems has been almost totally ignored, since the funds appropriated for both the Federal Railroad Administration and the Urban Mass Transportation Administration have been almost solely spent on railroad research.

Last year, the Urban Mass Transportation Administration received \$26 million for subway safety research, yet since 1965 only \$501,000 has been used on projects specifically concerned with such research. This makes the total 7-year subway safety expenditures less than 2 percent of 1 year's appropriations.

No additional appropriations, Mr. Chairman, are called for in this amendment. All that is called for is that, within the guidelines already established by the committee, at least \$3 million of the mass transportation research appropriations will be used for subway safety research.

The large occurrences of breakdowns and serious accidents that have plagued our mass transit facilities of late calls for action by the Congress to insure that the safety of our citizens is not imperiled when they ride the subways. This amendment will provide a beginning to the goal of totally safe and efficient mass urban transportation. I urge its acceptance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PODELL).

The amendment was agreed to.

## AMENDMENT OFFERED BY MR. HALL

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

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 17, line 20, strike, "\$52,000,000," and insert in lieu thereof, "\$30,600,000."

On page 17, line 21, strike, "\$49,000,000" and insert in lieu thereof "\$27,600,000."

Mr. HALL. Mr. Chairman, I shall not belabor my amendment in further detail. I spoke on it twice before. The distinguished gentleman from California, the chairman of the Subcommittee on

Appropriations, yielded to me during his exposition of the entire bill. Also I discussed it for 5 minutes in general debate.

I hope this amendment will be accepted with the same alacrity that others adding to the appropriation bill have been.

Suffice it to say this is simply an area where we have increased, for a demonstration project in one specific community, a people-mover project to the place where it has gone from an estimated cost and an appropriated cost of \$1 million per mile of people moved to over \$10.5 million per mile of people moved. It has been adequately portrayed that perhaps history has not been reviewed, nor have the research and development people taken adequate advantage of in-being projects for moving people whether they be in downtown communities or to or from airports or between cities.

This amendment, if adopted, would simply strike \$21.4 million of this urban mass transit appropriations, of which there was \$52 million overall. This simply removes that portion which would be for the Morgantown, W. Va., demonstration project, until such time as there is adequate research and development, or research among history for others.

Mr. Chairman, I submit that there are many projects for moving people en masse in communities, in ghetto areas, and everywhere else; and that if we were to take this from the bill, we will have more adequate room to maneuver as Members of the Congress, the people's elected Representatives, when we go to conference. This is not only a people-moving amendment, but it is an amendment for people; and I think the amendment should be in favor of the taxpayers and not those who would favor a boondoggle in any individual community. I suggest the amendment do pass.

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

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

Mr. Chairman, the Urban Mass Transportation Administration has a very important research and development program. One of the very important problems which confronts the country is how we are going to move people in the next two decades. They are addressing themselves to the movement of people throughout the country. They have a very important research and development program which relates itself to that purpose.

They requested \$78 million for their research and development program. We cut them \$26 million, down to \$52 million, because we felt that we should take a look at some of the programs like the one that the gentleman from Missouri has discussed on this floor.

I, personally, feel that the program that he discussed at Morgantown, W. Va., is a very important project which will tell us how we are going to move masses of people at airports and urban centers throughout the country in the years to come. But I would point out to the members of the committee that we have al-

ready drastically cut this research and development program by some \$26 million. Now, this amendment comes along and it would cut another \$20 million, which does not direct itself to the Morgantown, W. Va., project, but would slash it to \$30 million which would be available for mass transportation research.

Mr. Chairman, I feel that this is too drastic, that they must have this money in order to inquire into the vast problem of urban mass transportation. Therefore, I would ask the members of the committee to defeat this amendment.

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

Mr. McFALL. I would be happy to yield to the gentleman from Iowa.

Mr. GROSS. Why did the cost go so high per mile for this project?

Mr. McFALL. One of the matters, of course, was the ordinary cost of inflation. Another matter is that they have reduced the mileage in an attempt to cut cost which increases the cost per mile of the project.

Mr. GROSS. Is it true that this 2-mile transportation gimmick is going to cost \$127 million when it is completed?

Mr. McFALL. Insofar as I understand it will cost \$27 million.

Mr. GROSS. It was \$27 million and not \$127 million?

Mr. McFALL. Yes.

Mr. GROSS. The sum of \$27 million is still fantastic for 2 miles of roadway. How did this project get to Morgantown, W. Va., in the first place?

Mr. McFALL. That, I cannot answer the gentleman. It was selected by the Urban Mass Transportation Administration many years ago. I have not looked into the history of the question as to how it was selected.

Mr. GROSS. I heard someone mention today some kind of a safety setup in Ohio, I do not know where. How did that get there?

I am interested in how these projects get located over the country.

Mr. McFALL. I can discuss that one with perhaps more intelligence than I can the previous question the gentleman asked.

The test center which is proposed to be put in East Liberty, Ohio, must be authorized by the Committee on Public Works of the House, and the Committee on Interstate and Foreign Commerce of the House, and the same two committees of the Senate. So that there is an authorizing procedure within the Congress for that purpose.

The test center itself is a very important one.

Mr. GROSS. I am sure it is.

Mr. McFALL. It is necessary for the Department to make tests of tires and automobiles. They do not have the independent ability to test these, and they do not have the uniformity needed in the independent contractors that have been doing the job.

There were a number of places throughout the country such as Oklahoma who were interested in the project, and there were several other areas that wanted the testing center. But the com-

mittees are charged with the responsibility of determining where this test center should be, and they selected East Liberty, Ohio.

Mr. GROSS. I just wondered how much muscle it takes to get one of these projects, because I would like to go in training to develop the muscle to get one of these projects such as Morgantown, or East Liberty, Ohio, or wherever it might be.

Mr. McFALL. I would say to the gentleman from Iowa that the gentleman is a formidable Member of the House, but I would point out that in this particular case of the East Liberty, Ohio, project, the testing center there, that the law provides for safeguards, and that is that committees of the House and committees of the Senate make this determination, and that no one downtown makes the determination.

Mr. GROSS. Would the gentleman tell me whether it would help if I was on the Committee on Appropriations?

Mr. McFALL. I would point out to the gentleman from Iowa that in this case it would probably not help the gentleman.

Mr. GROSS. I thank the gentleman.

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

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

Mr. Chairman, I hope the gentleman from Iowa will remain, because I refer to what the gentleman was discussing—but first I want to compliment the members of the Committee on Appropriations and the authorizing committees for locating something outside of the District of Columbia and 50 miles from its boundaries.

I was pleased to learn from the staff a little bit ago, referring to page 15, beginning on line 10, that the \$9 million which is authorized for construction of compliance test facilities—that that plant is going to be built in East Liberty, Ohio. If this had been an appropriation of the amount of, say, \$96 million, rather than \$9 million, then I submit that it would have been built in Beltsville, Md., or Langley, Va., or at the Bolling Air Force Base off the Potomac, where I see that Pentagon No. 2 is now planned to be built.

So I congratulate this committee, and the Members of the Congress who have brought this bill before us. For once they have not appropriated funds for additional construction of office buildings in the District of Columbia. This is a meaningful first—the first appropriation bill this year that does not contain funds for an office building to house Federal facilities in the District of Columbia.

If it did, I would of course be offering my little amendment with which so many of you unofficially agree.

Mr. Chairman, the time has come for the end of office building construction by the United States of America as payor, or as lessee, in the District of Columbia.

Members, last Sunday on television a group of architects said that the con-

tinuing blight and lack of coordinating planning in the Nation's Capital is an act of misfeasance on the part of those responsible. This is a horrible thing, to allow our Nation's Capital to grow into a plethora of unpurpose buildings and choked roads that we find in this area today. We know that 50 percent of the new buildings built in the last 15 years to house offices in the areas between H and R Streets, and 17th and 22d Streets are now 50-percent empty. All those buildings built are one-half empty. And yet we continue to appropriate millions for new buildings, two of which are going to be built at the very foot of Capitol Hill in the course of the next few years.

We also have nothing in the record of these debates as to what the intent of Congress is regarding the retention of National Airport, or Dulles Airport, by the Government, or their sale at depreciated "book" value, as reported recently in the press. We see AOPA and other enterprisers petitioning the DOT for the opportunity to purchase Dulles Airport. I think that if this Congress allows Dulles Airport or National Airport to be sold to anybody now that this would be virtually an act of criminal negligence.

I think it is time that the record shows that Congress will not acquiesce while such plans are allowed to develop.

Here the Committee on Public Works, I am pleased to note, has made it mandatory that plants beyond the FBI building and the new library in the District of Columbia must be submitted to the Committee on Public Works long before authorization will be considered.

Let us now make it our business to put an end or at least a long moratorium to this building of more and more office buildings, and less and less decent housing, which is making this area less and less a fit and proper place for the Nation's Capital.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division (demanded by Mr. HALL), there were—ayes 8, noes 39.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. KLUCZYNSKI

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

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

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct, and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1969 (Public Law 91-143), including acquisition of rights-of-way, land, and interests therein, to remain available until expended, \$174,321,000 for the fiscal year 1973.

The Clerk read as follows:

Amendment offered by Mr. KLUCZYNSKI: On page 22, line 24, insert:

COMMISSION ON HIGHWAY BEAUTIFICATION SALARIES AND EXPENSES

For necessary expenses of the Commission on Highway Beautification, established by Sec. 123 of the Federal-Aid Highway Act of 1970 (84 Stat. 1727-1728), \$200,000, to remain available until expended.

Mr. KLUCZYNSKI. Mr. Chairman, the amendment I am offering is to provide the \$200,000 authorized to fund the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970. That act as you will recall provided authorizations for highway beautification through 1973 while at the same time providing for a commission which would study and review the existing law, policies, and practices related to control of outdoor advertising and junkyards; compile data on the Nation's highway beautification needs; make appropriate recommendations; and submit a final report not later than 1 year after the funding of the Commission. The Commission itself will cease to exist 6 months after submission of the final report.

The Commission shall consist of 11 members: two majority, and two minority members of the House Public Works Committee; two majority and two minority members of the Senate Public Works Committee; and three to be appointed by the President from among persons who are not officers or employees of the United States.

Mr. Chairman, it is extremely important that this Commission be funded in this bill so that it may proceed with the study and report in time for their consideration in next year's biennial Federal-aid highway legislation.

This is not a commission which will linger on the subject for years, it is limited to report in 1 year and then shortly thereafter go out of existence. The House and Senate have already named their members and it is my understanding that the administration has chosen its three members and will name them as soon as the Commission is funded.

The gentlemen of this body know extremely well how controversial a subject we have in beautification. It has been argued long and hard here on this floor as well as in the other body.

The present law needs amending badly; it is highly doubtful whether it can come even close to accomplishing its original intention in its present form. What the Public Works Committee found out as we worked on the 1970 legislation was that what we needed most was reliable facts and unbiased recommendations compiled in a manner which would place before us the nature of the entire problem and the proper way in which it should be handled.

This Commission will do just that and the Congress can then proceed to make the present legislation meaningful.

Already the Secretary of Transportation has notified eight States that under the provisions of the law they will have 10 percent of their 1973 highway apportionments withheld. There are apparently several other States that will

very shortly find themselves in the same situation. I say that this situation is ridiculous and we should be moving as quickly as possible to correct it. The first step is getting this Commission in operation so we can get the true facts before us.

Mr. Chairman, I urge the adoption of this amendment and hope the great gentlemen from California will indicate the acceptance of the amendment by his committee at this time.

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

Mr. KLUCZYNSKI. I yield to the gentleman.

Mr. McFALL. Mr. Chairman, the gentleman has offered an amendment which should have been included in the bill, but which was not included because of an oversight.

Mr. Chairman, we accept the gentleman's amendment on this side and I am sure the gentleman from Massachusetts (Mr. CONTE) would also agree to its acceptance.

Mr. CONTE. Mr. Chairman, this amendment is for \$200,000 to fund the Commission on Highway Beautification and the minority has no objection to it.

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

Mr. KLUCZYNSKI. I yield to the gentleman.

Mr. TERRY. Mr. Chairman, I rise in support of the amendment by the gentleman from Illinois. The Highway Beautification Commission, already authorized by the Public Works Committee, cries out for funding. Everyone would agree that the Highway Beautification Act of 1965 was an imperfect piece of legislation, however well intentioned. As it now stands many local persons adjacent to highways, and in particular those at some distance from interstate highways could lose a major share of their business with all signs gone and travelers unaware of the availability of their wares and services. In an area such as the Finger Lakes District of New York, this could be disastrous. My hope is, and I feel many here in this body share it, that some acceptable compromises can result out of the work of this Commission, so that we can increase the beauty of our highways, but at the same time not put a lot of small business people out of operation in accomplishing this goal.

In my area alone the over-500 members of the Finger Lakes Association, who operate small motels and restaurants could be very adversely affected by the law as it now stands. The restudy of the highway beautification program, issued by the House last September, contained some good departure points for the work of the Commission. I particularly refer to the recommendation to permit signs in the specific interest of the traveling public.

In part it states:

Recent studies have indicated that the motorist does not particularly object to outdoor advertising signs if they satisfy his informational needs for services. Such signs, properly regulated to prevent proliferation

or placement in unsafe locations, not only assist the motorist in locating facilities of interest to him, but also eliminate a potential hardship by allowing the tourist-oriented business to make itself known to the traveling public.

It is fairly well concluded by everyone by now that "food, gas, and lodging" signs do not reach a great percentage of the traveling public—only those traveling in a leisurely enough fashion to want to stop and leaf through the information provided. In other words, there is no substitute for a good informational sign. I urge the adoption of this amendment.

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

Mr. KLUCZYNSKI. I am happy to yield to the gentleman from Iowa, my very good friend.

Mr. GROSS. Mr. Chairman, I thank the gentleman from Illinois for yielding. How many petunias and peonies will this provide for?

Mr. KLUCZYNSKI. There will be 11 members, four from the Committee on Public Works of each body and three to be named by the President. The President is ready to name them as soon as we pass this legislation.

Mr. GROSS. Is this Commission really necessary for the beautification of highways? Must we spend \$200,000 for that purpose?

Mr. KLUCZYNSKI. That is the purpose of the amendment, Mr. Gross. This matter has been kicked around, as the gentleman knows, for years. We finally decided to create a commission which will report back to the Public Works Committee of the House and the Senate within a year, and then the Commission will die 6 months later. We will not keep them on the payroll; we will not put up buildings for them. The Commission will die 6 months after their report is made.

Mr. GROSS. Will they be able to do some junketing on the \$200,000?

Mr. KLUCZYNSKI. I am afraid they will not be able to go to Italy or Poland or anywhere that far away on that kind of money; they will have to stay within the confines of the United States.

Mr. GROSS. I noted a couple of years ago that along the highway near the Twin Bridges and around that area Mrs. Johnson got a lot of flowers and some shrubbery planted, and then they came along with bulldozers and dug out most if not all of it. What about this highway beautification? Is the program to beautify one year and bulldoze it out the next?

Mr. KLUCZYNSKI. That has happened. I recall that a large power shovel traveled around at Mrs. Johnson's direction when the planting was done.

Mr. GROSS. The gentleman says that if we add the \$200,000, that will be the end of the Commission on Beautification; is that correct?

Mr. KLUCZYNSKI. Yes; and they are not going to spend the \$200,000. The Speaker of the House will appoint the Commission.

Mr. GROSS. I am glad the House has been given that kind of assurance in this instance. I hope the gentleman is right.

Mr. KLUCZYNSKI. I thank the gentleman.

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

The amendment was agreed to.

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

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. EDMONDSON, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 9667) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. McFALL. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

Mr. DELLENBACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 401, nays 12, not voting 20, as follows:

[Roll No. 190]  
YEAS—401

Abbt	Bingham	Casey, Tex.	Derwinski	Kastenmeier	Quillen
Abernethy	Blackburn	Cederberg	Devine	Kazen	Rallsback
Abourezk	Blanton	Celler	Dickinson	Keating	Randall
Abzug	Blatnik	Chamberlain	Dingell	Kee	Rangel
Adams	Boggs	Chappell	Dorn	Keith	Rees
Addabbo	Boland	Clancy	Dorn	Kemp	Reid, Ill.
Anderson,	Bolling	Clark	Dow	King	Reid, N.Y.
Calif.	Bow	Clausen,	Dowdy	Kluczyński	Reuss
	Brademas	Don H.	Downing	Koch	Rhodes
Anderson, Ill.	Bray	Clawson, Del.	Drinan	Kuykendall	Roberts
	Brinkley	Cleveland	Dulski	Kyl	Robinson, Va.
Anderson, Tenn.	Brooks	Collins, Ill.	Duncan	Kyros	Robinson, N.Y.
	Broomfield	Collins, Tex.	du Pont	Landgrebe	Rodino
Andrews, Ala.	Brotzman	Conable	Dwyer	Landrum	Roe
	Brown, Mich.	Conte	Edmondson	Latta	Rogers
Annunzio	Brown, Ohio	Corman	Edwards, Ala.	Leggett	Roncalio
Archer	Broyhill, N.C.	Cotter	Edwards, Calif.	Lennon	Rooney, N.Y.
Arends	Broyhill, Va.	Coughlin	Elberg	Lent	Rooney, Pa.
Ashley	Burke, Fla.	Crane	Erlenborn	Link	Rosenthal
Aspin	Burke, Mass.	Culver	Esch	Lloyd	Rostenkowski
Aspinall	Burleson, Tex.	Daniel, Va.	Eshleman	Long, Md.	Roush
Badillo	Burlison, Mo.	Daniels, N.J.	Evans, Colo.	Lujan	Rousselot
Baker	Burton	Davis, Ga.	Evins, Tenn.	McClary	Roy
Baring	Byrne, Pa.	Davis, S.C.	Fasell	McCloskey	Roybal
Barrett	Byrnes, Wis.	Davis, Wis.	Findley	McClure	Runnels
Begich	Byron	de la Garza	Fish	McCollister	Ruppe
Belcher	Cabell	Delaney	Fisher	McCormack	Ruth
Bell	Caffery	Dellenback	Flood	McDade	Ryan
Bennett	Camp	Dellums	Flowers	McDonald,	St Germain
Bergland	Carney	Denholm	Flynt	Mich.	Sandman
Betts	Carter	Dennis	Foley	McEwen	Sarbanes
Bevill		Dent	Ford, Gerald R.	McFall	Satterfield
Blaggi			Ford,	McKay	Saylor
Biest			William D.	McKevitt	Scherle
			Forsythe	McKinney	Scheuer
			Fountain	McMillan	Schneebeil
			Fraser	Macdonald,	Schwengel
			Frelinghuysen	Mass.	Scott
			Frenzel	Madden	Sebelius
			Frey	Mahon	Seiberling
			Fulton, Pa.	Malliard	Shoup
			Fulton, Tenn.	Mann	Shriver
			Fuqua	Martin	Sikes
			Gallinanakis	Mathias, Calif.	Sisk
			Gallagher	Mathias, Ga.	Skubitz
			Garnatz	Matsunaga	Slack
			Gaydos	Mayne	Smith, Calif.
			Gettys	Mazzoli	Smith, Iowa
			Gialmo	Meeds	Smith, N.Y.
			Gibbons	Melcher	Snyder
			Goldwater	Metcalfe	Spence
			Gonzalez	Michel	Springer
			Goodling	Mikva	Stafford
			Grasso	Miller, Calif.	Staggers
			Gray	Miller, Ohio	Stanton,
			Green, Pa.	Mills, Ark.	J. William
			Griffin	Mills, Md.	Stanton,
			Griffiths	Minish	James V.
			Grover	Mink	Steed
			Gubser	Minshall	Steele
			Gude	Mizell	Steiger, Ariz.
			Hagan	Mollohan	Stephens
			Haley	Monagan	Stratton
			Halpern	Montgomery	Stubblefield
			Hamilton	Moorhead	Stuckey
			Hammer-	Morgan	Sullivan
			schmidt	Morse	Symington
			Hanley	Mosher	Talcott
			Hansen, Idaho	Moss	Taylor
			Harrington	Murphy, Ill.	Teague, Calif.
			Harsha	Murphy, N.Y.	Teague, Tex.
			Harvey	Myers	Terry
			Hastings	Natcher	Thompson, Ga.
			Hathaway	Nedzi	Thomson, Wis.
			Hawkins	Nelsen	Thone
			Hays	Nichols	Tierman
			Hébert	Nix	Udall
			Hechler, W. Va.	O'Beay	Ullman
			Heckler, Mass.	O'Hara	Vander Jagt
			Helstoski	O'Konski	Vanik
			Henderson	O'Neill	Veysey
			Hicks, Mass.	Passman	Vigorito
			Hicks, Wash.	Patman	Waggoner
			Hillis	Patten	Waldie
			Hogan	Pelly	Wampler
			Horton	Perkins	Ware
			Hosmer	Pettis	Watts
			Howard	Peyser	Whalen
			Hull	Pickle	Whalley
			Hungate	Pike	White
			Hunt	Pirnie	Whitehurst
			Hutchinson	Poage	Whitten
			Ichord	Podell	Widnall
			Jacobs	Poff	Wiggins
			Jarman	Preyer, N.C.	Williams
			Johnson, Calif.	Price, Ill.	Wilson, Bob
			Johnson, Pa.	Price, Tex.	Winn
			Jones, Ala.	Pryor, Ark.	Wolff
			Jones, N.C.	Pucinski	Wright
			Jones, Tenn.	Purcell	Wyatt
			Karth	Qule	Wydler



Wylie	Yatron	Zablocki
Wyman	Young, Fla.	Zion
Yates	Young, Tex.	Zwach

## NAYS—12

Ashbrook	Gross	Rarick
Clay	Hall	Schmitz
Conyers	Jonas	Steiger, Wis.
Diggs	Mitchell	Stokes

## NOT VOTING—20

Alexander	Green, Ore.	Powell
Brasco	Hanna	Riegle
Chisholm	Hansen, Wash.	Shipley
Collier	Hollfield	Thompson, N.J.
Danielson	Long, La.	Van Deerlin
Donohue	McCulloch	Wilson
Edwards, La.	Pepper	Charles H.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Donohue with Mr. Collier.  
 Mr. Brasco with Mr. Riegle.  
 Mr. Alexander with Mr. Powell.  
 Mr. Charles H. Wilson with Mr. Shipley.  
 Mr. Hanna with Mr. Edwards of Louisiana.  
 Mr. Van Deerlin with Mr. Long of Louisiana.  
 Mr. Thompson of New Jersey with Mrs. Green of Oregon.  
 Mr. Hollfield with Mr. Pepper.  
 Mrs. Chisholm with Mr. Danielson.

Mr. COLLINS of Illinois changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 9667, making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and to include extraneous material.

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

There was no objection.

#### FIRST ANNUAL REPORT ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

*To the Congress of the United States:*

I transmit herewith the First Annual Report on Hazardous Materials Control as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91-458. This report has been prepared in accordance with Section 302 of the Act, and covers the period from the date of enactment, October 16, through December 31, 1970.

RICHARD NIXON.

THE WHITE HOUSE, July 14, 1971.

#### SPEAKER CARL ALBERT NEEDS NO DEFENSE

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

Mr. WAGGONER. Mr. Speaker, last Monday, the readers of the Washington Evening Star were once again subjected to the type of outrageous and vitriolic column which has become the hallmark of Mr. Milton Viorst. Mr. Viorst is a left-wing dogmatist who regards those who do not agree with him at all times on all subjects as sinister, benighted, or both. The nominal object of Mr. Viorst's rantings in this case is our distinguished Speaker, Hon. CARL ALBERT. Mr. Viorst laboriously scrounges up a few quotations and charges, all from anonymous sources, as to the Speaker's alleged deficiencies as a leader.

In reality, however, the Speaker is merely the symbol, the hated symbol of the middle political way, that broad spectrum to which the overwhelming majority of the American electorate belongs and to which their most creative and successful public officials have always adhered.

Ideologues of the left and right, alike, as well as certain academic theoreticians, would pour American politics into the same preordained European model of rigid class parties. They are doomed to failure. The United States of America is a Nation continental in size, pluralistic in ethnic and social makeup. It is thus far too diverse to function politically through rigid ideological parties—be they labeled conservative, liberal, reactionary, or radical.

Our political parties, and the men who sit on both sides of the aisle of this House attest to this, are amalgams representative of diverse points of view. One of the chief, if not the chief, functions of a party leader under such circumstances, therefore, is to wield his political followers into an effective functioning governing unit. In so doing, he serves not merely the interests of his party, but that of the Nation as well.

By any reasonable test the present occupant of the chair, Hon. CARL ALBERT, must be accorded high honors in the attainment of this objective. During the past 6 months under his leadership, the House of Representatives has passed a body of legislation notable both for its quantity and quality. As a Democrat, I am proud to salute him as the leader of my party in the House; as an American, I am deeply gratified that the American political process has raised this truly great political pragmatist to the second highest office in the Nation.

#### KANSAS GOVERNOR OBJECTS TO AEC SITE ACQUISITION FOR PROJECT AT LYONS, KANS.

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

Mr. ROY. Mr. Speaker, on Thursday, July 15, the House will consider H.R. 9388, authorizing appropriations for the Atomic Energy Commission.

Representative JOE SKUBITZ of Kansas will move to strike Project 72-3-b, authorizing \$3.5 million for acquisition of lands to establish a radioactive waste repository at Lyons, Kans.

The Atomic Energy Commission has persisted in seeking authorization and funding for site acquisition for this project despite the repeated and very strong objections of the Governor of Kansas, Robert Docking, the Kansas scientific community, and many other Kansas citizens. Governor Docking has stated that he will use every means available to him, including legal action, to block site acquisition until safety studies recommended by the Kansas Geological Survey are completed. All scientists and engineers external to the Atomic Energy Commission and Oak Ridge National Laboratory who have reviewed the project concur with the views of the Kansas Geological Survey that further scientific tests are needed to determine safety.

The position of Governor Docking and the Kansas scientists is simply that funds should not be authorized for site acquisition until the studies are completed and safety assured.

It would be inappropriate for the House to approve this authorization in view of the Governor's strong objections and the concern expressed by many Kansas citizens regarding the safety of the project.

I urge you to be present on the floor of the House Thursday afternoon, July 15, and to support the amendment which will be offered by Representative JOE SKUBITZ to strike Project 72-3-b from H.R. 9388.

The following letter from Governor Docking contains the serious questions which have not been answered to our satisfaction:

STATE OF KANSAS,  
 OFFICE OF THE GOVERNOR,  
 Topeka, Kans., July 7, 1971.

Mr. JOHN A. ERLEWINE,  
 Assistant General Manager for Operations,  
 U.S. Atomic Energy Commission, Wash-  
 ington, D.C.

DEAR MR. ERLEWINE: Thank you for your letter of June 4 and the accompanying final environmental statement of the Atomic Energy Commission on the proposed radioactive waste repository at Lyons, Kansas.

Due to the technical nature of the final statement, I asked Dr. William W. Hambleton, director, Kansas Geological Survey, University of Kansas, to review the statement and give me his opinions. Dr. Hambleton's response follows:

"I am responding to your request for an evaluation of the June, 1971 Environmental Statement issued by the Atomic Energy Commission with respect to the Radioactive Waste Repository at Lyons, Kansas.

"Detailed evaluation of the new Environmental Statement is virtually impossible, for the document is very large. However, some general observations can be made.

"I do not believe that the new Environmental Statement conforms to the letter and the spirit of the National Environmental Policy Act of 1969. It does not respond to specific comments and criticisms, which often are

met with the response that these comments and criticisms call for information and answers which cannot be included in an Environmental Statement. Seemingly, the document is designed to convince the reader that all problems will be addressed (1) during the design and development phase of the project, or (2) will be treated in a Design and Safety Analysis, or (3) will be verified during the demonstrational phase of the facility operation.

"If this Environmental Statement is to serve as a model for other environmental statements, every agency will request approval with respect to environmental impact on the basis of preliminary conceptual plans, explaining that all problems will be solved during a design or demonstration phase of the project, wherein all adverse environmental consequences will be eliminated. In effect, environmental statements will be no more than expressions of faith and requests for trust.

"Contrary to the benign expressions of the Atomic Energy Commission, I do not agree that investigation of the environmental impact of this project must be investigated during the design and demonstrational phase at the storage site. Most of the work requires intensive laboratory investigation that should provide a sound basis for on-site demonstration.

"The Environmental Statement does not provide adequate documentation regarding the safety of the site. For the most part, the bibliography omits reports that are critical, and the reports cited in the bibliography do not provide sufficient data so that results can be duplicated by other scientists. Most information is shown in graph form.

"The entire tone of the document suggests that the Atomic Energy Commission is interested only in confirming prior conclusions. In Oak Ridge National Laboratory Report 71-3-43, the observation is made that concerns of the Kansas Geological Survey are 'based solely on analysis of preliminary, incomplete and unconfirmed hydrological data.' With respect to concern about the possibility of salt intrusion, it is noted that further study would be expected to more clearly demonstrate the impossibility of thermally induced diapering at the site. A similar kind of 'scientific' attitude pervades the Environmental Statement. Quotations from National Academy of Science committees reveal only those parts of reports which support prior conclusions by the Atomic Energy Commission. The constraints and warnings in these reports are ignored entirely.

"The Statement continues to recite the results of studies which admittedly are based upon overly simplified models. For example, on page 3, we note that decay of radioisotopes is expected to cause a maximum temperature rise of less than 1° F. at the surface of the site approximately 800 years after waste burial. A temperature rise of only 14° F. is expected in aquifers 100 feet below the surface, and 32° F. in another minor aquifer at the depth of 285 feet after 800 years. We read that a surface depression amounting to only 4 feet will be experienced due to subsidence effects. None of these values have been verified, and are based upon constant rock properties that actually are temperature dependent. No coupled thermal-mechanical model has yet been constructed.

"On page 16, with respect to alpha wastes, the statement is made the 'stringent administrative procedures will be implemented to assure that these criteria will be satisfied.' No procedures are elucidated in the Environmental Statement.

"On page 35, comment is made that 'preliminary site studies of subsurface geology reveal no structural or stratigraphic conditions which would suggest the site is un-

satisfactory for this purpose.' This statement simply is not true; faults and hydrologic conditions may cause the site to be completely unsatisfactory.

"On page 39, a statement is made that 'studies of surface hydrology are presently underway to confirm isolation of the salt bed from overlying aquifers.' This statement, similar in content to many other statements, implies that the Atomic Energy Commission is interested only in confirming prior conclusions.

"The section on ecology is completely inadequate.

"In the major section on potential impact on existing environment beginning on page 46, an attempt is again made to convey the impression that problems are completely understood. The verb 'will' is used extensively throughout this section to refer to temperatures and heat flux. Although the admission appears that these temperature projections have been based upon a two-dimensional, heat-flow model using literature values of thermal properties of the major geological units present at the site due to lack of actual stratigraphic or thermal property data, the unusual conclusion is reached that preliminary runs using three-dimensional code do not suggest that the calculations will be significantly different from previous estimates. This statement is patently false. All that has been demonstrated is that the capability for a three-dimensional analysis exists. Geophysical impact conclusions again are based upon a simplified model using constant rock properties. A coupled thermal-mechanical model has not been constructed.

"On page 64, the Environmental Statement attempts to demonstrate that stored energy from radiation damage will be minimal, and reference is made to studies by Kobayashi and Bunch and Pearlstein. These literature citations are inappropriate because studies by Kobayashi were concerned with 60 MEV particles, which have sufficient energy to penetrate the salt completely. The work of Bunch and Pearlstein was concerned with F-centers, which relate to electron displacements, which result in much higher stored energy.

"On page 73, the description of the repository assures us that the facilities will be designed to insure confinement capability and radiation safety following exposure to credible internal and external forces (including flood, tornadoes and earthquakes). We are given no clue as to the design criteria for such facilities.

"On page 77, we are assured that safety systems will be described in the facility conceptual design and safety report. The character of such safety systems is not mentioned. We are told that an on-site monitoring program will be carried out by the operating contractor. It will be his responsibility to assure all operations within the facility are performing in accordance with accepted radiation protection standards. Unfortunately, we learn that the details of this program will be developed.

"On page 81, we are assured the retrieval system concepts will be developed. And on page 85, we are asked to have faith that no impact on the ecology is anticipated.

"Critical comments with respect to transportation are met with the response that roadbeds and tracks are beyond the scope of an environmental statement. Handling procedures will be described in a conceptual design and safety report. Pertinent calculational techniques and operational procedures will be verified by in situ measurements with respect to retrievability during the period of demonstration. No intended or anticipated environmental monitoring programs are outlined, intimated or suggested. No analysis is presented and no procedures are outlined for

coping with accidents during transportation or handling of wastes."

The final statement as prepared by the Atomic Energy Commission offers no scientific proof of the safety of the proposed Lyons project. It offers only pledges to have faith in the AEC. Our experiences with the officials of the AEC in the past few months have given us ample reasons not to have faith in the AEC.

You are ignoring the wishes of a great many Kansans when you propose—as you do in this final statement—to continue to press for construction of the repository without first conducting further tests. Your final statement, which leaves many, many questions unanswered, only reassures me that my position regarding the Lyons project is the right one: that instead of continuing with plans to build the repository, the AEC should instead defer requests for federal funds to purchase land and construct the repository until scientific tests can be completed and the safety of the project can be determined to the satisfaction of the citizens of Kansas, scientists and elected officials.

Yours sincerely,  
ROBERT DOCKING,  
Governor of Kansas.

#### JAIL FOR RECEIVING STOLEN PROPERTY

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

Mr. PUCINSKI. Mr. Speaker, it is becoming abundantly clear that someone at the New York Times, the Washington Post, and the Boston Globe may go to jail for receiving stolen property.

The Supreme Court in its 6-to-3 decision upheld the constitutional right guaranteed under the first amendment for newspapers to publish the Pentagon papers.

But the Supreme Court decision does not provide any protection against a criminal charge of receiving stolen property.

The Columbia Journalism Review in its July 1971 issue reminds us that the Los Angeles Free Press, one of the first and most successful "underground" newspapers, was convicted last summer of "receiving stolen property," a criminal charge against its editors that carried a possible sentence of 1 to 10 years in jail.

The Columbia Journalism Review reports that in August 1969, the Free Press published an official roster of undercover California narcotics agents, complete with their ranks, home addresses, and telephone numbers.

According to the article:

The roster apparently received from a former mail clerk in the state Attorney General's office, was printed under the headline, "There Should Be No Secret Police."

A state law passed after the conviction made it a misdemeanor to disclose such information. Before that, publication of the roster could not have been held illegal under California law. There was a law covering receipt of stolen property, and it was under this that the jury, after six days of deliberation, convicted the defendants. The charge was violating a provision of the law customarily applied in cases involving "fences" for stolen goods.

The Free Press case is now under appeal but it is abundantly clear, Mr. Speaker, that the Free Press decision may very well help resolve the vexing dilemma between the rights of a free press under the first amendment and the responsibilities of a free press to uphold those laws not protected by the first amendment as any citizen would be expected to do.

The Supreme Court has made it very clear that we do not want any super-censors telling the press what it can or cannot publish.

But under the decision in California affecting the Los Angeles Free Press, obviously editors will have to be the judge as to whether or not they want to risk going to jail for receiving stolen property, if indeed such receipt of stolen property is concomitant with the publication of subsequent material.

#### A BILL TO END TV PROGRAM ABUSES

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

Mr. KEITH. Mr. Speaker, yesterday, I offered the successful motion to recommit to the Committee on Interstate and Foreign Commerce, the resolution to cite CBS President Dr. Frank Stanton for contempt of Congress in connection with the investigation which resulted from the television program, "The Selling of the Pentagon."

I was convinced that the problem with which we were dealing was the devious means and techniques employed by CBS in attempting to prove its point about the Department of Defense public affairs modus operandi.

I was convinced that, in producing and presenting "The Selling of the Pentagon," CBS not only used the full protection of press, it abused it.

Had we acted favorably upon that resolution, the case and all its ramifications would have been referred to the courts and the evidence might not have been sufficient to have won approval of the congressional citation. A better course of action, it appeared to me, was to proceed forthwith to enact legislation making illegal the abuses which we found to be practiced by CBS.

It is, after all, the right and the responsibility of the Congress to make laws and to regulate thereunder. In its wisdom, the Congress enacted the Federal Communications Act of 1934 and assigned the Federal Communications Commission as its agent in the administration of that act.

So, tomorrow, I am introducing a bill designed to restrain and hopefully end those practices which make possible the distortion of programs and the consequent misleading of radio and television audiences. Significantly, some of the bill's provisions have come, almost directly, from the new standards of news and public affairs conduct which CBS, itself, has prepared as appropriate guidelines.

When my legislation is enacted into

law, the public can be assured that enforcement of these guidelines will not be the option of high-ranking corporate executives competing for the highest possible audience ratings: it will be the law which must be obeyed. No longer will it be possible for them to stage incidents. No longer will they be able to sensationalize by audio-video trickery.

The prohibition of these tricks of the trade may make news and public affairs programming less entertaining, but it will produce a proportionate improvement in its integrity.

As a member of the Committee on Interstate and Foreign Commerce, and as ranking minority member of the Subcommittee on Communications and Power, I am tomorrow submitting legislation to accomplish these objectives. I ask my colleagues to join me in cosponsoring this bill and I ask for thorough, but prompt, consideration of this most serious effort in the interest of "the public's right to know."

#### CUSTOMS SEARCH WITHOUT REGARD TO PASSPORT

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

Mr. WYMAN. Mr. Speaker, last Friday U.S. Customs Agents in New York at Kennedy airport seized \$20,000,000 worth of pure heroin in the baggage of a man identified as the son of Panama's Ambassador to Taiwan. This person claimed diplomatic immunity from search but for some reason the passport he held was inadequate to support such a claim, and the resulting search produced 175 pounds of pure heroin.

What if he had held a diplomatic passport? No search. Enough dope to supply the needs of tens of thousands of addicts, and to infect thousands more, would have filtered into the country.

President Nixon has substantially increased the national effort to combat the drug menace. Attorney General Mitchell is directing a nationwide fight against drugs. But the ship of state leaks like a sieve when the baggage and possessions of persons holding diplomatic passports are free from search. In this situation it is virtually impossible to hold the line against increased illegal narcotic drugs.

Neither international custom, comity nor protocol, warrants continued failure to plug this shocking loophole in our defenses against heroin and its cousins. The more recently developed international custom of extending the privileges and immunities granted ambassadors to include the diplomat's personal and official family must yield to the protection and welfare of our people, especially our young people.

I am introducing legislation today to provide that the baggage and other possessions of all visitors to the United States shall be subject to inspection by U.S. Customs without regard to the type of passport held by such visitor. The only exception provided in my bill is for the

sealed diplomatic pouch and the person of individuals granted the rank of ambassador.

I urge the prompt passage of this legislation to prevent abuses of the privileges of diplomatic immunity and to meaningfully help prevent the growing flood of drugs coming into the United States.

#### RESOLUTION OF THE MAINE LEGISLATURE ON PRISONERS OF WAR

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

Mr. HATHAWAY. Mr. Speaker, the Vietnam war has been long and discouraging. Both the American and Vietnamese people have agonized over the struggle, its origins, its conduct, and its consequences. One concern which has been shared by Americans of all ideological persuasions is the concern over the fate of prisoners of war and those missing in action. As it appears we are approaching a very critical stage in the peacemaking efforts in Paris, I think it is particularly important to focus our attention on this very humane aspect of the war.

It has been 7 years and 110 days since the first American prisoner of war in Southeast Asia was taken. Since that time, there have been numerous public outcries and indications of sympathy for the POW's/MIA's and their families.

Recently the Maine Legislature expressed its concern by approving a joint resolution memorializing Congress in respect to prisoners of the Vietnam war. The resolution called for the release of names, addresses, and the state of health of every American captive; called for allowing the Red Cross to monitor the prisoner camps and help minister to the needs of the captives; and calling for observance of the Geneva Convention regarding shipments of mail, food, clothing and so forth.

Mr. Speaker, I would like at this point in the Record to insert the transcript of the joint resolution approved by the Maine State Legislature:

#### STATE OF MAINE JOINT RESOLUTION MEMORIALIZING CONGRESS IN RESPECT TO PRISONERS OF THE VIETNAM WAR

We, your Memorialists, the Senate and House of Representatives of the State of Maine assembled in the regular session of the One Hundred and Fifth Maine Legislature, do respectfully represent that:

Whereas, the Governments of the United States and North Vietnam are parties to the Geneva Convention; and

Whereas, it is the intent of the Geneva Convention that the high contracting parties to the convention insure the proper and humanitarian treatment of prisoners; and

Whereas, the Government of North Vietnam has not conformed its actions to the terms of the Geneva Convention and has shown a blatant disregard for the feelings of the families of prisoners held; now, therefore, be it

Resolved: That we, your Memorialists,

speaking for and on behalf of the people of the State of Maine, recommend and urge that the Congress of the United States take all possible steps to gain the release of names, addresses and state of health of every captive American; repatriate or remove to a neutral country all sick and wounded prisoners; permit the International Red Cross or some other humanitarian organization to monitor the prison camps and help minister to the needs of the captives; and abide by the Geneva Convention, which they have signed, in the sending and receiving of prisoner mail, including shipments of food, clothing, medical supplies and educational and recreational materials and to bring the weight of world public opinion to bear on the Government of North Vietnam to require them to live up to the terms of the Geneva Convention which our government has signed in good faith and with which we are conforming; and be it further.

Resolved: That copies of this resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the members of said Senate and House of Representatives from this State; and be it further.

Resolved: That the Maine Legislature also express, on behalf of the people of Maine, our sympathy, moral support and great respect for the unflinching courage of our Americans who are prisoners of war or missing in action and their patient and courageous families.

This resolution is typical of the concern shown for these men by citizens across the country. All Americans are anxiously awaiting news of the fate of the POW's/MIA's. Some of these men have been in the hands of the North Vietnamese for three-quarters of a decade. The release of these loyal men should be a top priority as we wind down the war and move closer to meaningful negotiations.

#### TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. 1970 was the first billion dollar year of loans in the rural housing program. More than 94,000 families of low- and moderate-income received \$1.06 billion in loans to build, buy, or improve their homes. This almost doubled the \$544 million advanced by the Department in 1969.

#### VETO OF ACCELERATED PUBLIC WORKS BILL

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, thousands of jobless workers and hundreds of local governments will not receive public works funds, now that the Senate has voted to

uphold the Presidential veto of the accelerated public works bill.

I regret the Senate's action.

The accelerated public works proposal was an important measure to combat serious unemployment and to provide needed public facilities across the Nation.

The legislation, if approved, would have provided the American public a sense of hope and purpose for an economy that needs both.

Today, this Nation is caught in the grips of inflation and recession.

Today, the United States has some 5.2 million jobless workers.

Today, our country has 160,000 workers who exhaust their unemployment benefits each month.

Today, America spends nearly \$9 billion each year for welfare.

Though temporary in nature, title I of the accelerated public works bill was not an artificial \$2 billion spending proposal to create make-work jobs and fund ill-justified public projects.

Just the opposite was true.

The act would have authorized an estimated 170,000 jobs for skilled and professional workers almost immediately, and would have put an estimated 250,000 more jobless to work in secondary jobs.

The projects this bill would have authorized would not have been hastily pasted together, but rather would have been sound facilities which long have been sought by local governments—after long hours of studying and planning—only to have their efforts curtailed due to lack of funds.

I would also like to emphasize that the projects were to benefit localities and would not be of a large scale nature such as dams and other such gigantic facilities. The bill would have pumped funds for municipal and county projects such as water treatment plants; badly needed public buildings, and other local projects.

Gentlemen, the APW portion of the bill—like its provisions for Appalachia development—would have provided a sound investment in America; with immediate humanitarian returns, plus long-range returns in better services and facilities for many of our citizens.

Though I regret the APW bill has not become law, we must still continue to think creatively and act positively and resolutely to solve our Nation's dire economic problems.

#### FAVORING A FEDERAL WORKMEN'S COMPENSATION LAW

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, workmen's compensation was the first form of social insurance widely accepted in the United States. In 1908, the Federal Government led the way with legislation providing workmen's compensation payments for Federal civilian employees injured on the job. Following the Federal lead, the States adopted programs so that today we have 54 individual workmen's compensation programs in opera-

tion in 54 different jurisdictions. All but three of these programs operate without any Federal control or direction; three of the programs are Federal and cover Federal employees, employees of the District of Columbia and longshoremen and harbor workers.

While the individual State programs were a great innovation in their time, they have failed to keep up with changing conditions in the United States and the needs of the people. The existing programs have created a great deal of litigation, confusion, and dissatisfaction.

Over the years, there have been a number of attempts to create some sort of unity out of this hodge-podge of State and Federal programs. For example, in the early 1960's, a committee under the sponsorship of the Council of State Governments spent about 4 years drafting a model law which, if adopted by all of the States, would have produced a degree of uniformity.

I am firmly convinced it is time that we had a Federal workmen's compensation law rather than many differing State laws. The Rhode Island General Assembly has passed a resolution, recently signed by Governor Licht, recommending that the Congress enact such a law. A Federal workmen's compensation program deserves urgent consideration by this Congress.

For the benefit of my colleagues, I cite here the text of the resolution passed by the Rhode Island General Assembly:

#### RESOLUTION

A resolution memorializing the Congress of the United States to enact legislation establishing a federal workmen's compensation law.

Whereas, Dissatisfaction with the adequacy and administration of state Workmen's Compensation laws is becoming widespread; and

Whereas, An attempt was made in the 90th Congress to establish a National Commission on State Workmen's Compensation Laws which would undertake a comprehensive study and evaluation of state workmen's compensation laws and "methods of implementing the recommendations of the Commission"; and

Whereas, There are possibilities of the introduction of a bill setting minimum standards for all state workmen's compensation laws. One provision of which would be complete coverage of all occupations and employments, eliminating present exemptions based on the nature of the employer's business or the number of employees; now therefore be it

Resolved, That the Congress of the United States be memorialized to enact legislation establishing a Federal Workmen's Compensation Law; and be it further

Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the Congress of the United States in the hope that they will use every effort to further the passage of a Federal Workmen's Compensation Law.

#### THE SHARPSTOWN FOLLIES—XIV

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, Sharpstown State Bank was one of a very few banks in the country that gave the Federal Deposit Insurance Corporation any cause for concern. And what gave rise to that concern was the tendency of Sharp and his associates to use the bank for self-dealing loans. As a matter of fact, Sharp systematically looted not only the Sharpstown State Bank, but every other institution that he could lay his hands on.

Typical of these deals was one that took place in June 1968, when Sharp's bank loaned \$3 million to Sharp's son-in-law to buy an insurance company, Olympic Life. This was about the same time that Sharp himself acquired National Bankers Life Insurance Co., a deal that was set up by Sharp's lawyer and general counsel for Sharpstown State Bank, Will Wilson, who is now Assistant Attorney General of the United States. In the fall of 1969, the companies were supposed to have merged, and an announcement to that effect was made—but the merger never took place.

Just as with the bank, Sharp used his insurance company as a source of ready cash.

For example, in October 1968, Sharp needed some cash for his Sharpstown Realty Co. Naturally, he used his insurance company to provide the money. Sharpstown Realty, pledging 150,000 shares of Sharpstown State bank stock, got a loan of \$2 million from National Bankers Life. This was an insider's inside deal—Sharp's realty company pledging Sharp's bank stock to secure a loan from Sharp's insurance company. At the time this took place, Will Wilson was general counsel for all three.

This was no isolated deal. Indeed, as soon as Sharp gained control of the insurance company and installed Wilson as its general counsel, he began arranging these self-dealing loans. In July 1968, the very same month Sharp took the company over and Wilson became its general counsel, National Bankers Life made a loan of \$1,200,000 to Sandpiper Corp. The collateral was 50,000 shares of Sharpstown State Bank stock. Of course, Sandpiper was owned by Sharp, the insurance company was owned by Sharp, and so was the bank.

You might think that the general counsel for Sharpstown State Bank would ask questions about self-dealing loans, since after all the Federal Deposit Insurance Corporation had been making unhappy comments about the situation, and since he was a former State banking commission member and knew how banks get looted. Apparently this did not happen.

You might think that the general counsel of the National Bankers Life Insurance Co. would be concerned about self-dealing loans. After all, that same general counsel had been attorney general of Texas. He had seen at firsthand how insurance companies in Texas had been looted, and how thousands of investors had been bilked of millions by such notorious operators as Ben Jack Cage,

who now is a happy resident of Brazil, safe from the reach of extradition. So the general counsel of National Bankers Life should have been concerned when he learned that the first thing Frank Sharp did was to start borrowing millions of dollars from his newly acquired insurance company to use for his other enterprises, secured by stocks of still other Sharp enterprises. The general counsel knew of these events, he knew the law—he had been the State's chief law enforcement officer—and he knew what might finally happen to the company as a result of these deals. But he did nothing.

And so, in the end, Mr. Sharp's pyramid collapsed. Will Wilson should have been able to see it coming. He knew, or should have known, as a former State banking commission member, how operators like Sharp would loot banks and cause their failure. He knew from the FDIC's strong concern about the Sharpstown State Bank's odd dealings that disaster might be the result. But rather than stop these events or advise against them, Wilson actually facilitated them by bringing into his law firm a good realty man, Joe Ridings, whose main job seems to have been to help Sharp and his pals set up grand real estate schemes, using the bank's resources to pay for them. The better to work, Ridings had his office right in the bank and was on the bank's payroll.

And so the Sharpstown State Bank went along its merry way to ruin. So did the National Bankers Life Insurance Co., and Olympic Life, and who knows how many others. Will Wilson knew what was going on. He knew the kind of people he was dealing with. It is inconceivable that a man who had been attorney general of Texas, who had been a State banking commissioner, and who had dealt with hundreds of crooks like Sharp, could not recognize what Sharp was doing under his very eyes and legal guidance.

Wilson knows much about Sharp, and he knew much about Sharp's fantastic schemes. Who knows how deeply Wilson himself was involved? We may never know, for, incredible as it may seem, Sharp, who was once Wilson's benefactor, has been freed from any further criminal liability, having received a fabulous bargain from Will Wilson's boss and subordinates in the Justice Department.

#### CBS VERSUS THE AMERICAN PEOPLE

(Mr. WAGGONER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONER. Mr. Speaker, CBS might have fooled some people with its false claim that to comply with the committee's subpoena would be a violation of its rights guaranteed by the Constitution.

I was particularly pleased to learn, however, that one of those persons not

misled in this instance was the Chairman of the Democratic State Central Committee of Louisiana, Mr. Arthur Watson. Mr. Watson has rightly discerned if anyone's rights have been violated it has been those of the American people, who have had the truth denied them.

Mr. Speaker, the constitutional safeguards of the freedoms of the press and of speech were to insure the American people that the Federal Government could never withhold from them the truth. Now, instead of the Government's abuse in this connection, we find CBS as the real violator of the people's rights.

I call to the attention of my colleagues a newsclipping from the Shreveport Journal for July 10 which shows where the Chairman of the Democratic State Central Committee of Louisiana stands in this matter:

#### STATE DEMOCRATIC LEADER HITS CBS REPORTING

NATCHITOCHEs.—The Chairman of the Democratic State Central Committee of Louisiana says he is "personally 100 per cent" behind the move of Rep. Harley Staggers to cite the president of CBS for contempt of Congress.

Arthur Watson, in a letter to Staggers, says "CBS has for years disregarded all rules of fair play in its reporting and television broadcasts" citing the documentary "The Selling of the Pentagon" as a "horrible example" of this.

Watson states that CBS "takes excerpts without permission . . . out of context . . . and changes the wording around to suit themselves . . . that they used what they claimed are direct quotations from various Defense officials which have been doctored and retaped to suit their devious purposes."

"Frankly, I think that somebody ought to go to jail and I personally hope that it is Frank Stanton," says Watson.

The Watson-to-Staggers letter states: "Sometimes I think friends of the Soviet Union and Communism have infiltrated into the networks so that it is impossible to obtain fair and impartial reporting anymore."

Watson continued, "My country may have made mistakes in its foreign policy and in its domestic policy in years gone by, and it may be making mistakes today in some of its foreign policies. However, the United States of America has never taken any territory from a conquered enemy that we have not given back to them . . . we have never tried to impose our rule on conquered territories. We are an unselfish nation. We are naive and trusting, which I suppose are good traits in our moral character. It is a bad trait for international diplomacy in the present atmosphere of double dealing, lies and power plays."

The letter further states, "It may be all right to criticize the Department of Defense, which has a hard enough job. However, there is no excuse for lying about it or deliberately trying to mislead the American people as to what some Defense Department official has said or is doing."

Watson exclaimed "I personally think it is their (TV networks) duty to uphold the dignity of our country, to back our integrity and to stimulate patriotism. Instead of this, it seems to be the whole purpose of all the networks, and CBS in particular, to tear down everything that is good in this nation of ours, to criticize it, to hold our country up to ridicule in the world of the nations, to tell half truths about public officials, cast

innuendos, and to disparage the United States in every way possible."

"Just once," says Watson, "I would like to see a TV commentary which praised the Army or the Navy or our America, or even any part of it."

The Democratic official stated, "It seems to me that CBS, and to a lesser extent NBC and ABC, are trying to tear down our America as we know it."

#### DISCRIMINATION—FEDERAL STYLE IN REVENUE SHARING

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, George W. Healy, Jr., vice-president and editor of the Times-Picayune in New Orleans, La., has been tireless in his efforts to bring to the attention of the American people and the several States the question of discrimination on the part of the Federal Government in refusing to share with the 30 coastal States revenues derived from the use of offshore lands.

In 1970 the Federal Government returned to 26 States some \$55,000,000 in funds collected from the use of Federal lands within those States, yet not \$1 was returned to the 30 coastal States for Federal revenues derived from the use of offshore lands.

In the case of Louisiana, for example, more than \$237,000,000 was collected in 1970 in continuing and increasing revenues from offshore lands without 1 cent being returned to the State.

Talk about discrimination.

The Times-Picayune editorial for July 9 entitled "Discrimination—Federal Style, in Revenue Sharing" follow my remarks:

#### DISCRIMINATION—FEDERAL STYLE, IN REVENUE SHARING

Federal lands in Wyoming in 1970 produced \$50,112,711.23.

The federal government kept \$31,320,444.42 of these revenues and returned \$18,792,266.71 to the State of Wyoming.

Federal lands off the shores of Louisiana in 1970 produced more than \$237,000,000 in continuing and increasing revenues.

The federal government kept all these revenues, returning nothing to the State of Louisiana.

The return to Wyoming of 37½ per cent of revenues produced from federal lands there, in our opinion, was just. On the other hand, the failure of the federal government to return any part of the revenues it received from federal lands off Louisiana's coast to Louisiana seems to us rank discrimination, patently unjust.

Wyoming deserved every cent that it received from the federal lands revenues. These revenues could not have been produced if that state had not provided hundreds of expensive services for men and women who worked to obtain production. It provided them and their families roads, education, police and fire protection, health and recreational services and hundreds of other governmental necessities.

Why did Louisiana receive nothing from the offshore federal lands? It provided the same expensive services that were provided by Wyoming, perhaps even more, for the thousands of workers who man drilling rigs and oil platforms, crew boats and pipelines

and who do countless other things that are necessary to make the offshore federal lands productive.

A much needed act of Congress, approved by the President, could end this inequity. Such legislation has been introduced in the House of Representatives.

New law should treat federal lands off the shores of the 30 coastal states just as existing law treats federal lands within 26 states. All these states, except Alaska, receive a 37½ per cent share of revenues from oil, gas, sulphur, coal, potash, salt and phosphate produced from federal lands or from former public domain lands to which the central government retained mineral rights.

Alaska, with a population of 297,607—compared with Louisiana's 3,564,310—received \$8,652,976.12 as its share of federal lands revenues in 1970. When it became a state Alaska sought and got 90 per cent of the revenues from federal lands in that 49th state. When a transportation controversy is settled, the value of Alaskan oil production will be astronomical, and Alaska's share of federal lands revenues will skyrocket. For the moment, ecologists are delaying production as they debate whether Alaskan oil should be delivered to market by pipeline or by tankers.

Already production of oil, gas and other minerals from the Outer Continental Shelf represents 10 per cent of the total national production. The offshore production is growing, and the Nixon administration has established as national policy acceleration of minerals production from the Gulf of Mexico, the Atlantic and Pacific Oceans and the Bay of Alaska. Knowledgeable oil men predict probability of production from the Great Lakes.

Unless the federal government stops treating coastal states like stepchildren, however, the Nixon Administration may find it difficult to carry through this national policy.

The attorney general of Florida already has raised a warning sign. He has sued the Department of the Interior to prevent drilling for oil and gas in what that department claims as federal lands off the Florida coast. Under existing law, Florida has much to lose and nothing to gain by permitting exploration for and production of minerals off its shores. This exploration and production will add to the expenses of the state without compensating the state for the burden of providing additional governmental services.

Only one member of the Congress, Sen. William Proxmire, Dem., Wis., has written this newspaper that he disagree with its position regarding the need for sharing of revenues from all federal lands, inshore and offshore.

"All the people," the distinguished senator insists, own the federal lands off the shores of Washington, of California, of Texas, of Louisiana, of Florida, of Massachusetts, of Maine, and of other coastal lands.

"All the people," we remind him, own also the federal lands in Wyoming, in New Mexico, and in Utah, but "all the people" don't make the same contribution to the productivity of those lands that is made by people of Wyoming, New Mexico and Utah. In recognition of their contributions Wyoming in 1970 shared \$18,792,266.71, New Mexico, \$12,964,835.88 and Utah, \$3,409,833.03.

The members of Congress who oppose discrimination and seek equity should move quickly to achieve justice for the coastal states.

#### CHAPTER XII—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(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, this is the 12th in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657 as amended is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 30, 1972, has at this time 86 cosponsors in the House and 17 in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the RECORD descriptions of six children and youth programs.

The material follows:

#### CHILDREN AND YOUTH PROJECT NO. 633—HELENA, MONT.

The basic philosophy underlying this Project is the provision of comprehensive health services—medical, dental and paramedical, for children and youth in the city-county area. (Paramedical services are public health nursing, psychological testing and counselling, hearing screening and speech therapy, social work, and nutrition). All of the diagnostic services of our clinics are available to the children of any resident family in the age group stated. The treatment for problems diagnosed during clinic examination is provided in the offices of private physicians and dentists. Such treatment is paid for by the project if, after a thorough investigation, the family is considered to be medically indigent.

Unlike most Children and Youth Projects, this one was established in an area—indeed in a whole state—in which there are no medical schools, no medical or dental clinics available for families with low income. Several of the services offered by the project were not elsewhere available, at any price, to most of the people in the state. Only one school district in this county had psychometric testing available. Adequate speech therapy was unavailable to most children who needed it, without travelling long distances, and at great expense. Many school-age children on the project had never been to a dentist, almost never to a physician. Most services for pre-school children in the county were non-existent, except such nursing services as could be furnished by three Public Health Nurses for the whole county, of 3600 square miles.

Because the project includes the entire county, and because the number of people served is a significant part of the whole population, the Children and Youth philosophy of comprehensive health care has had a great impact upon the community as a whole, especially among the 350 families of landless Indians in the county. Without the Children and Youth Project, many of these parents would not understand the health needs of their children and thus would not seek out the necessary medical care.

Indirectly, through attending many meetings and cooperating with many other agencies, Children and Youth staff have contributed to the improvement of various situations in the community. Most people in the county have been completely unaware of the problems of low-income families, and unconcerned. For example, in Helena no hot lunches were being served in the older schools, in low-income areas, where they were needed most, until the Children and Youth nutritionist helped to make the agencies involved aware of the situation. Again, psychological testing of children with learning disabilities who are registered with the project has been one factor in creating awareness of this particular problem, and hence contributing to the establishment of a center in the Helena school system for the diagnosis and treatment of this very common type of difficulty. Previously, one such center had existed in the state, and its services were prohibitively expensive for most families.

If this project should end, this group of 1100 children would undoubtedly cease to receive preventive medical and dental care, especially in the light of rising medical fees, since their care would have to be provided entirely by private physicians and dentists. Parents would no longer be brought to an awareness of their children's needs, long ignored. Public Health Nursing would again be limited to what three nurses could accomplish, outside of the Helena school system, instead of being available to all families in the county. And there are so many demands for funds available for public projects that it is doubtful any would be apportioned to services for the particular group of needy families served by this project.

CHILDREN AND YOUTH PROJECT No. 618—  
PHILADELPHIA, PA.

The Jefferson Children & Youth Program is located in an area of great medical and social need in the center city ghetto area of Philadelphia. We are currently serving about 3,600 children and supplying these children and their families a complete range of medical, nursing, social work and psychiatric services. We offer only partial dental coverage but are also involved in many community self-help activities. In addition to the direct service offered to the children and their families, the program is a focal point for developing community ideas about health matters and other services which are required. If the program were to be withdrawn precipitously and before plans could really be worked out to incorporate what has been learned in the program into a planned network of health maintenance organizations throughout the South Philadelphia area, the children and their families would not only lose the medical treatment of acute and chronic medical problems, but would also lose a major support to the quality of child care and family organization. In addition, a whole range of services such as day care activities, gang control activities, recreational activities, tutoring programs and other community development programs would all be placed in hazard.

In addition to this, the Children & Youth type of program being a rather broad family oriented agency serves an integrating function with a number of the more specialized activities so that the precipitous withdrawal of this program would also cut down on the utilization of other activities such as marital counseling done by other agencies.

We are actively planning for the conversion of the Children & Youth Program into a component of a broader health maintenance organization, but realistically this is a matter which will take a number of years to resolve constructively, and it would be most unfortunate if the expertise, experience and

staff which have been developed to meet the needs of children in this area were dissipated and had to be reconstructed completely.

CHILDREN AND YOUTH PROJECT No. 625—  
GREENSBORO, N.C.

In September 1966, the Guilford County Health Department was granted a special Children and Youth Project by the Children's Bureau to provide comprehensive health care for children of low-income families of Guilford County. The annual budget is made up of \$737,000 federal funds and approximately \$260,000 local funds. We are under the regional direction of Area IV, Atlanta, Georgia. The geographic area of our project consists of the entire Guilford County, 630 square miles and includes two cities, Greensboro with an estimated population of 144,076 and High Point with an estimated population of 63,204—the total county population being approximately 289,000. There are approximately 18,000 children in low-income families in Guilford County that fall in an age limit of 0-17 years of age. Our total registered enrollment at the present time is 11,194. This is a fluctuating number as we are constantly enrolling new patients and deleting those who have aged out or are uninterested in obtaining continuing care.

The provision of comprehensive care to these children, who would otherwise be unable to receive any but episodic care, has been our primary concern. This concept of care involves assessing the total health needs of each child, establishing a care plan for each and making referrals as needed to the various disciplines including physicians, psychologist, dentist, nurses, dieticians, and home economists, social workers, speech and hearing pathologist and therapists. We put most of our emphasis on the age group from birth to 7 years as these are the critical years in establishing good physical and mental health patterns. These children are followed at frequent intervals and assessed routinely by the various disciplines mentioned. The older age group are seen on a yearly basis or as their particular needs arise. In this group we see a large number of children referred from the school because of emotional or behavioral problem.

Our clinics are located in the Health Department site in Greensboro and High Point, at housing projects and county community centers. At the Health Department in Greensboro there are now 6 comprehensive day clinics per week, 4 acute illness day clinics per week and 2 comprehensive night clinics per month. In the High Point Health Department there are 2 comprehensive day clinics per week, 4 acute care and well baby clinics per week and 2 comprehensive night clinics per month. Weekly immunization and nurse evaluation clinics are held at 5 housing projects and 8 county locations. Physicians have been assigned to attend 7 of these on a monthly or bi-monthly basis.

Comprehensive services are in the process of being added to these areas with the availability of simple lab tests at the clinic sites. Patients requiring additional work-up and service are then referred to the Health Department for dental care, speech and hearing evaluation and treatment, nutrition and social service care and more elaborate diagnostic tests. A pilot program has been established in one of the housing projects. This clinic is staffed full time by a nurse team with a pediatrician 3 mornings a week, and offers in-depth family service with all disciplines available. This has been well accepted by the community and is overcrowded because of its popularity. This type of satellite community clinic we feel is one of the main needs and goals in the provision of health care in the future.

Probably the most innovative program in our project has been the use of Pediatric Nurse Specialists and the implementation of a nurse team approach in providing health care. We are faced with a present and a probable increasing shortage of pediatricians in this area as in many other areas in the country. In our clinics we have tried and have successfully carried out this new approach to health care. The pediatric Nurse Specialist heads up a nurse team consisting of Public Health RN, LPN, and Aide. She trains the general nurses in physical evaluation of patients, in giving Denver Developmental Tests and in developing on-going nursing care plans. By offering a team approach to patient care, continuity of contact with a certain physician, nurse and aide is provided. All patients are initially assessed and are rechecked at regular intervals and when sick by a physician, but most of the routine health care, counseling, and physical evaluation is accomplished by the nurse team. This results in the more efficient use of the physician's time and enabling him to care for a larger number of children. Many of our patients are Medicaid registrants but because of the shortage of physicians and the comprehensive type of health care offered in clinics, they continue to come to the C & Y clinics.

CHILDREN AND YOUTH PROJECT No. 541—  
TOPEKA, KANS.

By a rather circuitous and informal route I have been advised that you wish C & Y project directors to send brief letters to you immediately describing the impact of C & Y project losses on the communities they serve. I assume you will be making some use of these statements in congressional hearings.

The staff and I here all feel that is a subject upon which volumes deserve to be written—and could be written—if time permitted. Clearly, a great void would be created in direct health care—screening, diagnosis, out-patient and in-patient treatment and support services. Our project has assessed more than 1800 low-income children and actively cares for 1200. Most of those children had received grievously inadequate and irregular health care before the project began, and the medical and financial resources to meet their needs outside the project still do not exist. In fact, the Medicaid program in this state, which serves a large proportion of these children, has been severely impaired just this year by budget cuts.

Clearly, too, the many benefits accruing to children from this experiment in neighborhood-based, family-focused care would be lost. I refer, of course, to such important considerations as accessibility and acceptability of services which in turn, influence decisively the utilization and outcome of those services. While it would be the height of arrogance for us to presume our project is the only agency or institution with genuine concern for the health of our population, the truth is our staff is simply available with more flexible and diverse skills more often to meet more of the neighborhood's many needs than are other overwhelmed agencies. This unprecedented ability to respond freely, broadly, quickly and in depth is widely seen in the neighborhood as evidence we uniquely "care", and this rapport, in turn, acts in many subtle ways to foster all health care efforts.

But, perhaps most difficult to describe and, in the long run, most critical would be the effects on termination before full fruition of a promising demonstration of a new health care delivery system in this community; a new multidisciplinary approaches to long term, vexing health problems have been made possible for the first time by this project which provides the money, time per-

sonnel and mandate to a local, direct service agency which already had the will, enthusiasm and practical knowledge necessary for success.

To the many more eloquent pleas you'll receive, let me add mine: that these truly worthwhile service projects be continued for at least three years beyond June 30, 1972, that direct but increased funding be provided and that indicated expansion to embrace total family health services be permitted.

CHILDREN AND YOUTH PROJECT NOS. 502, 602-4, 602-5—BOSTON, MASS.

The Boston Department of Health and Hospitals Children and Youth Project No. 602 is part of a program which has seen an enormous expansion in both quantitative i.e. in terms of marked increases in the numbers of patients served, and qualitative i.e. an enlarged scope of service so that we are approaching the model of comprehensive, family oriented neighborhood health centers, supported by a variety of fund sources.

The Children and Youth Project was begun in Roxbury at the Washington Park Mall in December, 1968 and in January 1970 it was found necessary to open a second site because of the large number of patients needing the services in the Roxbury-Dorchester area. In 1970, these two clinics had a total of 16,730 patient physician visits. Two other pediatric clinics, a part of the same neighborhood health center program, but not part of the C&Y Project had a total of 4,007 patient physician visits.

Each clinic is organized around the concept of a multidisciplinary approach to the medical and medically related problems of our patients. We have long since learned that medical care cannot take place effectively without concern for the patient's total living situation including those environmental social, economic, and psychologic factors which impinge on the individual's ability to enter into and remain in a medical care system. We have also learned that many problems which present to us are not those of single individuals, but rather reflect a family constellation, and concern must be directed toward the medical and related problems of total families. For this reason, our approach has been toward family-oriented care, both by the provision of services of internists, obstetrician and pediatrician in a single setting, whenever possible, and by the orientation of all supporting services such as social service, nursing, nutrition toward the whole family.

Both C&Y clinics have full time pediatric coverage; W.P.M. from 9 a.m. to 9 p.m. Monday through Friday and 9 to 12 on Saturday; Harvard Street 8:30-4:30 Monday through Friday. In each of the clinics we have seen the rapid evolution from well-baby clinics to heavily utilized complete pediatric services. We now see children of different ages, beyond the "age of immunization" and with a variety of problems both acute and chronic, as well as provide the array of well-child care. Almost one-half of the pediatric visits are for acute or chronic medical problems, as distinct from preventive services. Routine screening procedures include hematocrit, sickle cell preparations, followed by hemoglobin electrophoresis when indicated, annual tine testing, and urine screening for bacteriuria. We hope to initiate audiology and hearing-speech therapy sessions in one of the C&Y clinics with total support from the Easter Seal Society.

Orthopedic consultation within the clinics is provided once each month as an outreach service of the Department of Orthopedics at Boston City Hospital, and this service has been well accepted and heavily utilized. In

the clinics we have actively sought psychiatric consultation, and have developed referral mechanisms back and forth with the local, state community mental health center program. At the Harvard Street Health Center we have joined with the mental health center in a program for hyper-active children with school problems. Although most of the staff of the program are employees of the Franklin Hill Mental Health Center, the program meets weekly at the clinic to consider children for drug therapy, and both health center pediatricians and social workers are actively involved with these patients. We have found that the arrangement of linkages with mental health agencies provides the availability of expanded services which would not otherwise be available because of budgetary constraints has increased our own ability to deal with children with neuro psychiatric problems, and has provided the mental health center with much needed pediatric services for the children whom they serve.

The majority of hospitalizations of our patients are at Boston City Hospital, and a number of pediatricians hold staff appointments at that hospital, so that some continuity of care is achieved. We are actively working with the committee on Ambulatory Services of the Executive Committee of the Medical staff to secure staff appointments admitting privileges, and the prerogative to supervise in-patient care, for all of our pediatricians, and are optimistic that this will be achieved. Continuity of care is also compromised because of the limited hours of operation for pediatric services. Patients who seek care beyond the hours of the clinics are usually seen at hospital out-patient departments, and we do not always receive feedback from the hospitals about these visits. An obvious need which cannot currently be met because of budgetary limitations, is the expansion of pediatric services into evening hours in all clinics, and inclusion of the East Boston and Whittier Street into the C&Y project with expanded facilities in these two locations.

CHILDREN AND YOUTH PROJECT NO. 653—BROOKLYN, N.Y.

The Comprehensive Child Care Program at the Brookdale Hospital, is funded by the Maternal and Child Health Service of Health, Education and Welfare to provide complete health care to a specific number of children in Brownsville. This care is provided in a private practice model with patients having their own pediatrician, dentist, public health nurse and social worker. All routine visits are by appointment but patients are welcome to "walk-in" for acute problems. During nights and weekends the patients are encouraged to seek medical help at the Brookdale Hospital Pediatric Walk-In Clinic. Continuity care, regular check-ups and follow-ups of broken appointments stress prevention and early detection of illnesses.

Our patients are referred to other medical consultants at Brookdale Hospital exactly as any other private patient with the fee paid by the Comprehensive Care Program. When admitted to the hospital, they are treated by their own Comprehensive Care Pediatrician. The Program provides complete psychological, nutritional, speech, hearing and language evaluation and therapy. Prescribed medications which are dispensed at the Hospital Pharmacy and laboratory tests and x-rays are paid for by Comprehensive Care.

Because there are multiple factors contributing to the well being of our patients (general health, social, emotional, school, etc.), we use a multidisciplinary team ap-

proach. The Dental Department provides pedodontic and orthodontic care. Public Health Nurses are intimately involved in the diagnosis and ongoing care of our patients and education of our families. Our Social Service Department has taken active leadership in the lead program, summer camp placements and registration. Our patients are either high risk children or their siblings. We define a high risk child as one who has or potentially has a condition that needs long term help from the many specialists provided by Comprehensive Care. Referrals are accepted from all sources. There is no means test.

We keep scrupulous statistics relative to all aspects of our program. We are thus able to evaluate and change our programs as necessary. Our information will soon be stored at a N.Y.U. Medical School computer. Our program has recently received a significant cut in federal funds. This, coupled with the normal increase in salaries of personnel and other expenses, seriously threatened the continuation of this program as it now exists. Other sources of funds, such as Medicaid, as well as requests for increased funds from the present funding agencies, are now being actively pursued.

The original goal was to serve 3,200 children. At present we serve 3,700 and anticipate 5,000 children without increased staff.

There is an active Comprehensive Community Health Committee made up of citizens of the community and members of the Comprehensive Care Team.

Over and above the specific program described above, our entire staff is involved in the provision of health services to groups in the Brownsville and surrounding communities such as the mandated health services for many of the Headstart Programs and other day care and nursery schools, and special services to a number of the Public Schools. We also provide backup services for other clinics in the area, carry on an active lead screening and treatment program, and present a Maternal and Infant Health Education Course to pregnant girls, and provide professional and para-professional training programs. Because of our special interest in handicapping conditions, we are involved in or developing programs for diagnostic evaluation centers, evaluation of children for the New York City School for the Deaf, Cerebral Palsy Clinic, dentistry for the handicapped and retarded, Day Care Center for handicapped children, health care for psychiatrically ill children.

IN DEFENSE OF THE MILITARY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, one of the most insightful commentaries I have read on the effects of the Vietnam war appeared in the July 5 issue of Newsweek. Written by the Honorable George Ball, the commentary takes what I consider to be a long view of the war and focuses on one of the least considered aspects of the Vietnam tragedy.

For the benefit of my colleagues I include Mr. Ball's article at this point in the Record:

IN DEFENSE OF THE MILITARY

(By George W. Ball)

It is time to speak up for the soldiers. For the past several years we have made them the scapegoats for our misfortunes. Yet, to continue to seek exculpation by load-



ing the blame on the military is not only unjust, it risks harm to our security; so we had better take a lesson from the experience of France—something we lamentably failed to do when we committed our forces to Indochina.

In the bitter aftermath of the second world war the French Army and Air Force were given a dreary series of dirty and foredoomed assignments to sustain the remnants of colonial power, first in Syria, then Indochina, then Morocco, and finally Algeria. For almost a decade and a half, graduates of St. Cyr fought under the most frustrating conditions, taking frightful casualties, yet losing each conflict not from failure of valor on the battlefield but from a decay of political will in Paris, a decision by the politicians—reflecting public weariness—that the game was no longer worth the candle.

#### PERNICIOUS EROSION

By 1958 these agonizing experiences in far-off lands had loosed poisons throughout the whole military establishment. France had done what no modern democratic state should ever do; by pushing its armed forces into conflicts only fragilely supported on the home front, it had detached them from the national life of their country. For, as the politicians abandoned first one war and then another, the military suffered a pernicious erosion of their traditional role as the respected protectors of *la patrie*. Thus, inevitably they developed a festering resentment of the politicians who bartered away the gains hard won by their blood and toll, until the imminent abandonment of Algeria might have triggered a revolution had it not been for General de Gaulle on his white horse.

Today these pressures are beginning to be felt on the American scene. For ten years we have embroiled our armed forces in the wretched paddies of Indochina. Our valiant airmen have been killed in futile sorties against the north; our army has lost far more than the normal percentage of its professional officer corps. Yet, though there have been ample courage and devotion, Vietnam is now associated in the public mind not with heroes but heroin. We scorn our soldiers for being careless of civilian lives, overlooking the brutalizing character of colonial wars—while we condemn our Air Force because bombs strike whoever happens to be under them, refusing to recognize that the alternative to sophisticated weapons is more American boys dying in the jungle. Meanwhile we are assaulted by the scribbles of junior Clausewitzes designed to prove that the conflict could have been won long ago if only their patented recipes had been followed.

#### FATAL ERROR

No wonder our soldiers are demoralized as we speed our withdrawal from Vietnam. How could they be otherwise, since the fatal error was the choice of mission, not its execution; and what the McNamara documents plainly show is that the military did not push us into Vietnam half so much as the civilian theoreticians with these to prove—doctrines of counterinsurgency and guerrilla tactics all reeking of the lamp?

Thus, we had better stop carping at the soldiers if we are to learn the true lessons of this ghastly experience. We had better be sure that, as a necessary and honorable element in our society, they are not pushed toward alienation or bitterness. Otherwise, though we are unlikely to repeat the shattering constitutional crisis of France, we may well drive our most gifted and competent officers out of our armed forces—men we shall desperately need when the going again gets rough.

As an urgent first step, let the universities tone down their derision; since, at the end

of the day, the real "treason of the intellectuals" may well be judged not to be what Julien Benda had in mind—their abandonment of meditation for activism—but rather their role in undermining society's protective institutions. Part of the blame will no doubt fall on the young faculty cheerleaders who encouraged the campus yahoos to identify all policemen as "pigs," but the most grievous offense will be the academicians' effort to off-load the sins of this melancholy time on the military, who, skilled more with the sword than the pen, cannot adequately defend themselves against eggheaded *francs-tireurs* blowing beanshooters from the sanctuary of their ivory towers.

#### THE 25TH ANNIVERSARY OF ARGONNE NATIONAL LABORATORY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on June 19, Chairman Glenn T. Seaborg, Atomic Energy Commission, delivered the principal address at the 25th anniversary of Argonne National Laboratory.

Entitled "Argonne: A Tradition of Accomplishment," Dr. Seaborg traced the development of the first national laboratory, a facility whose history is closely identified with the U.S. emergence as the first nuclear power. Interwoven with Argonne's development is Dr. Seaborg's own career.

Without losing sight of the importance the laboratory has played in the post-war years, Dr. Seaborg's speech captures the spirit of purpose and excitement of our nuclear pioneers whose accomplishments have ushered in the nuclear era.

As Dr. Seaborg concluded, in addition to Argonne's rich history the future is bright for it to play key roles in the development of the breeder reactor and the continued progress in the physical and biological sciences.

For the benefit of my colleagues I include the text of Chairman Seaborg's speech at this point in the RECORD:

#### ARGONNE: A TRADITION OF ACCOMPLISHMENT

As atomic energy has come of age, there have been several opportunities to celebrate twenty-fifth anniversaries, and I have already taken part in some memorable ones. It is a special pleasure, however, to be with you here at Argonne today. In the first place, I count myself as something of a charter member of the Argonne team. As I shall mention in a moment, I joined the Met Lab long before the idea of the Argonne laboratory was even thought of. I was still with the Met Lab staff during those months after World War II when the new laboratory was being organized, and I left Chicago only a few days before Argonne came into existence.

Secondly, over the past thirty years I have established many personal friendships and professional contacts with the people of Argonne. It has been you and many others, rather than the buildings and equipment, who have made Argonne one of the truly great scientific research centers in the world. So in speaking of those who made Argonne what it is today, I am referring not just to a group of talented scientists and technicians, but in many cases to personal friends and long-time associates.

There is a third sense in which this anniversary has a special meaning for me—and

I am speaking here in the broad historic dimension rather than in personal terms. The creation of Argonne marked the first attempt in the United States to establish a new type of scientific laboratory, one which would unite in one institution the strong tradition of academic research, which had long been a part of our universities, and the extraordinary advantages of a Government-sponsored laboratory which our experience during World War II has demonstrated. This new institution, called a national laboratory, has emerged in large part from the Argonne experience and the magnificent accomplishments over the past twenty-five years have proved the vitality and creativity of this new type of research organization. In this sense, the anniversary we are commemorating today has a meaning that goes far beyond the lives of those present and even Argonne itself.

On an occasion such as this, perhaps I may be pardoned for succumbing to the temptation to reminisce. But in thinking over the history of Argonne, I could not help but recall those exciting days early in World War II when Argonne had its origins in the Metallurgical Laboratory at the University of Chicago. Thanks to the foresight and energy of such men as Vannevar Bush, James Conant, Arthur Compton, and Ernest Lawrence, the United States was ready to launch its effort to build a nuclear weapon when the nation entered the war in December, 1941. Within a few days after the attack on Pearl Harbor, Bush and Conant gave Compton responsibility for the research needed to produce a chain reaction and the bomb.

A few weeks later Compton decided he would have to centralize on the Chicago campus much of the research then going on at several universities. Because my group at Berkeley had discovered the element plutonium, which would be the fissionable material produced in the chain reaction, I was invited to Chicago in early February 1942, to discuss our work with Compton, Norman Hilberry, John Wheeler, Enrico Fermi, and others. The Chicago leaders wanted to discuss the production of plutonium and the possibility of devising a chemical method of separating it from uranium and the various fission products of the chain reaction. At this meeting I first fully realized the magnitude of the bomb project and the central importance of our newly discovered element in that enormous effort. I must have appeared confident when I assured Compton that we could develop a separation process for plutonium, but I do recall that I had some private misgivings.

Because it would take some time to organize the new laboratory in Chicago and prepare research facilities, most of the research teams at other universities were scheduled to arrive later in the spring. In the meantime, Fermi and Leo Szilard, with the assistance of Wally Zinn and Herb Anderson, would continue their studies of exponential piles at Columbia. I concluded that my own group would probably stay at Berkeley, where we would be close to the 60-inch cyclotron, which was still our only source of the ultramicroscopic quantities of plutonium we were using in our research. I changed my mind, however, during a luncheon meeting with Norm Hilberry in Berkeley on March 23. I realized that, despite my preference for remaining in Berkeley, I would have to take some of my group to Chicago to develop the separation process.

I will never forget that Sunday afternoon of April 19, 1942, when Isadore Perlman and I stepped off the "City of San Francisco" in Chicago to begin our new adventure. It was my thirtieth birthday, which we celebrated by going to a movie and dinner in the Loop. The next morning we returned to our study of the separation process. Within a few days

we were assigned several rooms on the fourth floor of the Jones Chemical Laboratory which we used as our offices and laboratory. With the arrival of Spofford G. English, one of my graduate students, we had what constituted the entire plutonium chemistry group for more than a month. During these weeks I arrived at the rather novel idea that we might be able to produce enough plutonium-239 through the bombardment of uranium with cyclotron neutrons and the use of ultramicrochemical techniques so that we could study the chemistry of the new element in its pure form. That effort was to demand most of our energies during the spring and summer of 1942.

As the result of two recruiting trips during May and June I had increased the size of our chemistry group. Michael Cefola from New York University and Louis B. Werner and the late Burris B. Cunningham from Berkeley had agreed to join us in Chicago. I also managed to recruit a wife on that Berkeley trip, and Helen returned to Chicago with me to begin married life in a small apartment near the Chicago campus. By that time many other scientists and their families were arriving from universities in all parts of the country. One of the pleasures of being a part of the Met Lab was the opportunity to know and to work with so many people whom we had scarcely seen before. I recall, for example, a picnic which Helen and I attended on the Fourth of July weekend in 1942 with the Harrison Browns, the Milton Burtons, and the Perlman's. We went out to the Argonne Forest Preserve to look over the site proposed for the world's first nuclear reactor. Although we had a fine picnic, we never did succeed in finding the reactor site.

During July and the first part of August, 1942, the new members of our plutonium chemistry group assembled the specialized equipment for working with extremely small volumes ( $10^{-5}$  to  $10^{-1}$  milliliter) and weights (0.1 to 100 micrograms) and developed their techniques with trace quantities of plutonium in microgram amounts of carriers. "Carrier" was the term we used to describe the material which when precipitated has the power to sweep out of a solution trace amounts of a desired substance too dilute to be precipitated by itself.

By August, 1942, these techniques had been developed to the point where we could attempt an isolation of pure compounds of plutonium. After a week of work, Cunningham, Werner, and Cefola finally obtained a solution of pure plutonium compound in a volume of 0.015 milliliters. On August 20, they carefully evaporated this solution until the plutonium concentration became high enough to precipitate as a compound plutonium fluoride. This was man's first sight of plutonium and in fact of any synthetic element.

As the summer of 1942 waned, the activities of the Met Lab took on a more serious tone. The results of Fermi's research on the critical mass of uranium and our own success in isolating a pure plutonium compound made the idea of developing a nuclear weapon something more than a theoretical possibility. By this time the Army had taken over the project, and we had begun the transition from purely scientific research to engineering development. For our chemistry group that meant planning much larger facilities in the New Chemistry Building on Ingleside Avenue and in a portion of the West Stands. I must admit that for a group of young chemists the idea of the Government spending \$200,000 for a building and equipment for our use was an exciting one indeed.

The transition to engineering development caused a similar expansion of thinking in all parts of the laboratory. Some of you may

remember that at that time there were tentative plans to build not only the first reactor but also the entire plutonium pilot plant in the Argonne Forest Preserve, where we had our July picnic. On September 11, 1942, I again visited this site with Compton, Conant, and other members of the S-1 Executive Committee. I vividly remember Conant's conviction that the site was too close to Chicago for a pilot plant. What we needed, Conant said, was an entirely new perspective. We were, in his opinion, trying to kill elephants with pea-shooters. As most of you know, the committee then decided that the pilot plant would be built at Oak Ridge.

As it turned out, of course, construction difficulties at the Palos Park site made it impossible to build even the first experimental pile there, and Arthur Compton, with General Grove's support, made the daring decision to initiate the world's first nuclear chain reaction in the heart of Chicago. I will remember the grimy appearance of the workers (some of them are probably here today) who fabricated and assembled the greasy blocks of graphite under the West Stands. In the afternoon of December 2, 1942, that now historic day, I happened to meet Crawford Greenewalt, the young Du Pont executive, in Eckhart Hall, just after he had left the West Stands. Greenewalt did not have to say a word to me; I could tell from the glow on his face that Fermi's experiment had succeeded beyond our hopes.

The year 1943 brought a new intensity to our effort to design the plutonium pilot plant to be built at Oak Ridge and ultimately the huge production plants at Hanford. While Eugene Wigner and others concentrated on the design of the X-10 reactor, we in the plutonium chemistry group were more than preoccupied with the separation process. When we moved into the New Chemistry Building in December, 1942, we at last had space to test the various separation processes which had been proposed. Although our knowledge of plutonium chemistry grew at an impressive rate, our research did not indicate that any one process had a clear-cut advantage.

Early in 1943 we decided that we would use an oxidation-reduction process in aqueous solution, but it was not at all clear whether lanthanum fluoride or bismuth phosphate would be the best carrier of plutonium. Until we made that decision, Du Pont could not fix the design of the Oak Ridge pilot plant. I remember we discussed the alternatives at a meeting in Chicago on June 1, the deadline which Du Pont had established for the decision. Because the engineering data did not indicate a clear choice, Greenewalt turned to me for an opinion. With the fate of the whole wartime project hanging on my judgment, I said I was willing to guarantee at least a 50-percent recovery of plutonium from the bismuth phosphate process, developed by Stanley G. Thompson of our group. With that assurance, Greenewalt focused most of the engineering talent of his organization on bismuth phosphate. It would be eighteen months before I could be certain that my decision had been the right one.

Before the end of 1943 the Oak Ridge pilot plant was in operation and Du Pont engineers had taken over most of the responsibility for the production plants at Hanford. Supporting work for Hanford and Los Alamos continued but those of us who remained at the Met Lab also began turning our attention to the many intriguing possibilities for scientific research which the fission process and the discovery of transuranium elements had opened up. The Palos Park site, which was not used for the first chain reaction, did eventually become the home for the laboratory's experimental reactors—not only the

reconstructed version of the original West Stands CP-1 (then called CP-2), but also of CP-3, the world's first heavy-water moderated reactor, designed by Wigner and built by Zinn. At this site Zinn also did further studies on fast-neutron reactors and completed the first designs of what was to be the historic Experimental Breeder Reactor No. 1. As the original Met Lab expanded to sites off the Chicago campus, the research facilities at Palos Park took the name of Argonne after the forest preserve, and in 1944 Fermi, with Zinn as his assistant, became director of the Argonne Laboratory, which was part of the larger Metallurgical Project under Compton. Thus the now familiar name Argonne Laboratory was born.

Those of us still in the chemistry group in 1944 continued our research in "New Chem" with a program that included a search for transplutonium elements. These efforts did not bring any success until we formulated a new theory postulating the existence of a group of "actinide" elements in the heavy element region with properties similar to the lanthanide rare-earth series in the traditional periodic table. Experiments during the summer and fall of 1944 and extending into the beginning of 1945, during both cyclotron and reactor-irradiated plutonium, led to the detection of element 96, which we later called "curium" and of element 95, which we named "americium." During the remainder of the war, in addition to supporting activities at Hanford and Los Alamos, we investigated the processes which made possible the isolation of these new elements in pure form, americium in the fall of 1945 and curium in 1947. As I look back on these events, I realize that some of the most exciting moments of my scientific career occurred in the flimsy laboratories of the Met Lab.

The laboratory's rapidly declining responsibilities in 1944 not only made possible some basic research of the type I have just described but also forced us to focus some thought on the role we as nuclear scientists might have in the postwar world. In the face of distressing rumors that 90 percent of the Met Lab staff would be fired by June 1, 1944, Arthur Compton asserted a steadying influence. He won some concessions from Army authorities in Washington and encouraged us to begin some constructive planning and thinking. He also arranged to have Henry D. Smyth begin some long-range plans. At a meeting of the Project Council on February 16, 1944, there was even some discussion of the various types of laboratories which might be engaged in nuclear research after the war. One of these, described as a "cooperative laboratory," should, according to the Council, be established where the scale of research would be "too large to be financed by Universities." The buildings and equipment would be furnished by the Government and research administered "by cooperation of educational institutions." This was clearly an early conception of the national laboratory.

These discussions soon led to consideration of the wider social and political implications of nuclear energy. Under the leadership of Zay Jeffries, a laboratory committee set about preparing what Jeffries called a "Prospectus on Nucleonics." Completed in November, 1944, the Jeffries report reviewed the possible applications of nuclear science in the near future and the outlook of nuclear power (which seemed good at that time). The committee also recommended that the Government support the kind of "cooperative laboratories" mentioned the previous winter in laboratory meetings. Going beyond the technical aspects of nuclear technology, Jeffries and his committee urged the creation of a world organization to prevent widespread destruction from nuclear war. They also

stressed the importance of postwar research in maintaining the United States' lead in nuclear science and technology.

The Jeffries report had no immediate impact on national policy, but it did help to sensitize many of us at the Met Lab to the difficult policy questions we would be facing as the war ended. This experience made it all the easier for us to take up the discussion of whether and how to use the first nuclear weapon when that issue came before the Interim Committee in the spring of 1945. Historians may never agree on whether the recommendation of the Franck committee at the Met Lab (to provide a demonstration rather than direct use) ever reached those who made the final decision to use the bomb, but as a member of that committee, I can assure you that we made a conscientious effort to fulfill our responsibilities as citizens as well as scientists. It was no accident that the Atomic Scientists of Chicago became the leaders in the national debate over postwar atomic energy policy during the summer and fall of 1945.

The Met Lab, then, provided a strong and valuable heritage for the new Argonne National Laboratory, which would come into existence in July 1946. First of all, Compton's idea of bringing to Chicago the best available scientists from all parts of the nation created a laboratory on a truly national scale. The Met Lab experience engendered a sense of mission and a standard of excellence which every great laboratory must have. Exceptional scientists like Fermi, Wigner, Szilard, and Compton set a pattern of skill, accomplishments, and imagination which we younger scientists tried hard to emulate. That experience trained others like Zinn and Hilberry to carry on the Met Lab tradition and in turn enabled them to impart it to succeeding generations of scientists at Argonne. Furthermore, the concern over postwar policy created a tradition that has inspired Argonne to take a broad perspective in approaching scientific and technical problems. Thus from its very origins Argonne has operated from a principle that others are only now beginning to understand—namely, that the scientists' responsibilities extend far beyond the technical data of the laboratory. These are worthy traditions, and it is to your credit that they are still so much a part of Argonne today.

I do not mean to suggest by these sweeping statements that these traditions or even the laboratory itself have enjoyed an unthreatened or automatic existence. In fact, I recall that we were anything but certain in the early months of 1946 that the laboratory would continue to exist. Although, as we have seen, the idea of a national laboratory circulated in rather nebulous form early in 1944, it was not the kind of idea that could gain ready acceptance at that time. Before World War II, universities and private foundations were virtually the only sources of support for scientific research. The few Government-supported laboratories, such as those operated by the National Advisory Committee on Aeronautics and the Navy, were largely restricted to applied studies. Only the enormous pressures of the war had forced American scientists to abandon the traditional forms of support, and many expected science to revert to the pre-war pattern.

The idea of a "cooperative" or national laboratory, however, had taken firm root at the Met Lab since the first months of 1944. Although the precipitous decline in the laboratory's personnel strength from about 2,000 in July 1944 to scarcely more than 1,500 in January 1945, caused Compton to recommend that the remnants of the Met Lab be transferred to the University of Chicago, others, including Zinn, Szilard, Hilberry, and Farrington Daniels proposed that the laboratory be managed by a board comprised of some twenty universities in the Mid-West. The new laboratory would be but one of sev-

eral "regional cooperative laboratories" which would undertake projects too large for single institutions. They would be financed by the Government but would not necessarily be Government laboratories.

It is much to the credit of General Groves and his assistant, General Kenneth D. Nichols, that this hope came to fruition in July 1946, in something like its original form. Although many of us at the Met Lab at the time considered the Army somewhat unresponsive to our aspirations for continuing basic research, the fact was that the Army had little authority and even less practical motivation for keeping the laboratory alive. In the chaotic period following the end of the war in 1945, the Army more than had its hands full in coping with the strong reaction against military institutions and particularly against legislative proposals for the postwar control of atomic energy. Despite these difficulties, General Nichols did seek out representatives of the Mid-West universities and asked them to prepare a plan "for continued operations of the Argonne facilities on a cooperative basis between the government and various universities." Nichols then asked the University of Chicago to consider taking over operation of the laboratory on July 1, 1946 "for cooperative research in nucleonics." Argonne National Laboratory came into existence on that date with Walter Zinn as the first director.

Thanks to the Army's cautious but effective support, the laboratory had survived the dangerous transformation from a temporary wartime organization to an essentially permanent research institution. That did not mean, however, that Argonne's troubles were over. Because Argonne was already in existence before the Atomic Energy Commission was established, Zinn and the new Board of Governors had no way of knowing what would be the laboratory's relationship to the Government. The delay in appointing the new Commissioners after the Atomic Energy Act became effective in August 1946, and then the prolonged struggle over the confirmation of the new Commissioners by the Senate beclouded that relationship for another year.

This uncertain status was a serious handicap for the new laboratory, especially because Argonne as yet had no permanent home. Still housed in a dozen buildings on the Chicago campus, the laboratory could not much longer presume on the university's hospitality. Originally there had been some hopes of acquiring more land in the Argonne Forest Preserve, where the laboratory's two reactors were already operating, but the Cook County Board of Supervisors opposed that idea. Zinn favored condemning land at the existing reactor site; the Board of Governors favored acquiring 3,700 acres of farmland about five miles west in Du Page County. When the new Commissioners took over late in 1946, they were reluctant to give up on the Argonne site, with the result that the decision to come to Du Page County was delayed until late in January, 1947.

Equally important was the still unresolved matter of the laboratory's function as a part of the Commission's research and development program and as a regional research center. For the moment that question was settled more by pressing demands than by deliberations over policy. Until the new laboratory could be constructed, there was not much opportunity for the broad, multi-discipline research in which the participating universities would be interested. At the same time the Commission had several urgent assignments for Argonne, primarily in the area of reactor development.

The hard fact was that in 1947 the Commission had to rely almost entirely on Zinn and Argonne for its reactor development program. The Commission had only one member of its Washington staff with any reactor experience. The Clinton Laboratories at Oak Ridge had some of the best reactor talent in the nation, but by the spring of 1947 many responsible figures in the atomic energy pro-

gram doubted that Clinton could survive as a national laboratory. At that time I was a member of the General Advisory Committee, and I remember we seriously debated whether, in the face of all the difficulties confronting the Clinton Laboratories, it might not be better to close it down and move the scientific talent elsewhere. We in the GAC were particularly concerned at that time about the shortage of scientists and engineers with any practical knowledge of nuclear technology. To some members of the General Advisory Committee, it seemed dangerous to spread the available talent too thin over several laboratories. In the end, of course, the Oak Ridge laboratory was saved, but not until the Commission had decided in the closing days of 1947 that it would center all reactor development work at Argonne.

The enormous responsibility placed upon Zinn and Argonne by this action left little time for the kind of cooperative research in the nuclear sciences which the Board of Governors had contemplated. The Commission had already called upon Zinn to draft a reactor development program for the nation, and Argonne was now faced with the task of participating in the design and construction of all but one of the experimental reactors in Zinn's proposal. These included not only the fast-neutron breeder reactor which Zinn had been developing at the Argonne Forest site, but also two reactors being designed at Oak Ridge. The high-flux testing reactor, the creation of the Clinton Laboratories, would be continued as a joint effort with Argonne. The Clinton scientists and engineers who had been working on a pressurized-water reactor for submarine propulsion moved to Chicago during the summer of 1948, and from that time on, Argonne had a major role in developing the propulsion plant for the world's first nuclear powered submarine.

All these plans for experimental reactors operating at significant power levels raised in a new and serious way the question of finding an adequate site far enough from populated areas to avoid hazards in case of an accident. Zinn and others at Argonne had a key part in discussions which led to the selection of the National Reactor Testing Station (NRTS) in Idaho early in 1949, and the first three reactors built at the Idaho site were in a major sense Argonne products. The Materials Testing Reactor, first operated in 1952, was for more than a decade an indispensable tool for reactor engineers in designing new types of plants and testing components. The Submarine Thermal Reactor, Mark I, was in operation less than a year later and provided much of the basic technology for pressurized-water reactors.

The Experimental Breeder Reactor No. 1 was uniquely an Argonne creation and achieved so many "firsts" in the history of reactor technology that I do not have time here today to list them all. It was the world's first reactor to produce a useful amount of electric power from atomic energy (December 20-21, 1951), the first to demonstrate the possibility of breeding (in 1953), the first to achieve a chain reaction with plutonium instead of uranium as fuel (November 27, 1962), and the first to demonstrate the feasibility of using liquid metals at high temperatures as a reactor coolant. EBR-1 also provided the occasion for the first visit to the National Reactor Testing Station by a President of the United States. I recall with great pleasure my trip to Idaho with President Johnson on August 26, 1966, to dedicate EBR-1 as a National Historic Landmark.

In addition to this work on experimental power units, Argonne was deeply involved during the early 1950s in developing heavy-water-moderated reactors. This activity grew out of the Argonne experience during the war with the CP-3. When the Commission decided in 1950 to undertake a major expansion of its production reactor facilities, Zinn proposed a design using heavy water. This proposal was accepted, and Argonne began a major development effort on an improved

heavy-water reactor. This work produced CP-5 at Argonne and the production reactors which were built at the Commission's new plant on the Savannah River in South Carolina.

Taking these assignments in stride, Argonne continued to expand its reactor development activities in the middle and late 1950s. Perhaps of greatest short-run significance was the Experimental Boiling Water Reactor, which again was largely a product of Argonne. First operated in 1956, EBWR proved that a direct-cycle boiling water reactor system can be operated without serious radioactive contamination of the steam turbine. Operating experience over more than a decade showed the system to be surprisingly stable even at power levels five times its rated heat output. As the forerunner of numerous full-scale nuclear plants now producing electric power on a commercial basis, the EBWR has a permanent place in the history of reactor development in the United States.

Through most of the 1950s Argonne under Zinn's direction was primarily a center for reactor development, but by the middle of the decade new forces were beginning to have an impact on the laboratory. Thanks in large part to the pioneering efforts of Argonne in reactor development, American industry had begun to show a real interest in nuclear power. The Eisenhower Administration, looking for ways to give private industry a place in nuclear power development, took the lead in efforts to revise the Atomic Energy Act of 1946, which made atomic energy virtually a Government monopoly. Under the liberalized provisions of the 1954 Act, nuclear science and technology became a part of American life. The national laboratories were no longer small islands of technical information sealed off from the rest of society. Perhaps more than any other event, the first Geneva conference in 1955 demonstrated that atomic energy was beginning to move beyond Government offices and laboratories into the universities and private industry. As a national laboratory, Argonne could play a new and broader role than in the past.

A major force in the changing tides of the 1950s was the growth of Argonne, both in terms of staff and facilities. The scattered buildings of the Met Lab on the Chicago campus and the small warehouse-like structures in the Argonne Forest Preserve were now only memories. Argonne had even moved beyond the temporary Quonset huts which the Commission had hastily erected in 1947 to the three separate areas we know today. With an annual operating budget in 1958 of nearly \$34 million and a staff of more than 3,000, Argonne was attaining physical dimensions and a stature scarcely foreseen a decade earlier. Even more important, the laboratory was no longer heavily concentrated in the reactor sciences, but had grown dramatically in physics, chemistry, and the life sciences. Argonne was now becoming a multidisciplinary laboratory more closely tied to basic research than ever before in its history. Zinn's departure as director in the spring of 1956 was, I think, more a symptom than a cause of the profound changes that were occurring in Argonne. In 1958 the laboratory, under the direction of Zinn's successor, Dr. Norman Hilberry, was far more than what it had been a decade earlier—the Commission's reactor development center.

With Hilberry at the helm, this new image of Argonne stimulated within the laboratory long-cherished hopes for new facilities and among the participating universities new demands for a more effective relationship. These two interests merged in the long and complicated efforts between 1952 and 1958 to build a new high-energy accelerator, either as a part of Argonne or as the central facility of a new regional laboratory in the Midwest. By the end of

that period, the new accelerator was still a dream, but the formation of the Associated Midwest Universities, Inc., made possible closer ties between the laboratory and the neighboring universities.

The decade of the Sixties saw a gradual, but major reorientation of Argonne's reactor program from water reactors to Liquid Metal-Cooled Fast Breeder reactors. Since the assignment of major responsibility in the civilian power reactor development program to Argonne in 1948, the Laboratory's role had been to establish basic concepts, test the concepts in zero power reactor experiments, and to establish the fundamental character and design of the reactor itself. As I mentioned before, this procedure had been followed in the development of the pressurized water submarine thermal reactor to the point where Westinghouse was able to complete the detailed engineering design resulting in the Nautilus submarine reactor. And the boiling water concept had originated and developed at Argonne in the BORAX series of experiments, culminating in the construction and successful operation of the EBWR in the middle Fifties. Further studies led in 1966 to the operation of EBWR with a largely plutonium core which provided the first valuable information on the question of plutonium recycle operation of water reactors. The last of the BORAX series, BORAX-V, was completed in 1964. This highly successful experiment was designed to permit the evaluation and study of nuclear superheat concepts and to demonstrate actual nuclear superheat operation.

Shortly after the successful development and operation of EBR-I, as noted earlier, design was begun on EBR-II, an experimental fast breeder reactor power station of 20 MWe capacity whose purpose was to demonstrate the potential technical and economic feasibility of using fast reactors for central station power plants. This was to be done by both producing electricity and demonstrating the feasibility of the closed fuel cycle.

The EBR-II concept of arranging the reactor and primary system components—pumps, heat exchanger, instrumentation, fuel handling system, etc.—in a large tank where they operate submerged in sodium was a bold departure from traditional reactor system design. This pool or pot concept as it is now called has gained wide acceptance, and plants of this design are now under construction in the U.K., France, and the U.S.S.R. in sizes ranging from 250 to 600 MWe.

The closed fuel cycle was a very unique feature of the EBR-II. Basically this amounted to a system whereby fuel was removed from the sodium-cooled reactor, taken apart into its component parts, the fuel sections treated metallurgically to separate out the plutonium and most of the fission products from the molten uranium, new fuel fabricated from the recovered uranium, the new fuel reassembled into fuel elements which were reinserted into the reactor—all this done by remote control mostly behind 5-foot thick concrete walls. This necessitated the development of new chemical treatment methods devised in the Chemical Engineering Division under Steve Lawroski, Milt Levenson and their colleagues; the development of tools and techniques for making the fuel pins and putting them together into fuel assemblies, done in the Metallurgy Division under Frank Foote, Bob Machery and their colleagues; and the development of remote viewing and handling devices done by the Remote Control Division under the late Ray Goertz and his colleagues.

Under the direction of Len Koch as project manager for EBR-II, Milt Levenson, Harry Monson, Wally Simmons, and their colleagues, the entire complex was built at the National Reactor Testing Station in Idaho. Building such a complicated facility 1,800 miles from home base posed problems

quite aside from the technical ones as those who were associated with the project well remember. However, the decision to retain the management of the EBR-II project at the Argonne site was a sound one and, even today with the changed mission of EBR-II, retaining the management here in Illinois leads to intimate coordination between the rest of the reactor program and the experience being obtained in EBR-II.

The reactor began operation in 1964 and the turbine generator was synchronized and first delivered power to the NRTS power loop on August 7. By the end of 1970 more than 250 million kilowatt hours of electricity had been produced by EBR-II. The EBR-II pool concept has been shown to be entirely feasible and the fuel cycle was demonstrated to be entirely reliable and practicable. All of the fuel for EBR-II was processed and fabricated in the Fuel Cycle Facility (FCF) until July 1969 when it began exclusive use in support of the experimental irradiation program. During the approximately five years that the FCF provided the fuel for EBR-II 39,000 fuel elements were processed and fabricated and 366 subassemblies and 66 control and safety rods were assembled. The fuel completed 5 cycles through the reactor and fuel cycle.

With the focusing of the AEC's and the nation's civilian power reactor program on the Liquid Metal-Cooled Fast Breeder (LMFBR) and with the decision to build the Fast Flux Test Facility, or FFTF, at Hanford, the role of EBR-II was changed to that of a fast neutron irradiation facility. It is rare indeed that a facility built for one mission can accomplish it very well and then can be converted to fulfill another which was not visualized in the original design, but that is what was done with EBR-II, and most successfully. Some indication of the extent of this success can be obtained from a look at last year's performance. In 1970 at least 17 reactor manufacturers and research organizations had designed experiments on which tests were started in the EBR-II. During the year about one-third of the EBR-II core had been filled with experimental subassemblies. The fuels being tested included plutonium and uranium oxides, carbides and nitrides. One of the goals was to observe the performance of these fuels after long exposure and high burnups in the reactor. The highest burnup attained to date in this experimental program is 13.8 atom percent in an oxide-type fuel. This is significantly higher than the commonly accepted goal of 10 percent for commercial breeder reactor fuels.

In large measure the success of the LMFBR will rest heavily on the information obtained over the years from EBR-II.

Just as the mission of the EBR-II was changed with the concentration of civilian power development on the LMFBR concept, so has the orientation of the rest of Argonne's reactor program changed. The Chemical Engineering Division has in the past developed many methods for the processing of spent fuel from reactors—aqueous processes, the pyrometallurgical process, and the fluoride volatility process. Now under the able direction of Dick Vogel, their attention is turned to the many chemical problems involved in using high temperature sodium as a coolant in fast reactors. The Metallurgy Division in the past decade concentrated on development, and especially fabrication, of fuels for Argonne's reactors. Now, however, under the leadership of Paul Shewmon and Brian Frost and under a new name, Materials Science Division, they are concentrating on acquiring a very detailed knowledge of the behavior of fast reactor fuels and structural materials under the twin conditions of long-term irradiation and high temperatures. The Reactor Engineering Division, responsible for designing, engineering, and constructing so many of Argonne's reactors, has now been restructured into the Reactor Analysis and Safety Division and the Engi-

neering and Technology Division. This reflects the concern with safety and the engineering development of components which is much an important part of the LMFBR program.

To assist in the refocusing and restructuring of Argonne's reactor program to reflect the nation's major reactor development effort, Bob Laney was recently brought in as Associate Laboratory Director for Engineering research and development. His responsibilities will also involve the coordination of Argonne's increasing interaction with industry. I can assure you that in the decade ahead Argonne will continue to play an extremely important role in the AEC's Reactor Development program.

In addition to its responsibilities in the reactor development program, Argonne has from the beginning carried on a very fine and strong program of basic research.

Late in the 1950s the stage was finally set for a major effort which would widely expand opportunities for basic research in high energy physics, not only for Argonne staff members but for high energy physicists from Midwestern universities and from many parts of Europe. After four years of planning, ground was broken for Argonne's Zero Gradient Synchrotron, a 12.5 GeV particle accelerator. On Dec. 4, 1963, it was my pleasure to participate in dedication ceremonies for this new tool which was destined to contribute so much to the scientific life of the Midwest.

The ZGS was constructed in response to a longstanding need. Although large particle accelerators were available on the East and West coasts, none was in existence in mid-America, and the high energy physics department of the Midwestern universities were losing both faculty members and graduate students to institutions on the coasts.

The ZGS was designed to supplement, not compete with, the machines already in existence here and abroad. Although its energy would not be as great as that of other accelerators, its intensity would be much greater. Among other advantages, this higher intensity would permit more experiments to be completed in a given period of time, an attractive situation in view of the fact that investigators must queue up to obtain time on major machines like ZGS.

One design feature of ZGS is responsible for its name. The strength of the magnetic field in the 200-foot ring is uniform—it does not have a gradient—across the poles. In other synchrotrons a magnetic field gradient is built in to keep the circulating beams of particles focused. As a result of this design, the ZGS ring can guide the high-energy protons in a smaller circle and this in turn resulted in a significant reduction of construction costs.

Another feature contributes to the high intensity capability of the facility. The ZGS incorporates a comparatively large aperture through which particles can pass. This "window frame" design combines with the high magnetic field to make possible the acceleration of large numbers of particles, providing a shotgun rather than a rifle approach to the creation of interactions which are of interest to the high energy physicist.

The years following the dedication of the ZGS saw a steady increase in intensity, ever-greater reliability, and a flow of alterations which improved both performance and reliability.

Two important achievements resulted from the need for experimental apparatus which matched the capabilities of the ZGS. One was the design, construction, and successful operation of the 12-foot bubble chamber, largest of its kind in the world, and another was the use of a superconducting magnet

to power this huge chamber. Gale Pewitt presided over the birth of the 12-foot chamber and John Purcell brought the big magnet into existence.

A very large step forward in the size of superconducting magnets had been accomplished here by Charles Laverick, but the magnet needed to operate the 12-foot chamber was so large it represented a high-risk venture into engineering areas with which no one had had experience.

But the foresight of Argonne staff members paid off and the magnet has worked as it was hoped it would, resulting in monetary savings in the operation of the chamber—at a time when such savings are indeed welcome.

The value of the 12-foot chamber was demonstrated in November 1970, when for the first time in history, a neutrino was observed in a hydrogen chamber.

In the six years ending Dec. 31, 1970, 125 experiments were carried out at the ZGS. Physicists from 50 universities had used the machine and they had joined with Argonne staff members in the publication of 164 papers in professional journals.

The list of those who made important contributions to the development of the ZGS and the Argonne High Energy Physics Complex is a long one, and all cannot be noted. My early co-worker and long-time friend Jack Livingood did the initial planning. Albert V. Crewe came aboard in 1958 to direct completion of the design and much of the construction. When Al became Laboratory Director in 1961, Lee Teng took over and under his aegis the machine was completed. Ron Martin and the late John Fitzpatrick directed scientific and engineering activities; Martin Foss designed the magnet ring.

Through the decade of the Sixties, the buck stopped at the desks of three Associate Laboratory Directors for High Energy Physics: Roger Hildebrand, Bob Sachs, and Bruce Cork.

During the Sixties, under the leadership of Crewe and later Robert Duffield, the results obtained in the areas of chemistry, physics and materials research continued Argonne's reputation for high quality research and added significantly to our fund of basic knowledge.

The Chemistry Division is an outgrowth of the Chemistry Section for which I had responsibility back in Met Lab days. Many of its present members were my wartime colleagues during my four years' stay in Chicago. Under the directorship of, first, Winston Manning who was named Associate Laboratory Director for Basic Research in 1966, and under Max Matheson, and currently under Paul Fields, this Division has been responsible for several important advances, among them:

The discovery of the noble gas compounds. In 1962 John Malm, Henry Selig, and Howard Claassen succeeded in combining xenon with fluorine to create xenon tetrafluoride, a relatively simple compound. The importance of this discovery derives from the fact that the noble gases had been thought to be inert and nonreactive.

In 1963 Edwin Hart and his British colleague Jack Boag reported the discovery of the hydrated electron. The discovery and analyses of the roles of the hydrated electron and other short-lived fragments are leading to a better understanding of radiation chemistry.

Joseph Katz and his group pioneered research in "isotopic substitution" in organic compounds, including the first complete substitutions of deuterium (heavy hydrogen) for ordinary hydrogen in living organisms, both plant and animal cells.

Argonne chemists, notably Paul Fields and Martin Studier, participated in the discovery of some of the heavy transplutonium chemical elements. They also made unique contributions to the production, separation, and characterization of these elements and their isotopes.

Although in the past decade low energy physics research has been carried out under three different Division Directors, Lou Turner, Mort Hamermesh, and currently Lowell Bollinger, it has had the common thread of searching for a greater understanding of atomic structure. Among the first to initiate fundamental studies using the Mossbauer effect was Gil Perlow who has built the technique into a powerful experimental tool in such diverse fields as nuclear structure, solid state properties and general relativity theory. There have also been the angular momentum distribution discoveries of Schiffer and Lee which have been of great importance in developing the field of nuclear spectroscopy; the discoveries of Erskine and others leading to a better understanding of the nuclear properties of the actinides; and recent heavy ion elastic scattering studies which are contributing significantly to nuclear structure theory.

An understanding of the properties of materials has obviously been a strong interest of the atomic energy program dating back to the Met Lab days and it has become of increasing importance with the passage of time. Argonne has been, and continues to be, a leader in this field, having one of the largest combined basic and applied materials programs in the Western world. It started with the need to know the physical and chemical properties of fuels and structural materials under conditions encountered in reactors. Such work was initiated by personnel within the Metallurgy Division and the Chemistry Division. More recently the increased importance of a fundamental understanding of materials has been emphasized by Mike Nevit, Paul Shewmon and Norman Peterson, and is also reflected in the recent renaming of the Metallurgy Division as the Materials Science Division. During the Sixties the pure research phase of this work finally came of age with the formation of the Solid State Science Division, and it now occupies the newest of the major buildings constructed at Argonne. Under the direction of my Met Lab colleague Oliver Simpson this work has taken on new importance.

Advances in the understanding of materials cover the extremes of low and high temperatures and range from the highly theoretical studies of structure to the very important studies of radiation damage and crystalline defects. Out of this work has come information of the greatest importance in thermal and mechanical behavior. Studies of the properties of alloys and compounds of uranium and transuranium elements have led to a far better understanding of materials in this unique part of the periodic table. Also, our understanding of radiation damage is now far enough advanced that we can in many cases predict in advance the behavior to be expected. Much of Argonne's current materials research is directed toward obtaining this information.

One further word should be said about a new program to be initiated this year in controlled thermonuclear work. Argonne's interest in this program is in the engineering development which would ultimately lead to a workable fusion reactor and grows directly out of the solid accomplishments and experience in basic research and engineering development. While many years of hard work separate us from the abundant energy available from the controlled fusion process, the early signs of ultimate success are increasing.

ly promising. Argonne's participation is welcomed.

Along with the major accomplishments in the Physical Research program, there was one major disappointment which the AEC shares with Argonne. That was the cancellation of the Argonne Advanced Research Reactor, the A<sup>2</sup>R<sup>1</sup> project, which would have provided one of the most advanced research reactors in the world. The entire AEC's Physical Research program keenly feels the loss of what would have been a most useful research tool.

The biological research program at Argonne is a natural extension of the biological work of the Met Lab. The potential danger of radiation was early recognized and research into the biological effects of radiation on living organisms was among the earliest work started in the atomic energy program. The biological and medical research program at Argonne still has the same basic objective for which it was started.

But the decade of the Sixties has seen some changes. When in 1962 the Biological and Medical Research Division's director, Austin Brues, sometime artist, humorist, world traveler, but all-time biologist, expressed a desire to return to full-time research, his wishes were respected. He had carried these administrative responsibilities since 1946. His successor was Max R. Zelle, a distinguished academician who, after seven years as director, found a return to the university atmosphere irresistible. In early 1969 John F. Thomson, an 18-year veteran with the division, agreed to wear two hats until a candidate could be found. And a little over a year ago, Warren Sinclair, a biophysicist, began a new era in the division's leadership.

Among the most important achievements of the past ten years in the biological sciences have been comprehensive studies of the long- and short-term effects of a variety of types of radiation, on microbial, plant, and animal organisms. Attempts to modify radiation effects led to the development of the first successful protective agent against X rays, to the systematic exploration of chelating agents for removing radioactive metals from the body, and to basic studies in tissue transplantation and immunity mechanisms. Fundamental contributions have also been made in the study of aging and its relation to the late effects of radiation. These studies established the importance of the brain-to-body weight ratio as a determinant of species longevity. Current emphasis is on neutron effects studies with the Janus reactor, a facility capable of exposing large numbers of animals to neutrons without significant gamma-ray contamination.

The decade also saw a significant refocusing of the work of the Radiological Physics Division. John E. Rose was this division's director until 1963, Leo Marinelli until 1967, and the present director is Robert Rowland. One of the earliest achievements of this division was the development of the first facility for pinpointing radiation in the human body with speed and accuracy. Argonne's "iron room" allows determination of the amounts, locations, and identities of extremely small quantities of radioactive materials in the body—as little as one billionth gram of radium. Similar facilities are now used throughout the world. Also of particular note has been its research on bone, both in the areas of bone physiology and the effects of the radiation dose delivered by radioisotopes fixed in bone.

Early in Dr. Rowland's directorship the division embarked on a study of the sulfur dioxide content of the atmosphere over the City of Chicago. This was the first formal step in what has become a growing commitment to the solution of environmental problems at Argonne.

In August 1969 this division received another very important assignment. A Center for Human Radiobiology was established as the nation's center for the long-term study of all persons known to have radium and other long-lived isotopes within their bodies. During a period around the early 1920s unformed or careless use of radium, both industrially and for external and internal therapy, was widespread. Through study programs carried out in several U.S. institutions, some 2,000 of such potentially contaminated individuals were found. Of these, 800 with measurable body burdens of radium have been measured, almost 600 of whom are still alive today. These people, merged into the program at Argonne, provide a research resource of which there is no prospect of duplication for the setting of absolute toxicity levels and devising radiation protection guides for man.

In 1967, Congress broadened the Commission's charter to enable the AEC and its contractors to work with other agencies in the protection of public health and safety, and enabled Argonne to undertake a broadened role as a major Midwest research center.

This has resulted in an accelerated interest in accepting new challenges, and in late 1969 the Argonne Center for Environmental Studies was established here. The Center is designed to use an interdisciplinary approach to the achievement of three goals; first, to help gain a better understanding of the extent to which the environment is being changed; second, to define particular effects more quantitatively; and third, to help with the formulation and presentation of various alternative courses of action.

This approach already has resulted in a model for predicting, analyzing, and controlling air pollution. Utilizing studies of pollution emission from stationary sources as well as pollution dispersion patterns, Len Link and his colleagues developed a computerized model applicable to both the management of air pollution emergencies and the long-range development of air resource management. Their program presents guidelines for the creation of legislation, zoning ordinances, and tax incentives which would foster urban and regional growth in a manner compatible with acceptable air quality.

In 1968, Argonne began a study of heated discharges from power plants into large lakes. This program is establishing a mathematical model of circulation patterns in Lake Michigan, developing models to express the behavior of thermal plumes, and analyzing the mass-energy balance of the lake. The study also outlines the research needed for the understanding of thermal effects on the ecosystem so methodologies can be provided. This work is expected to have a strong bearing on reactor siting criteria.

Two other Argonne programs are of special interest.

One is the development, by the Laboratory's Chemical Engineering Division, of fluid bed techniques in the combustion of coal. Use of these techniques could reduce emission of sulphur dioxide into the atmosphere.

The second is work on lithium anode secondary cells—also being carried out by the Chemical Engineering Division. Such cells promise to be useful as a primary source of power for automobiles and have dramatic possibilities as an implantable energy source for individuals with heart defects.

The change in the AEC's charter also made possible "spin-off" activities which give great promise of providing benefits for mankind. These include:

A hemodialyzer (artificial kidney), developed by Finley Markley of the High Energy Facilities Division and Dr. A. R. Lavender of Hines Hospital, which may revolutionize the care of patients suffering from kidney dis-

ease. Victims of kidney failure now must depend upon very complex and expensive hemodialyzers which can be used only at hospitals. The new kidney machine is so inexpensive, small and simple, that it may be possible for the patient to use it himself, at home. The device was made possible through the use of adhesives Mr. Markley developed for application in the construction of the ZGS.

A Braille machine, developed by Arnold Grunwald of the Engineering and Technology Division. Smaller than a portable typewriter, it will take symbols recorded on ordinary magnetic tape and play them back on an endless plastic belt in raised dots forming letters in the Braille alphabet. It will reduce by a factor of 250 to 500 the bulk of Braille materials to be produced, handled and stored, permitting much wider use of Braille literature by the sightless. This development is being supported under a grant by the U.S. Office of Education.

When Argonne first was established as a national laboratory, the Commission and the Argonne administration agreed that interaction with the academic community would be a primary responsibility of the Laboratory.

Unfortunately, efforts to carry out this mission were severely hampered in the early years because so much of Argonne's work remained classified. Lack of housing for visiting university faculty members also impeded the program. The principal thing Argonne had to offer, use of unique facilities, could not be exploited by university personnel unless they could be here for extended periods of time.

In 1950, Joe Boyce attacked the problem, and the foundation he established in the following five years made possible a program which flourished in the decade of the Sixties.

The initial organization through which the Laboratory sought to interact with universities and colleges was the Participating Institutions Committee, organized very early in Argonne's history. Thirty-two Midwestern universities were members. Through several intermediate steps, this organization evolved into Associated Midwestern Universities, Inc., (AMU), incorporating in its membership 30 universities.

At this time Frank Myers gave up his post as Dean of the Graduate School at Lehigh University to become Argonne's Associate Director for Education. Shortly afterward, John Roberson took over as Executive Director of AMU.

These events resulted in new impetus to educational activities which brought into closer association Argonne and the academic community.

Still another change occurred in 1966—one which would give universities an even stronger role in the activities at Argonne. In that year Argonne Universities Association (AUA) came into existence, and a new five-year contract for the management of Argonne stipulated that AUA, The University of Chicago, and the Commission would share in management responsibilities.

Under the terms of the contract, AUA formulates, approves, and reviews Laboratory programs and policies. The University of Chicago, which had operated Argonne from the time it was founded in 1946, continues to be responsible for its management and operation in accordance with the policies established by AUA. The Commission, of course, has provided a major share of the Laboratory's financial support and participates in major decisions affecting Argonne's welfare.

Thirty universities now hold membership in AUA.

The most recent change in the mechanism for fostering Argonne-university interaction occurred in 1968. In that year, all of Ar-

gonne's educational activities were placed under the direction of a Center for Educational Affairs, and Shelby Miller came to Argonne from the University of Rochester to become Associate Laboratory Director for Educational Affairs and Director of the Center.

Progress in this area has been so rapid that the Center was able to report that last year 2,600 university and college representatives—college juniors up through faculty members—participated in activities at Argonne.

College juniors and seniors participate in summer or inter-term programs which permit them to work for university or college credit with Argonne staff members or in honors programs sponsored by Associated Colleges of the Midwest and Central States Universities, Inc.

Graduate students perform their research for Master's or Doctorate degrees. Post-graduates are attracted to the Laboratory by the opportunity to enrich their backgrounds before they accept professional appointments and launch their careers.

All of these representatives contribute significantly to the life of Argonne. They carry out research programs in areas of special interest and they bring to the Laboratory new ideas, new enthusiasm, and their own special knowledge and skills.

The record would not be complete without my recalling one of the most dramatic ventures in education this nation has ever undertaken. In 1953, President Eisenhower used the vehicle of his famous "Atoms for Speech" talk to suggest that this country establish means for sharing with many nations of the world our rapidly-growing understanding of the peaceful uses of nuclear energy. Argonne considered this a mandate and launched a crash program to bring into existence the International School of Nuclear Science and Engineering. Norm Hilberry, Elmer Rylander, and Rollin Tacker did yeoman work and before the year was out the school was in operation.

Its objective was to attract young men from abroad and to provide them with sufficient training to enable them to return home and establish nuclear energy programs appropriate to the level of technology existing there.

In 1961 the International School became the International Institute. In the institute, the emphasis was on programs tailored for each participant, to make maximum use of the background and the skills he already had acquired. And it was the continued success of the IINSE which caused its demise in 1965. So many of its graduates, scattered about the globe, had developed strong nuclear energy programs in their home countries that the kind of training offered at Argonne no longer was needed.

As most of you here today will recall, Al Crewe decided to step down from his position of Laboratory Director in December of 1966. And early in 1967 Dr. Robert Duffield, whom I have known since his association with me during his student days at the University of California at Berkeley, succeeded him as Director. Bob Duffield has continued the fine tradition of leadership here at Argonne. He has guided ANL through a significant and productive era of its history.

My remarks to this point have concerned the history of Argonne National Laboratory—the Argonne of the past. I will close with several thoughts about the years ahead—the Argonne of the future.

First let me emphasize that the projections which the Commission has developed indicate an undiminished need for use of Argonne National Laboratory for Atomic Energy Commission programs for as far ahead as we can make projections. I foresee no lessening in the national importance of the sort of work Argonne has been carrying out for the AEC. I understand that, in addition to the support we provide, the support for work at Argonne funded by other agencies will total about \$2,500,000 this fiscal year.

The Commission will continue to encourage its laboratories to provide assistance to others in areas in which they have special competence and facilities up to the limits set by statute and the priority we need to give our own work.

Argonne will continue to play a central role in what I see as perhaps the most fruitful and, in many ways, the most exciting technological challenge facing the nation today—the development of the breeder reactor. Further, I believe that pioneering research at Argonne in both the physical and biological sciences will gain continued recognition as a major source of long-term national strength.

I realize that these are trying days for Argonne, as they are for all of our National Laboratories. And any clear assessment of the future must take present difficulties into full account. But the response of our laboratories to these difficulties has been encouraging and impressive; they have remained steadily productive under painful stress. I believe the long-term prospects at Argonne, as at other laboratories, will depend strongly on the ability of the entire staff to maintain innovative, creative science in the face of budgetary fluctuations.

The drive for excellence in any laboratory is fueled most simply by rapidly expanding requirements and budgets. For now, we must find how to keep our momentum with different fuel. This is a time of testing for many scientific institutions. Some will be seized by the mincing caution which chokes inventiveness. Some will wander and wither, seeking the favors of fashionability instead of capitalizing on their own virtues. Certainly the future of Argonne will be affected by decisions made elsewhere and by the priorities others attach next year and the year after to specific efforts. For the long run, however, I view decisions by individuals here about their own work as of even greater importance. The best assurances for the future will come from present rededication to the drive for excellence which Argonne National Laboratory has displayed throughout its first 25 years.

#### LIFE MAGAZINE'S REPORT ON VIETNAM ATROCITIES

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the lead article in last week's issue of Life magazine contained some more shocking details concerning atrocities committed by American military forces in Vietnam. Nothing is gained by adding to the cumulative total of these dismal incidents unless they help shock us into acting to prevent this kind of thing from happening in the future.

Perhaps the most important part of the article is the interview with Lt. Col. Anthony Herbert, a Regular Army officer with 23 years of service, who was the Army's most decorated enlisted man during the Korean war. According to the article, when Colonel Herbert, who commanded a battalion in Vietnam, brought charges against his superior officers for covering up atrocities, he was transferred back to the United States.

Colonel Herbert believes that the principal reason for American atrocities in Vietnam is a failure of command responsibility. Such a failure not only results in atrocities but inevitably undermines the morale of the armed services.

It is significant that some of the most outstanding combat officers, such as Colonel Herbert and Colonel Hackworth, are the ones who are most concerned

about the failure of command responsibility in Vietnam.

In my opinion, the Congress too has a responsibility. That responsibility is to conduct a thorough and impartial investigation into the practices and policies that have led to such a serious breakdown and the inevitable descent into barbarism.

The text of the Life magazine article is set forth below:

#### CONFESSIONS OF "THE WINTER SOLDIERS"

(By Donald Jackson)

*In recent weeks the publication of the Pentagon's secret study of the Vietnam war has stirred up a great deal of public criticism about the way the war was conducted by the highest officials of the U.S. government. With far less publicity, another kind of testimony about Vietnam has been emerging over the past few months. It, too, deals with the conduct of the war, but on the very personal level of American troops who fought there.*

"I always had this idea of a battalion of little bodies running toward me with rifles and screaming, sneaking around in dark pajamas with daggers. But what you see mainly are civilians, old men, little kids. Once we were on guard at the Dongha Ramp, and for three nights running this little kid, about 3 years old, ran out of his hootch when our truck went by and screamed at us, giving us the finger and saying, 'marines number 10.' It means the worst, the lowest. We decided to rip him off. So the next night we all loaded up with big rocks, I mean like boulders, and when he came out, WHAP, everybody stood up in the truck and threw their rocks and the truck just kept going and I looked back and all I could see was this bloody little hump of flesh, this little bundle of flesh and shorts and blood."—William Hatton, Bagley, Minn., Cpl., FLSG Bravo, Third Marine Division, 1968-69.

Lt. Col. Anthony Herbert, 23 years in the U.S. Army, is crewcut, stiff of bearing, an up-from-the-ranks "mustang" who was the army's most decorated enlisted man in Korea. Herbert has always believed the best of the army. "I like the military," he says. "I go along with almost everything." But the almost weighs on his mind.

Herbert feels that something went irretrievably wrong for the army in Vietnam. "I guess I'm a maverick," he says. "I think that when things go wrong, the most efficient course is to be honest, and to let the chips fall." The chips falling now, around Herbert and the entire American military, are accounts of atrocities committed by U.S. troops in Vietnam, stories of widespread murder and torture, willful and often casual, stories that are being told by the veterans themselves.

The colonel, who won his commission in 1956, commanded a battalion in Vietnam for 58 days. When he brought charges against his superior officers for covering up atrocities, he was transferred back to the U.S. He was assigned to the prestigious Army Command and General Staff College in Fort Leavenworth, Kans., but was again transferred, to Fort McPherson, Ga., before he could begin attending classes.

He sat uneasily now in a French provincial chair in his Atlanta living room. "It's easy to get soldiers to do what's right," he said. "You just have to tell them. When I first joined my battalion in Vietnam, in February 1969, they were getting R & R (rest and recuperation) leaves for kills. I changed that. I gave them R & R for live prisoners. They're worth information.

"Day after day," he continued, "a man doesn't see the enemy over there. Finally he gets so he has to do something physical, to strike back. His friends are getting wounded by booby traps and there's no enemy in sight. A man gets a prisoner and he

wants to hide his fear by showing how tough he is."

The colonel's chest is ribboned and medaled. He wears a paratrooper's badge but not his Vietnam patch. "We overpreach about women and kids fighting. The majority of the civilians don't shoot at us. Some are forced by the enemy to be involved. But we condition our people to the idea that everyone is a goddamned enemy by this kind of talk."

"And we condition our recruits to be losers. We try to scare them, telling them the Vietcong lives in darkness, painting him as some kind of superman when he's a stumblebum just like we are. Maybe it's the training cadre. We use our worst for cadre. The best go to the Pentagon looking for big jobs. Then when these incidents, these atrocities happen, the enlisted men don't report them. They're afraid to. They can get charged with insubordination."

The colonel relaxed slightly. He shook his head. "My first engagement with the enemy in Vietnam, I captured two VC who were trying to run. We were on a hill. A sergeant came running up and tried to bayonet the people I captured." Colonel Herbert's eyebrows rose in incredulity. "I grabbed him and threw him down."

Colonel Herbert picked a piece of lint off his razor-creased trousers. He seemed somehow out of place amid the formal furniture of his living room. He speaks in an Appalachian accent. He still considers himself a sergeant in disguise.

"When I first got to Vietnam and saw the torture that went on in my battalion," he said, "I talked to other officers about it. They all told me, 'That's the way it is. You can't rock the boat. You can't antagonize the big dragons.' That was what they said—don't antagonize the big dragons, or you're gone."

Herbert believes the principal reason for American atrocities in Vietnam is a failure of command responsibility. "It's ambition," he said emphatically, leaning forward in his chair. "The commanders are out to get a war record. It's called 'getting your ticket punched.' And the battalion commanders aren't held accountable. They don't feel responsible. They take the job as a stepping-stone. The only time they are held responsible is if they're caught. What I keep driving to say is this: what if these things happen in your unit and you don't do anything about it and then later it comes to light? And they come to you and say, 'what did you do about it? Who's criminal then?'"

The colonel glanced at his bookcase. *The Professional Soldier* was there, and *The New Military*. But so were *Psychoanalysis and Literature* and *Sex-Driven People*. The colonel has a master's degree in psychology.

"The commanders are up there in helicopters," he went on. "You can command from a chopper but you can't control. They don't want to get their boots dirty. Look at Mylai. The commanders were in helicopters. It's not real from up there, its little lead soldiers falling down."

Herbert feels that by sticking to his charges he has forfeited his future in the army, a conviction that leaves him sad, frustrated and angry. He still believes, in a corner of his mind, that the military is an honorable calling. "This stuff would stop," he said, "if we'd hang a couple of senior commanders. If it's no longer condoned, then it will cease. If you don't tell a soldier what's right, then he thinks whatever is tacitly condoned is what you want, and that's what he does. It's not brave to be cruel."

The colonel stood up, almost came to attention. "The Vietnamese civilians walk a tightrope," he said. "They get no protection from either side. If they're friendly to VC, we get them. If they help us, the VC get them." He paused and looked at the floor. "It's only a matter of time who's going to get them. If it doesn't stop they'll eventually be exterminated."

He had a final thought. "We're telling those people that our way is the right way of living. If we torture—what's right?"

Most military men agree that atrocities are something more and in some ways worse than crimes: they are mistakes. The "rules of war" have a practical rationale: terror does not convince, a prisoner is worth more than a corpse, an army that treats prisoners humanely may expect the same treatment from its enemy.

A complex of elements, tangible and intangible, holds an army together: command responsibility, sureness of purposes, discipline, confidence in its civilian support, tactics suited to the war. Somehow the elements have gone wrong—do not work—in Vietnam. There we are ostensibly defending a friendly country against a hostile aggressor. But how to reconcile the tactics of mass destruction in South Vietnam—saturation bombing, "free-fire" zones, "search and destroy" missions—with a stated aim of winning "the hearts and minds" of the South Vietnamese? In Vietnam, the U.S. fielded the best equipped, most technologically advanced army in history, then saw it stalemated in the jungles and paddies, the parent of the guerrilla.

This is a war without conventional battle lines, with body counts and not captured territory the criterion of success, with the enemy often invisible. The possibility that almost anyone might be the enemy allows a hard-pressed soldier to believe, as one said, that "everyone is the enemy." Psychiatrist Robert Lifton, who has interviewed hundreds of Vietnam veterans, says that in such a situation a man gets "psychologically hungry for an enemy." The result is confusion, frustration, rage—and sometimes atrocity.

Atrocities and civilian deaths have been plentiful in previous wars, to be sure, on a scale which escalated dramatically with the introduction of bombing raids. Guilt has historically lingered on soldiers' consciences. But the Vietnam war seems to combine all the elements which may contribute to an ambience of atrocity—racism, technology, guerrilla warfare—and adds a few of its own. The single most compelling difference about Vietnam is that veterans have felt moved to confess their crimes publicly and to oppose the war they fought.

Veterans of earlier American wars, the heroes of Veracruz and Shiloh and Belleau Wood and Tarawa, packed their doubts away with their rucksacks. Whatever questions or guilty knowledge they carted home were impossible to sustain amid an atmosphere of victory and public approval, of proud marches up the boulevard and the carefully edited recital of brave deeds. But the victory parades are missing in this war, and not only because the victory is missing. These are veterans of an unpopular war, and no one can be more sensitive to public apathy or hostility to a cause than a man who has been asked to risk his life for that cause. It is a war where the soldier's commitment is for 11 or 12 months, not "for the duration," and where the returning veteran finds his countrymen uninterested in his war stories, all too willing to change the subject. The doubts the veterans find at home deny them the luxury of forgetting their own doubts.

In the early years, many of the veterans who now oppose the war went eagerly to "the Nam." Workingmen's sons with unquestioning faith in their fathers' flag, they were the meat of the army, starved and crew-cut recruits with raw minds and hands hot to hold the rifle. The years were 1965 and 1966 and 1967, and if the war was not widely supported even then, it was not widely loathed either, and an 18-year-old could still dream of a beribboned homecoming and some modest slice of glory he could polish and enjoy at his leisure.

They became pilots and door gunners and rifemen and interrogators and marines—sons of Iwo Jima—and they did what they were

told. They encountered the atrocity of war, and the particular atrocities of this war, and the experience changed them, wounded them, deprived them of something—their confidence, their patriotism, their heart, something. They made the appalling discoveries others had made before them: innocent people do get killed in war, some men are transformed into animals, the conventional morality of the "home front" no longer exists. Some placed their experience against this background—the burning villages of the Plains Indians, the thousands of civilians roasted in Dresden and Hiroshima—but others did not. They had seen their country, their friends and themselves commit unconscionable acts. They came home and found doubt, dissent and apathy. History might offer them perspective but not forgiveness.

The images stock in their minds: Vietnamese farmers shot in their paddies for target practice, children pelted for sport with heavy C-ration cans and rocks, the terrible playfulness of war. Suspected enemy tortured with electrical wires and worse, prisoners tossed out of helicopters, villages burned routinely. On this bloody canvas the massacre at Mylai emerges not as an isolated aberration but an extension of all that had gone before and was going on at the time, different in only two respects; the large number of civilians killed, and the fact that men were caught and brought to trial.

Some of the antiwar veterans have banded together in an organization called Vietnam Veterans Against the War. Now 15,000 strong and growing, its numbers are still unimpressive when set against a total of 2.8 million Vietnam veterans. How many of their silent brothers they represent is impossible to determine. Their significance derives not from their numbers but from their authenticity: they were there.

Early this year Vietnam Veterans Against the War initiated what they called "Winter Soldier Investigations," paraphrasing Tom Paine's description of the winter of 1776 and Valley Forge: "The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman."

At these hearings, beginning last winter in Detroit, perhaps 600 of them have testified to atrocities they either witnessed or committed—talking uncomfortably, self-consciously, sometimes breaking down in the telling. It is what one veteran describes as "confessional politics," a sort of mass therapy session with political overtones. It amounts to a numbing, relentless litany. "The most important point of what we're saying," one veteran explains, "is its redundancy."

"My company was sitting under some trees by a road between two landing zones, taking a break. This Vietnamese man came riding down the road on a small motorcycle with his wife and kid, and most of their possessions on the back of the cycle. Suddenly the dog handler released the scout dog, told him to go get this guy. The dog leaped over the handlebars and grabbed the guy. The wife fell one way, the kid another way, their stuff was scattered all over. The dog bit the guy's neck and took a chunk out of his leg. Somebody went out and checked his ID, found out he worked for us. He got up with blood pouring out of his leg, gathered up his family and limped off."

—Joseph Galbally, Philadelphia, Pa., Pfc., 198th Light Infantry Brigade, Americal Division, 1967-68.

"We were securing artillery out of Route 19 between Pleiku and An Khê and we were going to test-fire our weapons into the bushes—M-16 rifles and M-60 machine guns. The way we were set up, we were aiming at a village. I knew it, the platoon sergeant knew it and the platoon leader knew it. So I approached them and said, 'You can't fire over there because there's a village there. You're going to hit people.' The sergeant just told me to get away. The lieutenant said,



"So what?" The next day they brought the wounded in. There were 43 at least hurt, I don't know how many killed. I was a medic so I treated the wounded. I called for a helicopter to evacuate them to a hospital and they sent me a truck."

—Kenneth Ruth, Silver Spring, Md., Sp4c., Twelfth Air Cavalry Regiment, First Air Cavalry Division, 1966-67.

"We went mad when Pierce got blown away. A sniper hit him. The shot came from a village we had just passed, and I turned around and saw this old priest standing there. Somebody shot a gun right behind me and shoved that little priest right into his altar. Then we wiped out the village and another one, I mean with *everything*—we shot people, pigs, dogs, geese, we burned every hut, it was just madness. All I can remember is shooting and torching and then, later, looking back and seeing all this smoke, two big clouds of smoke with paddies in between."

—Michael McCusker, Portland, Oreg., Sgt., First Marine Division, 1966-67.

"The last day before I went to the Nam we were in a staging area in San Diego, and this staff sergeant came out in front of us with a rabbit, petting it. He said sometimes we might get separated from our units and need to forage for food. Suddenly he made a quick move and killed the rabbit. He pulled out a knife and started skinning it, then disemboweled it, throwing the guts and bones in our faces. Later in Vietnam I saw an American civilian adviser to an ARVN group do the same thing with a dead VC woman, disembowel her. He peeled her skin off and left her there as a warning to the villagers."

—Joe Bangert, Philadelphia, Pa., Sgt., 1st Marine Aircraft Wing, First Marine Division, 1968-69.

"I was an artillery forward observer. I could call in artillery whenever I saw fit. All I'd have to do was report incoming fire and I could get it. What we'd do is, if there was a slow time, we'd just pick out a village and say, 'Okay, let's see how many shots it takes to destroy this house.' And I'd call in artillery until I'd destroyed it. And then the mortar guy would call mortar rounds in until he destroyed one. And whoever used the least amount of rounds would win. The loser would buy the winner beers."

—Scott Camil, Gainesville, Fla., Sgt., Eleventh Marine Regiment, First Marine Division, 1966-67.

"It was a joke to cut off the chin whiskers of old men. We'd do it just for the hell of it, just to be hard guys. We'd move in and take over some old guy's hootch and he'd squawk, so we'd cut his whiskers to shut him up. Sometimes we'd rip the whiskers off. They were gooks and slant-eyes and we hated them. It's like anybody can be the enemy, so everybody is."

—Thomas Heldtman, Plymouth, Mich., Pfc., Fifth Marine Regiment, First Marine Division, 1966-67.

"Lots of times we would deliberately use the rotor wash. In certain sections along the coast all the people from a hamlet or village will go out in a field in the morning to defecate, and we'd see them and the pilot would flare the ship, and what results is all this wind comes rushing forward, and you get a lot of wind. So we'd see these villagers out doing their thing in the morning and we'd make a run and flare and just blow them over, roll them through their own crap. Another thing, they put their rice in these large flat pans to dry, and we'd blow that away. I remember times where the people would be out in the field picking up individual grains of rice."

—James Duffy, New York, N.Y., Sp5c., 228th Aviation Battalion, First Air Cavalry Division, 1966-67.

"We got a lot of people killed in Happy Valley, and the first village we hit after that we reconnected by fire before we went in. This was Tuyhoa. There were a lot of dead and wounded. The next morning we were camped on a hill above the village and the villagers

were having a burial ceremony. This sergeant and a Spec/4 started firing machine gun rounds at the burial ceremony. They hit a guy, and people didn't even look to see if he was dead, they just rolled him over and put him in the hole with the others and covered him up."

—Charles Stephens, Fords, N.J., Pfc., 27th Infantry, 101st Airborne Division, 1966-67.

"There was a place we called Ambush Pass because there were a lot of snipers there. It was on the road from Ducpho to Saiwen. There was a lake there, and one morning we came by on our tracks and saw some fishermen in a boat. The gunners asked permission to test-fire their M-79's and shot at them for the practice as we passed. We did the same thing with fishermen in the ocean, near Saiwen. These guys were out there in their little straw boats. We fired 50-caliber rounds at them, everybody was doing it. We got one of them."

—Gary Keyes, Great Bend, Kans., Spec. 4, 11th Brigade, Americal Division, 1969-70.

"We started off tossing C-ration cans at the kids when we went through a village because we wanted to give them food. Then it changed. We began trying to hit them with the cans. We'd toss them into barbed wire and watch the kids go tearing after them, cutting themselves up. Some guys would drop the cans off the back of a truck when we were in convoy. There would be maybe 25 or 30 yards between trucks. They'd drop the cans so the kids would have to dart out and grab them and try to get out of the way of the next truck. One of the kids didn't get out of the way in time. The convoy just kept going. Every truck ran over that kid."

—Jack Smith, New Haven, Conn., Sgt., Twelfth Marine Regiment, Third Marine Division, 1969.

"We would interrogate 'detainees'—suspected Vietcong. We'd attach wires to parts of their body. The wires ran to a 12-volt jeep battery. They would give off a pretty good scream when we stepped on the gas. If the wire method failed, the major in charge got out his knife. Once he just filleted a man alive, cut strips off him like bacon. We had to kill him after that, you couldn't take a guy in that condition to a hospital."

—Jon Drolshagen, Columbus, Ohio, 1st Lt., 9th Infantry, Twenty-fifth Infantry Division, 1966-67.

They did their year and they came home. "You see an old friend on the street after you get back," former army Lt. Sam Bunge said, "and he says something like, 'Where you been? Haven't seen you for weeks.' And you realize you've been forgotten. Back here it's business as usual."

"The contrast between the plane ride over and the ride back was fantastic," said ex-Maj. David Galicia, a psychiatrist. "The ride over was what you'd expect of 140 Americans thrown together on a plane for 18 hours—where are you from, what do you do, a lot of bantering and flirting with the stewardesses. On the way back you couldn't have cut the atmosphere on that plane with a machete. Hardly anyone spoke. I had the distinct impression that if one of the stewardesses had walked down the aisle naked and made an overt pass at almost any man on the plane, the guy would have said, 'Bug off, lady, I don't want to be bothered.'"

They bore their guilt any way they could devise to bear it, any way that would get them through the night. "I'd be walking down a street in Cambridge," said former helicopter pilot Rusty Sachs, "and I'd see some long-haired-hippie-radical-Communist-atheist-freak walking toward me, and as often as not I'd put my head down, stick my shoulder in his gut and knock him into the gutter. Once I did that and the guy just said, 'That sort of makes it hard for us to communicate, doesn't it?'" Sachs now resembles the people he used to shoulder off the sidewalk.

"I was drunk a lot of the time when I first got out," ex-army Lt. Jon Drolshagen said. "I'd come to and be 500 or 1,000 miles from

home with no idea how I got there. I'd try to get drunk enough to pass out, just to avoid the bad dreams. I'd wake up feeling like hell, but at least there were no nightmares." The paneling next to Drolshagen's bed is gashed with a large jagged hole. "That was from a super nightmare," he explained. "I woke up swinging. You still can't wake me up by touching me because you'll get hit." He has been back for four years.

Liquor was one escape, drugs were another, violence was another. "There were about four waves that hit me after I got back," ex-marine Sgt. Joe Bangert said. "First I felt obsessed with telling people they had to end the war. Then I considered killing myself. Then I got into hard drugs, roaring around with the hippies. Then last year I found the vets against the war."

Jim Duffy cruised bars in the Bronx looking for fights. Bill Hatton, back in the hamlet of Bagley, Minn., devised ingenious ways of torturing his cat. Tom Heldtman found that he could no longer touch a gun; someone left a water pistol on his lawn in Plymouth, Mich., and he couldn't pick it up for six weeks.

Kenneth Ruth describes himself as a "political moderate." His hair is short, his shirt clean and buttoned down, and until recently he worked as a policeman on Capitol Hill in Washington. He feels now that he can't discuss Vietnam with anyone except other veterans because "people can't understand." When he thinks of Vietnam he thinks of the expressions in the eyes of Vietnamese people "the fear we struck in them when we walked into their village. I remember an old man with a long beard. We asked him if he was Ho Chi Minh, and I remember the terror that went through his body. He probably admired Ho. When I first got there in 1966 they welcomed us. But at the end of my year they were afraid to see us come, because they knew we were not a liberating army but an occupation army."

In the solidarity of the antiwar veterans movement they found their way. In a sense they were back in uniform, a different uniform calculated to deny their recent past: beards and buttons and peace medallions. It was the uniform they wore at their spring demonstration in Washington, and at the Winter Soldier hearings and "guerrilla theater" plays they have staged in more than 40 cities since then. "Bri-1-i-ng 'em home," they all chanted in Washington, "Bring our brothers home." And at a microphone in front of the Capitol, one said it for all of them: "I have only one thing to say to the Vietnamese people," he cried. "Oh, God, God, I'm sorry."

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRASCO (at the request of Mr. PODELL), for Wednesday, July 14, 1971, on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DENT, for 30 minutes, on Tuesday, July 20, 1971.

Mr. GAYDOS (at the request of Mr. DENT), for 30 minutes, on Tuesday, July 20.

(The following Members (at the request of Mr. CAMP) and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the re-

quest of Mr. McKAY) and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 20 minutes, today.  
Mr. McFALL, for 5 minutes, today.  
Mr. ST GERMAIN, for 10 minutes, today.  
Mr. GONZALEZ, for 10 minutes, today.  
Mr. PATTEN, for 30 minutes, on July 20.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAMP) and to include extraneous matter:)

Mr. FINDLEY.  
Mr. DON H. CLAUSEN in two instances.  
Mr. BRAY in two instances.  
Mr. HUNT in two instances.  
Mr. HOSMER in two instances.  
Mr. ZWACH in two instances.  
Mr. WYMAN in two instances.  
Mr. WHALEN.  
Mr. SCHMITZ in two instances.  
Mr. CONTE.  
Mr. FREY.  
Mr. ROBISON of New York.  
Mr. BURKE of Florida.  
Mr. WYDLER.  
Mr. MICHEL in two instances.  
Mr. LUJAN.  
Mr. GOLDWATER.  
Mr. MCKINNEY.  
Mr. DERWINSKI in two instances.  
Mr. MILLER of Ohio.  
Mr. McCLURE in three instances.  
Mr. DICKINSON.  
Mr. THOMPSON of Georgia.

(The following Members (at the request of Mr. McKAY) and to include extraneous matter:)

Mr. ANDERSON of Tennessee in two instances.  
Mr. FRASER in four instances.  
Mr. DINGELL in three instances.  
Mr. JACOBS.  
Mr. ASPIN in three instances.  
Mr. SIKES in five instances.  
Mr. ROSTENKOWSKI.  
Mrs. HICKS of Massachusetts in two instances.  
Mrs. GRIFFITHS in two instances.  
Mr. EDWARDS of California.  
Mr. RODINO in two instances.  
Mr. BURKE of Massachusetts in two instances.  
Mr. BRINKLEY.  
Mr. DANIEL of Virginia.  
Mr. BROOKS in two instances.  
Mr. WALDIE in eight instances.  
Mr. HANNA.  
Mr. MAZZOLI in two instances.  
Mr. GALLAGHER in two instances.  
Mr. VANIK in two instances.  
Mr. HAGAN in two instances.  
Mr. WHITE in two instances.  
Mrs. SULLIVAN in three instances.  
Mr. GONZALEZ in two instances.  
Mr. GETTYS in three instances.  
Mr. MATSUNAGA in three instances.

#### ADJOURNMENT

Mr. McKAY, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, July 15, 1971, at 12 noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

962. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of transfers of amounts appropriated to the Department of Defense under section 836 of the Department of Defense Appropriation Act of 1971; to the Committee on Appropriations.

963. A letter from the Chairman, Indian Claims Commission, transmitting a draft of proposed legislation to extend the life of the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

964. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the development of systems necessary to attain the motor vehicle and engine emission standards established under the Clean Air Act, pursuant to section 202(b) (4) of the act; to the Committee on Interstate and Foreign Commerce.

965. A letter from the Comptroller General of the United States, transmitting a report on construction of watershed projects terminated or delayed because of land rights problems, Soil Conservation Service, Department of Agriculture; to the Committee on Government Operations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.J. Res. 208. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; with amendments (Rept. 92-359). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 9774. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

By Mr. BIESTER:

H.R. 9775. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DELLUMS:

H.R. 9776. A bill to terminate all price support programs for tobacco beginning with the 1972 crop of tobacco; to the Committee on Agriculture.

H.R. 9777. A bill to enforce the Treaty of Guadalupe-Hidalgo as a treaty made pursuant to article VI of the Constitution in regard to lands rightfully belonging to descendants of former Mexican citizens, to recognize the municipal status of the community land grants, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DULSKI (for himself, Mr. HANLEY, and Mr. HOGAN):

H.R. 9778. A bill to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek; to the Committee on Post Office and Civil Service.

By Mrs. GRASSO:

H.R. 9779. A bill to increase educational and training assistance allowances payable under title 38 of the United States Code; to the Committee on Veterans' Affairs.

By Mr. HALPERN:

H.R. 9780. A bill to protect hobbyists against the reproduction or manufacture of imitation hobby items and to provide additional protections for American hobbyists; to the Committee on Interstate and Foreign Commerce.

By Mr. HORTON (for himself, Mr. BIESTER and Mr. GUDE):

H.R. 9781. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. KEATING (for himself, Mr. KING, Mr. HALPERN, Mr. JOHNSON of Pennsylvania, Mr. RHODES, Mr. RUNNELS, Mr. WRIGHT, Mr. FISH, Mr. YATRON, Mr. ESCH, Mr. DERWINSKI, Mr. MORSE, Mr. SIKES, Mr. BUCHANAN, Mr. WILLIAMS, Mr. PICKLE, Mr. MICHEL, and Mr. CLEVELAND):

H.R. 9782. A bill to restore the income tax credit for investment in certain depreciable property; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. ANDERSON of Tennessee, Mr. BADILLO, Mr. BEGICH, Mr. BURTON, Mr. EDWARDS of California, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. MIKVA, Mr. MITCHELL, Mr. MOSS, Mr. OBEY, Mr. RONCALIO, Mr. ROSENTHAL, Mr. RYAN, and Mr. STOKES):

H.R. 9783. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph for certain purposes; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 9784. A bill to amend the Sherman Antitrust Act (15 U.S.C. 1 et seq.) to provide that exclusive territorial franchises, under limited circumstances, shall not be deemed a restraint of trade or commerce or a monopoly or attempt to monopolize, and for other purposes; to the Committee on the Judiciary.

By Mr. PIRNIE (for himself, Mr. ASPIN, Mr. BURKE of Florida, Mr. DERWINSKI, Mr. TALCOTT, Mr. ANDERSON of Illinois, Mr. DOWNING, Mr. HOSMER, Mr. HOGAN, Mr. HALPERN, Mr. MORSE, Mr. MONTGOMERY, Mr. PIKE, Mr. SCHERLE, Mrs. GRASSO, Mr. ROBINSON of Virginia, Mr. TERRY, Mr. HANSEN of Idaho, and Mr. WHITEHURST):

H.R. 9785. A bill to transfer the Coast Guard to the Department of Defense; to the Committee on Merchant Marine and Fisheries.

By Mr. ROYBAL:

H.R. 9786. A bill to authorize a study of the feasibility and desirability of establishing a Channel Island National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. SCHMITZ:

H.R. 9787. A bill to amend title II of the Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated); to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 9788. A bill to suspend for a temporary period the import duty on 6-azauridine triacetate; to the Committee on Ways and Means.

By Mr. SHRIVER (for himself and Mr. McKEVITT):

H.R. 9789. A bill to designate certain seg-

ments of the Interstate System as the "Dwight D. Eisenhower Highway"; to the Committee on Public Works.

By Mr. VANDER JAGT:

H.R. 9790. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

By Mr. WHITEHURST:

H.R. 9791. A bill to amend the Internal Revenue Code of 1954 to permit the Secretary of the Treasury to establish an investment credit when certain criteria (prescribed by the Secretary) are met; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 9792. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

H.R. 9793. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CHAPPELL:

H.R. 9794. A bill to amend title 38 of the United States Code so as to treat certain expeditionary campaigns as periods of war for the purposes of such title; to the Committee on Veterans' Affairs.

By Mr. CLARK (for himself and Mr. GROVER):

H.R. 9795. A bill to authorize the involuntary recall of the Coast Guard Reserve to duty in time of natural disaster; to the Committee on Merchant Marine and Fisheries.

By Mr. DELLUMS:

H.R. 9796. A bill to establish a national environmental bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

By Mr. DRINAN:

H.R. 9797. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FINDLEY (for himself, Mr. TAYLOR, Mr. SKUBITZ, Mr. ROSTENKOWSKI, Mr. ARENDS, Mr. ANDERSON of Illinois, Mr. ANNUNZIO, Mr. COLLIER, Mr. COLLINS of Illinois, Mr. CRANE, Mr. DERWINSKI, Mr. ERLBORN, Mr. GRAY, Mr. KLUCZYNSKI, Mr. McCLORY, Mr. MICHEL, Mr. MIKVA, Mr. MURPHY of Illinois, Mr. PRICE of Illinois, Mr. PUCINSKI, Mr. RAILSBACK, Mrs. RED of Illinois, Mr. SHIPLEY, Mr. SPRINGER, and Mr. YATES):

H.R. 9798. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRENZEL:

H.R. 9799. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

H.R. 9800. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. GRAY (for himself and Mr. PRELINGHUYSEN):

H.R. 9801. A bill to amend the John F. Kennedy Center Act to authorize funds for operation and maintenance of the non-

performing arts functions of that Center; to the Committee on Public Works.

By Mr. GUDE:

H.R. 9802. A bill to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. HARRINGTON (for himself, Mr. BEGICH, and Mr. MIKVA):

H.R. 9803. A bill to amend section 8 of the Federal Water Pollution Control Act, relating to grants for the construction of treatment works, in order to increase the Federal share of construction costs and to authorize the obligation of certain amounts for such grants, and to amend section 10 of the act relating to water quality standards, and for other purposes; to the Committee on Public Works.

By Mr. JOHNSON of California:

H.R. 9804. A bill relating to the public lands of the United States; to the Committee on Interior and Insular Affairs.

H.R. 9805. A bill to amend the Indian Long-Term Leasing Act; to the Committee on Interior and Insular Affairs.

By Mr. LEGGETT:

H.R. 9806. A bill to designate certain lands in the State of California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. McMILLAN:

H.R. 9807. A bill to amend section 39-704, District of Columbia Code relating to the jurisdiction of courts-martial of the militia of the District of Columbia; to the Committee on Armed Services.

By Mr. PERKINS:

H.R. 9808. A bill authorizing the construction, repair, and preservation of certain public works on rivers for flood control; to the Committee on Public Works.

By Mr. WHITE:

H.R. 9809. A bill to designate a certain traffic circle in the District of Columbia as the "Benito Juarez Circle"; to the Committee on the District of Columbia.

By Mr. WYMAN:

H.R. 9810. A bill to prevent abuses of the privilege of diplomatic immunity; to the Committee on Ways and Means.

By Mr. WIGGINS:

H.J. Res. 780. Joint resolution authorizing the President to proclaim the period April 19 through April 22, 1972, as "School Bus Safety Week"; to the Committee on the Judiciary.

By Mr. CABELL (for himself and Mr. ROBERTS):

H.J. Res. 781. Joint resolution proposing an amendment to the Constitution of the United States to insure the right of parents and local school authorities to determine which school the children in that locality will attend; to the Committee on the Judiciary.

By Mr. FREY (for himself, Mr. ANDERSON of Illinois, Mr. ANDREWS of North Dakota, Mr. ARCHER, Mr. ARENDS, Mr. BAKER, Mr. BELL, Mr. BOLAND, Mr. BROYHILL of North Carolina, Mr. BUCHANAN, Mr. BURKE of Florida, Mr. BYRNES of Wisconsin, Mr. CEDERBERG, Mr. CLANCY, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. COLLINS of Texas, Mr. CONABLE, Mr. DANIEL of Virginia, Mr. DAVIS of Wisconsin, Mr. DENNIS, Mr. DERWINSKI, Mr. DONOHUE, Mr. DU PONT, and Mr. EDWARDS of Alabama):

H. Con. Res. 361. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. FREY (for himself, Mr. EHLBERG, Mr. ERLBORN, Mr. FISHER, Mr. FLOWERS, Mr. FORSTYHE, Mr. FRENZEL, Mr. GOLDWATER, Mr. HALPERN, Mr. HAMMERSCHMIDT, Mr. HARSHA, Mr. HASTINGS, Mrs. HICKS of Massa-

chusetts, Mr. HILLIS, Mr. HOGAN, Mr. HOSMER, Mr. ICHORD, Mr. JOHNSON of Pennsylvania, Mr. KEATING, Mr. KEMP, Mr. LENT, Mr. McCLORY, Mr. McCLORE, Mr. MCCOLLISTER, and Mr. McDADE):

H. Con. Res. 362. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. FREY (for himself, Mr. McKEVITT, Mr. MCKINNEY, Mr. MATHIAS of California, Mr. MAZZOLI, Mr. MOSHER, Mr. O'KONSKI, Mr. PEPPER, Mr. PEYSER, Mr. POWELL, Mr. PRICE of Texas, Mr. RAILSBACK, Mr. RIEGLE, Mr. ROBINSON of Virginia, Mr. RUTH, Mr. SANDMAN, Mr. SCHNEEBELI, Mr. SCHWENDEL, Mr. SHOUP, Mr. SPENCE, Mr. STEELE, Mr. STEIGER of Arizona, Mr. TALCOTT, Mr. TERRY, and Mr. THONE):

H. Con. Res. 363. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. FREY (for himself, Mr. WARE, Mr. WHALLEY, Mr. WHITEHURST, Mr. WILLIAMS, Mr. WINN, Mr. WYATT, and Mr. YOUNG of Florida):

H. Con. Res. 364. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. COLLINS of Texas (for himself and Mr. THOMPSON of Georgia):

H. Res. 539. Resolution to direct the Secretary of Health, Education, and Welfare to furnish certain documents to the House of Representatives; to the Committee on Education and Labor.

By Mr. FLOOD (for himself, Mr. CHARLES H. WILSON, Mr. ANDERSON of Tennessee, Mr. FLOWERS, Mr. ST GERMAIN, Mr. LENNON, Mr. ROBERTS, Mr. RARICK, Mr. ABERNETHY, Mr. WAGGONER, and Mr. DELANEY):

H. Res. 540. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal; to the Committee on Foreign Affairs.

By Mr. HALL (for himself, Mr. WYLIE, Mr. DEL CLAWSON, Mr. LATTA, Mr. ROBINSON of Virginia, Mr. SIKES, Mr. DERWINSKI, Mr. PELLY, Mr. SCHERLE, Mr. WYMAN, Mr. HUTCHINSON, Mr. GROVER, Mr. TEAGUE of California, Mr. SPENCE, Mr. CABELL, Mr. RIEGLE, Mr. RANDALL, Mr. ARCHER, Mr. SCHMITZ, Mr. MCCOLLISTER, Mr. BYRNE of Pennsylvania, and Mr. CORDOVA):

H. Res. 541. Resolution to express the sense of the House of Representatives that the United States maintain the sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 9811. A bill for the relief of William T. Barnett; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 9812. A bill for the relief of Gaetano Nazzareno Pellicciotta and his wife, Teresa Pellicciotta; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, 104. The SPEAKER presented petition of Henry Stoner, York, Pa., relative to a court-martial; to the Committee on Armed Services.