in the actual development could deduct these costs.

But these airlines are not developing the SST. Who is? The Federal Government, in conjunction with Boeing Aircraft. Section 174 clearly applies only to research and experimental expenditures paid or incurred by the developer. And these payments, according to section 174, must be "in connection with his trade or business." It requires quite a stretch of the imagination to say that payments to Boeing by American, Pan Am, United, TWA, and the others are payments that paid or incurred by the developer.

Of course, no one is arguing that these payments should not figure in the airlines' tax returns. They should. But as capital costs—not ordinary and necessary business expenses. These payments should be regarded legally as exactly what they are intended for in reality—namely, as part of the cost of purchasing these planes from Boeing. Then, when the planes are delivered to the airlines, the carriers' basis in the planes should be increased by the amount paid to Boeing in the course of development, and this higher basis should then be amortized over the life of the plane as a capital cost.

That these payments are in connection with the purchase of the planes can be seen clearly from the arrangement between Boeing and the airlines. One million dollars is being given to Boeing by each carrier for each of their 52 "positions," or options, to buy the SST, when available. In other words, the $52 million represents a downpayment on the purchase of 52 planes, at the rate of $1 million a plane.

Mr. President, these payments are unquestionably capital outlays, and should be regarded as such. Treating them as ordinary and necessary business expenses of the airlines, as IRS has done, twists the clear and unambiguous language of the Internal Revenue Code to benefit the airlines at the expense of the Federal Government.

This tax ruling constitutes another SST subsidy in this case, a tax expenditure subsidy with millions to be added to the hundreds of millions already spent on this boondoggle for international jet setters.

ADJOURNMENT

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 14 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 25, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate, September 24, 1969:

OFFICE OF ECONOMIC OPPORTUNITY

Frank Charles Carlucci III, of Pennsylvania, to be an Assistant Director of the Office of Economic Opportunity, vice Theodore M. Berry.

DISTRICT OF COLUMBIA COUNCIL

Harry S. Robinson, Jr., of the District of Columbia, to be a member of the District of Columbia Council for the remainder of the term expiring February 1, 1970, vice William S. Thompson, resigned.

ARMY NATIONAL GUARD

The Army National Guard of the United States named herein for promotion as a Reserve commissioned officer of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Gen. Sylvester T. DelCorso, [redacted], Adjutant General's Corps.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 24, 1969:

DEPARTMENT OF STATE

William B. Macomber, Jr., of New York, to be a Deputy Under Secretary of State.

Francis G. Meyer, of Virginia, to be an Assistant Secretary of State.

John P. Humes, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

Graham A. Martin, of North Carolina, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

REPRESENTATIVE TO THE EUROPEAN OFFICE OF THE UNITED NATIONS

Idar Rimestad, of North Dakota, a Foreign Service officer of class 1, to be the representative of the United States of America to the European office of the United Nations, with the rank of Ambassador.

HOUSE OF REPRESENTATIVES—*Wednesday, September 24, 1969*

The House met at 12 o'clock noon.

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

With Thee is the fountain of life; in Thy light shall we see light.—Psalm 36: 9.

O Thou Eternal Spirit whose will for us is peace and whose purposes never fail, we come to Thee seeking to know Thy will and praying for strength to do it as we enter this new day fresh from Thy hand.

Amid the demanding duties of these disturbing days may we discover adequate resources in Thee and find our souls restored and renewed as we walk in right paths.

We pray for our country—that all malice and misery, all narrow exclusiveness may be swept away by Thy spirit and that honor, justice, and good will may be established among us. Thus may every person be given the opportunity to live a full, a free, and a fruitful life to the glory of Thy name and for the good of all mankind. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

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

MESSAGE FROM THE SENATE

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

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee;

S. 858. An act to amend the Agricultural Adjustment Act of 1938 with respect to wheat;

S. 2864. An act to amend and extend laws relating to housing and urban development, and for other purposes; and

S.J. Res. 152. Joint resolution to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans.

PERMISSION FOR SUBCOMMITTEE NO. 5, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TODAY AND TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate today and tomorrow.

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

There was no objection.

ANNUAL REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–162)

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 Public Works and ordered to be printed with illustrations:

To the Congress of the United States:

In accordance with Section 10(a) of Public Law 358, 83rd Congress, as amended, I am transmitting the Annual Report of the St. Lawrence Seaway Development Corporation for the year ending December 31, 1968.

RICHARD NIXON.

THE WHITE HOUSE, *September 24, 1969.*

NEW PEACE CORPS POLICY DISREGARDS CONGRESSIONAL HISTORY

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

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minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, the new Director of the Peace Corps, Mr. Blatchford, has announced a series of policy changes for that organization that were described in the newspapers this morning and yesterday and which sound to me as if they must have been conceived in the depths of Senegal or perhaps in some fastness of the Andes. They disregard entirely the congressional history of recent years of development of the legislation authorizing the Peace Corps. They involve a very substantial and marked change of direction for this agency. They include such things as the International Peace Corps, the Exchange Peace Corps, industry financial support, and other matters which certainly are controversial, to say the least. Previously unrevealed but obviously subject to dispute are proposals to recruit skilled workers from industry where such people are scarce, to boost enlistment of aliens and to cut down on youthful volunteers.

No one wants to solidify any Federal organization. At the same time, it should be kept to its original charter or the Congress should change it. It should not be changed into something that it has not been by executive fiat.

I hope that the Director will review the congressional hearings and the discussions and actions which have developed the legislation and the Peace Corps as we know them today.

CLIPPING THE WINGS OF THE PEACE CORPS

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

Mr. HAYS. Mr. Speaker, in line with what the gentleman from Connecticut (Mr. MONAGAN) just said about the Peace Corps, I should like to say it looks like it is going to be a full-time job to keep the wings clipped of the new Director of the Peace Corps. We clipped one wing a week or so ago when we put an amendment in the authorization bill, and put it in almost unanimously, denying any funds for a reverse Peace Corps.

If the chairman of the appropriations subcommittee does not—and I suspect he will—offer an amendment or have an amendment in the bill, I will offer one on the floor to deny any funds for the hiring of foreign nationals, which he says he is going to do. He is going to have 50 percent of the administrative people of the Peace Corps, which we are paying for, to be foreign nationals. I propose to offer an amendment at the time to prohibit any funds being spent to hire foreign nationals to administer the Peace Corps.

Whatever else in the way of clipping needs to be done, I will try to be available to help clip.

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

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

Mr. GROSS. I agree completely with the gentleman from Ohio in his suggested clipping operation. If we are not careful, those foreign nationals will be here in this underdeveloped District of Columbia.

Mr. HAYS. Well, I am about ready to to say, let us hire a foreign national to replace Mr. Blatchford, and maybe we would be better off.

PROVIDING FOR PRINTING OF EULOGIES ON DWIGHT DAVID EISENHOWER

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–512) on the concurrent resolution (H. Con. Res. 368) providing for the printing of copies of the eulogies on Dwight David Eisenhower, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 368

Resolved by the House of Representatives (the Senate concurring), That there shall be printed with illustrations as a House document a compilation of the eulogies on the late Dwight David Eisenhower delivered in the Congress; the eulogy delivered by President Nixon and the benediction by the Reverend Doctor Elson in the rotunda of the Capitol on Sunday, March 30, 1969; the text of the funeral service at the Washington Cathedral on Monday, March 31, 1969; and the text of appropriate eulogies, messages, prayers, and scriptural selections delivered at the funeral services at Abilene, Kansas, April 2, 1969; and that thirty-two thousand two hundred and fifty additional copies shall be printed, of which twenty-one thousand nine hundred and fifty copies shall be for the use of the House of Representatives and ten thousand and thirty copies shall be for the use of the Senate.

SEC. 2. The copy shall be prepared and bound in such style as the Joint Committee on Printing may direct.

SEC. 3. Copies of such document shall be prorated to Members of the House of Representatives and the Senate for a period of sixty days, after which the unused balance shall revert to the respective House and Senate document rooms.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING AS A HOUSE DOCUMENT OF HEARINGS ON SCIENCE AND STRATEGIES FOR NATIONAL SECURITY IN THE 1970'S BY SUBCOMMITTEE ON NATIONAL SECURITY POLICY AND SCIENTIFIC DEVELOPMENT

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–513) on the concurrent resolution (H. Con. Res. 338) authorizing the printing as a House document of hearings on science and strategies for national security in the 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES 338

Resolved by the House of Representatives (the Senate concurring), That the document entitled "Strategy and Science: Toward a National Security Policy for the 1970's", hearings by the Subcommittee on National Security Policy and Scientific Developments, dated April 27, 1969, be printed as a House document and that an additional three thousand copies be printed for the use of the Committee on Foreign Affairs of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING AS A HOUSE DOCUMENT OF CAPTIVE NATIONS WEEK PROCLAMATIONS AND PERTINENT MATERIAL

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–514) on the resolution (H. Res. 368) authorizing the printing as a House document of Captive Nations Week proclamations and pertinent material, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 368

Resolved, That in commemoration this July of the tenth anniversary of the congressional Captive Nations Week resolution, signed in 1959 by President Dwight D. Eisenhower, and in observance of the Czechoslovak tragedy, there be printed as a House document a concise anthology of Captive Nations Week proclamations and statements these past ten years, together with any other relevant material; and that ten thousand additional copies shall be printed, of which seven thousand five hundred shall be for the use of the House of Representatives, and two thousand five hundred shall be for the use of the Senate.

With the following committee amendments:

Page 1, lines 7 and 8. strike out "ten thousand" and insert in lieu thereof "nine thousand nine hundred and thirty-five";

Page 1, lines 8 and 9, strike out "seven thousand five hundred" and insert in lieu thereof "seven thousand four hundred and sixty-three";

Page 1, line 10, strike out "two thousand five hundred" and insert in lieu thereof "two thousand four hundred and seventy-two";

Page 1, immediately below line 11, insert the following new section:

"SEC. 2. Copies of such document shall be prorated to Members of the House of Representatives and Senate for a period of sixty days, after which the unused balance shall revert to the respective House and Senate document rooms."

The committee amendments were agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING REPRINTING OF "CENTRALIZATION OF FEDERAL SCIENCE ACTIVITIES"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–515) on the resolution (H. Res. 485) authorizing reprinting of "Centralization of Federal Science Activities" and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 485

Resolved, That the committee print entitled "Centralization of Federal Science Activities" be printed as a House document, with three thousand copies for the use of the Committee on Science and Astronautics.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO PROVIDE THAT CERTAIN PROCEEDINGS OF THE ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES, INC., BE PRINTED AS HOUSE DOCUMENT

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a report (Rept. No. 91–516) on the bill (H.R. 10481) to amend the act of March 2, 1931, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc. shall be printed as a House document, and for other purposes, and ask unanimous consent for the immediate consideration of the bill.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 10481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of March 2, 1931, as amended (44 U.S.C. 275b), is amended to read as follows:

"That hereafter the proceedings of the national encampments of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Military Order of the Purple Heart, the Veterans of World War I of the United States of America, Incorporated, the Disabled American Veterans, the AMVETS (American Veterans of World War II), and the Italian American War Veterans of the United States, Incorporated, respectively, shall be printed annually, with accompanying illustrations, as separate House documents of the session of the Congress to which they may be submitted."

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

PROVIDING FOR CONSIDERATION OF S. 574, AUTHORIZING SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 528 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 528

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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

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

Mr. Speaker, House Resolution 528 provides an open rule with 1 hour of general debate for consideration of S. 574, a bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

The purpose of S. 574 is to authorize the Secretary to engage in feasibility investigations of eight water resource development projects which may subsequently be presented for authorization by the Congress as elements of the Federal reclamation program.

The estimated cost of the eight studies is $3,815,000. These funds would be expended over a period of not less than 5 years. The total amount is about one-half the average amount appropriated annually for feasibility investigations by the Bureau of Reclamation. Funds in the amount of $172,000 with which to initiate three of the studies were requested in the President's budget for fiscal year 1970. They are the Armel, Corn Creek, and Front Range units of the Missouri River Basin project, which three units were in the bill as passed by the Senate. The studies added by the House committee are: Buffalo Bill Dam modifications, the Shoshone River; Sioux Falls unit, Missouri River Basin project; Amargosa project, in the Amargosa River Basin——

REQUEST FOR CALL OF THE HOUSE

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

The SPEAKER. The gentleman from Alabama makes the point of order that a quorum is not present before the gentleman from Hawaii concludes his remarks?

Mr. DICKINSON. Mr. Speaker, I withhold my point of order.

The SPEAKER. The gentleman from Alabama withdraws his point of order at this time.

Mr. MATSUNAGA. Mr. Speaker, I continue in the naming of the projects added by the House to the Senate bill. The Willamette River project; in the Calapooia River Basin; Willamette River project, on the South Yanhill and Willamette Rivers.

The bill does not include a specific dollar limitation because of the inherent difficulty in estimating investigation costs.

Mr. Speaker, I urge the adoption of House Resolution 528 in order that S. 574 may be considered.

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

Mr. MATSUNAGA. I shall be pleased to yield to the gentleman from Iowa.

Mr. GROSS. Is the gentleman saying that there is not the personnel in-house in the Interior Department or there is not the funding in the Interior Department to carry on a study such as is proposed in this bill?

Mr. MATSUNAGA. There is presently insufficient funds to carry on these special investigations on these eight projects named in the bill; that is correct.

Mr. GROSS. Well, have there been previous studies made?

Mr. MATSUNAGA. Not on these projects.

Mr. GROSS. Would this not come under the purview of the Environmental Quality Control Act, or whatever it was, that the House approved yesterday?

Mr. MATSUNAGA. No, because the gentleman will recall that the bill which was passed yesterday merely called for the creation of a Council, an Advisory Council, to the President and the Council would be vested with the authority to gather facts and to analyze these facts and report to the President for the President to be able to make his annual report to the Congress and also to make recommendations for future projects; whereas, this bill now before the House pertains to specific projects on which the Secretary of the Interior would be authorized to go ahead with the investigations.

Mr. GROSS. The gentleman I am sure is aware that the President has announced a 75-percent cutback in Federal construction. Would the gentleman not think that this proposed expenditure of some $4 million for this purpose should be subject to the 75-percent cutback?

Mr. MATSUNAGA. Well, as the gentleman has observed I am sure, this bill calls for an authorization of $3,815,000.

But whether the President agrees with us or not, it is up to the Congress on its own initiative to provide the authorizations for the projects which the Congress deems to be in the best interest of the country. Just because the President has declared a cut of 75 percent does not mean that the Congress should stop its operations.

Mr. Speaker, I now yield to the gentleman from Ohio (Mr. LATTA).

The SPEAKER. Does the gentleman from Alabama (Mr. DICKINSON) insist on his point of order that a quorum is not present?

Mr. DICKINSON. Mr. Speaker, I withdraw the point of order.

The SPEAKER. The gentleman withdraws his point of order.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. 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. 182]

Anderson, Tenn.	Fish	O'Neill, Mass.
Baring	Fuqua	Ottinger
Barrett	Gallagher	Pepper
Bell, Calif.	Gilbert	Philbin
Biaggi	Griffiths	Powell
Blanton	Grover	Pucinski
Blatnik	Hanna	Purcell
Bolling	Hansen, Wash.	Railsback
Brown, Ohio	Harvey	Reifel
Byrne, Pa.	Hosmer	Riegle
Cahill	Howard	Rostenkowski
Celler	Kee	Slack
Clark	Kirwan	Stafford
Clay	Landgrebe	Staggers
Corman	Landrum	Taft
Daddario	Lipscomb	Teague, Calif.
Dawson	Long, La.	Teague, Tex.
Downing	McCloskey	Thompson, Ga.
Eilberg	McKneally	Utt
Fallon	Mills	Whalley
Fascell	Mizell	Wyatt
Feighan	Mollohan	
	O'Konski	

The SPEAKER. On this rollcall 364 Members have answered to their names, a quorum.

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

PROVIDING FOR CONSIDERATION OF S. 574, AUTHORIZING THE SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

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

Mr. Speaker, the purpose of the bill is to authorize the Secretary of the Interior to conduct feasibility studies of eight water resource development projects.

Since 1965 and the passage of the Federal Water Projects Recreation Act, it has been necessary for the Department of the Interior to request authority from the Congress to conduct such studies on possible projects which their preliminary studies have shown to be worthy of detailed analysis.

Eight investigations are authorized by the bill: all have been recommended by the administration and have been the subject of preliminary study by the Bureau of Reclamation.

The estimated cost of all eight studies is $3,815,000. Funds in the amount of $172,000 to begin three of the studies were included in the budget; the other five were not included in the budget. No dollar limitation is contained in the bill because, as the report points out, there is extreme difficulty in accurately estimating such investigation costs.

There are no minority views. Three letters from the Department of the Interior are contained in the report. With respect to the five feasibility studies not included in the budget, these letters agree that feasibility studies are warranted. The Department proposes to undertake those studies as soon as the study authorization is available and the work can be fitted into the Bureau of Reclamation's planning program.

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

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TEMPORARY EXTENSION OF RURAL HOUSING PROGRAMS AND FEDERAL HOUSING ADMINISTRATION INSURANCE AUTHORITY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 152) to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, for what period is this extension?

Mr. PATMAN. Mr. Speaker, if the gentleman will yield, it is 90 days, I will state to the gentleman from Iowa.

The Senate passed it yesterday and we would like to approve it. It is this October 1 deadline which we cannot meet—neither body can—but this 90 days will enable us to meet that deadline.

Mr. GROSS. With the enactment of new legislation; is that correct?

Mr. PATMAN. Yes, sir. We had it in the housing bill but, of course, it cannot be brought up quickly.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 152

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 513, 515(b)(5), and 517(a)(1) of the Housing Act of 1949 are amended respectively by striking out "October 1, 1969", wherever it appears in such sections, and inserting in lieu thereof "January 1, 1970".

SEC. 2. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1969" in the first sentence and inserting in lieu thereof "January 1, 1970".

(b) Section 217 of such Act is amended by striking out "October 1, 1969" and inserting in lieu thereof "January 1, 1970".

(c) Section 221(f) of such Act is amended by striking out "October 1, 1969" in the fifth sentence and inserting in lieu thereof "January 1, 1970".

(d) Section 809(f) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(e) Section 810(k) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(f) Section 1002(a) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(g) Section 1101(a) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

SEC. 3. Section 3(a) of the Act of May 7, 1968 (Public Law 90-301), is amended by striking out "October 1, 1969" and inserting in lieu thereof "January 1, 1970".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TEMPORARY EXTENSION of RURAL HOUSING PROGRAMS AND FEDERAL HOUSING ADMINISTRATION INSURANCE AUTHORITY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Speaker, Senate Joint Resolution 152 passed the other body yesterday. It provides for the temporary extension for 90 days of our rural housing programs, Federal Housing Administration insurance authority, and the time period during which the Secretary of Housing and Urban Development and the Administrator of the Veterans' Administration may establish maximum interest rates on insured FHA and VA loans.

Mr. Speaker, these subjects are being considered in the Housing and Urban Development Act legislation which the House Committee on Banking and Currency ordered reported last Friday. This legislation would provide us with the time needed for the basic housing legislation to clear the House floor and go through the conference process.

In other words, by passage of Senate Joint Resolution 152, we will have the necessary breathing space in which to calmly consider the proposals contained in the 1969 Housing Act.

I should state at this point that the ranking minority member of the House Committee on Banking and Currency, the gentleman from New Jersey (Mr. WIDNALL), and all other members of the House Committee on Banking and Currency are in unanimous agreement with the request I am making.

PROVIDING FOR CONSIDERATION OF H.R. 850, TO DESIGNATE THE DESOLATION WILDERNESS, EL DORADO NATIONAL FOREST, CALIF.

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 543 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 543

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R.

850) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 850, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 713, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 850 as passed by the House.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 543 provides an open rule with 1 hour of general debate for consideration of H.R. 850 to designate the Desolation Wilderness, Eldorado National Forest, in the State of California. The resolution also provides that, after passage of H.R. 850, it shall be in order to discharge the Committee on Interior and Insular Affairs from further consideration of S. 713 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 850, as reported, designates approximately 60,300 acres of the Desolation Valley Primitive Area and adjoining national forest land in the Eldorado National Forest, Calif., as wilderness. The designated area will be administered in accordance with the Wilderness Act of 1964.

A similar proposal, S. 713, was passed by the Senate March 24, 1969.

The proposed Desolation Valley Wilderness is situated in El Dorado County, Calif., immediately west of Lake Tahoe, approximately 90 miles east of Sacramento, and includes the headwaters of the Rubicon River, the South Fork of the American River, and the Truckee River watershed within El Dorado County.

The area has been popular with hikers and backpackers and displays superb mountain scenery, glaciated ridges and valleys, and alpine vegetation. More than half of the area is devoid of vegetation and shows only barren, weathered rock formations. The existing vegetation consists of scattered stands of noncommercial timber, brush, grass, and some meadow plants where sufficient soil has accumulated to sustain growth. Wildlife is made up of a summer population of deer and bear with a yearlong resident population of the smaller mammals. Fishing is popular in the numerous lakes and streams and accounts for much of the area's use.

There is no known mineral production from the area and its potential mineral value is reported as poor. Grazing permits are issued on an annual basis to commercial packers. These uses will continue and no conflicts are expected.

The proposed wilderness area is important as a source of water, which is almost 100 percent utilized for agriculture, irrigation, domestic use, and power generation.

There are two low dams in the area—Rubicon and Lake Aloha—which would be eliminated from the Desolation Valley Wilderness and would be managed in a manner consistent with the adjacent wilderness, except provision would be made for reasonable access by the utility companies for maintenance and operation of the hydroelectric facilities.

Mr. Speaker, I urge the adoption of House Resolution 543 in order that H.R. 850 may be considered.

Mr. Speaker, there is no cash involved in this, and I urge the adoption of this measure.

I now yield to the gentleman from Nebraska (Mr. MARTIN).

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

Mr. Speaker, as the gentleman from Texas (Mr. YOUNG) has explained, House Resolution 543 provides for 1 hour of debate under an open rule for the consideration of the bill H.R. 850.

The purpose of the bill is to designate approximately 60,300 acres of the Desolation Valley Primitive Area and the adjoining Eldorado National Forest as wilderness to be administered in accordance with the Wilderness Act of 1964. The proposed Desolation Valley Wilderness lies immediately west of Lake Tahoe on both sides of the crest of the Sierra Nevada Mountains. Due to the area's proximity to both Sacramento and the San Francisco Bay area, it has long been popular with hikers. The area has superb mountain scenery, glaciated ridges, and Alpine-type vegetation.

There is no known mineral production in the area and the potential mineral value is very low. Several grazing permits in the area are now in existence; these uses will be continued and no problems are expected.

The bill, as reported, eliminates an area where two dams have been constructed by local utility companies. This is the only manmade development in the area and none further is expected. Access to these areas for maintenance and operation of the hydroelectric facilities will be continued but no further development is expected to interfere with the natural wilderness setting. The bill contains language to insure that the excluded lands which are adjacent to the wilderness will continue to be managed in a manner which is consistent with the wilderness area created by the bill. Reasonable access will be permitted but any commercialization in the area is prohibited.

No additional budgetary expenses is involved in the enactment of this bill.

The Department of Agriculture, which administers such areas, supports the passage of the bill as does the Bureau of the Budget.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUHTORIZING THE SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. JOHNSON of California. 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 (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

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 S. 574, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from California (Mr. JOHNSON) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the chairman of the full Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, the bill we are discussing today, S. 574, is the third in a recent series that has been made necessary by a provision of the Federal Water Projects Recreation Act—Public Law 89–72. That law provided in relevant part that the Secretary of the Interior might not thereafter engage in feasibility investigations of potential projects intended for authorization under reclamation law without specific prior authorization of each study by the Congress.

Prior to the passage of that legislation, the Secretary of the Interior was able under his general authorities to request funds for feasibility studies, and if such funds were appropriated to conduct the studies without legislative oversight and to propose projects for authorization pursuant to the findings. This resulted in a situation where the responsible legislative committees of the House and Senate had no opportunity to participate in program direction until relatively large sums had been expended, reports were completed and publicized, and various propositions of dubious merit oftentimes developed a degree of political momentum that made it very hard to maintain congressional control over the program.

The procedure we now follow, since

passage of Public Law 89–72, is to require the Department to appear before the committee, present the results of its reconnaissance inquiry, and show that the potential development actually has enough merit to warrant the expenditure of feasibility study funds. In my opinion, the procedure we are now following is working well. It has the predicted effect of weeding out those propositions that are lacking in technical merit and gives the Congress a chance to say how the study effort should be directed in the interest of achieving national goals and assuring fairness among regions and interests.

Prior to the 91st Congress, we have brought out of committee, and the Congress has passed, two previous feasibility study authority bills. The first of these was an omnibus bill that legalized all of the studies then underway. This bill was passed in 1966. Subsequently, in February 1968, six additional studies were authorized. This backlog of authorized study, together with the eight projects contained in S. 574, as amended in committee, will give the Department and the Bureau of Reclamation a pool of authorized studies from which to make selections for funding. This pool appears to be large enough and sufficiently diverse that there would be no need for a similar bill in the second session of this Congress, and we would not now propose to entertain one.

I am taking this conservative position out of concern for the lack of attention that is being shown for water resource development by the former as well as the present administration. I see no logic in continuing indiscriminately to stockpile plans, well conceived though they may be, in the face of the cutbacks being given to the construction programs at every turn. In the face of documented proof of increasing demands for water-based products and services, we see budget cuts, contract freezes and every device conceivable to weaken our economic capability to meet the minimum demands of society for food, clothing, shelter, recreation, and other amenities. Now the studies we are talking about in S. 574 may well result in plans for more projects to add to the unfunded backlog of authorized work, and looking at the situation narrowly, one would be prone to oppose the bill. I do not oppose the bill, however, for a variety of reasons, the sum of which argue for passage.

First of all, a period of 5 to 10 years will be required to get study funds, complete the studies, process the reports and authorize the program which may ensue. We can at least hope that by that time our sense of national priorities will have been reversed, water development will have been restored to its proper role in the scheme of things, and the present backlog will have been reduced. Second, many of the studies heretofore authorized, while apparently good projects at the time, may no longer be justified and feasible under present discount rates and at present inflated price levels. This being the case the backlog of authorized studies may prove to be ephemeral in terms of sound programs actually evolving. Third, the Department of the Interior must be authorized and able to maintain a nucleus or cadre of qualified planning people to work on the water problems of the next decade and generation. If there is one thing certain about our national resource problems it is that our water problems are going to get more severe, and we must maintain a capability to cope with it.

This summarizes my reasons for urging continuation of the reclamation feasibility study program at a deliberate controlled level such as would be provided by enactment of S. 574. During the hearings before the Subcommittee on Irrigation and Reclamation under the chairmanship of our colleague, the gentleman from California (Mr. JOHNSON), the results of the reconnaissance investigations were made available to us. Without exception, the eight studies were shown to be meritorious and are calculated to produce plans for badly needed programs.

I would like to call attention specifically to the fact that we are here only talking about less than $4 million spread over a period of 5 to perhaps 8 or 10 years. We have not put an absolute ceiling on the appropriations authority for the reason that this is not customarily done with studies, and I doubt that it would be a workable procedure. We have provided in the committee report for the Secretary to advise us every year of trends in the cost estimates and have taken a strong position that the estimates are not to be increased without prior notification of the committee. Thus through our oversight function, we can assure the House that costs are not getting out of hand, and I can pledge that the committee will be vigilant in this respect.

The immediate budgetary significance of S. 574 is limited to $172,000 during fiscal year 1970. The President's budget contains a request for that amount subject to the passage of this legislation. For this and the reasons previously enumerated, I urge the support of all Members for S. 574, as amended.

May I make this further observation for the Members so that they will know what we are talking about in overall terms of perhaps future construction. If all eight of these projects were constructed some time in the next 5 to 8 to 10 years, the cost would be about $263 million, as we can best determine from the reconnaissance surveys. This is, of course, a figure we cannot bank on until we receive the feasibility reports. If the suggested amount of $263 million is the amount finally found to be necessary for construction of the proposed projects then the amount would be, even with the cutbacks in the construction programs at the present time only about 50 percent of the total of congressional appropriations for construction—construction running about $220 million a year—for this Congress. The appropriations should run $350 or $400 million a year, but the recent cutbacks reduce the amount by about 50 percent. This would compare to $220 million a year which we are presently seeing appropriated as compared to the suggested overall amount of $263 million heretofore referred to. Such amount could also be compared to the $440 million likely to be appropriated in the overall congressional period of 2 years.

Mr. Chairman, I yield now to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I appreciate the gentleman's yielding. I certainly appreciate the clarity of the explanation the gentleman has given the committee as to the necessity for these surveys.

Mr. Chairman, I wonder if the distinguished gentleman in the well, the chairman of the Committee on Interior and Insular Affairs, would reaffirm to us that the reconnaissance and feasibility surveys are one and the same thing, and that both being one and the same they preclude the actual authorization or beginning of construction?

Mr. ASPINALL. Mr. Chairman, they are not one and the same thing, but they do have to do with one and the same operation. In other words, the Department of the Interior and its Bureau of Reclamation at the present time have general authority to go out and see whether or not there are any possible projects. These they look over very briefly and not too carefully, with a transit and so forth, and come to some kind of decision as to whether there is a possibility of a feasible project in this locality.

Also, in the past they have used this opportunity to sell a project to local residents. This is where we take exception to their actions.

After they have done this and they have found what appears to be a possible program, a constructable project, then they must come to our committee to get legislation to bring before the House to have the feasibility study, the final feasibility study which will provide for the planning report. It is the feasibility planning report which must be delivered to the President and to the President of the Senate and the Speaker, who then refer the reports to the various committees having jurisdiction.

Mr. HALL. I understand, Mr. Chairman. If the gentleman will yield further, I presume this just applies to the 17 Western States, as do most reclamation projects under the Department of the Interior.

With the gentleman's affirmation of that and with my knowledge more of the Corps of Engineers' land acquisition—and I believe the distinguished gentleman from Colorado knows of my interest in that area as it affects the Corps of Engineers and other Federal land acquisition agencies—let me ask if there has been a sufficient time allotted. In other words, has the time evolved been sufficient so that there have been any feasibility reports made to the committee, so we can pass judgment?

Mr. ASPINALL. Yes. That is correct. We have had this material furnished to us, that is a reconnaissance report. I know my colleague has read the report. It is a statement from the reconnaissance study on each one of these proposed studies.

Mr. HALL. For the benefit of the Committee, if the gentleman will yield further, have any of them been found poor on the basis of reconnaissance or nonfeasible on the basis of a feasibility study?

Mr. ASPINALL. The best I can answer that question, of course, is to turn to the report and see what the benefit-cost ratio is supposed to be in each instance. I would say that each one of these has a very favorable benefit-cost ratio.

The benefit-cost ratio, as far as the reconnaissance survey is concerned, is 1.5 to 1 in one instance, 3.7 to 1 in one instance, 1.7 to 1 in one instance, 3.6 to 1 in one instance, and 1.47 to 1 in another instance.

Mr. HALL. This depends on the usual 40- or 50-year payout or repayment so far as economic feasibility is concerned?

Mr. ASPINALL. A 50-year payout, figuring 100-year direct as well as indirect benefits. This includes the indirect benefits. These projects are good as of this time, with the new method by which they figure feasibility.

Mr. HALL. I thank the gentleman.

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

Mr. ASPINALL. I am glad to yield to my friend from Colorado.

Mr. BROTZMAN. I thank the gentleman for yielding.

I congratulate the Committee on Interior and Insular Affairs for bringing this very important piece of legislation to the floor.

It is with both pleasure and a sense of high purpose that I rise to add my voice to those urging the enactment of S. 574. I will limit my remarks to the project under this authorization bill which directly concerns my district—the Front Range unit of the Missouri River Basin project.

It was my privilege to introduce this legislation, as a cosponsor to the chairman of the Committee on Interior and Insular Affairs, my colleague, the gentleman from Colorado (Mr. ASPINALL).

The Front Range unit has the potential of increasing the average annual water resources of northern Colorado by more than 100,000 acre-feet. In an area in which many of our communities cannot assure water for projected population and industrial growth beyond 1980, this would be a new resource of tremendous value.

Techniques such as water reutilization and prevention of seepage and evaporation from conduits would be considered in the study, but the primary source of the 100,000 acre-feet would be surplus water impounded during high runoff years. These occur about every 3 years when the mountain snowpack is heavy, or spring rains are bountiful, or both—as is the case in 1969.

For example, had the reservoirs envisaged in an earlier reconnaissance study in the Front Range unit been in operation during cloudbursts which hit northern Colorado last spring, it is probable that 100,000 acre-feet of water could have been impounded in a 2-day period.

Moreover, and of course secondarily in the context of the Bureau of Reclamation charter, flood damage totaling perhaps 10 percent of the ultimate cost of the Front Range unit could have been averted.

In closing, I would point out that the Front Range unit would benefit one of the fastest growing regions in the Nation—an area in which the quality of life for the individual citizen is unusually high.

Such dynamic communities as Boulder, Longmont, Broomfield, Lafayette, Louisville, Fort Collins, Estes Park, and Loveland are included.

One of the decisive factors involved in maintaining that environmental quality will be the availability of an adequate water supply. Some believe it is the most decisive factor in a land which is otherwise blessed with an excellent climate and vigorous and productive citizens.

Congress has an opportunity to provide one of the answers by voting for S. 574. I urge my colleagues to act favorably on this bill.

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

Mr. ASPINALL. I am glad to yield to my friend from Iowa.

Mr. GROSS. I am curious to know what "reconnaissance 1968" and "reconnaissance 1967" means.

Mr. ASPINALL. That would mean the year in which the reconnaissance report was finally finished, the work having been done prior to that date.

Mr. GROSS. What is a reconnaissance report? A reconnaissance of what?

Mr. ASPINALL. The reconnaissance of this particular project that they have been studying generally, not specifically but generally.

I believe I could best recall to my friend's mind the reconnaissance studies they had on the Colorado River. They were dated 1946 and 1947. They were in two voluminous volumes, about an inch and a half or an inch and three-quarters in thickness. They brought up before the Congress of the United States this subject, and brought its attention to the fact that there were a possible 258, if I remember correctly, reclamation projects in the Colorado River area. Out of this, of course, we have finally had feasibility reports and finally authorized, if I remember correctly, four run of the river dam projects—Flaming Gorge, Navajo, Curecanti, Glen Canyon. We have authorized in the neighborhood of 20 participating projects. In other words, out of the 258 we have in the neighborhood of 24 or 25 projects.

That is the way to find out, from a reconnaissance study, what is possible so far as a later feasibility study is concerned.

Mr. GROSS. To put it in simpler language, "reconnaissance 1967" means the Government has already looked at that proposal. It reconnoitered and looked the situation over in 1967. Still it wants a feasibility study?

Mr. ASPINALL. For the simple reason that the reconnaissance report does not go to those definite items that are necessary in the final study on which Congress or its committee can pass judgment as to whether or not this a good project.

It used to be, as my friend knows, before he and I came here, that we had secretarial authorizations. They never brought them to the Congress. First they had a feasibility study and then there was a secretarial authorization. All that was ever done was the appropriating of the money by Congress.

Mr. GROSS. Sort of on the same basis as the construction of Federal buildings in the District of Columbia now. Congress as a whole no longer authorizes construction. The Public Works Committee approves them and then they are funded. We can only get a whack at them through appropriations.

Mr. ASPINALL. I can tell the gentleman that the Committee on Interior and Insular Affairs looks at all of these things. The gentleman from Pennsylvania (Mr. SAYLOR) and I have little difference on this legislation. We see to it, working with our colleagues, that we pretty well know what is going on, and we have not had a sour project since we started the new procedure.

Mr. GROSS. Will the gentleman yield for another question?

Mr. ASPINALL. Certainly.

Mr. GROSS. I note a good many thousand acres of land, if the feasibility studies prove out, will be irrigated and brought into production. Is this to be at any time in the immediate future? If so, why do we need the production now when we have agricultural surpluses running out of our ears?

Mr. ASPINALL. This is the argument that we have had for years. First of all may I say to my friend that crops raised on irrigation lands are not crops that are usually in surplus or on which there are support prices. The second thing I want to say is that we have a large backlog and it will be many, many years before these particular projects are authorized. Two or three of them have not only to do with irrigation features but some needed municipal water features, as suggested by the gentleman from Colorado (Mr. BROTZMAN). All of these are working together and they will have to come into their place in our economy and into our social structure when needed.

Mr. GROSS. They may be needed in years to come, but will only compound the problem that is so difficult to solve as of now. I understand the gentleman is saying that some crops grown on this land will not be in competition with corn for instance, in the State of Iowa. But these irrigated lands may raise other grains and forage crops of one kind or another, thus coming into competition, as my friend from Colorado well knows, with the surpluses of the Midwest.

Mr. ASPINALL. I will not be here and I do not expect my colleague will be here when they come up for authorization, but I expect at that time we will still have this 10-year provision and none of these surplus crops on which there are support prices will be grown on this land during a certain period of time.

Mr. GROSS. I thank the gentleman for yielding.

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

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

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of the legislation and associate myself with the comments of the gentleman from Colorado who stated his case very well.

Mr. Chairman, I would like to take this opportunity to rise in support of the remarks of my distinguished colleague from Colorado relative to the authoriza-

tion of feasibility investigations for water resource projects.

In my judgment, the gentleman from Colorado (Mr. ASPINALL) has explained the entire concept very well. However, there have been questions raised that I should like to address myself to at this point, namely, the present $5 billion backlog of authorized, but not funded, water resource projects, and whether or not this is the proper time to authorize further feasibility investigation.

Quite frankly, due to the tremendous time lapse between beginning of studies and the actual construction of any water projects, it is imperative that we move forward with these investigations at this time.

Without the necessary, low-cost agricultural water, it is going to be extremely difficult, if not totally impossible, for the United States to meet not only its own domestic needs, but also those of the underdeveloped nations of the world as well.

In 1966, a House Task Force on Agriculture reported, and I quote:

> Unless the United States remains able to meet its own food needs without the fear of scarcity, our government will never be in a position to provide even token assistance to the hungry nations of the world.

What is at stake, quite frankly, is the fact that by 1980, the world is going to have five times more mouths to feed than it now has, and the malnutrition present in many of the world's underdeveloped countries will be compounded beyond belief.

I would remind you that communism has advanced only in areas where people are hungry. As evidence of this, we need only recall the peasants of Cuba and the masses of China. We must remember that the minds and hearts of man can be most effectively won for freedom only after the pangs of hunger have been stilled.

The time is at hand when we can move forward with a viable, multinational program that has as its goal the monumental task of eliminating starvation worldwide, and gives underdeveloped nations the food resources and productive capability of filling the empty stomachs of their peoples.

Our agricultural genius is the most potent "weapon" in our "arsenal of peace," and is the key to the elimination of hunger in the world—and let us never lose sight of the fact that the country that controls the "breadbasket of the world" may also control the future "destiny of man."

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

Mr. Chairman, I rise in support of this legislation, but I do it rather faintheartedly because of a number of things that I will call to your attention.

As the chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL), has explained, when he and I came to the Congress the Secretary of the Interior had general authority to proceed on his own with any studies, both reconnaissance and feasibility, as he saw fit. Very frankly, the record of all of the Secretaries of the Interior in this respect was rather poor, because in the first 50 years of being in business with the Bureau of Reclamation they never built one project within the estimated cost they told the Congress they could build the project for.

Now, because of that situation and because of the concern which the gentleman from Colorado, the chairman of the full committee, and myself and other Members have had about this loose practice, in the 89th Congress we passed the Federal Water Projects Recreation Act in 1965 in which we prohibited the Bureau of Reclamation of the Department of Interior from going ahead with the general authorization to conduct feasibility studies.

Now, for the benefit of my colleague from Iowa who wanted to know what a feasibility study is, I shall try to explain the difference between the reconnaissance and the feasibility study.

The Department receives requests not only from Members of Congress, but from Governors and local communities for an investigation of a project. They may have as many as 500. They send their people out when they are available to investigate and find out whether or not the project has any merit whatsoever. If it has some merit, under the law which Congress passed during the 89th Congress, they now come back with their report saying that it has some potential, will you give us the authority to go out and make a complete survey.

Now, this is the difference between a reconnaissance study and a feasibility study. They cannot make feasibility studies until Congress authorizes them.

Following the passage of the act in 1965 and in keeping faith with the Department of the Interior we in a blanket bill authorized the continuation of all feasibility studies which the Department had underway at that time.

Now, in 1968 by act of Congress we authorized the Department to complete six additional studies and we have come here in this bill asking for the authority to let them proceed with feasibility studies on eight additional projects which have shown, according to the Department of the Interior, cost-benefit ratios based upon the standards as enacted, to be better than 1 to 1. In fact, some of these projects have the best cost-benefit ratios on the preliminary investigation of any projects that Congress has been asked to look into for a long time.

Now, the estimated cost of these feasibility studies for these eight projects is $3,815,000. The total cost of these projects, on the basis of the preliminary studies, is around somewhere between $292 to $300 million at the present time.

The reason I said in my opening remarks that I did not come here with enthusiasm in support of this bill is because of what is already on record.

Congress has authorized and there are now in the Department of the Interior and the Bureau of Reclamation authorized but unconstructed Federal reclamation projects totaling $5 billion.

Now, at the rate we are financing them—somewhat in excess of around $250 million a year—that is hardly keeping up with the increase in the engineering cost indexes in the construction industry. So that instead of gaining, we are actually falling behind.

Mr. Chairman, these are not the only feasibility studies that have been underway. There are 25 feasibility studies that have been investigated and are now in the review process before submission to Congress.

There are 61 feasibility studies that are underway under the blanket authorization which we gave in 1966 and there are 12 feasibility studies awaiting initiation now by the Bureau of Reclamation, in addition to the eight studies to be authorized in this bill.

The cost estimates for these eight feasibility studies are $3.8 million. While I can appreciate the fact that Members of Congress in whose districts these projects are located would like to have a feasibility study made, it might be the better part of wisdom to take that approximately $4 million and apply it to building a project that is already authorized and on the books. But these feasibility studies meet the requirements that Congress has laid down. Therefore it is for this reason that I support the measure in a halfhearted manner.

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

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

Mr. RAILSBACK. Mr. Chairman, I want to thank the gentleman for yielding.

Mr. Chairman, as I look at the report I notice that there are some projects that involve irrigation projects for farmland. I happen to represent an area in a Midwestern State that, for instance, is heavily involved in corn production. What I am wondering about, since we have surpluses both in soybeans and in corn, and it concerns me that given those facts we are going ahead, for instance, in one project, I believe, with a total estimated cost of over $17 million.

I wonder if there are any restrictions as to money spent for reclamation purposes that are going to provide irrigation for agriculture for farmland, as to what crops can be produced on such land? I wonder if the gentleman from Pennsylvania can help me out on that question?

Mr. SAYLOR. Mr. Chairman, I will be happy to explain the limitation that the House Committee on Interior and Insular Affairs has placed on all authorizing legislation for reclamation projects.

We have stated that during the initial period of development and for 10 years thereafter no crops can be grown that are subsidized by the Federal Government. This limitation has been placed in such legislation over the past number of years. I believe—and I will yield to the chairman if it is not correct—that this is for a development period and for 10 years thereafter.

So that basically, since it takes about 10 years to develop a project, and a prohibition for 10 years thereafter, that therefore we have placed a limitation of approximately 20 years upon these projects as a rule of thumb.

Mr. RAILSBACK. Does that limitation refer back to this time? In other words, subsidies that are in effect for crops at this time?

Mr. SAYLOR. No; it is on subsidies that are in effect at the time the bill is passed.

The language we have tried to write into the legislation prohibits the raising of any crops that are subsidized by the Federal Government for that approximately 20-year period.

Mr. RAILSBACK. I thank the gentleman again for yielding.

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

Mr. SAYLOR. I yield to the gentleman from Wyoming (Mr. WOLD).

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

Mr. Chairman, I rise in support of this bill which involves two feasibility studies in my own district, bills which I sponsored.

I realize that there are many Members of this body who are concerned about the agricultural aspects of many of these projects because at this time we have a national concern about the withdrawal of croplands because of so many agricultural surpluses. But I would like to point out that most of these projects will not come into effect from an agricultural point of view for many years—15 or 20 years, probably, or even longer in many instances.

I believe it is particularly important to remember that all of these projects have multiple purposes in mind, flood control, reclamation, industrial development, municipal water.

As the chairman of the full committee has pointed out, in an area such as Wyoming or in the Rocky Mountain areas, that it is most important as we move into an era of the development of our mineral resources, or the great coal deposits, that we have industrial water available to go with this type of development.

Mr. Chairman, the Nation is facing a distinct and real crisis with a cost of living index that is rising at the rate of over 6 percent a year. This is the greatest level of inflation the Nation has had since the days of the Korean war and despite signs to the contrary, the situation still appears ominous.

Nonetheless, we cannot avoid our responsibility to the future—to a day when the inflationary situation will be controlled. Nor can we ignore our responsibility to insure the orderly development of our Nation.

S. 574 would authorize eight feasibility investigations of water resource developments. Two of these, the Corn Creek unit and the Buffalo Bill Dam modifications, are within my district, the great State of Wyoming.

The vital need for the go ahead on these projects has been brought forth both in committee hearings and by constituents who would be affected.

Today the Malthusian specter haunts the world as never before. Indeed, there is a growing recognition that even the United States is not immune from the immense pressures brought about by a growing population—pressures which are compounded in the United States by the highest standard of living in the world.

The pressures are most critical in our urban areas. This, then, is the reason why we must devote a portion of our national effort to the development of our rural and underdeveloped areas. If we do not, we will continue to see an influx of citizens from rural to urban areas.

A large portion of the Nation's underdeveloped and rural areas are in the arid regions of the West. This land has almost unlimited potential—provided that adequate water can be provided to social, industrial, and agricultural use.

The feasibility studies that would be authorized by this bill mark a beginning. They are relatively inexpensive in this inflationary period and provide the type of action which will lead to valuable future water development projects.

So, Mr. Chairman, I urge the passage of this bill.

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

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. MYERS. Mr. Chairman, in the gentleman's colloquy with the gentleman from Illinois I heard him say that no crops that were subsidized could be planted in 10 years. However, in visiting various sections of the country, I have seen areas using irrigation that was subsidized, where they are planting crops that go directly into cattle for feed as corn is. Also there are substitute crops replacing our Midwest corn such as milo, going again directly into cattle.

At the same time in the hearing today before the Committee on Agriculture, when we are talking about diverted acreage, taking unneeded productive land and putting it into diverted acreage to reduce production, these same people being subsidized through this very program right here are objecting to taking our productive land and putting it into grass because they object to subsidized grazing. Their grass is being subsidized often when irrigation is involved. However, they do not always remember this when we discuss farm programs.

I think your answer might have been just a little bit—not knowingly—I do not mean that you intended it to be so, however, I hope you did not mean to leave the impression that it does not have some bearing on the total overproduction picture in our country today which right now the Department of Agriculture as well as this Congress is very much concerned about.

Mr. SAYLOR. I might say to my colleague that there may be substitute crops that are grown, but I am one who has a great deal of faith in you people who come from the Midwest.

Now it has been over a period at least 10 years and maybe a little longer that the Congress has placed this limitation on authorizations of Federal reclamation projects and I believe they should continue. But after all if your land in your State is being taken out of production by your own people such as with the Interstate Highway System and the city of Urbana, which is expanding and taking some of the finest farmland in the world out of production. However, as I stated, I have a great deal of faith in the people of the Midwest because it is only the ingenuity of the American farmer that has enabled us to stay ahead.

In the days to come, I say to you in all sincerity that I sincerely believe the reclamation projects will prove their worth. If you farmers who come from the Midwest have problems, those of us who come from the East will be glad to sit down and talk them over and work out your problems just as hard as we are trying to work out the problems in the West.

I think we ought to look at this country as a whole—from coast to coast and border to border. We have some local problems in the West and some in the East, and they have some in the cities and you have some in the Midwest. It is fine that the Members of Congress are looking out for their own constituents. But was it not the English statesman, Edmund Burke, who said that it was the duty of those elected to legislative bodies not to worry about their constituents, but to worry about their country?

That is what I would like to challenge the Members to do as they look at this bill.

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

Mr. SAYLOR. I yield to the gentleman.

Mr. MYERS. Mr. Chairman, I did not mean to leave the impression that I was totally opposed to reclamation projects. I know they have done a lot of good in the country, but I think we would be remiss today if we do not inform this body that we are creating an imbalance here that nature possibly did not intend.

We are now creating more productive land through these projects and we have to get compensated from some place, and if we have to compensate the Midwest for our productive land, I hope you will remember what helped cause part of the problem and why this part of the problem is so important to us.

Mr. SAYLOR. Mr. Chairman, we would probably compensate—if that is what you are wondering about—that would best be, I should think, at the expense of the 50 States of the Union.

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

Mr. SAYLOR. I yield to the gentleman.

Mr. HALL. Mr. Chairman, I would like to go back to a procedural question quite different from the recent colloquy.

My question pertains to the responsibilities of the various committees and the bureaus and departments downtown so far as surveillance, oversight, review and implementation of the intended legislation is concerned. I believe the gentleman was attentive when I discussed with the chairman of this distinguished committee the question of feasibility study, which I understand now, after the gentleman from Pennsylvania has reexplained it, is the same as the old previously understood survey granted by the legislative committees of Congress.

Insofar as general land acquisition or impoundment—municipal water supply, multipurpose dams, flood-control lakes, and so forth—is concerned, in view of the commendable action of the gentleman's committee in reviewing each recognizance and then authorizing a survey for feasibilty, and then, I presume, finally the authorization for the start itself, subject to appropriation therefor, is there any way now that any of the bureaus or the departments downtown

can take an end run around the gentleman's distinguished committee or any of the other responsible committees that have surveillance or oversight of the bureaus and get a start made by Presidential authorization without congressional review?

I am thinking in particular, if I may sharpen up this point and the penetration of my question, of maybe a total wattershed study authorized by the Congress which reports that some agency—whether it be the Bureau of Reclamation, the Department of the Interior, the Corps of Engineers, or the Department of the Army, or others reporting directly to the President through the Rivers and Harbors or Flood Control Council—may be started if authorized by the President without coming back to Congress? Is this possible under the gentleman's Public Law 89–80?

Mr. SAYLOR. It is not, and the reason I say that is that we have made sure that even the Council and Commissions which we have created to make river basin studies and which report to the President will come to Congress for construction authorization. We have placed in those laws provisions that the President shall then submit, if he approves the studies, his recommendations to the Congress. They will then be referred to the appropriate committee, and the Congress will then have to act to pass the enabling legislation.

Mr. HALL. I appreciate the gentleman's answer. If he will yield for one further clarifying question, I shall be brief.

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

Mr. HALL. I understand the Congress has final review in authorization and appropriation after it comes back on Presidential recommendation in a river basin study. But does this eliminate the prior need for the feasibility survey which has always been authorized either in the Committee on Public Works or in the committee having surveillance over reclamation before the authorization for a start is granted?

Mr. SAYLOR. As far as the Department of the Interior and the Bureau of Reclamation are concerned, the answer is no.

Mr. HALL. I thank the gentleman.

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

Mr. ULLMAN. Mr. Chairman, I want to take just a minute to commend the chairman of the subcommittee, the gentleman from California (Mr. JOHNSON), and the chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL), and also the ranking minority member, the gentleman from Pennsylvania (Mr. SAYLOR), for acting responsibly in bringing this feasibility legislation before the Congress. I was particularly pleased, I would say to my friend from Pennsylvania, to hear his stirring defense of Western reclamation. It did my heart good, because I know that it came from his heart.

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

Mr. ULLMAN. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I wish to say to my good friend from Oregon that some people have said that I am a foe of reclamation. I think they will find the record replete with instances that where the projects that have been proposed by the Bureau of Reclamation have complied with the law that is on the books, I have been a most ardent supporter.

My difficulty with the Bureau has been when it came up with projects that Congress said were outside the law.

Mr. ULLMAN. I appreciate those remarks.

Mr. Chairman, this new procedure whereby each project feasibility study is considered on its merits is working out very well.

The Interior Committee is one of the most responsible committees in the House. It was my privilege to serve on this committee for 4 years. Every Member of Congress can rest assured these individual projects have received study in depth by the committee, and the projects would not be in this bill if they did not meet all the tests and were completely eligible to go forward with feasibility studies.

This bill authorizes the Secretary of the Interior to conduct feasibility studies of eight reclamation projects throughout the Nation, including the Calapooia Division of the Willamette project in Oregon. Although the Calapooia project study was not included in the Senate-passed bill, its inclusion in the House bill was recommended by the Department of Interior. This particular study is not only compatible with the program of the Bureau of Reclamation in Oregon, but is an essential ingredient of the Bureau's development program for the Willamette Valley region. A reconnaissance survey indicates that the development is engineeringly feasible and that more detailed study is economically justified.

This is a region that has historically depended upon natural rainfall for agriculture. It is already in cultivation, but the additional benefit of late season irrigation and a dependable water supply will add greatly to the economic stability of the farming sector. The water supply for this project is already in existence. Storage in Corps of Engineer dams on the South Santiam and Calapooia Rivers has been allocated for this purpose, and all that is now required is the development of an adequate distribution system. Such a system will benefit approximately 47,600 acres—all of which is already in cultivation, but which can be put to much greater economic use in more intensive and diversified farming. Based upon the 1967 reconnaissance study, the total estimated cost of the project—if it is found to be feasible and is authorized by Congress—is $41,750,000.

The development of this project has the strong support of local governments, organizations, and individuals, all of whom recognize the value of dependable irrigation to the agricultural sector.

Mr. RHODES. Mr. Chairman will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I associate myself with the remarks of the gentleman from Oregon in praising the work of the Committee on Interior and Insular Affairs and particularly its chairman and its ranking minority member.

I too am an alumnus of the committee, as the gentleman from Oregon will recall. It is a great committee and has always done a very thorough and workmanlike job in its jurisdiction. I agree with the gentleman from Oregon when he says the Members of the House can rest assured that its jurisdiction and interests are being protected and the interests of the country are being furthered by the work of this fine committee.

Mr. ULLMAN. Mr. Chairman, I appreciate those comments. It was my privilege to serve on the committee with my friend, the gentleman from Arizona.

(Mr. BARING (at the request of Mr. JOHNSON of California) was granted permission to extend his remarks at this point in the RECORD.)

Mr. BARING. Mr. Chairman, I stand in support of S. 574 to authorize feasibility investigations of certain water resource developments. I cosponsored legislation here in the House, H.R. 12140, with my colleague, the gentleman from California, BIZZ JOHNSON, to determine the feasibility of economically utilizing and developing the land and water resources of the Amargosa Valley area in the vicinity of Beatty, Nev., and Death Valley Junction, Calif., for agriculture, municipal, and industrial purposes.

The proposed plan of development provides for drilling additional wells, and constructing the necessary distribution and drainage facilities to supply water to 21,000 acres of irrigable lands and for anticipated municipal and industrial development.

The 1968 reconnaissance study indicates there are about 93,000 acres of arable land in the Amargosa Valley and that vast amounts of untapped underground water appear to exist just beneath the surface of this land.

While a limited amount of irrigation has been developed by privately owned wells or springs, the high cost of such development is beyond the financial resources of most of the potential irrigators. As a result, the area is dependent to a high degree on tourism and the local economy is not sufficient enough to garner local financial support for the hard-working citizens to develop the venture alone. Moreover, the irrigation has taken in widely dispersed areas, thus the tax base is very limited and, as a result the roads and other services are entirely inadequate.

The 1968 reconnaissance report and the existing developments have demonstrated clearly that irrigated farming can be a very successful enterprise and would make a major contribution to the economic growth of the area. The only practical approach to developing the land and water resources is a Federal reclamation development. Thus the feasibility study, as proposed in the legislation under discussion today, would be the first step to accomplishment of this objective.

The residents of the valley have formed the Amargosa Valley Improve-

ment Association, Inc., in order to deal with the problems and needs in the valley, and residents in the area have expressed a deep interest in obtaining Federal help in developing the vast resources of the Amargosa Valley.

Your support of this legislation is deeply appreciated.

Mr. JOHNSON of California. Mr. Chairman, I yield myself as much time as I may consume to speak in favor of enactment of S. 574, as amended by the Committee on Interior and Insular Affairs. The gentleman from Colorado, the chairman of the full committee, has given a full and complete report to the Committee of the Whole on the background, policy aspects, and need for this legislation. I support his reasoning and concur fully in the need for continuing with a deliberate, controlled program of study of the opportunities to develop and utilize for beneficial purposes the remaining uncommitted water supplies of the Western States.

The Subcommittee on Irrigation and Reclamation, which I have the honor to chair, held full and complete hearings. At that time we were afforded the opportunity to review and study the reconnaissance findings which have been performed by the Bureau of Reclamation on each of the studies now proposed for authorization. All of the studies were shown to meet the tests of justification and feasibility required for favorable consideration. Four of the eight studies being proposed feature as major functions the provision of municipal and industrial water for the growing needs of the reclamation States. The others involve largely the utilization of water supplies already provided by previously constructed multiple purpose reservoirs or are for the provision of supplemental water for inadequately irrigated lands. It can, therefore, fairly be said that we are not here proposing any significant new irrigation programs. During our hearings, we heard from our colleagues in whose constituencies the projects would be located and were assured that there is no local opposition to any of these studies.

The chairman of the full committee has pointed out that S. 574 is a study bill and that the only authorization that is involved is for study. There will be no construction authorized by this measure as it will be necessary for the Department to return to the Congress with its reports and establish that the programs will meet the tests that will be applicable at that point in time. Conceivably, there could mature from these studies, action programs approaching a cost burden of $300 million, but this commitment is at least 5 years down the road and in certain cases may be as long as 8 to 10 years.

Mr. Chairman, I have a tabulation of the costs of the various projects and studies.

The direct and immediate cost burden—that being the cost of the studies—is about $3.8 million to be spread over a term of 5 to 8 years, depending on the rate of appropriations. Only $172,000 of this amount is presently scheduled for appropriation in fiscal year 1970. This seems to be a very modest price to pay to maintain our surveillance of opportunities for putting our dwindling water supplies to work throughout the West.

As pointed out in our committee report on S. 574, as amended, each of the contemplated studies is badly needed to reinforce and augment the economic well-being of their respective local areas. These needs have been recognized by the administration, which has recommended each of them for authorization. I join with the President in commending these studies to the House and urge that S. 574, as proposed to be amended, be enacted now.

Mr. REIFEL. Mr. Chairman, I rise in support of S. 574, which contains, among other recommended feasibility investigations, authorization of a study of Slip-Up Creek in the Big Sioux River Basin, near the city of Sioux Falls, S. Dak.

The potential unit involves diversion of excess flows of the Big Sioux River into an off-stream reservoir on Slip-Up Creek. The water would be stored there and later released to the water supply of the city. This investigation would develop a detailed plan for furnishing supplemental municipal and industrial water for Sioux Falls.

A reconnaissance investigation was initiated in June 1967 on this project. A favorable report from the Bureau of Reclamation of the Department of Interior recommends a feasibility investigation. The city of Sioux Falls has maintained continued interest in the unit during the reconnaissance investigation.

Mr. Chairman, I believe the authorization of this study is justified. Sioux Falls needs supplemental water to meet forecasted industrial needs. There are also great needs for increased water-oriented recreation and municipal water demands.

Mr. JOHNSON of California. Mr. Chairman, I have no further requests for time.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

(1) Missouri River Basin project, Oregon Trail division, Corn Creek unit, in south-central Goshen County, in the vicinity of Hawk Springs, Wyoming;

(2) Missouri River Basin project, Longs Peak division, Front Range unit, in Cache la Poudre River and Saint Vrain Creek Basins and adjacent areas in the general vicinity of Boulder, Colorado; and

(3) Missouri River Basin project, Upper Republican division, Armel unit, on the South Fork of the Republican River in the vinicity of Hale, Colorado.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 11, strike out "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 3, delete the period and insert a semicolon and the following language:

"(4) Shoshone project, Buffalo Bill Dam modifications, the Shoshone River, about five miles west of Cody, Wyoming;

"(5) Missouri River Basin project, James Division, Sioux Falls unit, in the Big Sioux River Basin in the vicinity of Sioux Falls, South Dakota;

"(6) Amargosa project, in the Amargosa River Basin in the vicinity of Beatty, Nevada, and Death Valley Junction, California;

"(7) Willamette River project, Calapooia division, in the Calapooia River Basin in Linn County, Oregon; and

"(8) Willamette River project, South Yamhill division, on the South Yamhill and Willamette Rivers in Yamhill and Polk Counties, Oregon."

AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA TO THE COMMITTEE AMENDMENT

Mr. JOHNSON of California. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California to the committee amendment: On page 2, line 15, strike "Yanhill" and insert "Yamhill".

The amendment to the committee amendment was agreed to.

Mr. JOHNSON of California. Mr. Chairman, there is a typographical error in the bill. I ask unanimous consent that on line 4, page 1, after the word "studies" the language read "of the". There is a typographical error there on spacing.

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

There was no objection.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, pursuant to House Resolution 528, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there

were—yeas 365, nays 16, not voting 49, as follows:

[Roll No. 183]

YEAS—364

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collins
Colmer
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammer-schmidt
Hanley
Hansen, Idaho
Harsha
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—16

Arends
Ashbrook
Brock
Collier
Conable
Denney
Dennis
Gross
Hall
Hutchinson
Jonas
Michel
Myers
Railsback
Roudebush
Scherle

NOT VOTING—49

Baring
Bell, Calif.
Biaggi
Bolling
Brown, Ohio
Burton, Utah
Cahill
Daddario
Dawson
Eilberg
Fallon
Fascell
Fish
Gilbert
Griffiths
Grover
Hanna
Hansen, Wash.
Harvey
Hosmer
Kee
Kirwan
Landgrebe
Lipscomb
Long, La.
McCloskey
McKneally
Mills
Mizell
Mollohan
Nichols
O'Konski
O'Neill, Mass.
Pepper
Powell
Pucinski
Purcell
Reifel
Riegle
Rostenkowski
Slack
Smith, Calif.
Staggers
Taft
Teague, Calif.
Thompson, Ga.
Utt
Whalley
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Smith of California.
Mr. Daddario with Mr. Lipscomb.
Mr. Biaggi with Mr. Cahill.
Mr. Fallon with Mr. Brown of Ohio.
Mr. Mills with Mr. Reifel.
Mr. Baring with Mr. Teague of California.
Mr. Gilbert with Mr. Grover.
Mr. Rostenkowski with Mr. Harvey.
Mr. Long of Louisiana with Mr. Burton of Utah.
Mr. Staggers with Mr. McKneally.
Mr. Eilberg with Mr. Taft.
Mr. Pepper with Mr. Wyatt.
Mr. Nichols with Mr. Utt.
Mr. Hanna with Mr. Dawson.
Mr. Pucinski with Mr. Bell of California.
Mr. Slack with Mr. Fish.
Mr. Purcell with Mr. Whalley.
Mr. Kirwan with Mr. O'Konski.
Mr. Mollohan with Mr. Mizell.
Mrs. Hansen of Washington with Mr. McCloskey.
Mrs. Griffiths with Mr. Riegle.
Mr. Kee with Mr. Landgrebe.
Mr. Hosmer with Mr. Thompson of Georgia.

Mr. MICHEL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

DESIGNATING THE DESOLATION WILDERNESS, ELDORADO NATIONAL FOREST, CALIF.

Mr. ASPINALL. 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. 850) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California.

The SPEAKER pro tempore (Mr. SMITH of Iowa). The question is on the motion offered by the gentleman from Colorado.

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. 850, with Mr. ZABLOCKI in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Colorado (Mr. ASPINALL) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Colorado.

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

Mr. Chairman, H.R. 850 is another of the numerous bills that would add land to the existing wilderness system that was established by Public Law 88–577 of September 3, 1964.

That act, in addition to immediately designating as wilderness approximately 9 million acres of existing national forest land that had been administratively classified as "wild," "wilderness," or "canoe" areas, also made provision that additional areas of land under the administrative jurisdiction of the Secretary of Agriculture and the Secretary of the Interior could be reviewed to determine its suitability for wilderness designation. This review is to be completed within 10 years. Those areas found suitable by the administrative agency are submitted to the President and the President advises the Senate and the House of his recommendations with respect to these areas. H.R. 850 is such a bill and would make additions to the wilderness system.

H.R. 850, as amended and approved by the Committee on Interior and Insular Affairs, designates 60,300 acres of national forest land in El Dorado County, Calif., as the Desolation Valley Wilderness. Of this 60,300 acres, approximately two-thirds, or about 37,500 acres, are within the existing Desolation Valley Primitive Area, while the remaining 22,700 acres are made up of adjoining national forest land within the Eldorado National Forest.

This area is located immediately west of Lake Tahoe, on both sides of the crest of the Sierra Nevada Mountains. It is less than 90 miles east of Sacremento and is about double that distance from the San Francisco Bay area.

It is, therefore, conveniently near large centers of population. Because of this location, it has been popular with outdoor recreationists and its designation as wilderness will not lessen this popularity. The designation as wilderness will, however, preserve it in its natural state and prevent commercialization.

The area under consideration dis-

plays typical high mountain scenery. It shows glaciated ridges and valleys, alpine vegetation and much of it is almost totally devoid of vegetation and shows only barren, weathered rock formations.

As for natural resources, it has no commercial timber and supports only limited grazing for livestock. Minerals have not been produced within the area in economic amounts, and its potential for future mineral production is reported as poor by the Geological Survey. There are wildlife populations of deer, bear, and smaller mammals and summer fishing is popular.

The most significant resource, other than its wilderness value, is water. The area contains the headwaters of three significant rivers and is a major watershed area. These rivers are the Rubicon, the south fork of the American, and the Truckee watershed within El Dorado County. This water resource is almost 100 percent utilized for irrigation, domestic use and for hydroelectric purposes. To facilitate this water utilization, a series of 22 small streamflow maintenance dams and two larger dams creating substantial reservoirs have been constructed.

Of the two larger dams, one, the Rubicon Dam, was built by the Sacramento Municipal Utility District in 1963. It is located near the northwest corner of the proposed wilderness area. This is a low, grey concrete structure that, through a series of tunnels, furnishes water to the Sacramento area. The other structure, the Lake Aloha Dam, was built in 1865 and enlarged in 1875. It is made of native rock and is near the southern end of the area. It is operated by the Pacific Gas & Electric Co. for generation of power at a site outside the present primitive area.

In considering this legislation, the committee was faced with the problem created by the two larger dams and whether their inclusion within the proposed wilderness area would tend to downgrade the quality of wilderness in this particular area and in the entire system by establishing an undesirable precedent.

It is helpful to turn to the definition of wilderness as given in the 1954 Act and to review once again that definition as well as the basic objective of the Wilderness Act.

As defined in the original Wilderness Act, a wilderness area, in contrast with those areas where man and his works dominate the landscape, is an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural condition; where the imprint of man's work is substantially unnoticed, and where there are outstanding opportunities for solitude or for a primitive and unconfined type of recreation.

Everything in this definition and everything that has heretofore been written or spoken in connection with the Wilderness Act has stressed that the works of man are undesirable and forbidden in true wilderness areas. Mechanization of any sort, including automobiles, motorcycles, motorboats, and powersaws are prohibited or very carefully regulated by the Forest Service to keep to an absolute minimum man's influence. Campsites are of the most primitive type without the usual tables, fireplaces or the customary sanitation facilities. Trails and roads are designated, if at all, by inconspicuous signs. Permanent structures, even ranger cabins, are not acceptable. Commercialization of any type, if it would in any way detract from the primeval atmosphere, is to be avoided. In short, wilderness areas, as contemplated by Congress are to be as nearly unchanged, primitive, and primeval as possible.

Because of this definition and because of our desire not to downgrade the wilderness system, the committee voted to adopt amendments that would eliminate 3,200 acres containing the two larger dams. Although it may be maintained by some that these two structures were within the existing primitive area, that they are relatively small in size and blend well with the surrounding terrain, they nevertheless are nonconforming manmade structures. As such, they are incompatible with the accepted standards of wilderness and should be excluded. To do otherwise would establish an undesirable precedent and would lessen the quality of the entire wilderness system. It would be a clear indication that quantity was being substituted for quality.

A larger acreage is not the important factor in maintaining our wilderness system. Quality is more important than mere acreage. We presently have millions of acres within national forests that have the usual recreational values, but most of this area could not qualify as wilderness. A clear distinction must be maintained between "wilderness" and other forest service land. Otherwise, the wilderness system that Congress so carefully established will be gradually downgraded until it is indistinguishable from the adjoining land. The purpose of the act will be defeated.

The amendments adopted by the committee will maintain this distinction and will retain the original objective of the 1964 legislation, which was to preserve wilderness areas in an unchanged and unaltered state. In addition, the adoption permits the two operating utility companies freedom of access to the two dams for maintenance and operation that is not permissible within wilderness areas. The amendment adopted, however, provides that these two areas that have been deleted from H.R. 850 will continue to be managed in a manner that is consistent with the adjacent wilderness. This will prevent any further commercialization of the excluded areas and for all practical purposes they will not be distinguishable from that designated as wilderness. The high quality of the wilderness system will be maintained and the two operating utility companies will have the necessary freedom of access to the two dams without the necessity of obtaining prior approval of the Secretary of Agriculture.

Mr. Chairman, as chairman of the Committee on Interior and Insular Affairs, I feel this is good legislation, and I recommend its enactment by the House.

The CHAIRMAN. The gentleman from Colorado has consumed 15 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SAYLOR).

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

Mr. Chairman, I rise in opposition to H.R. 850, as amended and reported by the Commitee on Interior and Insular Affairs.

The purpose of H.R. 850, as introduced by the gentleman from California (Mr. JOHNSON), is to designate approximately 63,500 acres in the State of California as the Desolation Wilderness, pursuant to the Wilderness Act of September 3, 1964. The administration, through the Department of the Interior, the Department of Agriculture, and the Bureau of the Budget, has recommended enactment of H.R. 850 as introduced and containing approximately 63,500 acres. The other body passed on March 24, 1969, an identical bill to H.R. 850, as introduced, containing approximately 63,500 acres.

However, the House Committee on Interior and Insular Affairs, in reporting H.R. 850, does not follow the recommendations of the administration, or the action of the other body, and recommends that the bill do pass, if amended. The committee amendments in the main propose to delete approximately 3,200 acres of the area to be designated as wilderness because there are two privately operated water resource development projects within the 63,500-acre proposed wilderness area. The reason advanced for the deletion of this acreage is that the inclusion of these water resource projects within the proposed wilderness area would trespass upon and dilute the wilderness concept. Yet, the committee, by its amendment adding section 5 to the bill proposes that despite the exclusion of this acreage from the wilderness area, that the Department of Agriculture shall continue to be managed in a manner consistent with the adjacent wilderness. Now that is a play on words if I have ever witnessed such a thing.

I submit that the reasoning and action of the committees in adopting the committee amendments by a vote of 17 to 11 makes the administration of this wilderness an anomaly. Technically, the 3,200 acres are excluded from the wilderness. On the other hand, the bill requires that despite the exclusion of the 3,200 acres, it shall continue to be managed in a manner consistent with the adjacent wilderness.

This dilemma should be resolved in this body by defeating the committee amendments and including these 3,200 acres in the proposed Desolation Wilderness. To include this acreage within the proposed wilderness will not violate the wilderness concept in any way. The Department of the Interior in favoring the inclusion of this area within the wilderness, states in its report on this legislation:

Because of the particular circumstances surrounding the use, establishment, and management of these dams, we do not be-

lieve that their inclusion within the area will dilute the wilderness concept.

Here is what the Department of Agriculture stated on this question in its testimony before the committee:

Past water management activities have altered the wilderness character of the area somewhat. These activities have resulted in two structures which you should be fully aware of as you consider this wilderness proposal. One, Aloha Lake Dam, was constructed of native rock and mortar in 1865 and is today substantially unnoticeable.

The other is the Rubicon Reservoir Dam, a more formal concrete structure which diverts water from the Rubicon River to Rockbound Lake. After careful analysis in 1958 the Forest Service agreed to the construction of this facility within the Primitive Area. It is an indispensable part of the Sacramento Municipal Utility District's American River Project. The actual structures were designed and constructed in such a manner as to minimize the impact on the wilderness resource.

The decision to recommend inclusion of the Rubicon Reservoir in the proposed Desolation Wilderness is based only on the unique circumstances in this particular case. It does not imply that the structure in and by itself conforms to the criteria for wilderness designation as expressed in the Wilderness Act. When the decision was made in 1958 to agree to the construction of this facility it was determined that the need for it was so great that it should be allowed even though it was in the Primitive Area. The same recommendation would have been made for action by the President under subsection 4(d)(4)(1) of the Wilderness Act, if the provisions of that Act had been in effect at that time. For this reason we have included it in the wilderness proposal.

The definition of a wilderness as contained in section 2(c) of the Wilderness Act does not by definition exclude these 3,200 acres of federally owned lands. Section 2(c) of that act states:

An area of wilderness is further defined to mean . . . an area of undeveloped Federal land . . . *and* which (1) generally appears to have been affected primarily by the forces of nature, *with the imprint of man's work substantially unnoticeable.*

This language of the act in defining a wilderness area conclusively points up the fact that it was intended that some wilderness areas would be proposed for inclusion in the wilderness preservation system which did contain the imprint of man's work provided it was substantially unnoticeable. The testimony before our committee is clear that one water resource facility is "today substantially unnoticeable," and the other facility was "designed and constructed in such a manner as to minimize the impact on the wilderness resource."

Section 4(a)(3) of the Wilderness Act provides that—

Nothing in this Act shall modify the statutory authority . . . under which the area was created, or any other Act of Congress which might pertain to or affect such area, including but not limited to . . . section 3(2) of the Federal Power Act.

It is clear from this language of the act that the authority of the Federal Power Commission to require its licensees to operate and maintain their facilities in a manner so as not to impair the protection of life, health, and property was not to be abrogated by the inclusion of a licensee's facility within a wilderness area. It follows then, that the inclusion of a facility operated by a licensee under the Federal Power Act, in a wilderness area, is not a violation of the wilderness concept if such facility meets the other criteria for inclusion in the system.

In addition, section 4(c) of the Wilderness Act which prohibits certain uses in wilderness areas specifically excepts and subjects such prohibition to existing private rights. In this situation the private operators of the water resource facilities have rights which are protected by the Wilderness Act despite the prohibitions and the inclusion of these facilities in the proposed wilderness.

The special provisions of the Wilderness Act in section 4(d)(1), which permits the use of aircraft or motorboats where these uses have already become established within areas designated by the Wilderness Act, again, clearly points out the feasibility of including these water resource facilities within the Desolation Wilderness. Such action was contemplated and intended by the language of the act at its inception and, therefore, not a violation of the wilderness concept to include these 3,200 acres.

The fact that the inclusion of these two water resource facilities within the Desolation Wilderness would not violate the wilderness concept is most clearly pointed out by section 4(d)(4) of the Wilderness Act. This section specifically provides that the President may authorize water resource facilities within wilderness areas in the national forests designated by the Wilderness Act, where such facilities are needed in the public interest, and where such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial. This language of the Wilderness Act very lucidly shows that the inclusion of water resource facilities in a wilderness area does not violate the wilderness concept, if such facilities serve the ultimate interest—the public interest.

Mr. Chairman, I think it is quite clear that the inclusion of these 3,200 acres, including the water resource facilities, within the proposed Desolation Wilderness is not a violation, degradation, or dilution of the wilderness concept as defined and spelled out in the Wilderness Act of September 3, 1964. In fact, the failure to include these areas within the proposed Desolation Wilderness is, in my judgment, another attempt to eviscerate the wilderness concept as passed by the Congress. The inclusion of these 3,200 acres including the water resource facilities is completely consistent with the principles and concept of the Wilderness Act.

I urge my colleagues to defeat the committee amendments to H.R. 850 and support the passage of the bill as introduced.

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

Mr. SAYLOR. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I would like to ask the gentleman, what part of it will be excepted, the 3,500 acres?

Mr. SAYLOR. It is 3,200 acres.

Mr. JONAS. One part of the excepted area is located near the northern boundary, the northwest corner of the proposed wilderness area, and the other part is near the southerly boundary. The report does not say how near. Would these areas be carved out of the proposed wilderness area? Do they lie along the edge?

Mr. SAYLOR. They are carved out of the wilderness area.

Mr. JONAS. And the wilderness area would surround the excepted portions?

Mr. SAYLOR. That is correct.

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

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

Mr. KYL. Mr. Chairman, the gentleman from Pennsylvania uses some unfortunate language when he says "carved out." The Forest Service will administer all this area, whether these two enclaves are in or out. Under the bill, if a person enters that entire area and crosses from the wilderness over a line where there is no fence into the area where these dams are located, he will never know whether he is in a carved out area or the other area, because the same agency administers both parts in exactly the same way.

Mr. SAYLOR. This is correct. This is the reason I point out that the amendment which the committee adopted in section 5 makes the committee amendment a real anomaly. They realized they were making a mistake, and so, to try to correct that mistake, they ordered the Forest Service to handle the areas as though they were wilderness.

Mr. ASPINALL. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, no man in America has done more for the wilderness concept or to give this country a system of wilderness preservation than the chairman of the House Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL).

H.R. 850 provides for the establishment of the Desolation Wilderness on the Eldorado National Forest in California, as part of the national wilderness preservation system.

The House Committee on Interior and Insular Affairs has reduced the total acreage in the bill below the figure proposed by the sponsor of the bill, the gentleman from California (Mr. JOHNSON). The gentleman from California (Mr. JOHNSON) is proposing an amendment on the floor to restore this reduction so that the original size of 63,439 acres can be established as the Desolation Wilderness. I would urge each of you to join with other distinguished Members of this House and vote for this amendment.

The 3,200 acres were removed from H.R. 850 by committee action. The 3,200 acres includes two water storage reservoirs and adjacent land extending from the reservoirs all the way out to the boundary of the wilderness area as originally proposed—a distance of over 2 miles in the one case and of over 4 miles in the other. One of these reservoirs, called Lake Aloha, is over a hundred years old, having been built in 1865. The

other, called Rubicon Reservoir, was built in 1963 only after prolonged study had fully documented the need. There are no buildings, no powerlines, and not even any road into either reservoir.

No one really wants manmade reservoirs within the national wilderness system. An attempt to build a new reservoir within the national wilderness system would be vigorously opposed. Yet the fact is that scores of similar small reservoirs are already in the system. They were already in existence at the time of passage of the Wilderness Act in 1964 and were located within national forest primitive areas which became part of the national wilderness system upon passage of the act.

It would be nice to have our national wilderness system absolutely pure and completely free of any sign of the hand of man. But the fact is that we are getting a late start in this business of preserving America's wilderness. Logging has occurred; woods roads have been opened and later abandoned; cabins have been built which in time have decayed and fallen down; in the interest of public health and safety and to protect the natural resources there may sometimes be lookout towers and patrol cabins. All of these are imperfections within the wilderness. Yet how often is man able to create or to establish anything which is truly perfect? Very, very rarely—if ever. Congress has declared it is our national policy to preserve America's wilderness resource. Whether some prior existing imperfection—something less than absolute purity—is to be accepted into the national wilderness system should be determined by whether its inclusion will significantly contribute to the implementation of this national policy of wilderness preservation or whether its omission will significantly obstruct this policy.

The 3,200 acres of land omitted from H.R. 850 as reported out by the committee are of wilderness quality. Their wilderness character merits their inclusion in the national wilderness system. The imperfection lies in the two reservoirs themselves. To persist in exclusion of the reservoirs will create a deep intrusion into the wilderness—extending over 2 miles for one reservoir and over 4 miles for the other. Their exclusion will permit incompatible uses to occur far within the designated wilderness. Not only will the 3,200 acres of natural wilderness be subject to harmful intrusions, but the wilderness environment of the surrounding designated wilderness will be depreciated. In the Wilderness Act the Congress declared its intent to preserve the wilderness—not to depreciate it. This congressional intent will best be served by including the two existing reservoirs and the 3,200 acres in the designated wilderness.

Your support of the amendment to restore the reservoirs and 3,200 acres to H.R. 850—all of which were included in the original bill as filed and sponsored by the gentleman from California (Mr. JOHNSON) as recommended by the U.S. Forest Service, and as endorsed by conservationists—is earnestly requested.

Mr. Chairman, I regret differing with the gentleman from Colorado on one small portion of this bill. I would emphasize the difference between the chairman of the committee and the gentleman from Pennsylvania and the gentleman from California and me is not a large one. We are talking about a wilderness area of more thn 60,000 acres. The committee is in agreement on what should be done with all but a small portion of this wilderness area.

I think it would be a mistake to accept and approve the committee amendments which excluded and carved out these two small areas, one at either end of the proposed wilderness system.

My philosophy is very simple. I think it is a practical philosophy. Reasonable men can differ about this matter of philosophy we are discussing today. One can say, as the gentleman from Colorado does, and the gentleman from Iowa, that either we are going to have a wilderness or not have a wilderness. They suggest if we have structures and manmade works, then we ought to take the areas out of the wilderness area, and keep it pure and pristine; that we ought not to set up pieces of land and call them wilderness if they do not meet the purest criteria of the Wilderness Act and its concept.

On the other hand, one can say, as I do, that if substantially all the values of wilderness are there, we should preserve it. After all, few things that men do are perfect. We cannot have perfection. We can always find in a wilderness area a lookout tower or some cabin an old prospector built 100 years ago, or different kinds of structures in different states of repair. One can say that because they are there, this is not pure and pristine and we should therefore carve that area out.

In the areas we are talking about, one dam is 100 years old, and the other is more recent, built in 1963. There are no roads into either of the dams. They require no maintenance of any great consequence. The companies can go in there once or twice a year and preserve the structures and make the necessary adjustments to keep them in operation.

It seems to me we ought to be practical about this. We did not start with perfection. We started with the forest areas, the wilderness areas, as they are. We have to give our best judgment.

We had a similar situation develop in New Jersey just a year ago, when, within 60 or 70 miles of New York City, there was the only chance to have a wilderness area, part of the wilderness system, in this great eastern metropolitan area. This was in the great swamp area of New Jersey. When one drew a logical boundary, it included a place which had once been used as a dump by a city, but the testimony was that when it was covered over and properly restored, one could not tell it had ever been used in that fashion. It had some modest little dikes and structures. Taken as a whole, with the boundaries that were drawn, we had essentially a wilderness area. It seemed to me one could compromise with reality and say that substantially we were preserving a wilderness area, one which deserved to be in this great wilderness system.

I take this same philosophy to approach this particular problem.

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

Mr. ASPINALL. Mr. Chairman, I yield the gentleman 1 additional minute, and at the same time ask him to yield for a question.

Mr. UDALL. I yield to the gentleman from Colorado.

Mr. ASPINALL. So that he will be on record, does my friend from Arizona really believe that these two separate areas are absolutely necessary in order to preserve the wilderness aspect of this area?

Mr. UDALL. No. I would have to tell the gentleman from Colorado in frankness we will have a pretty good wilderness area whether the amendment is agreed to or not. We will have a far better one, in my judgment—and I recognize that reasonable men can differ—if we do not carve out these two sections, one at either end of the wilderness, and say we are going to exclude these because of man-made structures in them.

I urge members of the Committee, when we reach this point in the amending process, to support the gentleman from California in his efforts to defeat the modest amendments that were made.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. Chairman, I thank the gentleman from Colorado very much for making time available to me to speak in favor of the amendment which is going to be offered by my colleague, the gentleman from California (Mr. JOHNSON).

I agree with everything that has been said by the gentleman from Arizona (Mr. UDALL) with respect to the 3,200 acres which have been excluded under the committee bill.

I feel that the desolution wilderness area is one which is extraordinarily beautiful. It is one which should be included in the Wilderness Act. These 3,200 acres, in which there are two reservoirs, are an integral part of the overall area.

We know that there have been in the past provisions made in the national wilderness system, under the Wilderness Act of 1964, so far as access to these two reservoirs is concerned. Section 4(c) of the Wilderness Act provides for the continuation of prior existing rights. The act, as written, assures the utility companies the right to go in and service these reservoirs for maintenance purposes.

There is no special provision in H.R. 850 that is necessary to allow that, so I do not feel that just because there have been minor improvements, that are of an ancient variety, we should not keep the 3,200 acres in the overall area and make it an integral part of this new wilderness area.

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

Mr. ASPINALL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, I strongly support the bill and I am especially interested in the position taken by the gentleman from Arizona (Mr.

UDALL) and the gentleman from California (Mr. JOHNSON), and urge adoption of the amendment at the appropriate time.

Mr. Chairman, we are considering today H.R. 850, which will establish the desolation wilderness on the Eldorado National Forest in California as a part of the national wilderness preservation system.

This bill, as introduced by my colleague, BIZZ JOHNSON, was modified in committee so as to delete 3,200 acres from the original package. This 3,200-acre deletion encompasses two reservoirs on the boundaries of the wilderness. The committee action was taken in order to assure access to these reservoirs by the two utility companies which maintain them.

I do not feel this deletion is necessary. Access to these reservoirs is already provided for under section 4(c) of the Wilderness Act, which declares that prior existing rights shall continue after any area is placed in the national wilderness system. Therefore there is no necessity to exclude the reservoirs and adjacent land from the national wilderness system.

As for these reservoirs themselves, it is true that no one voluntarily wants these structures within the wilderness. Yet their exclusion in this case would do more harm to the wilderness than their inclusion. One reservoir is situated more than 2 miles inside the originally proposed boundary for the desolation wilderness; the other is more than 4 miles inside. Each reservoir, plus the total of 3,200 acres of wild land extending from the reservoirs to the proposed wilderness boundary, would, if excluded from the established wilderness, permit uses incompatible with the wilderness to be carried on there. Such incompatible uses would be harmful both to the 3,200 acres of natural wilderness and to the environment of the surrounding, legally established wilderness. There are already many such reservoirs within the national wilderness system. The potential depreciation to the wilderness values which could occur by omitting these two reservoirs from the protection of the Wilderness Act is serious. The inclusion of these minor imperfections, on the other hand, will prevent such depreciation and will assure a unified, uninterrupted expanse of wilderness.

I strongly endorse the amendment of the gentleman from California (Mr. JOHNSON), which will restore the 3,200 acres and two reservoirs to the bill.

Mr. ASPINALL. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, as the Representative of the Second Congressional District of California in which the proposed Desolation Wilderness is located, I rise to express my full support of this proposal, providing the House of Representatives adopts an amendment in the nature of a substitute.

As you know, I am the author of the legislation pending before the Committee of the Whole at the moment, H.R. 850, which would establish this wilderness located in the rugged Sierra Nevada immediately west of Lake Tahoe at the crest of the Sierra range. The proposal includes the Desolation Valley Primitive Area which has been maintained in a primitive state since 1931 when it was set aside by an order of the Chief of the Forest Service. The area is located about 90 miles east of Sacramento and for those who would seek the opportunity to enjoy the wilderness, it is not far removed from U.S. Highway 50.

The area includes the headwaters of the Rubicon River, the South Fork of the American River, and the Truckee River watershed within El Dorado County. The proposed wilderness is an area popular with numerous hikers because of its superb scenery of rugged mountains, glaciated ridges and valleys, lakes, streams, and alpine vegetation. It has been managed to maintain its primeval characteristics. Despite its popularity and developments for water, it retains its rugged, natural appearance. It is the summer home of deer and bear, and the year-round home of numerous smaller animals. Fishing is very popular, and in part, accounts for the fact that the number of recreation visitors has doubled in the last 5 years.

Approximately 65 percent of the proposed area is void of vegetation. Severe winter storms keep soil from accumulating, except in protected spots where vegetation has become established. The bulk of the area, therefore, is made up of barren, weathered-rock formations for which the area is so well known. The vegetation which does grow consists of scattered stands of timber, fields of brush, and grasses and plants in mountain meadows. Approximately a third of the surface is covered by this vegetative growth. Lakes are abundant, and make up about 3 percent of the area.

The mineral potential is very low within the proposed wilderness. There is record of three lode claims located in 1930, but there is no evidence of a significant discovery. The U.S. Geological Survey and the U.S. Bureau of Mines have examined the area and report a discovery of gold-bearing sulfides in a limited area. However, they conclude the deposit is of too low a grade to be of commercial interest. There are no gas and oil leases within the area. Several grazing permits are used annually. There are no present conflicts between this use by cattle and grazing by the pack and riding stock used for recreation.

In conclusion, Mr. Chairman, I would like to say that the establishment of this wilderness has followed the normal procedures in that it was first proposed in March of 1967, public hearings were held in Placerville the following month, the State of California, county of El Dorado, other Federal agencies, all are in complete support of this proposal.

As the Desolation Valley is most suitable as designated as a wilderness, therefore, I urge my colleagues to support the legislation which we have before us.

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

Mr. JOHNSON of California. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I wish to commend the gentleman for his proposal and state that I will support it. It is a good step, I believe, and will provide a wilderness area of which we can all be proud and one which will remain that way. The power companies have been amply protected in the bill and the gentleman's amendment will not disturb that. The Forest Service and conservationists and everybody that I know of will favor this legislation as the gentleman will amend it. I would like to add my support to it.

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

Mr. JOHNSON of California. I am glad to yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I, too, want to commend the distinguished gentleman from California for his very fine statement.

As you know, the temperament of the House is to cut back. Could the gentleman enlighten us as to whether this proposed amendment will cost any money and, if so, how much?

Mr. JOHNSON of California. No. There is no cost to it all all. These lands are all owned by the Federal Government at the present time, so there is no money involved in the bill whatsoever.

Mr GRAY. I thank my friend.

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

Mr. JOHNSON of California. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I would like to point out to my colleagues, that, in my judgment, the gentleman from Colorado (Mr. ASPINALL) and the gentleman from Iowa (Mr. KYL) have certainly brought out the true facts and conditions regarding the designation of the Desolation Wilderness in the El Dorado National Forest in California.

However, my colleague, the gentleman from California (Mr. JOHNSON), is presenting a substitute bill, which I intend to support for several reasons.

First of all, it is imperative, in my judgment, that the proper and necessary access be assured to the storage and hydroelectric facilities in the proposed wilderness area. The people of the Sacramento Valley have depended and will continue to depend on these facilities for water and power, and the only way that this can be accomplished, in my judgment, is by passage of the Johnson substitute.

Second, I have received a telegram from the Sierra Club urging my support of the substitute, and the Wilderness Society has also asked for my assistance in the passage of this measure, and I fully intend to honor their request.

I strongly urge my colleagues to give their full support to the Johnson substitute.

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

Mr. JOHNSON of California. I yield to the gentleman from Idaho.

Mr. McCLURE. For the purpose of clarification, would it be the gentleman's intention under his proposed amendment to leave the language that appears on lines 11 through 15 on page 3 of the bill as is with regard to the access of the power companies in a manner consistent

with prior practices without prior approval of the Secretary; is that correct?

Mr. JOHNSON of California. That is correct.

The CHAIRMAN. There being no further requset for time, the Clerk will read.

The Clerk read as follows:

H.R. 850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Desolation Valley Primitive Area, with the proposed additions thereto and deletions therefrom as generally depicted on a map entitled "Desolation Wilderness—Proposed," dated April 26, 1967, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Desolation Wilderness within and as a part of the Eldorado National Forest, comprising an area of approximately sixty-three thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Desolation Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Desolation Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Desolation Valley Primitive Area is hereby abolished.

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

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

There was no objection.

SUBSTITUTE AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. JOHNSON of California: Strike out all after the enacting clause and substitute the following:

"That, in accordance with subsection 3 (b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Desolation Valley Primitive Area, with the proposed additions thereto and deletions therefrom as generally depicted on a map entitled 'Desolation Wilderness—Proposed,' dated April 26, 1967, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Desolation Wilderness within and as a part of the Eldorado National Forest, comprising an area of approximately sixty-three thousand five hundred acres.

"SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Desolation Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

"SEC. 3. The Desolation Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and except that the owners and operators of existing Federally licensed hydroelectric facilities shall have the right of reasonable access for purposes of operating and maintaining such facilities in a manner that is consistent with past practices without prior approval of the Secretary.

"SEC. 4. The previous classification of the Desolation Valley Primitive Area, is hereby abolished."

Mr. JOHNSON of California. Mr. Chairman, this substitute amendment, if adopted, would restore H.R. 850 to its original form, putting back in it the two wilderness areas and using the map that was dated April 26, 1967. It would restore the total amount of acreage that was included originally, approximately 63,500 acres, including these two areas that were deleted by the committee amendment.

If adopted, it would allow for the proper access on the part of the owners and operators of the two utility districts that have facilities located within the proposed wilderness area to have access to those facilities although access would only be by foot or horseback or by helicopter.

It was stated to the committee that this was absolutely necessary for the operation of the two water projects and that they were obligated under their Federal Power Commission permits to do certain things at certain times of the year and it was very necessary that they go into this wilderness area.

This wilderness area is at a very high elevation where they are subject to 20 or 25 feet of snow, and it is necessary to get in there for maintenance and operation of the outflows of the two lakes. One of these moves through a newly developed tunnel, and the other goes down a natural stream bed and outlet.

I really know of no opposition to this other than the opposition that was taken in the committee. The Forest Service is in complete agreement with this language. The utility companies are in agreement with it, and all of the conservation organizations that have sponsored this legislation are in complete support of it.

A I said earlier, I hate to differ with my chairman, who is a very fine and knowledgeable person, and who has done much to provide the wilderness areas that we have now in the United States, and I hate to be in opposition to the gentleman here today.

I assure you all that if this amendment in the way of a substitute prevails, the wilderness will be protected, the utilities will be allowed to operate and maintain their facilities, and all of the conservation groups will be able to use this area as a truly wilderness area.

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

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the amendment, and I shall stand with the statement that I made relative thereto during the direct presentation in general debate.

The gentleman from California (Mr. JOHNSON) has said that with the amendment we would have a true wilderness area. That is the only place that he and I differ. We do not have a true wilderness area where we make provision to take in those facilities or those areas which are not wilderness, which could be left out without endangering the legislation in any particular.

I would be the first one to agree with my friend, the gentleman from Pennsylvania, that in the future if it is found to be necessary for water resources development that the President of the United States has the right to make such a recommendation to Congress. But here the inclusion of these areas are not necessary as far as the wilderness concept is concerned. The wilderness values will be maintained under the bill that was reported out by the House Committee on Interior and Insular Affairs.

The part that bothers me in the amendment offered by my friend, the gentleman from California (Mr. JOHNSON), is the part that reads: "and except that the owners and operators of existing federally licensed hydroelectric facilities shall have the right of reasonable access for purposes of operating and maintaining such facilities in a manner that is consistent with past practices without prior approval of the Secretary."

Mr. Chairman, my position is that this is contrary to the wilderness concept contained in the parent legislation that Congress approved, and the President signed into law. If this is what is desired in regard to future wilderness proposals, then it is about time that the committee have it in mind, because although this was a primitive area it was restudied and found by the committee, by a rather substantial vote, that a proposed parcel of the part recommended did not conform to the definition of wilderness.

It seems to me that the precedents that we are establishing will be called upon time and time again in order to lessen the effectiveness of the wilderness concept.

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

Mr. Chairman, I would like to address myself for a few moments to the matter of principle.

I want to say first, if I do not have my way on this amendment, I will support the bill. We have had too many times when conservationists have said, "If we cannot have everything we want, we will not take anything until we get what we want."

Now, first of all, I think each Member of this body should know what wilderness is in the legal sense. It is a special legal classification for a certain kind of conservation effort. Wilderness is not a national park. Wilderness is not a recreation area. Wilderness is not a national forest. It is not a national monument.

Wilderness is wilderness—a special le-

gal classification, which has prohibitions on use. Wilderness is dedicated to certain purposes.

The addition of 3,000 acres or the elimination of 3,000 acres is not going to make a difference in whether you have a good or bad wilderness in the proposal before us. We are talking about 60,000 acres without the inclusion of these two areas which represent the point at issue.

Bear in mind also, we have proposals before us now to make wilderness areas out of pieces of ground which are not even one acre in size—and many more, for a few acres. Yet, we have had it said here that without these 3,000 acres, 60,000 acres is not enough.

There are other facts, as the chairman of the committee has suggested. For the first time we provide in wilderness legislation, the right for someone other than the Forest Service to go into an area without prior approval or authorization or anything from the Forest Service or anybody else. That is in the amendment.

Let us look a little further. If this wilderness area is created without the inclusion of these two particular tracts, under the bill which the committee approved, the two areas left out would be administered by the same agency, by the Forest Service, and they would be administered as wilderness.

As I said a moment ago, a person going into this area would never know when he left the wilderness boundary, and went into these two areas. He would get exactly the same kind of experience. They would be administered in the same way.

What then is the principle involved here? If we here set up a wilderness area which has two manmade water projects included, we do in fact diminish what is a pure concept of what wilderness shall be.

Let me give you an illustration. A couple of years ago we had a bill before us which called for the construction of a dam on the Gila River outside a wilderness area. The conservationists objected strenuously because this dam which would be used for another purpose would actually back some water up inside a wilderness area, and the argument was made that this would despoil the wilderness.

I went along with that. I think it is a pretty good concept. But here you see we are going the other way when we say—We have two manmade water resource areas, but we are going to put them in a wilderness.

What I am saying to you exactly is this. If you can create a wilderness area where there are water projects of this kind, the next step is to build water resource areas inside a created wilderness.

It is a kind of strange thing that some of the people who want to include these areas because they are so meaningful to wilderness are the same people who really proposed to build a dam outside the Gila wilderness backing water into that wilderness area.

If we are going to have a wilderness concept which is meaningful, we are going to have to have some pretty hard and fast rules or we diminish its value.

No values will be destroyed in this piece of wilderness by excluding the two areas—none whatsoever. But if we do exclude them, then we protect the integrity of what this body and the other body and the President of the United States signed into law as a concept for a particular kind of preservation. That is the story, pure and simple.

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

Mr. KYL. I yield to the gentleman.

Mr. JOHNSON of California. I might say, in the first instance, in the original Wilderness Act, when there were a good many millions of acres placed in wilderness, we had some of these water developments in the area, and in this particular area, when it was a primitive area, these facilities that are in there now were built. There are 24 dams. Twenty-two are fishery dams and the other two involve water projects. You stated that we would interfere with the wilderness concept in 3,000 acres, and I might say that the people who go in there would not use more than half an acre where their works are located at the present time, at the very minimum.

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

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

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

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

Mr. JOHNSON of California. Is that not quite true?

Mr. KYL. In fact, I will go just a little further than the gentleman has gone. We have some 70 proposals prepared to go to Congress which will make wilderness areas out of fish and wildlife areas. One of these which has been presented, in fact, would create a wilderness in an area which was cut over 5 years ago, a further diminution, I think, of the wilderness concept. Somehow there is second or third growth of virgin timber that comes along in these areas and makes it legitimate wilderness. The gentleman is correct. We have contemplated going much farther. That is exactly why I am on the floor this afternoon. I think we have done too much violence to this thing already.

Mr. JOHNSON of California. Mr. Chairman, will the gentlman yield further?

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

Mr. JOHNSON of California. The Forest Service approved both of these areas being made a part of the wilderness. I refer to the record that was made in the committee.

Mr. KYL. Let me go on record, and I will do it in this way: If the gentleman from California or the gentleman from Iowa were the head of the Forest Service and we had bumped our heads against the wall presented by the Congress time after time for the inclusion of areas or the exclusion of areas, both the gentleman from California and the gentleman from Iowa would finally throw up their hands and say, "Do what you please, because that is what you are going to do in the end anyhow."

Mr. JOHNSON of California. In the interim, after the legislation had passed the committee, we had that opportunity as well. I had the Chief of the Forest Service with me. I have been in the area many times. I am quite familiar with it. It is one of the older areas used as a primitive area by many people in California.

Mr. KYL. It is a beautiful area. That is why I shall vote for the bill whether the amendments are in or out.

Mr. JOHNSON of California. That is the way I view the matter. I shall vote for the measure either way. We had the Forest Service with us; we had the utility people. They all agreed. The conservation groups went over it very thoroughly. That is when I agreed to go back and place it in wilderness, allowing the utilities the right to go in there and use a very small portion of the area to take care of their work so far as regulating the facilities that are placed in the reservoir.

Mr. KYL. I certainly do not want to make the appearance of scolding the gentleman from California for offering his amendment. But I do want to say this to him and to the Chairman of this body: If we adopt this amendment thinking that we are doing something for conservation, something for wilderness, I point out that this is going to come back to haunt us time and time and time again. If the amendment is adopted, I would be able to stand here in the future and say, "I told you so," but that is not why I am here. I am here because I believe in the principle of extreme conservation that we have in the wilderness concept, and I do not want it disturbed.

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

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

Mr. TUNNEY. I think the gentleman from Iowa knows the very high regard I have for him and his ability, and particularly his knowledge of the problems of Interior and Insular Affairs. I recognize the argument the gentleman is making is a curious argument that does have a certain amount of appeal. It has a certain amount of appeal to me.

However, we do know, as a practical matter, that there is no area in the country that is really truly a wilderness area if we are going to use the sort of purist standards that existed before Columbus.

Mr. KYL. Let me interrupt the gentleman. There are such areas.

Mr. TUNNEY. We know in many of our areas there are fire roads and there have to be fire roads to protect the wilderness areas, and that is a manmade creation.

I think the Wilderness Act, section 4(c), provides that there is a continuation of existing rights and assumes that this kind of situation will be taken care of if the 3,200 acres we are talking about are brought in under the Wilderness Act. In other words, it provides that the utility companies could go in and service their property.

Mr. KYL. Without the permission of the Secretary.

Mr. TUNNEY. There has to be prior permission. I think there does, I believe that there has to be prior permission. I will find out in a few minutes specifical-

ly on that from the staff, but I do believe the gentleman is incorrect in that point.

The point I would like to make finally is, if we leave this 3,200 acres out, there are going to be two corridors, one of 2 miles and another of 4 miles, that in future years could be subject to incompatible development—incompatible to the wilderness area, and that is why I disagree with the gentleman.

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

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

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

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

Mr. ASPINALL. Mr. Chairman, is it not true that there are no fire roads to be built in the wilderness area in order to take care of fire?

Mr. KYL. That is correct.

Mr. ASPINALL. We have existing roads, but even they are not proposed to be used, but fires are to be taken care of in another manner.

Mr. KYL. As a matter of fact, some roads in the wilderness areas existing, we have ordered to be closed.

Mr. ASPINALL. The late Howard Zahnheiser told me personally that if there was a fire, he would prefer to see the whole mountainside blackened rather than see any cutting of timber for the fire road. That is the true concept of wilderness.

Mr. Chairman, let us get back to the bill. As I read this language—and I trust the gentleman from California is listening—this is the language:

> But the owners and operators of existing Federally licensed hydroelectric facilities shall have the right of reasonable access to the areas for purposes of operating and maintaining such facilities in a manner that is consistent with past practices without prior approval of the Secretary.

That gives the companies anything they have had heretofore. They can go in and do it without the approval of the Secretary, as I read the language.

Mr. TUNNEY. Mr. Chairman, if the gentleman from Iowa will yield further, I admit my error on that. I am sorry. I was thinking of the previous bill.

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

Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from California (Mr. JOHNSON).

What we have before us is a decision on which, as the gentleman from Arizona said earlier, reasonable minds can differ. Certainly the distinguished Chairman of the Committee on Interior and Insular Affairs and the gentleman who just left the well, the gentleman from Iowa (Mr. KYL), are distinguished in both their knowledge of the problems associated with wilderness areas and their concern in preserving the concept of wilderness.

However, I think it is important that we realize if we exclude these areas, as the committee bill would do, we are allowing two long fingers of land to intrude within a wilderness area and possibly threaten the other 63,000 acres we are setting aside by this legislation.

It is true that these areas would be administered by the Forest Service, but they would be administered under conditions which would permit the Forest Service to change the character of management. If we include the areas within the wilderness system, the Congress has placed a legal restriction on the management on the area and only a congressional act could change that restriction.

Some of the Members who have opposed this amendment have suggested the right of the companies to come in and service their structures in the areas is wrong—they will, of course, have that right and more, if we do not include the reservoir areas in the wilderness.

I would agree it is difficult to establish absolutely pure wilderness areas. There are few areas in the country which do not have some existing structures, some existing roads or trails. If we took an absolutely purist approach to this I believe there would be few of the great areas now in our wilderness system that could meet the qualifications.

Our decision, on this substitute amendment is a choice between a conceptually pure idea of wilderness, that may not be as efficient in protecting the greater part of this wilderness area, or one that includes these two fingers of land and insures that they will be administered in a manner compatible with the whole area threatened.

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

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

Mr. UDALL. I commend the gentleman for the statement he is making and the logic he has enunciated here. I believe he makes a strong case in support of the pending amendment offered by the gentleman from California (Mr. JOHNSON). I agree with him.

In support of that I should like to call the attention of the Committee to the fact that when we established the original wilderness system we bracketed into it at that time several dozen areas designated as the original wilderness system. The record of the testimony and the hearings on this bill, and other bills before our committee, indicates there are several dozen—I do not have the precise number, but several dozen—manmade reservoirs and structures now in the wilderness system, bracketed in originally. This would indicate a congressional intent, it seems to me, in the original act, that the fact that there was a manmade structure or dam of the like of this would not mean it would be arbitrarily excluded from having wilderness value, but was something to be considered carefully in determining whether there was a basic wilderness concept there to preserve.

Mr. FOLEY. I thank the gentleman.

In conclusion, I believe it is wiser, it is better wilderness policy and better conservation policy, for us to insure that this entire area will not be threatened, rather than to permit these unusual, almost gerrymandered, intrusions of land which would lie outside the wilderness area.

There are 3,200 acres involved. The total area is about 63,000 acres. The Forest Service does not object to inclusion. Those companies having private interests in the area now do not object to inclusion.

The substitute should be adopted.

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

Mr. Chairman, I will not take 5 minutes, but I want to respond to certain of the allegations which have been made with regard to the Forest Service.

In one of the colloquies which occurred it was said if the Forest Service had batted its head time and time again and lost out it would turn around and say we could do what Congress wanted to, because they were going to do that anyway.

I can only say that on those propositions we have had before our committee dealing with wilderness I do not know of any instance in which the Forest Service has lost out. They have won in every one of the cases. If we support the amendment of our colleague, the gentleman from California (Mr. JOHNSON) they will win again.

My good friend from Iowa suggested that there was an analogy somewhere between this proposition of the two reservoirs in Desolation Wilderness and one down in the Gila Wilderness Area. Well, there is a great deal of difference between the two. Here we are dealing with something that is already in existence.

One of them has been in existence for 100 years. The area has been designated as a wilderness area and a primitive one by the Forest Service ever since the classification was in existence. In the Gila Wilderness there is no dam although somebody wants to build one. To me there is a tremendous difference whether or not you are going to deal with something that someone would like to build or something which is already in existence. For that reason I hope the amendment in the nature of a substitute that has been offered by our colleague, the gentleman from California (Mr. JOHNSON), will be carried.

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

Mr. SAYLOR. I yield to the gentleman.

Mr. KYL. I thank the gentleman for yielding.

I wish to call the gentleman's attention to one of his own pertinent remarks that he has made on many occasions when he has said that any time the Congress takes an action it can plea until the cows come home that it is not a precedent; once it is done it is still a precedent.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. JOHNSON).

The substitute amendment was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SMITH of Iowa) having resumed the chair, Mr. ZABLOCKI, Chairman of the Committee of the Whole House on the State of the

Union, reported that that Committee, having had under consideration the bill (H.R. 850) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California, pursuant to House Resolution 543, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

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

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

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 543, the Committee on Interior and Insular Affairs is discharged from further consideration of the bill S. 713.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. ASPINALL: Strike all after the enacting clause of S. 713 and insert in lieu thereof the provisions of H.R. 850, as passed, as follows:

"That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Desolation Valley Primitive Area, with the proposed additions thereto and deletions therefrom as generally depicted on a map entitled 'Desolation Wilderness—Proposed,' dated April 26, 1967, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Desolation Wilderness within and as part of the Eldorado National Forest, comprising an area of approximately sixty-three thousand five hundred acres.

"SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Desolation Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

"SEC. 3. The Desolation Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and except that the owners and operators of existing federally licensed hydroelectric facilities shall have the right of reasonable access to the areas for purposes of operating and maintaining such facilities in a manner that is consistent with past practices without prior approval of the Secretary.

"SEC. 4. The previous classification of the Desolation Valley Primitive Area is hereby abolished."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

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

A similar House bill (H.R. 850) was laid on the table.

PRESIDENT NIXON AND HIS MISPLACED PRIORITIES

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

Mr. KOCH. Mr. Speaker, I hope that it was as distressing to the Members of this House as it was to me to hear President Nixon's announcement that the Federal Government will continue to pay the major share for the development of the SST.

At a time when the people and Government of this Nation are just awakening to the dangers threatening our environment resulting from air, water, and noise pollution, it seems somewhat foolish and contradictory to continue to spend additional millions of dollars on the project that will render our environment more hazardous. The supersonic boom generated by these planes has not been technologically disposed of and the SST could not be used over the mainland because the noise would so adversely affect our population.

Furthermore, if SST flights were restricted to overseas routes as seems possible there is considerable doubt that the Federal Government would receive much return from its "advance of money." It is my understanding that a restriction on overland travel could seriously reduce industry's demand for the plane and the $1.3 billion investment by the Federal Government would be wasted.

Finally, one of the most obvious arguments against such an expenditure is the pressing need for Federal moneys for housing, education, and food for the impoverished and so many other "creature needs" as opposed to "creature comforts." The President recently turned his back on adequate funding for mass transit—a transportation system which would daily assist more than 200 million people in this country. Yet the President is quick to assist the needs of those who would like to cut their trips to Paris from 5½ to 3½ hours. The small savings in time for the smallest part of the population, paid for by all of us, is simply not to be tolerated and I hope that this Congress will deny the President the funding he has requested.

A DOG-GONE GOOD IDEA ON RAT CONTROL

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

Mr. FOREMAN. Mr. Speaker, in June, in my regular monthly news report to my New Mexico constituents, I wrote:

EXPENSIVE RAT KILLING

The District of Columbia will soon be asking the taxpayers of the nation to provide many more millions of dollars to support the city government of Washington.

Recently, the District Department of Public Health announced a proposal to spend $1.1 million for "rat extermination." To "administer" the plan they would hire two $12,174 a year men and eleven at $10,203 a year, or a total of thirteen men at a cost of $136,481 just to boss rat killing. Even the rats breed fat payrolls in Washington, D.C.

A very intelligent and attractive little girl, Mary Haas, 12 years old, of 2225 Thomas Drive in Las Cruces, N. Mex., saw a copy of my report, and recently, she forwarded me an economical suggestion for a solution to the rat problem, and perhaps, even the "rat bureaucracy" problem.

Mary Haas suggests that we consider investing in some small rat dogs, specially bred and trained terriers for rat eradication. She even sent me an explanatory letter from Bertha M. Bowman, of Crusaders Kennels, Stafford, Kans., the folks who raise and train these type dogs.

On just individual orders, these useful little pets can be purchased for about $20 each. Therefore, even by ordering them at retail prices, we could buy 6,824 of these useful, effective rat-killing rat dogs for the same amount of money, $136,481, now being expended for the first year's projected "management" costs in just salaries alone for the present rat program. If the little dogs only catch one rat per day, 6 days per week, they would be ridding the District of Columbia of 2,129,088 rats per year.

If, on the original rat dog purchase, we are capitalistic enough to make our order 50–50—male and female dogs—then under most conservative estimates, we should not only double our number of dogs the first year, but we would also double the number of rats disposed of.

Surely this suggestion has interested my colleagues' imagination sufficiently that they can complete or project the outcome far better than I—in fact, someone has already suggested that this program sounds so dog-gone good, we should get started "rat" now.

The explanation letter on the rat dogs follows:

CRUSADERS KENNELS,
Stafford, Kans.

DEAR FRIEND: I received your inquiry and am very glad to describe my Terriers to you. I have the greatest collection of Rat Dogs in America. They are Rat Dogs and not all around dogs. The successful all around dog has not and never will be bred. Many breeds of dogs are advertised as such, but they never carry a guarantee to be workers in any one line. We well know that some breeds are workers along certain lines. Take for example the Bird Dogs. There are many breeders that spend years perfecting them and trying to breed a field trial winner. Others spend years breeding a show winner among the same breed. But the show winner never enters field trials. He may be only a few generations from the field trial winner, yet the few years neglect along this line has spoiled his ability in the field. There are several other breeds of which the same story could be told along their respective lines of work. You can now understand why some strains of dogs are workers and others are not.

I have the best strain of working Rat Dogs in America, and am making every possible effort to make them better. My pups begin killing rats at about 6 months of age without any previous experience. After the first rat is killed with a little help they begin hunting and grow steadily better with age and experience.

A good Rat Dog is the most efficient means of exterminating rats. A good dog will whine, growl and bark while digging and as a rat is a lover of the quiet, he will leave the place if he is not caught. A dog is always on the job. He drives the rats out and keeps them away. He is always on the lookout for the intruder.

In physical conformation I try to preserve

perfect balance, which gives both beauty and physical capability. I have the small type and the standard size. They are white, marked generally with black markings. They are very short haired and tails are always bobbed. As pets they cannot be excelled and are very beautiful. You rarely see a smoother or finer featured terrier. My small type pups will mature from 7 to 10 pounds and the standard size from 12 to 15 pounds.

Pups are shipped from six to twelve weeks of age. Pups are shipped only by Air Express, so be sure to give your nearest Air Express when ordering. I guarantee safe and healthy arrival. My Kennel is inspected once a week by an Approved Veterinarian and Health Certificate accompanies shipments to states requiring them. Will ship C.O.D. if desired. Can send you a splendid unrelated pair now.

Male pups are priced at $25.00 each and female pups at $20.00 each. Can furnish you a splendid unrelated pair now at $45.00 F.O.B.

On all orders sold in Kansas, please add 3% to price quoted above for Sales Tax.

Please do not compare our stock with that offered by others at similar prices as this is our business and not a passing hobby or neglected sideline. We will be pleased to fill an order for you from this fine selection now ready for shipment.

Yours very truly,

CRUSADER KENNELS.

HEW AIR QUALITY STANDARDS CHALLENGED BY PENNSYLVANIA

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

Mr. GAYDOS. Mr. Speaker, the State of Pennsylvania, seeking air quality standards in accordance with the 1967 Clean Air Act, has challenged the validity of certain criteria compiled by the Department of Health, Education, and Welfare.

The act gives the State the right to determine its own air standards but stipulates they must be acceptable to HEW. HEW issued criteria to assist the States in their determination, indicating specific levels of pollution where certain adverse health effects might occur.

The Pennsylvania Air Pollution Commission has rejected the criteria on suspended particulates as being unrealistic. It is considering standards which, in relation to the criteria, could have injurious health effects on people, including increased deaths in certain age groups.

This conflict of scientific opinion is revealed in a report I received from Dr. John T. Middleton, Commissioner of the National Air Pollution Control Administration, an agency of HEW. It contains the State's justification of its opinion as well as NAPCA's response.

I am shocked and gravely concerned about the differences and the possible dangers involved. I presented this data on Septemper 9 in testimony before the State Commission's public hearing in Pittsburgh. I brought it to the attention of my State colleagues in the House. Many share my fears and have joined me in a bipartisan appeal to Gov. Raymond P. Shafer to have his commission reconsider its proposals.

However, I feel the gravity of the problem and the potential threat is so great it dictates the inconsistencies be resolved before the State standards are submitted to HEW for approval. Such a step might eliminate months of delay and, thereby, ease the threat to the public health while the entire procedure to determine safe air standards is repeated.

Mr. Speaker, I would like to have my remarks and supporting documents included in the RECORD and I invite my colleagues to study them in considering the air pollution problem in their respective States:

AUGUST 11, 1969.

Dr. JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration, Arlington, Virginia.

DEAR DR. MIDDLETON: I would like to have comparisons with HEW air pollution criteria on sulphur oxide and particulates with real levels of concentration in the Pittsburgh Air Quality Control Region.

We are anticipating hearings in our district shortly, and I would like to be advised as to what the air contaminant levels are in my area.

Thank you for your immediate attention to this request.

Sincerely yours,

JOSEPH M. GAYDOS,
Member of Congress.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Arlington, Va., August 28, 1969.

Hon. JOSEPH M. GAYDOS,
New Federal Building,
Pittsburgh, Pa.

DEAR MR. GAYDOS: As I understand your August 11 letter, and its subsequent amplification by your staff on the telephone, you are concerned with three items: the relationship between the present air quality in the Pittsburgh Air Quality Control Region and the levels at which various air pollution effects occur, as set forth in the Air Quality Criteria documents issued by this agency; a review of the air quality standards proposed by the State of Pennsylvania for the Pittsburgh and the Philadelphia regions; and our reaction to justification of the proposed particulate standard as set forth in the minutes of the July 17 Pennsylvania Air Pollution Commission meeting.

We have made a comparison of current air quality information available to us from the Pittsburgh area with the Air Quality Criteria issued by this agency. This has been accomplished by reference to the Report for Consultation on the Metropolitan Pittsburgh Intrastate Air Quality Control Region to obtain annual average values and, where necessary, applying the relationships found to exist in metropolitan areas between annual averages and values for different averaging times and percentiles. The correspondence is only approximate, however, and specific data on current levels of pollution for various averaging times would be required in order to make a thoroughly meaningful evaluation. The Guidelines for the Development of Air Quality Standards and Implementation Plans issued by DHEW to the states request that such data be supplied when air quality standards adopted by the states are submitted to the Department for approval in compliance with the Air Quality Act of 1967. A more rigorous analysis will be possible at that time.

Based on the summary and conclusions from the Air Quality Criteria for Particulate Matter and the necessary interpretation of the information available from the Report for Consultation, the following relationships can be drawn:

1. Where concentrations range from 80 to 100 micrograms per cubic meter for particulates (annual geometric mean) with sulfation levels of about 30 milligrams per square centimeter per month, increased death rates for persons over 50 years of age may occur. This effect level may be compared with the actual levels as indicated in the Report for Consultation. In Pittsburgh, the annual geometric mean is 140 micrograms per cubic meter; in Monessen, the available data indicate that an annual geometric mean of 145 is experienced; in Avalon, available data indicate that an annual level of 150 is experienced; and in Bessemer, available data indicate that an annual level of 262 is experienced. Thus, actual levels in the Pittsburgh area are ¾ to more than 3 times higher than the level at which increased death rates in elderly persons may occur.

2. Where concentrations above 300 micrograms per cubic meter of particulate matter persist on a 24-hour average, accompanied by sulfur dioxide concentrations exceeding 0.22 parts per million over the same period, chronic bronchitis patients will likely suffer acute worsening of symptoms. Calculation of expected 24-hour particulate maxima based on the data in the Report for Consultation show that Pittsburgh can experience 24-hour levels of 461 micrograms per cubic meter; Monessen can expect 24-hour levels of 477; Avalon could expect 24-hour levels of 495; and Bessemer a 24-hour level of 862. Levels in the Pittsburgh area are ½ to 2½ times higher than the level at which acute worsening of symptoms in bronchitis patients may occur.

Based on the Summary and Conclusions from the Air Quality Criteria for Sulfur Oxides and the necessary interpretation of the information available from the Report for Consultation, the following relationships can be drawn:

The annual average sulfur dioxide level in Pittsburgh is 93 micrograms per cubic meter. This is lower than the level of 115 at which health effects may be expected to occur, but is somewhat higher than the level of 85 at which damage to vegetation has been observed. This evaluation is based on only limited data from a single location in the region. As noted above, more specific data for more locations throughout the region would be needed to develope a thoroughly meaningful evaluation.

With regard to a review of the air quality standards proposed by the State of Pennsylvania, we have prepared a report on this subject, a copy of which is enclosed for your information. This is a highly technical review, but the most salient feature relates to the proposed particulate matter standard of 100 micrograms per cubic meter on an annual average. When converted to the same terms in which the criteria are stated, this represents a level which most of the time would be as much as 25 per cent higher than the level at which increased death rates may occur.

The justification of the particulate standard set forth in the minutes of the Pennsylvania Air Pollution Commission seems to us to have certain inconsistencies. The justification refers to a study, cited in the criteria, which is one of the major underlying studies suggesting that an annual level of 80 micrograms per cubic meter of particulate matter may be related to increased death rates, and states that this criterion is not valid because "insufficient attention was paid to the socioeconomic factor" and also because the "synergistic effect of sulfur dioxide was ignored."

Frankly, we are puzzled by these statements. On page 158 of the Air Quality Criteria for Particulate Matter, in the discussion of this study, it is quite clearly stated that, the conclusions from the study took into consideration the air pollution intensity and the socioeconomic levels of the deceased. Further, it may be noted that the criteria document was thoroughly reviewed during all phases of its preparation by the National Air Quality Criteria Advisory Committee, appointed for this purpose as required by the Federal Clean Air Act. Members of the Committee as renowned experts in their

several fields. During a discussion at one of the Committee meetings, this subject was taken into consideration. Speaking to this point, Dr. Ian T. Higgins, Professor, School of Public Health, University of Michigan, described the method used by the investigators in this study and said they were a legitimate way of taking socioeconomic levels into consideration.

As to the matter of synergistic effects, the Commission may have misunderstood the significance of the manner in which criteria are to be used. In the Conclusions of the Air Quality Criteria for Particulate Matter, page 189, the text clearly indicates the level of sulfur pollution related to the 80 microgram per cubic meter particulate level. The significance of this is shown on page 183:

"Epidemiological studies do not have the precision of laboratory studies, but they have the advantage of being carried out under ambient air conditions. In most epidemiological studies, indices of air pollution level are obtained by measuring selected pollutants, most commonly particulates and sulfur compounds. *To use these same studies to establish criteria for individual pollutants is justified by the experimental data on interaction of pollutants.* However, in reviewing the results of epidemiological investigations it should always be remembered that the specific pollutant under discussion is being used as an index of pollution, not as a physiochemical entity."

The third factor raised in the Commission's justification is that of the practicability for reaching the standard. They concluded on the basis of calculations using emission inventory information from the Delaware Valley Region that a level of 100 micrograms per cubic meter was the lowest annual average practically attainable. They further stated that their calculations indicate it would be "impossible to reach 80 micrograms per cubic meter even if all controllable sources were controlled to 100% efficiency, since the uncontrollable sources alone would result in concentrations greater than 80 micrograms per cubic meter." The basis for these conclusions is not clear.

Our analysis of actual particulate levels in the Delaware Valley region, using measurements obtained during a joint study conducted during the past year by the three states and this agency, indicates that the *highest* annual level in the area is 150 micrograms per cubic meter, with levels falling off from the center of the region to around 50 toward the outer portions of the area. (It is interesting to note, in fact, that for some 90 percent of the region, current annual levels of particulates are *below* the level of 80 at which health effects occur.) Taking normal background levels into account, we have calculated that present levels would have to be reduced only by 70% in order for the air quality level at the "dirtiest" site to reach the 80 microgram per cubic meter mark. Our engineers have calculated that this level of reduction can easily be achieved through application of existing pollution control technology.

When assessing the significance of the above relationships, it should be emphasized that air quality criteria are not an indication of how much air pollution man and his environment can tolerate without risk, nor do they necessarily indicate the lowest levels of exposure that will produce adverse effects. Knowledge of the effects of air pollution is not—and may never—be complete. Accordingly, reason and prudence lead to the conclusion that, when establishing ambient air quality standards, consideration should be given to requirements for margins of safety which take into account long-term effects on health and materials that occur at levels lower than the lowest at which demonstrable effects have been observed.

I trust that this report will help you and your constituents assess the facts and issues involved.

Sincerely yours,

JOHN T. MIDDLETON,
Commissioner.

STATEMENT BEFORE PENNSYLVANIA AIR POLLUTION COMMISSION PUBLIC HEARING, SEPTEMBER 9, 1969

Gentlemen, I am Joseph M. Gaydos, Congressman from the 20th District in Pennsylvania.

My testimony at this hearing today will center around a report I received from Dr. John T. Middleton, Commissioner of the National Air Pollution Control Administration, an agency of the Federal Government's Department of Health, Education and Welfare.

Dr. Middleton's report deals with the quality of air in the Pittsburgh region, the criteria established by HEW and the standard of quality proposed by the Pennsylvania Air Pollution Commission.

I will include several copies of his report for the record of this hearing.

Gentlemen, I live and represent in the Congress an area of Allegheny county where air pollution has been a source of public indignation and irritation, physical and emotional, for many years.

My purpose for appearing here is I recognize the seriousness of the situation in my area and the need for immediate improvement. I am concerned with the apparent differences between the State and HEW. Where other states have seen fit to comply with the Federal criteria, Pennsylvania appears to be on the threshold of not complying.

There is no disagreement adverse health effects will occur at certain concentrations of pollution. The 'rub' is the specific level where these effects will manifest themselves. I am speaking now of suspended particulates, not oxides.

Dr. Middleton's report states adverse health effects may occur between 80 and 100 micrograms per cubic meter of air, according to HEW's criteria. Increased death rates for persons over 50 years of age may occur within this range, he warns.

Furthermore, the report claims the annual geometric mean in the Pittsburgh area is 140 micrograms. The HEW criteria calls for an annual geometric mean of 80 micrograms.

The Middleton report cites specific readings for other areas: Monessen has an annual geometric mean of 145 micrograms, Avalon has 150 and Bessemer has 262.

Dr. Middleton observes, and I quote: "Thus, actual levels in the Pittsburgh area are ¾ to more than 3 times higher than the level at which increased death rates in elderly persons may occur."

That's pretty shocking, gentlemen. It becomes more so when we learn the State favors a standard at the high point of the range outlined by Dr. Middleton as being a danger area.

Pennsylvania is proposing a standard of 100 micrograms per cubic meter of air. Already this figure is being questioned by members of the Scientific Community. The Pittsburgh chapter of the Federation of American Scientists has claimed the standard is not high enough to protect the citizens of this state.

Pennsylvania is the only state among those proposing air quality standards to disregard the HEW criteria. Some of those States have gone beyond the Federal guideline. New Jersey, for instance, is proposing a standard of 65 micrograms.

It has been said if Pennsylvania adopts its proposed standard it will have the distinction of being the first State to legalize particulate pollution at levels which are injurious to public health.

The State air pollution commission justified its position at a meeting July 17. Minutes of that session express the opinion the HEW criteria was not valid because insufficient attention was given socioeconomic factors.

Dr. Middleton's report answers this charge. He refers to a review of the criteria by a special advisory committee comprised of experts in several fields. He notes a Dr. Ian T. Higgins of the School of Public Health at the University of Michigan described the method used to consider socio-economic factors and said it was legitimate.

Gentleman, somebody is wrong! I recognize there are technical difficulties involved in implementing criteria and standards. There are cost factors to be considered and I am aware a problem compounded over 150 years cannot be solved overnight.

These are factors any reasonable individual understands and accepts. However, the first step in solving this problem is to establish realistic air quality standards. The question of attaining them, the means and the money needed, is another problem.

The immedaite concern is setting a safe standard. My feeling on this point, at least for the moment, is based on what HEW experts have said and the reaction of other States to the criteria.

Until shown otherwise I have to take the position the HEW criteria are realistic and Pennsylvania should comply with them.

At any rate, it seems to me when two groups of experts disagree over something as important as air quality standards they would attempt to reach a meeting of the minds. I would expect they would meet, review data on both sides, debate the differences and seek a solution agreeable to both.

But, I understand HEW was not given an opportunity to defend its criteria until after the State's proposal had been made known. Also I understand HEW cannot testify at these proceedings today unless invited. As far as I know, gentlemen, such an invitation has not been extended.

I am sure the public would have been interested in a confrontation between two groups of experts, each armed with their statistical data and able to converse on the same level. Certainly, we would have benefited from the exchange of information.

As it is, gentlemen, I wonder if the public confidence in the air pollution commission has not been shaken because of the contradictions.

Rejection of the Federal criteria without sound reasons could have far reaching effects.

It was public concern, gentlemen, that prompted the Federal Government to spend millions of dollars in gathering data from all over the world in preparation for the HEW criteria.

It was public concern which led Congress in 1967 to enact a clean air law, making it mandatory that States set up air quality standards acceptable to HEW.

If HEW does not approve the standards adopted by Pennsylvania (and I fail to see how it could approve them as now proposed) it would be a serious setback to our citizens. Pennsylvania would have to start from scratch in attacking the first problem of correcting polluted air.

New studies would have to be made by the Pollution Commission, the standards revised and proposed again and, finally, new hearings held for the public benefit.

Meanwhile, of course, we would continue to breath polluted air.

On the other hand, if HEW, for some reason, would accept the State standards now proposed it not only would be an embarrassing admission the Federal criteria was wrong, it would open the door for other States to flaunt the criteria and adopt standards actually injurious to the health of their residents.

The death knell for air pollution control through the 50 States would be sounded. The

Clean Air Act of 1967, designed to cover this Nation with a uniform, protective blanket of pollution control, would collapse. Dirt, dust and chemicals would continue to contaminate the air we breathe, cutting precious years off productive lives.

If Pennsylvania is right in its proposed air quality standards, we in Washington will have to take corrective measures. If the State is wrong it must be willing to make the corrections.

I urge this Commission to weigh carefully all facts and evidence. In the time remaining before the standards are adopted I hope the Commission will re-evaluate its own studies and leave no margin of error which would be detrimental to the citizens of the Commonwealth.

Don't gamble with the public's health! Don't play Russian roulette with a gun that has every chamber loaded!

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES
Washington, D.C. September 19, 1969.

Hon. RAYMOND P. SHAFER,
State Capitol Building,
Harrisburg, Pa.

DEAR GOVERNOR SHAFER: It has come to my attention the Pennsylvania Air Pollution Commission, presently in the process of establishing ambient air quality standards for the Commonwealth of Pennsylvania, is questioning the validity of certain air pollution criteria for suspended particulates as determined by the U.S. Department of Health, Education and Welfare.

It is both significant and dangerous that Pennsylvania, thus far, is the first state to challenge the established Federal guidelines. I am concerned that the Pennsylvania Commission's proposed standards may prove to be injurious to the health and general welfare of all Pennsylvania residents. I have attached hereto a list of cosignators which indicates my colleagues in the House of Representatives also share my concern.

The Pennsylvania Commission, at its July 17th meeting, released proposed air quality standards which included, inter alia, an annual maximum of 100 micrograms per cubic meter of air for suspended particulates. Thereafter, and upon my request, Dr. John T. Middleton, Commissioner of the National Air Pollution Control Administration, informed me in writing of the Federal department's criteria relating to suspended particulates and questions the Pennsylvania Commission's justification of its proposed standards. I have attached herewith a copy of this communication for your review.

In view of the obvious discrepancies between the Federal criteria and the Pennsylvania Commission's proposed standards, I and my colleagues are of the opinion this matter be best brought to your attention because of your repeated concern with air pollution and its problems. We respectfully urge that you consider directing a review and reevaluation of the present proposed standards promulgated by the Pennsylvania Air Pollution Commission.

Sincerely yours,

JOSEPH M. GAYDOS, JAMES A. BYRNE, FRANK M. CLARK, WILLIAM J. GREEN, ROBERT N. C. NIX, JOSHUA EILBERG, JOHN H. DENT, JOSEPH P. VIGORITO, JAMES G. FULTON, GUS YATRON, WILLIAM A. BARRETT, THOMAS E. MORGAN, DANIEL J. FLOOD, FRED B. ROONEY, WILLIAM S. MOORHEAD, Members of Congress.

THE POST-APOLLO SPACE PROGRAM

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

Mr. ANDERSON of Illinois. Mr. Speaker, I have read with great interest the report of the President's Task Force entitled, "The Post-Apollo Space Program: Directions for the Future."

On August 11 of this year, in a speech delivered in this well, I expressed my concern over the possibility that we were about to embark on another "crash program" in space—this time to put a man on Mars in the next decade. In that speech I expressed the opinion that there was a need to face the coming decades with a realistic set of priorities, and that our first priority should be making this country a better place in which to live for all Americans. If I may quote from that speech—

I would suggest that we set aside the immediate goal of putting a man on Mars and instead make life a bit more bearable for men on earth . . . . I am convinced we would be far better off if we shifted our priorities from baking pie in the sky to giving a piece of the pie to everyone here on Earth.

Mr. Speaker, I was pleased to read that the President's Space Task Force has rejected the idea of a "crash program" to put a man on Mars. Quoting from the report:

We conclude that a manned Mars mission should be accepted as a long-range goal for the space program. Acceptance of this goal would not give the manned Mars mission overriding priority relative to other program objectives, since options for decision on its specific date are inherent in a balanced program. Continuity of other unmanned exploration and applications efforts during periods of unusual budget constraints should be supported in all future plans.

The report goes on to recommend "that this Nation accept the basic goal of a balanced manned and unmanned space program conducted for the benefit of all mankind."

Mr. Speaker, I wish to commend the President's Space Task Force on both its excellent work and its well-reasoned conclusions. I wish to associate myself with the objective of "a balanced manned and unmanned space program conducted for the benefit of all mankind." As we move forward in space we must constantly re-ask ourselves: How can this best be pursued for the benefit of all mankind?

We would be hard put to justify the urgency of sending a man to Mars tomorrow if we were to give less urgency to the problems of population and environment, housing and education, wars and racial strife here on Earth. In my opinion, the President's Space Task Force has wisely recognized the need to put our space program in the total perspective of national priorities.

My own feelings are perhaps best summed up by the eloquent statement made by Astronaut Michael Collins when he appeared before us last week. In describing the journey of the Apollo 11 spacecraft, he made this observation, and I quote:

As we turned, the earth and the moon alternately appeared in our windows. We had our choice. We could look toward the Moon, toward Mars, toward our future in space—toward the new Indies—or we could look back toward the Earth, our home, with its problems spawned over more than a millennium of human occupancy. We looked both ways. We saw both, and I think that is what our Nation must do. We can ignore neither the wealth of the Indies nor the realities of the immediate needs of our cities, our citizens, or our civics. We cannot launch our planetary probes from a springboard of poverty, discrimination, or unrest. But neither can we wait until each and every terrestrial problem has been solved.

Mr. Speaker, I hope we will continue to reach for the stars, but at the same time let us increase our efforts to reach our fellowman and make his life on this planet a more rewarding one.

At this point in the RECORD I include an article from the September 18 Washington Post on the Space Task Force report, and also other related articles:

[From the Washington (D.C.) Post, Sept. 18, 1969]

U.S. TASK FORCE OPPOSES CRASH MARS PROGRAM

(By Thomas O'Toole)

President Nixon's Space Task Group came out yesterday in favor of landing men on Mars but backed away from calling for a crash program to do it.

Instead, the task group called on the nation to "accept the long-range goal of manned planetary exploration," with its "first target" being a "manned Mars mission before the end of this century."

"Manned exploration of the solar system leading to a manned Mars landing is inevitable," said Vice President Agnew, who was chairman of the Space Task Group. "It should be established as a basic theme of our space program."

Agnew's tasks group gave President Nixon three options to achieve the manned Mars landing.

LANDING BY 1983

The first option would be to hurry it up and make a landing as early as 1983, the second would be to go at slower pace and make the landing no sooner than 1986.

A third option would be to proceed toward a Mars landing at a still slower pace, making the landing sometime in the last decade of this century.

The task group said it favored no single one of the three opinions, though Vice President Agnew said he personally preferred the option that would lead to a manned Mars landing in 1986.

"This approach should engender broad scientific and politcial support," Agnew said in a letter to President Nixon, "since the decision will be made when our technological, scientific and fiscal positions are better defined."

FREE TO BE FLEXIBLE

At a briefing held yesterday at the White House, Agnew said this option "leaves us free to be flexible." He said that under this option a decision to land men on Mars would not have to be made until 1976, when unmanned spacecraft would have already landed on Mars and presumably would have answered many of the riddles of the Red Planet.

The other members of the task group—Presidential Science adviser Lee DuBridge, NASA administrator Thomas Paine and Air Force Secretary Robert Seamans—said yesterday they had no public preferences on when to make the Mars landing.

Paine said that the space agency will endorse a landing date in about two weeks.

If he accepts the task group's proposal for a Mars landing, President Nixon does not have to commit the nation to it for at least four years. This is the result of the task group's

rejecting an immediate all-out effort to land on Mars.

RISING BUDGET SEEN

"We rejected a crash program for obvious budget reasons," said Agnew. "Right now, there are too many competing priorities and we're in a difficult time of inflation."

Whatever option President Nixon chooses, it will mean a rising space budget over the next decade.

Under the option that would land men on Mars in 1983, the space budget would rise next year from $3.7 billion to $4.2 billion, then to $4.8 billion in fiscal 1972, to almost $6 billion the following year and to almost $7 billion in fiscal 1974.

Under this plan, the decision to make a Mars landing would come in 1974. If the decision was to go ahead, the space budget would soar in fiscal 1975 to $7.7 billion and then rise every year for the next five years to a peak of $9.4 billion in fiscal 1980.

A $5 BILLION LEVEL

The option that Agnew favors—the one putting men on Mars in the late 1980s—would see space spending staying below the $5 billion-a-year level until fiscal 1975, when it would reach $5.5 billion.

The nation would make the final resolve to go to Mars in 1978 on this timetable with the space budget moving up to $6.6 billion in fiscal 1979 and $7.7 billion a year later. This plan would result in peak expenditures of $8 billion annually in the early 1980s.

To fulfill the Mars landing mission, the task group urged development of four specific pieces of equipment—a manned space station, a shuttle "bus" to ferry men to the space station from earth, a nuclear rocket engine for long life in space and an atomic-powered space tugboat to push the space station around in space, whether in earth, moon, or Martian orbit.

In tandem with the Mars landing goal, the task group proposed continued exploration of the moon with men, even after the 10th manned Apollo landing in 1972..

NASA Administrator Paine said a 12-man space station could be placed into orbit around the moon by 1978. Two years later, a capsule could be dropped from the space station to land and to establish a permanent base on the moon.

"This would take place," Paine said, "when we selected the area on the moon where men might best live."

Besides increasing manned efforts in space, the task group also urged a companion growth in the unmanned exploration of the planets.

It recommended the nation orbit unmanned spacecraft around Mars or land unmanned spacecraft on the red planet every two years for the next decade. It also recommended several "tours" of the outer planets Jupiter, Saturn, Uranus and Neptune in the late 1970s as well as attempts to study asteroids and comets by flying unmanned spacecraft as close to them as possible.

[From the Washington (D.C.) Post, Sept. 19, 1969]

A SPACEMAN'S SENSE OF BALANCE

The report of President Nixon's Task Group on Space and, indeed, even the speeches to Congress of the three men who rode in Apollo 11 have brought some rationality back to the discussion of whither the space program. That report recommends that the President commit the nation to a "long-range goal of manned planetary exploration" aimed at a landing on Mars in the early 1980s, the mid-1980s, or the 1990s. Acceptance by the President of the basic recommendation would eliminate talk of abandoning manned space flight, which would be a foolish course of action, or of proceeding toward Mars in a crash effort to get there as quickly as possible.

It is difficult for anyone to reach any other conclusion except those who blindly opposed manned space travel or those who, equally blindly, favor giving it the nation's top priority. Space exploration ought to proceed in an orderly way, maximizing at every step the advance of knowledge and the utilization of it here on earth. In fact, it is not at all clear that the President should set a "goal" of a Mars landing in any particular year.

What is important is for the nation to push ahead on the immediate recommendations of the Task Group—exploring the moon, developing the tools that are needed for systematic exploitation of our space travel capability, and extracting from the space program more benefits for those of us who are earth-bound. This means that NASA would continue its moon flights, perhaps reaching the day in the 1970s when semi-permanent colonies would be established on the moon's surface. At the same time, it would push development of a nuclear rocket engine, which would make long-range space travel more feasible, a space vehicle that could be landed on earth and used over and over again, which would reduce the costs of each mission sharply, and a space station to hold a dozen or so men that could be flown in orbit around the earth or the moon or, when the time comes, Mars.

This kind of program would keep NASA operating for a while on about the budget it now has. It would have the advantage of allowing the agency to keep together the remarkable team of scientists and engineers it has created by giving them new and interesting problems to solve. At the same time, it would encourage those in NASA who want to tailor the space program to produce more information directly useful in the solution of earthly problems—surveys of natural resources, weather prediction and control, and so on.

Although parts of the speeches the three astronauts of Apollo 11 delivered to Congress Tuesday were open pleas for money for future space flights, they were carefully balanced by the recognition each man gave to the needs of domestic programs for the funds that might otherwise be spent in space. The words of Neil Armstrong, the first man to walk on the moon, are worth repeating because they catch the spirit of the delicate balance that must be made between the dreams for adventure and the practical realities of life:

"Several weeks ago, I enjoyed the warmth of reflection on the true meaning of the spirit of Apollo. I stood in the highlands of this nation, near the continental divide, introducing to my sons the wonders of nature and pleasures of looking for deer and elk. In their enthusiasm for the view, they frequently stumbled on the rocky trails, but when they looked only to their footing, they did not see the elk.

"To those of you have advocated looking high we owe our sincere gratitude, for you have granted us the opportunity to see some of the grandest views of the Creator. To those of you who have been our honest critics, we also thank, for you have reminded us that we dare not forget to watch the trail."

[From the Washington (D.C.) Evening Star, Sept. 18, 1969]

SLOW TRIP TO MARS

Although President Nixon supports an American commitment to land a man on Mars, he has made clear through Press Secretary Ziegler that the undertaking will not involve a high-speed, extra-costly crash program that would ignore "budgetary considerations."

This is a sensible, realistic view. It is in keeping, in fact, with the balanced space program that has been recommended by a special panel of advisers in the report just accepted and endorsed by Mr. Nixon. The panel headed by Vice President Agnew, includes NASA Administrator Thomas O. Paine, Air Force Secretary Robert C. Seamans and White House Science Adviser Lee E. DuBridge—all well-qualified to offer sound counsel on the subject.

These and other distinguished members of the study group have given the President three options as to the timing of a landing on Mars—in 1983, no sooner than 1986, or around the year 2000. With the President's concurrence, the panel has rejected two alternatives as extreme. One would have the country go all-out—more or less in the manner of the Apollo moon landing—to put an American on Mars in the shortest possible time, regardless of cost. The other, on completion of the Apollo program, would put an end to all manned space projects.

What seems predictable is that when he makes his decision on the timetable for Mars, Mr. Nixon will be governed by what its effects may be not only on other space ventures, but also on down-to-earth human requirements and the amount of money available to meet them. Meanwhile, he has indicated that he fully agrees with the panel's recommendation that the space program, wholly apart from the Apollo landings still to come, should be pressed forward with vigor through the 1970s. The program would include unmanned probes of the Martian surface and a "grand tour" of the environs of the outer planets. Also, strenuous efforts would be made to develop a re-usable shuttle vehicle that would be capable of remaining in orbit, with large crews, for months at a time.

One of the important aspects of such a program is that it would provide for projects numerous enough and significant enough to insure against a grave weakening or withering away of the great and vital complex of scientists, technicians, administrators and technological plants now engaged in space work. It is work full of immense actual and potential value. And it will lead, among other things, to the day when man will almost certainly set foot on Mars and go on from there to explore deeper and deeper in the firmament.

CENSUS REFORM AND THE BETTS AMENDMENT

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

Mr. BETTS. Mr. Speaker, this week, the House is scheduled to consider H.R. 12884, a bill which would assure the confidentiality of census information. As the principal sponsor of census reform legislation, I believe that this is an extremely important measure and should like, therefore, to comment on the proposed changes.

On July 24, 1969, the House Post Office and Civil Service Committee, by unanimous consent, reported out this bill which I feel represents a forward step toward involving Congress more directly in determining census policies and procedures. Chairman WILSON and members of the Subcommittee on Census and Statistics who studied extensively this complex issue are to be commended for effectively confronting the main areas of contention and finally to report out a bill of significant substance. Of particular merit are the following provisions: repeal of the jail sentence, modernization of terminology appropriate to the computer-technological age, strengthening of administrative procedures designed to guarantee the confidentiality of census information, updating of data collection procedures and congressional review of

questions 3 years in advance. I am hopeful that this bill is indicative of the beginning, rather than the culmination, of further legislative study that will expand in scope to include the broader implications of informational privacy.

I am disappointed, however, that the committee failed to propose a provision which would limit the number of mandatory questions by providing for a part voluntary or mixed census. The case for such a provision has been aired extensively and although I have followed the debate over its merit scrupulously, I am unable to find hard evidence to disprove my contention that a part voluntary census would be successful. Indeed, I have submitted documentation from specialists who work with data supplied by the Census Bureau who advocate the need for an approach which relies on public cooperation rather than compulsion.

I know the committee considered carefully my proposal but in the end apparently sided with those who claim that a part voluntary census provides invalid data. Nevertheless, there was agreement that a need existed for closer scrutiny and more legislative supervision over the formulation of questions. Thus, they have proposed that the Secretary of Commerce submit questions to the responsible committees for their review 3 years in advance. Congress then is to notify the Secretary at least 2 years prior to census day of its "approval, rejection, or revision of the proposed questions." I concur with their intent which is to limit the number of overly personal, business oriented and irrelevant questions which do not demonstrate a valid public need.

In essence, however, this proposal achieves little more than providing a codification of existing practices. Even now, Congress exerts a strong influence on the quality and quantity of questions if it so desires. The Census Subcommittee can express strong disapproval during the hearings on census plans and policies, and if the executive branch still refuses to heed their desire, the Census Bureau will then meet opposition in the Appropriations Committee. Contrary to what my colleagues on the Census Committee have stated, committee rejection of a question is not final. The Secretary of Commerce is under no legal obligation to accept their decision and should the Secretary want to include it and admittedly suffer the political consequences of such an action, he will have the statutory authority to do so under H.R. 12884.

The committee's proposed changes does not provide a satisfactory answer for the thousands of concerned citizens to the question of why should answering irrelevant questions be mandatory at all. Besides gaining a census head count, is there a legitimate need for imposing civil penalties for not responding to these questions? In answering this I would like now to summarize my arguments which are based on 2½ years of studying this issue.

The thrust of my contention is that decennial census questionnaires on a part voluntary basis can be successful in providing accurate statistical data. The Census Bureau, even though it conducts many periodic surveys and samplings on a voluntary basis, contends to the contrary, although it is unwilling to test a proposal advocated by various members of the Census Subcommittee as well as myself to determine the variance in response between a compulsory survey and one that is clearly stated as being voluntary.

A study I made of the 50 State statistical gathering programs in 1967 revealed that in only two States was population information sought under penalty of fine or imprisonment for noncompliance. The States engage in considerable data collection and have found no need for compulsion to secure satisfactory results.

Also, I sent inquiries to major private market research organizations in the United States to determine their position on a voluntary versus mandatory approach. Private companies, of course, must rely on public cooperation for the success of their survey work. Presidents of these organizations were nearly unanimous in their support for the voluntary approach and some went so far as to state their opinion that the mandatory nature of the census may distort the accuracy of such reports.

Constitutional law experts and civil libertarians have spoken out against sanctions in order to acquire personal information from individuals and have questioned the empirical basis supporting the hypothesis that voluntary responses provide useless data. Lawrence Speiser, of the American Civil Liberties Union, made this statement recently before Sentor SAM J. ERVIN'S Subcommittee on Constitutional Rights:

> I recognize that Government agencies as well as most survey statisticians contend that if individuals are told clearly and candidly that their responses are voluntary, that this would cut down the number of responses. I have attempted to find out without success the empirical basis for this axiom of statisticians. I do not believe it exists.

We must also bear in mind that as of this date, eight State legislatures have passed, or are considering, resolutions memorializing Congress to reform the 1970 census and to assure a complete count of the population. The legislatures of New Mexico, Kansas, Washington, Idaho, Pennsylvania, Delaware, Wisconsin, and Ohio have urged us, in the words of the Ohio resolution, "to return the decennial census to its intended constitutional purpose, restore personal privacy rights to the American people through repeal of offensive criminal penalties, and provide every possible assurance that the count of population will be conducted successfully."

I believe that a part voluntary census is the most feasible solution to the dilemma of balancing public needs with protecting our inherent right of personal privacy. This proposal would not change the questions which will appear on the 1970 census form since this is all but impossible now that the Government Printing Office is printing the forms. However, Dr. A. Ross Eckler, former Director of the Census Bureau, has stated in testimony before the Census Subcommittee that if a part voluntary census were enacted the only real change in procedure would be noting new penalty requirements in instruction sheets for enumerators and other field personnel. The public media can assist by informing the citizenry of this and other changes.

Mr. Speaker, it is my firm conviction that unless we put the full weight of the Census Bureau behind an accurate headcount, especially due to recent Supreme Court decisions, the apportionment of Congress may be jeopardized. In the 1960 census some 5.7 million citizens were missed by census takers representing a 3-percent undercount nationally which I understand ran as high as 6 or 7 percent in some inner city areas. Commenting on the 2.1 million undercount of Negroes, the editors of Ebony magazine emphasized the importance of an accurate headcount of black Americans:

> In the next decade black Americans are going to make more and more just demands upon this country and it is necessary that there be an accurate count of black Americans for many of these demands will be in the field of voting, housing, education, and employment where one must generate from a base of facts.

Another example of the problem of a complete headcount of all citizens is the inclusion of Americans overseas, particularly military and foreign service personnel and their dependents who are out of the country at the time of the census. There were 1.3 million such individuals in 1960 and because of the overall problem of determining where these Americans might live, they were systematically excluded from the count of population in each of the 50 States by the Census Bureau. Here is a place that needs more attention for to deliberately disenfranchise Americans overseas from congressional representation is unconscionable. Unless and until the early and complete count of the people is accomplished, I will continue to challenge its use for other sundry purposes.

H.R. 12884 in its entirety indicates to the executive branch that Congress will no longer acquiesce to administrative determination to what information should be collected by the Government. There is no conflict here in objectives. My amendment which provides for a part voluntary census will further strengthen this claim by acknowledging that public cooperation is better than compulsion in obtaining valid information. Except for minimal basic data needed from the citizenry for apportionment purposes, which should be mandatory, the rest of the census should be nonpunitive.

ROGERS INTRODUCES BILL TO CREATE NATIONAL INSTITUTE OF MARINE MEDICINE AND PHARMACOLOGY

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

Mr. ROGERS of Florida. Mr. Speaker, earlier this year there was a report in

the medical journals which spoke of a discovery of two new antitumor and antiviral compounds.

Developed at the University of Pennsylvania School of Medicine, this new substance, although still in the preliminary stages, gives every indication of being able to kill certain tumor cells, block virus, and even control some kinds of human leukemia.

It may well turn out to be one of our new wonder drugs. A boon to mankind.

And I would like to make one point in addition to these startling facts. This compound was developed from a species of Caribbean sponge.

It represents one of the many discoveries which men of medicine are turning up in the depths of oceans, on coral rock, and from the fish which swim in the oceans of the world.

We have already developed drugs from the sea which reduce man's absorption of radioactive strontium, speed coagulation of blood, control surface bleeding, relax muscles, and many, many other medical aids.

But we are proceeding piecemeal, on a catch as catch can basis. Every scientist will agree that almost every known form of animal life found on earth can also be found in the sea—and then some. There are thousands of animals, fish and life forms in the seas which are yet unnamed, unclassified, undiscovered.

Men of science and men of medicine have arrived at the conclusion that the seas represent a storehouse of medical wealth. All it needs is to be worked.

For that reason, I am today introducing, along with 20 of my colleagues, a bill to create a National Institute of Marine Medicine and Pharmacology. Joining as cosponsors are: JOHN JARMAN, of Oklahoma; DAVID E. SATTERFIELD III, of Virginia; PETER N. KYROS, of Maine; RICHARDSON PREYER, of North Carolina; ANCHER NELSEN, of Minnesota; TIM LEE CARTER, of Kentucky; JOE SKUBITZ, of Kansas; JAMES F. HASTINGS, of New York; CHARLES A. MOSHER, of Ohio; THOMAS N. DOWNING, of Virginia; THOMAS M. PELLY, of Washington; HOWARD W. POLLOCK, of ALASKA; BOB WILSON, of California; RICHARD T. HANNA, of California; JERRY L. PETTIS, of California; JOSEPH E. KARTH, of Minnesota; WALTER B. JONES, of North Carolina; GEORGE E. SHIPLEY, of Illinois; HASTINGS KEITH, of Massachusetts, and WILLIAM D. HATHAWAY, of Maine.

Although we are lagging in developing the resources of the seas for the benefit of medical science, we see ample evidence that the Russians have taken a great interest in this field.

At Vladivostok, the Russian Government has established and has been operating for several years, an Institute of Biologically Active Substances.

Using their giant oceanographic fleet, the Russians are beginning to explore the oceans of the world for potentially useful new drugs and food resources.

We, as a Nation, have been seeking new biological breakthroughs to conquer cancer and its killer companions for many years, yet we have neglected the oceans—the richest storehouse of potential sources.

The establishment of a National Institute of Marine Medicine and Pharmacology within the National Institutes of Health would add unaccounted new resources to our medical and scientific spectrum.

I hope that other of my colleagues will join with us in pushing for the establishment of this institute. There is an entire new world just beneath the waves. This represents only one of many benefits our Nation can and will reap from this yet unexplored world.

OIL DEPLETION ALLOWANCE

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

Mr. VANIK. Mr. Speaker, today a newspaper dispatch reports that one of President Nixon's lieutenants, Mr. Harry S. Dent, told Judge Barber Culver of Midland County, Tex., in the heart of Texas oil country, that the White House will reverse its field and support the 27½ percent oil depletion allowance. He stated that the President stood by a Texas campaign speech made last fall in which he opposed the reduction of the oil depletion allowance.

A later dispatch widens the mystery caused by the Dent letter. It stated that a canvass today of Treasury Department sources turned up no one who would admit knowing of the newest policy change indicated by the Dent letter.

Another later dispatch quotes White House Press Secretary Ronald Ziegler as saying that he had no information and that he hoped to be able to comment later in the day on the issue.

From all this, we learn one thing: The administration's position on the oil depletion allowance is as much lacking in integrity as it is in identity.

If President Nixon opposes tax reform proposals to cut back the oil depletion allowance, he must take responsibility for destroying the tax reform efforts of the House of Representatives.

There can be no tax reform program which permits oil privileges to continue "scot free" and almost tax free.

LEGISLATION INTRODUCED TO MAKE FEDERALLY COLLECTED REVENUES AVAILABLE FOR PERCENTAGE SHARING WITH THE STATES AND CITIES

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

Mr. GERALD R. FORD. Mr. Speaker, today more than 75 Members of the House, including seven from the Ways and Means Committee, have joined to introduce legislation that will make federally collected revenues available for percentage sharing with the States and cities.

When passed, this legislation will effectively carry out the proposal made by President Nixon last August 13 that Federal revenues should be made available for use by the States and cities on a no-strings-attached basis.

Mr. Speaker, introduction of this legislation today marks the first time in recent history that a concerted effort has been begun to give States and local governments the funds that will allow them effectively to live up to their commitments and their responsibilities to their citizens.

I think it is generally agreed that the Central Government until now has increasingly preempted the sources of revenue available to States and local governments, thus leaving no alternative except for the Federal Government also to preempt their responsibilities.

Until now, money flowing from the Federal Government to the States has been sent in the form of categorical grants, with the Federal Government determining how and where the funds will be spent. Often, in doing so, we have put such grants on a matching basis. This forced the recipients to increase their own taxes to take advantage of projects and programs they need less than some for which we have provided no grants.

The legislation we are seeking today will provide additional funds that States and counties and cities can spend as they see fit.

Mr. Speaker, there are those who lack confidence in the ability of States and local governments to spend money effectively or properly. I would agree there will be cases where money is badly spent.

But we have no further to look than the Federal Government to see great sums badly spent on poorly devised programs devised for questionable reasons.

Mr. Speaker, we are a self-governing people. The Constitution ordains our system as such, and the vast majority of Americans want it that way.

Self-governing begins with the government closest to the people—local, county, and State government.

Revenue sharing will make it possible to make that government more effective and more able to meet the needs of those it governs.

Mr. Speaker, remembering that big government is not necessarily the best government, I urge the Members of this House to give this legislation not only their careful study but also their votes of approval.

Our Nation will be the stronger for it.

INTERCITY RAIL SERVICE

The SPEAKER pro tempore (Mr. SMITH of Iowa). Under a previous order of the House the gentleman from Washington (Mr. ADAMS) is recognized for 60 minutes.

(Mr. ADAMS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. ADAMS. Thank you, Mr. Speaker.

The purpose of the special order today will be to discuss the intercity rail service to change the legislative authority of the Interstate Commerce Commission.

Mr. Speaker, we have sponsored a series of bills with many cosponsors to accompany this and before the afternoon is over I shall enter another bill which will bring the number of cosponsors to over 90.

Also, I have a series of statements that I shall introduce into the RECORD at the end of this special order today from various Members who wish to be a part

of this special order. I also want to mention the fact at this time that the Honorable HENRY B. GONZALEZ, of Texas, has previously entered remarks with reference to this matter and which can be found on pages 26772 and 26773 in support of this proposition.

Mr. Speaker, the debate over the quality and quantity of interstate rail service has been building up a head of steam for some time. The recent decision of the Interstate Commerce Commission in the matter of the Sunset Limited that is sometimes known as the Messer decision placed the whole matter before Congress. Many people have wondered why we bring this up at this time and why something has not been done before. The reason is that a week ago the Interstate Commerce Commission decided that they did not have the authority to regulate the adequacy of rail passenger service between the major cities of America. Many of us think this decision is incorrect and in a moment I will review a part of the history of the ICC Act covering this question which we believe is the responsibility of the Congress. But rather than going through a series of court decisions that might last several years we believe the better decision is for the Congress to amend the Interstate Commerce Act and make it clear that under the interstate commerce clause that the Interstate Commerce Commission has the authority.

It is clear from a reading of the very words of the act that the carrier is required to both "provide" and "furnish" transportation.

There are no words in the act that existing ownership and control is a prerequisite to the carriers' duty to provide and furnish service. From the explicit words of the act, it would seem to follow that if a reasonable request is made for cars and the carrier does not possess them, it must acquire them.

The original act to regulate commerce of February 4, 1887, C. 104, 24 Stat. 379, provided simply that:

> The term "railroad" as used in this act shall include all bridges and ferries and the term "transportation" shall include all instrumentalities of shipment or carriage.

In interpreting the act, the ICC in 1888 in *Scofield* v. *Lake Shore Ry. Co.*, 2 ICC 90, and again in 1904 in *Re Transportation of Fruit*, 10 ICC 360, ruled that although there was a common law obligation to furnish oil tank cars, the act of 1887 neither imposed this obligation nor empowered the ICC to enforce it.

Now, with this attitude of the ICC in mind, the Congress passed the Hepburn Act of 1906, and specifically added the duty of furnishing cars so there again would be no question.

The Hepburn Act was the culmination of a long popular agitation in favor of increased control over the railroads. It was argued in the public debate that if a railroad could provide adequate trains for some communities and not for others, the railroad could stifle the growth of some cities in favor of others.

Upon introducing the Hepburn bill, Congressman Townsend said:

> The measure which passed the House last session was believed to cover all the facilities of transportation, but inasmuch as some gentlemen contended that it did not, we have endeavored in the present bill to use such language as will take the matter out of real doubt. To that end we have declared that cars, vehicles, instrumentalities of shipment or carriage . . . shall be considered as being furnished by the carrier, and therefore under the supervision of the Interstate Commerce Commission. (Cong. Record, 59th Cong., 1st Sess., Vol. 40, Pt. 2, pp. 1764, 1765.)

Mr. Davidson stated on the floor:

> Enact this measure and all the practices of . . . auxiliary companies, as well as those of the carriers themselves will be subject to regulation and control by the Commission. (Id. pp. 2103–2104.)

If there remained any doubt that Congress intended the ICC should regulate the quality of rail service, it should have been cleared up in 1910. Section 15 of the act was amended in 1910 by striking out the words "affecting such rates" and gave the Commission power to set what regulation or practice in respect to trains is just, fair and reasonable—whether or not such practices directly affect rates. The Commission by the statute had the power to make an order that the carrier shall cease and desist from such violation, and the carrier shall conform to the regulation or practice prescribed.

In the mind of the Congress, the extent of the power already conferred on the ICC apparently was not thoroughly appreciated by the ICC. And it was deemed so important to secure effective provisions for adequate service that in the amendment of 1910 it was proposed to make the legislative declaration of the carriers' duties to render reasonable service all-embracing and to put beyond reasonable question the power of the Commission to compel such service.

The report of the Committee on Interstate and Foreign Commerce on April 1, 1910, recommended the bill to amend the Interstate Commerce Act—H.R. 17536, House Report No. 923, 61st Congress, Second Session—stating on page 10:

> Section 9 of the bill proposes to amend section 15 of the Act to regulate commerce. Section 15 of the Act is the section under which orders of the Commission in regard to rates are now made. Under provisions of section 15, as it now stands, the authority of the Commission to enter an order is confined to the subject matter of rates for transportation and regulations or practices "affecting such rates" and the establishment of through routes where "no reasonable or satisfactory through route exists." As recommended to be amended by your committee, section 15 of the present law will have its scope largely increased, and the jurisdiction of the Commission will be much enlarged.
>
> Under the section as reported, the Commission is given jurisdiction to enter orders not only in regard to rates, but also in regard to classifications, regulations, or practices, whether they affect rates or not, and to determine what are proper classifications, regulations, and practices, in addition to rates and to require the carriers not only to follow the rate which may be fixed by the order of the Commission, but also to adopt the classification and conform to and establish, observe, and enforce the regulation or practice prescribed by the Commission.

On the floor Congressman Mann stated:

> We have conferred upon the Interstate Commission the broadest kind of powers now so far as railway rates are concerned, and we are proposing in this bill to greatly enlarge their power by giving them the same power over classifications, regulations, and practices which they now have over rates. (Cong. Rec. 61st Cong., 2nd Sess., Vol. 45, pt. 5, p. 4573.)

It has been my position, and that of many other Members of this House, that the ICC has always had sufficient power to set standards for rail passenger service, but last month the ICC, a majority on it, said that they did not have the power to set adequate standards for service.

In order to remove this doubt, I have introduced H.R. 13832 which authorizes the ICC to set standards for adequate rail passenger service. At that time more than 70 Members of the House joined me in cosponsoring this legislation. We are now at over 87 Members of the House, and this total continues to grow every day.

If this legislation is passed, there would no longer be any doubt that it is the intent of the Congress that the ICC should regulate the railroads in such a way that the public will have safe, clean, efficient, and a speedy alternative mode of intercity transportation. This bill would give the ICC the authority to set standards for adequate rail passenger service first by amending section 1(4) so that the carrier would have an explicit duty to furnish adequate transportation for both property and passenger.

Second, section 12(1) would also be amended so there would be no question as to whether the ICC has the power to enforce a duty placed on the carrier by section 1(4). These amendments should fill the jurisdictional gaps which the ICC thought existed when the Commission issued the Sunset Limited-Adequacies decision. In addition to the amendments just mentioned, the bill would authorize the ICC to require adequate facilities for the handling of through car service. In my mind, as I have already mentioned, the ICC was vested with these powers from the earliest days of its creation. However, since the ICC has taken a contrary view, legisaltion is our recourse.

The only part of H.R. 13832 which I believe contains a new grant of power to the ICC is the amendment of section 3 (5). This amendment to the Interstate Commerce Act would authorize the ICC to require railroads to share trackage. The law as it stand now has provision for the sharing of trackage for a reasonable distance outside a terminal. The amendment would delete that phrase and leave the ICC free to require certain passenger trains to move over another carrier's track any place on the route. I think this provision is necessary if we are to have an integrated rail passenger system.

The ICC noted in its 1968 report:

> It is becoming evident, however, that much of the service is deteriorating in quality, and, in some instances, that a purposeful downgrading of service may be taking place.

Our bill, H.R. 13832, will enable the ICC to put a stop to the practice of deliberately downgrading passenger service in order to drive away passengers.

Now, in the past 10 years the number of regular intercity passenger trains has declined from more than 1,400 trains in 1958 to 513 trains this year. In fact, in the last 12 months the numbers of inter-

city trains has dropped from 580 to 513. Over this period of time the railroad industry has made virtually no investment of new passenger equipment, and the quality of service has dipped to an all-time low.

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

Mr. ADAMS. I yield to the gentleman.

Mr. EVINS of Tennessee. Mr. Speaker, I would like to commend the distinguished gentleman for his initiative in bringing this important matter to the attention of the House.

May I say that this is a matter in which I have had great interest and concern as chairman of the subcommittee on independent offices appropriations. The Interstate Commerce Commission has appeared before my committee for many years and I have questioned them along the very lines that the gentleman is addressing the House at this time, stating certainly it was the intent of the Congress when this legislation was passed that they would have the power to direct and demand quality service in railroad service.

It seems to me that the Interstate Commerce Commission has reached the stage in its career now in which they just want to do a lot of what the railroads request. For instance, they want to abandon lines.

But why do they not take an affirmative stand on the issue like the gentleman is insisting and require quality railroad transportation for this country? I think it can be done and it should be done. I think the authority exists in present legislation. I have so stated on several occasions, although I believe the gentleman is finding out as a result of his inquiry that a majority of the commissioners do not feel that they have such authority. Maybe two or three state that there is such an authority. There is a division within the commission.

I would support the gentleman's legislation to establish this authority in the commission, to require quality transportation for the American public.

Mr. Speaker, I certainly want to commend the gentleman for his fight in this regard.

Mr. ADAMS. I thank the gentleman. I appreciate what the situation has been in the past with other members of the Committee on Appropriations and we will try through authorizations and appropriations to implement this matter.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to commend the distinguished gentleman from Washington for the outstanding job he is doing here today in bringing to the attention of the Members of Congress the problems of the plight that the American public find themselves insofar as the passenger service of the railroads is concerned.

It seems to me this statement by the Interstate Commerce Commission, and I do not agree with it, certainly is shocking, to think that this board would be in operation all down through the years and they would not have this power and authority.

I do know because of the efforts of the lobbyists representing the railroads that they have been successful on many occasions in weakening the powers of the ICC.

The whole northeast corridor of the United States has a real problem so far as railroad passenger service is concerned. North of Boston, going all up through the States of Massachusetts, New Hampshire, Vermont, and up through Maine, there is practically no railroad service today. We find that on the service from Boston to New York under the old New Haven system that was taken over by the Penn Central, 91 trains have been taken off as a result of the decision by the ICC this year on which I believe they acted in too hasty a manner.

We find the roadbeds are in terrible condition. There are accidents throughout the entire Nation. Every day you pick up the papers and read about some freight car that has overturned or some accident that has happened because of the poor condition of the railroads.

This Nation has spent billions and billions of dollars on our highways. They have bled our urban areas. There is a great need for mass transportation. There is a great need for providing safe railroad beds throughout the entire country. The railroad beds of this Nation are in a disgraceful condition. The public does not realize the danger and the jeopardy involved when they ride over many of these roads. Some have not been taken care for the past 25 years. The New York Central Railroad recently spent about $35 million on the New York to Washington run and on that Metroliner system the people are lined at the Penn Station in New York and here at the Union Station in Washington waiting to get on that train and to use that service. That indicates the public wants railroad passenger service and the railroads down through the years have done everything to discourage them.

I understand that on many occasions before these trains take off the one in charge of putting the cars onto the train will pick out the dirtiest and the worst cars in the yard and say, "Put those cars on that trip."

They make sure the public will never use train service again. So we must have a whole reappraisal of our railroad systems in this country. God help us if we are ever involved in a major war again such as World War II. We would not be able to transport around this country the troops that would be needed. The railroads have allowed their equipment and the roadbed to go down, down, and down, and it is about time that our Government concentrated its attention on the railroads of this country. Use of the railroads must be a part of the answer to our urban problems. It has to be the answer to the glutted airports of our Nation and the glutted airways.

A solution of the problem is the only answer we have in our effort to take millions and millions of vehicles off the highways, vehicles that are killing over 50,000 people a year in this country.

So I join with the gentleman from Washington and commend him. Let us get behind a bill, a law that will help in the solution of the railroad problems of our country. Let us get behind such a program the way we got behind the highway program. We have cloverleafs, underground highways, overground facilities—we have everything. When we pick up the newspapers each day in Washington, we observe they are talking about the Three Sisters Bridge and the need for better transportation here in the Washington area.

The same problem exists in every urban center of our country. So it is about time that those in authority, those who are charged with the responsibility, those on the Interstate and Commerce Committee, the Secretary of Transportation and, yes, the White House, and including the leaders of both parties, take the bull by the horns and do the job in this field that must be done in our Nation.

I commend the gentleman in the well for trying to correct one of the problems that the ICC is facing in relation to the treatment of passenger cars. Certainly the ICC should have power and authority in that field, and if they do not have it today, as they say they do not, the Congress should act in an expeditious manner and get a law enacted that would give them such authority.

Mr. ADAMS. I thank the gentleman from Massachusetts for his most eloquent statement. We appreciate very much his support.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman from Washington yield?

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

Mr. HECHLER of West Virginia. Mr. Speaker, I agree with everything that the gentleman from Massachusetts has so eloquently said. I do not always agree with him on residual oil imports, but in this particular case I think he has stated the issue very clearly. I would only add this: No matter what legislation we pass on this issue, I think we are going to have to clean out the Interstate Commerce Commission and its staff before we are going to get aggressive protection of the public interest.

The Interstate Commerce Commission was established in 1887. It is now 82 years of age. I suggest that it has "tired blood." I suggest that the majority of the members of the Commission have taken a backward step in the kind of decision that they rendered in the Southern Pacific case. Something is terribly wrong with an agency whose staff compiles the statistics, the arguments, the accounting data, and the other mumbo-jumbo which all add up to conclusions as to why they cannot protect the public interest as Congress has charged them with doing.

There are a few bright lights that are shining exceptions to the general rule of insensitivity to the public interest. One of these battlers for the public interest is the Chairman of the Commission, Mrs. Virginia Mae Brown, of Pliny, W. Va., a former member of the West Virginia Public Service Commission.

I would like to quote a few lines from a letter in Sunday's Star by Pierre E. Dostert that states this a little more eloquently than I. He refers to the decision of the Interstate Commerce Commission in the Southern Pacific case, and he says:

The decision itself, and the circumstances surrounding it establish beyond any doubt that the ICC is now nothing more than an extension of the railroad lobby within the United States government.

He goes on to indicate that it is clear the public interest will not be served by only minor measures. He states:

With the exception of Chairman Brown and Commissioner Tierney, who boldly resisted the moves of the other commissioners in the Southern Pacific case, the remainder of the present commissioners should be legislated out of government service.

The chronic disease of railroad influence, which the commission has had for many years, has become acute. Only radical surgery will rid it of this affliction.

Mr. Speaker, I would like to point out also that there are many illustrations of deliberate downgrading of passenger service by the railroads who then later apply for discontinuance of passenger trains. I have two specific ones which occurred during the months of July and August in Huntington and Charleston, W. Va. For the protection of railroad employees, I must disguise the complete and specific details of the numbers of the trains which I have here, but I would be glad to make available the numbers of the trains to any Member of the House, as well as the names of personnel involved.

There have been occasions when loaded trains have come into Huntington, when the official personnel on those trains have phoned ahead many, many miles to try to get additional coaches and have been told by the railroad: "No, let the passengers stand."

In several other cases, there have been situations where it would have been possible, with one little switch of a train from one track to another, to have seated all the passengers or to make connections. Yet the railroad has made passengers get off the train and to wait in a cold station for many hours until another train comes along. There are many, many other examples of horror stories which have been detailed in Peter Lyon's book "To Hell in a Day Coach."

Mr. Speaker, any Member of Congress who has testified before the Interstate Commerce Commission and before any Examiner on any of these discontinuance cases knows how difficult it is, with a battery of the railroads' highly paid lawyers sitting in front, raising objections, and cross-examining in an insolent manner in an attempt to discredit those passengers who have legitimate criticism of railroad service. When a Member of Congress comes in with letters from his constituents pointing out incidents of deliberate downgrading of service, those lawyers object to the fact that this may be hearsay testimony, coming from some constituent, and they strenuously object to the interjection of any of this testimony into the record.

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

Mr. ADAMS. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Speaker, I commend the gentleman in the well and all the Members who are taking part in this special order. I think it is good for the American people.

However, Mr. Speaker, I heard the gentleman from West Virginia say something about Members of Congress appearing to testify before the Interstate Commerce Commission. I want to say I do not think anybody in Congress ever has testified before the Interstate Commerce Commission. The Interstate Commerce Commission does not listen to anybody. We have to go before an examiner. We have not had a Member of Congress appear before the Interstate Commerce Commission because they do not hear us or anybody.

Mr. HECHLER of West Virginia. Mr. Speaker, I stand corrected. I did testify before a hearing examiner. The incident I was describing involved just that situation where I appeared before a hearing examiner.

Mr. OLSEN. Mr. Speaker, I have been practicing law for 29 years, and in all those years I have tried to appear before an outfit like Interstate Commerce Commission, and never have I had such a chance. I keep thinking in my years of service in the Congress that one of those people will have to come in and appear here some day. The only way we could get to talk to the Interstate Commerce Commission is to be a part of the railroad lobby.

Mr. Speaker, the Congress should never have given the power away in 1887. That was a terrible decision. It is time we repealed some of that grant of power and took that authority back here. This is what would happen if we have a postal corporation. It would be the same thing. Never again would the people ever have a chance to be heard if we do that.

Mr. Speaker, there are only two places in Government where people are heard, and one is the Congress and one is the courts. Never do the commissions listen to the people. They send those who testify before a hearing examiner, and that is all you get from the commissions. But in Congress somebody has to be there, and some Congressman has to sit in the hearing, and in the courts, a judicial officer has to be there.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman from Washington yield further?

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

Mr. HECHLER of West Virginia. Mr. Speaker, although I am a supporter of the postal corporation, the remarks of the gentleman from Montana bring an additional thought to mind. The Post Office Department has not contributed to the solution of the railroad passenger service problem one bit, and in fact has exacerbated the problem by taking the mail off trains. When the Post Office Department takes the mail off the passenger trains, it has several effects: First, it slows down the delivery of the mail, which cannot be sorted en route; and second, it gives the railroads a further excuse to claim loss of revenue and apply for discontinuance of passenger trains. As a matter of fact, if the truth be completely known, I would be willing to wager that there has been collusion between the railroads and the Post Office Department concerning taking mail off. Often it is difficult to conclude which comes first, the chicken or the egg. The railroad may want to take off a passenger train, and starts to make rumbling noises that portend some effort to cut off a train. Then the Post Office Department comes along and claims that since there is danger that the railroad might discontinue a particular passenger train, perhaps it might be well for the Post Office Department to take the mail off the train in question, then the railroad runs to the Interstate Commerce Commission and claims: "Look, we are losing all this revenue because the Post Office Department is taking the mail off the train." This is a real slick operation which happens so fast that the public is left gazing in disbelief at the card sharks and marveling at the slight of hand, but unable to do anything about it.

Mr. Speaker, I would like to conclude my remarks by asking unanimous consent to insert the full text of the letter from Pierre E. Dostert in the Sunday Star of September 21, as well as the text of an article on Commissioner Tierney and the dissenting opinions of Chairman Brown and Commissioner Tierney in the Southern Pacific Railroad case. These dissenting opinions set forth very clearly the fact that the railroads of this Nation have deliberately downgraded passenger service and have by one trick or another attempted to discourage passengers from using the trains.

Mr. Speaker, I applaud the gentleman from Washington for his constructive efforts to remedy the situation.

I would merely suggest that we need even more thorough housecleaning of the Interstate Commerce Commission beyond the passage of this legislation.

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

There was no objection.

The letters, article, and dissenting opinions referred to follow:

[From the Washington (D.C.) Sunday Star, Sept. 21, 1969]

ICC AND THE SOUTHERN PACIFIC

SIR: I have had an opportunity to read and consider the decision of the Interstate Commerce Commission dealing with the adequacy of passenger services of the Southern Pacific Railroad. The decision itself, with the circumstances surrounding it, establish beyond any doubt that the ICC is now nothing more than an extension of the railroad lobby within the United States government. Several aspects of the proceeding merit attention.

The Southern Pacific case was filed in 1966. The railroad was charged with deliberately downgrading its passenger service in order to drive the public away with the ultimate goal of discontinuance of such service. A hearing examiner sustained the charges in April 1968 and ordered that the railroad restore its service to its former quality.

The matter then went to the commission, where it sat for 17 months. It was only when the ICC was threatened by the suggestion of getting an injunction compelling a ruling by the commissioners that they acted. The decision has a printed date of December 10, 1969, indicating that the commissioners had intended to sit on the case for three more months—this was crossed out and September 12, 1969, written in by hand.

The commissioners held that they had no jurisdiction over passenger train service, a conclusion that is demonstrably and patently false. More important, they asked Congress

for additional authority in order to regulate the quality of passenger service (even though they already have the authority). In requesting this, the commissioners indicate that they will only regulate quality when a railroad can make a profit, real or imaginary, out of passenger service. They go on to discuss the need for governmental subsidies for passenger service.

In their decision, the commissioners allude to a report of the ICC issued recently in which the commission found that the railroads have totally falsified and exaggerated their losses from passenger service. Notwithstanding this, the commissioners seek to promote the subsidy sought by the railroads to compensate for their partially falsified losses. This is nothing less than blatant intellectual dishonesty.

The Star recently reported extensively on the acceptance of free travel and accomodations by ICC personnel from the railroads. It was only in the face of this publicity that this practice was reluctantly discontinued by order of the commission. One does not need a legal education to conclude that the practice should never have been permitted in the first place.

The railroads are now actively lobbying in Congress to rush through a subsidy program to underwrite continued passenger service. The actions and timing of the commissioners in the Southern Pacific case indicate that they seek to actively assist the railroads in obtaining this goal.

Congress now has before it a bill to effect some minor changes in the ICC. Based upon the performance of the present commissioners, it is clear that the public interest will not be served by only minor measures. With the exception of Chairman Brown and Commissioner Tierney, who boldly resisted the moves of the other commissioners in the Southern Pacific case, the remainder of the present commissioners should be legislated out of government service.

The chronic disease of railroad influence, which the commission has had for many years, has become acute. Only radical surgery will rid it of this affliction.

PIERRE E. DOSTERT.

[From the Washington (D.C.) Post, Sept. 23, 1969]

MEMBER BLAMES ICC, RAILS FOR POOR PASSENGER SERVICE

(By William H. Jones)

A member of the Interstate Commerce Commission yesterday blamed his fellow commissioners and the nation's railroads for permitting the deterioration of railway passenger service.

In a dissent to the ICC's 7-to-2 ruling on Sept. 12 that the commission lacked authority to enforce minimum standards of rail passenger service, Commissioner and former Chairman Paul J. Tierney said the agency "presently has jurisdiction" and that it is "now painfully clear that some carriers have abandoned any pretense of responsibility to rail passengers."

Chairman Virginia Mae Brown also dissented in the case brought to the ICC by five southwestern states which contended that the Southern Pacific had deliberately downgraded service on its Sunset Limited between New Orleans and Los Angeles.

"A remedy for the poor quality of existing rail service has been sought from this commission," Tierney said, and "by the action of the majority, the public must now look elsewhere for help—either to the Congress or to the courts."

He said that the nation's railroads "can control" the adequacy of existing service, "yet it is painfully clear that some trains are being operated so as to force the public to desert rail travel. The majority contends the commission cannot prevent the railroads from abandoning their fundamental duties as common carriers.

"It is inconceivable to me that it was Congress' intention that this agency should be impotent to enforce such duties." Tierney concluded.

The commissioner's dissent, released yesterday, came on the eve of three days of Senate hearings on the subject of national railroad problems, during which legislation specifically ordering the ICC to regulate rail-service standards will be considered.

Sen. Vance Hartke (D-Ind.) this morning will open hearings of his Senate Commerce subcommittee on surface transportation with a call for major legislation this year to deal with the U.S. rail crisis. Before his subcommittee are at least eight bills. Some drafts call for studies of national transportation needs and one bill—supported by the rail industry—calls for direct federal subsidies to railroads to finance money-losing passenger operations that are required by the ICC to be continued as a public need.

The ICC, which has called for congressional action to prevent total elimination of long-distance trains within a few years, is expected to ask today for legislation granting the agency authority to regulate minimum standards of rail service.

A group of 40 congressmen, a number of senators and the two dissenting members of the ICC in the Southern Pacific case believe the Commission already has such authority. The ICC majority, while rejecting that position, did call for legislation on the subject. The 40 congressman, led by Rep. Brock Adams (D-Wash.) have already introduced a bill in the House to authorize such jurisdiction.

Among the witnesses at today's subcommittee session will be Sens. Frank E. Moss (D-Utah), Harrison A. Williams Jr. (D-N.J.) and Joseph D. Tydings (D-Md.), Rep. Adams, and the ICC chairman, Mrs. Brown.

DISSENTING OPINION OF CHAIRMAN BROWN

I dissent. While recognizing that the majority has expressed in this report only those legalistic concepts which serve its purpose, I see no reason to counter with a contrary legal viewpoint. To do so would only further shroud the jurisdictional issue in an enigmatic dilemma.

I am content to state that after an exhaustive examination of the law and a most careful and deliberate consideration of the powers delegated by Congress to the Commission, it is my opinion that within the four corners of the Interstate Commerce Act there are appropriate statutory provisions which, when read in *pari materia*, empower this Commission to assert jurisdiction in this proceeding and to determine the substantive question raised in the instant complaint as to the adequacy of rail passenger service.

DISSENTING OPINION OF COMMISSIONER TIERNEY

I am in full agreement with the majority that Federal jurisdiction over the quality of intercity rail passenger service is clearly necessary. Unlike the majority, I believe that this agency presently has jurisdiction and need not request congressional aid.

The rapid decline in the quantity of rail passenger service needs no documentation. Long-distance passenger operations have been pared to the bone. This country has reached the point where only massive and immediate changes in governmental and carrier policies can preserve even a minimal nationwide system of passenger service.

In a period when journalists are regularly writing in nostalgic fashion about the eventual extinction of the long-haul passenger train, the present value of rail passenger service has been drastically discounted. I cannot fault the majority for underscoring the relative decline of rail passenger operations. But at the same time, we must not overlook the significant service that is still provided by the passenger train.

In 1968, 295.6 million passengers moved over the rails in the United States. They have traveled 13.3 *billion* miles. Despite the abrupt declines in intercity rail operations over the past few years, more than two-thirds of these passenger-miles—nearly 9 billion—are still attributable to noncommutation traffic.[1] The value and use of intercity rail passenger service cannot be cavalierly confined to those who cannot drive, those who cannot get a plane or bus ticket, and those who are unable to fly. Railroads still provide more than 10 percent of all intercity for-hire passenger traffic in this country.

The rising expenses of passenger service and the decline in patronage have led to mounting losses. These losses have, in turn, resulted in more train discontinuances. Most carrier attempts to cut expenses have been limited to service reductions. One can accept the inevitability of some reductions in the quality of service as the product of the reasonable contraction of the rail passenger network. However, it is now painfully clear that some carriers have abandoned any pretense of responsibility to rail passengers.

Many eastern rail commuters are openly complaining that the condition of the cars on some trains ranges from bad to terrible. They argue that coaches are hot in the summer and cold in the winter, but that the affinity of the trains for operating behind schedule seems to show no seasonal preferences.

The rail commuter is not alone in his plight. Rail passengers on certain intercity trains are not faring much better.

In 1966, the Commission found that the Southern Pacific had continued to discourage use of two of its trains operating through New Mexico and Arizona and had "intensified its efforts in that direction."[2]

Five months later the Commission found that the same carrier had also been attempting to discourage travel on its San Francisco to Portland trains.[3]

In 1968, we found that train service from Ogden to San Francisco was "more likely to drive passengers away than to attract anyone."[4] The protesting passengers were less dipolmatic. They found the cars dirty, the food poor, the service bad and the employees discourteous.[5]

Discouraging intercity travelers is not confined to any one carrier.[6] Numerous allegations of inadequate service has been made in cases pending before this Commission.

The Commission has warned that neither the deficit nature nor the uncertain future of intercity passenger service eliminate the carriers' responsibility to provide reasonable service that the public requires.[7] Such admonitions have fallen on deaf ears. While the Commission has refused to approve any discontinuances where the carriers have purposefully downgraded their service without regard to public need, these denials have not stopped the deterioration of rail passenger service. Although it is recognized that air travel and the interstate highway system have made inroads on rail passenger business, the recent decline is also attributable to the railroads' growing reputation for dreary terminals, late trains, apathetic employees and poorly maintained equipment. Even those railroads who have tried to maintain decent operations find it increasingly difficult to maintain adequate patronage as a result of this image.

I. JURISDICTION OVER THE ADEQUACY OF RAIL PASSENGER SERVICE

In such an environment, the Commission no longer can deny, as it did in 1960,[8] that Federal regulation is not essential. The majority does, however, persist in upholding the Commission's traditional position that it cannot require the carriers to provide reasonable standards of service.

The majority's opinion also seems to be bottomed on a reiteration of the Commission's presentations to Congress and its interpretations of court opinions in support of this conclusion to justify the past.

Footnotes at end of article.

In my opinion, the majority has misinterpreted the court decisions and misapplied the Commission's rulings. I, therefore, find myself seriously at odds with the appraisal that the examination of the pertinent statutes was conducted "in meticulous detail."

Carriers admit that they have a common law responsibility to provide reasonably adequate service and this duty is incorporated in section 1(4) of the act. The majority agree, but abrogate, unfortunately and unnecessarily in my judgment, any responsibility to enforce that duty and insist on resort to the courts.

In an attempt to show that the Commission does not have the power to enforce the provisions of section 1(4), the majority valiantly searches for support.

The lynchpin of the majority's argument that the Commission cannot enforce the duty of the railroads to provide adequate service on the passenger trains which they operate is its interpretation of *United States* v. *Pennsylvania R.R. Co.*, 242 U.S. 208 (1916).[9]

Overlooked in the selective quotations from this Supreme Court decision is the fact that the issue there was whether the Commission could require the carrier to buy or provide *additional* tank cars under section 1(4), not whether the Commission had power over the general equipment of the carrier.

The very first paragraph of the court's opinion states at page 217:

"The question in the case is, has the Commission the jurisdiction exercised by the order? It is not denied that the Commission has power over the general equipment of a carrier, * * *"

The defendant argued that the act neither imposed upon carriers the obligation to buy additional tank cars (which were specialized equipment primarily owned by shippers) nor invested the Commission with the power to require the purchase of additional tank cars.

Even the syllabus of the court's opinion contains the same distinction at page 209:

"Without attempting to define the measure of the *carrier's duty to satisfy the needs of shippers by adding in quantity or kind to its car equipment*, held, that neither by the Act of 1887 nor the amendatory Act of 1906 did Congress intend that the enforcement of *such duty* might be compelled by orders of the Interstate Commerce Commission." [Emphasis added.]

The court proceeded to emphasize the distinction between the Commission's power over general equipment and over the provision of additional cars throughout its opinion.[10]

The interpretation of the *Pennsylvania* case now espoused by the majority suggests that despite the recognized duties of the carrier to furnish reasonably adequate service with its existing equipment, the public's only recourse is to the courts. However, in *Trojan Scrap Iron Corp.* v. *Boston & M. R.* 270 I.C.C. 727, 729, (1948), the Commission, Division 3, said:

"Defendant contends that this Commission is without jurisdiction to order the operation sought. It regards the Front Street track as an independent railroad, owned neither by defendant nor by complainants, and points out that we have no jurisdiction to order one railroad to operate over another railroad. In *United States* v. *Pennsylvania R. Co.* 242 U.S. 208, the Court held that this Commission was without jurisdiction to order a railroad company to equip itself with tank cars and to provide and furnish transportation therewith. Defendant points out that the foregoing decision has been cited with approval as establishing a precedent that this Commission is without jurisdiction to enforce the provisions of section 1(4) of the Interstate Commerce Act. See, for example, *C. S. Wells & Sons* v. *Chicago B. & Q. R. Co.*, 161 I.C.C. 145. Section 1(4) makes it the duty of every common carrier to provide and furnish transportation upon reasonable request therefor.

"The jurisdictional issue will be determined first. The issue in *United States* v. *Pennsylvania R. Co., supra*, was whether or not this Commission had jurisdiction to order a carrier to equip itself with special equipment to provide transportation. The opinion stated, page 217: 'It is not denied that the Commission has power over the general equipment of the carrier, * * *.' The issue determined by the Court was whether or not the provision in section 1(4) 'to provide and furnish transportation,' meant that a carrier could also be compelled by this Commission to obtain equipment with which to furnish transportation. *The holding was in the negative, but there is no logical inference therefrom that this Commission is without jurisdiction to order a carrier to provide and furnish transportation with its general equipment if the duty to perform such transportation is clearly established.*" [Emphasis added.]

This language is clear and accurate. The majority opinion cannot summarily disown the impact of this decision by simply stating: "* * * it contains an egregious error in the citation of language out of context."

More recently, the entire Commission had occasion to construe the provisions of part II of the act, which are comparable to section 1(4). In *Galveston Truck & Line Corp.* v. *Ada Motor Lines, Inc.*, 73 M.C.C. 617 (1957), the Commission had before it a complaint of a motor carrier that certain connecting lines, the drivers of which refused to cross picket lines at the complainant's terminals, were failing to observe the statutory requirement of section 216(b) of the act[11] that they render reasonably adequate transportation services. The Commission, at page 626, said:

"We think it beyond doubt that the Interstate Commerce Act imposes upon common carriers by motor vehicle subject to our jurisdiction the clear and unmistakable duty *to provide adequate service, equipment, and facilities for the transportation of property in interstate or foreign commerce* within the scope of their holdings out to the public, and that they are obligated to accept and transport all freight offered to them in accordance with the provisions of their published tariffs. This duty is almost an absolute one; and, if the public is to be adequately protected, common carriers must be held strictly accountable for its performance. * * *" [Emphasis added.]

The Commission found the motor carriers had violated the act and entered an order "requiring defendants to cease and desist, and thereafter to refrain and abstain, from the practices herein found to have been unlawful and in violation of the terms, conditions, and limitations of their certificates."

Two more considerations underscore the weakness of the majority's contention that the Commission lacks the power to enforce the statutory obligation of carriers to render reasonably adequate transportation services. First, the Commission in the *Galveston* case asserted jurisdiction though some courts earlier had entertained actions against motor carriers for their failure to observe what was found to be their common law duty to render service. See, for example, *Montgomery Ward & Co.* v. *Northern Pacific Term. Co.*, 128 F. Supp. 475 (D. Ore. 1953). Second, the Commission's *Galveston* decision was cited with approval by the Supreme Court in *Carpenters' Union* v. *Labor Board*, 357 U.S. 93, 109 (1958). Indeed, the Supreme Court specifically noted that the Commission in the *Galveston* case sought not "to determine, as an abstract matter, the legality of hot cargo clauses, but only *to enforce* whatever duty was imposed on the carriers by the Interstate Commerce Act and their certificates." [Emphasis added.]

Finally, the majority's reading of the *Pennsylvania* case fails to recognize that the court carefully distinguished its earlier cases dealing with Federal and Commission jurisdiction over car service.

Among these cases were *Chicago, Rock Island and Pacific Railway Company* v. *Hardwick Farmers Elevator Company*, 226 U.S. 426 (1913), an action upon a Minnesota statute requiring railroads to furnish cars within prescribed periods of time. The principal issue in that case was whether the Minnesota statute was a reasonable exercise of State power in the absence of action by Congress on the subject of the delivery, when called for, of cars to be used in interstate traffic. The Supreme Court concluded that the Congress by the enactment of the Hepburn Act, amending what is now section 1(4) of the act, had preempted the area. At 226 U.S. 434, it said:

"The purpose of Congress to specifically impose a duty upon a carrier in respect to the furnishing of cars for interstate traffic is of course by these provisions [section 1(4)] clearly declared. That Congress was specially concerning itself with that subject is further shown by a proviso inserted to supplement § 1 of the original act imposing the duty under certain circumstances to furnish switch connections for interstate traffic, whereby it is specifically declared that the common carrier making such connections 'shall furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any such shipper.' Not only is there then a specific duty imposed to furnish cars for interstate traffic upon reasonable requests therefor, but other applicable sections of the Act to Regulate Commerce give remedies for the violation of that duty."

The Commission's decisions following the enactment of the Hepburn Act in 1906 and before the passage of the Esch Car Service Act in 1917, assumed that what is now section 1(4) of the act imposed upon the carriers an obligation to render an adequate car service and conferred upon the Commission jurisdiction to regulate the quality of rail service. In *Brook-Rauch Mill & Elevator Co.* v. *St. Louis, I.M. & S. Ry. Co*, 21 ICC 651, 654 (1911), the Commission said:

"We are of the opinion that the refusal by defendants to furnish a car for the outbound movement of the shipment in question amounted to a failure to furnish transportation as required by the provisions of section 1 of the act. It was their duty to furnish such transportation and as part thereof to supply the necessary services in connection with the transfer in transit of the shipment. There can be no doubt that their refusal to do so was the occasion of annoyance and expense to complainant, and operated to its prejudice. In this view we do not doubt that complainant's petition presents a case within our jurisdiction."

Finally, in the leading case, *Car Supply Investigation*, 42 I.C.C. 657 (1917), a decision rendered after the *Pennsylvania* case, the Commission found the railroad's car service rules to be unlawful and prescribed car service rules of its own. While the question of the Commission's jurisdiction to enter an order requiring the carriers to observe reasonable car service rules was not squarely before the Commission, the Commission, at page 674, addressed itself to that issue, as follows:

"It is clear that the entry of a formal order is necessary to protect shippers, consignees, and the general public, but not less is it necessary to protect those carriers which have sent foreign cars home in obedience to the direction at the hearing but which have not received their own cars from other lines. It would indeed be an anomaly if certain carriers could with impunity violate section 1 by failure to observe reasonable rules for the 'exchange, interchange, and return of cars,' and by so doing prevent other carriers from furnishing the transportation upon reasonable request which is required by the same section."

Footnotes at end of article.

It would appear, therefore, that the Commission asserted at least a measure of regulatory jurisdiction over railroad services under section 1(4) of the act, long before the enactment of the Esch Car Service Act, and that the limitation of that legislation, conferring jurisdiction upon the Commission only with respect to "cars used in the transportation of property," is not in any way a restriction upon the Commission's jurisdiction under section 1(4) of the act. On the contrary, the Esch Car Service Act was designed to "remove any doubt as to the powers of the Commission" [12] and may be said to be merely declarative of the jurisdiction, at least as to "cars used in the transportation of property," previously asserted by the Commission.

The majority attempts to buttress its view of the Commission's inability to enforce section 1(4) by analogy to sections 1(18) and 13a. They cite *Powell* v. *United States*, 300 U.S. 276 (1937), as support for an asserted inability to enforce (under section 12(1)) section 1(18), which provides for Commission approval over abandonments and extensions of rail lines. The majority's reliance on that case is entirely misplaced. That case makes clear that, but for the express grant of exclusive jurisdiction to the courts made by section 1(20), the requirements of section 1 (18) would be enforced by the Commission.

Reliance upon the limited jurisdiction conferred upon the Commission by section 13a (1) as an indication of our inability to use section 12(1) to enforce all the provisions of part I has little weight. Here too, the limits of our enforcement powers are defined by the specific language of the statute. Moreover, this section concerns the discontinuance of service, not the reasonableness of existing service.

Part II of the act—section 206(a)—contains comparable provisions relating to prohibitions against motor carriers engaging in operations without a certificate. And although no specific section of part II instructs the Commission to enforce the provisions of section 206(a) or to enter cease and desist orders, such enforcement is commonplace.

Implicit in the majority's report is the concept that the provisions of the act fall into two categories: (1) those that specify the rights and duties of the carriers; and (2) those that specify the responsibilities and powers of the Commission. I can find no such division in the regulatory scheme and attach little significance to the fact that the act does not specifically charge the Commission with the responsibility of enforcing the requirements of section 1(4) of the act, beyond the general admonition of section 12(1) that the Commission "execute and enforce" the provisions of this part.

An assertion of lack of power specifically delegated to the Commission was made in *American Trucking Assns.* v. *U.S.*, 344 U.S. 298, 309–310 (1953), in which the Supreme Court said:

"All urge upon us the fact that nowhere in the Act is there an express delegation of power to control, regulate or affect leasing practices, and it is further insisted that in each separate provision of the Act granting regulatory authority there is no direct implication of such power. Our function, however, does not stop with a section-by-section search for the phrase 'regulation of leasing practices' among the literal words of the statutory provisions. As a matter of principle, we might agree with appellants' contentions if we thought it a reasonable canon of interpretation that the draftsmen of acts delegating agency powers, as a practical and realistic matter, can or do include specific consideration of every evil sought to be corrected. But no great acquaintance with practical affairs is required to know that such prescience, either in fact or in the minds of Congress, does not exist. *National Broadcasting Co.* v. *United States*, 319 U.S. 190, 219–220; *Phelps Dodge Corp.* v. *Labor Board*, 313 U.S. 177, 193-194. Its very absence, moreover, is precisely one of the reasons why regulatory agencies such as the Commission are created, for it is the fond hope of their authors that they bring to their work the expert's familiarity with industry conditions which members of the delegating legislatures cannot be expected to possess. *United States* v. *Pennsylvania R. Co.*, 323 U.S. 612."

The obligation imposed upon railroads by section 1(4) to render reasonably adequate transportation services is not unlike the requirement of section 3(4) that they shall not discriminate between connecting lines. The Commission under the act is no more specifically charged with the duty of enforcing section 3(4) than it is with the obligation to enforce section 1(4), and yet the courts have held that the Commission has an affirmative duty to eliminate discriminatory treatment no matter what form it may take. *Western Pac. R. Co.* v. *United States*, 382 U.S. 237 (1965), *Arrow Transportation Co.* v. *United States*, 176 F. Supp. 411 (N.D. Ala. 1959), *aff'd mem.*, 361 U.S. 353 (1960).

Previous Commission decisions that had lacked authority over the quality of passenger service stems from a common source, *Wisconsin R. Commission* v. *Chicago & N.W. Ry. Co.*, 87 I.C.C. 195 (1925). In that case, the Wisconsin Commission had found that the railroad's partial discontinuances rendered its passenger service inadequate and proposed to enter orders requiring additional service, but the entry of the orders was withheld pending the determination of whether the agency or the Commission had jurisdiction. On this occasion, the railroad contended that only the Commission had jurisdiction, relying largely upon section 1(10) of the act, as amended by the Transportation Act of 1920. The Commission disagreed and, at page 197, found that section 1(10) "was enacted to enable us to facilitate and expedite the movement of property."

The *Wisconsin* case has been the principal source for the Commission's disclaimers of jurisdiction in all subsequent proceedings involving the adequacy of rail passenger service. In *Train Service On Northern Pacific*, 112 I.C.C. 191, 193 (1926), the Commission referred to the *Wisconsin* case and said that it in turn "held, for reasons there stated, that jurisdiction to regulate the operation of passenger trains had not been vested in us." In *Commutation Fares Between Washington and Virginia*, 231 I.C.C. 397 (1939), the Commission cited the *Northern Pacific* case for authority that it had no jurisdiction over "the pick-up and discharge of passengers." In *Barton* v. *Baltimore & O. R. Co.*, 280 I.C.C. 9 (1950), the case most frequently cited by the railroads, the Commission again based its decisions on *Wisconsin* and its successors.

More recently, in *New Jersey & N.Y.R. Co. Passenger Train Operation*, 299 I.C.C. 41, 45–46 (1956), the Commission again held that it had no authority over the adequacy of passenger services:

"So far as our jurisdiction over interstate passenger transportation is concerned, the provisions of part I, except as to service matters, parallel those respecting freight transportation. Section 1, paragraphs 10 to 17, and 21, are generally restricted to car service in the transportation of property. The addition, in 1920, of the authority to regulate the supply of trains is not specifically restricted to trains used in the transportation of property, but when the question came before us in *Wisconsin R. Comm.* v. *Chicago & N.W. Ry. Co.*, 87 I.C.C. 195 (1924), we felt impelled to hold that the additional words related only to the transportation of property, and did not confer upon us jurisdiction to determine whether the discontinuance of certain passenger trains resulted in inadequate service or to require the restoration, in whole or in part, of the service discontinued."

None of these cases developed a rationale for the Commission's lack of jurisdiction over the adequacy of existing rail passenger service beyond that first set out by the Commission in the *Wisconsin* case. Neither that case or its successors declares that the Commission is without jurisdiction in this area, except under section 1(10) and the other freight car service provisions of the act.

The majority states that the "*Wisconsin* decision was not limited merely to an examination of section 1(10)" and that "it ranged as far as the Constitution * * *" That decision was written in less than 3½ pages. All but the last two paragraphs deal with the factual setting of the case and the interpretation of section 1(10). Sections 15a and 1(17) are briefly cited at the end of the decision in reply to contentions of the railroad. Nowhere are the Commission's powers under section 1(4) questioned or discussed.

The Commission is not precluded by these cases and the broad disclaimers of jurisdiction which they make from asserting jurisdiction under section 1(4) of the act to regulate the adequacy of rail passenger service. The contention, advanced by the railroad respondents in the instant proceeding, that the requirements of section 1(4) of the act are enforceable only by the courts and not the Commission, based upon the *Pennsylvania* decision, is unpersuasive. The whole trend of decisional law has been toward confining the areas of transportation law in which the courts may act unaided by prior determinations of the Commission and enlarging the areas that under the primary jurisdiction doctrine must first come to the Commission for its determination. See, for example, *United States* v. *Western Pacific R. Co.*, 352 U.S 59, 70 (1956)

Two recent cases specifically confirm that under the primary jurisdiction doctrine questions involving car service first must come to the Commission for its determination. In *Elgin Coal Company* v. *Louisville & Nashville Railroad Co.*, 277 F. Supp. 247 (E. D. Tenn. 1967), the court declined to enter a temporary restraining order requiring the defendant railroad to deliver and pick up coal cars beyond the service then being rendered. The court agreed with the defendant that the unreasonableness of rail service is a matter for the initial determination of the Commission. The court, at page 250, stated:

"The plaintiff appears to rely principally upon the case of *Minneapolis & St. Louis Railway Co.* v. *Pacific Gamble Robinson Co.*, 8 Cir., 215 F. 2d 126, wherein the Court awarded damages for refusal of the railroad to provide any cars unto the shipper at a time when the shipper's place of business was being picketed as a result of a labor dispute. The trial court overruled the defendant's contention that the Interstate Commerce Commission had exclusive jurisdiction. D. C., 105 F. Supp. 794. Apart from the fact that the doctrine of primary jurisdiction vests some discretion in the Court with regard to the jurisdiction issue, the case of *Minneapolis & St. Louis Railway Co.* v. *Pacific Gamble Robinson Co., supra*, can be distinguished from the present case in that the railway there declined to furnish the shipper any cars. In the principal case the issue is not the refusal of the railway to furnish the shipper any cars. Rather, it is the adequacy of the service being rendered. In this regard the shipper's right to as many cars as are needed is not an absolute right and the law exacts only what is reasonable of the railway under all of the existing circumstances.

"The Court is accordingly of the opinion that under the doctrine of primary jurisdiction, application to the Interstate Commerce Commission would be a prerequisite to the maintenance of this action in this court. An order will accordingly enter dismissing the lawsuit."

In the same vein, the court in *Spence* v. *Baltimore & Ohio Railroad Company*, 360 F.

Footnotes at end of article.

2d 887 (7th Cir. 1966), reversed a lower court which had entered an injunction requiring the railroad to provide the shipper with not fewer than eight boxcars daily for the hauling of its soybeans. The lower court had asserted jurisdiction, presumably under section 1(4) of the act, and section 23, which permits a court to enter mandatory relief to assure shippers of obtaining equal facilities. The appellate court, quoting *Balt. & Ohio R.R.* v. *Pitcairn Coal Co.*, 215 U.S. 481 (1910), said that there was no escape from the conclusion that the grievances complained of were primarily within the administrative competency of the Commission and not subject to be judicially enforced, at least until the Commission had been afforded the opportunity to exert its administrative functions.

In addition to the majority's views of what the court said in the *Pennsylvania* case and what the Commission has said with respect to sections 1(10) *et seq.* of the act, the third premise offered for the conclusions of the majority are the Commission's repeated assertions that it had no powers over the quality of passenger service and the acquiescence of Congress in this interpretation. Neither the belief nor the acceptance of that belief constitutes immutable barriers to overturning prior decisions. No administrative agency is inextricably tied to its past decisions by rigid rules of *stare decisis*, nor is its prior policy irreversible, for the very purpose which it serves is to be able to flexibly respond to new and changing circumstances. 2 K. Davis, Administrative Law Treatise §17.07, at 525 (1958). This Commission, in its piggyback case, sustained in *Atchison, T. & S. F. Ry. Co.* v. *United States*, 387 U.S. 397 (1967), construed the right of motor carriers to avail themselves of rail services quite differently than it had previously. In that case, the Supreme Court disposed of prior inconsistent decisions of the Commission by stating (at page 416) that "in any event, we agree that the Commission, faced with new developments or in light of reconsideration of the relevant facts and its mandate, may alter its past interpretation and overturn past administrative rulings and practice." The Supreme Court also noted that the attention of the Congress had been called to the need for action to secure the relief which the Commission subsequently granted in its rules (at page 416). However, the court concluded at page 417 that "We do not regard this as legislative history demonstrating a congressional construction of the meaning of the statute, nor do we find in it evidence of an administrative interpretation of the Act which should tilt the scales against the correctness of the Commission's conclusions as to its authority to prescribe the present rules."

Even the majority concedes that disavowals of jurisdiction and requests for legislation do not close the door on later finding such jurisdiction. Without its interpretation of the *Pennsylvania* case, the majority's attempt to distinguish between the two recent Supreme Court decisions (*U.S.* v. *Southwestern Cable Co.*, 392 U.S. 157 (1968 (*CATV* case), and the *Permian Basin Area Rate Cases*, 390 U.S. 747 (1968)), and the present situation obviously becomes strained. The mere statements that changing times do not create jurisdiction and that only Congress can create jurisdiction does not negate the language and import of the *Permian Basin Area Rate Cases*, which the majority cites.

On balance, I think that the majority has erred in claiming that the *Pennsylvania* case vitiates the Commission's asserting of jurisdiction under section 1(4). Bootstrapping its denial of jurisdiction with a parade of cases involving the car service provisions adds nothing of substance to the majority's report. Finally, persistent presentations of its views to Congress certainly does not close the door to change. The Commission cannot become inextricably wedded to its past decisions and views. Such obdurate fixations would render it a useless bureaucratic appendage—ineffective to solve new problems or to meet changing conditions.

On the other hand, I believe that the railroads have a responsibility under section 1(4) to furnish adequate passenger service with their present equipment on existing trains, that the Commission has the power to enforce (under section 12(1)) this responsibility, and that the national transportation policy—which directs the Commission to enforce the act "to promote safe, adequate, economical, and efficient service * * *" dictates that considerations of efficiency and adequacy should govern such enforcement. The words of section 1(4) and the national transportation policy are plain and unambiguous.

II. FORMULATION AND APPLICATION OF STANDARDS

The fact that rail passenger service loses money cannot be stretched into an assumption that the lack of profitability makes that service immune from the ultimate purposes of the national transportation policy or that we should ignore the common carrier responsibilities of passenger carrying railroads. Neither adverse operating conditions nor the lack of a clear and vital future role can eliminate the railroads' obligation to provide an adequate quality of service on those trains which are still running. That obligation is not unlimited; carriers can seek relief under section 13a or the relevant State laws.

By the majority's own admission, the situation has radically changed since 1960, and it now presents a major defect in the Nation's passenger system. While some trains continue to provide reasonable passenger service, the operations of other trains have deteriorated to the point where the situation has plainly become intolerable.

I concur in the majority's explanation of what should constitute reasonable, adequate and efficient passenger service for legislative purposes. These same standards could have been implemented without recourse to the Congress since the power to enforce section 1(4) is present.

In setting standards for the quality of rail passenger service, the Commission's course need not travel unmarked paths, for it has previously dealt with the reasonableness of such service in proceedings under other sections of the act. For example, under section 13a(1), the quality of passenger service offered is a crucial determinant in judging whether public convenience and necessity justifies the proposed discontinuance. Where the evidence shows that a carrier has deliberately downgraded passenger service or otherwise discouraged the use of its trains without regard to the public need for that service, the burdens of continued operation are considered to be voluntarily inflicted by the carrier to justify the discontinuance, and the train may be ordered continued for a 1-year period. See *Southern Pac. Co. Discontinuance of Trains, supra.*

The obligations of a passenger carrying railroad were further defined in *New York, N.H. & H.R. Co.,—Discontinuance of Trains*, 327 I.C.C. 151, 221 (1966), where the Commission emphasized the carrier's obligation to the public, stating that the "railroad must accord to promotion of its economically viable passenger service the same *reasonable effort* it would accord to promotion of its basic freight services * * *." In making such determinations, we must necessarily judge whether the quality of service has been reasonably maintained.

A similar judgment is required under section 15, which provides that whenever after full hearing, we are of the opinion that any carrier "practice whatsoever * * * is or will be unjust or *unreasonable* * * *, the Commission is hereby authorized and empowered to determine what * * * practice is or will be just, fair and *reasonable* * * *" [emphasis added] While this section applies primarily to regulations or practices affecting rates, it nevertheless requires us to determine the reasonableness of a particular practice, just as here we are determining the reasonableness of a particular service.

The Commission is, therefore, qualified to apply the standards contained in section 1(4) and the national transportation policy to rail passenger service, although it must be emphasized that these standards may vary from the particular requirements of sections 13a(1) or 1(15). Implicit in a common carrier's duty to furnish transportation upon reasonable request therefor is the duty to provide a reasonably adequate level of service. The railroads concede that the carrier obligation under section 1(4) is equivalent to that imposed by the common law, and that the common law required a common carrier to provide safe and efficient service to the traveling public. This duty is reiterated by the national transportation policy's requirement that the service offered by a regulated carrier be "safe, adequate, economical, and efficient"—a requirement broad enough to embrace such matters as the availability of seats, cleanliness, sanitation, proper heating, air conditioning, and eating facilities.

However, the Commission could not generalize as the examiner recommended, and prescribe uniform standards of service applicable to all passenger-carrying railroads. Such promulgation of industrywide standards would, on the record of this proceeding, violate fundamental concepts of fairness and due process. Southern Pacific was the only respondent to this proceeding. No notice was given to Southern Pacific or to any other railroad that rules of conduct applicable to all railroads would evolve from this proceeding. Under the Administrative Procedure Act, the promulgation of uniform standards applicable to all railroads would require a rulemaking proceeding, with notice to all affected carriers and an opportunity for such carriers to participate therein through the submission of evidence, views or arguments. 5 U.S.C.A. 553. See *Chicago, Burlington and Quincy Railroad Co.* v. *United States*, 242 F. Supp. 414 (N.D. Ill. 1965). Since the instant proceeding was restricted by our order of June 21, 1966, to an investigation of the passenger service of Southern Pacific, it would be inappropriate to promulgate industrywide standards on the basis of the record developed herein. Any decision must therefore, be confined to the passenger service of Southern Pacific.

Moreover, in my opinion, the rulemaking approach would not be practicable. Such factors as distance, geographic location, methods of operation, time of operation, passenger needs and costs militate against the promulgation of specific minimum standards on an industrywide basis. In fact, many of the carriers have presented sound reasons in their verified statements to show that specific minimum standards on an industrywide or systemwide basis would be unworkable, unreasonable, costly and in many instances unduly burdensome. For example, the Northwestern argued that the specific standards recommended by the examiner might require it to put sleeping cars on its Chicago area commuter trains operating after 10 p.m. The Milwaukee contended that it might be required to operate sleeping cars on a pair of trains that have operated without sleepers since the turn of the century. Other carriers, notably the Illinois Central and the CB&Q, stressed the costs that would be required in investing in sleeping cars and diners if industrywide standards were to be prescribed. On the present record, I agree with the railroads that specific standards that would be applicable to all the Nation's passenger carrying railroads would be unworkable, impractical, and, in many instances, unreasonable.

Having found jurisdiction and defined general standards of adequate service, I would then proceed to apply those standards to the

specific trains in question—the Southern Pacific's Sunset. The records in this case and in the proposed discontinuance of that train, *Southern Pac. Co. Discontinuance*, 333 I.C.C. 783, 784; are replete with examples of a service designed without passengers in mind. The service has continually ebbed to lower and lower standards without regard for the 160,000 passengers who use this train.

Southern Pacific discontinued dining car and Pullman service for the first 1200 miles of the Sunset in 1966 in actions which led to the request for this investigation. On April 22, 1968, the examiner's recommended report and order was issued. He found the reinstatement of sleeping and dining services should be required by the Commission. The same day, the carrier moved to eliminate Pullman service over the remaining 800-mile route of the Sunset. A month later the carrier sought to discontinue the train.

As described in the examiner's report, the choice of food on the automat is very limited, its quality is vastly inferior to that normally served on railroad diners. Formerly called a vending car, the automat is largely a self-service operation equipped with food vending machines and microwave ovens which frequently malfunction. Many of the public witnesses complained about the removal of the diner-lounge car and the poor quality of the food and eating facilities now provided on the Sunset. Passengers were at times forced to go without food or to subsist on cold snacks or sandwiches. At best the present dining facilities on the Sunset are rudimentary and do not adequately provide for the reasonable needs of the traveling public. While Southern Pacific does not have to provide gourmet menus and elaborate eating facilities, the passengers on this 2,000 mile, 45-hour run, regardless of whether the passenger is first class or coach, should be accorded an opportunity to purchase hot meals in a regular diner or combination diner-lounge at moderate prices.

The record here reflects that the carrier removed the diner-lounge service without making any attempt to ascertain the needs of the Sunset passengers for such service. In fact, it seems apparent that Southern Pacific's removal of the diner-lounge car just a short time prior to the partial discontinuance of Pullman service was part of a pattern of conduct designed to downgrade passenger service on the Sunset and to discourage the use thereof by present and potential patronage. See *Southern Pac. Co. Discontinuance; supra*, at 800.

Southern Pacific argues that the elimination of sleeping accommodations and the removal of the diner-lounge car were economy measures that constituted a reasonable exercise of its managerial discretion. The record regarding the cost of operating Pullman service and the diner-lounge car is not convincing, because of the piecemeal discontinuance of Pullman service, the substitution of other eating facilities for the diner-lounge car and for the further reason that Southern Pacific's figures respecting the use of the diner-lounge cover only that portion of the run between New Orleans and El Paso. Under these circumstances, it is not possible to ascertain the extent of Southern Pacific's loss on either the Pullman service or the diner-lounge. Little consideration can be accorded to whatever losses may have been incurred in circumstances where, as here, the losses were at least in part self-imposed.

It is estimated that more than 160,000 passengers patronized the Sunset during 1968, and generally the same number in 1969. Broken down, this averages out to about 220 passengers a day per train or 440 a day for both trains. This number provides a potentially good market for diner-lounge type service.

SP discontinued Pullman service between New Orleans and El Paso in 1966 at a time when there was a substantial demand for sleeping accommodations. It seems obvious that the elimination of Pullman service between New Orleans and El Paso had a significantly adverse effect upon the use of such service between El Paso and Los Angeles, for a prospective Pullman passenger faced with two full nights of travel would normally be dissuaded from boarding the train in New Orleans, knowing that sleeping accommodations were available for only a portion of the trip. The elimination of Pullman service on a portion of the run was instrumental in causing a decrease in Pullman patronage on the remainder of the run.

If fully occupied, each Pullman car can accommodate a total of 22 patrons. On many occasions in recent years, depending upon the time of the year and demand for service, Southern Pacific used two Pullman cars. For the most part, however, Pullman service was limited to one car. While exact data respecting Pullman usage are not available, it appears that the number of Pullman passengers ranged from a low of about 12 to a high of about 35 in summer peak periods. During the period when but one car was used, the daily average number of Pullman passengers was about 16 which represents a load factor of approximately 70 percent. The need for Pullman service is demonstrated by the fact that it was necessary on a number of occasions for the carrier to use two Pullman cars, and by the further consideration that out of 160,000 total passengers a year, or 220 a day in each direction, there is a sufficient potential to justify at least one Pullman car. I do not believe that it is asking too much of a carrier to require it to furnish appropriate sleeping accommodations on a two-night trip for a significant number of passengers. Certain employees of Southern Pacific are provided sleeping accommodations en route. Fare paying passengers should be afforded, at least, the opportunity to avail themselves of such accommodations should they desire to pay an additional fare—until it can be demonstrated that the public will not support this service or that such facilities are an inordinate burden on the carrier.

There is no contention that returning adequate sleeping and dining cars to the Sunset would require Southern Pacific to purchase additional equipment. The carrier's annual reports to this Commission show that it owned 70 dining tavern and grill cars on January 1, 1967, about the same number it still owned a year later. While ownership of sleeping cars declined somewhat in 1967, the Southern Pacific owned 75 at the beginning of 1968, and only retired 6 in the next 12 months, despite the fact that only two sets of its trains still offer Pullman facilities.

The *Sunset* case contained instances where sleeping and dining services were blatantly eliminated without regard to public use or costs to the carrier. However, in the long run the real impact of service standards should relate to other service defects; poor on-time records, inadequate seating, inadequate condition of equipment and facility services, and failure to provide any semblance of information relating to train schedules and seating. These are the real problems that face most rail patrons, not the lack of sleeping cars.

In *Southern Pacific Discontinuance, supra*, the eight members of the Commission who participated in that case set forth their evaluation of the overall service offered on the Sunset based on a more recent record than that compiled in this proceeding. At page 800 they stated:

"The record is convincing that the Southern Pacific has deliberately set out to discourage existing, as well as new, patronage of the Sunsets by reducing what was once a convenient and comfortable railroad passenger service to a slow, unreliable, uncomfortable train without sleeping facilities, with only rudimentary dining facilities; a train on which a seat cannot be reserved, arrival and departure times cannot be easily ascertained by telephone, or by printed schedules because they are often unobtainable, and a train for which adequate station waiting room is frequently lacking."

The evidence in this case in no way justifies a different conclusion.

CONCLUSION

Each day that the quality of rail passenger service is allowed to deteriorate, the demise of intercity service becomes less doubtful. The railroads cannot control or reverse all of the conditions which have caused the decline in its passenger service. They can control the adequacy of existing service. Yet it is painfully clear that some trains are being operated so as to force the public to desert rail travel. The majority contends this Commission cannot prevent the railroads from abandoning their fundamental duties as common carriers. It is inconceivable to me that it was Congress' intention that this agency should be impotent to enforce such duties.

Substantial changes and public assistance are required to solve this Nation's rail passenger dilemma. This Commission has urged such help. But the railroad industry can hardly expect its pleas for assistance or those issued by others, no matter how well justified, to be openly and generally accepted while such conditions as are present here continue.

A remedy for the poor quality of existing rail service has been sought from this Commission. Now by the action of the majority, the public must look elsewhere for help—either to the Congress or to the courts. It is to be hoped that an effective and expeditious solution will be forthcoming from one of those sources.

FOOTNOTES

[1] The statement at page 9, that passenger-miles had declined to 148.6 million in 1967 is apparently a technical error; passenger train-miles approximate that figure but passenger-miles were more than ten times as great as indicated.

[2] *Southern Pac. Co. Discontinuance of Trains*, 328 I.C.C. 360, 365 (1966).

[3] Finance Docket No. 23756, *Southern Pacific Co. Discontinuance*, decided by Decision and Order May 24, 1966.

[4] *Southern Pac. Co. Discontinuance—Ogden to Oakland*, 333 I.C.C. 525, 560 (1968).

[5] Id. at 544.

[6] *Chicago, Burlington & Quincy R. Co.—Discontinuance*, 330 I.C.C. 742, 760 (1967).

[7] *No. Pac. Co. Discont.—Fargo to Seattle-Tacoma*, 333 I.C.C. 15, 39 (1968).

[8] Hearings on S. 3020 Before the Surface Transportation Subcommittee of the Senate Committee on Interstate and Foreign Commerce, 86th Cong., 2d Session (1960).

[9] The *Pennsylvania* case arose from the Commission's report and order in *Pennsylvania Paraffine Works* v. *P.R.R. Co.*, 34 I.C.C. 179 (1915), a complaint action brought by a shipper after the railroad had denied its request to increase the supply of tank car equipment available to it

[10] For example, the court made specific mention of the district court's opinion which stated that existing legislation "has thus far left the carriers free to exercise their own judgment in the purchase, construction and equipment of their roads and in the selection of their rolling stock." Indicating that the law conferred upon the Commission the power to prevent and redress unfair practices and discriminations, the district court was quoted further: "We find nothing in the law which confers upon the Commission power to compel a carrier to acquire facilities it does not possess or to acquire better facilities than those it possesses, not with the object of preventing discrimination and preferences, but in order that the shipper may have larger, better, and perhaps more economical facilities."

[11] Section 216(b) applies to motor carriers of property and requires the provision of "adequate service, equipment and facilities for the transportation of property. * * *"

[12] H. Rep. No. 18, 65th Cong., 1st Sess. 6 (1917).

Mr. ADAMS. Mr. Speaker, I thank the gentleman from West Virginia for his comments.

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

Mr. ADAMS. I yield to the gentleman from New York.

(Mr. ROBISON asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ROBISON. Mr. Speaker, I appreciate the gentleman's yielding, and I would like to compliment him on the service he is rendering by focusing, in this fashion, the attention of this body—and hopefully the public—on what I believe to be one of our more serious challenges as we look toward the day, perhaps only some 30 years off, when the population of this Nation will be close to a third of a billion people.

If we think we have transportation problems now—and we surely do—they will be as nothing when compared to the transportation problems we will face in that fast-approaching future, the demands of which will simply not be met unless we plan to do so now.

As I see that future, it will be absolutely essential for us to begin now to establish the basic framework for a viable, national railway passenger system—and I submit we are going in the wrong direction by standing idly by while the Interstate Commerce Commission continues, in part because of congressional inaction, to permit the disassembly of such intercity rail passenger network as still remains.

The bill the gentleman has introduced—and for which I am pleased to be a cosponsor—will help, if enacted, and its early enactment is essential. I hope my friend, by virtue of his service on the Committee on Interstate and Foreign Commerce, can obtain prompt committee consideration of this and other related legislative proposals, such as H.R. 12084, the bill introduced not long ago by the gentleman from Kansas (Mr. SKUBITZ), and of which, again, I am a cosponsor. The Skubitz-Robison bill addresses itself, specifically, as the gentleman may know, to that other problem of the "last train" on an intercity route, something which is of immediate concern to me because the southern tier area of New York—that I am honored to represent in part—is now, literally, down to its "last" remaining passenger train, and that train is now the subject of a discontinuance proceeding before the ICC.

I recently testified before an ICC examiner in this particular case and, if the gentleman would permit, I would like at this time, Mr. Speaker, to have my statement in that proceeding made a part of the RECORD at this point:

STATEMENT BY REPRESENTATIVE HOWARD W. ROBISON, 33D CONGRESSIONAL DISTRICT OF NEW YORK AT INTERSTATE COMMERCE COMMISSION HEARING

Mr. Examiner, permit me to begin by expressing my appreciation not only for this opportunity to be heard in this proceeding—in behalf of the people I represent in Congress—but also for the fact that this additional hearing was scheduled, in response to popular demand, here in Elmira.

This is the third such proceeding, involving the divestiture by the Erie-Lackawanna of its remaining passenger-train service through the Southern Tier portion of New York, that I have attended in the past three years.

It will also be the last such opportunity I shall have for, as you well know, these subject trains represent the *last remaining passenger-trains* travelling this route and serving the communities, and their inhabitants, in this area of New York State.

That fact—by itself—in my judgment magnifies the importance of this proceeding, and—again by itself—in my judgment compels an even more-careful consideration by you of the factors relating to "public convenience and necessity" that may lie behind your eventual decision as to whether or not these particular trains should be continued.

In support of that contention, I would wish to call your attention to two items: (1) The Commission's decision in the Norfolk and Western case (Finance Document 25517), as ordered on June 28th of this year, wherein the Commission paid especial attention to the problem of discontinuance of ". . . the *last passenger train* of the carrier in a service area," and (2) the attitude of Mrs. Virginia Mae Brown, Chairman of the Commission, as expressed in her letter of July 16th of this year to the Hon. Warren G. Magnuson, Chairman of the Senate Committee on Commerce (on transmitting the report of the Commission entitled "Investigation of Costs of Intercity Rail Passenger Service"), in which she not only took note of the ". . . rapid decline in intercity rail service during the past two decades," but also declared that the Commission would support ". . . more restrictive provisions (to) be placed on the discontinuance of the *last remaining passenger trains* on intercity rail routes in operation today."

With your permission, I should like to address my remarks to that second point first:

This proceeding is being conducted under the authority of Section 13-a(1) of the Interstate Commerce Act. That section of the Act was inserted by Congress in 1958, in order to give the Nation's rail carriers relief from the situation in which they then found themselves wherein they could only discontinue unneeded passenger service on consent of State public-service commissions—consent that most such commissions refused to grant.

At that time, with the rapid post-war growth being experienced by other forms of passenger transportation—a growth rate, it is only fair to note, that was accelerated by large doses of supporting public funds—the railroads were facing a serious financial problem; and the Congressional response was remedial in nature.

If railroad management at that time had used the 13-a procedure to divest itself of its clearly unneeded and financially-burdensome passenger routes, while at the same time aggressively seeking to preserve and promote those intercity routes that gave promise—through their inherent advantages over other forms of travel; advantages that, I believe, are becoming more apparent every day—railway passenger service in this Nation would not, today, be in its death throes.

Though this may very well now be only academic, I believe it to be true that, instead of grasping that opportunity, railroad management since 1958 has consistently and persistently sought to divest itself of *all* rail passenger service as fast as it could. Management rationale behind this conscious or unconscious decision has seemed to follow two lines of argument, as described in a 1966 magazine article by William V. Shannon this way:

"The railroads and their apologists usually offer two arguments in behalf of their retreat from passenger service. First, they contend that just as the railroads supplanted the stagecoach and the canals in the last century, it is inevitable 'progress' that the faster airplane and the private automobile should now replace the railroad in the transport of passengers. There is no public right or necessity, they argue, why the travelling public is entitled to the maintenance of the older, slower mode of transport. Secondly, they contend that it is purely a matter of economics involving prices, profits, the allocation of resources, and a railroad's duty to its stockholders. If freight is more profitable than passengers, then that is a signal under the capitalist system that freight should be expanded and passenger service cut back."

Mr. Shannon then examined and commented upon these arguments in this fashion:

"If railroads were disappearing or becoming outmoded, as the stagecoaches were, and if railroads were, like a corner grocery store, merely private enterprises with no large social costs involved, these would be compelling arguments. As it is, they are merely proofs of the superficial, haphazard manner in which the debate over transportation policy has been conducted. *A necessary, valuable, and highly desirable portion of a balanced transportation system is being abandoned in a fit of absence of mind.* It is a decision that the public and government policy-makers will keenly regret in the near future, perhaps as early as a decade from now."

Mr. Examiner, on the day after I appeared in Binghamton, in August of 1966, to protest the discontinuance of the "Phoebe Snow," the House of Representatives voted—my vote being in the affirmative—to create a Federal Department of Transportation.

Originally proposed in the 1880's, recommended in 1946 by the Hoover Commission Task Force on Transportation, such a Department was not created by Congress until 1966. Even so, I took hope in such late action for, as I said that day in Binghamton, this step could ". . . signify a new framework and a new posture on the part of the Federal government; a willingness, at last, to look at our many interrelated transportation problems in a *comprehensive and balanced* way and, I would hope, a willingness at last to grapple realistically with them."

It would be a gross understatement to merely say that I have been disappointed by the absence of follow-on administrative or Congressional action in that direction since then. For I am literally appalled at the fact that this Nation that prides itself on its technical competence, and that can place men on the moon and bring them safely back, still cannot somehow get to work on developing the framework for a balanced *national transportation system* of which, I am convinced, fast, safe and efficient railway passenger service on intercity routes like this one will have to be an integral part.

Mr. Examiner, I am not merely making a "speech," though it may have sounded like it.

Instead, I am arguing that the 13-a procedure—that Congress ought long ago to have reviewed and revised by at least placing the burden-of-proof in cases such as this on the *carrier* instead of an ill-prepared public—*has* been abused, and *is* being abused, and that the eventual result, sooner than we think, will be the end of *all* railway passenger service anywhere in this Nation.

The statistics proving that possibility are dismal to contemplate. I don't have the figures for Elmira, as far as this company is concerned, but as late as 1963 the neighboring city of Binghamton, New York—the largest in my Congressional District—was served by 14 daily Erie-Lackawanna passenger trains; now it, like Elmira, is down to these two.

The national trend is equally obvious; as Mrs. Brown points out in her aforementioned

letter to Senator Magnuson, during 1968, intercity passenger miles decreased 20 percent from 1967—the largest relative decline in any year since the post-war era began. And then, in behalf of the Commission, she quite properly warns that ". . . without a majority change in Federal and carrier policies, significant segments of present intercity service to points outside of high density population corridors will *not* survive the next few years."

Though I shall do all I can to encourage Congress to so act as not to permit this to happen, my efforts of the past several years in that direction have been unavailing and I am not optimistic about the immediate future insofar as corrective legislative action is concerned.

However, Mr. Examiner, I would further argue that the 13–a procedure is being *used by the railroads* in a manner *not contemplated* by Congress at the time of enactment of such section, and that, despite the precedents you must face, you have sufficient authority under 13–a *as it stands* to examine that question of "public convenience and necessity" in something *more than a short-term light.*

The company has probably already established the fact that these two trains are not much used by the public. I would not question that fact, though I would question what the company has done, if anything, to make this service attractive and competitive, and to promote its use in ways it would if it had any intention of trying to stay in the passenger business.

And I would argue that—even if you should find that the continuance of these trains is not required from a standpoint of immediate "public *convenience,*" as based on their lack of use or the availability of alternative methods of travel—you could still find, under the authority of 13–a as it now stands, that the continuance of these trains was nevertheless required from a longer-ranged standpoint of "public *necessity*" on the grounds that they are part of the base upon which an important and integral segment of a *viable, national railway passenger system* will, in the near future, have to be built.

Such a finding on your part would, I know, be of a "landmark" nature—similar to that made by your colleague, Examiner John S. Messer, over a year ago in the still-pending Southern Pacific case—but I invite you to consider it, for it would perhaps stir Congress into action at least to the extent of authorizing the kind of study that I and numerous colleagues of mine in both the Senate and House have urged, as does the Commission itself, to determine (again borrowing Mrs. Brown's phrase) what "minimal network of passenger service is to be preserved," and how the same is to be financed for, obviously, the carriers will need Federal assistance of some sort.

And such a finding on your part, if followed in other, pending "last train" cases could at least also hold together the skeletal framework of that essential, national network during the period required to complete such a study, which should not be more than a year.

Pending your decision on this point, however, permit me in my remaining time to revert to the *other* item I called to your attention near the beginning of these remarks: The Commission's recent decision in that Norfolk and Western case.

For that has reference to the other point you must consider under 13–a in this proceeding, which is whether or not the continuation of these trains constitutes an undue burden on interstate commerce. I understand—though I have only had the benefit of newspaper clippings in this respect—that the company claims a potential loss of $1.7 million annually if the trains continue to operate.

That is a substantial figure, and I am sure you will examine carefully into its accuracy for, as the Commission's report I mentioned on cost-ascertainment methods indicates, there are numerous and uncertain factors involved in arriving at a true cost-saving figure in these cases.

Even so, whatever the final ascertainment, the Commission stated in the Norfolk and Western case that the *"overall financial condition"* of the carrier is to be considered, and in that instance went on to say:

"The losses being incurred from the operation of these trains while not insubstantial, are not so great when considered from the overall prosperity of the carrier as to create an undue burden on interstate commerce. And *this is particularly true* when it involves the *last passenger train* of the carrier in the service area.

"A substantial need for the service might justify the continuation of the service *even if* it were performed at a substantial loss to the carrier."

I have not been able to obtain as full information about the overall financial condition of this company as I would have liked. But I understand it has reported, for the first six month of this year, total operating revenues of $126,596,656 as against operating expenses of $97,682,091—a margin of nearly $29 million—and a net railway-operating income (after taxes, etc., apparently) for the same six months of $8,694,671.

The Erie-Lakawanna has not been noted for operating in the "black" but, evidently, it now is, for which my congratulations to its new management—but, in addition to that, which should bear upon its ability to at least continue these trains for the one-year period the Commission can order, it would also seem to me that consideration should be given to the fact that, since April 1, 1968, all of the Erie-Lackawanna's outstanding common-stock has been held by Dereco, Inc., a holding company formed by the normally-profitable Norfolk and Western Railway Company. I now tread into unfamiliar legal and accounting waters, but in determining the *actual* burden on interstate commerce that continuation of these trains may pose it would seem logical to me for the Commission to weigh the claimed loss figure of $1.7 annually against the overall prosperity of the larger and complicated corporate structure of which this company is now but a small part. I do not know what the precedents may be in this respect, but where a clear public interest is involved it would make sense to me, at least, to weigh that against the largest possible commercial interest also involved in order to determine the nature of whatever true "burden" on interstate commerce may exist.

Mr. Examiner, in again thanking you—and counsel—for the opportunity to make this statement, let me again say that I believe this to be a most-important matter, and one transcending in potential importance the immediate needs and convenience of those who presently ride these trains, or those who serve them as employees of the carrier.

And it has that potentiality precisely because, as former President Johnson said in urging creation of a Department of Transportation, "In a nation that spans a continent, *transportation is the web of union.*"

Whatever the event in this proceeding, by the year 2000—30 years from now—the population of that Nation will be close to one-third of a billion. We may think we have transportation problems now, with our clogged highways and our nearly saturated airways, but those problems will be as nothing as compared to those we will encounter in that year of 2000—and we had best begin to prepare to meet those problems now.

I could think of no better beginning point that the one here presented to us all—representatives as we are of the Federal, State and local governments, of free-enterprise with all its inborn vitality, and the general public that both are intended to serve.

As the gentleman also knows, since I believe he, too, is a cosponsor of the so-called Skubitz bill, that proposal would shift the burden of proof, relative to public convenience and necessity in "last train" cases from the public to the railroads, where I believe it properly belongs, and would also authorize the kind of study in depth of this entire problem that even the ICC has now asked for, and on which I believe work should have been begun long ago.

Finally, if my friend will again permit, I would like to call his attention and that of the House to H.R. 13311, as introduced by the gentleman from Connecticut (Mr. WEICKER), and myself and several others. Though this proposal—to establish a comprehensive program of Federal assistance to all forms of transportation in the United States, and one Federal transportation trust fund—cuts across some long-established jurisdictional lines here in the Congress, and will run full tilt into all sorts of arguments and counterarguments as between the supporters of the presently competing modes of public transportation we have available, I think the idea behind it makes eminent good sense and, in the long run, may be our only route toward establishing a truly coordinated, national transportation system. This particular proposal has gone not to the gentleman's committee but to the Committee on Ways and Means; nevertheless, I would hope that the gentleman would interest himself in it, and that those of us who see merit in it could count on his help in also moving it along toward early congressional consideration.

On September 13, the Washington Post spoke editorially in favor of this sort of an approach and, again, if the gentleman would permit, I would like now, Mr. Speaker, to have that editorial also made a part of the RECORD at this point:

PUBLIC TRANSPORTATION AND THE AUTOMOBILE

If any one thing symbolizes American life in this part of the 20th century, it has to be the automobile. The number of cars and trucks on the highways has doubled since 1950. There are now half as many vehicles in the country as there are people and the number of cars and trucks is increasing each year more rapidly than the number of people. The inherent love of most Americans for mobility has helped to cause this automotive explosion and has fed on it; the desire and the need of Americans to travel easily and quickly has never been greater, yet the ability to do so by public transportation is deteriorating steadily. The airways are crowded to the danger point, mass transit systems in the cities are in a state of chaos, and railroad passenger service is on its last legs. Even the highways, despite the outpouring of federal funds in the last 15 years, are becoming more rather than less crowded.

All of which is more than enough reason for Congress to start thinking about the need for the federal government to support in practice as well as in rhetoric the development of a balanced transportation system in the country. The creation of the Department of Transportation was, no doubt, a step in that direction. And the Nixon administration has proposed two major bills this year in an effort to make a start on such a program. Neither of these bills is adequate—one would provide $5 billion over 10 years for airport expansion and air traffic control systems while the other would provide $10 billion over 12 years for urban mass transit—and each ought to be regarded only as an interim step in what is really a battle to retain some measure of mobility.

The key to retaining that mobility is the Highway Trust Fund, created in 1956 to pro-

vide for the construction of the Interstate Highway System. That fund is now taking in about $5 billion a year from taxes on gasoline and other automotive products, all of it earmarked exclusively for improvement of the highways. This fund has produced a great highway system which will have cost more than $50 billion when it is completed in the mid-1970s. But while solving that part of the transportation problem, this expenditure of funds has helped create some of the crises that exist in other parts. Automobiles, more than airplanes, are killing passenger trains. Automobiles, despite outrageous parking rates and jammed highways, are killing urban transit systems, as well as polluting the air over urban areas. In time, automobiles will kill themselves since the nation's fleet is now large enough to fill the 41,000-mile interstate highway system bumper to bumper and is growing each year by enough to fill a two-lane highway bumper to bumper from Washington to Los Angeles.

The only program that makes much sense out of this situation is one in which the Highway Trust Fund, augmented by the user taxes on airplane and other kinds of travel, is turned into a transportation trust fund. With such a fund, and the authority to spend it on highways or airports or mass transit systems or railroad service, the Department of Transportation could begin to produce a balanced transportation system. Without it, either the taxes on automobile users will be reduced and the funds essential to underwrite other modes of transportation will have to come out of income-tax revenue or the country will just keep on building highways at a $5-billion-a-year clip until there is no more space to build them or no more air to breathe. It seems fair to think of cars as just one part of a transportation network and it is time for Congress to regard them as such and get over its sacrosanct attitude toward the Highway Trust Fund.

Mr. ADAMS. I thank the gentleman. He has made an excellent statement. I will later, in my remarks, join with him in his three-pronged approach to the problem.

The gentleman is precisely correct. In addition to the ICC correction which must be made by this bill, we must also change the train discontinuance bill. I have joined with the gentleman from Kansas (Mr. SKUBITZ) on this.

I have also introduced a bill to subsidize by Government buying and leasing to the railroads passenger train cars.

One might say we are creeping up on it because of the difficulties the gentleman pointed out on competing modes refusing to allow any type of bill that would put altogether in one pot the Federal moneys to aid the whole system.

But it has to come. We cannot, with the population explosion and the concentration in the cities that we have, rely on individual automobiles and the present airways to carry the population, particularly in the areas of 300 to 500 miles and in the corridors that exist between here and New York, New York and Boston, and New York and Chicago. This is so simply because we cannot mechanically do it. Some type of mass intercity surface transportation is the only answer.

Mr. Speaker, I am very pleased that the gentleman made the statement he did because it highlights the unity of the three parts that have to be created here; namely, regulation, assistance, and discipline, all at the same time.

Mr. ROBISON. Precisely so. And I appreciate the gentleman's further remarks.

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

Mr. ADAMS. I yield to the gentleman from Texas.

Mr. ECKHARDT. First let me say I want to compliment the gentleman in the well, the able Member from Washington, for introducing the bill and thank him for making available this opportunity for many of us to express our views in favor of the position he has taken.

The gentleman from West Virginia indicated that he was not able to give specific instances involved because the parties who were involved would thus be revealed. I have one instance which I have no difficulty giving information on because it was one of the many instances in which I have been involved. I know that basically the difficulty in this situation has been that the railroads have been in a position to downgrade their own service and then show that their service does not make money and then cease the operation on that particular line.

I recall at one time leaving Denver after attempting to get the railroad station on the telephone for 45 minutes. I was ultimately able to get a ticket at the station, and I also noticed when I got there why I could not get in touch with them. It was because the receiver was hanging down over the waste basket.

Well, when I walked to my railroad car, I found that the temperature there was 95° in the pullman. I asked the porter is there anything that can be done about the temperature. He said, "The train has been in the yard, and as soon as it leaves the temperature will go down." So after we passed a station 30 miles down the road toward Texas I went back and looked at the thermometer and it was still reading 95°. I found the porter and asked him, saying "We are 35 miles out, and the temperature is still 95°." He said, "No. It cannot be." I said, "Why?" He said, "Because we are out of the yard." So it was necessary to prop the stool that you get off the train on in the doorway and permit zero-degree temperatures to come in the bottom of the pullman car. Thus, by alternately standing on the seat and sitting on the floor it was possible to get some comfort.

If the Interstate Commerce Commission cannot do anything about this, then they can do nothing about the train companies going out of business. It is precisely, as an old lawyer friend told me on the occasion of a person being disbarred in Austin, Tex., who was a little bit soft on the bottom—"He had disbarred himself 10 years ago." I think that is precisely what is occurring in the railroad business.

For these reasons, Mr. Speaker, I strongly concur with the gentleman's bills and wish to support him. I wish to join him in introducing them and in every manner support the position he has taken.

I thank the gentleman again for yielding.

(Mr. HUNGATE (at the request of Mr. ECKHARDT) was given permission to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, the many letters from my constituents in Missouri's Ninth District reflect the need for adequate rail passenger service. Rail passenger service is the best means of transportation for many people in Missouri and in numerous States. Standardization of adequate rail passenger service would be mutually beneficial to the public and the railroads. This would offer immediate relief to those already affected by deteriorating service and would provide encouragement for many to travel by railroad. The railroads could once again prosper in providing a vital service to American passenger transportation.

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

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

Mr. McCLURE. Mr. Speaker, America is facing a crisis in its rail transportation industry which can no longer be ignored. In the past few years, hundreds of rail passenger trains have been discontinued. I rise to speak today both in defense of the railroad industry and in the defense of the American public. I hope, in the long run, that any action taken by this body does not force its Members to side against either interest. The plain and simple fact is that at this time, Congress simply does not have adequate information on the problem to take sides.

Because we lack this information, I was among the earliest sponsors in the House of Representatives who authored legislation calling for a thorough study of the problems involved in rail services. My legislation differs only slightly from the intent of many other proposals, in that it invites the participation of the National Association of Regulatory Utility Commissioners, a non-Federal body. A provision of my proposed House Concurrent Resolution 143, and similar legislation authored by my colleagues, calls for a moratorium on further discontinuances until this matter can be given the in-depth study it so heartily demands.

I think both sides of the issue must be made perfectly clear to the American people, since through their elected representatives, they must ultimately decide the fate of railroad service in this country.

Federal regulation of the railroad industry is not new. The Government encouraged the railroads to expand during the early days of our history by offering land grants. It was felt that this industry provided a public service not only in transportation, but in terms of communication, economics, and national security. In the early 1900's growing pains of the new railroad labor unions broke into nationwide violence. Again, the Federal Government stepped in with an injunction against the striking unions. It was said by the Attorney General of the United States that the strikes could not be allowed to continue, bringing devastation to the national economy.

Convinced that the security of the country rested in part in the functioning of our railroads, the Federal Government long ago brought it under its wing as a regulated utility. Since that time, railroads have been allowed to operate as a monopoly within their own regions. Under Federal guidance, these regional units have been made to function as a nation-

wide network in the best interests of the general public.

The first question, then, is whether we can require the railroads to operate at the great losses to which they have sworn in Interstate Commerce Commission hearings. I am sure that we all agree that the Constitution does not allow any man to be required by his Government to work at a job which offers no reward.

But, again, we have the other side of the question. Are the railroads suffering economic hardship in the continuance of passenger service? It has been said that the costs of passenger service presented by the railroads are highly inflated. I am certainly in no position to make that charge on the basis of personal knowledge, but I feel that we must find the truth.

Serious charges have also been laid that the railroads have been negligent in their responsibility of providing adequate equipment and service. Some feel that the railroads have deliberately tampered with passenger schedules in an attempt to make rail passage as difficult as possible for its users.

If this is true, no wonder that boardings have decreased, giving the railroads leverage in arguing for discontinuance.

There is no question in my mind that equipment and service on the passenger trains does not meet the high standards of 20 years ago. At one time, you traveled in a comfortable chair or Pullman and looked forward to well-prepared meals in the comfort of a luxurious dining car. Today, most passenger cars are old and uncomfortable. The only available meal in many cases is a prewrapped sandwich at an exhorbitant price. Faced with such service, it is no wonder that people hesitate to use rail transportation.

We must, then, determine the actual demand for rail passenger service. Is it true, as the railroads assert, that people no longer wish to travel by rail? Or has deteriorating service and equipment driven them away? If service and equipment is improved, will the demand for passenger service increase? I hasten to point out that the problem here is not solely caused by management. Labor must also assume some responsibility for the "service with a smile" which has been a byword of successful American enterprises.

I know from the letters I have received from my Idaho constituents that the proposed discontinuances would bring real hardship to many areas of the State. People are dependent upon the trains to travel from their rural areas to their county seats or major market centers.

Competition from other transport industries, has, I am sure, taken its toll on prospective rail passengers. However, we must give attention to a recent European study. Its results show that people are willing to travel up to 400 miles by rail. While we can continue to expect air service to carry people on long trips, an efficient rail network could conceivably bear heavy traffic to and from less distant points.

There is another Federal relationship to this problem which has not been adequately explored. The Post Office Department has removed most of its mail transport service from the railroads because of alleged unreliability in time schedules. The railroads claim that the loss of these postal revenues has necessitated many of their proposed discontinuances. We need to determine whether we can and should reinstate some mail transportation on the railroads. A Federal rail subsidy has been proposed in Congress, but mail contracts may well provide the necessary revenue to continue passenger train operations. Perhaps in upgrading rail transportation through mail contracts, we can travel the full cycle—passenger trains will improve to the point where they can deliver the mail on schedule.

Mr. Speaker, what I am asking for today is an evaluation of the most practical means for preserving essential railroad passenger service and a study of the role of railroad passenger service in meeting America's growing transportation needs. We must have an inventory of the present passenger trains still operating, the quality of these trains, and the scheduling of connections within each region. It is important that an evaluation be made of the adverse effects that a single train discontinuance can have on a region and upon national service. We must determine the relationship of regional needs and the national network of railroad service. In the event that the level of rail passenger service determined to be in the public interest cannot be made self-supporting by mail and passenger revenues, we must determine the method of providing the necessary funding.

And, most important, we must intercede for the time being with a moratorium on further railroad service discontinuances until we can determine the future of rail service in this country.

The ICC has clearly indicated the need for a study and I believe it must relate to all forms of transportation, and not just rail transportation. The recent decision of the ICC regarding their power, and the power of State regulatory agencies, underlines that necessity. It is heartening to note that hearings have been set in the other body on this problem. I believe it is urgent that we in the Congress act now. We have in recent years dedicated billions of dollars to development of highways. We are faced with the critical necessity of protecting public safety in our airlines. We must determine the function of the railroads in passenger transportation.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

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

Mr. VAN DEERLIN. Surely one of the most important aspects of maintaining passenger support and passenger interest in transportation is the ability to get where you want on true schedules and to be able to make connections.

Mr. Speaker, I hope I will not be considered unduly parochial if I direct your attention to an area in southern California. I know some of my colleagues were surprised that we do have railroads in southern California. You think of us particularly in terms of freeways and throughways. But, we once had a very good systematic way of getting in and out of the Los Angeles area and making connections north and east.

Mr. Speaker, I obtained a schedule recently—and this is a real achievement in itself. Schedules are not easily available. If you try to get the information over the telephone, you wait until it has rung 24 times and then you dial and try again.

I should preface all of this with the fact that the problems of the railroads are problems with which we must deal because they will be inimicable to the public interest if left unsolved.

But, this schedule which I obtained shows the absolute deviousness of the railroads in arranging schedules that will permit passengers to miss rather than make connections, and often by as little as 5 minutes, just to add an extra measure of frustration, I suppose.

This schedule shows the San Joaquin Daylight arriving at 7:50 p.m. in Los Angeles. The San Diegan train No. 78, the last rain to San Diego, leaves at 7:45 p.m. In other words the last train of the day leaves for San Diego five minutes before the arrival of the Coast Daylight train from the north. So, if you lived in Fresno and were going by train to San Diego you would be obliged to spend the night in Los Angeles and then continue by rail at 7:30 a.m. the following day. Some people look upon a night spent in Los Angeles as a night gained while there are others of us who look upon it as a night lost.

The Coast Daylight arrives from San Luis or Santa Barbara at 8:05 p.m., while the Super Chief-El Capitan has already left for eastern points at 7:30 p.m. So you miss that train by 35 minutes. Going northbound from San Diego, we used to have a 6 a.m. departure which put one in Los Angeles at 8:45 a.m., time for a business day and time to catch the Daylight when it left at 9 a.m., I believe, in years past. Now the train leaves San Diego at 7 a.m. and arrives in Los Angeles at 9:55 a.m., connecting with virtually nothing because U.P.'s City of Los Angeles leaves in the early afternoon.

Mr. Speaker, this is something that the ICC ought to be able to do something about. The agency ought to be empowered to tell the railroads that with all their problems, they cannot be permitted to compound their problems by deliberately discouraging passenger traffic.

This is only one small facet of the larger picture, But since it is something that this legislation will address itself to, I am an enthusiastic cosponsor of the legislation. It is my further hope that we shall be able to get hearings before the Committee on Interstate and Foreign Commerce and have legislation on the floor of the House very soon in order to at least give the ICC the powers it requires if we wish to deal with this great problem of national importance at an early date.

Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. ADAMS. I thank my distinguished colleague for his contribution.

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

Mr. ADAMS. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, I wish to also commend the gentleman from Washington for spearheading this par-

ticular special order so that we can bring to the attention of the American people this existing condition of poor passenger railway service.

In my part of the country, despite the deliberate attempts by the railroads to discourage passenger traffic, there is a lingering affection for this type of travel. Until the railroads came some 88 years ago, the westernmost part of Texas was one of America's last frontiers. The city of El Paso burgeoned from a border village to one of the commercially important cities of the west. Along the lines of the Southern Pacific, the Texas & Pacific, and the Santa Fe, the railroad towns grew up, and railroading became a way of life for many of our people.

Today, railroading presents a dismal picture in our area. Only one passenger train, the once luxurious Sunset Limited, serves my entire district. There is one eastbound train and one westbound train each day, and the Southern Pacific has asked the Interstate Commerce Commission for permission to reduce its service to three trains a week in each direction.

The railroads have cited decreased patronage as the reason for this decrease in service. They have cited the competition of the automobile and the airplane. But rather than attempting to meet this competition in the classic spirit of American free enterprise, the record shows that the railroads were, instead, eager to surrender just as soon as possible.

The Interstate Commerce Commission, in its decision denying Southern Pacific's request to discontinue the Sunset Limited entirely, gave this appraisal of the railroad's treatment of its passengers:

> The record is convincing that the Southern Pacific has deliberately set out to discourage existing, as well as new, patronage of the Sunsets by reducing what was once a convenient and comfortable railroad passenger service to a slow, unreliable, uncomfortable train without sleeping facilities, with only rudimentary dining facilities; a train on which a seat cannot be reserved, arrival and departure times cannot easily be ascertained by telephone, or by printed schedules because they are often unobtainable, and a train for which adequate station waiting room is frequently lacking.

To use a railroad aphorism that has become a part of our daily speech, "That isn't any way to run a railroad." This judgment by the ICC came after a blistering condemnation of Southern Pacific passenger service by Interstate Commerce Commission Examiner John W. Messer. It was partially because of the many complaints to the ICC submitted through my office, and because of my numerous communications to the Commission, along with many other complaints along the entire line from Los Angeles to New Orleans, that this investigation of the adequacy of passenger service on the Southern Pacific was launched.

The investigation itself broke new ground for the Commission and Examiner Messer's finding was hailed as a landmark in railroad history. For the first time, it seemed that the Interstate Commerce Commission had decided that, in order to qualify as a passenger train, a train should meet certain standards. Examiner Messer evidently felt that to deny passengers such elementary facilities as dining and sleeping cars along the weary trip from New Orleans to Los Angeles was somewhat uncivilized. He ordered, subject to approval of the Commission, that Southern Pacific be found in violation of the Interstate Commerce Act and that it be ordered to institute certain reforms: principally that dining and Pullman service be restored, and that passenger trains run at least as fast as the fastest freight trains on the line.

The Interstate Commerce Commission studied its examiner's record for more than 15 months—and finally came up with the decision that it had no authority to enforce his findings. The present Chairman and the immediate past Chairman of the Commission dissented from this ruling, but the majority of the Commission called upon Congress to give it the authority they feel it does not have—to require standards of adequate passenger service. Mr. Speaker, I am glad to be numbered among those Members of Congress who are introducing the legislation the Commission requests, and I would urge that the appropriate committees take the action that the problem demands.

The increase in every form of transportation is creating a national challenge that must be met. Our highway system in many areas is often overcrowded to the extent of stagnation. Our airways are so jammed with traffic that the Federal Aviation Administration has had to place a ceiling on flights in and out of the Nation's major airports. This is no time for the railroads to retreat to the 19th century in their service to the traveling public.

One of the impressive facts developed in the findings of Examiner Messer was that, despite the deterioration of service, people continued to ride the railroad in surprising numbers. If, by legislation, we can require the railroads to offer adequate service, I believe the solution to many of our transportation problems will prove easier.

The gentleman from Washington (Mr. ADAMS) comes from the West, as I do, from Texas, and as the gentleman knows it is a part of Texas that is somewhat remote by some standards.

As I stated, my part of Texas was developed by the railroad companies, over 80 years ago. Until that time it was a very isolated area, with marauding Indians who harassed travelers and even the State legislators at times could not get to the State capitol at Austin. The railroads came, and the community flourished. Today we have 375,000 people on my side of the border, and 400,000 on the other side. Much of this was due to the railroads.

As the gentleman knows, the railroads came there through inducement when they came in that great race across the country. They were given grants and have been given grants throughout much of Texas, much of which today is oil land, and this has enriched their enterprise.

To many people the railroads came by a contract with the American people to furnish passenger service.

Now, we still have remote areas. There are over 300 miles across my district. Some of these areas are not serviced by buses; some of them are, but the railroad is the link, the connection with more populated areas. If this last passenger service is taken off, the Southern Pacific, then my district will have no passenger connection by rail with the rest of the State of Texas, and to California—and they like to go to California, the west Texans like to go to California.

I have been in ice storms in west Texas, wherein all automobile traffic was at a standstill. So we waited for the railroad to come through. It is our one opportunity to get through when the highways are iced.

Another point that I think I should suggest is in view of the burgeoning population. There is a movement toward urbanizing society, and the countrysides are losing their population. That population is going to the cities, and this is compounding the problems in the cities. Now, here we have a problem which is aggravating the diminution of the population in our countrysides, by taking away from them another link from society itself. Country people are being further isolated by the removal of the railroads. If we are to slow the urbanizing process we must maintain full opportunity for the people in the countryside for good travel and communication facilities.

I think the bill that the gentleman from Washington (Mr. ADAMS) has sponsored is so important—and I incidentally have had drafted a companion bill today to give the ICC this power to enforce good passenger railroad conditions.

I might mention one other thing that I do not believe has been mentioned today, and that is that none of us I believe wants to nationalize the railroads. That is the very last thing we want to do. I know that it is certainly the last thing I would want to do.

But if private enterprise in railroading is going to succeed, they have to stand up to the test, and give the facilities and the services which they by the very nature of their role are dedicated and committed to do. If railroads continue with this process of lopping off service, then eventually some generation down the line is going to force nationalization of the railroads. I think the railroads themselves ought to look at what they may force the public to do. If the railroads continue to depreciate their service to the American people, somebody is going to think of this undesirable alternative.

Again I thank the gentleman in the well for yielding me this time.

Mr. ADAMS. Mr. Speaker, I thank the gentleman from Texas, and I am particularly grateful to him for mentioning the grants that were given to the railroads in the Western States.

I know in the State I come from the railroads were given every other section clear across the State in order to build the right-of-way. I know that they own tremendous amounts, for example, of timber and other resources, and we do not dispute this, but we feel also that there has been a contract made with the American people, as the gentleman stated so well. We have towns in the mountains; I know of one in particular, the little town of Lester, that has no connection whatsoever with the outside world for 6 months during the winter season.

Its only connection is by railroad. Now

they have stopped the railroad passenger service. I simply do not know what the people in that little town will do to get in and out during the winter.

I thank the gentleman for the very valid points that he has made.

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

Mr. ADAMS. I yield to the gentleman.

Mr. MELCHER. Mr. Speaker, an important discussion of America's passenger transportation needs is taking place here and throughout the country.

In my own State of Montana and throughout the Northwest the Northern Pacific seeks permission of the Interstate Commerce Commission to cease operating their Mainstreeter passenger trains. As for myself and the rest of the Montana delegation—we oppose.

The Northern Pacific points to financial losses in operating these trains and cites declining passengers—a situation largely due to deteriorating service, and difficulty in using the train. The need for these trains in Montana is a real need, they should be coordinated with mail and express services to improve them as well as passenger service.

I am sure many other passenger trains discontinued in other areas of the country have left blank spots in our transportation systems.

Yesterday President Nixon asked for congressional approval of the supersonic transport airplane to cost the taxpayers about $100 million now and more later—a total of $1 billion. The airlines are to put up only $148 million. The balance of taxpayers' subsidy is weighted heavily in favor of the airlines and those who travel by air.

On one hand, land transportation by rail is drying up. On the other hand, our highways are becoming so crowded and dangerous, partly because there is no adequate alternate passenger service, that we are being asked to appropriate ever increasing sums for freeways.

What the Nation requires now is a complete study and planning of transportation needs. H.R. 13832, sponsored by the able and distinguished Congressman, BROCK ADAMS and 77 others, including myself, is needed to guide the Interstate Commerce Commission on the quality of service on railroad passenger trains. H.R. 13588, which I introduced September 3, calls for a moratorium on passenger service discontinuances and the study of passenger service requirements we need to move wisely on transportation policy. These two bills complement each other and can provide the framework for the start of a national railroad transportation policy. The relationship we as a nation expect to maintain between automobile, bus, train, and airline should be evaluated. We have patchwork now. It is time to dovetail our efforts with all modes of transportation.

Mr. ADAMS. I thank the gentleman for his remarks, and particularly his remarks with reference to subsidy.

Senator TYDINGS in the other body, a number of other cosponsors and I have sponsored a bill to provide a pool of passenger cars which the Government would provide on lease to the railroads. If we are going to require industry to upgrade service, they will need help in the form of supplying passenger cars so that they will be able to maintain the service.

The authorization level in the Adams-Tydings bill is $195,000,000 over a period to end June 30, 1973. The bill also establishes a fund into which both general funds and lease payments from the carriers will be placed. This fund will be used to purchase and rehabilitate railroad passenger equipment.

We believe that the ICC is given authority under this ICC bill we are discussing today. We also go into the proposition of providing a pool of cars for them under the second bill I have just referred to. Third, under the Skubitz bill, in which a number of our colleagues have joined, we try to stop discontinuances at least at the point of the last passenger train between cities. We believe that with the three parts of this program it will enable the railroad passenger train service of the Nation to continue to exist.

I think that it is very important that we have a balanced system. We have highways, we have airways, we have railways, and all three of these are going to be necessary if we are going to move our population in the coming years.

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

Mr. ADAMS. I yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding. I am sorry I could not have been present in the chamber at the very beginning to hear all the remarks made on the gentleman's special order. It is timely and I commend the gentleman for asking for this time. Like all who have spoken, I am deeply concerned about the potential loss of railroad passenger service. I support the measure which the gentleman has introduced which would grant authority to the ICC to establish a quality of service as one possible step in halting the decline in passenger service.

I happen to be a Member, incidentally, who believes that the ICC was correct in the ruling that the agency did not at this particular time have the authority to rule on the quality-of-service question. But granting the authority to establish quality of service on the passenger trains and its exercise may give us some of the answers we need for the future of railroad passenger service.

But standing alone by itself, I doubt that it will reach the root of the problem or at least go to the heart of the problem. I hope to comment on that point as I go along.

The question of adequate passenger service is one which is broad in scope. The ICC and, indeed, any other body which takes an independent look at rail operations must realize that the question of profitability of certain passenger service does not hinge merely on the actual passenger revenues but also on how those revenues might be increased through varying levels of passenger service.

Whatever the causes, passenger train losses now are real and they are substantial. Simply to tell the railroads to run them as we have proposed to do by this bill, in a sense, or how to run them without regard to cost or results or without going further in some degree is not practical or realistic. In other words, I believe the step before us is in order, but I do not think that we should let this be the sole step that we hope to take at this time. As you know, the railroads themselves are asking for reimbursement of losses sustained on passenger trains which they are required to keep in operation as public conveniences. Bills are pending which would authorize the purchase of equipment to be rented by the railroads. Ground transportation master plans are proposed, and other changes in train discontinuance and procedures are suggested. We are continuing our effort to push high-speed ground transportation research and development.

I mention these matters because I think the time has come for Congress to take a broad and comprehensive look at present and future passenger train service and to take action accordingly.

Today, if the gentleman will yield further, I saw a release that was issued by the Department of Transportation, by the Secretary of that Department, the Honorable John Volpe, in which he said that the results were encouraging today, that more people indicate that they would ride the trains if they had good, fast, suitable conveyances, and I think that is true.

The point I want to make is that I think the climate is right. For the first time in at least the last 2 or 3 years I believe the Congress, management, labor, and all aspects of passenger train service and the industry would probably be anxious now to see something done. I hope the Department of Transportation does something. I hope the Department undertakes the ground-speed research project that we authorized nearly 2 years ago. They have done nothing about selecting a site or anything about it.

To pass this bill—and I think we should—is not alone enough action to take. It seems to me we ought to try to combine various pending bills relating to some four or five different approaches that are now before the Congress.

For the first time I think we can do something meaningful for passenger service, if we really tie it together. I would hope we would do that. I would hope the gentleman would either help advance other bills or join with us as we try to find answers, and not just on the quality of service.

We must realize, as I am sure the gentleman in the well realizes, if we pass this bill—and I hope it passes—this means the next step would be that we, having authorized quality of service, then must decide what we are going to do to get the right kinds of trains—fast conveyances, up-to-date trains, with good roadbeds, and no road crossings.

We may have to enter into the matter of subsidy, or a combination of approaches. The railroads may ask the same type consideration we give to other methods of conveyance. But we are at a point where, if we take this first step, others may follow. While I am for this first step, I think we are committing ourselves to a course of action, and we should face the fact that and we will have to face it again further down the road.

Mr. ADAMS. Mr. Speaker, I thank the

gentleman from Texas. I agree with the gentleman. We will be proceeding on that. I will support the gentleman's efforts on the committee to see that we do have a combined approach.

Mr. Speaker, I thank the Members for their participation.

THE ICC SHOULD ACT TO PROTECT THE PUBLIC INTEREST

Mr. HOWARD. Mr. Speaker, the charge is often made that regulatory agencies are really the captives of the industry they are supposed to regulate. The recent decision of the Interstate Commerce Commission in the Sunset Limited Adequacies case gives credence to this charge. The ICC, voting 7 to 2, overruled its hearings examiner and said that it did not have the authority to set standards of service for passenger trains.

This amazing and unfortunate decision, which in my opinion flies in the face of the clear language of the Commerce Act, will allow the railroads to continue their policy of systematically downgrading passenger trains in order to drive passengers away. This policy inflates the passenger deficit, and allows the railroad to claim the passenger has deserted the trains. Did he desert or was he deliberately driven away? The Metroliner certainly proves that a good, modern train will be heavily patronized.

There is one extraordinary statement in the ICC's decision which I would like to bring to my colleagues' attention:

> Implicit in a common carrier's duty to furnish transportation upon reasonable request therefore is the duty to provide a reasonably adequate level of service. The railroads concede that section 1(4) incorporates into the statute carrier obligations under common law, and, though this commission does not have the jurisdiction to enforce those obligations, that the common law required a common carrier to provide safe and efficient service to the travelling public.

What this amazing piece of doubletalk means is that the ICC thinks that the railroads have a clear obligation to "provide safe and efficient service to the traveling public" but the Commission refuses to use its authority to insure that the railroads live up to this obligation. To me this is an abdication of its responsibility to protect the public interest. The ICC must be more than a mechanism for granting freight rate increases. It should take an active role in protecting the forgotten man of transportation—the rail passenger. Since the ICC refuses to acknowledge that it has authority over pasenger service standards under present law, as I and many others believe it does, I think that Congress should swiftly pass clarifying legislation, making it doubly clear that they do have this power. In this way, the Congress will make clear to the Commission and to the railroad industry, that the American public expects the safe and efficient passenger service which the law clearly calls for.

Mr. PELLY. Mr. Speaker, as a frequent cross-country train passenger, I can speak on the subject of railroad standards objectively and with first-hand knowledge.

But, I also realize the problems facing the railroads in trying to maintain passenger service, and indeed I favor the Government aiding in solving these problems.

The end result, however, is that some lines are making an effort to keep clean, dependable passenger service available; there are those that appear apathetic to the needs of the passenger; and there are others whose apparent intent is to do away with passenger trains at the earliest possible time.

The point is that minimum standards are not present on many of the Nation's trains, and now that the Interstate Commerce Commission has indicated that it does not have the authority to regulate the quality of rail passenger service, legislation is imperative to resolve the problem.

I am anxious to see this legislation passed so that the ICC can be directed to establish a list of those trains that should be kept in service in the public interest. Without these intercity trains, there would be no need for provisions on standards of operation.

Mr. Speaker, rail service in America is vital. With our growth of population and the problems and congestion of major airports, adequate railroad passenger service is a necessity.

Yet, it seems as if petitions to discontinue a major passenger train are reported daily. I have asked the ICC to defer the discontinuance of any inter-city passenger train until Congress has a chance to consider legislation giving the ICC authority to compel railroads to continue essential passenger service.

I also am the sponsor of legislation which would establish a Commission on Passenger Railroads to make a full and complete investigation and study of all problems relative to the decline in the transportation of passengers by railroads and to recommend methods to resolve these problems.

In addition, I introduced legislation to authorize the Federal Railroad Administrator to set certain standards for the comfort, safety and convenience of railroad passengers.

Because of my intense belief that railroad passenger service that is clean, dependable and safe must be maintained in the public interest in America, I became a cosponsor of H.R. 13832.

CONGRESSMAN ANNUNZIO SUPPORTS AUTHORITY FOR THE ICC TO SET STANDARDS FOR RAIL PASSENGER SERVICE

Mr. ANNUNZIO. Mr. Speaker, the distinguished Congressman from the Seventh District of Washington, Hon. BROCK ADAMS, has taken a special order today in order to give Members of Congress the opportunity to discuss deteriorating rail passenger service in the United States, and I congratulate Mr. ADAMS for taking the initiative on this essential issue.

I was delighted to join Congressman ADAMS yesterday in cosponsoring legislation (H.R. 13919) to grant the Interstate Commerce Commission the authority to set standards for adequate rail passenger service.

Two weeks ago the Interstate Commerce Commission ruled by a 7-to-2 vote that the jurisdiction assigned to the ICC by Congress did not include the power to regulate the quality of passenger service.

The decision was the conclusion to a case involving five States' regulatory agencies which charged the Southern Pacific Railroad with intentionally downgrading rail passenger service on the Sunset Limited between Los Angeles, Calif., and New Orleans, La. The ICC examiner in the case, John S. Messer, recommended in April 1968, that the ICC order the Southern Pacific to improve the quality of its "Sunset" service.

The ICC's reversal of its examiner's recommendation clears the way for further deterioration of passenger service.

Passenger service conditions are already appalling, and the list of passenger complaints is endless. Both trains and stations are filthy. Trains are not on time. They no longer offer baggage service or sleeping and dining accommodations. Ticket and schedule information is difficult to obtain. The list goes on and on.

The ICC is aware that railroads do indeed deliberately downgrade passenger service, hoping that the public will desert rail travel so that passenger trains will be discontinued. Statistics support this contention. The number of passenger trains on July 1 was 513 compared to the 580 trains just 12 months ago.

The ICC, realizing both the deplorable conditions of passenger service and that the States have been unable to regulate passenger service effectively, has requested that Congress grant them jurisdiction over the quality and adequacy of rail passenger service.

The ICC has stated that it has no intention of forcing the carriers to spend millions on ultra-modern cars, but it does desire that reasonable standards of service, equipment and facilities be maintained.

Mr. Speaker, I do not believe that the ICC is asking too much to provide reasonable standards of passenger service for those Americans who desire or must ride the trains. It is in the public interest for us immediately to grant the ICC the authority to regulate passenger service.

Mr. OTTINGER. Mr. Speaker, I sincerely hope that today's discussion will mark the beginning of a movement to restore railroad passenger service to a position of full partnership in our national transportation program. Rail transportation in the United States has reached the point of crisis, and the time for action is fast running out.

In the last 10 years, the number of regular intercity passenger trains has declined to more than 60 percent from the 1,448 trains operated in 1958. Fourteen railroads have abandoned all intercity service. The railroads are making virtually no investment in new passenger equipment and the quality of service has never been lower. The Interstate Commerce Commission noted in its report for 1968:

> It is now becoming evident, however, that much of the service is deteriorating in quality, and, in some instances, that a purposeful downgrading of service may be taking place.

The ICC quite properly concluded that—

> In view of these trends, significant segments of the last remaining long- and

medium-distance intercity rail passenger service will not survive the next few years without a major shift in Federal and carrier policies.

Seemingly aware of the crisis, the ICC's exercise of its regulatory authority has been less than energetic. It recently awoke from its torpor to authorize the discontinuance of a few more of the country's best passenger trains—the Santa Fe's Chicago-Los Angeles streamliner, the Chief; the Chesapeake and Ohio's Fast Flying Virginian and the Washington-Cincinnati Sportsman.

The report of ICC hearing examiner John S. Messer in the Southern Pacific case was a scorching indictment both of the railroad and the Commission. It set forth an uncontrovertible chronology of the railroad's deliberate attempt to discourage passenger service and the Commission's abject failure to protect the traveling public.

The Messer report brought home forcefully the ICC's culpabality in failing to formulate and enforce minimum standards for passenger service while cooperating with railroad management's plans to concentrate instead on their more profitable freight operations. It reminded us of a fact which the Congress, the ICC, and many State regulatory agencies have overlooked for years: that railroads simply are not ordinary business firms, but rather quasi-public corporations endowed with enormous land grants and the power of eminent domain in order to perform a specific service.

The ICC, with only two commissioners dissenting, ruled on September 12 that it lacked statutory authority to set standards for railroad passenger service. That is why we are here today.

The Commission, in the Southern Pacific decision, asked Congress to give it authority to set standards for railroad passenger service. I still believe that the Interstate Commerce Act grants that authority, but in response to the Commission's request I have today introduced legislation which makes that authority clear.

My bill amends section 1 of the Interstate Commerce Act by adding the following provision:

The Commission shall prescribe, and from time to time revise, minimum standards for railroad passenger service applicable to carriers subject to this part. Such minimum standards shall be designed to promote the comfort, safety and convenience of railroad passengers. Any standard prescribed under this section shall become effective on the sixtieth day after its publication in the Federal Register.

The bill I have introduced today also adopts provisions of a measure introduced last week by my good friend and distinguished colleague, the gentleman from Washington (Mr. ADAMS). Those provisions amend five paragraphs of section 1 of the Interstate Commerce Act to include passenger service under the ICC's regulatory authority. While the provisions of the Adams bill are important refinements of the Interstate Commerce Act, I felt it necessary to specify the Commission's obligation to set standards of service for passenger operations.

The ICC recently proposed legislation broadening its authority in discontinuance proceedings pursuant to section 13(a) of the Interstate Commerce Act. This legislation was before the Committee on Interstate and Foreign Commerce during the 90th Congress but was not reported. I think it urgent that the 13(a) bills be considered by our committee at the earliest possible opportunity, and in conjunction with my bill and the Adams bill dealing with standards of passenger service. I am requesting the chairman to schedule these bills accordingly, and I am hopeful that we can complete action during the current session.

I cannot overemphasize the urgent need for action in this area. While the railroads would have us believe that passenger service has no future, the truth of the matter is that 98 million passengers, not counting daily commuters, traveled on intercity trains last year. And as highway and air congestion worsen, the need for expanded passenger service will become even more critical than it is today.

Congress and the administration must work together to see that a functioning, modern network of passenger railroads is established and maintained. We can make a start toward that goal by giving the ICC the authority it has requested, and seeing that that authority is fully exercised.

Mr. ANDERSON of California. Mr. Speaker, I am pleased to give the following statement in support of Congressman ADAMS' bill:

For many years the railroad industry depended upon passengers as well as freight for its source of revenue. As the number of passengers declined, the industry neglected the needs of the passenger in favor of the more lucrative freight service. This has resulted in a marked downgrading in services to passengers.

Who determines whether the conditions and standards of service offered to passengers are adequate? This question was raised in the Sunset Limited Adequacies case. In this case, five Western States, joined by the National Association of Regulatory Utility Commissioners—public State officials charged with regulating the railroads in the individual States—brought a plea to the Interstate Commerce Commission that the Southern Pacific Co., over a period of years, had allegedly downgraded its passenger train service between New Orleans and Los Angeles with the preconceived purpose of discouraging patronage and ultimately eliminating this service altogether. In effect, the States, by regulatory powers, are no longer equal to the task involved in the passenger service.

The hearing examiner of the Sunset Limited Adequacies case determined, contrary to previous Interstate Commerce Commission rulings, that jurisdiction over the quality of interstate passenger service was vested in the ICC.

Historically, the Commission's position has been, as originally set forth in Wisconsin Railroad Commission against C. & N.W. Railway Co., that jurisdiction to regulate the operation of passenger trains was not vested in the ICC. The ICC did not break precedent and ruled in the Sunset Limited case that it did not have jurisdiction "to pass upon the adequacy of the Southern Pacific Company's passenger service."

Thus, confusion as to authority apparently exists in the area of interstate passenger service regulation.

In order to insure that conditions and standards of services offered to passengers are adequate, I have cosponsored Congressman ADAMS' bill which will give the ICC the necessary authority to set adequate standards for railroad passenger service.

Mr. QUIE. Mr. Speaker, the rapid decline in the number of passenger trains and the quality of remaining service is of great concern to millions of Americans. I am happy to join in this effort to set a national policy in this matter and provide enforcement standards.

This country is in the midst of a transportation revolution. Actually, the situation approaches anarchy as authority is fragmented between various levels of government and regulatory agencies.

The expansion of the air transportation system and improvement of the highways in recent years has brought a major reduction in the traveling public's demand for rail service. To accommodate this fact, the Congress simplified the process leading to elimination of passenger service. The new procedure worked so well, there is little remaining passenger service except for commuter service.

The decline in service has now reached the point that further reduction will prove harmful to the national interest. Many people still prefer to use railroads for medium- and long-range trips. Others would use the service if it were good. When the ceiling is zero and the planes are not flying, there is a greater need for passenger service, particularly during holiday seasons.

Mr. Speaker, it appears to me as though the time has arrived when further passenger service reduction must be ended and a determination made as to the type of rail service which is needed by the traveling public. I trust the appropriate committees of the Congress will take up this problem immediately and recommend legislation to the House and Senate.

Mr. TIERNAN. Mr. Speaker, passenger service on railways throughout New England and much of the Nation is a disgrace. At a time when our highways are overloaded with commuters and our airways jammed with traffic, it is of utmost importance to the people of America that we have a comprehensive, efficient, national transportation system.

It is quite obvious, to anyone who takes the time to look, that there has been a rapid decline in the quality of rail passenger operations. It is imperative that if America is to find a suitable relief for the bedraggled passenger of the railroads, that only a massive and immediate change in governmental and carrier policies come about. America has reached the point where we are in danger of being unable to even preserve the minimal nationwide system of passenger service that we now have.

The Interstate Commerce Commission has pointed out that some carriers have abandoned any preference of responsibility to rail passengers. One could spend hours recounting stories of disgruntled passengers who have been frustrated by the poor passenger service on many lines.

A number of people point out that the condition of the cars in some trains ranges from bad to terrible. Anyone who travels the rails now can relate the fact that the coaches are too hot in the summer, too cold in the winter, and almost invariably behind schedule. There is often dirt and other trash in certain of the trains, lack of decent or any food service, as well as dingy and filthy stations for passengers. There are frequent reports of discourteous employee service.

The present passenger service is intolerable. Some trains do continue to provide reasonable passenger service, but the operation of many other trains has deteriorated to the point where the situation is plainly absurd.

For too long now we have let the question of profits for carriers stand in the way of quality rail service. The ICC has made it clear that the lack of profitability does not make rail service immune from the ultimate purposes for which the national transportation policy has been established. We cannot allow the rail carriers to escape their passenger carrying responsibility. Those lines that are now operating passenger service are obligated to provide adequate quality passenger service regardless of what may happen in the future.

We must move to assure that we will have a reasonably economical, safe and efficient passenger service. This must embrace such matters as the availability of seats, cleanliness, sanitation, proper heating and air-conditioning, and eating facilities.

Every day that the quality of rail passenger service is allowed to deteriorate, the demise of intercity service becomes more likely. I realize that the railroads cannot undo or reverse all of the conditions which have led to decline in the passenger service. They can control the adequacy of existing service. Yet it is painfully clear that some trains are being operated so as to force the public to desert rail travel.

The ICC has made it obvious that major problems do exist in rail passenger service as it now exists and that they have no power to solve this situation. This is why I am in support of H.R. 13832, for it will enable the ICC to put a stop to the practice of deliberately downgrading passenger service in order to drive away passengers. Through such a bill we can give the ICC the power to upgrade quality rail service. This can make rail passenger service a viable alternative to other modes of intercity travel. I do not want to see intercity rail passenger trains disappear from the American scene, for I feel that they can be of great service.

This bill, along with the Intercity Rail Passenger Service Act, will make a concerted effort to bring to passengers, quality service on the railways of the Nation. Carriers must rehabilitate the equipment that they now have, to insure that they will meet standards upheld by other forms of transportation. In addition to this, the carriers should plan to purchase new equipment. These two steps would cut down on the number of rail lines discontinuing their passenger service. Our bills will give the ICC the power to make sure that all passenger carrying railroads operating in interstate commerce be required to observe minimal standards respecting equipment, speed, sanitation, cleanliness, and other accommodations.

Mr. MIKVA. Mr. Speaker, the need for adequate rail passenger service in America is a problem which is quickly reaching crisis proportions. As our highways become ever more clogged and our airways ever more dangerously congested, the need for attractive, economical rail passenger service becomes ever more acute. For this reason, I am pleased to join my colleague from Washington (Mr. ADAMS) in cosponsoring a bill which would authorize the Interstate Commerce Commission to set standards for adequate rail passenger service. I consider this bill a corollary to H.R. 13352, which I cosponsored on August 6, 1969, known as the Intercity Rail Passenger Service Act, which would provide Federal money for the purchase of railroad rolling stock in order to make economical rail passenger service possible. With these two bills we have provided Federal money to make such service economically possible and Federal authority to insure that the quality of that service is adequate.

Whether the ICC was correct or not in its recent interpretation of congressional intent in the Messer case is no longer really the point. Whether Congress intended the ICC to have regulatory authority over rail passenger service or not, the Commission has not determined that it will not exercise that authority without an explicit delegation of it by Congress. Thus it is incumbent upon us who recognize the need for improved intercity rail service to make that explicit delegation of authority possible. This bill which my colleague from Washington introduces today on our behalf will do just that.

The railroads in America have played a dynamic and important role in the country's development. In the early days, they were the first to make transcontinental travel reasonably easy and economical, and with the benefit of large grants of Government land and other special privileges, they contributed significantly to the industrial and economic development of the growing Nation. But as rail passenger service became less profitable, the railroads determined that they would rather concentrate on the more lucrative areas of transporting freight and abandon passenger service where it proved economically unprofitable. We have all heard the explanations. Railroads which maintained their own rights-of-way were forced to compete with other forms of transportation which used public highways or airport facilities which were financed and built with tax dollars. Under these circumstances, the railroads maintained, it was impossible to run railroad passenger service at a profit.

Whether or not a failure to modernize rail passenger service operations—such as has been done in Japan—was a contributing factor to the inability to attract volume business is really now only an academic question. The quality, the volume, and the very existence of rail passenger services have today declined so far that it will require a major public effort to restore service to decent levels of quality and frequency. I believe that in the interests of the Nation, such an effort must be made. But as a part of that effort, the Interstate Commerce Commission must possess the power to regulate the quality—and not merely the existence or nonexistence—of rail passenger service. This is the only way in which such service can ultimately be made attractive enough to make it economical. In addition, if large sums of Federal money are to be expended to make rail passenger service possible, there must be Federal regulatory authority to insure that the money expended is properly used.

Thus, I support the effort to provide the ICC with regulatory authority over rail passenger service and am happy to join in cosponsoring that proposal, as I earlier cosponsored the Intercity Rail Passenger Service Act. If we neglect rail passenger service, we shall do so at our peril and to the great detriment of the Nation.

Mr. ZWACH. Mr. Speaker, at a time when we are on the threshold of a resurgence in the countryside, we are faced with the additional handicap of curtailed transportation facilites.

Rail freight and passenger transportation has deteriorated in some areas to the point that the public can no longer use it advantageously. Certainly it would seem that if the railroads were to push for freight and passenger service as other transportation services have, there would be no need for me to stand here today to request my fellow Congressmen to join me in giving the Interstate Commerce Commission the authority to rule on the adequacy of railroad service. Mr. Speaker, I am pleased to be a cosponsor of H.R. 13832.

Mr. SLACK. Mr. Speaker, this is a welcome opportunity to join in a general expression of concern for the future of passenger rail travel. It is a subject to which we are turning our attention none to soon. During the past 10 years we have all observed the steady erosion of rail passenger trains and the downgrading of service on those remaining. But nothing has arisen to take the place of the service the people have lost.

One of the basic characteristics of our growth as a Nation has been our mobility as a people. We have resisted all efforts to Balkanize our country, and we have been free to move ourselves, our families and our goods from one location to another in pursuit of opportunity anywhere.

But the cost of such movement is getting prohibitive, because our population grows but our internal transportation system does not. Our highway program barely keeps pace with the demands of vehicle use. Our airways are overcrowded, and we move very slowly toward an airport construction program which can hardly have an impact on the situation for 5 years or more. Our major urban areas are being strangled by a lack of rapid transit systems.

In these circumstances we must act to preserve the rail passenger service we have, and to encourage maximum efficient use of the rail rights-of-way, particularly around big cities and on certain major long-haul routes between them.

The recent ICC decision in the South-

ern Pacific case has brought the whole matter to the center of attention. The members of the Commission have concluded that they lack the authority to rule on the adequacy of rail passenger service. They have proposed that Congress pass legislation giving them such authority.

The members of the Commission are to be commended for laying the cards openly on the table, and I believe ICC Chairman Virginia Mae Brown has earned a special word of praise for the candid and forthright manner in which she has sounded frequent advance warnings of the gravity of the situation.

I will be happy to cosponsor the proposal to give the ICC authority to set adequate standards for passenger service, and to give it my full suppport. But I submit for the consideration of all interested Members that I do not think such an approach is adequate to the purpose, standing by itself. Just what will be considered "adequate" passenger rail service will become a subject of torrid controversy, if all other factors weighing on the situation remain in status quo.

Let us ask ourselves: How did we get in this position? It is not a new or unforeseen emergency. The cloud has been growing larger on the horizon for many years. But we have not taken action, chiefly because there seemed no practical point of entry toward the solution of the problem.

Is there to be a subsidy for new rail passenger equipment?

Should there be subsidy funds appropriated to offset deficits incurred by railroads in maintaining service under ICC orders?

What of the congested urban areas? Should we move toward high-speed rail rapid transit by utilizing existing rail routes first? If so, what should be the extent of the Federal interest?

From the national defense standpoint, can we afford to permit skeletonizing of the passenger rail service, looking to possible future emergencies?

Should we simply give up on private railroad operations and take over the passenger service? Or assign it to some semipublic body like Comsat?

There are endless questions but no answers, and we have no answers largely because we have no national transportation policy.

In 1966 when we passed Public Law 89–670 creating the Department of Transportation, that body was charged with the responsibility for developing transportation policies and programs "conducive to the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith and with other national objectives." To date we have had no policy recommendations of this nature from the Department, and I say this as a statement of fact, not of criticism, because the creation of such a policy would challenge the wisdom of Solomon.

But until we have a policy, it seems probable that we will drift, since we will be lacking a yardstick against which we would measure the appropriate extent of Federal interest in not only rail passenger service but any other mode of transportation. While we drift, the reductions, in rail passenger service will accelerate, as a means of challenging any definition of "adequacy" which may be assigned to the ICC by new legislation.

On August 5, I introduced a bill, H.R. 13347, which provides for a moratorium on the discontinuance or reduction of rail passenger service until the Congress has approved a national transportation policy recommended by the Secretary of Transportation in fulfillment of his responsibility under section 2 of Public Law 89–670. I commend this bill to your attention. I believe it is the simplest and most effective means of reaching the goal we all seek, present circumstances considered. I hope the committee will see its way clear to schedule hearings on all pending rail passenger bills at an early date, so that the best elements in all proposals can be woven together into a sound legislative fabric.

The march of recent events, spurred by the decision in the Southern Pacific case, suggests that if we do not move this session, the rail passenger service of this Nation will be an item for exhibit in the Smithsonian by this time next year.

Mr. HALPERN, Mr. Speaker, I am grateful for this opportunity to declare my firm support for legislation to authorize the Interstate Commerce Commission to set standards for our Nation's railroad passenger service.

Recently, a majority of the Interstate Commerce Commission concluded that it did not have the power to regulate the quality of passenger train service. However, the Commission, realizing that upgrading of service is badly needed, requested that Congress grant them authority to regulate the quality of passenger service.

The ICC's ruling was in connection with a case involving the Southern Pacific Railway's Sunset Limited. Five States—Texas, California, Arizona, New Mexico, and Louisiana—charged the Southern Pacific Co. with intentionally downgrading the passenger service of the Sunset Limited. In April 1968, ICC examiner John S. Messer recommended that Southern Pacific be censured for downgrading their passenger service and for charging an extra fee for service it no longer provided on the train. Messer believed that the ICC had the power to compel railroads to upgrade their service; however, a majority of the Commissioners reversed Messer's decision, ruling that they did not have legal authority to govern the quality of railroad passenger service.

It is imperative that the ICC be granted the authority to compel railroads to upgrade their passenger service. Railroad passenger service conditions have gone from bad to horrendous. The ICC believes that some railroads are intentionally reducing the quality of their passenger trains in order to discourage people from riding trains, giving the railroads grounds for dropping passenger service lines altogether. Dirty trains, malfunctioning restrooms, inadequate air conditioning or heating, and deplorable on-time performance are becoming more and more commonplace. Recently, the New Mexico State Corporation Commission submitted photographs to the ICC of conditions discovered on a train. The photographs depicted filthy restrooms, dirt-infested seating, and windows virtually opaque from dirt.

The ICC has stated that it has no intention of seeking new and radical standards for the quality of service, but rather the restoration of reasonable standards of service, equipment, and facilities. Reasonable standards of cleanliness, adequate seating comforts, and on-time performance would significantly improve the current passenger service.

I urge my colleagues to grant the ICC the authority to set minimum standards of quality for passenger service. Now that the ICC has ruled that its hands are tied, railroads are free to allow passenger service operations to deteriorate completely. If we do not move swiftly to grant the ICC authority to set standards of quality for passenger service, our railroad passenger cars will become Augean stables on wheels.

Mr. BUCHANAN. Mr. Speaker, I commend the gentleman from Washington (Mr. ADAMS) for his leadership toward obtaining a legislative remedy to the serious problem of rapidly declining railroad passenger service in the United States. Today I join with him in focusing the attention of the Congress on the extent of this problem and on the urgent need to preserve and improve this vital sector of our national transportation system.

Mr. Speaker, this problem is truly a national one. I doubt that there is a Member in this House who has not received letters from concerned constituents complaining of the decreasing number of railroad passenger routes available to them, chronic delays among those still available, inadequate—and often even unsanitary—facilities on passenger cars, and the completely unsympathetic attitude evidenced by many railroads when confronted with passenger distress over such inadequacies.

In recent years the railroads have been faced with declining profits on their passenger lines on the one hand and the opportunity for a much greater income from freight service on the other. As a result the public has witnessed a continual disappearance of passenger lines. The extent of this problem was graphically depicted in an article by Mr. Albert R. Karr which appeared in the September 3 issue of the Wall Street Journal:

> If something isn't done, city-to-city passenger trains might all but disappear in America. From nearly 1,500 a decade ago, the number of intercity trains was down to 513 on July 1, including a decline of 67 since mid-1968.

In a free economy we cannot, of course, ignore the monetary aspects of this problem and the fact that many railroads have in fact been losing money on their passenger runs at the same time their essential service of freight transportation has been offering a far greater remuneration. On the other hand, there is little doubt in my mind that this situation could be substantially improved by comparable improvements in the passenger service offered by the railroads. That is, many persons have abandoned rail travel primarily because it has become such a miserable, inconvenient, and undependable way to travel. We have only to look at the tremendous popularity of

the new Metroliner passenger train now operating between Washington and New York City for evidence that people who formerly traveled this route by air will be induced to travel by train when the service and convenience is of high quality.

Unfortunately, many railroad passengers feel that the railroads are striving in the opposite direction; that they are deliberately trying to discourage people from riding the trains in order to make it easier for them to demonstrate the need to drop such unprofitable service in favor of moneymaking freight.

Whether or not this is actually the case, however, the problem of inadequate rail passenger service remains a serious one. It is a problem whose implications reach beyond the mere inconveniencing of those persons who are forced to resort to other means of transportation. There are still some Americans who would consider rail travel not a luxury, but a necessity, and who would have difficulty finding other forms of reasonably accessible transportation. We must also consider this problem within the context of the increasing congestion on our Nation's highways and airways. We are all familiar with the urgency of this latter problem and most of the experts agree that a solution depends on the development of a more balanced system of transportation in the United States. With the rapidly increasing mobility of our citizens, a decline in the means of transportation available to them can only result in chaos in our airports and on highways which are often already dangerously overcrowded.

Mr. Speaker, as one who believes in the least possible interference by the Federal Government in our Nation's economy, I always find it regrettable when such interference clearly becomes necessary—as in the case of deteriorating railroad passenger service. In this instance it is particularly regrettable that the Federal agency with jurisdiction over the railroad industry has disavowed its authority to require the maintenance of adequate passenger service. In a case brought to it by five Southwestern States which contended that the Southern Pacific had deliberately downgraded service on its Sunset Limited between New Orleans and Los Angeles, the Interstate Commerce Commission on September 12 ruled that it lacked authority to enforce minimum standards of rail passenger service. In the words of one of the two dissenting Commissioners in this case, Commissioner Paul J. Tierney:

> By the action of the majority, the public must now look elsewhere for help—either to the Congress or to the courts.

The need for legislation specifically authorizing the ICC to set adequate standards for rail passenger service is now clear. I have been glad, therefore, to join with Mr. ADAMS and over 40 other colleagues in sponsoring such legislation, and urge prompt and favorable consideration of it by the Congress.

Mr. REID of New York. Mr. Speaker, I am delighted to join the gentleman from Washington (Mr. ADAMS) in his efforts to improve the quality of rail passenger service in this country.

In recent weeks and months many of us have received growing numbers of complaints about the deterioration of service on the Nation's railroads. My own constituents, many of whom are regular passengers on the Penn Central's commuter divisions, have cited dirty cars, defective air conditioning and heating systems, short trains, and broken windows as cause for particular concern.

The Interstate Commerce Commission has apparently been powerless to improve service on the railroads, and held on September 12 in the Messer case that it does not have authority to rule on the adequacy of passenger service. In response to the Commission's request, I have cosponsored with Mr. ADAMS legislation granting it authority to set adequate standards for rail passenger service. I hope that, before the end of this session, that bill will receive affirmative action by the House.

An editorial from the New York Times of September 18 in support of such legislation follows:

MISSING THE TRAIN

In what could have been a landmark decision and a turning point in the decay of American railroads, the Interstate Commerce Commission has evaded its responsibility with a plea of impotence. Denying its power to regulate the quality of passenger service, it rejected a petition by five states that the Southern Pacific Railway be ordered to improve the service on its Sunset Limited—by restoring a dining car, for example, for the 45-hour trip from New Orleans to Los Angeles, in place of the vending machine car it now carries.

The I.C.C. would be pleased, it said, if Congress were to give it the authority it considers itself to lack. Since it has in fact the power to determine whether a passenger route may be discontinued for decline in patronage, it is hard to see how it can evade the duty of determining whether or not that decline was avoidable or willfully and culpably incurred. Indeed, its own examiner, finding in the case of the Sunset Limited that the cause of decline lay with the railroad, not the passengers, urged that the Southern Pacific be censured and that the commission require sleeping and dining cars on certain trains, along with provision for inspection of services.

Nobody, not even the I.C.C., can be under any illusion about the deliberate sabotage of their passenger trains by some railroads intent on more profitable aspects of their business—on skimming the cream from their diversified interests rather than performing the public service for which they long ago received invaluable rights of way. Those vanishing Americans who still hopefully ride the rails have too frequently experienced monstrous indifference to schedule, wretched connections, surly personnel and outmoded equipment; inedible food and failures of lighting, water and air-conditioning. And the commission itself knows that applications for dropping a passenger line are regularly preceded by months of just such deteriorating service, designed to discourage so many patrons that a case for discontinuance can be made.

Since the I.C.C. in its recent decision says it lacks the power to save the passenger lines from self-destruction, we hope Congress will spell out that power and require its use. With intercity passenger trains down to a little more than a third of the number that ran only ten years ago, the commission could suspend applications for discontinuance at least until Congress has had a reasonable time to act.

GENERAL LEAVE TO EXTEND

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

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

There was no objection.

TRIBUTE TO CONGRESSMAN FRED SCHWENGEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MORSE) is recognized for 60 minutes.

Mr. MORSE. Mr. Speaker, I am especially pleased and proud to take the floor today to pay tribute to my very good friend and distinguished colleague, FRED SCHWENGEL, for his enormously valuable efforts as a founder and only President of the National Capitol Historical Society.

FRED helped to found the Historical Society in 1962 and ever since he has been its driving force in efforts to bring a greater appreciation of the Capitol and its history by the American people. The attractive and highly informative booklet, "We the People," has been a singular contribution of the Society. Its success is evidenced by the fact that over 2 million copies have been sold and it has now been translated into five foreign languages. People throughout this country, and indeed around the world, have a better understanding and deeper knowledge of the Capitol and the tremendous history that surrounds it, because of the tireless efforts of FRED SCHWENGEL. For that alone, we can all be very grateful.

But FRED's efforts are not confined to helping to preserve the history of our National Capitol. First elected to the House in 1954, after five terms in the Iowa Legislature, FRED quickly became known as the kind of man who devotes his time and energy to service, both on behalf of his country and his constituents.

As a conscientious and effective member of the Public Works Committee, on which he has served since his election to the House, FRED SCHWENGEL has demonstrated his deep concern in such problems as flood control, roads, and watershed development. As ranking minority member of the ad hoc Subcommittee on Appalachia, he has had a significant impact on legislation designed to help that impoverished area of our Nation.

I know that the people of FRED's district, as well as across the country, are indeed grateful for his efforts in the area of flood control and water pollution. Certainly there are no more pressing problems which demand our immediate attention. Coming from a district which borders the Mississippi River, FRED SCHWENGEL is uniquely aware of the problem of flood control and has diligently worked to obtain funds for the construction of the levees and flood control projects which protect the cities and farmland in the river's flood plain.

FRED is a leader in the present effort to restore the full funding for the Clean Water Act, realizing as he does the tremendous importance of providing sufficient funds to combat water pollution.

Coming as he does from an agricultural area, FRED has been active in searching for better ways to insure farm prosperity. He has worked for amendments to the Food and Grain Act which would aid grain farmers. As a strong advocate of soil and water conservation programs, he has introduced legislation to accelerate the development of watershed programs, so important in conservation and research efforts.

Fred SCHWENGEL has not limited his concern only to problems that affect his constituents directly. As a responsible legislator he has been increasingly concerned about the Vietnam war and in 1967 he went to South Vietnam, on his own resources, to see for himself what the situation was. He came back greatly concerned that previous pacification programs were not being successful in implementing the tremendous potential for agricultural development that is present in South Vietnam.

There are certainly many other contributions which I could enumerate. The fact that so many of his colleagues have taken time to pay tribute to FRED's work is evidence of the fact that we hold him in very high esteem indeed.

We are all grateful to FRED for having given so much of himself, his time and his resources over the years and I know we are all looking forward to sharing with and benefiting from his work in the years to come.

Mr. ANDREWS of North Dakota. Mr. Speaker, I am very pleased to associate myself with the remarks of my colleagues paying tribute this afternoon to the gentleman from Iowa, FRED SCHWENGEL. His dedication and the distinction with which he has served in the Congress these 12 years have earned for him the respect and admiration of all of us privileged to serve with him, and I dare say this includes the Members on the other side of the political aisle.

Like FRED SCHWENGEL's district in Iowa, the district in North Dakota I am privileged to represent is primarily rural and its welfare depends upon a strong agricultural economy. Our colleague from Iowa has distinguished himself as a fighter for his farmer constituents, continually seeking ways to insure farm prosperity. He continues to work for solid improvements in the feed grain program and the Food and Grain Act. He is one of the outstanding spokesmen in Congress for soil and water conservation programs. He has introduced legislation aimed at accelerating the development of watershed programs, and he is working hard for its adoption.

FRED SCHWENGEL is recognized as a frontline fighter for the food-for-peace program, which helps feed the hungry of this world and provides an export outlet for the products of American farmers. He is a strong advocate of farmers' bargaining power and has introduced the Agricultural Marketing Act which prohibits processors from discriminating against farmers who join producers cooperatives to bargain for better prices.

FRED SCHWENGEL's efforts on behalf of our Nation's farmers are alone sufficient reason why I, as a Representative from a rural district and a farmer myself, am pleased to join in this tribute to him today.

There are, however, many other reasons and I want to mention one specifically. As the founding president of the U.S. Capitol Historical Society, FRED SCHWENGEL helped thousands of Americans, including many of us in this Congress, to appreciate better the significance of this grand building and the many significant events in our Nation's history that have occurred here.

This country of ours is indeed fortunate that the good folks in Iowa's First Congressional District have the wisdom to return FRED SCHWENGEL to Washington as their Representative time and time again.

Mr. SHRIVER. Mr. Speaker, it is a privilege to join with my colleagues in the House of Representatives in paying tribute to the distinguished gentleman from Iowa, FRED SCHWENGEL. We are indeed indebted to FRED SCHWENGEL not only for his contributions as an outstanding legislator, but for his leadership and tireless efforts in founding the U.S. Capitol Historical Society.

FRED SCHWENGEL has given much of himself, his time and his personal resources over the years to create a better understanding of the Congress and the Capitol. In addition to the services he has rendered to his constituents, he has contributed to a better understanding and appreciation of the legislative branch and this historic building by hundreds of thousands of Americans, young and old, who have come from all over the Nation to visit their Nation's Capitol.

FRED SCHWENGEL has found the time to accomplish the objectives of the Historical Society, and at the same time serve his Iowa constituency with distinction. He is a hard-working member of the Committee on Public Works and the House Administration Committee. He is a patriot, a historian, a valuable legislator, and a great American.

I commend the gentleman from Massachusetts (Mr. MORSE) for reserving this time in order that we could take note of the important contributions which FRED SCHWENGEL has made to his district, his State, and our great Nation.

Mr. GOODLING. Mr. Speaker, if we were to select one word to characterize the Honorable FRED SCHWENGEL, that word would be "dedicated."

FRED has a deep interest in American history and in its politics, gaining from his studies in these areas an understanding of those personalities and conditions that have contributed to this country's greatness. He is also a student of our Capitol, having a vast comprehension of its structure and its history. And in his unselfish way, he has always been eager to share freely this great harvest of information with others.

Every Member of Congress is conscious of FRED SCHWENGEL's devotion to his congressional duties. Both in the committees and in the House Chamber, he is highly respected for his competence and diligence. He can always be relied upon to "get the job done."

FRED SCHWENGEL is the type of Congressman who recognizes that while he provides representation for his people in Iowa, he also must act to keep our Nation sound and strong. He is a man of broad vision, able to see both near and far in his congressional duties.

Our system of government is a representative republic, where American citizens select one from their group to represent them and speak out for them on vital issues in the Congress. The people of Iowa's First Congressional District made a wise choice in selecting FRED SCHWENGEL as their Representative—his service and attainments in the House of Representatives illustrate this fact clearly and remarkably.

Mr. MIZE. Mr. Speaker, I am pleased to join with my colleagues today in recognizing the gentleman from Iowa, our colleague, FRED SCHWENGEL, for what he has done to make all of us more aware of the historic significance of the U.S. Capitol. In speaking of "all of us," I mean not only the legislators who meet in this Chamber, but the students in all grades, their parents, their teachers, average citizens, and visitors from foreign shores. Because of his interest in making this building and its rich history come alive in words and pictures, the Capitol has become more than a symbol of our greatness, it has become enshrined in the hearts of the people to whom it belongs as well. It is their building; it speaks for them to the world. It is recognized as the seat of a government of, for, and by the people.

FRED SCHWENGEL deserves our commendation because he has enlarged his capacity for service beyond the geographic boundaries of the First District of Iowa. He represents a "second constituency" of millions who take pride in the Capitol Building and the form of government for which it stands. All of us are the beneficiaries of his interest and his patriotism, and we are better citizens because he made us more appreciative of our heritage.

Most people pursue hobbies and avocations primarily for their own pleasure and satisfaction. FRED SCHWENGEL's pursuit of knowledge about the U.S. Capitol not only has its own rewards for him, but it is something he can share with his "second constituency." This is the measure of a man who regards the privilege of serving in the U.S. Congress as something more than a job. He feels an obligation to give something in return. The U.S. Capitol Historical Society stands as one of the major contributions he has made in serving all of us.

Mr. MAILLIARD. Mr. Speaker, today I would like to join some of my colleagues in expressing our gratitude for the outstanding job FRED SCHWENGEL has performed during his 13 years in Congress. The constant enthusiasm he generates, the interest he kindles, and his perseverance, no matter what the task or odds, should not pass without notice.

Here in Washington, he is perhaps best known throughout his public service career, as the founding president, and current board member of the National Capitol Historical Society. Through his efforts and time, a better understanding and appreciation of our Capitol and Congress, an integral part of our Nation's heritage, has been created.

It has been my privilege to serve with FRED during his entire 13 years thus far in Congress, and I must add that it is rare to find a man of his caliber and talents. His career has exemplified the highest standards of devotion to duty, people, and love of country. He has long rendered distinguished service to Midwestern Americans, as well as to the constituents of Iowa's First District, and I know that they are justifiably proud of Mr. SCHWENGEL's accomplishments.

Mr. REIFEL. Mr. Speaker, our colleague, the Honorable FRED SCHWENGEL, has done more than any other individual to make the Nation's Capitol a source of moving patriotic inspiration which quickens the heartbeat of the thousands of fellow Americans and foreign visitors who come here daily. In addition, he is the moving force that brought "We, the People" to our hands and eyes. That magnificent book, a pictorial and written history of this revered centerpiece of our land, is equally stirring as it reaches those who have yet to see this awesome, yet warmly exciting, symbol of freedom—our Capitol.

In recognition of his endless energetic drive to get the facts and thus become thoroughly knowledgeable, Speaker Rayburn, a Democrat, appointed FRED, a Republican, to be chairman of the committee that was responsible for reenacting Lincoln's first and second inaugurations. FRED also served on the Civil War Centennial Commission. To improve tourist facilities in Washington, he is overseeing plans to convert Union Station into a National Visitor's Bureau.

FRED is a regular attendant at the Thursday morning congressional prayer breakfasts where he takes careful notes of comments made during the discussions. Eventually he hopes to publish a book that will contain some of the pertinent statements of hundreds of Members of Congress made at these meetings. It will be entitled "This Is What They Said."

His devotion to duty in giving the best possible service to, as he says, "the nicest folks anywhere—the people in the First District of Iowa," is so intense that I, as one of his colleagues, can only attempt to emulate it. He sets a fine example of dedication and loyalty to his district, his State, and his beloved country for those who are privileged to serve with him in Congress.

To FRED SCHWENGEL, an educator, legislator and above all a great and kind American, my best wishes. Thank you for all that your labors have done to make this a better land in which all of us can live.

Mr. KLEPPE. Mr. Speaker, I want to commend the gentleman from Massachusetts (Mr. MORSE) for taking this time to compliment our colleague, FRED SCHWENGEL of Iowa. In the 3 years that I have served in the House, FRED has exemplified to me what it is for a colleague to be helpful and considerate. If we believe that man's only excuse for health, strength, and life is to be helpful and useful to his fellow man, then in my opinion, FRED SCHWENGEL has accomplished this ideal position.

Fred has certainly gone out of his way above and beyond the normal call of duty in the time and effort he has expended as the founding president of the U.S. Capitol Historical Society. All of this effort and work has been done concurrently with FRED's attention to his duties, to his Nation, and to the district which he represents from the State of Iowa.

It pleases me to have this opportunity to join in paying this recognition to a man who has earned it.

Mr. SIKES. Mr. Speaker, I wish to join with my colleagues in paying special tribute to Representative FRED SCHWENGEL who has so ably represented the First District of Iowa for 12 years.

FRED SCHWENGEL has been a leader in agriculture, education, highway, and social security legislation. As a member of the Public Works Committee, he led the fight which resulted in changing the allocation formula for highway funds. Water pollution is another topic which the Public Works Committee considers. FRED has consistently supported meaningful legislation in this area and is one of the sponsors of legislation which would encourage the construction of water pollution control facilities through tax credits. He is also a member of the House Administration Committee where he serves with distinction.

However, I think it must be admitted his first love has been the Capitol Building of the United States, and here his contributions have been particularly meaningful. I think it very obvious that his leadership has been outstanding in efforts to preserve the Capitol Building and in the collection of historical data regarding this magnificent old institution. These meaningful efforts will forever endear him to a great many people who know and appreciate what he has done.

FRED SCHWENGEL is a loyal party man but believes in the two-party system and has contributed to its strength. For this, he has earned the respect of all Members on both sides of the aisle.

Seldom does one find a man of this stature so wholeheartedly dedicated and responsive to the needs of the people he serves. FRED SCHWENGEL's record in Congress has earned for him the genuine admiration of his colleagues. He is a loyal and generous friend, a helpful coworker, a tireless and deeply knowledgeable student of our Nation's most difficult and complex problems.

Mr. BELCHER. Mr. Speaker, I want to commend the gentleman from Massachusetts for having taken this time in which we may pay tribute to our colleague, the gentleman from Iowa, for the magnificence of his effort to research, enhance, and preserve the history of our Nation's Capitol and the Congress and to make it available for the enlightenment of the American people that they may fully appreciate the glorious heritage of our great Republic.

Through the work of the U.S. Capitol Historical Society, of which FRED SCHWENGEL was the founding president, much exciting but nearly forgotten information about the Capitol, the Congress, and the people whose privilege it has been to participate in the parade of history through these halls, has been dug out and made available to present and future generations to enrich their sense of patriotism, of national pride, and love of country.

Into the fabric and fiber of this Nation—this unique experiment in self-government we call the United States of America—its Founding Fathers wove some of the most judicious, balanced, forwardlooking and democratic principles of government and social order ever devised or envisioned by the minds of men. And succeeding generations have struggled heroically to preserve those principles while adapting them to new problems and new challenges in our national life.

Always, though, we have been blessed with leadership from men who knew and revered the principles on which our Government was founded, and the people have shared that reverence. In this era of great complexity, of rapid change, of increasing diversity and controversy among our people there is a grave danger—and it seems to me a growing tendency—that we will forget our past heritage, the timelessness of our founding principles, and succumb to the temptation to seek "now" answers, pragmatic answers, which ignore or disavow the lessons of our history. In the wake of such shortsightedness we will surely create greater problems than those we seek to solve.

In that atmosphere, I can think of no greater contribution to be made than that of illuminating our heritage and giving it exciting and appealing circulation.

FRED SCHWENGEL is a "now" Congressman, a man of action, a man of our times, a man who cares, but most importantly a man who brings to his efforts to deal with the problems of the future a deep understanding of their roots in the past. He has been a faithful and effective servant of his Iowa congressional district; a Representative who knows the wishes of the people he represents; a skilled legislator who understands the workings of Congress and successfully negotiates the shoals of parliamentary procedure to achieve sound legislative results; a statesman who serves the best interests of the Nation as well as his constituents.

It is perhaps the supreme compliment to be able to say all these things of a Member of Congress and then to add that he still has the dedication and energy left to qualify as the Congress' leading historian.

FRED SCHWENGEL has appeared as a guest on my weekly radio-television program to the great delight of my constituents in the First District of Oklahoma. I am something of a Lincoln buff and, of course, FRED is one of the great Lincoln experts, so our discussions never seem to get far beyond the great patriot President. I enjoy those discussions, but someday, FRED, we are going to have to devote a program entirely to the work of the Capitol Historical Society.

Yes, it may in truth be said that a nation's past is only its future grown older and wiser and the nation that forgets its past will be little remembered for its future. It is appropriate that we today commend and honor one of our leading

exponents of the proposition that this Nation shall not forget, as a people, who we are nor from whence we came nor where we are going. We owe a deep debt of gratitude to this fine man and truly great American, the Honorable FRED SCHWENGEL.

Mr. SCHNEEBELI. Mr. Speaker, when I came to the Congress in 1960, FRED SCHWENGEL had already been recognized as a guiding force in bringing to light much of the historical wealth of our Capital City, with emphasis being directed to the past years' accomplishments by the Congress, the Presidents, and of those who have served on the Supreme Court of the United States.

As most all of us are aware, FRED has worked long hours in his concentrated efforts to gather as much information as possible about the history of the Capitol and to incorporate it, with pictorial evidences, into the volume which we know as "We, the People." This publication had its introduction to the Congress and the general public in 1963 by the U.S. Capitol Historical Society which at that time had FRED SCHWENGEL as its president. I am sure this group of history buffs had been brought together through FRED's great interest and definite belief that such an organization would and could be so useful in bringing to the attention of the general public the wonderful history through which our country had already lived. We all are, I believe, much more aware of the historical importance of our Congress, its work in the past, the hopes for its future achievements, through knowing FRED and listening to his extremely interesting characterizations of the struggles that went into the formation of our earliest Continental Congress, and the sacrifices that are still to be made in order to keep our goals of democracy in sight.

FRED SCHWENGEL is one of the most tireless workers I have known in the Congress. When he is interested in a cause or anything for the good of his fellow man, his energy never seems to flag and he pursues his goal with enthusiasm which infects all those around him.

FRED is a good man to have on your side when a tough issue comes up before the House for a decision. I value greatly his friendship and worthy advice. He is very deserving of the special recognition which is being given to him today.

Mrs. MAY. Mr. Speaker, the people of the First District of Iowa are to be congratulated for continuing to exercise their good judgment in selecting FRED SCHWENGEL as their Representative in Congress. FRED is an effective Congressman who is devoted to his district and its people.

Wherever FRED works, in his home State and in Washington, D.C., he makes an enormous contribution toward the finest aspects of our American tradition.

As the founding president of the U.S. Capitol Historical Society, FRED has given tremendously of himself to create, throughout the length and breadth of our Nation, a better understanding and appreciation of the Congress and of the Capitol.

All of us owe him a debt of gratitude and I am delighted to join with my many colleagues today in publicly recognizing our esteemed colleague in this way.

Mr. BYRNES of Wisconsin. Mr. Speaker, it is a pleasure for me to join in paying tribute to our colleague, FRED SCHWENGEL.

His has indeed been a remarkable record of accomplishment for his district, his State, and his Nation. The 12 years FRED SCHWENGEL has devoted to public service in the Congress have been significantly fruitful. In addition to the representation he has given to his district and the contributions he has made to national legislation, he has given us all a new appreciation of the history of this building and the Congress through his pioneer efforts with the U.S. Capitol Historical Society.

I am pleased to extend to FRED my very best wishes and the hope that the Nation will have the benefit of his outstanding abilities for many years to come.

Mr. HUNGATE. Mr. Speaker, I wish to call attention to the fact that Congressman FRED SCHWENGEL attended Northeast State College in Kirksville, Mo., in the Ninth District which I represent. I am very happy to relate the pride my constituents in the Kirksville area have for FRED's achievements. And, this pride has grown from the days when he played football for Northeast Missouri State—under Coach Don Faurot—to his great contributions being acknowledged today that have made him a leader among his colleagues in the House of Representatives. I join my constituents in expressing our admiration of a dedicated public servant. When the history of the House is written, it must include its foremost historian, Congressman FRED SCHWENGEL of Iowa.

Mr. HARVEY. Mr. Speaker, the late Senator Everett McKinley Dirksen once wrote:

> I have found the nation's capital to be an incredibly interesting place. It is the seat of government of the greatest free democracy on earth. It is where history unfolds and discloses a divine pattern if we will only look for it.

This is an appropriate time for us then to extend our thanks to our colleague, FRED SCHWENGEL, for adding immensely to our Nation's Capital, and to paraphrase the late Senator Dirksen, in making our U.S. Capitol Building and its history an even more "incredibly interesting place."

I believe all Members of Congress shall forever be grateful for the special personal efforts of FRED SCHWENGEL to make our Capitol Building more livable and more beloved through his work as the founding president of the U.S. Capitol Historical Society.

But it is not for that reason alone, although it would be sufficient, to rise in honor of FRED SCHWENGEL. It has been my pleasure to serve with FRED on the Committee on House Administration. My friendship and my respect for this man and his enormous contributions have grown through our association as members together on two subcommittees there—Library and Memorials and Electrical and Mechanical Office Equipment. FRED has shown, time and time again, outstanding leadership qualities.

Of course, no one knows this better than the people of the First Congressional District of Iowa. Since 1954, when first elected to Congress, he has been dedicated to service to the people. As he nears the completion of his 13th year in Congress, I know of no Member who has served his Nation, his State, and his district with greater distinction or effectiveness.

I have learned from FRED SCHWENGEL. And I am proud, as are thousands of Iowans, to count him as a friend. I offer my most sincere congratulations and extend my appreciation for his contributions to Congress and to our U.S. Capitol Building. Thank you, FRED, and continued good health, success, and happiness.

Mr. ANNUNZIO. Mr. Speaker, I would like to commend my distinguished colleague, Mr. F. BRADFORD MORSE, from Massachusetts, for taking this special order and for giving us the opportunity to honor the founding father of the U.S. Capitol Historical Society, Congressman FRED SCHWENGEL. Like Mr. MORSE, for many years I have admired the efforts of our good friend and colleague to create a better understanding and appreciation of the Capitol Building, its precious history and heritage, among Congressmen and the American public.

Last year, on April 30, Congressman SCHWENGEL was present, with the entire staff of the U.S. Capitol Historical Society, at the ceremonies held in the rotunda of the Capitol to dedicate the bust of Constantino Brumidi. I was the chief sponsor in the House of Representatives of legislation to procure this bust of the great Italian artist who came to be known as the "Michelangelo of the U.S. Capitol" because of the many, many years he spent beautifying the interior of the Capitol Building with his brilliant works of art.

It was gratifying indeed to have FRED SCHWENGEL present at the ceremony, because he has contributed more than any other man on Capitol Hill to the cause of creating a better understanding and appreciation of the rich history of the Capitol.

FRED SCHWENGEL has given distinguished service for more than 12 years as the Representative of the First District of Iowa. He is highly regarded not only by his constituents, whom he has served so well over the years, but by his colleagues in the Congress who respect and admire the leadership, knowledge, and ability which he has demonstrated in his legislative work. He serves on the powerful Public Works Committee, and is the ranking Republican member of the Appalachia Subcommittee. In this capacity, he has been instrumental in influencing the course of such vital measures as the Appalachia bill, the Interstate Highway bill, water pollution control bills, and others. Congressman SCHWENGEL also serves as the sixth ranking Republican member of the House Administration Committee.

Mr. Speaker, all of us owe a tremendous debt of gratitude to Congressman SCHWENGEL. History to him is not a series of dates to memorize from a book, but a vivid, living experience. He is one of those rare individuals with the ability to bring history to life for all of us, with all of its color and drama. In the foreword to the Capitol Historical Society's book

"Where Liberty Stands Guard," Congressman SCHWENGEL wrote:

History is as personal as the thumb a baby sucks; and from cradle to grave, this wonderful relationship endures. Over our lifetimes, everything we do and think and feel becomes history. As we study others in the past, trying to understand their motives, their dreams, so will coming generations study us. We are the living, the brave, the free—at least here in America.

A thousand authorities could be quoted to prove what American freedom means to you, but in the end, only one person can honestly explain *your* America, *your* life. You must do it. With your eyes on God's stars and your feet on God's earth, there can be only one valid truth—the life you live.

How others have discovered this fact and what it has meant to them is history. By great luck, here in America we have a single mound of earth called Capitol Hill where, for long years, Americans have been bringing their dreams, their frustrations. Here they have fought—sometimes winning, sometimes losing—but what they have found together is common respect. As a Congressman, I love this story. I am a small part of it. When, early in the morning, I drive to my office and glimpse the Goddess of Freedom high on her dome, I may weep a bit. That old girl up there has won my heart.

This is the faith and inspiration that Mr. SCHWENGEL has brought to us, his colleagues, and to all Americans. Through the story of the Capitol he has fostered an understanding of the richness and inspiration of American history. Out of love and pride he has brought into the national consciousness the structure "within whose walls—through contention and through compromise, sometimes brilliantly, and sometimes not so brilliantly, by pronouncement and by painful progress—a Government truly 'of the people' has evolved."

The work of Congressman SCHWENGEL stands out as a tremendous contribution to the advancement of American ideals and has strengthened faith everywhere in the American experience. For all those who cherish freedom, the story of the majestic edifice that is our Capitol—how it came about, how it grew, and why it stands as a symbol in stone of the success of our Republic—is one of the most precious treasures of our national heritage. For the love and dedication which FRED SCHWENGEL has put into the telling of this story, as well as for the patriotic and devoted service he has rendered our beloved country, every American owes an enormous debt of gratitude.

I take this opportunity to extend my congratulations to FRED SCHWENGEL, and to extend to him my best wishes for abundant good health and many more years of fruitful public service.

Mr. FINDLEY. Mr. Speaker, today we pay tribute to our good friend and colleague, FRED SCHWENGEL, the distinguished Representative from the State of Iowa. Now in his seventh term, FRED has served the people of Iowa and the people of this Nation for nearly a quarter of a century. For 10 years he was a member of the Iowa House of Representatives where he gained a broad competence in the problems of State and local government. This intimate knowledge of the workings of State government has permitted him to serve the citizens of his district with extraordinary effectiveness. At the same time he also serves the people of this Nation by bringing to bear a depth of understanding of local problems which enables him to contribute meaningfully to Federal legislation aimed at helping to solve local problems.

Most of us in this body have come to know and admire FRED SCHWENGEL since he was elected to serve in Congress in 1954. Since that time, with but one brief and unfortunate intermission, we and the rest of the Nation have had the same benefit of FRED's perceptive intelligence as his Iowa constituents had previously.

FRED SCHWENGEL's contributions to the people of his district and to the Nation are legion. Born on a farm, and coming from an area which, like mine, has a substantial rural population, FRED has worked consistently to protect the American farmer and to enable him to earn a fair and adequate income. In addition, he has contributed substantially to every highway legislation bill coming before Congress in recent years, to the control of water pollution, to strong soil and water conservation programs, as well as to measures to aid our small businessmen.

FRED, as founder of the U.S. Capitol Historical Society, has also worked ceaselessly and untiringly to preserve and protect much of the history surrounding the U.S. Capitol, and any one of his constituents who has visited Washington and seen the Capitol can testify to his great contribution.

FRED SCHWENGEL is truly one of the outstanding Members of the House and I feel it is an honor and a privilege to serve with him.

Mr. QUIE. Mr. Speaker, I want to commend the gentleman from Massachusetts (Mr. MORSE) for taking this special order to recognize the immense contributions of the distinguished gentleman from Iowa (Mr. SCHWENGEL).

Usually we wait until our colleagues have passed on to their rewards before paying tribute to their accomplishments on behalf of the Nation and their fellowman. But the contributions of FRED SCHWENGEL in preserving and enhancing, through the U.S. Capitol Historical Society, the history and traditions of the Capitol and the people who serve therein are of such magnitude that I am glad to join in honoring him while he still is very much alive and active among us.

The pursuit of the true history of the Capitol and the Congress is more than an avocation with FRED SCHWENGEL. It is a burning passion. The more he has learned and shared with others, the more he has wanted to uncover and preserve.

This is typical of his selfless, conscientious approach which we see so often in his everyday conduct of the affairs of his office. There is no more dedicated, thorough and persevering Member of Congress than FRED SCHWENGEL.

Through his efforts the American people have been furnished a great wealth of knowledge about the Captiol, the Congress, and its work.

I know I speak for all Members of Congress when I say that his diligent research and carefully documented findings have given me a far greater appreciation of the building in which we are privileged to serve and the traditions of the two bodies that compose the Congress.

All of us owe a vote of thanks to this distinguished scholar and our esteemed colleague.

Mr. LANGEN. Mr. Speaker, occasionally, a person is honored for his accomplishments while he is still alive. More often, a man is accorded his accolades by history. We have among us a man who has earned the graditude of his colleagues because of his personal tribute to history. I am sure that history will reply in kind.

The Honorable FRED SCHWENGEL, of Iowa, has served well and honorably in the House of Representatives for 13 years. But he has also taken upon himself the task of restoring for the benefit of a grateful American people, the history and documented drama of the building in which we meet. As founding president of the U.S. Capitol Historical Society, the gentleman from Iowa has directed teams of researchers who have reclaimed memories of the past. He has supervised the publishing of many pieces of literature that have served well to acquaint visitors to the Capitol with the history and significance of the building they tour.

Mr. SCHWENGEL knows more about this old building than any living man. He is responsible for what most of the rest of us know about it. He wrote:

Here is evidence of the struggles that have been made, and the struggles and sacrifices that must yet be made, to keep the goal of equality of opportunity, of justice, and of freedom alive for all in the world.

These goals are most assuredly alive and alive in part because of the dedicated men who protect them. Such a man is FRED SCHWENGEL.

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to join with my colleagues today in paying tribute to our good friend and fellow Congressman, FRED SCHWENGEL of the First District of Iowa.

Some of you may not be aware of the fact that FRED SCHWENGEL represents a district that gave birth to our Nation's 31st President, Herbert Clark Hoover of West Branch, Iowa. I think there are some remarkable parallels between these two great men, besides the obvious one of party affiliation. The mark of greatness for Herbert Hoover was his humility and his humanitarianism. In like manner, FRED SCHWENGEL is both a humble man and a man who cares about people. FRED has taken an active interest in a wide spectrum of humanitarian activities, ranging from education for our young people to adequate care for our senior citizens. He has made a great contribution to providing relief to flood victims along the Mississippi River.

Herbert Hoover was also a noted conservationist; and, in like manner, FRED SCHWENGEL has played an active role in soil and water conservation efforts.

Two weeks ago I had the opportunity to appear with FRED SCHWENGEL before a group of people in Johnson County, Iowa, and I could not help but be struck by the high regard those people hold for their distinguished Congressman. They reflected the pride and respect the people

of that area have for this man who has served the First District with distinction for 12 years. FRED SCHWENGEL has set and continues to set an outstanding example as one who is truly a people's Representative in the Congress of the United States.

Mr. Speaker, FRED SCHWENGEL has also made his mark in the House of Representatives as a legislator in the finest sense of the word. He has served with distinction on the Public Works Committee and the Committee on House Administration. But his interests and activities go far beyond the scope of those two committees. He is a Congressman who is knowledgable on a wide range of legislative matters because he does his homework.

And his contributions extend even beyond the Halls of Congress. FRED SCHWENGEL is the founding president of the U.S. Capitol Historical Society. No other man has done more than FRED SCHWENGEL to preserve and promote the rich traditions of our Nation's Capital. His efforts have given the American people a better understanding and appreciation for this great city and its vivid history, institutions, and landmarks.

Mr. Speaker, I am proud to say that FRED SCHWENGEL is my friend and party colleague, and I look forward to many more years of service with this great man in the Congress.

Mr. BUCHANAN. Mr. Speaker, it is indeed a privilege to join today in paying tribute to our esteemed colleague from the State of Iowa, the Honorable FRED SCHWENGEL. Now serving his 13th year in the U.S. Congress, FRED SCHWENGEL has distinguished himself as a conscientious Representative responsive to the needs of his constituents in the First District of Iowa, a hard-working member of the House Administration and Public Works Committees of the House, and as a legislator who consistently keeps himself informed on the measures which come before the House of Representatives.

For a man who has been so diligent in fulfilling the many duties of his office, it is almost amazing that he has found the time to serve his country so well in yet another way—as the founding president of the U.S. Capitol Historical Society. Having long held a deep interest in the heritage of our great Nation, Congressman SCHWENGEL in 1962 founded this society as a nonprofit educational organization dedicated to the publicizing and preservation of the history and tradition of the U.S. Capitol.

He has served as the president of the U.S. Capitol Historical Society since its inception, during which time its membership has expanded to the present level of 5,950. In addition to Members of Congress, the society's membership now includes students, historians, and organizations such as schools and libraries from throughout the Nation.

We are all familiar with one of the society's most outstanding activities, the publication of the inspirational and informative book on the U.S. Capitol—"We, the People." In this book, the society has shared the history, the beauty, and the symbolic significance of our Capitol Building with countless citizens and friends of the United States. Now in its sixth edition, some 1,800,000 copies of "We, the People" have already been distributed and it is now printed in five foreign languages.

Other publications of the society include the "National Capital Profile," a collection of five historical books; the Capitol Dome, a quarterly newsletter; and for young children, Our Nation's Capital coloring book. They are currently working on a bibliography of reference materials on the Capitol, which is designed to stimulate scholars to do more research on this subject.

Mr. Speaker, I commend the gentleman from Iowa for his outstanding work with the National Capitol Historical Society and I am confident that his efforts are equally appreciated by all the Members of the Congress.

Mr. UDALL. Mr. Speaker, I note that a number of my colleagues have had some favorable things to say about the gentleman from Iowa (Mr. SCHWENGEL). I cannot understand this at all, aside from the fact that FRED SCHWENGEL is an unusually capable, hard-working, and dedicated Congressman who it is impossible not to like.

As a member of the other party, I am not sure I should join in these praises; from the standpoint of party regularity it is almost treasonous. Compliments for the departed, yes; but for the quick, no. However, who can object when the subject in question is FRED SCHWENGEL? Therefore, I am happy to join the gentleman from Massachusetts (Mr. MORSE) and all the others appearing today in praise of my friend from Davenport.

I recall my first days in the House and my early acquaintance with my Iowa colleague when he and I worked together on home rule for the District of Columbia, a noble cause which has yet to achieve its objective. I thought then and I believe now that the District of Columbia has few friends as dedicated to its cause as FRED SCHWENGEL.

Back in 1961 when I arrived, I was struck by FRED's interest in history and his eagerness to give the people of this country, particularly visitors to Washington, some idea of the history of this great institution, the Congress of the United States. How far he has come since then. Not even an election defeat in 1964 could interfere with this work.

Today the U.S. Capitol Historical Society is a thriving organization performing a variety of excellent services for the Congress and the public. There is no doubt at all in my mind that this is directly a result of the efforts and energies of FRED SCHWENGEL. We are all in his debt, and I want him to know how much I personally appreciate what he has done.

He is a good man even if he does sit on the wrong side of the aisle.

Mr. MAYNE. Mr. Speaker, it is with great pleasure that I join my colleagues in paying special tribute to the Congressman representing the First District of Iowa, the Honorable FRED SCHWENGEL.

As an outstanding legislator, educator, statesman, historian, and humanitarian, FRED SCHWENGEL well deserves this tribute. It was my good fortune to know FRED before I came to Congress, and I will never forget the friendly counsel and assistance he gave me when I first arrived here as a new Member in these hallowed halls. I know he has been equally helpful to countless other freshmen Congressmen. Because of his expertise in various areas of legislation, his advice is often sought even by senior colleagues. While FRED and I may not always agree on the issues, when such a variance does occur I have to be particularly certain of my facts and my conclusions because I know that FRED will most certainly have done his homework very thoroughly and conscientiously before taking his position.

I have long been interested in the First District of Iowa and in its Congressman, having attended law school there at the University of Iowa Law School in Iowa City. My interest is even greater now that my only daughter, my son-in-law, and my grandson are residents of that district.

FRED SCHWENGEL served his home area in the Iowa General Assembly from 1944 to 1954, and was first elected to the Congress in 1954. His constituents have returned him to each Congress since that date, save the temporary aberration of voters in 1964 from which they soon recovered by again returning FRED to Washington in 1966 and 1968. There is great respect and love for FRED SCHWENGEL in his constituency, for he has conscientiously and industriously represented his constituents without regard to their political affiliations.

The First District of Iowa, site of the first capitol of Iowa and of the birthplace of the great former President, the late Herbert Hoover, takes great and just pride in its historical background. In view of Abraham Lincoln's many associations with the district, it is natural and fitting that it be represented in Congress by FRED SCHWENGEL who is a true Lincoln scholar, one recognized for his extensive research and wide knowledge of the Lincoln era.

Nor has FRED SCHWENGEL limited his interest and enthusiasm for history to the life of Lincoln. He is highly respected as one of the leading authorities on the history of Washington, D.C., and the Capitol itself. As president of the U.S. Capitol Historical Society, Congressman SCHWENGEL was primarily responsible for publication of the outstanding book entitled "Our Capitol." In telling the story of this great edifice and the institutions which it has housed, this book has illuminated and enlivened history for thousands of visitors from throughout these United States and from abroad. FRED has on countless occasions honored my requests and those of other colleagues to conduct tours of the Capitol for our constituents; these tours have been considered by many to be the high point of their visits to Washington, D.C.

Thank you, Congressman FRED SCHWENGEL, not only for serving your constituents, your State, and your colleagues with such great distinction, but also for the great contribution you have made toward preserving our great American heritage.

Mr. REID of New York. Mr. Speaker, I am pleased to join today to honor FRED SCHWENGEL, my distinguished and conscientious colleague from Iowa.

FRED SCHWENGEL's record speaks for itself. His contributions to many Federal programs, along with his active and concerned interest in the problems of his

constituents as individuals, have brought him respect throughout the Congress as an effective and independent Representative of Iowa's First District and the Nation.

On the floor of the House, FRED SCHWENGEL has been a leader in the fight for strong soil and water conservation programs and antipollution measures. He has worked to authorize flood control as well, and has always been aware of the problems and needs of the rural country which he has so ably served.

As founding president of the U.S. Capitol Historical Society, FRED SCHWENGEL has informed himself and all Americans about the history of our Nation. He is the leading Lincoln scholar in the House, and he has shown real leadership in this area.

I appreciate this opportunity to speak about FRED, and I hope he will continue his work on behalf of the First District of Iowa for many years to come.

Mr. ESCH. Mr. Speaker, I am honored to have this opportunity to pay tribute to one of the most outstanding Members of the House of Representatives, the Republican Representative from the First District of Iowa, the Honorable FRED SCHWENGEL.

FRED was one of the first Members who I had an opportunity to meet when I came to the House 3 years ago. His sage advice and wise counsel was of immeasurable assistance to me as I learned the "congressional ropes." I certainly consider him one of the finest Representatives in this Hall and am proud to serve in this body with him.

Since he was first elected in 1954, FRED SCHWENGEL has proven himself worthy of the trust bestowed on him by the citizens of Iowa's First District. He has represented them and their interests well and has worked diligently to improve conditions for residents in his district. He has served as a true representative of his people in the finest sense of that word.

But FRED's contributions have not been limited to representation of his constituents. He has also represented the interests of the entire Nation. A historian of note, he was the founder of the National Capitol Historical Society which has worked so diligently and effectively to preserve the great historic monuments of the U.S. Capitol. Because of his precise and detailed historic research, our knowledge of the Capitol has been tremendously enriched. I am sure that many of you remember, as I do, his fascinating tours of the Capitol and the extensive historic and philosophic background which he imparts.

FRED SCHWENGEL is acknowledged as one of the world's greatest Lincolnian scholars. His library of Lincoln memorabilia is one of the largest in existence. He is largely responsible for the impressive reenactments of the Lincoln inaugurations which thrilled the Nation a few years ago.

FRED SCHWENGEL is one of the most conscientious Members of this body. His work is detailed and specific. His analysis always goes to the root of the problem, rather than just scratching the surface. His comments on the great issues facing the Nation are well considered.

In short, Mr. Speaker, FRED SCHWENGEL is an outstanding Representative, and I am pleased to have this opportunity to recognize his enormous contributions.

Mr. HORTON. Mr. Speaker, I want to express my admiration for the Honorable FRED SCHWENGEL of the First District of Iowa. I have deep respect for his work as the founder and president of the U.S. Capitol Historical Society.

Despite the grandeur of the Capitol, it has been overlooked for years by historical investigators. As a service to our American heritage, FRED SCHWENGEL has made remarkable efforts to rectify this situation. His accomplishments are considerable.

With numerous scholars and congressional colleagues, he has uncovered historical facts which have been concealed by neglect and unconcern.

Congressman SCHWENGEL believes in the importance of history as a force in promoting the democratic process. He has sought to make known our Capitol's extraordinary past.

Since 1800, this building has been the scene of unrelenting activity by thousands of conscientious Americans vitally involved in the democratic process. The story of these activities deserve our attention, and at last is receiving it, at the urging of Congressman SCHWENGEL.

The publications of the U.S. Capitol Historical Society are without parallel in interesting detail and scholarly content.

We of this Chamber owe our thanks to the Honorable FRED SCHWENGEL for his magnificent work. The Capitol and the Congress have no better advocate or friend.

It is remarkable that our colleague has been able to provide the impetus and stimulation of the activities of the historical society, at the same time he serves as a very diligent and capable Representative for the people of his district and the State of Iowa.

Mr. WHALEN. Mr. Speaker, I first would like to congratulate my good friend and colleague BRAD MORSE, for making it possible for us to join this afternoon in tribute to the distinguished gentleman from the First District of Iowa, FRED SCHWENGEL.

Mr. Speaker, I believe the most striking aspect of Congressman SCHWENGEL'S 12 years in this body is the way in which he has succeeded in combining his interest in both the agricultural and urban needs of this Nation. His legislative record is one of strong support for the problems of his district; such as, flood control and improved farm programs. At the same time, he has recognized the urgent needs of the cities by supporting legislation to provide tax credits to those who bring industry to the ghettos and give job training to the unemployed. Furthermore, FRED SCHWENGEL has exhibited an international viewpoint in his efforts in behalf of the food-for-peace program. Few of us, Mr. Speaker, can purport to have a sphere of interest as broad as our colleague's from Iowa.

Another legislative interest of Congressman SCHWENGEL that I would like to note particularly, because of my own deep concern in the area, is that of congressional reform. That one, who has served for 12 years in this House, is interested in this subject is extremely encouraging to those of us who have arrived in the last two Congresses and are pushing for internal reforms.

I also share a deep interest with FRED SCHWENGEL in the proposal to base social security benefit increases on the cost of living, and I hope that our combined efforts will lead to the enactment of such a proposal when the Ways and Means Committee meets later next month to review the social security laws.

Nevertheless, the enactments of this body which have reflected the influence of Congressman SCHWENGEL cannot easily be categorized. Education, jobs for rural and urban Americans, harbor development, highways, soil and water conservation, small business, and private enterprise all are problems to which FRED SCHWENGEL has directed his concern. In addition, he has continued to give priority to the individual needs of his constituents.

However, we have singled out for particular tribute today his efforts in behalf of the U.S. Capitol Historical Society, of which FRED is the founding president. Thousands of citizens who have visited these Halls and this city have taken home with them the story of the Capitol, "We, the People," which the society has published in cooperation with the National Geographic Society. Other projects of the Capitol Historical Society range from publications on the White House and the Supreme Court to films, and its research covers every phase of Capitol life, from the Congress to architecture and art.

My family and I were proud and gratified to be asked to participate in the latest volume of "We, the People." As a result, I became not only aware of, but also deeply impressed by, the contribution which FRED SCHWENGEL has made through the society to the entire Nation by presenting for the people a concise compilation of the architectural and artistic wonder of this Capitol Building, as well as a thorough explanation of the work undertaken within its walls.

Therefore, Mr. Speaker, in behalf of the thousands of Americans who have benefited from his efforts, I would like to thank FRED for his unique contribution to furthering the understanding of this Government and its legislative process. It is, indeed, an honor to serve with him as a Member of this House.

Mr. NELSEN. Mr. Speaker, to my neighbor from the south where the tall corn grows, my congratulations. We have often heard the statement, "Those who ignore history are destined to repeat it," and, of course, the wisdom of this quotation causes us to fully understand that if history were not recorded, we could not profit by the lessons it teaches.

FRED SCHWENGEL has made an outstanding contribution to history by searching out information that gives us all a greater appreciation of our country, and certainly in order to preserve the beauty of its philosophy one must understand most of the background that brought about the greatness that America presently embraces.

When we think of the millions of schoolchildren who today can read about the history of our Capitol and of the leaders of our country, we know that this opportunity might never have been available to them had it not been for the

untiring efforts of my good neighbor. So thanks, FRED, and I am sure that I express the appreciation of the citizens of your sister State of Minnesota for the work that you have done.

Mr. RHODES. Mr. Speaker, it is a privilege to join with my colleague from Massachusetts, as well as my other colleagues today, in honoring a Member of this body who does credit to the concept of representative government.

This man comes from the very heart of America and has taken a great interest in and devoted his considerable talents to the preservation of the memorabilia of our Nation's Capitol. It is in tribute to him that at the same time he has been able to devote his abundant energy to the task of being a full-time Congressman.

The people of Iowa's First District have forthright, honest, and effective representation in Congress. I consider as one of the distinct privileges of serving in the House of Representatives the opportunity to associate with a man like FRED SCHWENGEL.

Mr. GERALD R. FORD. Mr. Speaker, today a group of our colleagues pay tribute to Representative FRED SCHWENGEL, of Iowa's First Congressional District, founder of the U.S. Capitol Historical Society.

FRED SCHWENGEL is a most unusual man. He is a man with a deep sense of history, a sharp feeling for what it means to be an American, a far-ranging appreciation of the glories and greatness of America. That is the reason that FRED became the driving force which led to the establishment in 1962 of the U.S. Historical Society.

FRED SCHWENGEL is a one-man crusade. He burns with zeal for causes he believes to be fitting and just—whether that cause be proper recognition of the President known as "the Great Emancipator" or an effort to block a bill authorizing greater lengths and sizes for trucks using our highways. FRED has prevailed in those causes, too, even when he at times appeared to be carrying the torch all by himself.

FRED is a tireless worker for what he believes to be right and an indefatigable servant of the people.

FRED cares about people, and that is the source of his personal strength and his charm.

I recall recently when FRED asked me to write a letter of greetings to a boy in his district who was suffering from a terminal illness. It was the boy's birthday. It may have been his last. I was most happy to write the letter. I was deeply touched, and FRED was overjoyed that we could bring a little happiness to a sick boy whose only pastime is watching the fortunes of the Minnesota Twins.

Mr. Speaker, we have a rare combination in FRED SCHWENGEL—a Lincoln scholar who like Lincoln is a man of the people, a man with a heart, a man of deep compassion.

I add my voice to those raised in praise of a fine gentleman, an outstanding Congressman, and a historian extraordinary—the Honorable FRED SCHWENGEL.

Mr. DELLENBACK. Mr. Speaker, at this time I would like to associate myself with the remarks made by a number of my colleagues in tribute to one of our finest Members, FRED SCHWENGEL.

The tributes made to FRED so far have clearly illustrated the diversity of his interests and achievements by the wide variety of topics mentioned. As chairman of the Republican Task Force on Education and Manpower Training, it has been my privilege this year to observe still another example of FRED's diversified interests. Despite his active participation in so many other areas, FRED has demonstrated a deep concern for education problems and contributes a great deal of both information and enthusiasm to the task force.

He is especially knowledgeable in the complicated field of financing higher education, and has studied this subject in depth with experts in the field. FRED's concern and empathy for young people has been demonstrated by his personal visits to college campuses to listen to them rather then lecture them.

FRED SCHWENGEL's willingness to assume extra responsibilities while skillfully fulfilling every commitment is convincing testimony to his outstanding abilities. I thank my colleague from Massachusetts, BRAD MORSE, for giving us all this opportunity to call attention to FRED's accomplishments.

GENERAL LEAVE

Mr. MORSE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in connection with my special order today.

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

There was no objection.

GORGAS MEMORIAL INSTITUTE OF TROPICAL AND PREVENTIVE MEDICINE: 47TH ANNUAL MEETING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, one of the greatest scientific organizations in the world for research in the field of tropical diseases is the Gorgas Memorial Institute of Tropical and Preventive Medicine of Washington, D.C., which supervises the operation and maintenance of the Gorgas Memorial Laboratory located in Panama City, Republic of Panama.

In line with its regular practice, the institute held its 47th annual meeting on September 10, 1969, in the Nation's Capital which was attended by many distinguished authorities on tropical diseases and activities related thereto. The principal feature of the program was an illustrated summary of the highlights of scientific accomplishments during the past year by its director, Dr. Martin D. Young. A full report of this work will be published at an early date as a Government document.

It will be of special interest in the Congress that the board of directors of the institute elected the Honorable Maurice H. Thatcher, former distinguished Member of Congress from Kentucky with assignment to the House Committee on Appropriations, as its honorary president and reelected him as a member of the board and as general counsel.

Congressman Thatcher in 1928 was the author of the legislation under which the Gorgas Memorial Laboratory was established and has been subsequently maintained and operated by congressional appropriations aided by certain grants.

Among those in attendance at the meetings was the Honorable Roberto Aleman, who, as Ambassador of Panama to the United States, is one of the related members of the board of directors. Governor Thatcher, in remarks of appreciation of the continued competence of the institute commended particularly Ambassador Aleman, who had so effectively cooperated with the Governor in securing an adequate title for the land recently given by the Republic of Panama to the institute for the construction of a Central American Medical Library and its maintenance and operation by the laboratory, and for any new buildings for the purposes of the library.

The institute also adopted a resolution in support of the late John F. Stevens—1853–1943—for election in 1970 to the Hall of Fame for Great Americans at New York University. Mr. Stevens, one of the greatest civil engineers that our country ever produced, was appointed by President Theodore Roosevelt in 1905 as chief engineer of the Isthmian Canal Commission. Stevens was the first man in authority after U.S. acquisition of the Canal Zone to recognize the value of the sanitary work of the then Chief Health Officer Gorgas. Immediately on taking charge, he strongly supported Dr. Gorgas, who proceeded to clean up the Isthmus and made the success of the canal project a certainty. As to the canal itself, Chief Engineer Stevens developed the high-level lake and lock plan, brought about its adoption by the Congress and the President, acquired the plant for building it, organized the engineering forces for construction, and launched the project on the road to successful completion. In recognition of his important services, Stevens won appointment in 1907 by President Theodore Roosevelt as the first official to hold the combined offices of chairman and chief engineer of the Isthmian Canal Commission.

In order that the activities of the Gorgas Memorial Institute at its 47th annual meetings may be more widely known, I quote a press release and the indicated resolution as parts of my remarks:

GORGAS MEMORIAL INSTITUTE OF TROPICAL AND PREVENTIVE MEDICINE

The 47th Annual Meeting of the Gorgas Memorial Institute of Tropical and Preventive Medicine, a non-profit international biomedical research and training organization, were held on Wednesday, 10 September 1969, at the Medical Society of the District of Columbia Building.

The Gorgas Memorial Laboratory, the operating arm of the Institute, is located in Panama, Republic of Panama, as a living memorial to Major General William Crawford Gorgas. It was established in 1929 through legislative action of the Congress of the United States and of the National Assembly of Panama and is supported by Congressional funds, supplemented by grants and contracts from other institutions.

The Board of Directors elected by acclamation as its Honorary President the Honorable Maurice H. Thatcher, author of the Congressional Act establishing the Gorgas Memorial Laboratory, only surviving member of the Isthmian Canal Commission, once Governor of the Canal Zone, and former member of the House of Representatives from Kentucky. Other officers elected were: Rear Admiral Calvin B. Galloway, MC, USN, retired, President; Major General Paul H. Streit, USA, retired, Vice President; Hon. Maurice H. Thatcher, General Counsel; Dr. Leon Jacobs, Secretary; Mr. Donald A. McCormack, Treasurer; and Mr. John C. Gibbons, Assistant Treasurer.

The Board of Directors also adopted a resolution strongly recommending the election in 1970 to the Hall of Fame for Great Americans at New York University of John Frank Stevens (1853–1943), a native of West Gardiner, Maine, a civil engineer and one of the greatest railroad builders in the history of the world. Appointed in 1905 by President Theodore Roosevelt as Chief Engineer of the Isthmian Canal Commission and eventually Chairman and Chief Engineer in 1907, Mr. Stevens, on taking charge of Panama Canal construction, immediately gave Chief Health Officer Gorgas the indispensable and greatly needed support to put into effect the sanitary regulations which reclaimed the Isthmus from yellow fever and made possible the building of the Canal.

The scientific accomplishments of the Laboratory during the past year were reviewed by its Director, Dr. Martin D. Young. Among the highlights reported were:

Although yellow fever has invaded Panama twice since 1948, the annual surveillance by the GML scientists indicate that no yellow fever was present in the eastern part of Panama, the area where it usually enters, during the past year. However, other arbovirus diseases have been present and quite active.

A study of Venezuelan equine encephalitis has indicated that it infects many kinds of wild animals and insects and is present in the human population in various areas of Panama. Panama contains nearly 10 percent of the known viruses transmitted by insects.

Leishmaniasis, which causes a skin lesion, is an important disease in Panama and other tropical countries. It is found in Panama especially in the jungle or where the forest are being cut down for farming. Until recently the reservoir hosts have been few in number and it has been a puzzle how the parasite is maintained in nature. During the past few years, and especially during the past year, it has been found that a variety of wild animals have the disease naturally and probably serve as the source for the *Phlebotomus* sandflies to transmit the disease to man. The hosts and the insect vectors have been shown to live at ground level and high up in the jungle canopy. One of the most important findings during the last year was an infection in a dog in an old settled community of Panama. The importance of domestic animals as sources of the infections to man is under study.

The GML scientists are showing that Panama monkeys can be infected with human malarias. It is hoped that monkeys may substitute for humans in the future in tests for the development of new drugs and for the understanding of the biology of the parasite. Curiously, one type of malaria, and the most dangerous type, *Plasmodium falciparum*, will not grow well in Panama monkeys although the same species of malaria from Africa and Malaya will grow in these animals under certain conditions.

Chagas' disease, one of the worst tropical diseases, has been under intensive study. It is being shown that the parasites are present it many wild animals and especially in rats that live in the native houses. The disease affects the heart, sometimes causing death. It is being found that the effect of the acute disease may contribute to the death of the patients years later. In addition, there is a high death rate among patients with the acute disease.

A nationwide survey indicates that brucellosis is at a low level in Panama and is not a major public health problem.

A rare and fatal disease reported recently is hydatid (cysts) infection caused by the intermediate stages of a tapeworm that alternates between wildcats and small forest rodent, such as agoutis. During the year, it was found also that the spiny rat, probably the most common rodent in Panama, also is naturally infected and may contribute to the maintenance and spread of the disease.

Pollution of waters, especially by sewage, is becoming a very important health problem in the tropics. In cooperation with the U.S. Army, model ponds have been established to determine how such stabilization ponds can operate in the tropics. There is hope that such inexpensive operation can be advantageously used in the tropics for the disposal of sewage and to prevent the spread of disease organisms in the sewage.

RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF THE GORGAS MEMORIAL INSTITUTE OF TROPICAL AND PREVENTIVE MEDICINE AT ITS ANNUAL MEETING ON SEPTEMBER 10, 1969

JOHN FRANK STEVENS, 1853–1943

Whereas, the membership of the Gorgas Memorial Institute of Tropical and Preventive Medicine includes eminent authorities in these fields who are familiar with the history of health and sanitation on the Isthmus of Panama and the dramatic story of constructing the Panama Canal; and

Whereas, the late John Frank Stevens, a native of West Gardiner, Maine, and one of the most distinguished civil engineers in the field of railroad construction in the history of the world, was appointed on June 30, 1905, by President Theodore Roosevelt as Chief Engineer of the Isthmian Canal Commission at a time of grave crisis incident to a yellow fever epidemic; and

Whereas, Chief Engineer Stevens, who had accepted the theory of the mosquito as the chief vector of yellow fever and other tropical diseases, on assuming direction of the Canal project on July 25, 1905, recognized the danger and immediately became an ardent supporter of Chief Health Officer William C. Gorgas in the indispensable work of sanitation on the Isthmus that made the construction of the Panama Canal possible; and

Whereas, while serving as Chief Engineer, 1905–1907, Mr. Stevens developed, the high-level-lake and lock plan for the construction of the Canal, brought about its adoption by the President and the Congress, acquired a major part of the plant for construction, formed the permanent engineering organization, and launched the project on the road to successful completion, gaining a place in history as the basic architect of the Panama Canal,

Be it, therefore, resolved, that the Gorgas Memorial Institute of Tropical and Preventive Medicine strongly recommends John Frank Stevens as eminently meriting memorialization in the Hall of Fame for Great Americans at New York University and respectfully commends his election to this great honor in 1970.

OPERATION INTERCEPT

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, the Nixon administration's Operation Intercept on the United States-Mexico border has become a matter of some concern to those of us who live on the border. We, of course, suppport any effort to curtail the importation of illegal drugs, but time and time again I have come before this House and the committees of this body to mention the very pleasant and amicable relations which we have with our neighbors to the south—and have had for several hundred years.

Too often my complaint has been that individuals who do not know the border or its people implement programs which in the final analysis turn out to be of more harm than good. Such appeared to be the case with the original procedures being used for Operation Intercept. Their immediate effect was to paralyze the daily business, civic, and social life of our border communities. And the amount of ill will created could be of longer duration than the possible minimal curtailment of the problem which originated the operation.

I submit for your kind consideration a copy of a telegram which is representative of the many communications which I have received:

BROWNSVILLE, TEX.,
September 23, 1969.

Representative E. KIKA DE LA GARZA,
House Office Building,
Washington, D.C.:

Operation Intercept has created unexpected chaos in border traffic. Disruption in international relations eminent. Request immediate reconsideration of methods to achieve the objective. Strongly urge some constructive action.

IRVIN G. SHEPARD,
President, Brownsville Chamber of Commerce.

Mr. Speaker, since the border is my home—my birthplace—and my business in the House of Representatives—I offered some advice to Assistant Secretary of the Treasury, Mr. Eugene T. Rossides—who is in charge of Operation Intercept—by sending him a telegram as follows:

Mr. EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury, Department of the Treasury, Washington, D.C.:

Reference our conversation on Operation Intercept. Daily civic social and business life is being interrupted in the border communities in my district. Your objective in stopping nacotics traffic is uniformly supported. However questions arise concerning methods and procedures in conflict with the economy and daily life of the area. Perhaps special traffic lanes and additional personnel could be made available for inspection of doctors, grade school children, those seeking hospitalization, and those engaged in regular commercial business which historically has never been tainted with illegal flavor. Are there any plans to provide for the passage without hindrance of legitimate traffic perhaps through some special arrangement or special identification? Your consideration of necessary changes deeply appreciated to avoid further suffering by the people in my area.

KIKA DE LA GARZA,
Member of Congress.

I respectfully, but emphatically, recommended to the administration that every possible effort be made toward correcting the procedures which were causing undue hardship on our border communities. I am informed that they have now corrected some of the procedures and that the situation seems to be operating more smoothly. I, therefore, again respectfully recommend that they continue to evalu-

ate said procedures so that they might achieve the maximum success for their original endeavor, and yet maintain the normal daily life of our communities on the border.

U.S. PARTICIPATION IN ISRAELI DESALINATION PROJECT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the visit of Israeli Premier Golda Meir to Washington and her talks with President Nixon and the Secretary of State will afford the President the opportunity to reaffirm the commitment made last January by President Johnson to former Premier Eshkol that the United States would participate in the construction of a desalination plant in Israel. I urge the administration to clarify its position on this important project which the Department of the Interior described on January 17, 1969, as "vital to Israel in terms of water supply and power," and also as giving the United States "an opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to the development of low-cost desalinization processes."

Unfortunately, so far the Nixon administration has declined to affirm its support for the proposed desalination plant. I wrote to President Nixon on February 18 and April 2 urging the administration to carry out President Johnson's commitment. I included that exchange of correspondence with the President in the CONGRESSIONAL RECORD, volume 115, part 9, page 12459.

In view of the failure of the administration to clarify its position, I again wrote to President Nixon on August 14. The reply from the White House signed by William E. Timmons, Deputy Assistant to the President, was disappointing. In essence it said that the matter was under intensive study and that one of the considerations involved in a decision was:

> How can we accompany any agreement with Israel with some corresponding gesture to friendly Arab nations, hopefully to alleviate the refugee problem which is causing instabilities in the Middle East?

I do not understand the relevance of linking the longstanding commitment on the desalinization plant to the Arab refugee question.

The desalination plant on its own merits will contribute greatly to stability in the Middle East. The Arab refugee question is one of the issues to be determined through direct negotiations between Israel and the Arab states in the effort to achieve peace in the Middle East.

I have introduced legislation in the past two Congresses which would allow the U.S. Government to enter into an agreement with the Israeli Government to share the cost of the plant. In this Congress my bill is H.R. 587. The plant would be capable of producing 100 to 150 million gallons of fresh water and 300,000 to 400,000 kilowatts of electricity daily.

In January the Johnson administration submitted legislation to the Congress, authorizing U.S. assistance to Israel in the design, development, and construction of such a dual-purpose plant.

The Johnson proposal was the result of extensive study dating back to the Eisenhower administration. At that time, it was hoped that a regional desalinization plant could be built in the Middle East, but Arab political intransigence wiped out hopes of such international cooperation.

In 1965, the American-Israel Desalting Board said that the project was technically feasible. In the 4 years since, the need for the plant has become greater, both from the standpoint of Israel and the standpoint of development of desalination technology.

I think adequate study has been made. Such a plant has had support since 1964, and the need for water and power in Israel becomes more serious daily. With the population of Israel growing at its present rate, it is scheduled to increase by 1.5 million by the early 1980's.

Experts have made it clear that neither agricultural nor power needs will be met if additional sources of fresh water are not immediately developed.

During his campaign President Nixon promised to maintain America's commitment to Israel. President Johnson's endorsement of the Israeli desalination plant is an important part of continuing American support to Israel.

I urge President Nixon to demonstrate our goodwill toward Israel and our desire to keep our commitments to her by assuring Premier Golda Meir of our participation in the desalination project.

I include at this point in the RECORD my latest exchange of correspondence with the White House:

AUGUST 14, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On February 18, 1969 and again on April 2, 1969, I wrote to you concerning the importance of your support for United States participation in the construction of a prototype desalination plant in Israel. In January of this year President Johnson made a commitment to Israeli Premier Eshkol for United States participation in this project which would make a major contribution to stability in the Middle East.

As I pointed out in my previous correspondence, Secretary of the Interior Hickel so far has not taken a position on this project, even though it was recommended to the Congress by his predecessor.

I have been hopeful that you would make clear the position of your Administration on this vitally needed facility. Unfortunately, I still have not heard from you as to your position, although Bryce N. Harlow, Assistant to the President, stated in an April 11 letter to me that you had directed that a study be made.

I would appreciate knowing the status of that study and whether or not the commitment made by President Johnson to Israel will be carried out. I really believe that this commitment constitutes an important part of continuing United States support for Israel.

During your campaign for the Presidency on several occasions you mentioned the need to maintain America's commitment to Israel. I certainly hope that you will reaffirm Executive support for this project.

With kindest regards.

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

THE WHITE HOUSE,
Washington, D.C., September 13, 1969.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: I am pleased to reply further to your letter of August 14, inquiring as to the status of the Administration's commitment in the construction of a prototype desalination plant in Israel.

This matter has been under intensive study by the several government departments which are involved in or affected by an Administration decision. Some of the considerations involved in this study have been: Does the proposal made by the Johnson Administration still represent an optimum insofar as the research and development plans of the Department of the Interior are concerned; how is it affected by what we have learned about desalination during the past year? From the Israeli point of view, will the proposed desalination plant be able to furnish water at a low enough cost so as not to constitute a drain on the Israeli economy; would it be preferable to view our possible involvement with Israel as a water research project to which both parties contribute and from which both parties will eventually benefit? Further, how can we accompany any agreement with Israel with some corresponding gesture to friendly Arab nations, hopefully to alleviate the refugee problem which is causing instabilities in the Middle East?

I am confident that, during the next few weeks, we can develop a proposal which will be optimum to the United States as well as to Israel, either similar to the original proposal or an improvement thereupon. The President is mindful of the fact that joint studies of desalination plants have been carried out by the United States and Israel since 1964, and that both parties have contributed considerable sums of money. Please rest assured that our response will take this past history into account.

Sincerely yours,

WILLIAM E. TIMMONS,
Deputy Assistant to the President.

UNITED STATES MUST PERSEVERE IN SST PROGRAM

(Mr. KUYKENDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KUYKENDALL. Mr. Speaker, I cannot remember when I have heard so much rhetoric, based on so few facts, as that triggered by the President's announcement that he wants the United States to persevere in its plans for a supersonic transport aircraft.

We are told that this money should go for more important programs, that the noise of this aircraft will deafen us all, curdle the milk in the dairies, and put cracks in our marble halls.

We are asked to believe that the hundreds of millions of dollars already spent for research should be abandoned. We are told that the SST is not economically feasible.

Are we really so impoverished that we cannot afford something that may well turn out to be the aviation bargain of the century?

At this moment, salesmen for Soviet Russia, Britain, and France are flung all over the world, calling on the presidents of aircraft companies. They are selling SST's. They are selling options to buy—the Soviet-made TU–144 and the British-French Concorde are already flying, and so are the order blanks.

Make no mistake about this, when you assign your budgetary priorities. Whether America builds SST's or not, Americans will fly on SST's. When you are talking about a $40 million airplane, and a potential market of more than 500 of them, you are talking about enough money to make the Congress of the United States sit up and take notice. Our aircraft industry may not be the total answer to the problem of gold flow in or out of this Nation, but it is and will continue to be the major factor we cannot afford to overlook.

Both the Concorde and the TU–144 have a healthy jump on the American SST. But we still have the healthiest and strongest aerospace industry in the world, and we can catch up. In the long run our airplane should prove more profitable for the airlines because of its larger passenger capacity, greater speed, and superior technological backup.

Have any of the critics making so much noise about noise really studied their subject? Do they know that the sonic boom produced by the SST would measure about 2.2 pounds per square foot at 1,800 miles an hour at 60,000 feet? Do they know this pressure is roughly equivalent to being inside a Volkswagen when the door is slammed?

Have they looked at our globe, to visualize the polar routes and the overwater routes that would make Tokyo 6 hours away, Australia 7½ hours, and New York-to-Miami about 1 hour without flying overland? Have they considered that the polar routes would make Anchorage, Alaska, one of the major air crossroads in the world, and would open up that part of our Nation to an economic boom second only to the gold rush days?

Mr. Speaker, these people are the same ones that passed laws in the early 1900's requiring horseless carriages to be preceded by men carrying lanterns. And if they had been at Kitty Hawk, N.C., 66 years ago, they would have tried to get out court injunctions to keep Orville and Wilbur Wright from killing themselves.

SHOWDOWN AT THE "OK" CORRAL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, recently the Federal Power Commission granted a 6-month extension of approved rate schedules and charges by the Southwestern Power Administration to various electric energy customers in Louisiana and Oklahoma. This is the second temporary extension made by FPC to give the Department of the Interior an opportunity to review SWPA's operations with the purpose of modifying present contract provisions in order to recover SWPA's cost of producing and transporting electric energy, including the amortization of capital investment allocated to power.

This action was of particular interest because the Department of the Interior recently expressed agreement with the assessment of SWPA's financial problems and requested this additional time to accomplish the reassessment and redirection of SWPA's operations. As many of my colleagues will recall, I have been urging such a financial reassessment of this and all other Federal power marketing agencies and activities for several years.

FPC's very capable vice chairman, Carl E. Bagge, deserves a special white hat commendation for the persistent manner in which he has insisted upon this necessary correction in SWPA's rate schedules to bring about financial integrity of that system. Commissioner Bagge concurred in the FPC's order but filed a separate statement in which he said:

BAGGE STATEMENT

In my concurring statement to the Commission's order issued August 15, 1968, in this proceeding, the lack of adherence to sound economic principles in establishing the Southwestern Power Administration's rate schedules moved me to state that "to allow the rates to remain unchanged would perpetuate a totally unacceptable situation; one which is already a plethora of questionable financial judgments." In the continuing belief that the rates should be changed and the continuing hope that they will be, I concur in granting a six month extension but only to the extent that this order constitutes a continuance of the application for approval of SWPA's rates and charges in order to permit the parties additional time to complete their review and formulate adequate rates and charges for our subsequent approval.

My concurrence last year was based on similar hopes. However, the protractive nature of these remedial efforts has caused me to have serious doubts about the efficacy of the statutory framework within which we are obliged to operate. It is for this reason that I believe the Federal Power Commission's duties and responsibilities as embodied in Section 5 of the Flood Control Act of 1944 should be reexamined. H.R. 13107, the proposed Federal Electric Power Project Cost Repayment Act of 1969, introduced by Congressman Saylor in the current session of Congress would, in my opinion, be the appropriate method of providing a workable and rational basis for resolving these problems. In particular, Section 7 of the Act would afford the public a solution to the very problem with which the Commission is now faced:

All power rate schedules set by the Secretary to conform with the requirements of this Act shall be submitted to and approved by the Federal Power Commission. Whenever the Commission shall find that any such rate schedule will result in inadequate revenue to repay all costs as required by this Act, the Commission shall determine the necessary rate schedule thereafter to be in force and shall fix the same by order: *Provided*, That the ordered rate shall not be in conflict with a rate established in accordance with the proviso in section 8 of this Act.

The present situation not only requires that the financial integrity of the SWPA System be restored, but also indicates an affirmative need for delegating adequate authority to a more appropriate independent government agency in order to effect the meaningful financial management of the government's investment and the public's trust.

This statement of Commissioner Bagge's, inspired the reporter who writes the Washington Comment column in the magazine Electrical World to write in the September 22 edition that, "There is going to be a showdown at 'OK' Corral," concerning the SWPA power rates.

Mr. Speaker, this column from Electrical World is so significant and calls attention to this important problem of Federal electrical power project repayment in such graphic terms that I think every Member of this body should read it. For this reason, without objection, I will insert the full text of "Showdown at the 'OK' Corral" at this point in my remarks:

SHOWDOWN AT THE "OK" CORRAL

There is going to be a showdown at "OK" corral, fourth floor left at the Federal Power Commission. Hard-riding, fast-talking Commission Vice-Chairman Carl E. Bagge is imploring his four fellow commissioners to join him in a shootout.

Bagge says these men are using the wrong branding iron—allegedly a rubber stamp—to mark the Commission's "OK" on the various rate schedules and contract terms under which Interior Department's Southwestern Power Administration [Swpa] sells wholesale power to three utilities in the Southwest.

The commissioners announced in late August they had okayed a six-month extension of Swpa's rate schedules so that Interior can continue "studies and reviews . . . toward corrective action." This latest extension is added to a previous 12-month postponement, and Bagge is blowing the whistle.

Bagge claims Swpa officials have long believed they are untouchable when they go before the commission for rates and charges review. "The whole thing is scandalous," Bagge says. "Their rates are not adequate, and to allow their rates to remain unchanged would perpetuate a totally unacceptable situation—one which is already a plethora of questionable financial judgments."

From its inception in 1944, Swpa's history is pockmarked with red-ink accounting and business practices that formerly brought howls in the halls of Congress.

The fault of "rubber stamping" Swpa's rates and charges is not all the FPC's, however. Under the 1944 Flood Control Act, FPC is supposedly given authority to review rates charged by Interior power marketing agencies such as Swpa. But there is no provision for FPC to enforce its disapproval of rate schedules, contract rates, and charges. "The [Interior] Secretary can continue to collect rates without increase even with FPC disapproval," Bagge said.

Bagge believes the present situation not only requires that the financial integrity of Swpa's system be restored, but also "indicates an affirmative need for delegating adequate authority to a more appropriate, independent government agency in order to effect the meaningful financial management of the government's investment and the public's trust."

He doubts the efficacy of "the statutory framework within which we are obliged to operate," and endorses the proposed federal electric power project repayment bill [HR 13107] introduced by Rep John Saylor [R-Pa.]. The bill would give FPC the power to establish "specific, uniform standards and requirements" to determine "the annual payments needed to liquidate, with interest," the government's investment.

The bill would be "the appropriate method of producing a workable and rational basis for resolving these problems," Bagge said. But Bagge realizes that the situation calls for something more than a one-man crusade.

So he wants fellow commissioners to oil up their shooting irons. And Interior Secretary Hickel might do well to stand aside—unless he wants his jacket ventilated.

Mr. Speaker, Commissioner Bagge's endorsement of H.R. 13107, the proposed Federal Electric Power Project Cost Repayment Act of 1969, is significant. I am sure all 11 of the bill's sponsors appreciate his statement and we sincerely hope he will be successful in convincing his four fellow Commissioners to join in support of H.R. 13107. As I said on July 24, when this bill was introduced, the

Congress has made substantial progress in recent years in establishing uniform policies applicable to water resource development standards as they apply to irrigation, municipal and industrial water supply, and recreation facilities. But, there still remains the need to write uniformity into the law relative to repayment of power cost. The time has long passed for the Congress to procrastinate in correcting this problem.

LIC. ADOLFO LOPEZ MATEOS

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, it is with great sadness that I appear before before you today to bring to your kind attention the death of a former President of Mexico, Lic. Adolfo Lopez Mateos.

This has brought to me personal sadness for I had the happy privilege of knowing him as a friend. It has brought sadness to Mexico and all Mexicans everywhere, indeed, his loss is shared by humans everywhere. For not only did he lead his country with honor and distinction, he was also a world leader.

His contributions to his country and to the world community were many and it is with a great degree of sadness that we now realize the shortness of his life and the vastness of his contributions—judge, legislator, cabinet member, then President of Mexico at the age of 48. Six years as its President and and not much later, his illness, and now his death, at 59.

Many of his friends, including myself, envisioned him perhaps as Secretary General of the United Nations, or as leader of some important world organization.

I know his brilliant and dedicated counsel will be missed in his country and throughout the world.

I, therefore, respectfully ask you, Mr. Speaker, and my colleagues to join me in extending our sympathy to the family of Lic. Lopez Mateos and to the Government and people of Mexico. I thank you.

ECONOMIC OPPORTUNITY FOR MINORITY CONSTRUCTION CONTRACTORS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I have long been concerned about the fact that thousands of minority contractors are unable to take part in this Nation's construction industry. Their participation is prevented because of the obstacles they encounter in seeking credit or in obtaining performance bonds.

Without performance bonds, it is virtually impossible to get construction work. In Harlem, for example, black contractors are unable to work in the community because they cannot convince surety companies to provide them with performance or payment bonds.

I tried to tackle this problem in 1966 in the 89th Congress when I offered an amendment to the Economic Opportunity Act which would have provided Federal guarantees for contractors. I also introduced legislation that would permit the Small Business Administration to indemnify a surety company against losses which might result from the bonding of a small construction firm, and I reintroduced the bill in the 90th Congress.

In this Congress it is H.R. 649. H.R. 649 would allow the Small Business Administration to indemnify a surety company with respect to the bonding of a small business firm when the indemnification would materially affect the business's ability to be bonded and would further the objectives of the Economic Opportunity Act.

This legislation would help combat the vicious cycle of discouraged enterprise and unemployment. The American dream of advancement through hard work and self-improvement has been denied to a large part of our urban population. The bill would not only allow these minority entrepreneurs to try to achieve the American dream, but it would also provide jobs in the areas where they are needed most—in the ghettos of our cities.

To complement H.R. 649, I introduced three bills on September 10 which would also help to permit minority businessmen to take their rightful place in the mainstream of the American economy.

The first, H.R. 13734, would amend section 3 of the Housing and Urban Development Act of 1968, which requires the employment of indigenous persons in federally assisted housing projects to include federally assisted programs of urban planning, development, redevelopment, or renewal; public or community facilities; and new community developments.

The second, H.R. 13735, would permit the Small Business Administration to provide a Federal guarantee of certain types of construction bonds—including bid bonds, payment bonds, and performance bonds. It would authorize the acceptance of a certification of competency in lieu of bonding in connection with any construction projects involving a Federal department or agency. And it would establish a national construction task force staffed to provide technical instruction and counseling with respect to the management, financing, and operation of small construction firms; the techniques necessary for successful bidding on construction contracts; and the correlation and dissemination of information concerning opportunities for small construction firms.

The third bill, H.R. 13736, would amend the Miller Act of 1935, raising the ceiling at which contracts must be bonded from $2,000 to $20,000. This would give small companies, which have difficulty obtaining bonding, new opportunities to participate in Federal construction.

The situation has not changed very much since I first introduced legislation in 1966. Three years later, it is still almost impossible for minority contractors to get bonding. Jobs are still scarce. The housing supply is still inadequate.

The passage of this legislative package will help stimulate the economy, provide more homes, provide more jobs, and make it possible for black and Spanish-speaking contractors to obtain construction work.

I urge prompt congressional action on this problem.

THE NIGERIA BIAFRA TRAGEDY

(Mr. CONYERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CONYERS. Mr. Speaker, my most recent discussion with my friend, the Assistant Secretary of African Affairs, Mr. David D. Newsom, about the Nigeria Biafra tragedy has been, frankly, disappointing. The State Department, except for humanitarian statements of concern, as far as I can see, has done little to assist in the political resolution of this matter. I protest this inaction and demand that we embark upon more meaningful courses of action. To enlarge the Secretary's point of view on this matter, I bring to his attention this article from Freedomways magazine:

A MESSAGE TO BLACK ACTIVISTS ON THE NIGERIAN CRISIS

(By Lindsay Barrett*)

The Nigerian civil war represents one of the most significant active symbols of the African struggle for a larger measure of self-determination and unification of the exploited peoples of the non-white world being pursued today. Baldly stated, the Nigerian Civil War represents the confrontation between the positive need for unity in the national politics of Africa and the temptation to seek to continue the subservient status of the continent through the fragmentation of its parts. The tragedy is that this confrontation is not as openly ideological in terms of white vs. non-white interests in Nigeria as it was in the Congo. But the fact is that at an even more profound level than in the Congo this is the true nature of the forces that keep the Nigerian Civil War going. The Federal Government of Nigeria has waged a most benevolent war against the forces of division ever since 1967. This is a fact that must not be lightly passed over. I have worked in war zones for more than a year now and have been an eye-witness to the fantastic restraint of the Federal Troops; quite the opposite of the picture of naked howling savagery painted by secessionist propaganda. Had the surface quarrel that gave rise to the crisis remained the only issue in the war, reconciliation might very well have been effected within a few short months of the start of the war. But if we look back quickly on the way in which the crisis was brought into being we will discern that these deeper influences were at work every step of the way. Post-independence Nigerian politics like post-independence politics in most of Africa was largely controlled not by the desires of the masses but by the manipulations of foreign power politics and international economic interests.

In order to ensure the preservation of their interests the large powers with economic interests invested in the nation as well as those with economic prospects in view in the

Lindsay Barrett works with the Nigerian Federal Government in Enugu as Head of the Information Department of the East Central State. This article does not necessarily reflect the official views of the Nigerian Government. It represents instead Mr. Barrett's conclusions drawn from personal observations over the past two years, as he has lived in various parts of Nigeria and spoken with Nigerians from every part of the nation. This is the first of a number of articles which FREEDOMWAYS will publish on the tragic situation in Nigeria.

nation, sought to woo and to win the allegiance of the nation's rulers. The pressures brought to bear on the leaders of the young nation in this wise led to the inevitable result of alienation between the masses who were led and the leaders who were supposed to lead. Corruption and disregard of the basic democratic principles of political action became the norm. One industrialist, an Englishman whose factory employed more than eight hundred Nigerians in Enugu before the war, admitted to me that in the post-independence political era just before the crisis broke his benevolence exercised a measure of control over local politics according to how many jobs he would promise to certain supporters of certain candidates.

An oil executive, a Dutchman, has told me that similar influence was wielded by his company in Port Harcourt. While this syndrome, which was widespread in the nation, was not the only factor responsible for the breakdown of the democratic experience in the nation, it is symbolic of the type of influence which foreign interests wielded in the political life of the nation. At the same time the Nigerian army was undergoing a process of change and growth having only been handed over to the full command of Nigerians in 1965. It must of course be remembered that African Armies are for the most part inheritors of the colonial military tradition of oppression rather than protection. The change to an army of protection and defense from that of an army of oppression must give rise to traumatic problems, especially within the officer corps. The army has to identify on a benevolent level with people whom in its initial stages it was employed to coerce.

Thus, when as a result of the machinations of the politicians who sought to remain in power by cultivating the support of the nation's economic enemies, the gulf between the nation's people and its leaders grew so wide that a full scale civil crisis was precipitated, the young officers, who saw in the ills of the nation the ills of their army, sought to remedy both by attempting to eliminate in one stroke retrogressive elements in the military and political institutions in the nation. Tactical errors brought down the first attempt in January 1966. The coup did not give rise to a Government led by those who started it. Instead it had the effect of eliminating a sector of the political experience of the country without being able to replace it with the planned political alternative. Hence it soon became obvious after the January coup that the Governmental direction forced upon the new leaders was for the most part directed by the sentiments of the coup leaders who were then in prison or in hiding and had no real basis in any long term decisions taken by the new leaders. Of course such a situation was bound to lead to dangerous ambiguities.

DIVIDE AND CONQUER

In the process of political existence and identity in the nation, and in the struggle to grasp the very ideals of the men whose incarceration had brought them to power, the new leaders, especially the southern hierarchy led by Ironsi, seemed to be indifferent to some of the more blatant betrayals of those same ideals in the execution of the January coup. The most tragic of these was the fact that owing to previously mentioned tactical errors the Ibo political hierarchy was virtually untouched by the events of January 15th while the North, West, and Mid-West lost nearly all their most prominent and active leaders. Naturally the increasing trauma of tribal and inter-tribal suspicion raised by this situation was ripe field for the nation's enemies. They did not hesitate. Picking the lines of weakest division the foreign jackals moved in early.

They sought, and in some cases found, willing listeners in all sections of the country among the new leaders as well as among the people. They concentrated particularly on the East and the North. In the East they spoke of Northern domination of the troop force of the Army as a potential threat to the south. In the North they spoke of Eastern domination of the key posts in the officer grades in the Army as being a continuation of the evils that should have been destroyed by the January coup. What they were in fact doing was that they were reading the already outlined ambiguities of the situation and heightening them along unnatural lines, being fully aware that the new Government was insecure in its directives because it was a Government by default. They felt that they could stave off the eventual correction of the January mistakes which correctives would give rise to a truly national Government working for the self-sufficiency of the community and against the continued ascendancy of external interests in the economic life of the nation. Tragically this trick worked to an extent and a line of suspicion was drawn between even the younger officers in the army. The insensitivity of the Ironsi regime to this problem was remarkable.

THE JULY MEETING

If the realities had been realized early enough and the Ironsi hierarchy had been able and willing to take the drastic step of honoring the ideals of the young January coup leaders then the July mutiny would have been staved off. But this did not happen. The July mutiny however was the best thing that could have happened at that time because it succeeded, again by default, in placing the issues of division squarely before the nation. Ironically just as the January coup could be said to have failed so can the July mutiny be seen as a failure. Neither action resulted in its primary aim. But remarkably the failure of the July mutiny seemed to give rise at last to a Government that was prepared to honor the ideals of the first coup. When Major General Yakubu Gowon stepped in to quell the mutiny he did so with a full understanding of the native grievances of the mutineers. For this reason he did not seek to berate them but rather to soothe their feelings and to promise that if given a chance he would head a national Government that would seek to correct the grievances that they sought to eliminate by violence, in a peaceful manner.

Obviously such a promise was not in the best interests of the nation's enemies and what is more the implied Goverment would obviously be forced to review the basic causes of the alienation of the governed from the governing in an effort to heal the breach. Now it became necessary for the foreign interests who were the driving force behind the continuation of this alienation to step up their efforts to maintain a position of strength in Nigeria by finding and supporting any internal movement that might promote division. We can now only speculate on the reasons why this search bore greater fruit in the East under Ojukwu than it did in the rest of the Federation under Major General Gowon. While both are young men, one, Ojukwu, had been openly contemptuous of the mutineers in July while the other, as has already been pointed out, was courageous enough to admit that native grievances existed but to express the opinion that such grievances could not be remedied by the method chosen. It is therefore not surprising that Ojukwu should have felt that his own stand, which he was not prepared to change would not be popular within the framework of a reconstructed Government that based its premise of justification on the recognition of the verities inherent in the grievances exposed by the July mutiny.

Thus it was that right from this point in an effort to gain some semblance of legitimacy for his own stand Ojukwu found it necessary to overplay the essence of ethnic divisionalism present in the upheaval and to project this essence upon the national situation in such a way as to impress foreign groups with the hysteria of purported genocidal persecution. Given his peculiar histrionic and oratorical talents it is not surprising that he was highly successful. But his success was also to a large measure predetermined by the fact that his stand suggested division and was therefore sympathetic to the dilemma of the foreign interveners whose interests were being threatened by Nigeria's thrust toward self-sufficiency.

THE ABURI CONFERENCE AND ITS AFTERMATH

At this point with the above outline as our guide we must examine the present state of affairs in the light of its internal shape and effect. One of the first things that Major General Yakubu Gowon tried to do was to bring about a reconciliation of the divisive forces within the army. These efforts were supported at the highest level by the senior officers of every region except the East. As a result a deadlock within the army developed and the last and most publicized attempt to break it was the Aburi Conference which took place in Ghana in 1967.

It must be pointed out that this Conference came after Ojukwu's high-powered drive to ethnicize the social problems of the nation in keeping with his July stand had culminated in the much publicized killing of several thousand people of both Eastern and Northern origins in the North and in the East. Thus it was that Aburi, which should have a Military Conference was really a political confrontation.

However, treating the crisis on the military level only, enormous concessions were made to Ojukwu's stand. It was agreed that for an undefined interim period troops would be confined to their regions of origin. This might not seem in the best interests of the principle of unity in the nation but as has been said before Major General Gowon had pledged to settle the critical situation by methods of peace and he seemed prepared to compromise his own position of power even to achieve this.

However, immediately, Ojukwu returned to Enugu; he met with his advisers and some foreign sympathizers and announced that the stage was now set for the final thrust to division. It now seems most likely that this remarkably insidious conclusion was prompted by the fact that even before deciding to go to the conference Ojukwu had been in touch with his foreign backers and had been promised their unqualified support in the event of his deciding to pull out of the Federation after this last ditch move. It even seems likely that none of the Western powers who were then observing the Nigerian situation closely was sure that the degree of rapport reached between the different parties at that meeting could actually be reached. Ojukwu was aware of this and did everything he could at that meeting to maintain the state of deadlock.

When he was unsuccessful in this he found that the only chance of success for the force of division lay in ignoring the very points that he had won in the meeting and going ahead full steam toward his goal of a separate nation. This surmise is borne out by the fact that his own Eastern advisers were wary of his proposed trip to Aburi, feeling that just such a degree of rapport might be reached. His trip to Aburi was undertaken in an atmosphere of the closest secrecy even at the point of his departure from his regional capital Enugu. Oburi was the greatest surprise that Ojukwu and his foreign supporters ever had, but it is interesting to note that the first signs of division in the ranks of his native advisers, especially in the military forces appeared immediately after the Aburi conference and culminated eventually in the death of two of the guiding lights of the original January coup.

Major Nzeogwu (Ibo) who was the most idealistic and fearless initiator of the original effort in January, was taken out of the jail in which he had been placed by Major General Ironsi and forced to lead secessionist soldiers at the early battlefront near Nsukka.

There he made an attempt to escape from the rebel side into the Nigerian lines but was shot by a Nigerian sentry whose alertness played no truck with political ramifications. To this day senior officers in the Nigerian Army lament this misfortune. The other highly idealistic Ibo officer, Major Emmanuel Ifeajuna, who sought to effect reconciliation after the Aburi conference, was executed for his pains by Ojukwu in Enugu in September, 1967 just before Enugu was liberated by the Federal Troops. But all this is a bit ahead of the sequence of events.

The Nigerian developments following the Aburi Conference featured Major General Gowon's repeated pleas for another conference to iron out whatever differences might have given foreign interests a loophole for influencing Ojukwu to ignore his most concrete gains. Furthermore the re-development of troops according to their regions of origin was started, but had to be halted when it became apparent that another clause of the agreement eschewing violence as a solution for the crisis was not apparently sufficiently engrained in the actions of, and principles of, the secessionist Army commanded by Ojukwu, since they were then discovered to be involved in large arms deals through the agencies of such nations as Portugal and South Africa. It was at this point that the Lagos Government led by Major General Yakubu Gowon decided to turn its efforts to some of the more profound political decisions necessary to secure the future stability of a united Nigeria.

THE MINORITIES AND AUTONOMY

The problem of minority ethnic groups seeking a measure of autonomy through the creation of separate states within a unified federation of states forming one united country had been for a long time one of the most pressing political problems in the nation. As has been said before, because of the insidious influence of foreign politics on the political life of the country prior to the military era this was one of the most vocal and visible symbols of the alienation between the masses, who sought this type of unity, and the politicians who sought to subjugate the labor and political forces represented by these demands in order to control the flow of foreign wealth stolen from the nation into their own pockets.

The Federal Government under Major General Gowon addressed itself to this problem with remarkable zeal and after a series of pulsating meetings in Lagos it was decided that eight new states should be created in the nation bringing the total to twelve. This had the effect of equalizing the ratio of mass representation on the Councils of Central Government in the Federation and thus ensuring the almost immediate elimination of "domination from the top" which Ojukwu professed to fear. But when the minority forces in his own region welcomed the Lagos move Ojukwu, prodded openly by foreign backers, refused to heed their demands for a re-thinking of his position in the crisis and instead declared immediate secession from the Federation, thus coercing more than six million of the people under his normal rule into a state of seige.

These are the facts of the start of the war and they form the basis of any true understanding of the present state of the crisis, that of a benevolent civil war waged from a position of unity by the Federal Military Government of Nigeria, and resisted from a position of division and neo-colonialism support by the secessionists led by Odumegwu Ojukwu.

All that I have said so far is a prelude to the message that I wish to impart to all black activists on the side of the forces that seek self-sufficiency and consequent self-determination for black men within the non-white community of this world. We cannot, in the light of the true political implications of this war, afford to make decisions or utterances harmful to the cause of unity in this nation or helpful to the forces of division in it. To do so will be to condone the intervention of our emotional and economic enemies in any internal and fraternal quarrel that we might have.

As I said at the start of my message, the Nigerian Civil War is one of the most significant symbols of our struggle against such intervention today. The secessionists have of necessity to seek such intervention in the form of so-called aid. In this light Ojukwu has addressed his wonderful sense of drama to dramatizing the emotional issues involved and the ethnic divisions in the country in an effort to raise the bogey of genocide and starvation as his last ditch justification for promoting the division of this nation. Having impressed these lies upon the moral vanguard of the neo-colonial forces, through agencies of religion and relief, he has succeeded in sustaining his rebellion by having arms and foreign currency procured for him by these white agencies under the pretext of carrying out humanitarian duties. Two examples of the way in which this is done will suffice to expose the true nature of the secessionist rebellion.

(1) Since the so-called Biafran currency is not negotiable by virtue of lack of material solvency the secessionist regime obtains foreign exchange by having some of these white agencies pay the amount of money meant for the purchase of local foods into foreign banks. The foods are then bought from the farmers in the rebel areas in nonnegotiable currency and given to the relief organizations.

(2) Arms bought in Switzerland, France, and the U.S. are flown to a central pool in Lisbon, from where they are flown by quota to Sao Tome, a Portuguese occupied island off the Nigerian Coast out of which relief organizations flying to the rebel areas operate. From there they are put into relief planes along with an equivalent weight-load of relief materials, to be flown to the rebel areas where such planes are not allowed to land unless radio signals from Sao Tome indicate that the proportion of weapons to food being carried is correct.

UNITY MUST PREVAIL

These are only two of several such devices employed by the rebel regime in pursuing its aim of perpetuating division in Nigeria. We cannot afford to lose sight of the fact that the nations engaged in ensuring the workability of such devices are nations dedicated to the external subservience of Africa and the black race to their own burgeoning economic ascendancy.

I have written this as an appeal and explanation. Black brothers working in their various ways towards the ideal of unity and unit strength for our people in several parts of the world have written to me asking for me to clarify for them my own relationship to this crisis in this black nation, because I am here. You black brothers have cited my earlier writings on the subject of black force, black unity, black love. These are the issues at stake here and only the unity represented and pursued with benevolence and dignity by the Federal Government, without pandering to foreign sentiments, can achieve the forward movement of these issues in this crisis.

Reality and reason demand that those of us who are Africans born outside of Africa should now address all our efforts and selves to supporting Nigeria's cause, the unity of blackness and the dignity of man, wherever we are, whenever we can.

CHANGING THE FISCAL YEAR

(Mr. LANGEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LANGEN. Mr. Speaker, I rise today to bring to the attention of this body the single fact that on Friday, a conference committee made up of Members of the House of Representatives and the Senate began meeting to reconcile differences between the appropriation bill passed by the House and the appropriation bill passed by the Senate for the Department of the Treasury and the Post Office Department. This is the first of 13 such bills that authorize the Federal Government to pay the bills each year. These 13 bills are standard bills and each year must be passed and signed by the President to permit the functioning of the U.S. Government. They are the authority Congress gives each department of Government to spend money. They are one of the fundamental functions of Congress. They are of primary importance. They describe the spending for the fiscal year.

As you know, Mr. Speaker, the bill we began considering this week describes the spending the Congress allows for the fiscal year that began July 1. Now, 2½ months later, we are still considering the conference committee report on only the first of 13 bills. The conference bills must be resubmitted to each House and must pass again. The President's signature making only the first bill law and official could be affixed as early as October 1, if all goes well. That would be a full 3 months after the beginning of the fiscal year for which the bill prescribes the will of the Congress. The progress of the other 12 bills is being carefully watched.

One of the most important, most generally adjusted and most significant in terms of new programs or changes in old ones, is the appropriation bill covering the Department of Health, Education, and Welfare, and the Department of Labor. In this bill are drastic changes in existing programs of social benefit including all of this Government's efforts to provide assistance to under and unemployed workers, all of our efforts to insure the highest quality of education to our young people, all of our efforts to provide housing to those who need a place to live, all of our efforts to promote general welfare among our people. Mr. Speaker, this bill is not scheduled for hearings in the Senate until the end of this month.

Assuming all dispatch and speed, this bill could be signed by the President and enacted into law by the middle of November. Mr. Speaker, that is a full four and a half months after the beginning of the fiscal year for which it appropriates funds.

The list of examples of the inconvenience, administrative difficulties, bureaucratic bungling and added expense due and attributable directly to this condition has yet to be compiled. The obvious examples of college students who, at this very moment, are in the throws of indecision because of the failure of the system to meet their loan needs, cannot be disregarded. The examples that could be developed in public works projects, community development projects and social

welfare projects would be staggering. The added cost due to difficulties in administration and the simple ease of taking advantage of the poorly functioning system will be found to be astronomical. The individuals who are without the services their Government has pledged to provide will line up to present their own pathetic testimony at unemployment and welfare offices throughout this Nation.

This simple fact of the matter is that times have changed and the rules of Congress have not kept pace. The job of a Congressman was once, and not long ago, divided equally between service in Washington and service in the District. Representatives met in Washington in January, transacted the Nation's business, and then returned home in June or July. Money was authorized and appropriated for a fiscal year that began soon after final passage of the bills and their enactment by the President. The system worked well.

The Nation's population is, however, increasing rapidly and the needs of the American people are multiplying even faster. The services being provided by Government now involve myriad aspects of human life. These services are more complex and more sensitive. The consideration accorded the new programs requires deeper investigation and better understanding. The Nation's business requires more time. Representatives spend more time in Washington. Hearings attract more witnesses. Bills require more time to write. Programs require more research. The needs have generally increased to the point where a full-time Congress must meet 12 months a year in order to meet the demands of people.

Mr. Speaker, the fiscal year still begins on July 1, just as it always did. The system has not kept pace. The rules must be changed to allow for the recent developments.

The problem promises to become more acute as the years pass. There is no letup in sight. The complexity is far more likely to increase rather than vice versa. The appropriation bills will require more time in the future as opposed to less time. More people will demand their rights to present their views at hearings rather than fewer. The programs will become more involved rather than simpler. The requirements made on the Representatives here in Washington will increase and will not diminish. The rules remain the same.

The practice of this body to enact continuing resolutions each year to account for the shortcomings of our system will each year become more unsatisfactory. The resolutions will to a greater extent each year fail to allow for subtle changes in the Federal expenditures and the dramatic changes in the needs of the people. If we continue the process of stopgap legislation, we will each year pile a larger burden on a weakening link in Government. It requires no imagination to foresee drastic and even catastrophic developments under the present system.

I have proposed a bill that would change the system. My plan would simply alter the Federal Government's fiscal year to coincide with the year as Congress meets. It would make the fiscal year start on January 1, rather than in the middle of the congressional business year. It would permit a full year to consider appropriations and allow a greater opportunity for individuals to make their position relative to the bills known. It would relieve the Congress of the pressure now exerted by the ill-times beginning of the fiscal year. It would permit programs so important to the welfare of our people to be authorized and funded in advance of the start of the year. It would end the waste and diversion that costs the Government so much now.

My bill solves a serious problem with a relatively simple change in the system. The problems that would develop during the year of the changeover would undoubtedly be insignificant compared to the problems of doing otherwise. I urge consideration of a simple step that will avert a situation that will require immediate attention at some future date.

Mr. Speaker, this Congress will change its fiscal year at some date. It remains to be seen whether it will do it in a calm, well-considered atmosphere or whether circumstances at some future date will require a hasty change under the threat of pending disaster.

PROMISE VERSUS PERFORMANCE IN ANTIPOLLUTION FIGHT

(Mr. ASHLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHLEY. Mr. Speaker, the widening gap between Federal promise and performance in cleaning up the Nation's waterways is an issue of major concern that will again confront the House when the public works appropriations bill comes before us next week.

For a recent article in the Toledo Blade, Frank Kane of the Washington Bureau inquired about the Federal Government's newest antipollution drive in which specific targets such as the city of Toledo and four Ohio steel firms have been selected for possible court action. How does the Nixon administration justify a new crackdown on alleged polluters at a time when Federal appropriations for cleaning up the Nation's streams and lakes are lagging so far behind congressional promises made 3 years ago?

Responding to the question, Murray Stein, Assistant Commissioner for Enforcement for the Federal Water Pollution Control Administration, said:

> Look, I know of nothing in the law that permits a polluter to continue dumping waste into a river until the Federal or State government gives him money to clean up. In the case of Toledo, the City is creating the waste, not the Federal government or the State of Ohio.

Mr. Speaker, it occurs to me that Mr. Stein expresses very concisely the viewpoint and attitude of the last Republican administration. It was with open disapproval that President Eisenhower in 1956 accepted a 10-year program of matching grants to help localities construct sewage disposal plants and 2 years later he specifically requested Congress to discontinue the grant program despite its acknowledged success.

In 1959 the administration continued its opposition to Federal pollution abatement grants. Health, Education, and Welfare Secretary Arthur S. Flemming made a personal appearance before the House Public Works Committee to urge that the Federal Government should pursue enforcement procedures and engage in research and other support activities but that the grants program should be gradually eliminated.

The Congress, as we know, rejected this view and this set the stage for the President's veto of the broadest pollution abatement bill passed by the Congress up to that time.

The Eisenhower veto message is worth quoting because it appears to reflect so precisely the attitudes expressed by the current Assistant Commissioner for Enforcement for FWPCA:

> Because water pollution is a uniquely local blight, primary responsibility for solving the problem lies not with the Federal Government but rather must be assumed and exercised, as it has been, by State and local governments. This being so, the defects of H.R. 3610 are apparent. *By holding forth the promise of a large scale program of long-term Federal support, it would tempt municipalities to delay essential water pollution abatement efforts while they waited for Federal funds.*

The message went on to contend that "the Federal Government can help, but it should stimulate State and local action rather than provide excuses for inaction."

Although the vote to override the veto fell short of the necessary two-thirds vote—249 in favor of overriding to 157 against—the veto did not disrupt the program established by the 1956 law, including the grants program. Congressional and White House support of this program of assistance to local communities for the construction of pollution abatement facilities from 1960 through 1968 is evidenced by the fact that a total of $1,220,000,000 was authorized during this period for Federal construction grants for pollution control and that $917 million was actually appropriated for this purpose.

It was not until fiscal 1969 and fiscal 1970, under the current administration, that a sudden gap developed between Federal promise and Federal performance. In fiscal 1969, $700 million was authorized for Federal grants but only $214 million was appropriated. For the current fiscal year, the Congress has authorized $1 billion but the administration has budgeted only $214 million.

Thus it can be seen that the difference between promise and performance, between authorization and appropriation, total $303 million for the 9 years from 1960 through 1968, while for the fiscal years 1969 and 1970 the administration has programed a gap of $1,272,000,000.

Despite the current failure of the Federal Government to make good on previous promises of financial help in licking the Nation's pollution problems, many cities and States are nonetheless going forward and meeting their responsibilities. The city of Toledo and State of Ohio, despite Mr. Stein's saber rattlings, are a case in point. Last November, the voters of Toledo approved a $17 million bond issue to improve the city's sec-

ondary treatment plant and they joined other Ohioans in voting a $450 million State bond issue, $120 milion of which is earmarked for pollution abatement. Because promised Federal assistance has not been forthcoming, the Ohio Legislature this year established the Ohio Water Development Authority which is empowered to sell bonds for an additional $350 million for pollution abatement facilities.

Under these circumstances, Mr. Speaker, I think the citizens of Toledo can be forgiven their expressions of indignation when they are singled out by the Department of the Interior for public "identification" and told that nothing in the law permits a polluter to continue dumping waste into a river until the Federal or State government gives him money to clean it up. Mr. Speaker, let me make it clear that the citizens I represent support Federal pollution abatement enforcement because they understand full well that this is necessary if we are to clean up our waterways. But they feel, as I do, that if this is a national problem, as most certainly it is, then Federal responsibility goes further than enforcement. It also includes keeping its promises of financial assistance.

Next week it is expected that this issue will come before the House of Representatives. At that time we will have an opportunity to eliminate the gap between promise and performance by rejecting the administration recommendation which would make available only a little more than $5 million per State for the current fiscal year for water pollution control grants. The cleaning up and preservation of our water resources commands a higher priority, Mr. Speaker, and if the administration is unwilling to face this fact, then clearly the responsibility falls on the Congress.

TRIBUTE TO LT. GEN. LEONARD D. HEATON, THE ARMY SURGEON GENERAL

(Mr. McCORMACK (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCORMACK. Mr. Speaker, on June 1, 1959, President Dwight D. Eisenhower appointed Maj. Gen. Leonard D. Heaton as the Army Surgeon General. Since that time, he has risen to the rank of lieutenant general while heading one of the world's biggest and best medical services.

Lieutenant General Heaton retires from the Army Medical Department on September 30 of this year, after a long and distinguished worldwide career.

Leonard Heaton chose to follow one of the most exacting of the professions—medicine. The man who gives his life to the healing of others is, indeed, a rare individual. However, the man who devotes his life to both medicine and his country is almost unique. Dr. Heaton is such a man.

He is a physician with many outstanding and sustaining qualities. He has a great faith, a faith such as guided Galen, one of the greatest physicians of the ancient world. He has the same quality of hope that sustained Dr. Schweitzer, who spent more time healing than preaching; the same love for the unfortunate that upheld Livingstone in those dreary years in the Dark Continent; the same inspiration that gave Dr. Sun Yatsen the vision of a better life for 700 million of the most downtrodden and hopeless inhabitants of this planet.

His has been a dedicated concern to the advancement of medicine and ministration to the sick. His compassion for his fellow man knows no boundaries.

General Heaton once described the men and women of the Army Medical Department as "hard-working, loyal, and dedicated." These glowing adjectives are no less descriptive of General Heaton himself—and to the list could be added "competent, intelligent, and personable."

The general is nationally known as a surgeon's surgeon with a reputation as one of the most competent in medicine today. He has used his formidable skill to minister to such prominent leaders as President Eisenhower, John Foster Dulles, Douglas MacArthur, Gen. George C. Marshall, and Prince Mashur of Saudi Arabia, to name just a few.

He is a man who refused to let a full-time administrative job force him to put aside his surgical skills. In addition, he has published many scientific papers, taught surgical techniques to civilian doctors, and generally has been the inspiring force for improved medical techniques.

But, of course, military medicine was his prime work. Under his wise guidance, the standards of medical care offered by the 21,000 officers, 53,000 enlisted men and women, and 28,000 civilians of the Army Medical Department, were vastly improved.

During his tour of duty as the Army's Physician-in-Chief, General Heaton was responsible for the construction of more than 20 new hospitals, including the new Letterman General Hospital in San Francisco. Owing to his forceful leadership, this was the first Army general hospital constructed in the continental United States in about 30 years. General Heaton was also instrumental in acquiring many new laboratories, dental clinics, and other Army medical treatment facilities.

Although the Army Medical Department was designed for the care and treatment of military personnel, General Heaton was a strong believer in this country's people-to-people program. At all times during his career, he encouraged Army medical personnel, wherever they were stationed, to give freely of their services as an example of America's friendship and concern for people of other nationalities.

When he takes off his uniform and retires to private life, we are losing a counselor and a friend. But, more importantly, we are losing the services of a fine American, whose philosophy sets the things of the mind and heart above material matters, making them serve the ends which the mind and heart conceives.

I know that General Heaton, even in retirement, will continue to be active not only in his chosen profession of medicine, but also he will continue to follow the course of military medicine as an honored and trusted adviser to the armed services of our country.

I wish for him many years of continued good health and happiness. May God continue to shower upon him an abundance of his most choicest blessings for many years to come.

THE ADMINISTRATION SERVES CONSUMERS—USING A COOK BOOK

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, for the past few months, the Nation has been treated to one of the greatest feats of legerdemain ever performed by an administration in the area of consumer protection. Major corporate interests of America are far too powerful in the ruling councils of the Republican Party to be challenged, particularly in the area of consumer protection. So this administration has performed a miracle of the highest amperage by eviscerating consumer protection programs on one hand while assuring an increasingly unhappy consuming public that every day in every way things are getting better and better.

How has this feat been accomplished? It is a tale of derring-do which deserves close examination. I shall do so now. The President first appointed the lady from Good Housekeeping as his consumer advocate, whatever her name was. Then it turned out that Good Housekeeping only gave its sacrosanct seal of approval to products advertised in its holy pages. Out went the lady from Good Housekeeping, whoever she was. In came Mrs. Virginia Knauer, an articulate and energetic Republican from Pennsylvania, and around her our wondrous tale revolves.

This sincere, artful dodger has crisscrossed the Nation like a veritable dervish from Arabian Nights, assuring one and all that the administration is for the consumer to the last corpuscle. She wages war against already dead enemies, charges through already open doors with loud cries and chops valiantly at stumps of trees which were hewn down generations ago. While she pursues her feverish schedule, assuring people that the President would walk a mile for a clean hot dog and would personally assure fair packaging, that very same President's administration has proceeded to annihilate every meaningful piece of consumer protection legislation enacted by Democratic administrations. In truth, this administration has about as much concern for consumers as Judge Haynsworth has for textile unions. Let us see what it has actually been doing behind the scenes as Mrs. Knauer has frenetically journeyed across the face of America.

A review of the budget for fiscal 1970 reveals no increase for any programs of consumer protection. Cuts exceed $13 million from already slim allocations, plus elimination of $25 million for highway safety programs. A few examples of cuts are as follows:

An 18-percent cut in funds for Mrs. Knauer's own committee. A 5-percent cut in meat and poultry inspection. How

fascinating that Mr. Phillip Campbell, former State commissioner of agriculture of the State of Georgia, is in charge of enforcement of these clean meat and poultry laws. How fascinating that he was appointed after bitterly opposing the Wholesome Meat Act of 1967. Now the President appoints him to head enforcement of provisions of a law he violently opposed. And how fascinating that we now can enjoy the culinary delight of garbage chicken parts in hot dogs. Up to 15 percent, according to the Department of Agriculture. Eat hearty, folks. Somehow, Mrs. Knauer does not mention any of these glittering gems of accomplishment in her speeches. There is an 18-percent cut in traffic and safety funds. A 5-percent cut in HEW's radiation control program. A 100-percent cut in FDA's fund for enforcement of the Fair Packaging and Labeling Act. No meaningful consumer programs emerge from the White House. The Office of Consumer Counsel in the Department of Justice remains vacant. Too busy eavesdropping to bother, I suppose.

In field after field the consumer is being annihilated when he or she enters the marketplace. What about interest rates? What about the law suit this administration just killed against all major auto companies on their outrageous collusion to suppress antipollution devices? Has Mrs. Knauer made a speech on any of these subjects? I pant for enlightenment on the subject, yet no knowledgeable syllables from the good lady ravished my ears.

Periodically, some consumer champion will emit a howl of pure outrage over these cumulative grotesque machinations. Such was the case last week when Ralph Nader expressed his utter disgust before a House Committee at the utter bankruptcy of the administration's consumer policy. What will be their response? Can there be any doubt? Let us gaze into the crystal ball and see. I see much travel in Mrs. Knauer's future. Go forth and carry the word, she will be instructed. And go forth she will, armed with heavy weapons consisting of devastating cliches, heavy platitudes and eloquent redundancies. Across the plains, valleys, and mountains she will carry the eloquent message, informing panting, yearning ladies groups and gatherings of Rotary and Moose that the President is for the consumer, body, boots, and britches, I reckon. How? Well, you know. And besides, he will do thus and such. Of course he supports that—in principle. And they will sigh, and believe for a little while longer. Not much longer, but for a little while.

If the lovely lady would like to really protect the consumer, let her "tell it like it is" on cigarettes, on television commercials, gasoline station games which are frauds, artificial sweeteners, monosodium glutamate, tires, auto pollution, chicken in hot dogs, enforcement of the Wholesome Meat Act, a Clean Fish Act, credit frauds, and enforcement of existing labeling laws.

Why does she not tell the people in Boise or the ladies in Toledo about unwanted magazine subscriptions, highway safety, enforcement of the Flammable Fabrics and Natural Gas Pipeline Safety Acts. The list goes on and on, ad infinitum, ad nauseum. Will platitudes prevent salmonella, and other forms of food poisoning? No. But a clean fish act would. Will cliches give us safe cars? Will thumping redundancy give us enforcement of existing laws?

Mrs. Knauer is certainly a sincere, hard-working person. She seeks to push a 10-ton boulder up a steep hill, with the rest of the administration leaning against her from the other side. Surely, however, she must know that all informed people have seen the true anti-consumer policy of the administration. How she can associate herself with such callous policies which exploit her commercially as badly as any product is a bit difficult to comprehend. In this case, however, the advertising campaign has just about run out of steam, and the public knows it. In short enough order, they will change advertising agencies.

In the meantime, we can add one more opening line to our list of fairy tale openers. We used to have "the Pentagon announced today," "the State Department said," and "the White House made the following announcement." Now we can add that deathless phrase, "Mrs. Virginia Knauer, the President's Special Assistant for Consumer Affairs, today called for."

JUDGE HAYNSWORTH REGRETS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, President Nixon's Supreme Court nominee, Clement Haynsworth, Jr., has expressed regret for buying $16,000 in stock of a company involved in a case on which he voted as chief judge of the Fourth U.S. Circuit Court of Appeals. He said he was "very sorry" and would not have bought the stock if he had "remembered" that Brunswick Corp., the company in question, had a case before him.

How admirable for the good judge to voice his regrets. How thoughtful of him to close the barn door after the horse has been stolen. How reassuring to know he really did not mean it after all, fellows. Gee whiz. What is a few thousand dollars worth of stock between a judge deciding a case and the company involved in the litigation, after all? Are you boys not being very petty? Is it not all sour grapes?

Correct me if I have the facts wrong, but did not a group of holier-than-thou guardians of public morality drive a Justice of the Supreme Court off the bench because he engaged in practices regarded as questionable in light of the position he held? Now let me see. What was his name again? Fortas, I believe, it was. What Justice Fortas did was inexcusable. He deserved his fate. What Judge Haynsworth is revealed to have done is just as inexcusable. Fortas did not hold stock in a company involved in a case before him at all. I believe he was involved with accepting lecture funds from a foundation controlled by a man convicted of several crimes who was serving time in prison. The funds were returned, if I have my facts correct. He rendered no decision involving the Foundation itself. He kept no money. But perhaps a different standard applies to the good judge from South Carolina, Mr. Haynsworth.

Where are all those defenders of the flag, American womanhood, justice and loganberry pie? Where are those noble stentorian voices which were raised against sin, immorality and misbehavior on the bench? Where are those outraged champions of virtue who would perish for principles of American justice?

Why I do believe they are defending Judge Haynsworth, he who "regrets" purchasing stock in a company involved in a case he sat in judgment on. They are hymning him to the skies as a combination of Moses, John the Baptist, Blackstone, and John Marshall, none of whom owned stock in a major interest they were pressing judgment on, if I remember my history.

Suddenly there is a standard for Justice Fortas and a different one for Judge Haynsworth. Fortas was black as sin and Haynsworth is white and pure as driven snow. Fortas is a fallen angel and Haynsworth the rising cherub.

Whose transgression is the greater of the two? Does it make any difference? Has there not been ample proof that the skirts of the good judge from South Carolina are more than a little tarnished and soiled? Now is the time for those champions of truth and American virtue to come sailing into view in defense of the American judiciary, which they have done so much to bring into disrepute over the years. Where are the violent shouts we heard during the Fortas hearings of "Caesar's wife must be above suspicion?" I listen for their outraged cries against such acts in vain. I strain an ear in their direction, hoping for a signal from them which will signify to me, lost and groaning in ignorance, that American justice, virtue, and morality are yet alive and kicking.

Alas, there is no sound, and evidence of Judge Haynsworth's fascinating and voluminous financial dealings grow daily. Now I am beginning to wonder a bit. Should the good judge not set a real example and disqualify himself from the Supreme Bench as he failed to do on the case in question? Why does he not withdraw and allow we unenlightened heathens to be judicially ruled over by some other judge, perhaps one with a better memory?

Now I am certainly not one to question the President of the United States. Yet perhaps it might be exceedingly wise of him to gaze a little deeper into a man's financial wheelings and dealings before he embraces and appoints him to high office on the basis of ideology. How enlightening it is to note that questionable behavior on the bench is not the monopoly of liberal democrats.

NIXON ADMINISTRATION'S RESPONSIBLE AND CONSTRUCTIVE ATTITUDE TOWARD FARM POLICY PLANNING

(Mrs. MAY asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MAY. Mr. Speaker, the Nixon

administration's responsible and constructive attitude toward farm policy planning will be an important factor in the development of a good farm bill in the Congress during the coming weeks.

Agriculture Secretary Hardin's presentation before the House Committee on Agriculture this morning leaves no doubt that the administration and the Department of Agriuclture will make every effort to cooperate on a nonpartisan basis with the Congress in designing equitable, effective farm legislation. I was glad to hear the Secretary again stress the need for a united effort to find a common ground of agreement on basic U.S. farm policy.

Several different farm bills have already been introduced in the Congress and it was clear to all of us in the committee this morning that the administration's legislative suggestions were presented as additional alternatives to be explored, rather than as neatly packaged solutions waiting to be stamped with approval.

Secretary Hardin advised our committee of the administration's farm program objectives—increased income, more decisionmaking to farmers, and lower Government costs—and he emphasized the importance of maintaining export markets for our farm commodities. He outlined two new alternative commodity program approaches designed to achieve these objectives, and described three resource adjustment programs to shift land permanently from cropland to other uses and reduce the need for commodity programs in the long run. He stressed the need for caution in this approach, however, and rightly so. The Secretary also pointed to the need for separating commodity programs from programs for people, and outlined ways in which low-income rural residents can be assisted.

Mr. Speaker, I believe the Secretary of Agriculture and the administration should be commended for the excellent attitude revealed in the Secretary's testimony this morning, and I trust that our committee and the Congress will share this attitude. At this point I should like to bring to the attention of my colleagues in the House the statement presented by Secretary Hardin:

STATEMENT OF HON. CLIFFORD M. HARDIN, SECRETARY OF AGRICULTURE

Mr. Chairman and Members of the Committee: The charge given to me by President Nixon is to represent the farmers of this country in the councils of government. It is in that role that I appear before you and I am grateful for the opportunity to do so.

Present farm legislation expires after the 1970 crop. Unless new legislation is passed before then we would fall back to laws passed before the Agriculture Act of 1965 was written. In that situation we would be forced to proclaim a marketing quota for wheat, subject to a producer referendum. We would go back to a high loan for cotton, running much of the crop into the Commodity Credit Corporation. There would be no diversion program for feed grains and a loan level for which all corn would be eligible. At the loan rate, the Commodity Credit Corporation would acquire a very large inventory. Net farm income, we estimate, would decrease by approximately a billion dollars below 1969 levels.

It is therefore my earnest desire to assist in the passage of good new legislation. And I am aware, as you are, that if new legislation is to be passed it must be acceptable to a majority of the Senators and Representatives.

Our purpose is to work toward farm programs that will increase farm incomes and reduce government cost. The most promising way of achieving these two objectives, we think, is to help bring about better overall resource adjustment, and within that setting, give farmers a wider range of decision-making. The suggestions we have to offer are of this type.

In preparing for this presentation we have tried to be as thorough as possible. We have had a series of very helpful meetings with this Committee. We have had listening conferences at Lincoln, Pullman, Fresno, Athens, and College Station. We have consulted with farmers and farm organizations. We have had a task force at work in the Department of Agriculture almost from the time I took office. We have conferred with the leading farm policy men from the Land Grant Colleges. We have reviewed our judgments within the Executive Branch and with the legislative leaders. Naturally, the counsel given us was varied. What we have to say to this Committee obviously is not derived from any single source. After listening to all who availed themselves of the opportunity to be heard, it is clear to us that farmers want help to bring their incomes up to the level of the national average and that they want a bigger say in decision-making on their own farms.

This surely is a time when farmers and farm groups, acting through their enlightened self-interest, must find as much common ground as possible. I agree with the statement made by Chairman Poage last week in Texas to the effect that, by themselves neither this committee, nor the Administration, nor the Republicans, nor the Democrats, could pass a farm bill. We shall have to concentrate on the things that unite us if we are to rally the needed strength. It is in that spirit and in that framework that my colleagues and I desire to work with you.

The most persistent characteristic of American agriculture during these past years has been the ability of American farmers to produce in excess of our markets, both foreign and domestic. It is my firm belief that whatever series of programs we ultimately decide upon must provide the restraints on production that will permit *satisfactory levels of price and income* and will *neither inhibit the growth of markets nor place needless obstacles in the way of efficient farm operation.* While there is clear need for sizeable programs to restrict output of American farm products, we must avoid giving our overseas competition the idea that they can expand their production without limit while the United States carries, by itself, the whole burden of acreage limitation. *We must not concede the level market growth to our competition.*

I do not need to emphasize to this Committee that problems we deal with are complicated and that their solutions have resisted the best efforts of competent minds for many years. Because they are so complicated and because it is *so important* that we find workable and constructive solutions, I recommend that we examine jointly and in depth the options that are available. This Committee represents, altogether, several hundred years of combined experience in agricultural matters. This is a resource that should be fully used. Proceeding in this fashion will give all of us more time for comprehensive analysis and also provide greater opportunity for response from farm organizations, commodity and producer groups.

My presentation is in several sections. The first section relates to legislation for certain major commodities. The second section is concerned with general cropland retirement. I then take up a variety of subjects, including a brief statement on limitations on payments. Finally, there is an appendix with illustrative material on how the various alternative programs would operate on typical farms.

PROGRAMS FOR THE MAJOR COMMODITIES

Programs for wheat, cotton and feed grains are the ones that affect most farmers and set the patterns for other commodity programs. Therefore they are considered first. You already have before you a number of proposals offered by the farm organizations. I outline for you two additional approaches, either of which could divert a sufficient amount of land and serve to sustain farm income. They differ chiefly in the degree of freedom they would give to farm operators.

1. A "set-aside" program

A "set-aside" program visualizes a domestic allotment for cotton and wheat and, in addition, a national feed grain base. The feed grain base would be similar to the present one. Price support loans would be offered participating producers who would be required to "set-aside" a crop acreage equivalent to perhaps 75 to 100 percent of the domestic cotton or wheat allotment and 30 to 50 percent of the feed grain base. No constraints on acreage or production would apply to any crop except the set-aside acreage, which would be in addition to the normal conserving base. Loan levels would be set (1) at a figure intended to encourage exports generally without subsidy, and (2) at levels that are intended to bring forth a desirable "mix" of the different crops. Loans would be available for the total output of participants. The program would be voluntary; a farmer who wished to stay out of the program would be free to do so. He would be subject to no restrictions, would receive no payments, and would not be eligible for a loan. Marketing quotas for these commodities would be eliminated. Under anticipated conditions, the Commodity Credit Corporation would acquire no new stocks.

Income support payments would be made to cotton and wheat producers on the normal production of their domestic allotment acreage and to feed grain producers on the normal production of half of their feed grain base. Rates of payment could vary over time and would affect the number of participants and thus the acreage in the set-aside.

The set-aside program encourages some diversion of cropland on all participating farms and pays for it through the commodity payments. It would retain, in part, present constraints on inter-area shifts in production.

Chief determinations to be made with this approach would be the acreage computed for the domestic allotment, the size of the government payment, the amount of land to be diverted as a condition of eligibility for the payment, and the level of the loan. Under this program, the allotment would serve only as the basis for calculating the size of the payment and the amount of land to be diverted. After a farmer had diverted the necessary number of acres he would have full freedom to use the remainder of his tilled land in any way he wished. Thus there would be opportunity to use the land in an efficient manner. Farmers would decide on the acreage planted to cotton, wheat and feed grains in much the same fashion as they now do for the majority of the other crops.

The program could be used to generate various levels of farm income. A one-cent per pound change in the cotton payment, for example, would make a difference of about $45 million in the income of cotton producers. For wheat, a one-cent change per bushel in the value of the certificate would mean about $5 million. For feed grain, changes in the amount paid for diverting acreage could affect farm incomes.

The program as outlined here will need to be described in much greater details. This we will be pleased to do at another meeting.

The appendix indicates, for representative farms, how the program might operate.

2. A domestic allotment and diversion program

Another possible approach is a "domestic allotment" program. This also grants somewhat more freedom to farmers than they presently have.

As in the "set-aside", there would be an an acreage allotted to each wheat and cotton producer, equal to his computed share of the domestic market. On this allotment he would receive payments. There would be no diversion required for cotton or wheat.

Feed grains and wheat would be aggregated into a total grain base. There would be no domestic allotment for feed grain. There would be diversion payments to take the desired amount of land out of feed grains. A price-stabilizing loan would be available for participants. Grain producers would be eligible for loans if they produced within their total allotment.

As in the "set-aside", this program dispenses with marketing quotas. Wheat and cotton growers, of whom no diversion would be required, could plant whatever they wished on their tilled acreage. Feed grain growers who chose to participate in the program would be required to limit their plantings of feed grains to an acreage equivalent to their base minus the feed grain acreage diverted. Substitution between feed grains, including wheat for feed, would be allowed. Ordinarily, the Commodity Credit Corporation would not expect to acquire stocks.

The construction of such a program offers several features that can affect the level of farm income, the amount of Treasury cost, and the volume and price of farm products. Chief among these are: (1) the rate of payment on the domestic allotment for cotton, (2) the rate of payment on the domestic allotment for wheat, (3) the level of the loan for feed grains, and (4) the rate of payment for diversion of grain base and the acreage diverted.

The domestic allotment approach differs from the "set-aside" in that it requires no diversion for cotton or wheat. For the feed grains the chief difference is that in the domestic allotment plan the wheat base and the feed grain base are added together to give the new grain base.

This program also will need to be developed in greater detail. We will be happy to work with you on it.

The appendix shows how this program might operate on representative farms.

CLASS I BASE PLAN FOR DAIRY

One feature of the Act of 1965, as extended, is authority to provide Class I bases for fluid milk. This authority is scheduled to expire with the Act. If the Class I Base Plan now in effect in Puget Sound is to continue, legislation must be enacted. It would be good to treat this matter separately and early; if changes are contemplated it will take some months to prepare for a new Marketing Order and get it adopted.

Present legislation should be amended so as to provide easier entry for new producers. Precaution should be taken so that bases, while transferable, would not take on unreasonable value and therefore add excessively to the cost of producing milk.

The Department has a draft bill that we think would accomplish these changes. We will be glad to work with you on it.

OTHER PROGRAMS

Certain other features of present legislation are scheduled to expire. Among these are programs for: wool; the Cropland Adjustment Program; leasing of tobacco acreage; and the sale, lease and transfer of peanut acreage. Public Law 480 will expire on December 31, 1970, and the Sugar Act a year later. After some pattern has been set for cotton, wheat and feed grains we must give close attention to these other programs.

PAYMENT LIMITATIONS

There are many arguments for and against payment limitations. On one hand, the contention is made by typical family farm operators that unlimited payments favor the large-scale corporate-type farms. The small growers say that they are willing to meet the competition of the big units on ordinary terms but that the large payments constitute a special advantage.

On the other hand, there is a legitimate concern regarding payment limitations. It is the fear that payments might be limited, first to $20,000, then to $10,000, then to $5,000, to $3,000 or even less. Payment limits that are too low would force big operators to go outside the program, would break efficient farms down into a number of less efficient units, would impose excessive acreage cuts on the small farms, and with a given target for acreage reduction, would increase costs rather than reduce them.

We have testified already that we believe it is possible to design sound farm programs that provide for some payment limitation. As I have said before, a simple amendment to the appropriations bill will not suffice. The Department is ready to work with the legislative committees on basic changes in the legislation. The alternative proposals I have laid before you are intended to be workable with a reasonable kind of payment limit.

RESOURCE ADJUSTMENT PROGRAMS

Annual programs of the type I have been describing are needed to balance up our overexpanded agriculture and to protect current farm income. But they offer little opportunity for shifting unneeded cropland into uses for which there are growing requirements: timber, grazing, recreation, the propagation of wildlife, and other non-farming uses related to an urban society.

To shift land permanently from cropland to these other uses would be to move in the direction of redressing our agricultural imbalance and would reduce the need for commodity programs.

But sound counsel bids caution. Too rapid a rate of long-term land retirement would depopulate the rural areas. An excessively large program would attract new land into production. Acres put to grazing could unbalance the cattle industry. It is best to proceed cautiously, learning as we go.

Resource adjustment programs should be viewed not merely as a way of balancing our agricultural production but also as a way of facilitating human adjustment and meeting the space needs of our increasing population, using the attractive environment of town and country.

The three resource adjustment programs that I next outline are not alternatives to one another; they could be used together. And they should be used in connection with one of the commodity programs previously discussed.

1. Cropland conversion

The Cropland Conversion law was put on the books in 1962. It was intended to get cropland converted to non-crop income-producing purposes on a contract basis. It was written as a pilot program, limited to $10 million a year. The program has not been used for some time. It should be funded and activated, providing needed experience for possible later expansion.

2. Living space

Land with a cropping history could be purchased by States and units of local government for parks, airports, and the like. Costs could be shared. Thus land could be shifted from crop use, for which it is not needed, to other non-crop uses that are in growing demand.

Because of the limited number of acres likely to be needed for these purposes, perhaps not more than half a million acres over a ten-year perod, the program would be primarily in the service of city people. It would have relatively little effect on the supply of farm products. Nevertheless, it would be strongly in the interest of the larger public.

A small program of this kind, known as Greenspan, was operated briefly a few years ago as part of the Cropland Adjustment Program. Under this program some 7,000 acres of cropland were purchased. The share of the cost accruing to the Federal Government was about 25 perecnt of the purchase price. The program was well received. It was terminated, without adverse appraisal, when the parent Act went unfunded.

3. Easement program

A new tool should be fashioned for converting whole farms, permanently, on a voluntary basis, from cropping to other uses. The instrument appropriate for this purpose is an easement, the sale of cropping rights to the Government. Title would remain with the farmer, who could continue to live on his land and use it for anything other than crop production.

The easement approach has never been used for this purpose. Thus we are unable to judge its cost, its effectiveness, or its public acceptance. We therefore propose a pilot program.

The total annual cost of the three resource adjustment programs would be about $100 million. About 3 or 4 million acres would be retired annually until accumulated experience permitted appraisal.

PROGRAMS FOR RURAL PEOPLE

Throughout the years, a major effort has been to try to adapt commodity programs to the needs of farmers on small, inefficient units. Despite strong attempts to make this adaptation, the desired result has never been achieved.

Now, however, a new approach has been made. The President has proposed a Family Assistance Program for those who, though employed, have inadequate incomes.

The application of this program to farm people will require the answering of many difficult questions. How can the program be adapated to the self-employed? Are there to be limitations on asset holdings?

We have made some tentative judgments regarding these and other questions. Our best estimate is that perhaps 400,000 farm operator families might be eligible for the program. These families might receive an average of perhaps $1,000 annually, totaling about $400 million.

The Rural Development Program of the Department is being reorganized. A Presidentially-appointed Task Force is at work on the problem. I invite the strong support of this Committee for the changes and the expansion of the Rural Development Program that we will from time to time lay before you.

Other Departments have resources to attack rural problems related to low income. Among these Departments are Health, Education and Welfare, Housing and Urban Development, Labor, and Commerce. The work of all of these Departments can be expanded, coordinated, and focused on the problems of people in rural areas.

The point of all of this is that we should separate the commodity problems from the people problems, and attack them both, with tools appropriate to each. This we are beginning to do. The primary focus of this Committee has long been the commodity problems. These can be more appropriately fashioned if they are relieved of trying to meet a need for which they cannot be well fashioned.

We hear much about three problems: our excess crop production capacity, the population decline in the rural areas, and what we call the urban problem. We are coming to see that these are in part three results of the same force, which is the technological revolution in agriculture. Rural Development attacks all three of these problems. By supplying off-farm employment opportunities in the rural areas it provides an alternative for boxed-in farmers. It helps hold in the rural areas the people who prefer to live there and it reduces the urban crush.

TIMING

The Congress last year extended existing farm legislation to December 31, 1970, in order to give time for a new administration and a new Congress to study alternative solutions. We would be well advised to use that time, as this Committee has chosen to do.

Legislation is needed prior to the time when farmers, particularly growers of winter wheat, must make plans for the 1971 crop year. It is important that we be thorough in our deliberations, but also that we move with some dispatch.

You and I and the farm organizations face a problem together—the task of fashioning sound farm legislation of such a character and such a cost that it will win the approval of the Congress. If we can do that, we will perform a real service for our farm people and the Nation. I pledge my full cooperation toward that end.

APPENDIX

I. The "Set-Aside"

EXAMPLES

A cotton farm:

Total acreage (acres)	500
Domestic allotment of cotton (acres)	100
Conserving base (acres)	125
Percent of domestic allotment to be set aside	75

The farmer would "set aside" 75 acres of tilled land (100A (75%)) in addition to the 125 acres of conserving base.

The remaining 300 acres could then be used for any crop, or any combination of crops. If the farmer wished he could plant it all to cotton.

There would be a cotton loan at a relatively low level, for which all of the farmer's cotton would be eligible, and a payment of so much a pound on the normal yield on the domestic allotment.

A feed grain farm:

Total acreage (acres)	300
Feed grain base (corn, sorghum, barley) (acres)	200
Conserving base (acres)	50
Percent of feed grain base to be set aside	30

The farmer would "set-aside" 60 acres (200A (30%)) plus the 50 acres of conserving base. On the remaining 190 acres the farmer could plant whatever he wished.

The farmer would receive a payment of so much a bushel on his normal yield as an inducement for entering the program. There would be a loan at a relatively low level. On cooperating farms all grain grown would be eligible for the loan.

There would be opportunity to divert more than the specified acres for extra payment.

A wheat farm:

Total acreage (acres)	2,000
Domestic allotment for wheat (acres)	500
Conserving base (acres)	100
Percent of domestic allotment to be set aside	100

The farmer would "set aside" 500 acres of tilled land (500A (100%)) in addition to the 100 acres of conserving base. The remaining 1,400 acres could be farmed as the farmer wished.

There would be a relatively low loan available for all wheat grown, and a wheat certificate of so much a bushel on the domestic allotment.

For any of the above programs, a farmer could be in the program for one crop without necessarily being in for others. He would be paid only for the crop on which he participated.

II. Domestic allotment and diversion

EXAMPLES

Grain farm with domestic wheat allotment:

	Acres
Cropland	500
1969 wheat allotment	100
1969 domestic wheat allotment	43
1969 feed grain base	200
Grain base under this program	300
Conserving base	100

Options: By accepting wheat payments the farmer incurs the obligation either to plant to grain or idle an acreage equal to his domestic wheat allotment. (Under payment limits the obligation could be limited to those acres for which he receives payment.) He would also be required to maintain his conserving base. No other obligation is incurred by accepting the wheat payment.

By electing to divert grain base the farmer incurs additional obligation with respect to acres idled and planted to grain.

The obligations under several options are outlined below.

Option 1: Accept wheat payment; no grain base diversion.

II. Domestic allotment and diversion—Con.

EXAMPLES

Land use:

	Acres
Planted to grain and/or idled (domestic allotment)	43
Conserving base	100
As desired	357
Total	500

Option 2: Accept wheat payment; divert minimum grain base.

Land use:

	Acres
Planted to grain and/or idled	43
Diverted grain base	60
Any nongrain use	100
Conserving base	100
As desired	197
Total	500

(By electing to divert grain base this farmer was required to restrict total grain acreage to grain base less diversion.)

Option 3: Accept wheat payment; divert maximum grain base.

Land use:

	Acres
Planted to grain and/or idled	43
Diverted grain base	150
Any nongrain use	100
Conserving base	100
As desired	107
Total	500

(As in option 2, required to restrict grain acreage to base less diversion. This feature makes the diversion option less attractive to those non-participants in feed grain program now exceeding feed grain base. It would *not* be desirable to attract many of the non-participants in present feed grain program to diversion in this program because of the consequent increase in soybean acreage.)

Option 4: Refuse wheat payment; divert minimum grain base. (This example is also illustrative of farm with no wheat allotment.)

Land use:

	Acres
Diverted grain base	60
Any nongrain use	100
Conserving base	100
As desired	240
Total	500

Cotton farm with grain base

	Acres
Cropland	500
Domestic cotton allotment	100
1969 feed grain base	100
Grain base under this program	100
Conserving base	100

Options: By accepting cotton payments the farmer incurs the obligation either to plant to cotton or idle an acreage equal to his domestic allotment. (Under payment limits the obligation could be limited to those acres for which he receives payment.) He would also be required to maintain his conserving base. No other obligation is incurred.

Option 1: Accept cotton payment; no grain diversion.

Land use:

	Acres
Planted to cotton and/or idled	100
Conserving base	100
Use as desired	300

Option 2: Accept cotton payment; divert maximum grain base.

Land use:

	Acres
Planted to cotton and/or idled	100
Diverted grain base	50
Any non-grain use	200
Conserving base	100
Use as desired	50

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. WATSON (at the request of Mr. GERALD R. FORD), for September 25 and balance of week, on account of official business as a member of the House Select Committee on Crime conducting hearings in Boston, Mass.

Mr. DADDARIO, for Wednesday, September 24 through Friday, October 3, 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. BUTTON (at the request of Mr. COLLINS), for 1 hour on October 15; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. PATTEN), to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. FLOOD, for 15 minutes, today.

Mr. SIKES, for 15 minutes, on September 30.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. REIFEL at the request of Mr. SAYLOR) to extend his remarks prior to passage of S. 574.

(The following Members (at the request of Mr. COLLINS) and include extraneous matter:)

Mr. DUNCAN in two instances.

Mr. CONTE in two instances.

Mr. BOB WILSON in two instances.

Mr. RAILSBACK.

Mr. ASHBROOK.

Mr. SCHWENGEL.

Mr. UTT.

Mr. WYMAN in two instances.

Mr. PELLY.

Mr. SHRIVER.
Mr. MIZE.
Mr. DEVINE.
Mrs. DWYER.
Mr. MESKILL in two instances.
Mr. HALL in two instances.
Mr. HOGAN.
Mr. CRAMER.
Mr. STEIGER of Wisconsin.

(The following Members (at the request of Mr. PATTEN) and to include extraneous matter:)

Mr. LONG of Maryland in two instances.
Mr. COHELAN in two instances.
Mr. GONZALEZ in two instances.
Mr. RODINO.
Mr. BIAGGI.
Mr. MURPHY of New York.
Mr. HAWKINS.
Mr. CORMAN.
Mr. PATTEN.
Mr. LEGGETT.
Mr. RYAN in three instances.
Mr. MIKVA in two instances.
Mr. RARICK in three instances.
Mr. WALDIE in two instances.
Mr. EVINS of Tennessee.
Mr. OTTINGER.
Mr. ROGERS of Florida in five instances.
Mr. BOGGS.
Mr. MONTGOMERY.
Mr. BINGHAM in two instances.
Mr. ASHLEY.
Mr. PHILBIN in three instances.
Mr. OBEY in three instances.
Mr. ROONEY of New York in four instances.
Mr. TUNNEY.
Mr. ROSENTHAL.
Mr. STOKES.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee; to the Committee on Agriculture.

S. 858. An act to amend the Agricultural Adjustment Act of 1938 with respect to wheat; to the Committee on Agriculture.

S. 2864. An act to amend and extend laws relating to housing and urban development, and for other purpose; to the Committee on Banking and Currency.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1888. An act to change the composition of the Commission for Extension of the U.S. Capitol.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, September 25, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1173. A letter from the Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions, equipment and facilities, for the quarter ended June 30, 1969, pursuant to the provisions of subsection 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1174. A letter from the Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions, personnel and administration, for the fiscal year ended June 30, 1969, pursuant to the provisions of subsection 205 of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1175. A letter from the Comptroller General of the United States, transmitting a report on the administration of sugar marketing quotas established by the Sugar Act of 1948, as amended, Agricultural Stabilization and Conservation Service, Department of Agriculture; to the Committee on Government Operations.

1176. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of August 31, 1969, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1177. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks; to the Committee on the Judiciary.

1178. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to enact title 49, United States Code, "Transportation"; to the Committee on the Judiciary.

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. DENT: Committee on House Administration. House Concurrent Resolution 368. Concurrent resolution providing for the printing of copies of the eulogies on Dwight David Eisenhower; without amendment (Rept. No. 91–512). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 338. Concurrent resolution authorizing the printing as a House document of hearings on Science and Strategies for National Security in the 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof; without amendment (Rept. No. 91–513). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 368. Resolution authorizing the printing as a House document of Captive Nations Week proclamations and pertinent material; with amendments (Rept. No. 91–514). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 485. Resolution authorizing reprinting of "Centralization of Federal Science Activities"; without amendment (Rept. No. 91–515). Ordered to be printed.

Mr. DENT: Committee on House Administration. H.R. 10481. A bill to amend the Act of March 2, 1931, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc., shall be printed as a House document, and for other purposes; without amendment (Rept. No. 91–516). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 210. A bill to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards; with amendments (Rept. No. 91–517). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 12605. A bill to amend section 613 of the Merchant Marine Act, 1936, as amended; with amendments (Rept. No. 91–518). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 13968. A bill to amend section 521 of title 38, United States Code, to exclude from consideration as income, for the purpose of determining eligibility for pension, all payments of any kind or from any source, including salary, retirement or annuity payments, endowments or similar income, which a veteran receives or is entitled to receive after attaining age 72; to the Committee on Veterans' Affairs.

By Mr. EDWARDS of Alabama (for himself and Mr. MONTGOMERY):

H.R. 13969. A bill to amend the Clayton Act by making section 3 of the Robinson-Patman Act, with amendments, a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 13970. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON (for himself, Mr. COWGER, Mr. ZION, and Mr. SNYDER):

H.R. 13971. A bill granting the consent of Congress to the falls of the Ohio Interstate Park Compact; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 13972. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance programs, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. HENDERSON (for himself, Mr. DULSKI, Mr. OLSEN, Mr. DANIELS of New Jersey, Mr. NIX, Mr. HANLEY, Mr. WHITE, Mr. BRASCO, Mr. TIERNAN, Mr. CORBETT, Mr. CUNNINGHAM, Mr. DERWINSKI, Mr. JOHNSON of Pennsylvania, Mr. BUTTON, Mr. LUKENS, and Mr. HOGAN):

H.R. 13973. A bill to provide mail recipients with the option not to receive through the mail unsolicited and potentially offensive sexual materials, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JACOBS (for himself and Mr. HASTINGS):

H.R. 13974. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 13975. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. RAILSBACK:

H.R. 13976. A bill to provide for support

by the Teacher Corps of programs in which volunteers serve as part-time tutors or full-time instructional assistants; to the Committee on Education and Labor.

By Mr. ROGERS of Florida (for himself, Mr. JARMAN, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, Mr. SKUBITZ, Mr. HASTINGS, Mr. MOSHER, Mr. DOWNING, Mr. PELLY, Mr. POLLOCK, Mr. BOB WILSON, Mr. HANNA, Mr. PETTIS, Mr. KARTH, Mr. JONES of North Carolina, Mr. SHIPLEY, Mr. KEITH, and Mr. HATHAWAY):

H.R. 13977. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Marine Medicine and Pharmacology; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK (for himself, Mr. JOHNSON of California, Mr. LEGGETT, Mr. MCFALL, Mr. MOSS, Mr. TEAGUE of California, and Mr. WALDIE):

H.R. 13978. A bill to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds; to the Committee on Agriculture.

By Mr. SPRINGER:

H.R. 13979. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ABBITT:

H.R. 13980. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ADAMS (for himself, Mr. FARBSTEIN, Mr. FRIEDEL, Mrs. HECKLER of Massachusetts, Mr. MATSUNAGA, Mr. OLSEN, Mr. PICKLE, Mr. PODELL, Mr. WALDIE, Mr. ZWACH, Mr. FRASER, Mr. CONYERS, and Mrs. CHISHOLM):

H.R. 13981. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BETTS (for himself, Mr. GERALD R. FORD, Mr. ARENDS, Mr. ANDERSON of Illinois, Mr. RHODES, Mr. CRAMER, Mr. POFF, Mr. TAFT, Mr. BOB WILSON, Mr. COLLIER, Mr. BROYHILL of Virginia, Mr. CONABLE, Mr. BUSH, Mr. MORTON, and Mr. CHAMBERLAIN):

H.R. 13982. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. ADAIR, Mr. BEALL of Maryland, Mr. BELL of California, Mr. BLACKBURN, Mr. BOW, Mr. BROCK, Mr. BROWN of Ohio, Mr. BUCHANAN, Mr. BURTON of Utah, Mr. CEDERBERG, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. COWGER, Mr. CUNNINGHAM, Mr. DERWINSKI, Mr. DUNCAN, Mr. ESCH, Mr. ESHLEMAN, Mr. FISH, Mr. FRELINGHUYSEN, Mr. FREY, Mr. FULTON of Pennsylvania, Mr. GOODLING, and Mr. GUBSER):

H.R. 13983. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. HANSEN of Idaho, Mr. HARVEY, Mr. JOHNSON of Pennsylvania, Mr. KEITH, Mr. KLEPPE, Mr. KUYKENDALL, Mr. LUKENS, Mr. MCDONALD of Michigan, Mr. MACGREGOR, Mrs. MAY, Mr. MAYNE, Mr. MICHEL, Mr. NELSEN, Mr. PIRNIE, Mr. POLLOCK, Mr. RAILSBACK, Mr. ROBISON, Mr. RUPPE, Mr. SCOTT, Mr. SEBELIUS, Mr. SHRIVER, Mr. SMITH of New York, Mr. STEIGER of Arizona, and Mr. STEIGER of Wisconsin):

H.R. 13984. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. MILLER of Ohio, Mr. TALCOTT, Mr. WAMPLER, Mr. WATKINS, Mr. WEICKER, Mr. WHALEN, Mr. WINN, Mr. WOLD, Mr. WYDLER, Mr. WYLIE, Mr. WYMAN, Mr. ZWACH, and Mr. MCEWEN):

H.R. 13985. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 13986. A bill to amend the Tariff Act of 1930—to extend the duty-free treatment of certain dyes; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself, Mrs. SULLIVAN, Mr. LENNON, Mr. CLARK, Mr. BYRNE of Pennsylvania, Mr. MURPHY of New York, Mr. ST. ONGE, Mr. KARTH, Mr. HATHAWAY, Mr. HANNA, Mr. FEIGHAN, Mr. ANNUNZIO, Mr. KEITH, Mr. SCHADEBERG, Mr. POLLOCK, Mr. RUPPE, Mr. MCCLOSKEY, Mr. FREY, Mr. DINGELL, Mr. MAILLIARD, Mr. BUTTON, and Mr. BIAGGI):

H.R. 13987. A bill to provide for the licensing of personnel on certain vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER:

H.R. 13988. A bill to amend certain titles of the United States Code to codify recent law, and to improve the code; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 13989. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13990. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. MURPHY of New York:

H.R. 13991. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. TUNNEY:

H.R. 13992. A bill to direct the Secretary of the Interior to exchange certain oil leases on federally owned submerged lands for scrip, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13993. A bill to authorize the Attorney General to provide financial assistance to States and localities for the construction and modernization of correctional institutions, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 13994. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER (for himself, Mr. ROGERS of Florida, Mr. MORGAN, and Mr. HALL):

H.J. Res. 911. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. COHELAN:

H. Con. Res. 375. Concurrent resolution for humane treatment and early release of American prisoners of war held by North Vietnam; to the Committee on Foreign Affairs.

By Mr. COUGHLIN (for himself and Mr. GOODLING):

H. Con. Res. 376. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. HANLEY:

H. Con. Res. 377. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. UDALL:

H. Con. Res. 378. Concurrent resolution expressing the sense of the Congress relating to the withdrawal of U.S. Forces from South Vietnam; to the Committee on Foreign Affairs.

By Mr. CRAMER:

H. Con. Res. 379. Concurrent resolution expressing the sense of Congress condemning the inhumane treatment of political prisoners in Cuba; 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. BUTTON:

H.R. 13995. A bill for the relief of Antonio DiFalco and his wife, Lidia DiFalco, and their child, Irene DiFalco; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.R. 13996. A bill for the relief of Knud Otto Schroder; to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 13997. A bill to confer citizenship to S. Sgt. Ryuzo Somma, deceased; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 13998. A bill for the relief of Pureza Ruiz-Languisan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

262. The SPEAKER presented a petition of the State Council of Tennessee, Junior Order, United American Mechanics, relative to Bible reading in public as an exercise of the freedom of speech; to the Committee on the Judiciary.