HOUSE OF REPRESENTATIVES—*Tuesday, April 15, 1969*

The House met at 12 o'clock noon.

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

God has not given us the spirit of fear; but of power, and of love, and of a sound mind.—II Timothy 1: 7.

Most gracious and loving God, the strength of all who put their trust in Thee and the light of those who walk in Thy way, make us truly conscious of Thy presence as we enter this new day fresh from Thy hand. Grant that in the stress and strain of these troubled times we may never lose heart or hope.

We pray that our President, our Speaker, and all the Members of this House of Representatives may be abundantly blessed with the strengthening presence of Thy spirit as they labor earnestly for good will in our Nation, for peace in our world, and for the good of all mankind.

In all our endeavors on behalf of our country may we be ever mindful that our highest resources are spiritual, and upon the foundation of justice, righteousness, and good will may we build our life as a nation, and seek to build our lives together on this planet.

In the spirit of Christ we pray. Amen.

THE JOURNAL

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

THE NATION'S NEWSPAPERS NEED PROTECTION

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

Mr. PELLY. Mr. Speaker, in March, the Supreme Court upheld an antitrust judgment against two Tucson, Ariz., newspapers because they had combined their advertising and circulation departments. Involved in this case were a morning and an evening paper who in 1940 had merged their production, circulation, business, and advertising functions. Some 44 daily newspapers in 22 cities may be effected by this decision, I understand, because they are operating under similar arrangements.

Mr. Speaker, I do not quarrel with the importance of preserving independent competitive editorial viewpoints in a community. The question is, Can such competing editorial voices be preserved in some communities unless economies in printing costs, advertising solicitation, and subscription sales are effected?

Also, as a onetime operator of a printing plant, it is obvious to me the substantial savings to advertisers that can be obtained by joint publication arrangements. These newspaper presses often cost substantially in excess of a million dollars. To run a press two shifts instead of one thereby reduces depreciation by half and an advertising contract for advertising space in two newspapers could offer substantial discounts to retailers and other advertisers.

And, for the life of me, I cannot see that competition is thereby lessened. Rather, to me, the public benefits by reduced danger of business failure and lower costs. In this regard, I am hopeful Congress will speedily enact legislation to permit joint business operations under exemption from antitrust laws. Such a bill was approved by the Senate Antitrust and Monopoly Subcommittee last year, but adjournment prevented further consideration of the full Judiciary Committee.

Mr. Speaker, a number of Members are cosponsoring similar legislation in the House. Passage of such a law is in the public interest. Congress must protect the press so that the press can protect the public.

NAME MOON LANDING SITE "POINT EISENHOWER"

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

Mr. BRAY. Mr. Speaker, according to present plans, a journey across 4 billion years and a quarter of a million miles will be completed on Sunday afternoon, July 20, 1969. At some spot in Mare Tranquilitatis, the Sea of Tranquility, on the right side of the moon's face, an American astronaut will become the first human being to set foot on earth's lone satellite.

It will be the most dramatic and breathtaking step in the long history of exploration. In the future still to come, when man shall reach the stars, he will look back to this spot on the moon and say "It started here."

The proper name for this site is of the utmost importance. The name should be indisputably American, in that it would reflect part, parcel, and essence of the best our Republic has produced. It must be a reflection of strength, without aggression; courage, without bluster; hope, without fear; and it must be symbolic of that faith in the unfathomable which leads man to supremacy over the unknown and the uncharted.

So, we seek a fitting name for this landing site at the same time we also seek an appropriate and truly enduring memorial to one of the finest sons of our American Republic. I am writing to the Director of NASA urging that this site be named "Point Eisenhower" and I am also introducing a sense-of-Congress resolution to that effect.

Let us by this step insure perpetuation of his memory far beyond the bounds of earth, his home. Let the name of that great American whose highest goal, and proudest attainment, was peace, be the first to mark the road through the universe.

NORTH KOREA CONTINUING DELIBERATE CAMPAIGN OF HARASSMENT

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

Mr. ADAIR. Mr. Speaker, early today we received the distressing news that the North Koreans had shot down an American reconnaissance aircraft that was flying well beyond North Korea's territorial limits. It is my understanding that search operations are underway for survivors among the 31 persons who were reported to be aboard.

Mr. Speaker, this was no isolated incident. It is part of a deliberate campaign of harassment against the United States and its South Korean allies, which has included the Blue House raid and the infamous seizure of the *Pueblo*. We must protect our men when we send them on dangerous missions that are of vital importance to the security of our country. This criminal act by the North Koreans calls for a prompt and appropriate response. We must make it crystal clear to the North Koreans—through a response that they understand—that their provocations will not be tolerated by the United States of America.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE ON APRIL 17

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during general debate on April 17.

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

There was no objection.

PRIVATE CALENDAR

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

CLAIM OF JOHN T. KNIGHT

The Clerk called the bill (H.R. 1507) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight.

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

H.R. 1507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon any claim of John T. Knight, of New Orleans, Louisiana, arising out of his claim against the United States for disability retirement pay for a disability allegedly incurred or aggravated while serving in the Armed Forces of the United States.

SEC. 2. Suit upon that claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided in this

Act, proceedings for the determination of that claim, and review and payment of any judgment or judgments on that claim shall be had in the same manner as in the case of claims over which that court has jurisdiction under section 1491 of title 28 of the United States Code.

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.

MUTUAL BENEFIT FOUNDATION

The Clerk called the bill (H.R. 2214) for the relief of the Mutual Benefit Foundation.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

HENRY E. DOOLEY

The Clerk called the bill (H.R. 2940) for the relief of Henry E. Dooley.

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

H.R. 2940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. Henry E. Dooley, Mount View Terrace, Manchester Center, Vermont 05255, the sum of $394.49, in full satisfaction of his claim against the United States for reimbursement of the cost of transportation of the privately owned automobile of his son, Lieutenant (junior grade) James E. Dooley, United States Navy, from San Francisco, California, to Manchester Center, Vermont, the said Henry E. Dooley having transported such automobile at his own expense upon the recepit of official notification that his son was missing in action in Vietnam. No part of the amount appropriated in the Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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.

CLAIM OF SOLOMON S. LEVADI

The Clerk called the bill (H.R. 3213) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi.

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

H.R. 3213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches or any prior judgment of the United States Court of Claims, jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon any claim of Solomon S. Levadi arising out of his service with the United States Armed Forces from the years 1942 to 1946.

SEC. 2. Suit upon such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28 of the United States Code.

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.

FRANK KLEINERMAN

The Clerk called the bill (H.R. 3377) for the relief of Frank Kleinerman.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

ESTATE OF PIERRE SAMUEL DU PONT DARDEN

The Clerk called the bill (H.R. 3348) for the relief of the estate of Pierre Samuel du Pont Darden.

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

H.R. 3348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any period of limitations or lapse of time, claim for credit or refund of overpayment of Federal income taxes made by the late Pierre Samuel du Pont Darden for the taxable year 1959 may be filed by his administrator at any time within one year after the date of enactment of this Act. Sections 6511 and 6514 of the Internal Revenue Code of 1954 shall not apply to the credit or refund of any overpayment of tax with respect to which a claim is filed pursuant to this Act within such one-year period.

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.

PEDRO IRIZARRY GUIDO

The Clerk called the bill (H.R. 5000) for the relief of Pedro Irizarry Guido.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

REDDICK B. STILL, JR., AND RICHARD CARPENTER

The Clerk called the bill (H.R. 6400) for the relief of Reddick B. Still, Jr., and Richard Carpenter.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

MR. AND MRS. A. F. ELGIN

The Clerk called the bill (H.R. 6585) for the relief of Mr. and Mrs. A. F. Elgin.

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

H.R. 6585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. A. F. Elgin, Post Office Box 7263, Hays Park Station, Spokane, Washington 99207, the sum of $317.40 in full satisfaction of their claim against the United States for reimbursement of the cost of transportation of the privately owned automobile of their son, Robert G. Elgin, deceased, E–5, Regular Army, from Fayetteville, North Carolina, to Santa Clara, California, Mr. and Mrs. Elgin having transported such automobile at their own expense upon receipt of official notification that their son was killed in action in Vietnam on April 4, 1968. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shal be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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.

NOEL S. MARSTON

The Clerk called the bill (H.R. 6378) for the relief of Noel S. Marston.

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

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

There was no objection.

ELISABETA HORWATH

The Clerk called the bill (H.R. 2464) for the relief of Elisabeta Horwath.

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

H.R. 2464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Elisabeta Horwath shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas, and conditional entries which are made available to natives

of the country of the alien's birth under paragraphs (1) through (8) of section 203 (a) of the Immigration and Nationality Act.

With the following committee amendment:

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

"That the Attorney General is authorized and directed to cancel any outstanding orders, and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Elisabeta Horwath. From and after the date of the enactment of this Act, the said Elisabeta Horwath shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

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

ANNA DEL BAGLIVO

The Clerk called the bill (H.R. 4546) for the relief of Anna Del Baglivo.

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

H.R. 4546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Anna Del Baglivo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Anna Del Baglivo. From and after the date of the enactment of this Act, the said Anna Del Baglivo shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

With the following committee amendment:

On page 1, strike out all of lines 3, 4, 5, 6. 7, 8, 9, 10, and the following language on line 11: "quota for the first year that such quota is available."

The committee amendment was agreed to.

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

MRS. ARANKA MLINKO

The Clerk called the bill (H.R. 6366) for the relief of Mrs. Aranka Mlinko.

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

H.R. 6366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Aranka Mlinko shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available: *Provided,* That any fee received by any agent or attorney on account of services rendered in connection with this Act shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

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

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Mrs. Aranka Mlinko. From and after the date of the enactment of this Act, the said Mrs. Aranka Mlinko shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

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

TERESINA FARA

The Clerk called the bill (H.R. 6670) for the relief of Teresina Fara.

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

H.R. 6670

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

With the following committee amendment:

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

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Teresina Fara. From and after the date of the enactment of this Act, the said Teresina Fara shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

The committee amendment was agreed to.

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

GIUSEPPE DE STEFANO

The Clerk called the bill (H.R. 6931) for the relief of Giuseppe De Stefano.

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

H.R. 6931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Giuseppe De Stefano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

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

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Giuseppe De Stefano. From and after the date of the enactment of this Act, the said Giuseppe De Stefano shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

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

ROMEO DE LA TORRE SANANO AND HIS SISTER, JULIETA DE LA TORRE SANANO

The Clerk called the bill (H.R. 1632) for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano.

There being no obligation, the Clerk read the bill, as folows:

H.R. 1632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano, may be classified as eligible orphans within the meaning of section 101(b)(1)(F) of that Act, upon approval of a petition filed in their behalf by Captain and Mrs. Andres S. Sanano, citizens of the United States, pursuant to section 205(b) of that Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendments:

On page 1, line 5, after the words "may be classified as", strike out the remainder of the bill and insert in lieu thereof the following: "children within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in their behalf by Captain and Mrs. Andres S. Sanano, citizens of the United States, pursuant to section 204 of the Act: *Provided,* that the natural brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

LOURDES M. ARRANT

The Clerk called the bill (H.R. 20005) for the relief of Lourdes M. Arrant.

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

H.R. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lourdes M. Arrant may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Staff Sergeant and Mrs. Robert B. Arrant, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

WILLIAM JOHN MOHER

The Clerk called the bill (H.R. 2218) for the relief of William John Moher.

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

H.R. 2218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, William John Moher may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Captain and Mrs. Thomas A. Moher, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 8, after the language "pursuant to section 204 of the" strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

ADELA DURDA

The Clerk called the bill (H.R. 2336) for the relief of Adela Durda.

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

H.R. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Adela Durda shall be held and considered to be the natural-born alien daughter of Vincent and Jane Kaczmarski, citizens of the United States: *Provided,* That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendments:

On page 1, line 7, after the words "natural parents" insert the language "or brothers or sisters".

On page 1, line 8, strike out the word "parentage" and substitute in lieu thereof the word "relationship".

The committee amendments were agreed to.

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

The title was amended so as to read: "An act for the relief of Adela Kaczmarski."

A motion to reconsider was laid on the table.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

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

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

There was no objection.

LEE, IN SOOK

The Clerk called the bill (H.R. 3040) for the relief of Lee, In Sook.

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

H.R. 3040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lee, In Sook may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Jack Raymond Witt and Irene Joyce Witt, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case."

The committee amendment was agreed to.

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

YUKA AWAMURA

The Clerk called the bill (H.R. 5067) for the relief of Yuka Awamura.

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

H.R. 5067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Yuka Awamura may be classified as a child within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in her behalf by Mrs. Edith Fukunaga, a citizen of the United States, pursuant to section 204 of the Act: *Provided,* That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 5067, a private bill which would facilitate the admission into the United States of the prospective adoptive child of a citizen of the United States. Yuka Awamura, the beneficiary is a female 2-year-old native and citizen of Japan. Mrs. Edith Fukunaga, the adoptive mother, was born in Hawaii, and is now 47 years of age. She has been a widow since 1959, but for a period of 2 or 3 years prior to her husband's death the couple, being childless, had taken active steps to adopt a child from Japan.

The beneficiary was born out of wedlock. The alleged father, who was married since before the child's birth, has never admitted paternity, and the natural mother abandoned the child at birth. The natural mother reportedly married when the beneficiary was about 16 months old, and now lives at some distance from Hiroshima, Japan, where the child is temporarily living with the retired director of a social welfare organization and his wife. The adoptive mother first saw the child in an orphanage in Hiroshima and immediately took appropriate steps to adopt the child. The natural mother has released the child for emigration and adoption.

Under the laws of the State of Hawaii, where the adoption proceedings will be instituted, a widow, if otherwise qualified, is eligible to be an adoptive parent.

Mrs. Fukunaga, the adoptive mother, is financially able to give the child a good home and a good education. She earns approximately $9,000 per annum as the secretary-treasurer and office manager of a Honolulu corporation, and receives an additional $5,000 to $6,000 per annum from dividends, rentals and joint venture distributions. She and her mother-in-law live in a jointly owned five-bedroom house, valued at $90,000, in one of the better residential areas of Honolulu. The adoptive mother has other assets, consisting of real estate investments, savings deposits, stocks and bonds and other personal property, exceeding the total amount of $85,000. Her mother-in-law has an independent income of about $10,000 per year. Both ladies are very anxious to have the child admitted to the United States so she can be adopted by the younger Mrs. Fukunaga.

Mr. Speaker, it is clear that the beneficiary, if admitted under the provisions of this bill, will be brought into a very comfortable home by American stand-

ards and given the love and care of which she has been deprived because of the circumstances of her birth. She will be given a good education and will be brought up as a good American.

I therefore urge, very strongly, a favorable vote for this bill.

The Senate in the closing weeks of the 90th Congress, and again in the opening weeks of the 91st Congress, passed this legislation.

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.

PAGONA ANOMERIANAKI

The Clerk called the bill (H.R. 5133) for the relief of Pagona Anomerianaki.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

MISS ELIZABETH SCHOFIELD

The Clerk called the bill (H.R. 5134) for the relief of Miss Elizabeth Schofield.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

GEORGE TILSON WEED

The Clerk called the bill (H.R. 5136) for the relief of George Tilson Weed.

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

H.R. 5136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, George Tilson Weed shall be held and considered to have complied with the provisions of section 316 of that Act as they relate to residence and physical presence.

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

CONFER U.S. CITIZENSHIP POSTHUMOUSLY UPON SP4C KLAUS JOSEF STRAUSS

The Clerk called the bill (H.R. 6607) to confer U.S. citizenship posthumously upon Sp4c. Klaus Josef Strauss.

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

H.R. 6607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Specialist Four Klaus Josef Strauss, a native of Germany, who served honorably in the United States Army from November 15, 1966, until his death on February 8, 1968, shall be held and considered to have been a citizen of the United States at the time of his death.

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.

CHARLES RICHARD SCOTT

The Clerk called the bill (H.R. 7160) for the relief of Charles Richard Scott.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 672) be considered in lieu of the House bill.

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

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

S. 672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c), relating to the number of petitions which may be approved in behalf of adopted children, shall be inapplicable in the case of a petition filed in behalf of Charles Richard Scott by Mr. and Mrs. Denny F. Scott, citizens of the United States: *Provided,* That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

A similar House bill (H.R. 7160) was laid on the table.

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

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

There was no objection.

CALL OF THE HOUSE

Mr. COLLIER. 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. 35]

Bates	Garmatz	Morton
Bell, Calif.	Gibbons	Murphy, N.Y.
Betts	Green, Oreg.	O'Konski
Brock	Gubser	O'Neal, Ga.
Carey	Halpern	Pelly
Chamberlain	Hanna	Powell
Chisholm	Hansen, Wash.	Purcell
Clark	Hastings	Rostenkowski
Clay	Hathaway	Sandman
Cunningham	Hébert	Schadeberg
Dawson	Kirwan	Scheuer
Dwyer	Landrum	Sisk
Edwards, La.	Long, La.	Teague, Tex.
Foley	Lukens	Tunney
Fraser	Mann	Watkins
Frelinghuysen	May	Wilson, Bob
Fuqua	Mollohan	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 382 Members have answered to their names, a quorum.

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

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

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

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WATER QUALITY IMPROVEMENT ACT OF 1969

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 340 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 340

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. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) and, pending that, I yield myself such time as I may consume.

Mr. Speaker, when this rule was considered in the Committee on Rules there was some controversy over the jurisdiction between the committee handling the bill and the Committee on Merchant Marine and Fisheries. The Committee on Rules overwhelmingly decided that the bill should be sent to the floor with the rule that has just been read.

Mr. Speaker, points of order were waived on the bill as a whole because there are some transfer funds, and the establishment of a revolving fund—not transfer of funds, but payment of cash is authorized in the acquisition of land, and that is the reason for the waiver of points of order.

Insofar as I know, there is no substantial controversy over the rule. I understand there is some on the bill itself, but not too much.

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

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

Mr. Speaker, as stated by the distinguished gentleman from Missouri, House Resolution 340 does provide for 3 hours of debate under an open rule for consideration of the bill H.R. 4148, entitled "The Water Quality Improvement Act of 1969."

Points of order are waived as against the substitute bill, and the committee amendments.

Mr. Speaker, the purpose of the bill is to improve the means available to control pollution of offshore waters and rivers of the United States. Major sections of the bill seek to control such sources of pollution as, first, oil and other sea-carried pollutants; second, sewage from vessels; third, acid and other pollutants from mines; and, fourth, pollution from any federally operated source. Additionally, the bill provides for research grants and a scholarship program for students, both programs to be administered by the Secretary of the Interior.

The bill applies to oil discharges on the high seas in the contiguous zone along our coastline. Such discharges are forbidden except in emergency situations. Civil penalties of up to $10,000 for an oil discharge are provided. Operators of facilities or ships are required to remove any discharge of oil or other pollutants. If the United States must do the removal work, the cost shall be borne by the polluter up to $10 million or $100 per gross registered ton—of ships—whichever is the lesser. The bill also sets up a revolving fund of $20,000,000 for use in cleanups. The effort is to place responsibility for damage done by discharges of oil or other pollutants by ships or shore-area facilities upon the owners and operators, and to require them to be primarily responsible for necessary cleanup operations.

The bill also seeks to remove pollutants discharged into the water in the form of raw sewage from vessels. The Coast Guard will oversee a program designed to insure that such raw sewage is treated before discharging it. New vessels are to have approved toilet facilities installed by December 31, 1971, or within 2 years of the time the Coast Guard promulgates standards and regulations. For existing vessels the time period is set at within 5 years after such promulgation. The States will be brought into the program with respect to their intrastate waters.

After the effective dates of the standards set by the Coast Guard, it shall be unlawful to operate a vessel which does not comply. These regulations will apply to pleasure boats as well as commercial vessels, in short, any vessel which has toilet facilities will be required to treat its raw sewage before discharging it into the water. Civil penalties are provided for violations and in proper cases injunctive relief may be sought.

The Secretary is also authorized to make grants to universities for research and for planning and developing of training for students in the field of design and operation of waste treatment works. He may also provide scholarship grants. Authorizations for educational grants are $12,000,000 for 1970 and for 1971 and 1972 the figure is $25,000,000 per annum.

Finally, the bill provides for research in a number of water quality problems. The current level of funding is extended for two additional years, through fiscal 1971. Funding levels authorized are $65,000,000 per annum. Areas in which research work is to be continued include: First, prevention, removal and control of lake pollution; second, prevention of oil pollution; third, research into prevention of pollution discharges from recreational vessels and the development of treatment facilities for such craft; and, fourth, funding for appropriate demonstration projects.

Total authorizations contained in the bill are $348,000,000 covering fiscal years 1970 through 1972. Major items include:

	Millions
General research and development of treatment facilities	$130
Demonstration projects and development	120
Training grants	62
Clean-up revolving fund	20

There are no minority views.

Mr. Speaker, I urge adoption of the rule.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FALLON. 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. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

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

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. 4148, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. FALLON) will be recognized for 1½ hours, and the gentleman from Florida (Mr. CRAMER) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Maryland (Mr. FALLON).

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

Mr. Chairman, H.R. 4148, the Water Quality Improvement Act of 1969, has been developed after extensive hearings by the Committee on Public Works, both here in Washington and in Santa Barbara, Calif., and is the culmination of the consideration given by this body and the Public Works Committee during the 90th Congress. H.R. 4148 was reported out unanimously by the committee.

The legislation covers discharges of oil and other hazardous substances from vessels and onshore and offshore facilities, including the cleanup of these discharges and the prevention thereof, the control of untreated or inadequately treated sewage from vessels, the extension of the research, development, and training program of the Federal Water Pollution Control Administration, the effect of Federal activities and federally licensed or permitted activities on our Nation's waters, and establishes a new training program designed to provide more efficient waste treatment works, both at the municipal and industrial level. Finally, the legislation would change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration in order to provide a more positive emphasis to the program.

It is clear that the need for this legislation is quite urgent. The history of oil spills dating back to the one we all remember; namely, the *Torrey Canyon* off the coast of England, the *Ocean Eagle* in the San Juan Harbor, P.R., and the disastrous oil spill off the Santa Barbara coast, only serve to demonstrate that unless action is taken immediately to provide the tools necessary to cope with these spills more of our coastline beaches and marine resources could be destroyed or severely damaged. The public outcry that has developed in the past year in connection with these spills shows that there is considerable interest throughout the country in this legislation.

In addition to the more dramatic aspects of this legislation; namely, those relating to oil spills, there is also a very definite need to improve, accelerate, and expand our research and demonstration and training efforts in the water pollution control area and to control sewage that is discharged from both commercial and recreational vessels into our Nation's waterways. This legislation meets these needs.

In the area of financing of waste treatment works, we are most concerned with the fact that to date this program has not been adequately financed despite the Congress' considerable efforts in 1966 and subsequent years to establish a graduated and meaningful level of financing the Federal share of these works. We are hopeful that recommendations will be made by the executive branch to increase the financing in the forthcoming fiscal year through additional appropriations over and above the meager amounts appropriated during the last Congress. If, however, this cannot be accomplished, the Committee on Public Works will consider alternative legislative approaches during this session of the 91st Congress.

Mr. Chairman, I urge unanimous approval of this important and far-reaching Water Quality Improvement Act of 1969. It is a major conservation measure that deserves the support of every Member of Congress.

Let me conclude by paying tribute to the members of the Committee on Public Works, my colleagues who have worked so diligently, so hard and so long on this legislation which is before us today. I would particularly commend the ranking minority member of the committee, and one of the leaders in the field of water pollution control, my good friend from Minnesota, the Honorable JOHN A. BLAT-

NIK, and all the other members of the committee on both sides of the aisle.

Mr. Chairman, I urge passage of H.R. 4148.

Mr. FALLON. Mr. Chairman, I yield to the gentleman from Minnesota (Mr. BLATNIK), chairman of the subcommittee handling this legislation, as much time as he may require.

Mr. BLATNIK. Mr. Chairman, at the outset on behalf of the entire committee, I would like to pay our respects to our able and effective and certainly highly regarded chairman, the gentleman from Maryland (Mr. FALLON). He worked diligently with all of us every step of the way, and we therefore doubly appreciate the kind words he said about those of us who worked on the development of this legislation. Many of us, on both sides of the aisle, joined together to resolve the problems so that we could present a strong and workable proposal. A tremendous amount of frustrating day-in and day-out work was handled with talent and patience by both the majority and the minority staffs. In our meetings we had the benefit of experience and advice from representatives of the Federal Water Pollution Control Administration, the Coast Guard, and the State Department, as well as constant contact with the various State agencies and conservationists.

Mr. Chairman, very thoughtful care has gone into this very complicated and involved matter, and particularly that section dealing with enormous catastrophic oil spills where the complex problems of liability and responsibility, as well as preventive aspects, are involved. We have also evolved recommendations on what can be done when these catastrophies do occur, in spite of whatever preventive measures were pursued. That remedial work, which is inevitably a laborious and extensive job, will be explained in more detail by the gentleman from Texas (Mr. WRIGHT) and the gentleman from New Jersey (Mr. HOWARD), both of whom have devoted long hours to this legislation.

We will also hear from good spokesmen for the minority on this program. Their unanimous work and support have continued the genuine bipartisanship that has characterized our pollution control work over the years.

The Committee on Public Works had extensive hearings on this legislation starting in the 90th Congress and continuing in the 91st Congress in February and March of this year.

During the 90th Congress, the committee considered legislation on the control of oil pollution discharges, the treatment of sewage from vessels, the extension and expansion of the vital water pollution research programs, and legislation to provide more money for the financing of needed waste treatment works. The committee reported out strong legislation in all of these areas, and that legislation unanimously passed the House of Representatives on two occasions but unfortunately the time ran out on the 90th Congress before differences in the House and Senate versions could be resolved in conference.

Since last year the need for this legislation, particularly in the area of oil pollution control, has been dramatically brought to the attention of the Congress and into the public eye by one of the worst oil pollution disasters in the Nation's history. The catastrophe in Santa Barbara, Calif., was a realistic example of the damages which can result from a major oil spill.

It was the committee's objective in our hearings and in our discussions leading up to the reporting of this legislation to recommend legislation which would adequately meet all contingencies and avoid the need for additional legislation if and when a new disaster occurs. In pursuit of this objective, we obtained meaningful data from industry and governmental witnesses on the best means and methods of preventing discharges of oil and other hazardous matter, the costs of removing these pollutants from our waters, beaches and shores when they occur, the availability of insurance and its costs, and the extent to which measures and devices have been developed to remove oil and matter.

In addition to the oil pollution problem, this legislation extends the water pollution research program authorization 2 additional years, provides new emphasis on the problems of acid mine drainage water pollution, and lake eutrophication and related lake pollution problems.

H.R. 4148 further provides for control of sewage from vessels, establishes a training program for individuals in the field of design, operation, and maintenance of modern waste treatment works, and requires applicants for a Federal license or permit to conduct an activity which may result in discharge into the navigable waters of the United States to obtain a State certification that the activity will not reduce the quality of the water below applicable water quality standards. Finally, this legislation changes the name of the Federal Water Pollution Control Administration to the National Water Quality Administration so as to provide a psychological lift to the program by providing a more positive approach through preventive measures to maintain adequate water quality levels.

This legislation has been endorsed by the administration. We have received a letter dated April 3, 1969, from Russell E. Train, the Undersecretary of the Interior, to the chairman of the Public Works Committee, the Honorable GEORGE H. FALLON. Under leave to extend my remarks, I include a copy of the letter at this point:

DEAR MR. CHAIRMAN: Your Committee has requested the Department's views on H.R. 4158 as reported by your Committee on March 25, 1969.

H.R. 4148, which is known as the Water Quality Improvement Act of 1969, covers the subjects of oil and matter discharges from vessels, onshore facilities, and offshore facilities; untreated or inadequately treated sewage from vessels; research and development in the area of acid mine pollution, lake pollution, oil pollution, and sewage from vessels; pollution from Federal installations and facilities; and waste discharges from activities constructed and operated under Federal license or permit. It also extends the research provisions of the Federal Water Pollution Control Act an additional 2 fiscal years, and changes the name of the Federal Water Pollution Control Administration to the National Water Quality Administration.

In regard to the provisions on the control of pollution by oil and other matter, the legislation would—

Provide that any individual in charge of a vessel or onshore or offshore facility who has knowledge of the discharge of oil or matter from such facility or vessel must immediately notify the Secretary of the Interior or the Coast Guard of the discharge so that appropriate steps may be taken to remove the discharged oil or matter. Failure to notify could result in a criminal penalty;

Prohibit the discharge of oil or matter from a vessel into the navigable waters of the United States or into the waters of the Contiguous Zone, except under certain limited conditions such as emergencies affecting the life of individuals, or acts of war or sabotage, or unavoidable accidents, collisions, or strandings;

Provide a civil penalty of up to $10,000 in cases of willful or negligent discharges of oil or matter in substantial quantities in violation of the above prohibition. This penalty would be assessed by the Coast Guard after notice and an opportunity for a hearing. We note that the term "substantial quantities" is discussed in the Committee report. The report indicates that it will need interpretation in its application in specific situations;

Define the term "matter" to include all substances other than oil, dredged spoil, sewage, and certain materials now covered by the Atomic Energy Act. In defining this term, the bill leaves it up to the Secretary of the Interior to determine what matter would present an imminent and substantial hazard to the public health or welfare including fish, shellfish, wildlife, and public and private lands. We also note that the Committee report indicates that the Secretary of the Interior would have to issue regulations from time to time establishing what items might be considered substances that would be subject to the provisions of this Act;

Authorize the United States to clean up discharges of oil or matter when the Secretary of the Interior determines that there is an actual or threatened pollution hazard unless other adequate arrangements for removal of these discharges have taken place. We interpret the latter provision to mean that the United States would have to be satisfied that the arrangements made by the owner or operator of a vessel or a person owning or operating an onshore or offshore facility are adequate within the regulations prescribed under this section to insure that the removal will be carried out expeditiously and in a manner that would not be harmful to marine resources and other property. If they were not adequate, in the judgment of the United States, then the United States could act to remove the oil or matter and later recover its costs.

Authorize the United States to remove summarily and, where necessary, destroy any vessel that presents a substantial threat of pollution in the navigable waters of the United States because of an actual discharge or the imminence of a threatened discharge of large quantities of oil or matter. The expense of removing a vessel would be charged against the vessel, its cargo, and the owner or operator of the vessel where the negligent operation of the vessel caused or contributed to the marine disaster;

Require that the owner or operator of a vessel remove any oil or matter discharged into the navigable waters of the United States or into the waters of the Contiguous Zone where the discharge was due to some willful or negligent act. In cases where the United States removes such discharges, the owner or operator would be liable to the United States for the cost thereof up to a maximum of $10 million or $100 per gross registered ton, whichever is less;

Provide a similar requirement in the case of onshore facilities and offshore facilities located within the territorial sea of the United States, except that the limitation of liability where the United States removes the discharges of oil would be $8 million. It also provides that the Secretary of the Interior would establish by regulation classifications of onshore facilities and activities which would be subject to the $8 million limitation and possibly establish differing limitations of liability with respect to these classifications. This classification authority would not become effective, however, until the Secretary notified the Congress of the intended classifications and allowed at least 60 days before the effective date of the classifications;

Authorize the issuance of regulations by both the Secretary of the Interior and the Coast Guard relative to removal of discharged oil or matter and provide civil penalties for violations of the regulations;

Establish a revolving fund to be administered by the Coast Guard and authorize a maximum appropriation of $20 million to the fund in addition to other revenues for the clean up of discharges and provide for delegation by the President of the authority to clean up discharges of oil or matter; and

Provide for the establishment of a system of financial responsibility for vessels over 100 gross registered tons, including any barge of equivalent size, that use our navigable waters or ports. The financial responsibility provisions would be effective one year after enactment and would apply to the liability to the United States for the removal of oil or matter discharges.

The oil and matter provisions of the legislation make it clear that the legislation is not intended to affect the authority of the States to establish different requirements or limitations of liability, nor does this legislation affect the rights of third parties who might bring actions to recover damages resulting from the discharge of oil or matter or from the removal of such discharges. In addition, the bill does not cover the discharges of offshore facilities located on the Outer Continental Shelf. The Committee report indicates that this omission results from the fact that this Department advised your Committee that we believe we have adequate authority to require Federal lessees on the Outer Continental Shelf to remove discharged oil and to pay the United States for any cost it may incur in the removal of the discharge without any dollar limitations or findings of fault.

In addition to the oil provisions, the legislation would provide for the establishment of standards of performance in connection with marine sanitation devices and the establishment of regulations by the Coast Guard relative to the operation, maintenance, and installation of these devices. The devices would have to be installed on both commercial and recreational vessels with installed toilet facilities using United States waterways once the standards and regulations were effective. The bill also provides a system of certification by the Coast Guard of the device and establishes a pre-emption of State laws and regulations once the Federal standards and regulations are effective. It, however, permits the States to prohibit all discharges in intrastate waters if the States also prohibit discharges from other sources in those waters. As in the oil provisions, the bill provides for civil penalties for violations specified in the legislation.

The bill would provide that any applicant, other than a Federal agency, seeking a Federal license or permit must obtain certification from any affected State or interstate agency that the discharge from the applicant's activity for which he seeks a license or permit will be conducted in a manner that will not reduce the quality of the waters below the applicable Federal, State, or local water quality standards. In cases where a State lacks authority to give such certification or where the Secretary of the Interior has established the water quality standards under the Water Quality Act of 1965, then the Secretary would provide such certification. In cases where a license or permit has been given by a Federal agency for an activity that is under construction prior to the date of enactment of this legislation, no certification will be required, but the license or permit issued without the certification will terminate after the expiration of 2 years after enactment unless the licensee or permittee obtains the proper certification. No Federal permit or license can be issued where it is required under this legislation until the certification is obtained.

The bill would provide additional authority for training individuals in the field of design, operation, and maintenance of waste treatment works.

The bill would also extend the present research and demonstration provisions of the Federal Water Pollution Control Act an additional 2 fiscal years at the current annual level of appropriation authorization. This appropriation authorization will expire on June 30, 1969, and an extension is urgently needed.

Lastly, the bill would change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration. The objective of this change is to provide a more positive emphasis to the program.

On the basis of our review of the reported bill, we conclude that the legislation follows, in general, the recommendations made by the Secretary in his testimony before your Committee. In particular, it carries out the Administration's recommendation relative to the division of responsibility for enforcement, cleanup, and other matters between this Department and the Department of Transportation in the oil and sewage sections of the reported bill. While we may have some specific recommendations on the bill for the Senate Committee, once it passes the House of Representatives, we are able at this time to recommend its passage by the House of Representatives.

The Bureau of the Budget advises that they have no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

RUSSELL E. TRAIN,
Under Secretary of the Interior.

However, I would like to quote one paragraph of the letter:

On the basis of our review of the reported bill, we conclude that the legislation follows, in general, the recommendations made by the Secretary in his testimony before your Committee. In particular, it carries out the Administration's recommendation relative to the division of responsibility for enforcement, cleanup, and other matters between this Department and the Department of Transportation in the oil and sewage sections of the reported bill. While we may have some specific recommendations on the bill for the Senate Committee, once it passes the House of Representatives, we are able at this time to recommend its passage by the House of Representatives.

I would be remiss in these opening comments if I did not pay proper commendation to my colleagues on the Committee on Public Works who have labored hard and long this year to bring this excellent legislation before you. In addition to the effective leadership, encouragement, and support of the gentleman from Maryland (Mr. FALLON), the chairman of the House Committee on Public Works, splendid contributions were made by such outstanding colleagues and workers in the field of water quality as BOB JONES of Alabama; JIM WRIGHT of Texas; ED EDMONDSON of Oklahoma; and JIM HOWARD of New Jersey, each of whom will explain in detail a portion of this legislation, and all my colleagues on the committee on both sides of the aisle.

At this point I submit for the RECORD a brief synopsis of the highlights of H.R. 4148.

SYNOPSIS OF H.R. 4148

A. In the area of oil and other hazardous pollution, the bill would:

Apply to discharges of oil and matter into the navigable waters, the contiguous zone, and the high seas from vessels and onshore and offshore facilities (see definition p. 38).

Provide for notice of all discharges by individuals in charge of a vessel or onshore or offshore facility to either the Secretary of the Interior or the Coast Guard (see Section 17 (b), p. 4).

Prohibit oil and matter discharges from vessels except in emergency situations or except where permitted by international convention (see section 17(c), p. 41).

Establish civil penalties of up to $10,000 for willful or negligent oil or matter discharges from vessels (see section 17(c)(2), p. 41).

Direct that the U.S. remove oil or matter discharged where there is a pollution hazard to private or public beaches or shorelines in the U.S. or to marine resources (see section 17(d)(1), p. 42).

Authorize the United States to remove or destroy a vessel in U.S. waters when a marine disaster creates a substantial pollution threat to the United States. The Corps of Engineers has similar authority today in cases of navigation hazards (see section 17(d)(2) p. 43).

Require the owner or operator of the vessel or onshore or offshore facility to remove the discharged oil or matter immediately (see sections 17(e) and (f) p. 44 & 46).

Provide a limitation of liability to the U.S. for costs of removal by the U.S. of vessel discharges of up to a maximum of $10 million or $100 per gross registered ton, whichever is the lesser (see section 17(e) p. 45).

Provide an $8 million limitation of liability for U.S. costs of removal in case of onshore facilities and offshore facilities located on inland waters and within the territorial sea, but suspends the limitation on onshore facilities until certain findings are made by Interior (see section 17(f)(3) p. 47).

Establish a $20 million revolving fund for cleanup to be administered by the Coast Guard (see section 17(h) p. 50).

Provide a system of financial responsibility for vessels of over 100 gross registered tons and barges of equivalent size, effective 1 year after enactment (see section 17(k) p. 53).

Repeal the antiquated Oil Pollution Act of 1924 which was developed by the House Public Works Committee (see section 7 p. 78).

B. In the area of control of sewage from vessels, the bill would:

Direct the Secretary of the Interior to issue Federal standards of performance for marine sanitation devices for all vessels (except vessels not equipped with installed toilet facilities), and it would direct the Coast Guard to issue regulations relative to the design, construction, installation, and operation of these devices on board such vessels (see p. 56).

Apply to existing vessels, the construction of which is initiated prior to issuance of the standards and regulations (see definition p. 55).

Apply to new vessels, the construction of which is initiated after issuance of the standards and regulations (see definition p. 55).

Provide that the initial standards shall be effective for new vessels two years after promulgation, but not earlier than December 31, 1971, and for existing vessels five years after promulgation (see definition p. 57).

Provide for a system of certification by the Coast Guard of marine sanitation devices (see definition p. 59).

Provide for the establishment of civil penalties after notice and opportunity for a hearing (see p. 62).

Provide that provisions of this section shall be enforced by the Coast Guard (see p. 63).

C. In the area of training of personnel, the bill would:

Authorize the Secretary to make grants or to enter into contracts with institutions of higher education to assist them in planning, developing, strengthening, improving, or carrying out programs or projects to prepare undergraduate students entering into occupations involving the design, operation, and maintenance of waste treatment works (see p. 64–72).

Provide that these grants or contracts may be used to pay the compensation of students employed in connection with the operation and maintenance of treatment works (see p. 68).

Authorize the award of scholarships for undergraduate studies for periods up to 4 academic years and the making of stipends (see p. 69).

Provide that the Secretary by regulation will require that any person awarded a scholarship must enter into an agreement in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period as the Secretary determines appropriate after the completion of the student's studies (see p. 71).

Authorize appropriations for fiscal year 1970 of $12 million and for fiscal years 1971 and 1972 of $25 million annually—total $62 million (see p. 72).

D. In the area of research, the bill would:

Authorize grants and contracts for the prevention, removal, and control of lake pollution (see p. 76).

Authorize research and demonstration projects relative to acid mine pollution (see p. 64).

Authorize grants and contracts relative to research and development on the prevention and control of oil pollution (see p. 76 and 77).

Authorize the Secretary to engage in studies, research, experiments, and demonstrations relative to discharges from recreational vessels and the equipment installed thereon with the requirement of a report to Congress (see p. 77).

Authorize the Secretary to acquire lands and interests therein for field laboratories and research facilities and in connection with demonstration projects (see p. 76).

Extend the appropriation authorization provisions of sections 5 and 6 of the Act two additional years at the current level of appropriation authorizations which is $120 million for F.Y. 1969 (see p. 78).

E. In the area of controlling pollution from federal activities and federally licensed or permit activities, the bill would:

Require that all federal installations take immediate steps to insure compliance with applicable federal, state or local water quality standards, subject, of course, to the availability of appropriations, and consistent with national needs (see pages 73–75).

Require that all applicants, other than Federal agency applicants, obtain a certificate from the appropriate state or interstate water pollution control agency in connection with the granting of a federal license or permit by a federal agency for the conduct of an activity that may discharge waste into the navigable waters of the United States (see p. 73–75).

Provide that in instances where state lacks authority to certify the Secretary of the Interior will provide the certification (see p. 73–75).

Provide that any activity which is under construction under a federal license or permit upon enactment of this legislation shall have two years to obtain a certificate, and if they fail to do so within that period of time the license or permit shall be suspended.

F. The bill would also change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration in order to provide a more protective emphasis to this very important national program (see section 8, p. 78).

Mr. Chairman, so that the amounts of funds involved will be clear, the following summary of the cost of the legislation will be helpful:

	Millions
Section 17(h)(1), which establishes a revolving fund for cleanup of oil and matter discharges by the United States	$20
Section 19(d) which provides for the research and demonstration program for the control of acid mine pollution	15
Section 23, which provides authorization for appropriations for the training of operators of waste treatment works	62
Section 5, which extends the research training and demonstration authority in Section 4 of the Water Pollution Control Act	130
Section 5, which extends the research authority of section 6 of the Water Pollution Control Act	120
Section 4, which extends the authority to conduct a study on the estuaries	1
Total	348

Mr. Chairman, we have come a long way in our struggle to preserve and protect, and even to rescue, the waters of this great country of ours. We have a long way still before us. This legislation represents effective further progress in critical areas. I cannot overemphasize the importance of enacting this legislation and getting on with the job.

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

Mr. BLATNIK. I yield to the gentleman from our neighboring State of Iowa.

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

What is the total annual cost of this proposed legislation?

Mr. BLATNIK. The total cost would be approximately $348 million over maybe 2 and up to 4 years.

Mr. GROSS. But the total annual cost is what?

Mr. BLATNIK. I cannot give the gentleman the annual cost, but the total cost. The authorizations and extensions will amount to $348 million over a period of at least 2 and in some instances perhaps up to 4 years.

Mr. CRAMER. Mr. Chairman, will the gentleman yield for further clarification?

Mr. BLATNIK. I yield to the gentleman from Florida, the ranking minority member of the committee.

Mr. CRAMER. Mr. Chairman, I think what the gentleman is saying is the total cost for the total period is $348 million. The annual cost is a revolving fund for oil pollution, $20 million for an indefinite period. That is the total cost of that program. It is a revolving fund. The amount for area acid and mine water pollution for 1 year is $15 million. The amount for training grants and contracts is $12 million. The amount for estuary research extension is $1 million. The amount for general research and for project research, two programs for 2 years, $250 million, which is the same level as in the present law. So the cost of the program is substantially less than that which we brought in last year, in that we eliminated the title of financing proposed for sewage treatment plants at this time.

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

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

Mr. GROSS. Mr. Chairman, I believe section (d) is contained in section 17, Control of Pollution by Oil and Other Matter. I would refer the gentleman to page 43 of the bill, where it says:

> Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard—

And so on. There is an authorization of $20 million set up for the financing of this provision of the bill. Does this mean that the taxpayers of the country, in the case of an oil pollution occurrence such as that off the coast of California, could expend x number of dollars and recover none of the money that was expended? I see no provision in section (d) whereby the company or corporation polluting the water would be called upon to repay.

Mr. BLATNIK. Mr. Chairman, if the gentleman will turn to page 44—and this will be explained in complete detail by Mr. WRIGHT—and refer for the time being to page 44, lines 20 to 23, the gentleman will see it states:

> If the United States removes oil or matter which was willfully or negligently discharged by such owner or operator, the vessel and such owner or operator shall be liable to the United States for the full amount of the costs.

The United States can, therefore, recoup or claim whatever expenses are involved; this also applies to onshore facilities on page 46 and offshore facilities on page 47.

Mr. GROSS. This then is not confined to vessels, and it will go to oil wells such as were involved and caused the pollution off the coast of California?

Mr. BLATNIK. Those would be covered by this legislation.

Mr. GROSS. So the Federal Government can recover funds it has expended?

Mr. BLATNIK. Yes, sir.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Alabama, who has made outstanding contributions to this legislation.

Mr. JONES of Alabama. Mr. Chairman, I commend the gentleman from Minnesota and the other members of the subcommittee, who participated for the very deliberate way in which the hearings were held and the legislation was prepared. I am quite sure the House can take pride in the results of their work.

Mr. Chairman, I urge support of H.R. 4148 as an essential continuation for development of this Nation's water resources to benefit all the people.

We cannot ever overstate the importance of water resources to the development of our Nation. Without full and

proper attention to the water which we possess, we cannot hope to successfully reach the levels of attainment to which this Nation is dedicated.

Water pollution has resulted from man's misuse of his inheritance. President Lyndon B. Johnson stated well the problems which we face when he said:

> This is water that could be used and reused, if treated properly. Today it is ravaged water—a menace to the health. It flows uselessly past water-hungry communities to an indifferent sea.

Water is an invaluable commodity. However, most people simply take it for granted until the supply runs low in quantity or in quality. Unfortunately, this problem where it occurs usually stems from our mismanagement of the water quality.

The Congress has passed major legislation in this field on several occasions. In 1956 there was enacted into law the first comprehensive Federal Water Pollution Control Act. The Federal Water Pollution Control Act Amendments were passed in 1961 and were followed in 1965 by the Water Quality Act, in 1966 by the Clean Water Restoration Act, and now hopefully in 1969 by the Water Quality Improvement Act of 1969.

This legislation deals with the serious problems concerning the prevention and cleanup of discharges of oil and other matter from vessels and onshore and offshore facilities, the control of sewage from vessels, acid and other mine water control, the training of skilled and knowledgeable people to handle the modern sophisticated waste treatment works in our cities and industries, the effect of Federal activities and federally licensed or permitted activities on our navigable waters.

This legislation is good legislation, it is needed legislation. The committee has heard over the past 2 years representatives of all segments of our society, our governmental institutions, and our industry. It has taken testimony from Governors of large States, owners of small boats, representatives of international insurance associations, concerned citizens, and many, many others. The committee members worked long and hard to make the right decisions, and I believe they have succeeded. I commend the chairman of the Committee on Public Works, my close friend from Maryland, GEORGE H. FALLON; the gentleman from Minnesota, JOHN A. BLATNIK, and all of my colleagues on both sides of the aisle of this great committee.

Mr. Chairman, I urge the overwhelming passage of H.R. 4148 by all our colleagues in this great body.

Mr. BLATNIK. I thank my very dear friend, our able colleague, the gentleman from Alabama (Mr. JONES).

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

Mr. Chairman, I am not going to prolong the debate nor discuss subject matters other Members are going to discuss, in that this bill comes out of our committee unanimously, supported on both sides of the aisle, as it did last year and as it has traditionally in the past recent years.

Except for the fact that we eliminated the basic financing provisions relating to sewage treatment plants, this is a bill similar to the bill voted twice by this House unanimously last session. Unfortunately it did not become law because of the other body's unwillingness to accept the House position.

Frankly, I believe this is an instance where the passage of time is resulting in better legislation. This could be partially attributed to certain circumstances which have occurred, however, such as the oil spill off the shore of southern California, which obviously alerted the American people to the risk involved.

Some of us had been attempting to alert the American people for some time relating to the possibility and the prospect of oil spillages of major nature. I recall a few years ago I and some others tried to alert this country to the risk involved, for instance, with respect to sunken tankers, the possibility of the holds of those tankers, because of the extended period of time, rusting out, causing major spillages on the beaches in some areas of this country. I raised the necessity of trying to find out what those possibilities were, what could be done about them, and who should be responsible for the cleanup.

We have gone a long way, I will say, since that request for information. The *Torrey Canyon* incident has occurred.

We know this is an area in which there is a possibility of a major disaster in a given area. It has occurred off the coast of California. It has occurred in England. It has occurred on the shores of Puerto Rico.

So we feel it is a responsibility of the U.S. Congress to determine what is the liability of those who cause this risk. Therefore, this legislation is now before us.

I am happy to say also that this legislation is supported by the administration.

I am happy to say that the administration has been most cooperative, with our committee on both sides, in an effort to try to draft good legislation.

I want to say further that the Secretary of the Interior took immediate action. We called that to the attention of the House on October 7 and again on October 14, 1968, and, yes, to the attention of the administration, Mr. Udall, and called attention to the fact that he had authority, in entering into leases with these offshore drillers, to require that they accept absolute liability for such oil spillages off the shores of the United States and, yes, onshore, as a matter of fact, when it is Government-owned land.

The previous administration did not see fit to include this in the leases, despite the fact that on the floor of the House we called it to their attention and said this could be done.

I recall responding to a question by the gentleman from Massachusetts (Mr. KEITH), in the debate in the last session. I believe he asked, "What are you going to do about the offshore oil drilling and the risks which might be involved there?" I see the gentleman is on the floor. I congratulate him for his foresight, because he asked the question before the spillage took place in California.

At that time I stated, as I believed to be the case and as now proved to be the case, that the Secretary does have authority to restrict these leases under the law, and under his present authority for these offshore drilling rigs, to require them to accept responsibility for these spillages.

Secretary Hickel has seen fit to put this into effect, and I congratulate him for it. This legislation in no way infringes upon the authority which he is now exercising and, as a matter of fact, it permits it to go forward in the future as it has in the past.

Also, of course, we had to deal with the very difficult question of what do you do with on-shore facilities. I think the approach taken here is one that is logical and reasonable. It will not put anyone out of business and yet it will protect the people of this Nation with regard to oil spillages on shore. In federally owned lands, of course, they can do it under a lease authority. On privately owned lands, with private facilities, we had to try to find a formula.

It started out as an $8 million maximum liability formula. Obviously that was not the proper approach for a filling station or a boatyard which has gasoline and oil for sale to boats, such as they do in many of the fishing camps in Florida. It is just not logical. There is no way in which they can issue that amount of liability. So we adopted a proposal which permits the Secretary to set up classifications of businesses which have risks of possible pollution where they deal with hazardous material.

There are some 200 such materials that are already defined by the Secretary under present regulations and it is contemplated that materials of that nature will be dealt with by the Secretary in those present regulations. This not only includes oil but many other materials. This legislation authorizes the Secretary to classify those businesses concerned with these materials to make certain that the public is properly protected up to a maximum limitation of $8 million. We think this is a logical and reasonable approach.

Last year, when we considered oil pollution legislation, there was insufficient time to consider the difference between offshore facilities under the complete control of the United States and offshore facilities under the control of the States. We concluded, after much study, that where the United States did not have full control of the licensing procedures, a maximum liability for cleanup of spills that would be realistic in face of available insurance would be $8 million per discharge. This figure is frankly based upon the insurance market as is a figure of $10 million or $100 per gross ton for cleanup costs of vessels.

There was considerable soul-searching as to whether or not the insurance industry should, in effect, control our oil pollution requirements. Many of us had reservations concerning this approach. Nevertheless, at the present time, it seems to be the only practical method by which we can assure reimbursement for Government expenditures in cleanup. To this end we have provided for a study to be made by various Federal agencies con-

cerned in cooperation with business, industry and all others that might be able to contribute to the solution of the problem. This study hopefully will provide us with information upon which to base future limitations of liability or financial responsibility requirements on all types of facilities—onshore, offshore, afloat, that may be responsible for the cleaning up of discharges.

In the area of onshore facilities, we were very concerned lest we imposed a burden upon the businessman that would drive him out of business. Again, we did not have available the information we would have liked—and that we would have had if our bill had passed last year—but we felt we could not forebear from acting at this time. Consequently, we have included all onshore facilities within the purview of the act. In order to preclude hasty action and to preclude forcing the business owner to guess whether or not he was required to insure himself under the act, we have provided that no facility is included until the Secretary of Interior shall find that it is included. This is to give the businessman, and in particular the small businessman, a chance to be heard and to protect himself against crippling loss.

At this point, perhaps it is well to make absolutely clear that the committee's intention is not to force upon the businessman the closing of his business or bankruptcy because of our requirement of responsibility for discharge cleanup. Neither is it in other provisions of this bill the intention of the committee to destroy lawful activities now enjoyed by the citizen. Thus, in our vessel pollution bill, which I will discuss in a moment, it is not our intention to drive the boatowner off the water. Indeed, we wish to emphasize that the agencies that administered the provisions of this bill are zealous in the protection of all citizens, including those directly affected by the provisions of this bill.

Recognizing that our knowledge will increase with time and recognizing the need to accelerate the gathering of knowledge in certain areas pertaining to pollution, the bill directs the Secretary to study further methods of clean-up and the prevention of oil spills.

Now all this legislation in the area of oil pollution would be meaningless if we did not provide the tools by which these spills could be arrested and cleanup accomplished. Accordingly, we have called for a revolving fund to be established for the purposes of accomplishing cleanup.

If the gentleman will permit me, I will be glad to answer any questions in just a moment. Let me say now that this is the approach we took with regard to that problem.

On control of sewage emanating from vessels, we believe that the approach here is a reasonable one. This bill goes further—and I want to make sure that this is clearly understood—this bill goes further than the bill we had last year. One reason for that is that we have more experience and have gone into more areas, so we were able to do an even better job. Therefore we have provided for certain requirements relating to marine sanitation devices which are required of all vessels where such toilet facilities are built in or where they have such facilities built in in the future. Also we provided logically for the departments and for the legislatures of States to come up with a proper approach by providing ample time for them to do this.

We gave present boatowners who have sanitation facilities in present boats 5 years to conform to these requirements. As to new vessels it gives 2 years and prolongs the standards for that period of time in order to allow them to conform.

I just mentioned the control of sewage from vessels. Here again was an area of great difficulty. The testimony and evidence that we had before us was such that several members of the committee did not feel confident that small recreational craft made a substantial contribution to the pollution of our waters. Nevertheless, it appeared clear that it would be unwise to withhold legislation until such time that a convincing demonstration of pollution could be made. To a large extent, the vessel pollution provisions, which deal solely with sanitary sewage—that is human waste—will be what I would call a prophylactic prevention of future pollution.

We recognized that at the present time our technology is such that there is no effective practical solution for the treatment of sewage on small vessels. Even in large vessels the problem is difficult. Consequently, we have chosen to demonstrate our concern for this problem at the present time by requiring the Secretary of Interior to conduct such research as would be necessary to develop suitable marine sanitation devices, including perhaps chemical or biological treatment. We have required that the results of this study be furnished to the Congress prior to the effective date of standards for marine sanitation devices to be promulgated under the act.

Based upon the information available to him from all sources, including his research program, the Secretary of Interior is to issue Federal standards of performance for marine sanitation devices. In doing so, he will take into account the technology available and the economics involved. The bill takes into consideration the problems of existing vessels as opposed to vessels constructed after issuance of standards and regulations by the Secretary and by the Secretary of Transportation. The initial standards shall not be effective for new vessels until 2 years after promulgation and no earlier than December 31, 1971. In the case of existing vessels, they will have 5 years to comply. Broad authority is given to the Secretaries to classify vessels and distinguish between them so that their different characteristics, practices and use may be taken into account.

In order to assure that the interests of the vessel owner are fully considered by the Secretary, requirement that section 4 of the Administrative Procedures Act apply to the issuance of standards and regulations is included.

It was forcefully brought to our attention by many witnesses that a burden upon the passage in interstate commerce of vessels has been imposed as the result of differing States imposing differing standards for marine sanitation devices. Thus, a boatowner in compliance with the laws of his own State where his boat is registered will find himself in difficulty if he enters the waters of another State having differing requirements. We, therefore, have chosen to preempt from the States the adoption or enforcement of any statute or regulation with the respect to the design, manufacturer, or installation of a marine sanitation device on a vessel. Recognizing that there are circumstances under which a State may choose to prohibit discharge of sewage, whether treated or not, from a vessel, the right of a State to make such prohibition is protected. In order to prevent inequities, however, the bill permits prohibition by a State of such discharges only if discharges from all other sources are likewise prohibited in such waters. Thus, the very justifiable complaint of boatowners that we have all seen appearing in boating magazines and newspaper columns to the effect that the small boatowner should not be required to carry his sewage aboard while his boat is sailing through waters befouled with filth from the land is recognized and dealt with.

The enforcement of the marine sanitation device provisions seems to us to depend upon two areas. The first, to stop the manufacture of devices which do not meet the standards that will be developed and promulgated by the Secretary of Interior and the Secretary of Transportation. The second is to prevent unlawful discharges by the vessel. Consequently, penalties are provided to punish the selling or distributing of vessels not equipped with a necessary sanitation device and to punish unauthorized discharges. Vessels that are too small or have some reason to not spend extended periods of time on the water so that installed toilet facilities are not on board are not required to have marine sanitation devices. Nor is it our intention to leave to the State the prerogative of requiring such vessels to install toilet facilities with marine sanitation devices.

We think that this is a sound approach and will leave the administration where it belongs, in the Coast Guard. We do not want to erect a separate department of the Interior or department of the Navy in order to police these regulations, so we leave the administration and jurisdiction of them where they belong, just as it was in the bill last year, in the Coast Guard. I understand the Coast Guard is in full support of this legislation.

Now, Mr. Chairman, one section that I will take up for just one moment relates to the amendment which is now a part of this legislation similar to the bill a number of us introduced here, H.R. 8516, dealing with training of personnel. We will never solve this problem if we do not have people who are qualified actually to administer the program. This has been an area of weakness for some time, but it is an admitted area of weakness.

As a matter of fact, the other body had lengthy studies relating to this, and in the 90th Congress, Senate Document 49, entitled "Manpower and Training Needs in Water Pollution Control" which was published in August 1967, this docu-

ment called attention of the Congress to the very dire need for trained personnel at all levels in order to accomplish water pollution control programs and to say to the States that they have to have this and say to the States that they have to have that and that they are going to have to have standards and they will have to conform to those standards.

We will have to have money available for sewage treatment plants and faced with the finding of fact that the personnel with which to accomplish this objective do not now exist is to ignore one of the necessities in reaching a sound solution to a very serious problem.

Mr. Chairman, I am happy to report that the committee adopted, again unanimously, an amendment which I think represents a sound approach and which, in effect, amends the present law to provide for funds for the training of personnel, for tooling up the university systems and encouraging them to go into this field of clean water and to become qualified from an instructional standpoint to turn out the personnel to do this job in the future.

Mr. Chairman, rather than spend the time of the Committee in discussing it in detail, I shall place the justification for that in the RECORD:

MEMORANDUM ON MANPOWER AND TRAINING FOR WATER POLLUTION CONTROL

Early in the history of water pollution control legislation, the need for training of qualified personnel was recognized and provided for by statute. After the transfer of the Federal Water Pollution Control Administration from the Department of Health, Education and Welfare to the Department of Interior, an extensive study was conducted by that Administration concerning manpower needs for water pollution control. The results of this study were published as Senate Document #49 of the 90th Congress entitled "Manpower and Training Needs in Water Pollution Control." Published in August of 1967, the document called the attention of Congress to the need for trained personnel at all levels to accomplish our water pollution control program.

TABLE I.—ESTIMATES OF MANPOWER REQUIREMENTS

Employers	Fiscal year 1967			Fiscal year 1972								
				Professionals			Technicians			Sewage treatment plant operators		
	Professionals	Technicians	Sewage treatment plant operators	Estimate	Increase	Percent increase	Estimate	Increase	Percent increase	Estimate	Increase	Percent increase
State agencies	1,368	317	.....	3,422	2,054	150	980	633	208	.....	.....	.....
Local agencies	2,250	2,250	20,000	5,550	3,250	144	5,500	3,250	144	30,000	10,000	50
Subtotal [1]	3,600	2,600	20,000	9,000	5,400	150	6,500	3,900	150	30,000	10,000	50
Industrial waste treatment	1,700	1,700	3,500	6,000	4,300	253	6,000	4,300	253	12,000	8,500	243
Consulting engineers [2]	6,000	6,000	.....	21,000	15,000	250	21,000	15,000	250	.....	.....	.....
Total [1]	11,300	10,300	23,500	36,000	24,700	219	33,500	23,200	225	42,000	18,500	30

[1] Numbers are rounded.
[2] Estimated by Black & Veatch, consulting engineers.

On page 15 appears Table 1, "Estimates of Manpower Requirements." The increase in sewage treatment plant operators estimated to be required by fiscal year 1972 over that required in fiscal year 1967 was 10,000. Granting that the need for trained operators will be determined to a large extent by the rate by which sewage treatment plants are completed, the report notes that the demands for operating personnel lag well behind construction appropriations, while the demands for design personnel are more immediate. (P. 14). In addition, this increase is based upon an estimate by the Water Pollution Control Federation that the number of operators employed at the time of the report was 20,000. The FWPCA estimated that only 16,500 operators were employed at the time. The estimated need for 1972 is 30,000 operators. If the FWPCA estimate is correct, the increase in operators would be 13,500. The report gives no figures for replacement of personnel due to death, retirement, or transfer of employment outside the field because accurate turnover rates were not available.

Table 1 of the report indicates that an increase of 8,500 industrial waste treatment plant operators will be required. In addition, an increase of 3,900 technicians will be needed for state and local agencies and 4,300 for industrial waste treatment. The state and local agencies will need an increase of 5,400 professional personnel, and 4,300 more industrial waste treatment professional personnel would be required.

One very interesting figure deals with professionals who operate as consulting engineers. The 1967 estimate based on figures by Black and Veatch, Consulting Engineers, indicates that 6,000 consulting engineers were available for consultation in the field in 1967 and that 21,000 would be needed by 1972—an increase of 15,000. It's estimated that for technicians working with professional consulting engineers, an increase from 6,000 to 21,000—that is an increase of 15,000—is required.

During testimony before the Committee on Public Works of the House of Representatives on Thursday, March 6, 1969, Allen R. Voss, Assistant Director of the General Accounting Office, pointed out that the Federal Water Pollution Control Act requires that no grant shall be made for any project until the applicant has provided for ensuring proper and efficient operation and maintenance of the treatment works after completion of construction. In other words, *under the law a grant depends upon the availability of trained personnel who can effectively carry out efficient operation and maintenance.*

The GAO investigation of various aspects of the implementation of water pollution control legislation was, at the time of Mr. Voss' statement, still in its early phases. Nevertheless, the following paragraphs quoted from Mr. Voss' statement indicate the need for activity:

"In examining into the operation and maintenance of treatment plants, we are using as criteria the minimum requirements for personnel, laboratory controls, and records established by a conference of State Sanitary Engineers in cooperation with the Department of Health, Education, and Welfare in 1963.

"We are finding, generally, that these minimum requirements are not being met. For example, on the basis of a review of 20 operation and maintenance reports in two States, we believe that 17 plants did not meet the minimum requirements. Thirteen of the 20 did not meet minimum personnel requirements; 15 of 20 did not meet minimum laboratory requirements; and seven of 20 did not meet minimum records requirements. In our opinion, 11 of the 20 plants were strongly deficient.

"During one of our on-site inspections of a treatment plant, we found that the plant was shut down and that no operator was available. State representatives accompanying our staff members stated that the plant had been shut down for about a month. In another instance, a review of FWPCA files showed that FWPCA, in its inspection of a plant in September 1968, noted a number of deficiencies among which was the fact that the plant did not have a full-time operator and daily operating records were not being maintained. We could not find evidence that these deficiencies had been brought to the attention of the State. * * *

"In February 1969, staff members of our office accompanied by a state representative found that the plant still did not have a full-time operator and that daily operators were still not being maintained. * * *"

Following is a colloquy between Congressman William H. Harsha and Mr. Voss, during the latter's testimony before the Committee:

"Mr. HARSHA. Now, do you know or have you had an opportunity to make this determination, whether or not we have the engineering potential in this country to design and construct the municipal treatment plants that could be built if the whole billion dollars authorization by fiscal year 1970 were appropriated?

"Mr. Voss. No, sir, we have not done a thing in that area. I know, just recently, we talked to an official in the FWPCA and this is something that he said that possibly that agency may consider doing.

"Mr. HARSHA. Apropos to the same question about available personnel and professional people, is it not a fact that one of the problems is this dearth of trained personnel, scientists, water quality men, even technicians and operators of plants, is that not so?

"Mr. Voss. Yes. At least at a number of the plants that we have visited—it does not seem that the operators have been trained as well as they could be. There is a lack of laboratory testing. There is a lack of keeping of records. And if you do not keep these records on the tests, that supposedly you are making, it is very difficult for anyone to determine whether or not that plant is operating to the design capability. You do not have on record the water and sewage going into the plant, and that going out of the plant.

"Mr. HARSHA. Well, is this due to the lack of efficiency of the personnel there or due to the lack of sufficient personnel?

"Mr. Voss. I would say both.

"Mr. HARSHA. And, as a matter of fact, have you not found that a number of plants are not operating at capacity?

"Mr. Voss. This, but what we are finding, offhand, I cannot say how many.

"I might mention, Mr. Congressman, we have figures which are estimates as to the number of operators you are going to need to operate these plants by 1972, and it is a tremendous increase in the next 4 or 5 years. They are just estimates, but it is the best we have available and it is jumping from about 23,000 to 43,000 or 44,000."

In order to combat this dearth of personnel, the Federal Water Pollution Control Administration has used three approaches. Two of these involved joint federal agency efforts with the states working through the regional office of FWPCA. The third is to secure adequate appropriations directly to FWPCA to support training contracts.

At this point, it is well to review the sections of the Water Pollution Control Act, as amended, applicable to training. Section 5 of the Act deals with research, investigations, training, and information. Subsection 5(a)(2) authorizes the Secretary of Interior to make grants-in-aid to public or private agencies and institutions and to individuals for research and training projects and for demonstrations, and provide for the conduct of research, training and demonstrations by contract with public or private agencies and institutions. Subsection 5(a)(4) authorizes the Secretary to establish and maintain research fellowships in the Department of Interior with stipends and allowances, including travel and subsistence expenses. Subsection (5)(a) authorizes the Secretary to provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

In addition, under the Secretary's authority for grants for research and development included in Section 6, the Secretary may make grants to those engaged in research, including, but not limited to, those attending recognized education institutions.

Appropriations for Section 5 purposes have been as follows:

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970[1]
Grants for training	$3,667,000	$3,400,000	$3,980,000
Research fellowship	633,000	600,000	600,000
Federal technical training and administration	637,000	804,000	1,006,000
Graduate and special training	251,000	258,000	258,000
Total	4,888,000	5,062,000	5,844,000

[1] Requested by Johnson administration.

According to figures received from the FWPCA, the Division of Manpower and Training has training grants of $3,400,000 available for the training of approximately 500 trainees in FY 1969. $600,000 will be distributed amongst 101 research fellows. For FY 1970, the FWPCA estimates that $3,980,000 will be spent for training grants to train approximately 700 trainees. FWPCA short courses for those actually employed in water pollution control activities are scheduled to train 1,465 trainees in FY 1969 and 360 trainees in FY 1970.

The FWPCA was awarded a contract by the Department of Labor on January 21, 1969, to train waste treatment plant operators. When augmented by funds from the Department of Health, Education and Welfare a total of $1,032,000 will be available. The program will involve approximately 800 operators in 10 urban and 10 rural projects. The states of New York, New Jersey, Pennsylvania, Maryland, Ohio, Michigan, Illinois, Iowa, Texas and California are receiving initial consideration as potential project sites. All trainees will be selected by the management of waste water treatment plants from the employees engaged in this work. There is no tuition fee.

The project, established under authority of the Manpower Development and Training Act will be administered by the Division of Manpower and Training of the FWPCA as a prime contractor. Training and supervision will be handled through subcontracts with municipalities or waste treatment districts with oversight by FWPCA regional offices. The length of the course is 44 weeks or 1760 hours, and includes 20 weeks or 800 hours of full on-the-job training and 630 hours of part-time on-the-job training.

In the area of federal-state cooperation, FWPCA has joined the cooperative area manpower plan system (CAMPS). The importance of this program to water pollution control is that it provides the first opportunity for training of those who are not currently employed as operators in water pollution control and envisions training of the unemployed seeking a place in that field. It does not, apparently, consider the training of personnel already employed in other fields for transfer to water pollution control work.

As commendable as the efforts of the FWPCA are, it is clear that there are two major deficiencies. One is obviously the numbers involved.

If we add together all those who receive any training under the programs discussed above, they come to well under 2,000 for FY 1969. Practically all of these are already employed or engaged in the water pollution control field. Practically nothing is being done to eliminate the great gap between available personnel and personnel required for the operation of treatment plants. Another defect is the failure of any program to look to other fields for personnel to be transferred into the water pollution field. No inducements are set forth for the competent intelligent person to consider transferring his activities to water pollution control.

The purpose of H.R. 8516, which has been incorporated by the Committee into H.R. 4148, is to provide inducements to those not in the field of water pollution control to enter it and to induce those already within the field to achieve a greater degree of competence and to remain in this work. In order to do this, it would make available to interested students scholarships and stipends now available primarily for those in the professional level. A student who wishes to become a sewage treatment plant operator may do so while receiving a stipend, which, to some extent, would accommodate him for his loss of income during his period of study. Thus, the individual student would receive an inducement to come into the field, which he otherwise could not afford to enter.

An estimated average of $1,000 a year per student at all levels was used in calculating the total amount authorized. This figure was derived from information based upon the needs of community colleges which either have or are developing training programs for operators.

Assuming a need for 10,000 more operators within the next three years and assuming an average training program of two years, $20,000,000 would be needed for the training of operators over the next two years. Applying a loss factor used by the FWPCA of approximately 25% for students who would, for one reason or another, be unable to complete the program, the program should cost approximately $24,000,000 for the first two years. This figure is restricted strictly to training persons required by state and local agencies for municipal operations and does not provide for training industrial waste treatment plant operators. In order to compensate for an expected lag in the administration of the program, selection of students, and completion of construction of necessary facilities, $8,000,000 is suggested for the first year's appropriation for operational training and $16,000,000 for the second year's operational training. The same figure is suggested for the third year for the increased number of students anticipated to fulfill the needs of increased sewage treatment plant construction, for those students who will need to receive advanced training, and for those students who must take three years to complete their training program rather than two. Similarly, figures are derived for state and local professionals at $3,000,000 for the first year and $8,000,000 for each of the second and third years. For the training of technicians, $1,000,000 is needed for each of the three years. The number of technicians required for local and state agencies is much smaller than the number of operators required, and the cost of their instruction is estimated at somewhat less. This leads to a total of $12,000,000 for the first year and $25,000,000 for each of the second and third years.

Now, what would be the effect of cutting any of these figures? The immediate effect would be that the state and local agencies will not be able to acquire the personnel that they will need to administer their programs and to evaluate their projects. Because of the scarcity of professional personnel, salaries offered by consulting enginer firms and by industry will be more attractive than state and local employment which can lead to the absorption by those groups of the professionals who do finish their training without federal assistance. Even so, the number of people absorbed by the consulting engineer firms will still be inadequate to accomplish the design engineering necessary for project development and evaluations. Consequently, a reduction of funds for the professional training part of the program will lead to an immediate impact upon the design and administration levels. Reduction of funds for that portion of the program dealing with operators and technicians will not lead to a loss that will be felt immediately. However, upon completion of construction of treatment works, the works will be maloperated or not operated at all, as indicated by Mr. Voss' testimony.

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

Mr. CRAMER. Yes, I yield to the gentleman from New York, since I promised to yield to him first.

Mr. McCARTHY. The gentleman from Florida (Mr. CRAMER) alluded to the new Secretary of Interior.

Mr. CRAMER. Yes.

Mr. McCARTHY. As a Member on this side of the aisle, I would like to identify myself with the remarks that the gentleman from Florida has made about the new Secretary of the Interior. I was one, at the time that he was being considered for confirmation, who seriously questioned whether, by virtue of his background, experience, and public statements, he could actually be a good modern Secretary of the Department of Interior.

I must say in all fairness that I have been impressed with the new Secretary with reference to the American Indian, with reference to wildlife, the national parks, and certainly, on this matter of oil pollution. I think he has shown vigor and determination and, frankly, I have been pleasantly surprised to find the qualities which he has exhibited. I think Mr. Hickel's record thus far has been commendable.

Mr. CRAMER. I thank the gentleman very much. The gentleman's hindsight is very excellent I will say.

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

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

Mr. GROSS. I thank the gentleman from Florida for yielding. In several places in the bill there is the language—"Secretary of the Department under which the Coast Guard is operating."

Mr. CRAMER. Where is the gentleman reading?

Mr. GROSS. Page 44, line 14, but it also appears in a number of other places—"Secretary of the Department in which the Coast Guard is operating."

I am just curious to know why this language is contained in the bill.

Mr. CRAMER. To make sure that the Coast Guard itself in no matter which Department it is presently operating continues to have jurisdiction over this enforcement.

Mr. GROSS. I thought there might be some question about where the Coast Guard would be located.

Mr. CRAMER. There is no question.

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

Mr. CRAMER. I yield to the gentleman from New Jersey.

Mr. HOWARD. As has been true in the past, the Coast Guard has been in the Department of Transportation, but in wartime it may be under the Department of Defense.

Mr. CRAMER. That is right; the gentleman is correct.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, on page 42, line 19, there is the language "—by action in rem—" What is the meaning of that?

Mr. CRAMER. Action against the vessel.

Mr. GROSS. Action against the what?

Mr. CRAMER. The vessel.

Mr. GROSS. Action against the vessel?

Mr. CRAMER. In rem is an action against the vessel itself—action against the property, a concept permitted by the law of admiralty.

Mr. GROSS. I am glad to have the gentleman's explanation.

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

Mr. CRAMER. I yield to the gentleman.

Mr. DENNEY. Actually, an action in rem is the phraseology which means action against the thing. It means that you get a judgment and a lien against a vessel and you foreclose on this lien.

Mr. CRAMER. The gentleman is absolutely correct. He sounds like a legal professor, and I thank the gentleman for his response.

Mr. GROSS. Is it proposed in this bill to go into more brick and mortar in order to provide for research laboratories and further research in this field?

Mr. CRAMER. No. It is my understanding that this is a technical type of research dealing with individuals, equipment, et cetera, and not buildings.

Mr. GROSS. Are there any other areas of government expenditures for this same purpose?

Mr. CRAMER. Not to my knowledge, I will say to the gentleman, we certainly would not try to duplicate expenditures. I might add to the gentleman that this is an ongoing research program, this is not new. This is a program that is presently in existence. This is a continuing authorization at exactly the present level.

Mr. GROSS. If the gentleman will yield further, to the knowledge of the gentleman there are no other areas of government in which money is being expended for the same general purposes as envisaged in this bill?

Mr. CRAMER. I would not support a duplication if I were aware of it, I would say to the gentleman.

Mr. GROSS. I thank the gentleman.

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

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

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding, and I appreciate the statements that the gentleman has made, and the functions performed.

I rise simply for a point of clarification in the text of the bill.

Mr. Chairman, I am referring now to section 11, part (b).

Mr. CRAMER. Does the gentleman have the page number in the bill?

Mr. HALL. This is on page 74.

My query is simply as to whether or not, in fact, it does not give the various States of the Union certification power for permits in the first part of subsection (b), and in a later portion gives certification authority to the Secretary?

Mr. CRAMER. Let me say to the gentleman that this does not do so. It does provide for certification by the Secretary when the State cannot certify because it has no authority or certification procedure established. Once the State established has a certification procedure. In fact, if the States cannot certify, then the Secretary comes into play, but it is contemplated that the States will do the initial certification.

Mr. HALL. I understood that, if the gentleman will yield further, from the earlier part of the bill and from reading the report, but I am not quite sure about the language. Do I understand that the gentleman agrees that it might be clarified either by an amendment, or legislative history?

Mr. CRAMER. That is a matter that is under consideration now. I will be glad to clarify it further on the record as consideration of an amendment in this area is given, if the request for it is made.

Mr. HALL. I appreciate the statement made by the gentleman, and if the gentleman would refer then to page 59, has any consideration for the purpose of clarification been given to eliminating lines 8 and 9? That is where it says that "nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State"?

It might be suggested that it stop right there, but instead the language goes ahead and says "if discharges from all other sources are likewise prohibited."

I am just thinking of State jurisdiction versus Federal jurisdiction in our offshore waters, estuaries, or navigable streams.

Mr. CRAMER. This deals with intrastate waters. I believe the language as presently in the bill accomplishes what should be done as it relates to intrastate and not interstate waters. And it is on the basis that if discharges from other sources are likewise prohibited, it would be so controlled. Of course, once the statute goes into effect the vessels could only discharge adequately treated sewage in any case.

Mr. HARSHA. Will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Ohio.

Mr. HARSHA. This is a position that was brought out by representatives of the boat industry where the boatowners have complied with all regulations of the State as covering discharge into State waters, and yet they found that they could be prevented from making such distribution or discharges while other users of water were entitled to discharge polluted material into the water. They felt that because of the different changes in regulations from State to State that this was imposing an undue burden upon them where other pollutants were permitted to go into the water.

Mr. CRAMER. That is what I have tried to say to the gentleman, that where there are other discharges permitted into intrastate waters by the States, it does not make sense to control this aspect of it until they control the entire pollution problem.

Mr. HARSHA. There was considerable question as to whether or not the discharge from private sources was in fact a part of this program, or to any degree, and that is why we put this provision in.

Mr. CRAMER. I will say to the gentleman, this will cause no problem of pollution in my opinion in those areas where they are not presently controlled by the State.

Mr. HALL. I thank the gentleman. I think this is an important legislative record, and I understand the phrase "all other sources" is not predicated upon jurisdiction——

Mr. CRAMER. That is correct.

Mr. HALL. But, is predicated upon the sources of discharge.

Mr. CRAMER. That is correct.

Mr. HOWARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman and my colleagues, I rise in support of the pending bill, H.R. 4148, the Water Quality Improvement Act of 1967. I urge its approval.

I want to commend my colleagues on the committee for this piece of legislation. It is farsighted legislation. It breaks new ground.

Particularly I want to call attention to section 2 which adds an entirely new section to the Federal Water Pollution Control Act. The new section deals with the control of pollution by oil and other matter. This is a far-reaching provision—a strong provision. By any standard, it is a tough provision. If we err, I think it would have to be said that we err on the side of strength.

This provision with respect to oil pollution goes much farther than we have ever gone before. It provides stiff penalties for negligent pollution of the shores or waters or beaches of this country. Further, it establishes direct responsibilities for swift action to clean up these spills.

It makes those who pollute responsible for cleaning up the damage that they cause. It creates a machinery for the Federal Government to conduct the cleanup operation expeditiously if the polluter does not have the technical capability to do it. But in this case it

places the financial burden of the clean-up on the polluter if his actions were either willful or negligent.

In addition, it provides rather stringent civil penalties to be imposed upon the willful or negligent polluter.

The recognition of oil and other hazardous matter as potentially serious water pollutants is not new. As long ago as 1886 the Congress recognized the need to control discharges in navigable waters in New York Harbor, and in 1899 the Congress enacted the Refuse Act, administered by the Corps of Engineers, to apply to both vessels and shore-based facilities with respect to almost every discharge into navigable waters except that flowing from streets and sewers. The need for control of oil was specifically recognized in the Oil Pollution Act of 1924.

However, several recent instances such as the breakup of the tanker, *Torrey Canyon*, off the coast of England and the misfortune of the SS *Ocean Eagle* off the Puerto Rican coast, and most recently the despoliation of California beaches by oil from an offshore drilling rig, have indicated to us that we need the capacity to do much more than the Oil Pollution Act of 1924 permits.

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

Mr. WRIGHT. Mr. Chairman, with great pleasure I yield to my colleague.

Mr. TEAGUE of California. As the gentleman knows and as other members of the committee know, I have been very much concerned about this problem because Santa Barbara is in my congressional district.

Almost a year ago I introduced a bill very similar to the one that has now been approved by your committee and again this year I introduced a similar bill.

At this time I would like to voice my complete support for the bill now before us and commend the committee and thank all the members of that committee for their good judgment in bringing this bill before us today.

Mr. WRIGHT. I wish to express my appreciation, and I am sure that of the entire committee, not only for the comments made on the floor today by our distinguished colleague from California (Mr. TEAGUE), but for his constructive contributions and his longstanding interest in this matter evidenced by his frequent appearances before our committee when we were considering these bills. He has indeed made significant contributions to the considerations of the committee, and much that is in this bill has been influenced by the interest expressed by the gentleman from California (Mr. TEAGUE).

The Oil Pollution Act of 1924 does not adequately meet present day needs. That Act applies only to discharges and to spills that are caused by gross negligence or willful conduct. It applies only to vessels. It does not apply to spills from fixed installations, either onshore or offshore, such as pipelines, refineries, manufacturing plants of various types and other kinds of industrial activities that use and store large quantities of oil. The Oil Pollution Act of 1924 is confined solely to oil spillage. It provides no protection whatever against other potentially hazardous substances, of which there are many, as the gentleman from Florida has pointed out, more than 200 of which have already been officially identified. In short, we believe that H.R. 4148 does effectively deal with this serious problem and plug up the gaps that were left in the Oil Pollution Act of 1924.

This legislation addresses itself not only to the prevention of such disasters but also to the methods of cleaning them up and abating them once they have occurred, as regrettably they will occur, in such a way as to prevent further ecological damage and impairment of environment.

In the area of oil and other hazardous pollutants, the bill before us applies to discharges of oil and other hazardous and harmful matter, which is very broadly defined in the bill, into the navigable waters, the contiguous zone, and the high seas from vessels, and it applies to discharges from both onshore and offshore facilities.

The bill requires that immediate notice be given of all discharges of these substances in any substantial quantity by individuals in charge of a vessel or onshore or offshore facility. It requires that such notice be given either to the Secretary of the Interior or to the Coast Guard. This, of course, permits immediate remedial action. It allows us to accomplish the appropriate steps to remove the discharged oil or matter as expeditiously as possible. The bill provides penalties up to $5,000 or 1 year in prison or both for failure to comply with this notification requirement.

The bill strictly prohibits the discharges of oil and matter from vessels except in emergency situations or except where it is permitted by international convention. It establishes civil penalties for violations of this section in an amount up to $10,000 if the discharge was willful or negligent.

It directs that the United States remove or arrange for the removal of any oil or matter that is discharged into any water or onto any shoreline or beach when, in the judgment of the Secretary of the Interior, such discharged oil or matter presents an actual or threatened pollution hazard. The United States would exercise this authority, of course, only if it is determined that the owner or the operator of the vessel or facility has not made adequate arrangements to complete the removal of the oil or the other hazardous matter as required by the bill.

The bill authorizes the United States to remove or destroy a vessel in the navigable waters when a marine disaster creates a substantial pollution threat to the United States.

In those cases the cost of removing the vessel would be levied against the vessel, its cargo, and the owner or operator of the vessel where it can be established that the negligent operation of the vessel caused or contributed to the marine disaster.

The bill requires the owner or operator of such a vessel or of an onshore or offshore facility to remove the discharged oil or other harmful matter immediately, or to pay for the cost of removal up to the limits of liability provided in the bill if the United States takes that action.

The bill does provide for limitations of liability to the United States for the cost of removing or cleaning up. In the case of a vessel discharging oil or pollution into the water, the maximum limit of liability is $10 million or $100 per gross registered ton, whichever is the lesser. This is susbtantially more than our experience thus far has indicated that any cleanup has cost, and we believe by reason of this limitation that we have adequately protected the United States.

The committee heard in its hearings representatives of the insurance industry, some of whom came all the way from Great Britain to testify for us. Those representatives of groups insuring some 80 percent of the free world's shipping tonnage discussed with us their thoughts as to what the maximum insurable liability would be. We have tried to take their knowledgeable testimony into account.

With regard to onshore and offshore facilities—fixed installations as distinguished from moving vessels—the bill provides an $8 million maximum liability limit for costs assumed by the United States in cleaning up the spills. This was a particularly difficult and in some respects a very delicate determination. Obviously it is much too high for most situations encompassed in the scope of the bill. The committee is conscious of the fact that when we begin to apply a liability upon onshore facilities that may spill various pollutants into navigable waters of the United States, then we apply that liability against almost countless numbers of large and small enterprises that exist on the banks of the small streams that flow into the navigable waters of the United States.

I would imagine that, in almost any congressional district represented here, there would be several hundred enterprises, large or small, which would come under the liability provided in this bill. Therefore, so as not to provide an unworkable or an unnatural liability upon a relatively small business institution, we provided in the bill that the Secretary of the Interior shall establish by regulation, in consultation with the Secretary of Commerce and the Small Business Administrator, reasonable and equitable classifications of onshore facilities and activities, and that he will then apply to such classifications differing limits of liability, which in many cases will be very considerably less than $8 million.

Everyone can understand that for many thousands of businesses it would just be absolutely impossible for them to gain any sort of indemnification through insurance or otherwise for a loss up to $8 million. Therefore, it is anticipated by the committee that classifications would take into account the type and size of the businesses involved as well as their capacity to inflict pollution damage.

The bill establishes a $20 million revolving fund which will be discussed at greater length by our colleague from New Jersey (Mr. HOWARD)—who incidentally has probably visited more oil spills personally than any other Member of this

House. This $20 million revolving fund will allow the President to delegate the authorities to perform an immediate cleanup if it is necessary for the Government to act before waiting until it becomes a serious hazard to health and property.

The bill requires proof of financial responsibility for all vessels over 100 gross registered tons and for barges of equivalent size, which would become effective 1 year after the enactment of the bill.

Mr. Chairman, as one who has fought for effective pollution control legislation for years, I believe this is a long step forward.

As regards oil pollution and pollution by other hazardous substances, this is a landmark piece of legislation. There can be no doubt that it is strong legislation, very strong legislation.

As I said earlier, if we err then we err on the side of strength and on the side of protecting the United States and the people of the United States.

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

Mr. WRIGHT. I yield with great pleasure to a distinguished member of the committee, the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. I rise at this time to ask the distinguished gentleman from Texas a series of questions in order that we may make some legislative history.

As the gentleman knows, section 17 deals not only with the problem of oil and oil pollution, but also with the problem of hazardous matter. In that relation I should like to ask the gentleman: Is it intended that section 17 of the act will in any way permit the Secretary to list substances and concentrations in any orders defining "matter," to permit the Federal Government to bring pressure on any person to discourage him from discharging substances, where such substances, concentrations and discharges are within the limits of the water quality standards of the appropriate State?

Mr. WRIGHT. In answer to the gentleman, I would say section 17 is in no way intended to alter the State's water quality standards or its enforcement of them. If there is a situation in which a material which becomes classified as "matter" under section 17 is officially permitted to be discharged under the State's enforcement program, then obviously the State's determination in this instance would be controlling. The intent of this legislation is to provide a much needed tool to combat the effects of sudden spills which, if unreported, might cause serious damage and which must be cleaned up in order to preserve our waters.

Mr. HARSHA. I think the gentleman. Will the gentleman yield further?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. HARSHA. May I ask the gentleman this question: Is it intended that any action will be taken against any person for failure to report a discharge under section 17(b) where the substance discharged has not previously been listed in an order promulgated under administrative hearing processes as presenting an imminent and substantial hazard to public health or welfare?

Mr. WRIGHT. The answer to that question is "No." Obviously, until such time as the Secretary promulgates regulations, as clearly contemplated in the bill and directed in the committee report, on page 9 of that report, no person could be expected to know what material would be included on the Secretary's list as hazardous matter, and consequently no prosecution under section 17(b) relating to "matter" as distinguished from oil could be undertaken prior to the publication of the Secretary's list.

As the gentleman is quite well aware, we have been extremely broad in our definition of what constitutes "matter." I might refer to the bill, which defines "matter" as meaning any substance of any description or origin which, when discharged into the navigable waters in substantial quantities, presents, in the judgment of the Secretary, an imminent and substantial hazard to public health or welfare.

Now, there are certain substances exempted by specific reference from this definition, but the definition of course is so very broad that the committee thought it necessary to take note in the committee report, as it does on page 9, of the expectation that the Secretary shall with care compile a specific listing of what constitutes harmful matter.

The committee report declares that the Secretary will be expected to publish a list from time to time of the types of substances included in this definition in order to inform the public in accordance with standard administrative procedures. So, until the Secretary has done that, of course, no prosecutions under that section could be undertaken.

Mr. HARSHA. I thank the gentleman. One final question. Under the provisions of section 11(b) which requires State certification prior to the issuance of a Federal permit, is it not possible that a State, for reasons other than water pollution, may refuse to grant such certification or simply fail to act upon it? If so, what could the applicant do?

Mr. WRIGHT. This question was commented upon by the gentleman from Florida a bit earlier, and I think I would rest upon his answer. It is possible that this particular question may be subject to an amendment tomorrow, and pending that time I think I would not want to make any further comment on the question.

Mr. HARSHA. Would the gentleman yield to the gentleman from Oklahoma (Mr. EDMONDSON) for some clarification?

Mr. WRIGHT. I do yield to the gentleman from Oklahoma, who is extremely knowledgeable on this question of certification.

Mr. EDMONDSON. I thank the gentleman for yielding.

I think the committee was interested in discussing this question and the staff conceded there was a possibility that this could happen, but it felt there would be a relatively remote possibility of it happening over any extended period of time. It is assumed, I think, in connection with this bill that all of the people involved in connection with this pollution control would be acting in good faith. Particularly I think it is a sound assumption that your States and the Federal Government will act in good faith throughout.

However, if the applicant has reason to feel that his rights have been interfered with the judicial procedures available now in the State courts to require action by the State would be available to the applicant. In a case where the Secretary is the certifying authority, the Federal courts would be available to the applicant. Once this act becomes law, it is contemplated that the entire statute will be construed in pari materia.

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

Mr. WRIGHT. I yield to the gentleman.

Mr. HUNGATE. Would the gentleman answer this question? Could I inquire of the gentleman, in cases where the State or interstate agencies have authority to certify the conditions of discharge in navigable waters, would certification by the Secretary of the Interior also be required?

Mr. EDMONDSON. The only requirement, if the gentleman will yield, as I understand it, is the Federal certification would be in a situation in which the State did not have standards established and a certifying procedure itself.

Mr. HUNGATE. Would the gentleman yield further?

Mr. WRIGHT. I yield to the gentleman.

Mr. HUNGATE. I am referring to the provision on page 74 of the bill, line 18, where it says:

> Except that (1) if any affected State or the Secretary, if his certification is involved, after notice, which shall be given by such Federal agency, makes written objection, such certification may not be so accepted . . .

That does not mean that the Secretary of the Interior then could object in a situation where the State had made its certification, does it?

Mr. EDMONDSON. I would not construe it that way. I would think the alternative that is stated here would be consistent in the situation, that if the affected States had given certification, that that would be the route you would follow. And, if you had a Secretary's certification involved in it you would then be confronted with the regular procedure.

Mr. HUNGATE. I thank the gentleman.

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

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

Mr. GROSS. This bill does not provide for the creation of a new commission or board, does it?

I have not been able to discover such language in it.

Mr. WRIGHT. The bill provides for the creation of no new commission, no new board, no new agency. In one instance it changes the name of an existing agency.

Mr. GROSS. I thank the gentleman from Texas.

Mr. WRIGHT. I should like to say in conclusion, Mr. Chairman, that this is

strong legislation. It is broad in its application, stringent in its prohibitions. I believe that it will provide a very useful adjunct to that legislation already existing on the books in our continuing battle to clean up and purify the streams and waters of the United States, and prevent their further defilement.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I rise in support of H.R. 4148. The importance of this legislation may be seen from the number of activities which it covers and the broadness of its scope. This legislation deals with offshore facilities, onshore facilities, acid mine drainage, lake pollution, education and training of water quality control personnel, and licensing and permit considerations. As such, it affects in some degree nearly every family in the United States. It goes to nearly every activity—government or private, State or Federal, civilian or military.

Legislation that comes to grips with so many problems in so many diverse areas is not simple. There are many difficult problems that have been dealt with in the attempt to protect the quality of our waters.

Mr. Chairman, simple solutions to difficult problems are extremely rare if they exist at all. We would be presumptuous if we claimed that the bill prepared by the committee provides a set of simple solutions, because, Mr. Chairman, we have dealt with difficult problems. The legislation before the House was arrived at after much difficulty and study over the last year and a half. I feel confident that the solutions that we have proposed are the best that we can propose at this time, and, therefore, urge the Members to support the bill, H.R. 4148, as presented by the committee.

In doing so, Mr. Chairman, I should like to invite the attention of the Members to the very fine and diligent work that has been done by the members and the staff of the committee in preparing this legislation. I think that all Members will agree, when they have had an opportunity to study the provisions of this bill, that it reflects a high degree of professional competence upon the part of the staff and of real diligence upon the part of the members.

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

Mr. HARSHA. I yield to the gentleman from New York.

Mr. ROBISON. Mr. Chairman, I appreciate the gentleman from Ohio yielding, so that I may take just a moment or two to congratulate the Committee on Public Works, on which I had the pleasure of serving for some 7 years before beginning my present committee assignment, on bringing out this legislation.

Mr. Chairman, my particular interest in this legislation, as some of the members of the committee will recall, relates to the growing national problem with reference to thermal discharges or cooling waters being released from steampower plants, whether fired by fossil fuels or fired by nuclear energy.

I am especially interested, Mr. Chairman, in section 11(b) of the bill now pending before us.

It seems to me that this section does exactly what ought to be done now in this area of concern in that it does reach toward a national solution to what is rapidly becoming a national problem.

As I understand section 11(b), it will require that an applicant for a Federal license or permit for a facility which may discharge cooling waters into the navigable waters of the United States must first provide the Federal agency issuing a license or permit in connection with that facility, with a certification from the affected State or States, or interstate water pollution control agency, that the activity will be conducted in a manner that will not reduce the quality of the waters below applicable water quality standards.

I would like to say to the gentleman, if he will permit me to, that this has become a matter of serious concern in my own State and in my own congressional district where a nuclear powerplant is in the preconstruction stage. And, if anyone on the committee has wondered whether or not the States would be responsible for moving into this field, I can report to the committee that the New York State Water Resources Commission has been holding public hearings around our State on its tentative criteria in this field of thermal discharge, or thermal pollution. It is important also to know that, in adopting those tentative criteria, our State water resources commission did, generally speaking, accept the recommendations as made in this area last fall by the Federal Water Pollution Control Administration after making a study of the problem.

Mr. HARSHA. I thank the gentleman. I certainly want to commend the gentleman on his views in this particular field. The committee listened with a great deal of interest to his testimony, and gave very serious consideration to his views. The gentleman made very significant contributions toward these matters during the past leading to the formation of this legislation, as he always did when he served on the committee several years ago.

Mr. ROBISON. If the gentleman will yield further, Mr. Chairman, on page 8 of the report reference is made to the question of whether or not separate certificates ought to be required, both at the time of an applicant applying for and obtaining a Federal construction permit, and then later on at the time that same applicant applies for a Federal permit to operate and maintain the plant as now constructed.

On page 8 of the committee report it is stated:

> Based on testimony by the Commission, the committee has concluded that the very different character of the two applications, the long period of time that elapses between their issuance, and the uncertainty as to the finality of plans at the construction license stage, all support the requirements for certification with respect to both applications.

Mr. Chairman, if the gentleman will permit, I would merely like to take this moment to encourage the Committee of the Whole, and the Members of the House in their respective wisdom, to retain this requirement, if a question should arise on this, not only just for the reasons that are stated in the committee report, but, it seems to me, for one more reason, which is that as research goes forward in this field, about which we know all too little yet, we may well learn a great deal more about thermal pollution and the effects of thermal discharges than we do now. As 3 or 4 years may elapse between the time of a construction permit being granted for a nuclear powerplant, and then the operational permit being granted for that plant, it would be well for the Committee to hold intact this language as it is in the bill, and as mentioned in the report, requiring certification in both separate instances.

Mr. HARSHA. As the gentleman points out, it is precisely for these reasons that we collaborated on this, and that the committee put that provision in the bill.

However, I am not at all saying that this is a matter that is not under discussion at the present time, and I cannot advise the gentleman as to whether or not any amendments will be offered to that particular effect.

Mr. ROBISON. Mr. Chairman, I appreciate the gentleman yielding.

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

Mr. HARSHA. I yield to the gentleman from New York.

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

On the point that my colleague from New York raised, on two certifications, or whatever number they might be, whenever there is a license applied for, let me say first to my colleague, of which I am sure he is aware, this applies to other matters other than just steamplant power generating facilities, it applies to anything where a license is required. Nevertheless, while I share the concern of the gentleman on the adequacy of those standards, and as the gentleman has pointed out, that there is an intervening lapse of time of maybe 3 or 4 years between a construction license and an operating license in the case of a powerplant with a thermal discharge, I believe we have got to give careful consideration to what burden we are placing on all these facilities.

Mr. Chairman, as I understand it, our power needs, for example, are doubling every decade in this country. In our own State of New York, and in many other States, I would say to my colleagues, we are seeing steam generating plants, as the gentleman has pointed out, either fossil fueled or atomic fueled, under construction, and some coming on the line in operation.

Now, should there be a change in water quality standards in the intervening, shall we say 4 years, between the time when the construction license is granted and when the application is made for an operating license, we could place a very serious burden upon this type of generating facility. And not only that, in the case of public authorities in this field, as we have in the State of New York, we could jeopardize that authori-

ty's ability to finance these needed plants.

So I say to the gentleman, that I share his concern in this matter, and I share it concerning these two times of construction and operation, but also that we not place a burden upon these facilities that they will be unable to meet, or have an adverse influence upon the confidence of those who are investing in them.

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

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

Mr. ZWACH. Mr. Chairman, I rise in support of H.R. 4148. Not only does this bill provide for a method of dealing with oil pollutants, it also has a small section authorizing research on other pollutants affecting our inland lakes.

My home State happens to have about one-seventh of the entire U.S. total of inland lakes. We are and have been proud of them and until recently, have been able to cope with siltation and eutrophication problems. Now with much greater use of these lakes for recreational and residential purposes, coupled with the wash-in of surrounding soils or fertilizer, some new methods must be developed to return these lakes to beautiful, cold water bodies. This research can be done by contracts from the Secretary to public or private groups or individuals.

This condition must be prevalent in most of our Nation's 100,000 lakes. It is a problem that should no longer be delayed. I urge my colleagues to support this bill.

Mr. HOWARD. Mr. Chairman, I wholeheartedly support this legislation, and I wish to commend my colleagues on the Public Works Committee and the chairman of the subcommittee and the chairman of the full committee for the amount of time they have given to this problem of water pollution and oil pollution, and to commend them for the legislation that is before us today.

I especially wish to commend the gentleman from Texas (Mr. WRIGHT) for his statement concerning this vital problem of oil pollution. Mr. WRIGHT discussed the controls that we will have in the future, the responsibilities that oil carriers do have to the public and to the beaches, the fact that installations must also concern themselves with precautions and be prepared to take responsibility for accidents that do occur.

But there is also the problem, Mr. Chairman, from the viewpoint of those who are on the beach, the ones who will have the oil on their sand, killing their shellfish and their fish, where they do not know in which direction to point the blame. The vessels are to be responsible, but what about the ship that passes in the night. All too often in recent years we have found instances where early one morning the Coast Guard or a commercial fisherman will report a huge oil slick off the coast coming toward the shore of some seaside resort. And no one knows where it came from for sure. They are not sure which vessels had passed by recently. Therefore, we must have something in addition besides the regulations that will charge certain vessels or installations that have dumped the oil with the responsibility of paying for the cleanup.

So I am very happy, Mr. Chairman, that in this legislation there is established a revolving fund of $20 million which will be used in the cleanup of these oil spillages. Of course, we know that where blame can be fixed, the expense of the cleanup will be paid back and that will keep the fund in an ongoing basis, because it is expected that the appropriation will be a one-time appropriation. It will also protect the vital beaches so the economy of an entire area will not be ruined because of an oil spillage when the Coast Guard, the Department of the Interior, or the Government does not know in which direction to point in fixing the blame. We must be prepared to take quick action against these spillages.

In 1967, when the first major oil crisis came with the crackup of the *Torrey Canyon* off the coast of England, it was seen at that time that even though work was begun immediately to try to combat the oil, much of it hit the beaches. It went into the harbors. It fouled the shoreline. About a month and a half after that occurrence I visited the area, and found that although the beaches were clean, there were several problems that this seaside area still had. First, at that time we did not have enough research to know what kind of materials to use, and there was a kerosene base used in the dispersals. That left a tremendous kerosene odor along the beachfront area.

We found also that there were detergents used in this dispersal which, in many instances, caused shellfish and other fish to be ruined and sport fishing to be stopped for many years in the area.

In one town after another, whether it were Port Land's End, or St. Ives, we found the people concerned about the economic future of their area. They were telling the people in London and around England that the beaches were cleaned up now that summer was coming. Come and visit us. And, naturally, spend your money here. But they found that because of the uncertainty, because the people in the country did not want to take a chance on those beaches being clean, many of them, in the case of the village of St. Ives, had its summer economy damaged to the tune of 90 percent of the previous year's income. The Ocean Eagle, which the gentleman from Massachusetts discussed a moment ago, pointed out the need for a program. We are very happy that a program is now being implemented which we hope will soon be approved by the President when it is presented to him so that the Coast Guard will have the responsibility and the authority to move quickly in this area and be able to clean up our beaches. There are many other areas of oil pollution where we cannot depend on saying, "We will have the person who caused it pay for it."

Many of us found to our surprise just a year or so ago that around the coastline of the United States there are 103 known oil tankers—and their position is known—that had been sunk during World War II. We are not certain whether many of these tankers still contain oil. We feel some of them probably do. Now it is approximately 20 years later, and what would we do if these tankers should burst, as has been suspected in the past couple of years, and the oil from a World War II tanker should come to the shore?

Mr. Chairman, with this section on the revolving fund, we can be certain the economy of our seashore areas will remain constant and we will have protection of the Coast Guard, and the Coast Guard will be ready and willing to move so we can keep the economy of these vital resort areas producing revenues, which will help taxpayers all over the country.

Mr. Chairman, I am certain the bill will pass. I hope it will pass unanimously. I commend all the members of the subcommittee for bringing this fine legislation before the House.

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

Mr. HOWARD. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I think this committee and the House Members all are indebted to the gentleman from New Jersey for his pronounced interest in the matter of pollution of the beaches and shores of this and other countries. I am certain there is no Member of Congress who has more diligently pursued the effort to clean up the beaches of the country and to prevent insofar as possible further spillages. The gentleman from New Jersey has personally visited many places throughout the world, including Great Britain and Puerto Rico and places off the coast of New Jersey and elsewhere, in his vital interest in this matter.

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

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I do not think it is necessary to elaborate on what has already been stated in the presentation of the bill, other than to say I believe it is very timely.

I do want to extend to the committee members as a Californian my personal appreciation for the time they have given to the very unique problem that occurred off the coast of Santa Barbara. I think what has occurred off the coast of California has, in fact, focused national attention on a major problem—that of maintaining some semblance of environmental control and man's impact in this regard.

I also compliment the gentleman from Florida in particular for advancing the idea of the necessity of developing a training program in order to implement that which is legislated here at the national level. Time and time again as we have listened to the testimony before our committee, as we would legislate the necessary authorizational funds, we would find we would not have the administrative and sanitation engineering com-

petency, out at the grassroots level, that could carry out the program as initially intended by the Congress of the United States. So I believe this program which will give substance to an adequate training program will have a tremendous impact on the ultimate success and objectives of this legislation. I strongly support its passage.

Mr. CRAMER. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. STEIGER) such time as he may consume.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of H.R. 4148, the Water Quality Improvement Act of 1969.

There is one particular portion of this act which I would especially like to call to the attention of my colleagues. That is section 5(g) which reads:

> The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation.

Mr. Chairman, there are over 100,000 lakes in the United States. In Wisconsin alone we have 8,676 lakes which cover a total of 1,138,374 acres. I think it is important to remember that 97.2 percent of all the water on earth is contained in the oceans. The ice caps and glaciers contain 2.15 percent. The remainder—only 0.65 percent of all the water on the surface and underground—is available to man for drinking, cooking, and such purposes necessary to sustain him and enrich his life. Put in this perspective, our inland lake resources become vitally important.

While the demand and need for water pollution control is growing money committed to cleaning the Nation's water resources does not match the priority of the job. And our lack of complete knowledge of the process of lake eutrophication and its contributing factors and in treatment of the situation, makes research and demonstration projects mandatory if our money is to be well spent and our fresh water resources enhanced.

Without the proper research and demonstration for control of pollution in lakes, we could very well spend large sums of money, and still not have the job done.

This is the importance of section 5(g) of this bill.

Mr. Chairman, I first introduced this provision as a separate bill in August 1967. Review of that bill by the Department of the Interior resulted in a new bill, H.R. 13312, which was supported by the Secretary and subsequently incorporated into the 1968 Omnibus Water Pollution Control Amendments. Although differences existed between the House and Senate on portions of the omnibus bill, both bodies approved the clean lakes provision.

Once again we have an omnibus water pollution control bill before us, and once again it includes the "clean lakes" provision.

Every year that passes makes our task more difficult and more demanding. I strongly urge favorable action on this bill.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Chairman, we are considering legislation today which deals with the complexities of water pollution control. The Santa Barbara oil spill and other similar disasters have demonstrated the urgent need for improved laws in the control of water pollution. H.R. 4148, the Water Quality Improvement Act, is designed to respond to these particular needs in a number of ways. The bill makes the owner or operator of a vessel liable for oil discharge or spillage cleanup costs up to $10 million or $100 per gross ton. Criminal penalties would be imposed against individuals operationally responsible for vessels, who fail to promptly report a discharge of oil or other polluting matter to the Coast Guard or Secretary of the Interior. The bill also provides for civil penalties against vessel owners or operators in case of willful or negligent discharge and it authorizes the Government to clean up the damage to beaches from pollution regardless of source, providing for appropriate reimbursement by the offending business.

Mr. Chairman, the fact that oil is a serious water pollutant is clearly evident. From January 1968 through February 1969, a period of 14 months, the Great Lakes witnessed a total of 21 oil spills. In addition to its contamination of water, shoreline, and beaches, oil often has severe effects on fish and wildlife, shellfish, and recreation. The use of harmful chemicals to treat oil spills may in themselves, produce severe ecological damage.

In addition to oil, the discharge of untreated sewage from vessels and other installations is another major source of pollution. Installation of preventive devices for effective sewage treatment will be necessary if this bill is enacted. Several million dollars will also be channeled into extensive research, development, and training programs to achieve maximum effectiveness in the operation of our water quality control facilities.

Clean water should be a right of every U.S. citizen. It is the duty of the Government to maintain and protect this right. Unfortunately, the Government is not sufficiently protecting or maintaining this right. Recreational, commercial, and industrial interests have been severely impaired by the lack of adequate water pollution control throughout the Nation.

The Great Lakes area, in 1966, conducted over one-fourth of the Nation's manufacturing activity. Projected estimates for the Great Lakes area predict a doubling of the population within 50 years, with industrial activity increasing at least fourfold, if not more. Such forecasts are indicative of the immediate steps that must be taken to improve and maintain our water resources. A genuine commitment to adequate preventive laws and sufficient funding so that new technological discoveries can be applied to all our Nation's waterways, is essential if we expect to achieve proper results. The people of Cleveland have expressed their wholehearted support for antipollution efforts by recently approving a $100 million bond issue to improve the water quality of Lake Erie.

An amendment will be offered calling for the establishment of a national pollution disaster fund to respond to the specific needs of the Great Lakes and other environmental disaster areas. The amendment, to be offered by my colleague, the gentleman from Ohio (Mr. VANIK), is almost identical to legislation we introduced earlier this year along with several other Members of the House. The amendment authorizes an appropriation of $100 million for the establishment of a pollution disaster fund within the Treasury Department to provide corrective relief to those areas in the Great Lakes, the Continental Shelf, or the United States, which are in environmental crises. To determine how these moneys are to be allocated, a seven-man Commission would be set up, composed of four experts in the field of biology, ecology, and conservation, and three representatives of the general public.

It is generally acknowledged that Lake Erie is one of the most severely polluted waterways in this country. This amendment will assist in upgrading the quality of its water as well as providing careful attention to the changing environmental conditions affecting the ecology of the water. It is the duty of this Congress to revive not only Lake Erie, but also our other water resources and to make them, once again, enjoyable and usable areas for the citizens of the United States. This amendment and the Water Quality Improvement Act of 1969 deserve our enthusiastic support.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois (Mr. GRAY), a member of the committee.

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

Mr. Chairman, I rise in support of H.R. 4148, a great legislative blow at dirty water and stream pollution. This legislation is a real prescription for a healthier nation and its people.

Mr. Chairman, for years our scientific and technical expertise was not sufficient to find ways of eliminating the pollution of our lakes, streams, and rivers. We did not know as much about industrial waste and sewerage disposal plants.

Thanks to our great American know-how, we have the methods but not enough money. States, local communities, and private industry can not do the job alone. They must have help.

For every Federal dollar we spend we will see many times more in non-Federal money invested in clean water. Without the Federal money being available as seed money, the other sources will not be moved to invest. This is why we must continue the great work started by the Congress.

We must find ways of attaining the funds for this program.

The bill is another step forward. It brings in to full pollution control for the first time—oil spillage and sewage from oil wells as well as thermal pollution. It continues needed and necessary research in all fields affecting polluted

water. Coming from southern Illinois where we have the Ohio River on one side of my district and the Mississippi on the other, with four major river basins in between, we certainly know how difficult it is to find enough funds to stop pollution. With the help of the Federal Government we are now doing the job. I want to commend our great chairman of the full Committee on Public Works, the gentleman from Maryland (Mr. FALLON), the outstanding chairman of the Subcommittee on Rivers and Harbors, the gentleman from Minnesota (Mr. BLATNIK), all the members of the committee on both sides of the aisle. I also want to thank our outstanding general counsel of the committee, Mr. Sullivan for his untiring efforts. It is a real privilege to serve on this important committee of the House and to be able to recommend to my colleagues the enactment of this most important bill.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I rise in support of H.R. 4148, and I want to express my personal appreciation to the very able chairman of our full committee and several subcommittee chairmen who have joined in working on this bill, along with, I believe, one of the most able staffs in the Capitol—the staff of the Public Works Committee operation.

The bill, H.R. 4148, does a number of things which seems to me to be long overdue.

One of the things it endeavors to do is to promote a much better program of cooperation among the Federal agencies in the control of pollution. One of the strange and embarrassing things about the pollution problem which exists in many areas is that the Federal Government itself has sometimes been a culprit with considerable responsibility for the pollution problem which is present. This is something that subsections 11(a) and 11(b) endeavor to deal with.

Subsection 11(a) requires that every Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, insure compliance with applicable water quality standards. This section puts into law what is now contained in an executive order. It deals directly with procedures for control of pollution caused by the administration or actual operation, either directly or by contract, of federally held real property or facilities.

In attempting to insure that Federal facilities will be in compliance with the applicable water quality standards, the problems to be considered, the priorities to be assessed, and the relative values and public interests to be weighed, are very much akin to the problems, priorities, and interests which must be taken into account by a State when it is establishing water quality standards for a given area, by industries when they are making decisions on how and where they will expand capital investment, and by local governments in attempting to achieve a balance among health and welfare, economic development potential, and supportable tax structure.

The Federal Government must allocate its available tax revenues among a great many priorities. Subsection 11(a) is designed to insure that the maximum extent possible, the Federal Government will conduct its own operations in a manner to control and prevent water pollution.

To further insure that the Federal Government will cooperate to the maximum extent possible with the States in achieving compliance with water quality standards, subsection 11(b) requires that any applicant for a license or permit from a Federal agency when the activity involved will discharge into the navigable waters must first obtain from the State or States involved a certification that the operation of the activity will not reduce the quality of the water below the State's water quality standards.

There are some instances in which a State or interstate agency may at least for the present not have the authority to issue the certification and there are other instances in which water quality standards are issued by the Secretary. In both cases, the Secretary will provide the required certification. Where licenses or permits are required for more than one Federal agency for the same activity, the certification obtained for the first license involved will be sufficient for the succeeding licenses and permits. This is to insure that neither the applicant nor the State be burdened with duplicating permits for a single activity. However, if either the Secretary or a State has reason to believe the original certificate is not sufficient for succeeding purposes, it may make its objections known and require additional certification.

The ability to use an original certificate for a succeeding permit does not apply, however, to an applicant for an operating license or permit. This situation arises specifically with respect to nuclear generating plants where considerable time elapses between the issuance of the permits for the building of the plant and the operating license for its actual operation.

This time lag can be anywhere from 4 to 7 years, and construction plans upon which the construction permit is based are not always sufficiently precise to insure the kind of operation that is contemplated. Also, because of the length of time involved, external as well as engineering changes could occur, and we believe the additional safeguard of obtaining a second certification at the time the operating license is obtained is necessary.

A further safeguard has been written into this section to take care of the situation where actual physical construction of the facility itself has been started prior to enactment of this act. Actual physical construction means excavation or building. Property acquisition, construction of roads or similar preliminary activity would not satisfy the requirement for exemption from certification. In the case where the license or permit has already been issued, a 2-year period beginning with the date of enactment is granted and within that time the person having the permit is required to obtain the certification otherwise required. Two years seems an adequate time to bring the existing construction into conformance.

Renewals of licenses or premits which come within this section are considered to be new applications for the purposes of this act.

A wide variety of licenses and permits—construction, operating, and otherwise—are issued by various Federal agencies. Many of them involve activities or operations potentially affecting water quality. The purpose of subsection 11(b) is to provide reasonable assurance that no license or permit will be issued by a Federal agency for an activity that through inadequate planning or otherwise could in fact become a source of pollution.

The language of the legislation is intended to eliminate duplicating certification requirements, and to afford a safeguard against too broad a use of the single certification.

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

Mr. EDMONDSON. I yield at this time to my good friend and one of the most respected Members of the House, the chairman of the Joint Committee on Atomic Energy, the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. I thank my friend for yielding.

On page 8 of the report, the second paragraph from the bottom, starting with the words "the Atomic Energy Commission has informed the committee," there are outlined a number of individuals and facilities which are licensed by the Commission to possess and use limited quantities of nuclear materials that might, in minute quantities, be disposed of through a waste disposal system. It is said, "It is not intended that subsection 11(b) apply to these specific types of licenses or permits."

I am a little concerned that the delineation of just those few entities might preclude others in the same category, so I will ask the chairman of the committee, Mr. FALLON, at this time a question with relation to the clarification of this part of the report.

My question is this: Am I correct in believing that the committee intended to exempt from subsection 11(b) coverage activities under AEC license not involving discharges directly into navigable waters, and not just those activities specifically identified in the report on H.R. 4148, on page 8?

Mr. FALLON. I say to my distinguished colleague that he is correct. The language on page 8 of the committee report concerning the inapplicability of subsection 11(b) to certain AEC materials licenses was intended to be illustrative, not selective or exhaustive. Where the discharge from the licensed activity will be in minute amounts and will not be disposed of directly into navigable waters, the license for any such activity is not subject to the subsection's requirements.

Mr. HOLIFIELD. I thank the gentleman very much for that clarification.

I want to say, I think this is a good

bill, and I am supporting it. I am very much interested in control of water pollution, and I appreciate particularly the handling of the problem as a result of the oil spillage in the Santa Barbara channel off the coast of California.

There are one or two other little points in the bill I may want to discuss tomorrow, during the amending period. Otherwise. I think it is a very good bill and I intend to support it.

I thank the gentleman for yielding.

Mr. EDMONDSON. I thank the gentleman from California.

May I say, on behalf of the entire Committee on Public Works, we deeply appreciate the manner in which the gentleman from California, as the chairman of one of the major joint committees of the Congress, has brought to the committee's attention in detail questions which that committee which he heads has raised concerning this legislation.

I think that the presentation that was made to our committee on this subject by the gentleman from California (Mr. HOLIFIELD) has been most helpful to an understanding of the problems of the Atomic Energy Commission by our committee. I am hopeful that it will be possible to work out tomorrow, when we get to the stage of considering amendments under the 5-minute rule to this bill, language that will be acceptable to the gentleman and his committee in connection with sections 11(a) and 11(b), which I understand created most of the concern in his committee.

Mr. HOLIFIELD. I thank the gentleman for his interest and mention to the House the fact that the gentleman from Oklahoma is now the latest member of the Joint Committee on Atomic Energy and rapidly becoming one of the valuable members of that committee. I do appreciate his assistance as well as the assistance of the staff of the Committee on Public Works as well as the chairman, the gentleman from Maryland.

Mr. EDMONDSON. I thank the gentleman very much.

I might add that we have had made available to us an excellent summary legal analysis on the Federal-State jurisdiction with regard to regulating atomic energy. At the appropriate time, when we go back into the House, I intend to ask permission to have this document made a part of the RECORD. This is a very fine piece of work and something that is useful to all of the membership both as a part of the permanent RECORD and also for study for tomorrow in advance of the consideration of amendments in which the gentleman from California has expressed interest.

The material referred to follows:

SUMMARY LEGAL ANALYSIS ON FEDERAL AND STATE JURISDICTION TO REGULATE ATOMIC ENERGY

In examining the Federal-State relationships respecting the regulation of atomic energy, it is important to note the history of the various legislative enactments concerning atomic energy. Under the Atomic Energy Act of 1946,[1] the Nation's first such legislation, atomic energy was enveloped in an almost air-tight Government monopoly. The possession, use, transfer, export, import, etc., of source, byproduct and fissionable materials[2] were subject to pervasive Atomic Energy Commission regulatory controls. Moreover, except in certain enumerated and very limited circumstances, facilities for the production of fissionable material (e.g., nuclear reactors) could not be owned by anyone (including agencies and departments of the Federal Government) other than the AEC,[3] and under no circumstances could there be ownership of fissionable materials by anyone other than the AEC.[4] The Act wrought modifications of the patent system unprecedented in American history—certain inventions and discoveries pertaining to atomic energy were removed entirely from the regular patent system,[5] and certain others, while patentable, were subject to compulsory licensing if found by the Commission to be affected with the public interest and such licensing was "necessary to effectuate the policies and purposes of this Act."[6]

Certain of these rigid controls were relaxed at the time of the passage of the superseding Atomic Energy Act of 1954,[7] but even so, it can be said that, with respect to the Commission's assigned areas of responsibility, few other statutes confer upon an executive agency the broad powers with which the AEC is endowed by the Act's terms. The patent provisions of the 1954 Act, while somewhat less far-reaching than those which existed under the 1946 Act, represent marked departures from the normal patent system in terms of the controls which they vest in the AEC over atomic energy inventions and discoveries. The earlier Act's virtual prohibition against private ownership of "utilization facilities" (e.g., nuclear power reactors) was removed with passage of the 1954 Act;[8] however, it was not until a Congressional enactment as recent as 1964[9] that private ownership of the fuels for such facilities (i.e., special nuclear material)[10] became permissible. Moreover, authority for the AEC to impose a comprehensive and detailed regulatory control scheme upon the possession, use, transfer, export, import, etc. of source, by-product and special nuclear material continues to reside with the Commission under the Act.[11] Absolutely no mention was made by Congress in the 1954 Act of a role for the states in the regulation of these materials, and except for one limited provision[12] not relevant to radiological considerations, no notice was taken of a role for the states in the regulation of nuclear power reactors.

As atomic industrial activity and the number of trained personnel grew in the years following passage of the 1954 Act, and as classification restrictions on atomic information were lifted, some states began to develop an interest in applying their general health and safety powers to the atomic activities being carried on within their borders. In that context, Congress was persuaded of the advisability of legislation offering to the states a role and thereby clarifying the respective roles of the AEC and the states under the Atomic Energy Act. For that primary purpose, Congress added Section 274 to the Act in 1959.[13] Under that section the Commission may relinquish to states, on a state-by-state basis, certain of its authority to regulate the use of reactor-produced isotopes, the source materials uranium and thorium, and small quantities[14] of special nuclear materials. (These materials collectively are referred to as agreement materials.) In order to relinquish any such authority the Commission must find that the state's regulatory program is adequate to protect the public health and safety and is compatible with the AEC's regulatory program. The Act specifically reserves certain areas to the Commission, such as regulation of the construction and operation of nuclear reactors (including the discharge of radioactive effluents from the facility site[15]), the export and import of agreement materials, and the ocean disposal of radioactive wastes. To date nineteen states have entered into agreements with the AEC to assume the regulatory responsibilities transferable under Section 274.[16]

If any shadow of a doubt existed prior to 1959 that Congress intended to preempt the regulation of atomic activities insofar as radiation protection is concerned, the abovementioned amendment should have dispelled that doubt. According to the House and Senate reports on the legislation which became Public Law 86–373,[17] it was the intention of that law to clarify the responsibilities of the Federal Government, on the one hand, and state and local governments, on the other, with respect to the regulation of byproduct, source and special nuclear materials in order to protect the health and safety from radiation hazards. The report states:

"It is not intended to leave any room for the exercise of dual or concurrent jurisdiction by States to control radiation hazards by regulating byproduct, source, or special nuclear materials. The intent is to have the material regulated and licensed either by the Commission, or by the State and local governments, but not by both. The bill is intended to encourage States to increase their knowledge and capacities, and to enter into agreements to assume regulatory responsibilities over such materials."[18]

The comprehensive controls over the various nuclear materials, devices (including weapons) and facilities which the Atomic Energy Act of 1954 and its 1946 precursor lodged in the AEC; the paramount national interest in this highly sensitive and important field; the significant implications of these materials, devices, and facilities to public health and safety and the common defense and security; and Congress' utter silence in 1946 and 1954 on the role, if any, of the states in regulating the potential radiological hazards of source, byproduct and special nuclear materials—all of these quite clearly evidence a legislative intent to "occupy the field" to the exclusion of state regulation. If any further evidence were required of Congress' intention to preempt this field, the legislative history of Public Law 86–373 provides it in abundance—indeed, it fairly compels this conclusion. That Congress under the supremacy clause of the U.S. Constitution has the power to preempt an entire area of regulation with consequential suspension of state enactments touching thereon is well settled.[19]

Such published authorities as have considered the preemption question in the context of atomic energy unanimously agree that Congress has preempted substantially the whole field to the exclusion of the states except only state regulation pursuant to an agreement as provided in section 274.[20] For example, the Attorney General of Michigan concluded that:

"We are convinced that under the terms of the [Atomic Energy Act of 1954, as amended] viewed in the legislative history of the 1959 amendment and [in] light of "all that bears upon its purpose and meaning," Congress intended to place the exclusive and primary responsibility for regulation of radiation hazards for the protection of the public health and safety in the peaceful use of atomic energy; i.e., source, byproduct and special nuclear material as defined in the Act in the Atomic Energy Commission and that it has preempted this field of regulation, with provision for limited relinquishment thereof, under the terms of authorized agreements."[21]

The Attorney General of South Dakota similarly concluded that:

"It is my opinion that the Federal Government has preempted the field of protection of public health from the radiation hazards associated with atomic energy. 42 U.S.C.A. § 2012, 2014(c)."[22]

The New York State Bar Association's Committee on Atomic Energy, in a study of the agreement between the State of New York

Footnotes at end of article.

and the Atomic Energy Commission, came to the same conclusion. Its report stated:

"While the United States Supreme Court has never been required to determine whether the Atomic Energy Act has pre-empted the regulation of atomic activities for radiation protection purposes, it seems clear that Congress intended so to pre-empt, if not by the provisions of the 1954 Act, then, certainly by means of the Federal-state amendment in 1959. In the latter amendment, Congress came perhaps as close as it has ever come to stating expressly that a regulatory area has been pre-empted." [23]

This conclusion is particularly significant because the study stemmed from a provision in the agreement between the State of New York and the Commission which indicated that there were apparent differences of opinion between the Commission and the State as to the jurisdiction of each.

While, as noted above, the U.S. Supreme Court has not specifically ruled on the question of preemption under the Atomic Energy Act, it is significant to note that the two state courts before which the question has been raised both agreed that such preemption had occurred.[24] In addition, it is interesting to note that the National Association of Attorneys General has reviewed the law and the proposed transfer of regulatory responsibilities from the AEC to the states and has endorsed the program. On April 25, 1962, the Association adopted a resolution favoring transfer of regulatory responsibilities, the resolution reading in part: "Be it resolved . . . that all states are urged to accelerate the adoption of such legislation and the development of such programs as will permit the states to enter into agreements with the Atomic Energy Commission pursuant to P.L. 86-373." It is doubtful that any State's Attorney General would endorse such a program unless he was confident that the responsibility rested with the Federal Government and that it could be transferred to the states.

The American Bar Association has also endorsed a program of state assumption of atomic energy regulatory responsibilities from the Federal Government, as did the Governors' Conference in a resolution adopted on July 2, 1962. It might also be noted that such other organizations as The Council of State Governments and the Chamber of Commerce of the United States have approved the practice of a transfer of AEC regulatory responsibilities to the states, without any expression of concern that a constitutional issue exists in this connection.

Of course, it is not meant by any of the foregoing to suggest that the regulation of source, byproduct or special nuclear material, or utilization or production facilities, from other than the standpoint of *radiological* health and safety is without the authority of the states; nor is it meant to suggest that the regulation, including regulation of the radiological effects, of radioactive materials other than those controlled by the Atomic Energy Act is beyond the reach of the states except pursuant to a Section 274 agreement.[25]

There remains the question whether the Federal Water Pollution Control Act (FWPC Act)[26] has the effect of vesting in the states any authority, by their participation in the setting of water quality standards, over the release of radioactive effluents, which had been preempted to the Federal Government by the Atomic Energy Act of 1954 as amended. Radioactive effluents from AEC licensed facilities are discharged to waters as "interstate" by the FWPC Act.[27]

The terms of the FWPC Act, of themselves, do not speak expressly to the preemption question.[28] The FWPC Act contains no express provision relating to state authority to adopt water quality standards applicable to radioactive affluents, or to the Act's relationship to the Atomic Energy Act.[29] The legislative history of the 1965 amendments to the FWPC Act, which added the water quality standards provisions, indicates that no consideration was given to possible effects on the jurisdiction of the AEC under the Atomic Energy Act.

It appears quite clear, however, that the FWPC Act does not affect the AEC's preempted jurisdiction over radioactive effluents. The FWPC Act provides for the establishment of standards applicable to interstate waters which become effective only when approved by the Secretary of the Interior, if established by the state, or when promulgated by the Secretary in the absence of acceptable state standards. The standards thus promulgated by the Secretary are then used in the Federal enforcement proceedings authorized by the FWPC Act.

Nowhere does the FWPC Act speak in terms of *a grant of authority* to the states to set water quality standards. Prior to the passage of the 1965 amendments, which added water quality standard provisions to the Act, the states had power, pursuant to the Tenth Amendment to the Constitution, to set water quality standards and to enforce them as to interstate waters within their boundaries.[30] In actuality, while at least three-quarters of the states had state legislation directing or permitting the establishment of water quality standards and/or stream classifications, not all these states had actually adopted standards. In the States which had adopted standards, both the content of the standards and the method of application varied. [31]

While, in theory, individual states could, on the basis of such standards, abate pollution in interstate waters within their boundaries, such action was not likely to be undertaken without the cooperation of other states involved in the pollution.[32]

If Federal abatement action were undertaken, a choice among, or determination of, standards to be used in arriving at abatement measures had to be made. Thus, the statutory pattern of the Federal Water Quality Act of 1965, now embodied in the FWPC Act, was to provide for the establishment of water quality standards consistent with the expressed purposes of the Act, to be achieved through review and approval, or promulgation by, the Secretary of the Interior, for use with respect to interstate waters. While the FWPC Act was intended to encourage the states to develop water quality standards initially, it did not grant them new authority; indeed, as noted above under the discussion of the states' reserved powers under the Tenth Amendment, except for the preempted (and limited) field of regulation of the radiological effects of atomic energy materials on interstate waters—about which the Act and its legislative history are utterly silent—no grant to the states of new standard-setting authority was necessary to achieve the expressed purpose of the Act. Far from showing an indication that the states expected to add to their jurisdiction over discharges, the hearings on the Federal Water Quality Act of 1965 exhibit a concern on the part of the states and their representatives that the legislation would preempt the field to the Federal Government through the requirements for approval of state standards and/or setting of standards by the Federal Water Pollution Control Administration for use in Federal enforcement proceedings.[33]

On the other hand, the Atomic Energy Act clearly reserves to the Federal Government the field of regulation of atomic energy, except as that jurisdiction has been relinquished to the states under agreements entered into pursuant to section 274. The FWPC Act, as noted *before, did not grant any new* authority to the states, but has provided a mechanism for approval of state standards as a basis for subsequent Federal action against polluters. Thus, the state role under that statute may be viewed as limited, at most, to establishment of standards which the states have authority to adopt. By reason of the preemption to the AEC of jurisdiction over regulation of byproduct, source and special nuclear materials, states have no jurisdiction to adopt standards relative to such materials, including those contained in effluents, in the absence of an agreement with the AEC. Those states which have entered into agreements are, by the terms of the agreements, obligated to use their best efforts to assure that their regulatory programs continue to be compatible with the AEC's program.[34]

One final thought deserves brief mention. If, contrary to the view expressed above, the Federal Water Quality Act of 1965 could be construed as a grant of authority to the states, this together with the fact that such authority was granted subsequent to enactment of the Atomic Energy Act of 1954 and section 274 thereof in 1959 would in no way disturb the foregoing conclusions. It is a recognized principle of statutory construction that subseqeunt legislation is not presumed to effectuate an amendment of a law not under consideration, in the absence of an express amendment, unless the terms of the subsequent act are so inconsistent with the provisions of the prior law that they cannot stand together.[35] No such incompatibility or inconsistency would appear to exist here as to require invocation of the exception to this general rule of statutory construction.

Based on the foregoing, it seems clear that the Atomic Energy Act and the FWPC Act can and should be construed together so as not to disturb the jurisdiction of the Commission, vis-a-vis the states, under the Atomic Energy Act. This would have the effect of leaving intact the statutory scheme of section 274 which contemplated, among other things, that regulations for protection against radiation hazards should be as consistent as possible, while at the same time preserving the complementary jurisdiction of the states and the Department of the Interior in the area of water pollution.

FOOTNOTES

[1] Public Law 585, 79th Cong., 60 Stat. 755–75 (1946), hereinafter referred to as the 1946 Act.

[2] The terms source material, byproduct material, and fissionable material were the names given to the various nuclear materials controlled by the 1946 Act, and were defined respectively in Sections 5(b)(1), 5(c)(1), and 5(a)(1) thereof. The term "fissionable material" was replaced by the term "special nuclear material" under the Atomic Energy Act of 1954. See footnote 10, *infra*.

[3] Sec. 4(c)(1), 1946 Act.

[4] Sec. 5(a)(2), 1946 Act.

[5] Sec. 11(a)(1), 1946 Act.

[6] Sec. 11(c)(2)(A) and (B), 1946 Act.

[7] Public Law 83–703, 68 Stat. 919 (1954), as amended, 42 USC 2011–2281, as amended, hereinafter referred to as the 1954 Act.

[8] The terms "production facility" and "utilization facility" are defined in Section 11 v. and cc. of the 1954 Act. Except for certain military activities involving the Department of Defense, no person within the United States may transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export any nuclear reactor, nuclear fuels reprocessing facility, fission product conversion and encapsulation plant, or other utilization or production facility except under and in accordance with a license issued by the Commission pursuant to section 103 or 104. Sec. 101, 1954 Act.

[9] Public Law 88–487, 78 Stat. 604 (1964), the so-called Private Ownership of Special Nuclear Materials Act.

[10] The term is defined in Sec. 11 aa., 1954 Act. Essentially it refers to plutonium, uranium 233, and uranium enriched in the 235 isotope.

[11] See Secs. 53, 62 and 81, 1954 Act.

[12] Sec. 271, 1954 Act, as amended by Public Law 89–135, 79 Stat. 551 (1965).

[13] Public Law 86–373, 73 Stat. 688 (1959).

[14] I.e., quantities not sufficient to form a critical mass.

[15] IO CFR § 150.15(a)(1) (1965).

[16] Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, New Hampshire, New York, North Carolina, Oregon, Tennessee, Texas and Washington.

[17] H. Rept. No. 1125, S. Rept. No. 870, 86th Cong., 1st Sess. (1959).

[18] Id. at 9.

[19] See Corwin, *Constitution of the United States of America* (1963), p. 807.

[20] See, e.g., Mich. Ops. Atty. Gen. No. 4073 (1963); Cavers, *State Responsibility in the Regulation of Atomic Reactors*, 50 Ky. L.J. 29, 29–32 (1961); Estep & Adelman, *State Control of Radiation Hazards: An Inter-Governmental Relations Problem*, 60 Mich. L. Rev. 41 (1961); Committee on Atomic Energy, N.Y. State Bar Assn., *State Jurisdiction to Regulate Atomic Activities: Some Key Questions* (July 12, 1963).

[21] Opinion No. 4073, October 31, 1962, pp. 6–7.

[22] Official Opinion, July 23, 1964, p. 2.

[23] Committee on Atomic Energy, N.Y. State Bar Assn., *State Jurisdiction to Regulate Atomic Activities: Some Key Questions* (1963), supra note 20, pp. 4–5.

[24] Boswell v. City of Long Beach, 1 CCH Atom. En. L. Rept. 4045 (Cal. Super. Ct. 1960); Northern Cal. Assn., etc. v. Public Utilities Commission, 37 Cal. Repts. 432, 39 P. 2d 200 (1962).

[25] E.g., radium, radioactive materials produced in accelerators, X-ray machines, and fluoroscopes.

[26] 33 U.S.C. 466 *et seq.*

[27] That Act defines "interstate waters" as "all rivers, lakes and other waters that flow across or form a part of State boundaries, including coastal waters" (33 U.S.C. 466 j(e)).

[28] Section 466 c. does, however, provide that nothing in the Act "shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

[29] Section 14 of the FWPC Act (33 U.S.C. 466 k.) which provides that the Act shall not be construed as, among other things, superseding or limiting the functions, under any other law, of any other officer or agency of the United States, relating to water pollution, is not dispositive of questions of preemption. Since this section has not been changed by any of the various amendments to the Act since 1948, including those subsequent to the addition of section 274 to the Atomic Energy Act which set forth, in more or less clear terms, the extent to which states could exercise jurisdiction over byproduct, source and special nuclear material, its retention is evidence of Congressional intent to preserve the exclusive jurisdiction of the AEC with respect to discharges containing such material. However, the terms of the section are not necessarily inconsistent with a withdrawal of Federal preemptions and "restoration" of some jurisdiction over atomic energy materials to the states.

[30] It may be noted that the Federal Water Pollution Control Administration, in its regulation relating to procedures for adoption and promulgation of state standards (18 CFR Part 620), described them (§ 620.2(a)) as "Water quality standards adopted and promulgated by a State in accordance with applicable State law and with section 10(c) of the Federal Act" (33 F.R. 2632).

[31] See Water Pollution Control Hearings Before the Subcommittee on Air and Water Pollution, Senate Committee on Public Works, on S. 649 et al., 88th Cong., 1st Sess., pp. 119–122. S. 649 was a bill to amend the FWPC Act, which passed the Senate in the 88th Congress, and contained provisions for establishing water quality standards for interstate waters somewhat similar to those in the bill passed by the 89th Congress which became P.L. 89–234, the Water Quality Act of 1965.

[32] A description of the practical difficulties in state adoption and enforcement of water quality standards is found at 111 Cong. Rec. 8287–8 (April 28, 1965).

[33] The Assistant Secretary of Health, Education and Welfare, Mr. Quigley, emphasized, in response to questions from Representative Harsha of Ohio, that no federal preemption was intended, and that there was nothing in the legislation to prevent the states from raising their standards above the levels set by the Federal Government. (Water Pollution Control Hearings on Water Quality Act of 1965 before the Committee on Public Works, House of Representatives, 89th Cong., 1st Sess., February 18, 19 and 23, 1965, pp. 80–81.)

[34] It should be noted that section 274 of the Atomic Energy Act also establishes the Federal Radiation Council, and provides for its functions to include guidance for Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with states.

[35] Frost v. Wenie, 157 U.S. 46 (1895); 1 Sutherland, *Statutory Construction*, pp. 365–6. Sutherland specifically discusses the question of abrogation of state law by Federal statutes and the revival of state legislation by repeal of Federal regulation (§§ 2026, 2027). The cases cited, however, all concern situations in which the Federal statute was expressly repealed or the obstacle to state action removed by express Congressional enactment.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I rise in support of the Water Quality Improvement Act of 1969 and urge its approval by the House today. This legislation has evolved from the realization that existing laws are inadequate in meeting all situations in which pollution by oil is involved. The disaster which occurred off the coast of Santa Barbara, Calif., 3 months ago served to highlight the need for further legislation, and gave impetus to this bill.

The Water Quality Improvement Act of 1969 will give the President the authority and the means to act quickly should another disaster like that at Santa Barbara, or one like the breakup of the tanker *Torrey Canyon* off the coast of England, occur within our territorial waters. It sets up a revolving fund to clean up oil pollution. It levies a civil penalty of up to $10,000 in cases involving willful or negligent discharges of oil or matter in such quantities that it presents a pollution hazard. This legislation holds the owner or operator of a vessel financially responsible for cleaning up the pollution which they caused.

The act also deals with the subject of research and development in the water pollution field, extending the research provisions of the Federal Water Pollution Control Act another 2 years.

REAL ISSUE IS FINANCING

Mr. Chairman, this bill does a great deal, but I feel that Congress is missing the point if it does not face up to the real issue involved in the whole question of how we control water pollution. That issue is the question of financing. For until Congress comes face to face with the question of where do we get the money to pay for all the programs we have passed, and resolves it, the quality of the water in our rivers and lakes will continue.

Almost every Congress since I have been here has enacted at least one water pollution control measure. The Land and Water Conservation Act of 1964, the Water Quality Act of 1965, the Clean Water Restoration Act of 1966, the Water Quality Improvement Act of 1968, these are a few that come to mind.

And yet, despite the gains we have made, and despite all this wonderful sounding legislation which we have enacted, the testimony which we heard recently in the Public Works Committee indicates that the situation is only getting worse. And so, Mr. Chairman, until we face the question of financing, we will find that the legislation we pass today, like that which we have enacted before, will be precious little help in combating the pollution hazard which this Nation faces.

I have been in contact with State officials in New Hampshire to assess the opinions on this legislation. Their words have a familiar ring. Mr. William Healy, executive director of the New Hampshire Water Supply and Pollution Control Commission, says the bill is fine, but of little use to him unless there is some money behind it. Mr. Clarence Metcalf, director of municipal services for the same commission, said that within 6 months New Hampshire will have in excess of $10 million in projects waiting to be funded.

Mr. Metcalf expresses the commission's concern over the greatly reduced funding of water pollution control programs at the Federal level, and urges increased appropriations in fiscal year 1970 for the Clean Waters Act.

Still, it is obvious from looking at the state of the Federal budget today, there is little real prospect of additional revenue from pollution control programs from this source. This is a reality, and it is best we recognize it as such immediately and begin to look at other sources.

One suggestion which holds some promise has been the use of tax credits to industries who construct sewage treatment facilities. There is no question that industry—not to mention the Government itself—is one of the most serious pollutors of our waters. Too few industries, however, do anything to reduce the amount of sewerage which they pour daily into our streams and rivers. A system of tax credits might provide the needed incentive for them to take the necessary steps in reducing their own pollution.

Another proposal, and one which I favor, would be similar to the highway trust fund, where those who use the highways pay a tax to do so. This money is placed in the trust fund, and used to

construct new roads and improve old ones.

WATER POLLUTION CONTROL TRUST FUND

Similarly, if Congress established a water pollution control trust fund, those who use our waters and are contributing to its pollution would pay a tax on it. This money would then be used to finance the construction of sewage treatment plants and other facilities used in the fight against pollution.

Mr. Chairman, I hope the Congress will give immediate attention to the question of financing, for unless we resolve this most crucial question, I am afraid the situation will only continue to deteriorate, and will contribute to the growing belief among our constituents that the Federal Government is not able to cope with the really serious problems which are facing this country today.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER), a member of the committee.

Mr. MILLER of Ohio. Mr. Chairman, clean water should be of concern to every American. Much of our recreation, industry, and natural environment is dependent on adequate supplies of good water. Water is the very foundation of life itself.

It is imperative that the Federal Government enact stringent measures to protect our water sources from the abuse of pollution. Too many of our rivers and lakes have already been turned into lifeless sewers and cesspools by man's wantonness and neglect. The tragedy of Lake Erie must not be repeated in the other Great Lakes and then in the world's oceans. Our civilization must police itself or we will be progressively poisoned by our own effluents.

H.R. 4148 is a major step in the direction of preserving the remaining purity of our natural water sources. Hopefully we may even begin to reverse the pollution processes that have desecrated so many of our waterways.

A major provision of this bill places the responsibility for cleaning up after a marine pollution disaster where it should be—on the operator or vessel that caused it. If there is ever another *Torrey Canyon* or Santa Barbara catastrophe, there must be no question of legal liability for the resulting damages.

The grants authorized under this bill for scientific and technical training and research will be a wise investment in the future cleanliness of our waterways.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. MCCARTHY).

Mr. MCCARTHY. Mr. Chairman, I thank the gentleman from Texas for yielding.

I will briefly explain a couple of the important sections of this bill.

Section 19 of the act sets up a program for demonstration projects to study methods for the elimination and control of acid or other mine drainage which results in pollution. The demonstration projects will be carried out under agreements with the States or interstate agencies and they are intended to demonstrate the engineering and economic feasibility of possible abatement techniques. The State share of the cost of the project would be at least 25 percent and to encourage the States to participate in the program, that 25 percent can be in the form of land, facilities, and services. An appropriation of $15 million for this program is authorized. No more than 25 percent of the available funds can be allocated to any one State in the program.

Section 4 of the act authorizes the Secretary to enter into contracts and grants with individuals, agencies, and organizations for research and development on the problem of lake eutrophication and other lake pollution problems. It also authorizes the Secretary to acquire lands and interests therein by purchase with appropriated or donated funds, or by donation, or by exchange, in connection with development of field laboratories, research facilities, and demonstration projects.

Section 4 contains the general authorization for the Secretary to undertake research studies, demonstrations, and so on, by grant, contract, or otherwise for the prevention or control of oil pollution, including the removal of oil discharges. This section further includes general authorization for the Secretary to engage in research relative to the equipment which will be required to meet the standards for control of sewage from vessels which are covered elsewhere in the act. It should be noted that with respect to this research, the Secretary is directed to file a report of his findings prior to the effective date of any standards to be established in connection with vessel sewage.

The general research, investigation, and training program contained in the basic act is extended for 2 additional years at the present funding level of $65 million.

Section 5 of the act extends for 2 additional fiscal years the project research authority already contained in the basic law and authorizes appropriations for each of fiscal years 1970 and 1971 in the amount of $60 million.

Sections 6 and 7 are technical amendments providing for the deletion or repeal where required of the Oil Pollution Act of 1924.

Section 8 changes the name of the Federal Water Pollution Control Administration. This is a positive program to achieve high water quality standards, and the name of the administering agency should adequately reflect this purpose.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Chairman, H.R. 4148 recognizes that waste from waterborne vessels is still another cause of pollution of our Nation's waters. In view of our resolve to restore and enhance the quality of our water by controlling waste discharges from our municipal sewers and our industrial complexes, we cannot ignore the wastes emanating from waterborne vessels. It is presently most severe in bays, inlets, lakes, harbors, and marinas. These pollutants include sewage and other wastes. Many vessels are not equipped to provide even minimal treatment. With the growing popularity of recreation craft, corrective and preventive action must be set in motion now to prevent a more serious problem to our waters.

H.R. 4148 would—

Provide for the control of sewage from vessels including foreign vessels using our waterways and commercial and recreational vessels;

Direct the Secretary of the Interior to issue Federal standards of performance for marine sanitation devices for all vessels except vessels not equipped with installed toilet facilities, and it would direct the Coast Guard to issue regulations relative to the design, construction, installation, and operation of these devices on board such vessels;

Apply to existing vessels, the construction of which is initiated prior to issuance of the standards and regulations;

Apply to new vessels, the construction of which is initiated after issuance of the standards and regulations;

Provide that the initial standards shall be effective for new vessels 2 years after promulgation, but not earlier than December 31, 1971, and for existing vessels 5 years after promulgation; and

Provide that once the initial standards and regulations are effective a State or a political subdivision thereof may not adopt or enforce any law or regulation governing the design, manufacture, or installation of any marine sanitation device on board any vessel subject to the Federal standards or regulations. This would not, however, affect the State's authority to prohibit completely all sewage discharges from vessels in particular intrastate waters of the State, regardless of whether the sewage is treated or not.

In such cases, however, the State must also prohibit waste discharges from all other sources.

H.R. 4148 would also—

Provide for a system of certification by the Coast Guard of marine sanitation devices;

Provide for the establishment of civil penalties after notice and opportunity for a hearing; and

Provide that provisions of this section shall be enforced by the Coast Guard.

Watercraft are of course only one of the many sources of pollution that must be corrected, but as we previously noted this pollution is highly visible and noxious. It is our belief that H.R. 4148 takes major strides in controlling this source of pollution in a reasonable manner. It provides appropriate time where it is needed and yet takes the remedial steps which are necessary in preventing major problems in the future.

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

Mr. BLATNIK. I shall be glad to yield to the gentleman from Missouri.

Mr. HUNGATE. On page 59, beginning on line 4, there is this language, "except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State if discharges from all other sources are likewise prohibited."

Would that not mean that the States

during this 5-year period could not prohibit the discharge of primary waste from a vessel as long as a city of village discharges waste that had primary or secondary treatment?

Mr. BLATNIK. Would the gentleman read the last part of his question again?

Mr. HUNGATE. It states in here that a State, as I read it, "except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State if discharges from all other sources are likewise prohibited."

Mr. BLATNIK. It is my opinion that refers only to discharges of any and all sources that are prohibited at the present time.

For instance, you may have a bay where there is no discharge whatsoever, whether it be primary or secondary, and under that condition the State does have the right to prohibit the discharge from any vessel.

Mr. McCARTHY. Mr. Chairman, if the gentleman will yield further, if we have a small municipality which has a secondary treatment plant, under this provision as I read it, it could not prohibit the discharge of raw sewage from a vessel for 5 years even though it prohibits the secondary discharge of sewage from the village?

Mr. BLATNIK. Not for 5 years, but after the provisions of this law go into effect it would be only 5 years for old boats, but only 2 years for new boats. But I would believe the State would have the right, and the Federal Government could not preempt the State's authority, to insist that there be compliance with definite standards which certainly could not be less than the standards that the municipality would comply with.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WALDIE).

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

Mr. Chairman, I have asked for this time in order to ask the gentleman a series of questions, and to establish some legislative history.

Is it the understanding of the gentleman that the words "water pollution" would include an act that would result in salinity intrusion, if a fresh-water body, for example, was altered in quality by saline intrusion into that body, would that be an act of pollution?

Mr. WRIGHT. In reply to the inquiry of the gentleman from California, as to whether saline materials could be described as matter under the terms of the bill, would depend entirely upon their listing by the Secretary. The Secretary has been directed to compile a list of hazardous materials. Now, there is no question but that excessive salinity in certain circumstances can be a serious pollutant to water.

For that matter, the United States has recognized this responsibility under a treaty with Mexico to provide pure water to be discharged into Mexico from the Colorado River. However, I believe there must be borne in mind that discharge of a certain material might be hazardous in one case, and harmless in another.

Therefore the Secretary must take into consideration the environment into which the discharge would occur, and presumably also the establishment of certain quantitative requirements as to how much of the harmful substance would constitute a pollution hazard.

Mr. WALDIE. It would be my understanding that salinity intrusion being defined as a pollutant, would then require the respective States in the adoption of their water quality standards to set that as a criteria.

Mr. WRIGHT. There is no prohibition whatever against the State setting that, or any other stricter criteria than the Federal Government itself establishes.

Mr. WALDIE. I believe what I am attempting to establish is that the Congress went further in this act than not prohibiting the States from doing so, but that in fact the Congress instructed the States to define salinity intrusion as constituting pollution. And I call the attention of the gentleman to the concern that Congress has already expressed for the preservation of its estuarine areas, and to the damage that is done to those estuarine areas when there is diversion upstream of the fresh water flow into the estuary, and thereby resulting in an inflow of saline water intrusion damaging and destroying the ecological system of the estuary, and the economic benefits that are found in estuarian waters.

Mr. WRIGHT. The gentleman is correct, that this does constitute one precedent and recognition of excessive salinity as a harmful pollutant. I do not believe that where there exists in law a specific mandate from the States that in all cases salinity must be defined as being a pollutant, however, emphatically, there is nothing in the legislation——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I yield the gentleman 2 additional minutes.

As I was saying, there emphatically is nothing in the legislation to prohibit a State from making this requirement, and it is the expectation that the Secretary will list all those susbtances which he deems to be hazardous.

For example, I call the gentleman's attention to paragraph 4 on page 48 of the bill which states very clearly:

> Nothing in this subsection shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or matter into any waters within such State.

Mr. WALDIE. If I may just pose one more question to the gentleman. In my own State, California, the responsibility under this act of setting forth water quality standards and setting forth acts that constitute pollution vest in the State itself. Yet, the State itself is really the polluter by reason of their activities in diverting the fresh waters from the upstream flow into the San Francisco estuarian system. It is unreasonable to assume, unless they are compelled to do so, that they will place themselves in the role of becoming an active polluter—which, in fact, they quite clearly are.

The only real question I am asking the gentleman is—if within the concept of this bill, if a body of water that is fresh and is utilized for irrigation, for example for agricultural purposes, subsequently becomes salty water because of the diversion of upstream water that formerly prevented salt water intrusion—if that situation exists, does the person who has diverted the fresh water and thereby has permitted the salt water intrusion and destruction of the agricultural use—does that person become the polluter?

Mr. WRIGHT. The answer would have to be that the extent of the pollution, if any, and whether or not it constituted a hazard under the meaning of the act, would be up to the determination of the Secretary under the terms of the act.

Mr. WALDIE. The Congress has not in this bill given him that specific direction and said that it would be an act of polluting?

Mr. WRIGHT. The Congress has not specifically defined the quantities of matter which constitute a hazard under the meaning of the bill. It leaves that to the determination of the Secretary since it would vary in numerous instances. Obviously, a small amount of salinity in a large body of water could be harmless while a large amount of salinity in a limited quantity of water could be extremely harmful and destructive of crops or destructive of other forms of animal or vegetable life.

Mr. WALDIE. I thank the gentleman. I hope that the present Secretary will act as his predecessor has acted and declare that salt water intrusion does in fact constitute pollution.

I also want to congratulate the committee for their excellent work in bringing this bill up for consideration and I am wholeheartedly in support of it.

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

Mr. STRATTON. Mr. Chairman, I am sure that the Members will be familiar with those famous lines that run, depending upon which particular version you happen to remember:

> High above Cayuga's waters
> With its waves so blue
> Stands our Noble Alma Mater
> Glorious to view.

I mention these lines this afternoon not because in the circumstances of today we have any new demonstrations or student strikes going on above Cayuga's waters at Cornell University, but rather because one of the problems to which this legislation addresses itself is the problem of thermal pollution.

And this problem is being faced today, urgently and seriously, by those same blue waters above which Cornell stands. Since part of this lake is in my district, I am concerned about its future.

Another part of it is in the district of my friend, the distinguished gentleman from New York (Mr. ROBISON), and since I have mentioned his college and his lake, I would now be very happy to yield to the gentleman briefly.

Mr. ROBISON. I thank the gentleman for yielding. I rose to correct the gentle-

man. The first word is "Far"—"Far above Cayuga's water,"—not "High."

Mr. STRATTON. I stand corrected by the Congressman whose district includes that distinguished university.

The problem in Cayuga Lake is that a nuclear-powered electric generated powerplant is soon going to be built on this very beautiful, relatively small, very slow moving lake; and if that nuclear powerplant is constructed without regard to thermal pollution, then the cool water at the bottom of Cayuga Lake is going to be taken out of the lake and used to cool the reactor and will be put back into the lake at a higher temperature.

Now, this may not seem like much of a problem, but this is what we mean by "thermal pollution." By gradually raising the temperature of a lake, you not only encourage the growth of weeds in the lake, which in the case of Cayuga Lake are already interfering with its use for recreational purposes, but you also destroy the fish and the wildlife.

I think it is important that as we deal in this legislation with various aspects of pollution we face up immediately to this relatively new problem of thermal pollution. There has been a good deal said this afternoon about oil pollution, for example, and we have some strong language in this bill dealing with the kind of tragedy that hit the beaches at Santa Barbara.

Unfortunately, what is being done about oil pollution comes after at least a good part of the barn door has already been left open, and we are being asked to close it now after a good deal of pollution has already taken place. With regard to thermal pollution, we ought to close this door before the horse leaves the barn. And I am just afraid that the thermal pollution section of this bill, although it does recognize and deal with the problem, will not go nearly far enough, because it provides in effect that the applicable State standards shall apply.

The fact of the matter is that in New York State, as in many other States, we simply do not have any really effective applicable State standards. The State Assembly has recently passed a very strong bill, but my information is that it is likely to die in the Senate, and even if it does get through the Senate the Governor may veto it. So I do not think we can afford to rely on that kind of State protection.

If they can get away with destroying Cayuga Lake and turning it into another Lake Erie, think what may happen to the lake in your district or your district.

If we begin the process of building nuclear plants in small lakes like Cayuga Lake, instead of on the ocean or fast-moving rivers, as we have done up until now, we can destroy not only this beautiful recreational section of the Finger Lakes, but we can destroy a lot of other recreational lakes as well. I think it is just not enough for us to rely on State standards that will not be effective at the start of the threat, when they are most needed. Many of the States have not even done the research in this field, as the Federal Water Pollution Control Administration has done it, and as the Secretary of the Interior has done it.

Therefore, I propose to offer on tomorrow, when we read the bill for amendment, an amendment which would merely give to the Secretary of the Interior the power with regard to thermal pollution alone, because this is a new field, and one in which, fortunately, we have not had much destruction so far, the power to set Federal standards which will apply to all facilities constructed with a Federal agency license, so that we can lock the door before the horse is stolen and thus can successfully avoid the debacle that we now face in connection with oil pollution.

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

Mr. STRATTON. I am happy to yield to my colleague from New York.

Mr. ROBISON. The gentleman has mentioned the absence in New York State of criteria standards with respect to thermal discharge. However, the gentleman knows that the State water quality commission is holding public hearing on tentative criteria which would attempt to control this particular problem, and there is ample authority, in my judgment, under the existing public health laws of the State of New York for the water resources commission to adopt those standards.

The gentleman mentioned bills before the legislature. Those bills might possibly strengthen the hand of the water resources commission in this connection, but I do not think we need further legislation for the State to act as it is.

Mr. STRATTON. I hope they will. There is no question about the fact that the State has authority to act. But I have been a little disturbed about some of the things I have heard. Certainly the State health department and the conservation department, which have the authority, have been very wishy-washy so far. That is why I think we should strengthen this bill at the very start, rather than waiting for the States to act. If we wait it will be too late for Cayuga Lake, and it could be too late for other lakes as well.

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

Mr. CRAMER. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Will the gentleman yield?

Mr. STRATTON. I am happy to yield to the gentleman from Florida.

Mr. CRAMER. As I understand, the Federal Government is requiring the States to provide water quality standards, and one of those standards required is to include thermal pollution. They are in the process now of negotiating what that thermal pollution standard should be within the respective States. So I would contemplate that in the not too distant future every State will have a thermal pollution standard established, and approved by the Secretary.

But I will say to the gentleman that when he starts talking about national standards, I do not think the gentleman from New York fully appreciates that in the State of Florida a certain number of degrees of greater heat than presently exists in a body of water that would result in a deleterious effect might be completely different with different locations in the United States. This is because that number of degrees, that might cause a disruptive effect in warm water, with other different environmental factors cannot be said to have the same effect in the cooler and different waters of a northern lake or in Alaska for instance?

The point I am making is that we do not necessarily want the same number or percentage of degrees above present temperature controls in one State, where it is warmer, and environmental conditions are different to be the same as that for the waters of another State, so I do not think we can have a national standard based upon what is known of thermal problems presently that would make much sense.

Mr. STRATTON. Mr. Chairman, if the gentleman will give me the time, I, too, would prefer not to have to set a national standard, but we are dealing with a shortage of time in this case. There may be approval by the Atomic Energy Commission to build a nuclear powerplant on the Finger Lakes within a few weeks. Therefore, I do not think we are likely to have any strong standards in New York State by the time this problem comes up. For that reason, I think we have to act now. If a precedent is set on Cayuga Lake, it could be carried out in the Finger Lakes or in lakes in the gentleman's State.

As the gentleman knows, the standards proposed do not involve an exact number of degrees but a certain percentage over mean temperature of the water or over the temperature of the water as it is on the surface. That kind of a standard could be applied nationally without any problem, as I see it.

Mr. CRAMER. Mr. Chairman, I would suggest to the gentleman there is not enough knowledge about what the ecological and other effects of thermal pollution will be, nor up to what degrees or percentages or otherwise above what exist at the present time. From lake to lake and State to State and level to level there are the different environmental circumstances that controlled and judged by the State after approval of the standards by the Secretary. I would suggest to the gentleman this is an area best left to the jurisdiction of States and particularly where States are required to act under present law anyway.

Mr. STRATTON. If there is any lack of research, I think it is in research which has been done on a State level. A good deal of research has been done by the Federal Government, and it is presently pretty clear as to what constitutes thermal pollution of our waters and what must be done to prevent it.

Mr. WRIGHT. Mr. Chairman, I yield to the gentleman from Hawaii 2 minutes.

(By unanimous consent, Mr. MATSUNAGA was allowed to speak out of order.)

STATUES OF FATHER DAMIEN AND KING KAMEHAMEHA I TO BE UNVEILED TODAY

Mr. MATSUNAGA. Mr. Chairman, at 4 o'clock this afternoon, the statues presented by the State of Hawaii of two of its most eminent personages for com-

memoration in the National Statuary Hall will be unveiled with appropriate ceremonies to be held in the rotunda of the Capitol. These are the statues of the Reverend Joseph Damien De Veuster, a Roman Catholic priest, and King Kamehameha I, the first monarch of all the island of Hawaii. In behalf of the people of Hawaii, I extend to the Members of this House a cordial invitation to attend the ceremonies.

Father Damien was born in Belgium in 1840 and came to Hawaii at the age of 24. He completed his studies for priesthood a few months after his arrival in Hawaii, and in May 1864, he was ordained in the Cathedral of our Lady of Peace in Honolulu. Nine years later, in 1873, after he had served in an area on the island of Hawaii where Kamehameha was born over 100 years before, Father Damien asked to be sent to the leper colony on the tiny island of Molokai. As the resident priest on Molokai, Father Damien served his unfortunate parishoners in almost every conceivable capacity. Because of the lack of doctors, he rendered medical services. He was also an administrator, undertaker, coffinmaker, gravedigger, builder of homes, and champion of the afflicted. His compassion for his flock knew no bounds, and he labored day and night for 16 years before he died of the disease himself at the age of 49. For over three-quarters of a century since the death of Father Damien, the story of his voluntary sojourn among the lepers of Molokai has been told again and again, and it continues to inspire men and women throughout the world.

King Kamehameha, the second citizen whom we honor, will be the first monarch to grace the Halls of the U.S. Congress. He was born in the late 1750's in Kohala, on the island of Hawaii, one of the four kingdoms into which Hawaii was then divided. He was said to have been born on a stormy winter night, under weather conditions indicating the nature of his future adult life. As one of the six lesser chiefs of his island district, young Kamehameha led the others in successful wars to insure an equitable distribution of land. After overcoming rival chiefs on the island of Hawaii, Kamehameha transported his large army on war canoes to Maui, Molokai, and Oahu, successively, and these islands, along with Hawaii, were unified under his rule in 1795. The two remaining islands Kauai and Niihau, were later ceded without a fight.

This unification of the islands into the Hawaiian kingdom was the foundation from which eventually emerged the Territory and still later the State of Hawaii.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, during the consideration of the Water Quality Improvement Act, I expect to offer an amendment to provide a special program for the solution of pollution problems of such dimensions that they are not even touched by the present legislation. I think they should be separately considered as national water pollution disaster areas.

The legislation reported out by the committee provides no assistance whatsoever to so critical a problem as the Lake Erie problem with which the citizens of northern Ohio, northern Pennsylvania, and northern New York, and eastern Michigan are confronted. This Congress can no longer stand by while huge natural resources of this type are destroyed in our full sight and knowledge.

The legislation in its present form provides Ohio, along with all the other States, a sum of money which is based on a formula established under the law, with which I have no argument as far as it goes, except that it does nothing whatsoever to help us in northern Ohio solve what is the greatest problem with which we are confronted.

The people of my community have set aside a $100 million bond issue, in the city of Cleveland, to begin—just to begin—to solve the problem of reducing the contamination of Lake Erie. Under the law we consider today, we get no resources out of State funds, because the State programs are not oriented toward the most critical problem of Lake Erie pollution. These resources are used by the State for economic development, for the construction of facilities as an industry inducement. When industry goes into an area and needs a sewage system, then this money is used for economic development rather than to control or to provide some remedy for areas of existing pollution.

I should like, Mr. Chairman, to ask the chairman of the committee if, under the provisions of this bill, we can expect any help for a problem which is as severe as the Lake Erie problem? This problem is interstate, it is international, and it is beyond the capacity of any single State. What can we look for under the terms of this bill?

Mr. WRIGHT. In answer to the gentleman, the bill provides only for research into a means of assisting lakes such as the Great Lakes. It does not provide a broad or a meaningful assault upon existing pollution in those lakes, as the gentleman is very fully aware, he being completely cognizant of the water pollution legislation and he having appeared before our committee and having testified on this matter of the need for urgent attention to the lakes and particularly Lake Erie.

As the gentleman knows, the bill does not provide for a broad assault, such as the gentleman himself desired to be provided in the present legislation, on the existing pollution in lakes such as Lake Erie.

Mr. VANIK. Am I correct in understanding that under the formula provided under this bill the State of Ohio will receive about $9.5 million as the proportionate share of the grant program money?

Mr. WRIGHT. That sounds about right, under the present level of appropriations. I would not want to be held pinpointed as to the precise amount.

Mr. VANIK. Will the gentleman tell me about other special provisions which are set forth in the bill, such as authorizing the sum of $15 million for the mine acid problem? Is that in the bill?

Mr. WRIGHT. Is that the mine acid drainage?

Mr. VANIK. Yes.

Mr. WRIGHT. The bill provides $15 million.

Mr. VANIK. If the committee in its wisdom and judgment decided to authorize $15 million for this specific problem, is it unreasonable to ask the committee to come forth with some special allocation for national pollution disasters like the Lake Erie problem?

Mr. WRIGHT. The gentleman is asking a question which lends itself to an answer by opinion rather than by fact. I am, as one member of the committee, quite sympathetic to the desires of the gentleman.

The gentleman is aware of all that has been attempted through the regular water control legislation by means of grants-in-aid to municipalities up and down the streams, which are polluting these lakes.

The gentleman is aware of the budget limitations under which we have suffered in our attempts to move that program forward more rapidly. The gentleman appeared before our committee and made a very eloquent and very moving statement as to the need for a massive assault on the pollution which created in Lake Erie a dead body of water, in effect, at the core of the lake, so lacking oxygen that plant and animal life cannot survive.

Mr. VANIK. May I ask the gentleman if there is any other problem that was presented to the committee that matches the Lake Erie problem in magnitude?

Mr. WRIGHT. The answer I think would be that pollution is a nationwide problem.

Mr. VANIK. No. I say, was there any other single problem that matched the magnitude of the Lake Erie problem?

Mr. WRIGHT. I know of no situation that is worse.

Mr. VANIK. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I yield the gentleman 3 additional minutes.

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

Mr. VANIK. I yield to the distinguished gentleman from Minnesota.

Mr. BLATNIK. Mr. Chairman, I wish to associate myself first with the response made by one of our most productive and knowledgeable workers in water pollution, the gentleman from Texas (Mr. WRIGHT). Also I wish to emphasize not only sympathy but the very serious concern which we share with the gentleman from Ohio with respect to the plight of all the States in dealing with the problem of Lake Erie.

Some scientists have suggested as Mr. WRIGHT said, that it may already be, in a sense, a dead lake, in that unless massive measures are undertaken immediately, the problem may be almost irreversible. It is such a complicated problem, as I see it, that no matter how well we think we understand it—and I have spent considerable time on the technical and chemical aspects of the problem—no matter how effectively we try to control lake pollution from both industrial and municipal sources, the lake has already reached such concentrations in its ac-

cumulation of solids and other materials in colloidal suspension that even the technical experts are not sure what can best be done to alleviate it.

There is, for example, matter in a liquid form, such as acids and pickling liquors, and chemicals of all types that form a fluid with a heavier density than clear, pure water. This covers most of the bottom of the lake. Some scientists believe it cannot be flushed out; that no matter how much fresh water you would pour in, it would be just like pouring cream on top of milk. The cream would just slither across the top of it. The fresh water that you would pour in might come out at the other end, at Niagara Falls or Buffalo.

So we can see that we have a problem that is monumental and complicated as all get-out. No one knows what to do about the matter. But that does not mean that we should stop trying, or that we cannot act in other ways. There is nothing to prevent municipalities or State agencies or groups of States from getting together and using rather substantial funds which are available for aid in the form of demonstration projects or for trial grants. The kind of thing that you mentioned was done at Lake Barcroft could be done.

We know that more research is necessary. I agree with you that an enormous effort has to be made. Not only $100 million but several hundreds of millions of dollars will be required in order to clean out and to reverse the situation existing in Lake Erie so as to restore it to an acceptable level of quality and maintain it in accordance with the standards in existence now. The big problems are getting the tremendous amounts of money, and the technical knowledge, and to the limit they are available we will do everything we can to see that they are used effectively.

Mr. VANIK. I would hope, Mr. Chairman, that the Congress would not write off Lake Erie as a lost cause. I think it can be saved, and I am here pleading with you, my colleagues, for help. It is my opinion that we are now at the point where it belongs in this bill.

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

Mr. VANIK. Yes. I yield to the gentleman from New York.

Mr. McCARTHY. As the gentleman from Ohio knows, I joined in cosponsoring this pollution disaster relief bill. Coming from the shores of Lake Erie, also, I share the gentleman's concern, and I am urging the committee to consider holding hearings at an early date on the gentleman's bill with the hope that we can come up with something to deal with this particular problem.

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

Mr. CRAMER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. VANIK. I thank the gentleman from Florida.

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

Mr. VANIK. I yield to the gentleman from Florida.

Mr. CRAMER. Of course, under the present law we are all concerned about lake pollution as we are river pollution and various other types of pollution throughout America. It is not only the Great Lakes but the entire country.

As I understand what the gentleman from Ohio is proposing is relief to the Great Lakes that is not now available to other equally polluted areas——

Mr. VANIK. That is right.

Mr. CRAMER. I do not know how the gentleman could justify it as compared to other polluted areas. Where is more money coming from for sewage treatment plants? As I understand the gentleman's proposal, many other areas throughout this Nation equally want such consideration and there are more needs for sewage treatment plant construction than we can fill at the present time.

We are authorizing $1 billion. The past administration recommended $214 million for appropriation out of the $1 billion authorization. The money just is not there under the present budget squeeze so as to even tool up the existing sewage treatment plant authorization, including Lake Erie. So where does the gentleman suggest the money would come from? He is recommending a special authorization and a specific sewage treatment plant for this area. This is only a small portion of the pollutant problem of these lakes. What does one do about industrial and other types of pollution?

Mr. VANIK. I might say that my amendment is not limited to sewage treatment plant facilities because the problem of Lake Erie is going to involve some other approaches to be determined by extended research and study. There are other things that must be done to save a decaying lake. This may require an aeration process and a dredging of the lake bottom in certain areas.

Mr. CRAMER. I will say to the gentleman that there is a presently existing section in the present law, section 5(f) which provides as follows:

(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. CRAMER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. VANIK. I thank the gentleman.

Mr. CRAMER. Mr. Chairman, if the gentleman will yield further, in this bill, as appears at page 76 thereof, section (g) reads as follows:

(g) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients—

And so forth. The committee has not been oblivious to this problem. The gentleman is not really offering a solution to it unless you want to go into the payment of grants to all operations which contribute to the pollution of waters, including the operations of private enterprise.

Mr. VANIK. Does the gentleman agree that the Lake Erie problem is much different and its dimension is much greater than anything proposed in this bill?

Mr. CRAMER. I do, and that is why we included the Great Lakes in the last bill. That is why we are pinpointing the Great Lakes in this bill.

Mr. VANIK. What is there in the present bill to deal with a problem of such dimensions as the present problem which exists with reference to Lake Erie, a problem which is international, interstate, and beyond the capacity of any one State to cope with it?

Mr. CRAMER. There is $65 million in this bill to carry out this research.

Mr. VANIK. $65 million which is allocated to the several States just like the grant money.

Mr. CRAMER. Oh, no. No, it is not.

Mr. VANIK. It is parceled out just like the grant money. There is nothing for the Lake Erie problem.

Mr. CRAMER. This problem is nationwide. It is not allocated to the States alone.

Mr. VANIK. May I ask the gentleman——

Mr. CRAMER. It is nationwide insofar as on the lake problem.

Mr. VANIK. May I ask the gentleman specifically how under previous authorizations it was allocated among the States?

Mr. CRAMER. The Secretary has authority to allocate the money according to where the problem is.

I agree with the gentleman wholeheartedly, I am not arguing with the gentleman, that Lake Erie and some of the other Great Lake areas have a serious problem, as the gentleman from Minnesota suggests, but this provides the tools to do something about it to the tune of up to $65 million. The Secretary can put any or all of this into the Great Lakes.

Mr. VANIK. Not one dime has gone into the Lake Erie problem.

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from Florida wish to use further of his time?

Mr. CRAMER. I will yield back the balance of my time.

Mr. WRIGHT. Mr. Chairman, before the gentleman from Florida yields back the balance of his time, I wonder if the gentleman from Florida, from his great and generous heart, would share with this side some 6 minutes of his time in order that two Members of the House, the only two Members remaining who have asked for time, might be permitted to speak on this legislation, the two gentlemen being the gentleman from Illinois (Mr. PUCINSKI) and the gentleman from Michigan (Mr. DINGELL).

It is my understanding that we have

4 minutes remaining on our side, so I am wondering if we might borrow some time from our distinguished colleague from Florida.

Mr. CRAMER. Mr. Chairman, after the generous statement of the gentleman from Texas about the gentleman from Florida I am persuaded, and as a matter of fact I will not even ask for a payback of the time, and I will yield 5 minutes to the gentleman.

Mr. WRIGHT. I now yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I wish to thank my colleague from Florida and the gentleman from Texas for yielding me this time.

Mr. Chairman, I rise in support of the bill H.R. 4148. I believe this is landmark legislation. The gentleman from Maryland (Mr. FALLON), the chairman of the Committee on Public Works, and the gentleman from Minnesota (Mr. BLATNIK), the chairman of the subcommittee, as well as all of the members of the Public Works Committee on both sides, deserve the highest commendation of this House for bringing this very important and historic bill to the floor of the House for action.

I would like to call the attention of my colleagues to the two scripts that I put into the RECORD yesterday. They appear on pages 8962 and 8963. These are scripts which were used in two excellent programs produced by the Columbia Broadcasting System in its "The 21st Century" presentation entitled "What Are We Doing to Our World?"

Mr. Walter Cronkite quite properly pointed out:

> Man is a thinking animal, but nonetheless dependent entirely on the ecological balance of his planet to sustain him. All the forms of life over which man has become master are similarly interrelated and dependent on one another in varying degrees.

This excellent series can be recommended here to the Members as an absolute justification for this legislation.

I should also like to call attention to a statement made by a great American, Charles A. Lindbergh, recently in New York City when he received an award from the National Institute of Social Sciences. I believe Mr. Lindbergh has placed this whole problem into proper perspective. He made the argument on behalf of this legislation for us when he stated:

> I have been forced to the conclusion that much of our scientific and technical progress is negative progress in relation to man's basic welfare: that many of the steps we take to insure our present survival lead toward a future breakdown. I have asked myself over and over again how this trend can be avoided.

Then he added:

> In trying to affect a trend, one considers its beginning. This takes us back through ages to what was, in many ways, the disastrous impact of the human mind with its lack of selective judgment—a mind so paradoxical, to date, that it has achieved life's greatest knowledge and caused life's greatest evil.

And he concludes—and I would like to especially call your attention to these words, because these are the words that I believe bear directly on this legislation:

> In the short period of evolutionary time after intellect gained domination over instinct, it has made man the most destructive creature upon earth.

Mr. Chairman, everyone talks about the crisis affecting our rivers, streams, and waterways in America.

There is no question that man is killing the very environment that nourishes him. Our much-proclaimed American know-how and can-do technology have not been applied to preserving the highly intricate balances of nature. We survive by utilizing the infinite complexities of our planet, but our resources are not inexhaustible. With all of our hardware and amazing technical proficiency, we have yet to find substitutes for either clean air or potable water.

Lake Michigan, which borders part of my own State of Illinois, is in imminent danger of total destruction due to wholescale pollution. Lake Erie is already comatose and virtually incapable of supporting life. There must be limits imposed on man's opportunity to destroy his natural resources.

Lake Michigan is approximately 300 miles long and 80 miles wide. Its area encompasses nearly 25,000 square miles. Before passage of legislation that permitted the Army Corps of Engineers to use this inland sea as a massive dumping area, the depth of the lake was 113 feet. Today it is 103 feet deep. By pouring millions of tons of junk and toxic material into this enormous lake, we have raised its depth more than 10 feet. This is unconscionable.

We cannot continue the heedless destruction of irreplaceable resources merely because it is "cheaper" to dispose of our waste products in this way. The question of "cheapness" or economy in general when discussing an end to pollution is academic. We must spend whatever it costs and we must begin now.

The bill before the House today strengthens our ability to end pollution and to set about mitigating its effects and regaining at least a measure of what we have lost.

As human beings who share this earth with its tens of millions of forms of plant and organic life, we can do no less than insure its survival as a life-supporting planet.

So, Mr. Chairman, tomorrow when we start reading the bill, it is my intention to offer an amendment to this bill which would repeal that part of the act of 1905 which set up and specified and utilized and authorized certain areas in the Great Lakes for dumping by the Corps of Engineers.

It is my hope that this amendment will be adopted.

We heard a moment ago the distinguished gentleman from Minnesota (Mr. BLATNIK) say that Lake Erie appears to be beyond the realm of salvation. Lake Erie is a national disaster area and its shame is shared by all of us. Tomorrow I am going to ask my colleagues to join me in barring any further dumping in the Great Lakes by the Corps of Engineers. You cannot have effective antidumping procedures by local municipalities and by the various States surrounding the Great Lakes when Uncle Sam through his Corps of Engineers is the largest single polluter of all.

I am not at all persuaded when the Corps of Engineers comes before us and pleads that if we do not let them dump in the Great Lakes that they are going to have to stop dredging the harbors and rivers. This is a problem that the Department of Defense will have to address itself to in order to find alternative solutions. Surely our technology is capable of supplying an answer.

Until this Congress stands up and says that the law of 1905 was a mistake and can no longer be tolerated and we refuse to permit indiscriminate mass dumping we are not going to be able to save the Great Lakes or our other great water resources.

Who in this Congress, on either side of the aisle, is competent to tell us what is the price tag on recreating a Lake Michigan or the other Great Lakes? Man can never create such a vast natural resource, but surely man can save it.

It is my hope that tomorrow when this bill comes before us, our colleagues are going to join in taking this bold but determined step. Let us here in the Congress say that there shall be no more dumping by the Corps of Engineers in Lake Michigan and then get the rest of private industry to fall in line.

Mr. Chairman, I thank my colleagues for making this time possible.

(Mr. KARTH (at the request of Mr. WRIGHT) was granted permission to extend his remarks at this point in the RECORD.)

Mr. KARTH. Mr. Chairman, I rise in support of H.R. 4148, the Water Quality Improvement Act.

Today when this country's population is at the 200-million level we are rapidly discovering that our air and water resources are not limitless. The efforts of the Federal Government have in recent years been directed with special urgency toward meeting the air pollution problem because the need for control has been demonstrated most dramatically by so-called death fogs and eye-watering smogs. This Congress has enacted air quality control legislation which now makes it possible to reduce the noxious chemicals in automobile exhaust and smokestacks. We are happily making progress in air pollution control and can soon expect real technological breakthroughs which will eliminate the most alarming threats to our air.

But it has been recently, only through the catastrophes of *Torrey Canyon* and the Santa Barbara Channel that the public has become alarmed by the tremendous problem created by the oil pollution of our waters. True, there has been on our law books since 1924 statutes to prohibit the willful and negligent dumping of oil in our navigable waters. But the scale of today's problems are so much broader and more aggravated than they were even a decade ago that new legal tools have to be provided the executive department to cope with unanticipated threats to the water resources in our environment.

H.R. 4148 as reported by the Committee on Public Works, I believe, makes tremendous steps toward up-dating the

laws dealing with water pollution by providing more stringent controls against oil and sewage pollution of our waters, research grants to combat acid and mine water pollution, and training grants and contracts to alleviate a critical shortage of skilled engineering aides, scientific technicians, and sewage treatment plant operators.

I think that it is symbolic of the new approach of this important legislation that the bill proposes the name of the Federal Water Pollution Control Administration be changed to the National Water Quality Administration.

I hope this Congress will quickly enact this bill and provide the funds necessary to implement it so that our Nation can eliminate the national jeopardy which presently threatens our water resources. I urge the support of my colleagues for the enactment of this bill.

Mr. WRIGHT. Mr. Chairman, I yield the remaining time on our side, 4 minutes, to the distinguished gentleman from Michigan (Mr. DINGELL) who has been a longtime advocate for clean water and who is a member of the Committee on Merchant Marine and Fisheries of the House.

Mr. CRAMER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I thank my good friend, the gentleman from Texas, and my good friend, the gentleman from Florida, for so graciously making possible these few brief remarks.

Mr. Chairman, I wish to commend the distinguished members of the Committee on Public Works and the committee for the very able work they have done in presenting to this body a very fine piece of legislation, one which is well calculated to make further badly needed strides in the field of abatement of pollution of the Nation's waters and water resources.

Mr. Chairman, I have several comments on the bill.

First, with regard to the question of funding and financing. I would point out that the very best efforts, and they have been indeed tremendous, by the Committee on Public Works and the distinguished members have been largely frustrated by the inadequate funds presented by the different administrations for the handling of water pollution.

In all of the years since the original legislation was passed back in 1956, we have appropriated vastly less than the needed funds and this year we have the administration's budget request for something like $200 million, against an authorized Federal expenditure under Public Law 660 of something like a billion dollars for this coming fiscal year.

Indeed, it is probable with the rate of the population increase and the increased level of pollutants, the higher authorized figure will fall significantly behind meeting the real needs of our Nation.

I rise also to make certain comments with regard to activities now going on in the Committee on Merchant Marine and Fisheries. As my good friends on the Committee on Public Works know, the Committee on Merchant Marine and Fisheries has been engaged in a study of legislation and holding hearings on proposals which would begin abatement of pollution of the seas and navigable waters by law.

During the existence of the Merchant Marine and Fisheries Committee this has been a matter of particular concern by that committee. The Committee on Merchant Marine and Fisheries has reported to this floor a number of pieces of legislation over the years which have dealt with this particular problem. Over the years these pieces of legislation have been enacted by this body and now constitute a portion of the permanent laws of the United States.

The Committee on Merchant Marine and Fisheries, today is considering similar legislation, much in keeping with and, indeed, substantially similar to that involved in the sections of H.R. 4148 dealing with the same subject. It is with pleasure I note that the Committee on Public Works has moved with great vigor. It is with some sadness I note some of the thoughts of the membership of the Committee on Merchant Marine and Fisheries have not been fully and, in our opinion, adequately reflected in H.R. 4148. Nevertheless, I do point out to this body that H.R. 4148 is an admirable piece of legislation. It reflects careful consideration, and I believe it makes possible long strides forward in the abatement of water pollution. And, despite the jurisdictional problems which have existed with H.R. 4148, it does take proper, and I believe desirable and, in fact, adequate steps toward the abatement of the pollution of our navigable waters by oil, something which has been a significant problem.

It was the hope of the Committee on Merchant Marine and Fisheries that this would be handled by making the Coast Guard the primary agency. It is my hope that this will still take place in connection with the cleanup of the seas of oil, because, my friends and colleagues in this body well know that the Coast Guard is the agency most immediately affected, and almost invariably the first and only agency directly on the scene when this occurs. Indeed, our cleanup endeavors during the times we have had these oil spills have largely been conducted under the leadership of the Coast Guard. That agency demonstrated a remarkable capacity for vigorous and effective action in the Santa Barbara incident and in a number of other lesser incidents.

So it is my hope that this will take place in that fashion.

I would point out a caution to my colleagues, and that is that failure to adequately and properly center responsibility for the abatement and cleanup of oil pollution in the hands of an institution like the Coast Guard may conceivably result in a problem of the kind they had when the *Torrey Canyon* went down. During that incident it is fair to point out that there was a significant period of time during which the British Government was unable to assign responsibility and to fix the duty on any of the several agencies of the British Government for the actual cleanup of the oil. Had the Government been able to move more expeditiously under those circumstances, it is not inconceivable that damage to the British coast and the coast of Europe might have been significantly reduced.

I do report to the House at this time that the Committee on Merchant Marine and Fisheries does have a number of matters it is considering which will involve other segments of the Coast Guard's responsibility in connection with the abatement of the pollution of the seas and navigable waters by oil, and that my discussions with the chairman, with the staff, and other members of that body indicate to me there is every probability that during the next few weeks the Committee on Merchant Marine and Fisheries will continue its consideration of these matters, and hopefully will ultimately complete a useful and complementary piece of legislation, one which will add to the very able drawn and well-done piece of legislation which we have before us, in terms of increasing the ability of this Nation to abate the pollution of our navigable waters by oil.

Mr. Chairman, I thank my colleagues for making this time available to me.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I rise in support of the Water Quality Improvement Act of 1969.

The committee of which I am a member has worked hard on this legislation. Its leaders especially are to be commended, as well as the staff, for the work they have done.

Mr. Chairman, this bill is good legislation and goes a long way toward solving our pollution problems. It is not a perfect bill, but it will deal with some of the critical problems that are presented today and it will pave the way for even better programs in the years ahead.

One of the best features of the bill is that which provides for training of persons in the water control area. Mr. Chairman, I was a cosponsor of the bill which resulted in this section, and can speak with some authority on the point. The witnesses who appeared before our committee pointed out the dramatic urgency of this training. They noted the severe shortage of trained personnel in almost every area of the pollution control effort. Section 20 authorizes grants and contracts to train undergraduate students interested in the design, operation, and maintenance of waste treatment works and other facilities for water quality control. The urgent nature of this need is pointed out here primarily for the benefit of my good colleagues on the Appropriations Committee.

Another important provision of the act is section 19 which deals with demonstration projects for the control of acid mine pollution. This too is a step in the right direction.

The chief shortcoming of the act, in my opinion, is the lack of provision for adequate research. Like so many problems, we have rushed into pollution control without full and careful research into the exact nature of the problem. Good, solid research to identify and isolate the problem makes solution of the problem 10 times easier.

We also need much more cooperation

and coordination among the various levels of government, and private industry, in our pollution research. My suggestion for this problem is a series of satellites research stations which would serve as coordinators of research for the overall pollution problem in a given area. They would coordinate the efforts of the various levels of government, and those of private industry.

Another shortcoming of the bill is the absence of more strict regulation of pollution by Federal activities. Our Federal agencies and activities around the country should be taking the lead in establishing new concepts and methods of pollution control. Instead under the provisions of this act, we will still have some agencies dragging their feet as bad if not worse than some private industries.

While these shortcomings are serious—I do support the act and urge that it be passed. In the meantime, I will be introducing legislation to correct these shortcomings and hope that the committee will give early and serious consideration to my legislation.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. CRAMER. I yield to the gentleman from Texas.

(Mr. McCARTHY (at the request of Mr. WRIGHT) was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCARTHY. Mr. Chairman, the bill we are considering today deals with one of the major problems of our environment. Water pollution is no longer the concern of the expert but rather is a concern of the public. Our swimming beaches have been contaminated by sewage. Our lakes are polluted or crowded with algae fed by fertilizers or human wastes. Our rivers have the stink of open sewers during the summer months. There is less pleasure in boating when owners must scrape oil and sludge from the sides and bottoms of their boats constantly. Waterways that once delighted the eye now offend; we have damaged a major natural resource.

But the time for talking about the dangers of water pollution, for calling attention to man's neglect of this natural resource is past. Opinion polls show clearly that the American public is concerned about this problem. They show clearly that the public is ready for action—not words. This demand has been recognized by Congress in the unanimous votes approving the authorization of money to construct sewage treatment facilities. The funds that have been authorized were in keeping with the size of the problem. I would have preferred to have even larger authorizations, but can appreciate the many different demands for our tax dollars.

Unfortunately, we have failed to appropriate anywhere near the amounts that have been authorized for the construction of treatment plants and sewers. For treatment plant construction we authorized $450 million in 1968; we appropriated $203 million. We authorized $700 million in 1969; we appropriated $214 million. We authorized $1 billion in 1970; the administration has budgeted $214 million. In these years alone, we have appropriated $1,519,000,000 less than the amount authorized. I think that our national priorities are sadly misinterpreted when we spend, for example, more than $350 million a year on chemical and biological warfare, weapons of questionable value, while only spending $214 million to prevent the destruction of our water resources.

What does the water pollution funding gap mean in terms of water pollution control at the State and local level? The Federal Water Pollution Control Act made it necessary for the States to develop acceptable water quality standards and to initiate programs to bring the waters within their States up to these standards. In a number of cases bond issues have been passed to assist in cleaning up their waters. My own State, New York, passed a $1.6 billion pure waters bond issue to help cities and towns build the necessary sewage treatment facilities. And New York went beyond that; it agreed to prefinance the Federal share of construction of these facilities so that there would be no delay in cleaning up our rivers and lakes.

At the local level cities and towns have passed referendums authorizing the financing of the construction of sewers and treatment facilities. The local leaders who must convince the residents of a town or village to add to their property tax to construct new sewers and treatment facilities must use a part of their political capital in building support for these referendums—the additional tax burden is not assumed lightly.

One can imagine, then, the effect of the failure of the Federal Government to provide its share of the funds required for facility construction. New York State will not receive a fraction of the Federal funds to which it is entitled under the amounts authorized. A tax burden is thrown back from Washington on the State and local government, increasing the rapidly growing demands on State and local revenues.

Towns and villages under legal order to clean up pollution find that they do not have the funds to do the job. They know that the cleanup has been ordered by Washington—why, then, does not Washington do its share and provide the promised assistance?

In fairness it must be recognized that the demands of the Vietnamese conflict have kept domestic spending at much lower levels than had been desired. Many worthwhile programs were cut back and many others failed to see the light of day as a result of the economics brought about by the war.

The shortage of funds for water pollution control while the Vietnamese conflict is going on was recognized, however, and a remedy was suggested. Last year's water pollution control bill contained a provision that placed the financing of treatment facilities on a capital basis rather than on a annual basis. This is a technique whereby the Federal Government agrees to pay the principal and interest on a 30-year bond issued by the State, town, or village to cover the cost of new facilities. Rather than giving the community one lump sum to cover the Federal share in the first year, the Federal Government would only have to pay roughly one-thirtieth of the cost each year. This would make it possible to start many more projects than could be initiated following the present lump-sum approach. As you may recall, both bodies of Congress passed that legislation last year but it failed to clear the conference committee at the last minute.

Recognizing the value of this financing approach to the task of water pollution control, I reintroduced a comprehensive water quality bill in this session of Congress. I was joined by 24 of my colleagues in that action. The companion bills—H.R. 7734 and H.R. 7767—both include a financing section identical with that passed by both bodies of Congress in the last session. It has been my impression that those concerned with water pollution control realize that this capital financing approach is a most effective way to make the limited funds available go as far as possible.

Both the House and the Senate committees dealing with water pollution control have deferred consideration of financing proposals for this activity until the new administration has had an opportunity to review their budget and make any proposals that they believed desirable. As a matter of courtesy, financing provisions are not included in the bill considered today.

I have learned, however, that the administration will propose an appropriation of $214 million for the construction of water pollution control treatment facilities. And as far as I am able to determine, this request will not include a provision for capital or long term funding. If this is the case, $214 million is totally inadequate. Apparently, Secretary of the Interior Hickel recognizes this, for I understand that he requested a total of $600 million for this purpose, only to be turned down by the Executive Office of the President.

If the Federal Government does not do its share, what can we legitimately ask the State and city to do? Can we hold enforcement conferences and demand that localities upgrade their treatment facilities? Can we ask the cities located along Lake Erie or along the Mississippi or Missouri to build secondary rather than primary treatment facilities? This sort of hypocrisy is one of the roots of dissatisfaction with Washington found at the local level.

I hope that the Rivers and Harbors Subcommittee of the House Public Works Committee will be able to hold hearings on my bill to provide adequate financing for water pollution control in the near future. This legislation is important to our environment. Neglect now will mean destruction later. We cannot afford to wait.

Mr. LEGGETT. Mr. Chairman, I am glad I have the opportunity at this time to comment on this bill, and express my wholehearted approval of this measure designed to start the long-delayed assault on water pollution which has affected this country for so long, but which has been marked by serious inaction on the part of the Government. The problem has reached a critical stage, but I am hopeful that quick action now can stop further damage to our en-

vironment and start to roll back the damage already done.

It is incumbent upon us to pass H.R. 4148. Further delay may very well make the problem insoluble, forever relegating our lakes and rivers to open sewers infesting all surrounding areas.

In my district in California we have one of the most beautiful bodies of water in the State, Clear Lake. This lake has long been recognized as one of the leading recreational waterfronts in the area, and its existence has spurred the development of the surrounding land area. As is the case in so many of these situations however, the development of the surrounding landscape has upset the entomology of the land. In the case of Clear Lake, development of surrounding land areas has begun to fill the lake with raw sewage and waste. Engineering reports clearly indicate the damage done by the invasion of algae which has upset the natural balance of this beautiful body of water, and will soon make it unfit for human use.

It is not too late to turn the tide however. This bill is a good start toward an all encompassing fight to reverse the damage done by man to his natural assets.

I view this measure as an economy move. If we do not get the funding now, the costs will be immeasurably higher later. I think we are all agreed that action must be taken at some time. In the case of water pollution, delay will mean added expense at a later date. The studies on the Clear Lake problem point this up. As the pollution gets worse, the corrective measures will be far more expensive. I do not think anyone on the floor today disagrees with the proposition that the problem must be faced at some time. In this time of fiscal extremis however, many of my colleagues feel that all but the most urgent spending measures must be curtailed. I generally agree. But in this case I feel that the fight for control of environmental pollution is possibly the most urgent priority on the legislative agenda. Delay now will at best make corrective measures more costly in the future. At worst we will have passed the point of possible correction and will be forced to forever consign these areas of natural beauty to putrid wastelands. The problem of Clear Lake is a prime example. We must not allow this body of water to become an open sewer that will forever be lost to the citizens of California and the Nation.

Mr. ANDERSON of California. Mr. Chairman, I rise today to join with my colleagues in expressing my strong support for H.R. 4198, the Water Quality Improvement Act of 1969. This is the type of legislation that is very badly needed to clean up our polluted waters and harbors and keep them free of oil and sewage pollution.

If we are ever going to restore our environment to its natural state so that it can be enjoyed by all free of contamination, we must begin now. For too long we have allowed technology to alter the environment without attention being paid to the consequences. This legislation is a good step in the right direction.

The Water Quality Improvement Act of 1969 essentially will do five things:

First, it will make shipowners liable for oil discharge or spillage up to $10 million and provide criminal penalties for failing to report such discharge or spillage as well as civil penalties in cases of willful or negligent discharge.

Second, it will set up a $20 million revolving fund for reimbursing states assisting in cleanups of pollution.

Third, it will direct the Secretary of the Interior to stop discharge of sewage from vessels by development of marine sanitation devices on ships.

Fourth, it would authorize up to $15 million for a demonstration program on acid pollution from mining.

Finally, it would appropriate funds for research into water pollution and development of water quality control facilities.

This legislation is urgently needed, particularly in light of the recent tragic oil spill off the coast of California. The incident served to focus increased attention on this important problem and helped us bring this legislation to the floor of the House today. I am hopeful the Water Quality Control Act of 1969 will pass both Houses of Congress and will be signed by the President. We just cannot afford to wait any longer. The showdown between a continued polluted environment and a return to a clean environment is at hand.

Mr. EDWARDS of California. Mr. Chairman, I have but one complaint about the bill now being considered by this House. It does not do enough.

All of us were shocked by the oil discharge which polluted the Santa Barbara coast, and this bill speaks to such pollution in part, but I wish to speak of 100 years of pollution of an even more fabled resource, San Franscisco Bay, and the unreported results.

Let me make the facts clear: Much of San Francisco Bay is now septic. Much more of the bay will become septic unless something is done.

Some of the provisions of this bill directly attack the problems of San Francisco Bay and I support the bill. However, this bill still represents an approach which is "too little and too late."

The magnitude of the problem in San Francisco Bay was spelled out in a recent study which called for a master sewer system to cost the communities involved $2 billion between 1970 and 1990.

The crisis facing San Francisco Bay is not one that has come slowly, nor is it one that all of the people around the bay have ignored. In fact communities and industries around the San Francisco Bay have spent $283 million in their efforts to clean up the bay and to keep it clean. Within my own district, as an example, San Jose and Santa Clara have spent $35 million on a new sewage treatment plant. This last year the voters of these two cities by a two-thirds majority margin approved the expenditure of another $30 million. Most other communities around San Francisco Bay, under the leadership of the San Francisco Regional Water Quality Control Board, have made similar sacrifices.

The condition of bay waters is better today than a few years ago because of the continuing sacrifices of many bay area taxpayers and because of the leadership of the water quality control board. Marine life is returning to the South Bay, harbor seals are once more able to survive in the bay, dead waters have returned to life.

Despite the dramatic improvement in the quality of some of the waters of the bay, red tides have started to appear, tides which may well mark the biological death of the bay, and massive reports of fish kills have become more frequent.

Health officials still warn the public not to eat the oysters of the bay, because they carry sewage-borne diseases.

The same health officials warn some of the waters of the bay are dangerous for body contact sports. These waters, because of sewage, can carry diseases in their spray.

The efforts of 90 of the 91 cities around the bay and of the water quality control board have suppressed many of the sewage odors of the past, restored the quality of waters so fish can live in them, but increasing loads of pollutants, nutrients, chemicals and toxics are undoing the good work of the past.

Obviously we have not done enough.

And the tides of growth are still pouring into the San Francisco Bay area, bringing more people to join the 4.5 million already living around the bay, and bringing more human and industrial wastes.

At the same time there are those who wish to fill the open water of the bay for profit, further limiting the circulation of waters in the bay, while at the same time increasing the loads it must absorb.

We are not too far from the point where the only use of San Francisco Bay will be that of an open sewer.

Most of us who live around the bay are committed to a clean bay, a healthy bay, a bay seeable by the public. Yet, I must point out there are two public bodies which have not fulfilled their public responsibility to insure raw sewage and industrial wastes are kept out of the bay.

They are the city and county of San Francisco and the Federal Government.

Let me first say a few words in defense of the combined city and county governments of San Francisco. San Francisco is the second oldest city, next to San Jose, in the bay area, it has a shrinking population of 740,000 out of a total bay area growing population of 4.5 million, and it is the only city with a combined storm drain and sewage system. Thus, it is the only city of the 91 around the bay which regularly dumps its sewage raw, not only into the bay, but also on the beaches where its children play.

The problem is simple: When it rains as little as two-tenths of an inch an hour, really only a heavy fog, the city's overburdened combined storm drain and sewage system overflows, resulting in the present unsightly, unhealthy, and putrid conditions. It may take up to $1 billion to correct this problem.

San Francisco, faced by other massive problems of the inner cities, needs far more help than that offered in this bill.

It also needs to face its sewage problem and to inform its people of that problem.

The second major offender is the Federal Government.

At present at least 12 Federal installations are polluting San Francisco Bay.

An estimated 500,000 gallons of industrial wastes, including, but not limited to, cyanide, flow into the bay from the Alameda Naval Air Station. These wastes are discharged at the water's edge, not even taken out to deep water where the damage they do might be diluted. Mare Island pours an additional 150,000 gallons of similar industrial wastes into the bay, the Concord Naval Weapons Station contributes 3,000 gallons a day, and the Point Molate Facility near Richmond, discharges 10,000 gallons a day of treated, but substandard, wastes.

The hard pressed San Francisco Regional Water Quality Control Board has no authority over these Federal installations.

The U.S. Navy has promised to hook up both the Alameda Naval Air Station and Mare Island to local sewage treatment plants during fiscal 1969–70, if the funds are available. Short as funds are this year, I pray that they will be available.

The bill we are now discussing says:

Each Federal agency having jurisdiction over any real property or facility of any kind shall within available appropriations and consistent with the interests of the United States insure compliance with applicable water quality standards.

I for one wish this provision were stronger. Pollution is not in the interest of the United States.

Finally, ships of the U.S. Navy, including its giant aircraft carriers discharge their sewage raw into the bay, not only as they pass in and out of the bay, but also as they rest in harbor. In effect they are moveable, small cities, polluting the bay as they go.

Again this bill speaks to the point, but in a manner I wish were more effective. The bill calls for waste treatment standards for civilian shipping, but in the case of military vessels it leaves the decision up to the Secretary of Defense.

I would hope all of us would agree the U.S. Navy should stop polluting San Francisco Bay.

The waters of San Francisco Bay face one more major Federal threat—a threat not created by the people who live and work around the bay. It is called the San Luis master drain and it will dump, for it is now under construction, millions of gallons of agricultural waste waters, carrying pesticides and nutrients, into this already polluted bay. The drain will bring its pollution to the bay even as the fresh waters, which once flushed out the bay, are cut off by Federal and State of California water projects. I would refer any of my colleagues, who might wish to explore this problem further, to the statements of Congressman JEROME WALDIE, whose district faces disaster because of this drain.

The story of the pollution of San Francisco Bay is a long and sad tale, told not often enough. Even today the people of the city and county of San Francisco know little about the condition of their own beaches. However, the job of education of the public about bay problems has been done well by the San Jose Mercury and News and the Oakland Tribune. The most recent and one of the best of these accounts was written by Mr. Fred Garretson of the Oakland Tribune.

Mr. Chairman, I will include Mr. Garretson's stories at the conclusion of my remarks, so every Member of Congress will have available the story of the polluted San Francisco Bay.

The problems of San Francisco Bay are not unique. Many areas of my State, and of the Nation, face similar problems. In Washington we only need go to the banks of the Potomac River to bring ourselves face to face with the ugly facts of water pollution.

I speak in favor of this bill, not because it is as much as we can do, but because it is the least we can do.

The articles referred to follow:

OUR POLLUTED BAY: SAN FRANCISCO'S FLOOD OF SEWAGE—TOUR OF WATERFRONT BARES FILTH PROBLEM

(By Fred Garretson)

It is one of those pleasant afternoons in San Francisco when a brisk little storm has cleared away the fog and the citizens of the most sophisticated city in the West go down to the beaches and the Bay to play among the streams of raw brown sewage draining out of fancy hilltop apartment houses.

Near Phelan State Beach Park, two teenage girls romp happily among the sewage that flows across the beach like a small river and mixes with the ocean waves.

Near Lake Merced, children from Park Merced Towers build sand castles out of the easily molded brown sludge that stains their beach.

At Lincoln Way, where Golden Gate Park meets The Great Highway, a shallow, 20-foot-wide sewage stream flows across the public beach and strolling couples make agile leaps to keep the water out of their shoes.

Near Fleishhacker Zoo, where the outflow of the Vicente Street sewer has carved a rolling valley into the shifting beach sand, a woman with a dog on a leash stops to let the thirsty animal drink out of the sewage stream.

This is a typical nice day in San Francisco.

It would be any one of at least 61 days between October and May when the city's antique "single pipe" municipal sewer system overflows. Then raw, untreated sewage drains into the Bay and ocean from 38 "sewer diversion structure outfalls" along the waterfront.

During dry weather the municipal system intercepts most of the sewage—except during what state officials describe as the "regular" once-a-week breakdown—and provides a low degree of treatment before the waste is discharged into the Bay and ocean.

But a trace of rain—only 0.02 of an inch of precipitation per hour—pours storm water runoff from the streets into the sanitary sewers, overwhelming the treatment plants and sending raw sewage onto the beaches, marinas and around the docks.

The sewage streams are plainly visible after a storm.

Near the Marina Green, boats twist against their mooring lines in the current flowing out of the Pierce Street sewer.

At Aquatic Park, one of the leaders of the city's cultural enlightenment steps out of the locker room at the Dolphin Swim Club, takes a deep breath of the salt air blowing through the Golden Gate, and then dives into the water amid the flecks of toilet tissue dancing on the waves.

At Baker Beach State Park the favorite picnic spot is a deep, somewhat smelly, lake gouged out of the beach by the sewer outfall at a spot far above the high tide line. Children say it's a popular swimming hole for those who want to avoid ocean salt water and is frequently used by sunbathers to wash sand off their skin.

The river of sewage pouring out of this lake to bisect the public beach is so wide that only an athletic teenager, who takes a running jump, could get across without getting his feet wet.

At the foot of Pierce Street children scramble over the big concrete outfall pipe and fish among the flecks of human waste and detergent foam which gushes into the Bay.

The view from the dining room picture window at St. Francis Yacht Club is dominated by the sight of the Baker Street sewer pipe, which sits on the beach like a grounded whale discharging bubbling, turbulent water just off the shore.

At Fisherman's Wharf, a honeymooning couple sit in a famous restaurant watching the fishing boats rise and fall on the oily waves where the waterfall sound of the Hyde Street sewer is lost among the sound of waves washing among the piers.

Only three years ago health officials had to order three fish packing companies in San Francisco to stop washing their floors, cleaning fish and swabbing out fish packing cases with water pumped out of the Bay a few feet from a raw sewage discharge point.

Farther east, near Pier 33, a brown upwelling in the Bay tinges the air. Within a few more hours—if it doesn't rain again—the North Point sewage treatment plant will be back under control and able to chlorinate the sewage flowing out of the homes of 409,000 San Francisco residents in the north point "sewage watershed."

Farther south and east along the waterfront, where pretty girls drink coffee in open air lunch rooms on the docks, there are flecks of sewage solids coating the pilings that support docks and office buildings on the waterfront.

At Islais Creek there is a foul smell in the air where the unchlorinated sewage of 161,000 residents, and the flow from the South-of-Market industrial complex, pours through primitive machinery at the Southeast sewer treatment plant and is discharged to fester in the oily waters of a dead-end lagoon.

Northward, at the heart of San Francisco's maritime commercial center, five full sewers of raw waste pour into the dead-end channel of China Basin.

Just south of Pier 50, where people daily wade into the water at the municipal boat launching ramp, is the outfall of the South Fourth Street sewer. The line, until recently, discharged the waste of an industrial neighborhood 365 days a year—pipes weren't connected to any treatment plant.

Prudent folk might worry about wading into San Francisco's waters where a raw sewage discharge pours into the Bay at every single marina in the city.

But boat owners can find one thing good: human sewage has special powers as a wood preservative. Boats floating in sewage—and wooden pilings in polluted water—are protected from the effects of teredo and limnoria, the Bay's destructive salt water termites.

From a helicopter, flying along the waterfront to San Franicsco International Airport, passengers can almost always see a two-mile long tongue of brown, polluted water pouring out of Islais Creek at the rate of more than 15 million gallons per day in the summer time, and much faster in the winter.

The great tongue of brown water wavers like a living thing on the Bay's tidal currents—swinging miles south along the waterfront toward Hunters Point with the in-

coming tide and then licking north toward Potrero Point on the ebb tide.

The ebb tide sends the brown water up into the intake pumps at Bethlehem Shipyard where workers are drenched in polluted water while washing ships. At flood tide it's the U.S. Naval Shipyard workers who get bathed in sewage.

The wavering brown tongue also engulfs the favorite swimming spot where children from the Hunters Point neighborhood dive into the Bay. It's prohibited, of course, but at any time on a good day, health inspectors see 20 children in the water at a time.

The weekends are probably the least polluted times in San Francisco because the factories are closed and the offices of hundreds of thousands of commuting workers are empty.

At such times, there are only the toilets of 740,000 residents to pollute the Bay.

In the rainy season one can be quite sure of finding the flow of raw sewage pouring out from a given neighborhood.

That stream of raw sewage that carved out the swimming hole on Baker State Beach comes from Mayor Joseph Alioto's neighborhood.

The Jackson Street sewer flow near the Ferry Building comes from the financial district. Haight-Ashbury sewage drains both toward China Basin and to the ocean beach of Golden Gate Park.

This is a waterfront tour you won't find listed in any guidebook issued by the Chamber of Commerce or the San Francisco Tourist Bureau.

It's a summary of facts—neither the best nor the worst facts—listed in a little-known book issued by the Bay Area Regional Water Quality Control Board.

The title is: "Staff Report on Long Range Plan and Policy with Respect to Water Pollution Control in That Portion of the City and County of San Francisco Which Drains Into San Francisco Bay."

You might find a copy of it at San Francisco City Hall.

It should be easy to find at the public library, because almost nobody ever looks at it.

"The City That Knows How" doesn't like to think about its sewage problem.

AN OMINOUS "RED TIDE" THREATENS BAY'S FUTURE

(By Fred Garretson)

On a cloudy morning during the last week of April, 1966, the passengers aboard Doug Webb's party boat "Sturgeon" caught a whiff of a strange, fishy smell rising out of San Pablo Bay.

Seconds later, flecks of red foam leaped up in the wake of the motorboat and for the next few minutes Webb sailed through what looked like a great mass of burgundy wine spilled into the blue waters of San Francisco Bay.

Carl Bennett Jr., owner of the Rodeo Marina, also saw the same thing and telephoned the officers of the Bay Area Regional Water Quality Control Board to report that, "There's something wrong out in the Bay."

This was the first official record that the so-called "red tide" had appeared in San Francisco Bay.

To the scientists and engineers who study the Bay, the appearance of the red tide was a deadly warning sign, that man's constant dumping of sewage and poison had overwhelmed the Bay's ability to cleanse itself.

It might, they said, be a symptom the living Bay was about to become a sterile dead sea.

The mysterious red phantom continued to haunt all parts of the Bay during the spring and summer months of 1966, 1967 and 1968. It's expected to appear again in about April of this year.

Despite 20 years of effort, the Bay pollution problem is getting worse, according to Fred Dierker, executive officer of the regional water quality agency in the nine Bay Area counties.

He said the sewage smell has been suppressed and many forms of fish life have returned to the Bay, but the buildup of sewage chemicals in the water has turned the Bay into a biological time bomb.

"We don't know why the red discoloration appeared or what it represents," Dierker said, "but we think it's one more warning sign that the Bay has become overloaded with pollution, nutrient chemicals and toxics."

He said the red discoloration isn't the true "red tide"—a toxic, fish-killing algae which is limited to the Atlantic Ocean and is most commonly reported near Florida.

"What has appeared in the Bay is a red phytoplankton growth. There's no evidence that it kills fish or reduces the oxygen content of the Bay water," he said.

Perhaps it has always been present in the Bay waters, but is now spreading across the Bay in great red blankets because pollution has upset the balance of nature.

William Macke, the district's field engineer who has spent most of his time during the past 12 years taking water samples in all parts of the Bay, described it this way:

"The red discoloration is generally several thousand feet long and about 150 to 200 feet wide, but sometimes spreads out much wider.

"It's very visible from the air. It looks like a herringbone pattern on the wave crests, but in quiet water it spreads out flat like a blanket. It's usually out in the center of the Bay although it also appears in shallow water.

"It's also clearly visible from a boat. As you approach it there's a definite line of demarcation between normal Bay water and the red discoloration.

"As you pass through it you can see red waves on all sides and a churning red bow wake behind a motor boat.

"It's like sailing through a sea of burgundy wine.

"There's a distinctive fish odor—that's the only way to describe it—while you're passing through it. In fact, that's how you know you're approaching it. You smell it.

"It's kind of weird. We know its composed of billions of individual living things, but sometimes it acts like one big creature. The scientific studies have confirmed that it has swimming ability and can move around the Bay.

"Usually it's right on the surface, but once we went looking for it at night and it had dropped down under water to some depth. It apparently comes up to the surface in the daytime.

"One day it looks like a big single mass and the next day it's broken up in strips and streaks, depending on the weather conditions. It persists for a long time," Macke said.

Although it's been seen in all parts of the Bay, the greatest number of reports come from the South Bay, where pollution problems are greatest. Reports have been particularly numerous around Burlingame and Coyote Point in San Mateo County.

Macke said the worst discolorations appeared during the summer of 1967, a peculiar year when a lot of strange things happened in the Bay.

Thousands of dead and dying sting rays came to the surface.

Hundreds of sharks seemed to commit suicide by swimming up onto beaches and mudflats as if they were trying to climb out of the Bay. Scientists carried some of them back to deep water, but the sharks swam right back up onto beaches.

But 1967 was also the year that record numbers of seals appeared in isolated areas along the Eastbay shore. There was a population explosion among shrimp in San Pablo Bay and for the first time in decades commercial shrimp fishing resumed in the Bay.

A lot of people cheered that the return of seals and shrimp was a good sign indicating that Bay pollution was being cleaned up. As for the death of sharks and sting rays . . . well, it's hard to get indignant about it.

But biologists were alarmed. Sharks are like humans, predators at the end of the food chain, feeding on smaller animals which in turn eat smaller plants and animals right down to the most primitive organism that would be most sensitive to pollution.

The pessimists warned that the mass death of sharks might indicate that pollution had shattered the bottom of the food chain. Vital microorganisms and plants might be dead or poisoned, passing on poison to bigger animals, destroying their nervous systems so that sharks went mad.

A reduction in the population of some predators—because of starvation or poisoning—might also lead to a population explosion in other creatures—like shrimp.

The optimists said sharks are strange creatures and some species in other parts of the world have sometimes been observed performing the rite of mass suicide. So do lemmings.

The optimists said it might be a sign fish life was improving in the Bay and now the shark population had expanded so much that mass suicide in the Bay was more likely to be noticed.

The red tide was a disturbing fact, but there were unconfirmed reports of sightings before April, 1966, and a few people say they saw something like a red tide—which wasn't studied at the time—appear in Richardson Bay 15 years ago.

These earlier reports could be interpreted either as an early warning of potential ecological disaster or as an indication that red tide had been around for many years.

Ecology is the science which studies the total web of life, the environmental interrelationships between plants, animals, man, the landscape, the weather, etc.

And ecology will be the forum of debate in the next few years about how—and whether—to spend hundreds of millions of dollars cleaning up the Bay so the Bay Area might become a more livable place for many creatures—including man.

Ecological arguments, often involving extremely technical disputes within—and between—scientific and engineering disciplines, are hard for a layman to judge—and sometimes people miss the whole point of the discussion.

For example, on Jan. 27 the regional board proposed some controversial engineering standards and goals aimed at cleaning up the Bay to the point where the water could meet the extremely rigid standards necessary to reestablish commercial oyster farming in the Bay.

A major industry spokesman denounced the idea of spending vast sums of money to benefit some unknwn future oyster farmers because, he said, "It would probably be cheaper to import oysters from Australia."

Regional Board officials patiently explained oysters were only one facet of the proposal—a yardstick by which water quality could be measured. A Bay clean enough for commercial oyster raising would produce a host of other ecological—and economic—benefits.

But the protest was valid: Money is one part of the ecology of man, and it weighs heavily in the efforts to restore the ecological balance of the Bay.

Since 1950, when the legislature created the regional board under provisions of the Dickey Act, the board has persuaded or compelled Bay Area cities and sewer districts to spend more than $300 million on sewage treatment facilities, Dierker said.

Industries have spent an undisclosed number of millions more.

But what has been the result?

The most noticeable effect is the horrible

hydrogen sulphide (rotten egg) smell is gone from most parts of the Bay.

Motorists no longer have to roll up their windows to keep out the stench when they drive along the Bay Bridge approaches at Emeryville.

At one time, local officials say, airborne chemicals wafting off the Bay were so caustic that fresh coats of paint would peel off of structures within two blocks of the Bay.

The first big sewage clean-up efforts came in the 1950s.

In the decade of the 1960s, the people of the Bay Area rediscovered the Bay.

Boat ownership has skyrocketed bringing with it an economic boom in marinas, waterfront restaurants and water-related recreation.

The property value of formerly depressed waterfront land has risen sharply. In Marin County alone the assessor estimates the value increase was one-third of one per cent per day in the mid 1960s.

There's a big and growing demand for homes beside the Bay. In Alameda's Fernside district homes inland from the Bay used to be worth more than those beside the water. Today the waterfront homes are worth thousands more.

The same thing happened at Point Richmond.

Even in the polluted South Bay, private investors are willing to pour millions into waterfront subdivisions like Foster City or recreational complexes like Marine World.

The shipping business, which has to be on the waterfront, has been hard pressed in San Francisco where business and professional men keep moving offices into converted docks or warehouse buildings because they want to be next to the water.

There is abundant evidence of the return of all kinds of Bay plant and wildlife which almost vanished when bay pollution became serious in the first decade of the 20th Century.

Today many scientists, and even some investors, talk about reviving the oyster farms which used to be an economic mainstay of the Bay Area. There are some dizzying estimates about the potential profit of establishing other types of "farming-of-the-sea" industries in the protected waters of the Bay if pollution is eliminated.

But is pollution being eliminated?

No, says Dierker.

The regional pollution control board has consistently maintained it's running on a treadmill trying to keep ahead of the growing population and industry of the Bay Area which now pours at least 667 million gallons of sewage and industrial waste into the Bay every single day.

Most of the municipalities around the Bay have built, or are building, advanced sewage treatment facilities, and some of them—such as Valley Community Services District in the Livermore Valley turn out an effluent which comes close to meeting the U.S. Public Health Service standards for drinking water.

In 1965 the legislature established the Bay-Delta Study, a state agency, to prepare a waste disposal master plan for the nine Bay Area counties, plus portions of the Sacramento-Stockton-Tracy area east of the Sacramento-San Joaquin Delta.

The Bay-Delta Study report will be issued next month.

One of the major problems, Dierker said, is that existing sewer treatment doesn't remove nutrient chemicals (nitrates, phosphates, etc.) which are continuing to accumulate in the Bay.

"The level of nutrients in the Bay already exceeds the theoretical level at which 'algae blooms' should form all over the Bay. The blooms already exist in Suisun Bay, the Napa and Petaluma Rivers and some sloughs in the South Bay," Dierker said.

The algae blooms he foresees are great "rafts" of scum floating over all parts of the Bay depriving the water of oxygen, killing fish, fouling boat propellers and washing up on the beaches and tidelands to rot in the sun.

"Apparently something is suppressing the algae blooms so far. Perhaps some minute quantity of a trace chemical is missing," Dierker said.

The missing trace chemical—if that's what it is—could appear almost any day in a casual discharge from some industrial process or perhaps the coloring material in a new brand of toilet paper or maybe as a residual from a new fertilizer used to grow the potato peelings that get thrown into a garbage disposal.

Dierker said that the Bay-Delta Study report will say that there has been a startling increase in the nutrient level of Bay waters during the past four years.

The claim of the sudden sharp increase might be challenged on statistical grounds, but there is no doubt that the existing nutrient level in the Bay already exceeds the algae bloom level, he said.

The Bay has become a biological time bomb, and every flush of the toilet or clank of the kitchen garbage disposal adds more fuel.

If and when it explodes, this great nine-county urban area could be a metropolis sitting on the shores of a dead sea.

EASTBAY CITIES' RIVER OF SEWAGE

(By Fred Garretson)

The second biggest river emptying into San Francisco Bay is a river of sewage.

It discharges about 40 feet below the surface at a spot just south of the Bay Bridge, 2,000 feet east of Yerba Buena Island.

It's the flow of sewage from the cities of Oakland, Berkeley, Alameda, Emeryville, Albany and Piedmont discharged by the East Bay Municipal Utility District Special District No. 1 sewage treatment plant in West Oakland.

It's bigger than the Napa River.

(Engineers, who regularly translate total annual flows into small increments for easy comparisons, say the mean annual discharge of the EB-MUD sewer pipe is 127 cubic feet per second while the Napa River flow into the Bay is only 114 cubic feet per second.)

That single sewer pipe discharge is bigger than the combined annual flows of ALL the rivers and streams flowing into the Bay south of San Francisco.

The EBMUD sewage flow is probably big enough to have some effect on the tidal currents of San Francisco Bay.

The only bigger flow into the Bay is the 20,255 cubic foot per second annual outflow of the Sacramento-San Joaquin Delta, a figure which includes all the winter floods draining out of watershed that includes 40 per cent of the land in California and stretches from the Oregon Border to the Los Angeles County line.

But while EBMUD is the biggest single discharger, the combined flow from the city of San Francisco's antique sewer system is bigger—but no one knows how much bigger.

San Francisco's three sewer treatment plants keep records, but the city has 38 raw sewage overflow pipes which overflow every time it rains—and only one of them has ever been measured.

A key difference between East and West Bay is that EBMUD discharges treated and disinfected sewage in deep water whereas San Francisco's treatment plants and raw sewers discharge right at the water's edge, sending streams of raw sewage flowing across public beaches and leaving brown water lapping against the piers.

Figures compiled by the Bay Area Regional Water Quality Control Board three years ago showed that the total municipal and industrial waste water discharge from the nine counties around the Bay was 541 cubic feet per second.

This man-polluted flow dwarfs the 332 cubic feet per second combined flow of all the local streams and rivers flowing into the Bay (not counting the Sacramento-San Joaquin Delta).

The board said that sewage and industrial waste accounted for 2.7 percent of the net total flow of all water into the Bay system.

But with cities and industries expanding rapidly, and new dams in the mountains reducing the outflow of river water into the Bay, sewage will soon be a major source—perhaps the major source—of the water flow entering the Bay.

During the summer time waste discharges are already equal to more than one-third of the carefully regulated flow of 1,500 cubic feet per second from the Sacramento-San Joaquin Delta.

If it weren't for the constant release of water from Shasta Dam in order to flush Bay salt water out of the fresh water channels of the Delta, the flow of sewage from Bay Area cities would probably exceed the flow of the Sacramento River during many summer months.

The winter floods now flush out the Bay's accumulated pollution, but a report to be issued by the state's Bay-Delta Study next month is expected to say that dams constructed for the California Water Plan will cut off most of this flushing flow by the end of the century.

Fred Dierker, executive officer of the regional pollution control board, said the degree of sewage treatment varies widely in different parts of the Bay.

He said 90 of the 91 cities in the Bay Area now treat their sewage. San Francisco is the only municipality with a system designed so that raw sewage flows into the Bay whenever it rains causing the system to overflow.

The only other significant raw sewage in the Bay comes from ships and boats, but the state and federal governments are starting a crackdown on these polluters.

The general types of sewage treatment are:

Primary: A primitive system in which sewage stands in tanks long enough for floating material to be scooped off and heavier particles are allowed to settle out.

Intermediate: Sometimes called "advanced primary." Chemicals and bacteria are added to break up smaller particles. Sometimes disinfection is added.

Secondary: Usually involving processes called "activated sludge" or "trickling filter" treatment. Sewage passes through several treatment tanks, some of which add oxygen to help stimulate natural biological processes in the Bay which aid in sewage assimilation. This effluent often meets health standards for "swimming pool quality water."

Tertiary: Various advanced—and expensive—treatment processes which turn sewage into a liquid that might meet U.S. Public Health Service minimum standards for drinking water.

The most recent (1966–67) compilation by the regional board showed that, "398 million gallons of treated sewage and industrial wastes are discharged daily during dry weather to the tidal waters of the Bay from 77 municipal sewerage systems.

"Approximately 35 per cent of these waste flows receive secondary treatment at 23 sewage treatment plants with the remaining flow receiving primary treatment at 54 sewage treatment plants," Dierker said.

He said 47 municipal waste dischargers, who dump 245 million gallons per day, have facilities to disinfect their sewage discharge, although some of them don't always use them or vary the amount of disinfection seasonally.

Another 32 dischargers, with a total waste flow of 153 million gallons per day, don't have disinfection facilities, he said.

Three big sewage treatment plants account

for half of all municipal sewage discharges into the Bay: EBMUD; The San Francisco North Point plant, and San Jose.

The EBMUD flow gets "advanced primary" treatment, according to Dierker. Because of its discharge in deep water under good tidal conditions, "EBMUD treatment is considered adequate for the present, but it might not be good enough for conditions within the next few years," Dierker said.

San Francisco's North Point plant (one of three San Francisco treatment plants) discharges 487,000 gallons per day near Fisherman's Wharf. This flow received only primary treatment but is disinfected during dry weather.

However, a slight rainstorm overwhelms the San Francisco system and causes untreated sewage to discharge through 38 bypass pipes.

San Jose's new, ultramodern sewer plant provides "secondary" treatment for its more than 1,240,000 gallons of sewage per day, yet even this very advanced process fails to meet the regional board's standards because of stagnant tidal conditions in South San Francisco Bay, Dierker said.

In addition to the Bay Area's 398 million gallons of municipal sewage, there is a total flow of 269 million gallons per day of industrial waste discharged directly into the Bay by 44 industries, Dierker said.

Approximately 94 per cent of this industrial waste total is water used to cool industrial machinery, mainly in electricity-producing steam plants, oil and chemical companies and steel refineries.

The cooling water is drawn out of the Bay, cycled through a factory in a closed pipe system and discharged back into the Bay. There is considerable dispute about whether these vast flows of warm—sometimes boiling—water are actually a form of pollution.

Fisheries experts say some big flows of industrial cooling water are capable of upsetting the balance of nature in portions of the Bay, but the regional board doesn't classify cooling water discharges as pollution.

SAN FRANCISCO SEWER SYSTEM MUNICIPAL ANTIQUE

(By Fred Garretson)

There are 91 cities in the Bay Area, but only the city of San Francisco operates an antique municipal sewer system which overflows and dumps raw sewage onto public beaches and the waterfront every time it rains.

The other 90 cities—with varying degrees of success—have taxed themselves for expensive public works projects which are at least the first effective steps toward cleaning up the pollution in San Francisco Bay.

But unless San Francisco does something about its raw sewage discharges, the rest of the Bay Area cities are going to be reluctant to invest more money in cleaning up water pollution.

This is the opinion of Sidney S. Lippow, of Martinez, the "public-at-large" representative on the Bay Area Regional Water Quality Control Board.

"All over the Bay Area people are saying, 'Why should we spend more and more money building bigger and more advanced sewage treatment facilities if you're going to let San Francisco get away with doing nothing'," Lippow said.

Grant Burton, of Alamo, long-time chairman who retired from the regional board last week, said, "San Francisco city officials spent 18 years trying to avoid doing anything about the problem."

Burton advocates "turning the problem over to the State Attorney General" for prosecutions. The law provides for possible jail sentences for officials and fines of up to $50,000 per day for the city—as long as the city violates pollution control laws.

Fred Dierker, executive officer of the regional board, explained that most cities have two sets of pipes buried in their streets. One pipe system handles sewage and the other pipe carries away rain water from the streets.

But San Francisco uses a "single pipe" system which receives all the liquid waste from toilets, street gutters, roof storm drains, garbage disposal machines, industrial acids, hospital refuse and even the sweepings from the elephant cage at the zoo.

During dry weather, almost all of San Francisco's liquid waste ends up in one of the city's three sewage treatment plants and is given low-grade "primary treatment" to remove floating grease and solids before its discharge into the Bay or ocean.

But in wet weather, the rush of rain water from the streets pours into the sanitary sewers and overwhelms the system. Sewage cascades through the treatment plants without time for adequate treatment.

Sewage backs us in the main pipes and—because of the San Francisco system's design—starts overflowing through 38 "sewer diversion structure outfalls" located on beaches, marinas and under the San Francisco docks.

Even in dry weather the San Francisco system is primitive by the standards of other Bay Area cities.

The North Point and Mile Rock Beach discharges are given only "primary" treatment, chlorinated and discharged at the water's edge. The Islais Creek treatment plant discharge isn't chlorinated and is discharged to fester in a dead-end lagoon.

By contrast, most Bay Area cities have built—or are actively planning—expensive "secondary" treatment facilities which cycle sewage through a series of processes which, some engineering consultants claim, turns sewage into "swimming pool quality water."

Some communities, such as Valley Community Services District near Livermore, use even more advanced "tertiary treatment," which turns sewage into an effluent which almost equals the U.S. Public Health Service standards for drinking water.

East Bay Municipal Utility District Special District No. 1, covering Oakland, Berkeley, Emeryville, Albany, Piedmont and Alameda (and soon to add El Cerrito and Kensington) uses what Dierker calls "advanced primary" treatment.

However, instead of discharging at the water's edge as is done in San Francisco, EBMUD's treated sewage passes through a long pipe and disperses in a deep channel in the middle of the Bay where there are strong tidal currents.

In addition, EBMUD is designing secondary treatment facilities and is considering a further program to treat storm water discharges which pick up pollution from city streets.

Some South Bay cities are planning to bond themselves for expensive equipment that would carry their already treated sewage through pipes 20 miles long to discharge it into better tidal currents.

Water pollution control is expensive.

Dierker said most cities and sewer districts charge the equivalent of more than 50 cents per $100 assessed valuation for sewage treatment facilities. Until recently Oro Loma Sanitary District residents in Ashland paid 97 cents, and in some parts of the Bay Area the cost is higher, Dierker said.

Dierker and Daniel Murphy, an engineer for the regional board, both stressed that a properly designed sewer system has an emergency overflow that would discharged raw sewage into a river or the Bay in case of a major disaster such as an earthquake or a big flood.

The difference between San Francisco and every other city in the Bay Area is that fundamental design in San Francisco causes its system to overflow raw sewage in every rain storm.

No one knows how much of San Francisco's sewage goes into the Bay raw, but according to Murphy, during what engineers call a "five-year storm," 99.25 per cent of the water flowing in San Francisco's sewers does not even go into a treatment plant.

What little sewage does reach the treatment plant simply cascades through the pipes without a chance to settle.

In such a storm (equal to half an inch of rainfall in any one hour period) the sewers are discharging at the rate of 20,000 cubic feet a second where the maximum hydraulic flow which could receive even minimal treatment is only 150 cubic feet per second, Murphy said.

All storm drains carry some pollution from streets and roofs, but the San Francisco problem is made worse because the rush of water from the streets loosens the accumulation of grease and slime inside the sanitary sewer pipes.

"That first few hours of flow out of the San Francisco diversion outfalls is extremely bad stuff," Murphy said.

Burton, a member of the regional pollution control board from its formation in 1950 until last week, said the agency prefers to work closely with local people rather than clubbing them with legal action to upgrade sewage treatment facilities.

"But," Burton recalls, "we spent more than 18 years trying to get the San Francisco City Administration to discuss the problem, but they kept dodging us."

"On one occasion we arranged a meeting with the San Francisco supervisors in their own board of supervisors chambers, but none of them showed up for the meeting.

"Another time some supervisors came to a meeting, but they started denouncing their own city engineering staff when they started to talk about the problem. Maybe they thought their own city employees were members of the regional board staff, or maybe they just didn't want to hear about it," Burton said.

However, Burton praises Joseph Alioto as "the first San Francisco mayor in the past 18 years who has been willing to at least talk about the problem."

But, Burton stressed, "There's a difference between talking about a problem and doing something about it."

Jerome Gilbert of Novato, present chairman of the regional board, said, "There's a well-founded lack of confidence in San Francisco's willingness to actually solve the problem."

He said pressure from the Federal Water Pollution Control Administration finally produced a resolution by San Francisco supervisors last October which officially admitted, for the first time, that the city has a sewer problem and proposing a time table for partially solving it.

He said federal authorities refused to approve a minor federal grant to the city until supervisors filed a time schedule for providing secondary treatment of all sewage.

There was the implied threat that the government would start rejecting other kinds of federal grants for the city.

The San Francisco resolution promised to provide secondary treatment at two of three city treatment plants by 1975 and said the city would start treating four of its 38 wet-weather raw sewage discharges.

Regional Board member Sidney Lippow said the San Francisco resolution was "full of a lot of weasel words" which, even if carried out completely, would solve only part of the problem.

San Francisco supervisor Robert Mendelson, who presented the resolution to the regional board, said that because of other urban problems San Francisco won't budget much money for sewage treatment and said the Federal Government would have to pay most of the cost.

Under questioning by the regional board, Mendelson said the "secondary treatment"

standards all other Bay Area cities are being asked—or compelled—to obey, are too expensive to apply in San Francisco.

"But I'm sure San Francisco can probably get an adjustment in the federal standards for this city," Mendelson said.

This observation stunned officials of other Bay Area cities, who have spent more than $300 million since 1950 on sewage treatment facilities and are planning to spend much more to meet federal and state standards.

Mendelson said San Francisco officials declined even to consider financing the improvements through sewer service and sewer connection charges which have financed the ambitious pollution control programs in Oakland and San Jose.

The regional board's suspicions about San Francisco worsened in December when city officials failed to show up—until after adjournment—at a regional board meeting called to consider detailed implementation of San Francisco's plans.

At that meeting William Bishop, a federal pollution control official, testified that a $921,000 federal grant had been given to San Francisco in June to finance a demonstration design project to suggest various ways to eliminate the wet-weather raw sewage discharge from the Baker street sewer at the St. Francis Yacht Club.

But, board chairman Gilbert discovered, six months after the money was given to San Francisco, the city hadn't even let a design contract.

"If you're having that kind of trouble on something as simple as this, what's going to happen in the next few years when you're scheduled to have real work under way?" Gilbert asked San Francisco officials.

San Francisco will have real problems complying with their promise to provide secondary treatment of the massive flows of sewage in wet weather.

Secondary treatment requires holding sewer water for hours at a time when flow of the San Francisco sewers is big enough to fill a good sized reservoir in a short time.

Murphy said it will require imaginative thinking, such as possible carving out huge tunnels or caverns in the San Francisco hills to hold storm flows until they can be treated. Conceivably such a system could generate hydroelectric power as sewage flows down to treatment plants, he said.

San Francisco officials reject the idea of doing what Oakland is doing in older parts of the city—digging up the old single-pipe system and installing separate pipes for sanitary sewage and storm drainage.

(Oakland spends $1 million a year from special tax funds specifically earmarked for this purpose.)

Murphy said installing two pipes would require digging up every single street in San Francisco and also reinstalling the plumbing in every building in the city because toilets and roof drains are now connected to the same pipe system.

Oakland and Berkeley used rapid transit construction as an opportunity to replace many older portions of their sewer systems, but San Francisco is reconstructing Market Street with the same old antique single-pipe sewers.

Murphy said it would be useless to put separate sanitary and storm pipes under Market Street if all the tributary sewers from surrounding streets still used the old system.

But, Murphy said, complete replacement isn't impossible.

He noted that the U.S. Defense Department rebuilt and separated storm and sanitary pipes at the Presidio and at San Francisco Naval Shipyard; both handle as much sewage as a small city.

However, the Army and Navy sewer cleanup programs didn't have much effect. The brand new systems were reconnected to San Francisco's obsolete single-pipe sewers.

And when it rains, Army and Navy toilet flushings still pour out onto the public beaches, along with the sewage of 740,000 San Franciscans.

SEWAGE CONTROL VESTED IN BOARDS

(By Fred Garretson)

Control of water pollution is fundamentally a state responsibility which in the San Francisco Bay Area has been delegated to an autonomous, and powerful, local board known as the Bay Area Regional Water Quality Control Board.

There are nine such boards in California whose boundaries of authority are set up on watershed lines which have only a passing relationship to city or county boundaries.

The Bay Area regional board has authority to specify standards for all waste water discharges into streams, rivers or ground water flowing into San Francisco Bay as far eastward as a point about one mile west of Antioch Bridge.

The control of waste flows in the Sacramento and San Joaquin Valleys, and the Delta—which has a major effect on the quality of Bay water—is controlled by a Central Valley regional board encompassing 40 per cent of the land area in the state.

The Bay Area board's authority also extends 50 miles out into the Pacific Ocean and along part of the San Mateo and Marin County ocean coastlines.

The Bay Area board's authority covers at least parts of all nine Bay Area counties, although most of Sonoma County lies in the jurisdiction of the North Coast regional board, which had headquarters in Santa Rosa.

The seven members of the regional board are appointed by the governor for four-year terms. By law, six members represent special interest groups and one represents the public at large.

Jerome Gilbert of Novato, manager of the North Marin Water District, the chairman of the board, last week was appointed executive officer of the State Water Resources Control Board, which sets broad policies for the nine regional boards in the state.

His appointment leaves a vacancy on the regional board for a representative of a water supply agency in the nine county area.

Other members are:

Vice-chairman, Ercole Caroselli of San Francisco, a Pacific Gas & Electric Co., executive representing industrial waste dischargers.

James F. McCormick, of Moraga, manager of a Berkeley printing firm, representing conservation groups; William C. Weber, of San Mateo, a businessman and city councilman representing city governments.

Edward Teresi, a San Jose land developer, chairman of the Santa Clara County Planning Commission, representing county governments; Cecil E. Herrick, Napa Valley farmer, representing agriculture interests who depend upon irrigation.

Sidney S. Lippow, of Martinez, a businessman with diversified holdings, is the public-at-large representative.

Teresi and Weber were appointed to the board last year by Gov. Ronald Reagan.

Herrick was appointed last week to succeed Grant Burton of Walnut Creek, longtime chairman of the regional board who had served on the regional board since it was created in 1950 following passage of the Dickey Act, which set up the state pollution control program in 1949.

The regional board office is at 364 14th St., Oakland.

Since 1950 it has compelled or convinced cities and sewer districts to spend more than $300 million of sewage treatment facilities, plus other millions for private industrial waste treatment, according to Fred Dierker, the board's executive officer.

The board's top engineers are Roger James, policy formation; Dr. Teng Wu, surveillance, and Bill Gingrich, administration.

Regulatory engineers for special county areas are H. C. (Chuck) Knapp, Contra Costa, Solano and Napa; Dan Murphy, Marin, Sonoma and San Francisco; Robert Scholar, San Mateo, Santa Clara and Alameda.

The board's powers are purely regulatory, with the actual operation of sewage treatment facilities in the hands of local governments or industries.

Dierker stressed that the board can't compel a local government or industry to use a specific type of treatment process.

The board sets engineering standards either for the actual sewage discharge or for certain specified levels of water purity in the "receiving waters" (usually a specific section of the Bay or a river near the discharge site.)

Unlike most government agencies, the regional board has the power to change the rules at any time for any discharger.

Agencies who violate the board's orders are served with cease and desist orders. In severe cases the problem is certified to the county district attorney (or the state attorney general if the county official refuses to act) for possible prosecution.

City or industry officials can then be found in contempt of a court order, if pollution continues, and jailed. Fines of up to $50,000 per day—or even larger—against the offending agencies are possible.

The regional board operates under guidelines set down by the five member California State Water Resources Control Board. The chairman is Kerry Mulligan, former mayor of St. Helena.

The Federal Water Poluution Control Administration, an Interior Department agency, whose southwest regional headquarters are in San Francisco, with Bay Area offices in Alameda, has a broad influence over pollution control programs.

FWPCA has the power to give or withhold federal grants, which often amount to more than 50 per cent of a multi-million dollar local project, in effect, a life-and-death control over these local government projects.

Another major agency is the Bay-Delta Project, a special state agency drawing up a master plan for waste disposal in the Bay Area plus portions of three more ccunties east of the Sacramento-San Joaquin Delta. Much of the Bay-Delta Project planning has been done under contract by Kaiser Engineers of Oakland.

Gilbert said the regional board is seeking to persuade cities and sewer districts to consolidate their operations into larger, more efficient sewage treatment plants.

The model for such consolidation is East Bay Municipal Utility District No. 1, which treats all sewage from the cities of Oakland, Berkeley, Emeryville, Piedmont, Albany and Alameda and will soon annex the Stege Sanitary District in El Cirrito and Kensington.

INDUSTRY LENDS A HAND IN BAY POLLUTION BATTLE

(By Fred Garretson)

Industry has been one of the major polluters of San Francisco Bay.

For decades it befouled the water with unchecked streams of butchered hogs' blood, fruit packing sugar, sulphuric acid, copper smelting poisons and the multitudinous deadly wastes of oil refineries.

But times have changed.

A number of major industries—but by no means all of them—are now taking significant, and expensive, steps to clean up the Bay and to keep it clean.

The most recent figures compiled by the Bay Area Regional Water Quality Control Board show 44 industries discharging 269 million gallons of industrial waste per day directly into the Bay through industry-owned sewer pipes.

In addition, industry provides a big proportion of the flow of 398 million gallons of waste per day discharged into the Bay by municipal and sanitary district treatment plants.

This witch's brew of industrial waste poured into the cauldron of the Bay, combined with the sewage of 4.5 million people in the Bay Area metropolis, could without control turn the Bay into an algae-covered dead sea, according to regional board officials.

Control of pollution requires setting and enforcing specific engineering standards. Some industries have a big financial stake in how high the standards are set and the cost to industry of complying.

To understand industry's role in the Bay pollution problem, it's necessary to look at some specific examples.

One of the major policy decisions now facing the regional board—is a proposal to establish "thermal pollution" standards.

The board's reports say that 94 per cent of the industrial waste discharged directly into the Bay consists of "cooling water" that has been pumped out of the Bay, cycled through factories to cool off hot machinery, and then discharged back into the bay several degrees warmer—and sometimes boiling hot.

The most outspoken opponent of thermal pollution standards is Pacific Gas & Electric Co. which uses a huge flow of cooling water at its power plants at Pittsburg, Antioch and San Francisco, and is planning to build more such plants in the Bay, including an atomic power plant at Collinsville.

These flows of warmed-up water affect wildlife. PG & E argues that warming up the Bay stimulates marine life and improves fishing. Some naturalists say it's bad for wildlife.

The board is also considering stiff new regulations reducing the already minute traces of radioactivity allowed to be discharged into the Bay.

State officials say the radioactivity rules are necessary to protect delicate forms of marine life whose natural processes help clean up other forms of Bay pollution. PG&E objects that the new rules will hurt atomic power plant projects and perhaps make electricity more expensive in the future.

The regional board, consisting of seven laymen appointed by the governor, including a PG&E executive as the official representative of pollution-causing industries, will wade through a mass of conflicting expert testimony, and then set engineering standards for the nine Bay Area counties.

Under terms of the Dickey Act, which creater the regional board in 1950, these seven men have enormous power to set very high pollution standards for one city or industry, set low standards (or no standards) for a neighboring community . . . and to change the regulations at any time.

The differing treatment given to two companies—Humble Oil and Refining Co., and Johns-Manville Products Corp.—illustrates the problem.

Humble Oil has been criticized at times in national conservation circles.

Three years ago conservationists gathered almost a million proxy votes and marched into the stockholders meeting of Standard Oil Company of New Jersey (Humble's parent corporation) to demand—successfully—that a proposed Humble refinery not be built on a Monterey County beach.

Yet, Fred Dierker, executive officer of the regional pollution control board, says, "Humble is doing a good job on control of Bay pollution."

Coming from a tight-lipped engineer like Dierker, that's high praise.

When Humble set out to build its new $100 million refinery at Benicia (the one that got thrown out of Monterey), the company accepted—with a minimum of battling over specific details—the stiffest water pollution control standards ever established for a Bay Area industry.

In addition, company officials say, the new plant in Solano County will comply with regulations of the Bay Area Regional Water Quality Control District even though Solano County isn't a member of the district and the county board of supervisors is fighting to keep state and federal air pollution regulations out of the county.

Dierker said he'd like to see more companies with Humble's cooperative attitude move into the Bay Area.

In contrast, Dierker cites the problem of pollution at the Johns-Manville Products Corp. plant at Pittsburg.

Johns-Manville has an outstanding national reputation as a manufacturer of pollution control equipment and a company where top management figures are active in wildlife conservation.

For this reason it was one of a handful of Bay area industries which, under a regional board policy, was permitted to operate under "self regulation" rules for 18 years with the understanding that the company would voluntarily clean up its pollution by redesigning production facilities.

Dierker said some industries spent millions of dollars cleaning up pollution under this voluntary policy.

But in May, 1968, the board's inspectors visited Johns-Manville for the first time and found 1.04 million gallons per day of untreated waste pouring into the deadend lagoon of New York Slough on the south side of Suisun Bay.

This is a spot where tidal fluctuations during winter and spring can easily carry significant amounts of this pollution into the drinking water intake pumps of both the city of Antioch and the Contra Costa County Water District.

The board report said the Johns-Manville discharge consisted of the toilet flushings of 300 workers "mixed with industrial waste from the manufacturing of tar paper, asphaltic and asbestos roofing and asbestos-cement building products."

Company officials did not appear at a public hearing to discuss the problem. The regional board then ordered stiff regulations for the company's plant and asked the staff to draft some more.

Johns-Manville national officials were stunned by the resulting publicity and promptly flew top management officials to California to issue a public apology.

The company is still discharging raw waste into the Bay, but the plant will be hooked up to the Pittsburg city sewer system by May. This has required redesigning Pittsburg's sewage facilities.

The regional boadr's policies toward industry differ with each plant. Situations which would be considered intolerable in the stagnant waters of South San Francisco Bay might be acceptable in North Bay areas which have a strong natural tidal "flushing action."

Tidal flushing in the south Bay (generally south of Bay Farm Island and Hunters Point) is so poor that Army Engineers tests show that only one-millionth of the sewage discharged at Redwood City gets flushed out of the Golden Gate by tidal action in a measurable length of time.

The Army tests on the Bay model at Sausalito shows pollution dumped into the South Bay simply flows up into all of the tidal sloughs and sits there.

San Jose's ultra-modern new $32 million treatment plant, which serves 750,000 people, has improved the South Bay situation since 1964, but even the San Jose plant can't meet the desired South Bay water quality standards.

San Jose, and other South Bay cities, are now considering constructing a 35-mile-long sewer pipe up the Bay from Alviso to the vicinity of Treasure Island so that San Jose's already highly treated sewage can discharge where tidal currents will carry it to the ocean.

The situation in the North Bay is different. Dierker said the city of Vallejo uses only low-grade "primary" sewage treatment, but its discharge into the fast moving currents of Carquinez Strait is adequate to disperse the waste.

The last of the "self-regulating" industries brought under regional board control was the California and Hawaiian Sugar Co. at Crockett, which sends its sewage to a municipal treatment plant but also discharges 45.2 million gallons of industrial waste per day into Carquinez Strait from 21 outfalls.

The board's policy statement about C&H, drafted by Dick Russell and H. C. Knapp, of the board's staff, said 96 per cent of the discharge is cooling water.

The report said the remaining flow consists of sodium carbonate cleaning chemicals, burned sugar, raw sugar and the washings of sugar-processing machinery, battery acid, sulfamic acid, hydrochloric acid, hydrofluoric acid, etc.

This would be a bad combination in most areas of the Bay—particularly the sugar discharge, which burns up oxygen in the water, kills fish and can turn salt water black.

Sugar in cannery waste at San Jose is the major source of water pollution in the South Bay.

But, Russell explained, "The flow of water at Carquinez Strait is tremendous and the C&H discharge isn't really a problem." In engineering terms, he said, "pollution is a function of volume" and at the C&H plant the volume of good water is tremendous.

There is widespread evidence that industry is willing to spend considerable amounts of money to clean up pollution, but in most cases the actual figures aren't available as a matter of public record.

Ronald James, mayor of San Jose, recently told a pollution control meeting "A few years ago the local managers of national corporations wouldn't give us the time of day when we talked about pollution.

"We have some bad stuff flowing into San Jose's sewers, including sugar and various cannery wastes, acids and chemicals from electronics manufacturing and other things that are difficult for a treatment plant to handle.

"But recently, the local plant managers have been told by national firms that they're supposed to cooperate. In most cases we're getting good cooperation.

San Jose enacted a sewer tax surcharge under which industries with difficult-to-treat sewage are charged at a higher rate. This has resulted in considerable experimentation in "pre-treatment" to clean up waste before it goes into the sewers.

East Bay Municipal Utility District is considering the same sort of surtax for hard-to-treat sewage in Oakland, Emeryville, Alameda, Berkeley, Piedmont, Albany, El Cerrito and Kensington.

However, in San Francisco, where the worst kind of raw, untreated industrial pollution pours out from overflowing sewer lines every time it rains, the county board of supervisors is on record as opposed to any kind of sewer tax, sewer surtax or sewer connection fee.

When asked what the possibility of using such taxes to clean up the San Francisco mess, San Francisco Supervisor Robert Mendelsohn, chairman of the health committee, told the regional board, "We aren't even considering anything like that."

The Islais Creek Sewer Treatment Plants, which discharge the toilets of 161,000 persons, plus the south-of-Market industrial area, into a dead-end lagoon one block from the San Francisco Wholesale Produce Market, doesn't even chlorinate the sewage.

The regional board's report on San Francisco County found 660,000 gallons per day of untreated waste, mostly in the industrial

district, discharging into the Bay because pipes hadn't been hooked up to flow into the sewer treatment plants.

Under board orders the city shut down a dozen individual company raw sewage discharges and agreed to tie the South Fourth Street industrial area sewer pipes into the municipal collection system.

At the San Francisco Port Authority docks the regional board investigators found 207,000 gallons of raw sewage per day flushing directly into the Bay from 405 toilets, 243 wash basins and 180 urinals.

The city has launched a program of connecting San Francisco Port Authority toilets to the municipal sewer system although some officials consider this a futile effort because of the flows of raw sewage pouring out under the docks from the rest of the city sewer system.

The regional board report concluded: "The city and county of San Francisco has the ambivalent role of being the greatest waste discharger while requiring the greatest protection of Bay waters along her shore for beneficial uses."

There are some kinds of pollution which are extremely visible in the Bay but are considered harmless to wildlife and are therefore at the bottom of the board's priority list.

Dierker said these include the reddish tint seen in the water near the Bay Bridge Toll Plaza, which he said is iron oxide from an Emeryville paint plant. A white tinge can be seen near a South San Francisco milk of magnesia factory.

Dierker said a "very significant" effort is being made by a committee of industries to clean up pollution in the North Richmond area in the cove east of Point San Pablo.

During the past four years the dischargers spent $5,145,000 on new pollution control equipment and worked on a major long range plan to eliminate pollution to this cove.

A report issued by the industrial committee listed spending in four years as: Allied Chemical Corp., $90,000; Chevron Chemical Co., $1,632,000; San Pablo Sanitary District, $236,000, and Standard Oil Co. of California, $3,187,000.

On Jan. 15, the regional board adopted a policy, agreed to by the dischargers, under which dischargers promised to work toward the "maximum feasible degree" of treatment in North Richmond.

Dierker said, "This means tertiary treatment (very pure) discharges. The companies and the sewer district might elect to use a lower degree of treatment and discharge it far out into the Bay through a long pipe, but in that case they'd have to come back to the board to ask for a lowering of standards."

This program might turn North Richmond into one of the most beautiful spots along the shoreline of San Francisco Bay.

SAN FRANCISCO REALLY HAS A SEWER PLAN—BUT JUST WHAT IS IT?

(By Fred Garretson)

San Francisco city officials talk boldly, but not too confidently, about Mayor Joseph Alioto's master plan to clean up the San Francisco sewer mess.

After 20 years of playing hide-and-seek with the Bay Area Regional Water Quality Control Board, San Francisco's supervisors caved in to strong pressure from the U.S. Interior Department and on Oct. 28 passed a resolution agreeing to obey state pollution control laws.

On Nov. 13 Alioto signed the official "policy of intent to adhere to a schedule for compliance with waste discharge requirements" established by the pollution control board.

At the same time Alioto let it be known that San Francisco wouldn't be able to meet the time schedule unless the state and federal governments put up most of the money to buy pollution control facilities which the other 90 cities in the Bay Area have taxed themselves to pay for.

Nonetheless, Alioto and other San Francisco officials have been able to say, "We are proceeding with a plan . . ."

But there is considerable confusion among San Francisco's top officials about just what that plan is:

Mayor Alioto says it's a $300 million plan to build a great sewer discharge pipe stretching miles out into the ocean. He tells reporters, "See Tom Mellon for the details."

Chief Administrative Officer Tom Mellon says its a $600 to $800 million plan to build huge "sewage caverns" in the San Francisco hills and to construct many small treatment plants along the shoreline. He tells reporters to "See Myron Tatarian for details."

Public Works Director S. Myron Tatarian says it's a $135 million plan to extend three city sewer treatment plant outfalls a few thousand feet out into the Bay and to "do something" about the great streams of human excrement which now cascade across the public beaches in the western part of the city after every little rainstorm.

Tatarian doesn't pass the buck to anyone, but he refers a lot of questions to City Engineer Robert C. Levy, who said the city is considering a whole galaxy of plans including sewage caverns, mini-treatment plants, shoreline sewage holding ponds, and, if worst comes to worst, maybe a big pipe out into the ocean.

San Francisco's fundamental problem is an antique design which combines sewage and storm water runoff in a single pipe system which, in dry weather, delivers sewage to three treatment plants, but which in wet weather overflows raw sewage through 41 bypass pipes along the city shoreline.

Tatarian said the plan adopted by the Board of Supervisors is:

1. By 1975 the city's average daily dry weather flow of 99 million gallons of partly treated sewage will be discharged in deep water tidal channels instead of spilling out close to shore in brown waves under the docks near Fisherman's Wharf, in a deadend creek near the San Francisco Wholesale Produce Market and directly onto the sands of Mile Rock Beach near Lands End.

2. By 1981, if all goes well, 12 of the city's 41 wet weather sewer discharge pipes along the ocean beaches and near Aquatic Park and the Marina will be fixed so that human excrement will no longer be dumped onto the public beaches.

No provisions were made to fix up the other 29 sewer outfalls along the Bay shoreline south of Pier 45 (Fisherman's Wharf). This area includes not only the largest sewers, but the heaviest population densities in San Francisco.

San Francisco is divided into three "sewer watershed" zones whose resident populations are: Richmond-Sunset, 170,000; Southeast (the industrial district), 161,000; North Point (including all of downtown) 409,000.

By 1981, if the city can meet the official timetable, all of Richmond-Sunset's wet weather discharges, plus four of the 20 North Point Sewers (Baker, Pierce, Laguna and Hyde Streets) will be fixed. No one knows for certain, but these four sewers apparently serve about 60,000 persons.

This means that the toilet flushings of the entire Southeast Zone, plus 350,000 residents of the North Point Zone will continue the pour untreated into the Bay during wet weather.

The current boom in skyscraper office and apartment houses will increase the number of toilets in this zone.

A 1965 survey by the Northern California Transit Demonstration Project showed 890,299 daily trips in and out of San Francisco Central Business District between 10 a.m. and 6 p.m. on weekdays.

This figure can be subjected to wide interpretation because visitors contribute to the sewers through toilets, restaurant dishwashing and garbage disposal machines.

City planning department officials said this particular study counted commuting workers only once, but downtown shoppers twice and also included some of the through traffic from the Bay Bridge that bypassed downtown San Francisco. The figure doesn't include evening visitors to San Francisco.

But by conservative estimates the figure could be translated into 450,000 visitors depositing into the sewer system.

This means that in the North Point and Southeast Sewer Zones the raw sewage of almost one million people will continue to get dumped into the Bay untreated every time it rains.

The timetable adopted by the Board of Supervisors and proclaimed as official policy by Mayor Alioto, makes no provision for these 29 sewers except to say that the problem will be considered "as the need arises," if and when water contact sports facilities are built along the waterfront.

Tatarian says this means that individual sewers will be diverted if the city decides to build a marina or swimming facility at a spot where a sewer now discharges.

And Tatarian stresses, the multi-million cost of fixing the sewers will be computed as part of the cost of the recreation development.

This runs exactly opposite to the policies of the regional water pollution control agency, which aims to make all parts of the Bay safe for swimming.

Levy said reconstructing the entire San Francisco sewer system to modern standards by putting in separate sanitary and storm drainage pipes would cost $1.4 billion.

He said it would require digging up every street in the city, and rebuilding the plumbing of every building to separate the sanitary pipes from the roof rain drains.

Half of the cost would be public money. The other half would be borne by private property owners, who would have to pay an estimated $2,000 per dwelling unit to make the conversion, Levy said.

"There wouldn't be any money available for other civic projects," he said.

Tatarian and Levy said various types of construction could solve a major part of the sewer overflow problem—mainly sewage retention basins—and might bring San Francisco into conformity with water quality control board standards.

They said extending dry weather outfalls into the Bay and making internal treatment plant improvements would cost $35 million.

Fixing the wet weather outfalls on ocean beaches and near the Marina District would cost $45 million. Fixing the other 29 wet weather sewer outfalls would cost $55 million.

However, Levy stressed, these are 1968 dollar figures which don't include bond interest costs, inflation or rising land and construction costs, which they said are increasing five percent per year.

Levy said these cost figures are optimistic estimates based on tentative conclusions by consultants working on an experimental design for a miniature wet-weather treatment plant that might meet water pollution standards.

This pilot plant is proposed for the Baker Street Sewer outfall next to St. Francis Yacht Club.

The success or failure of this experiment will affect all future planning to clean up the San Francisco sewer problem.

Mr. REID of New York. Mr. Chairman, I rise in strong support of H.R. 4148, the Water Quality Improvement Act of 1969.

This measure contains several important safeguards to preserve the remaining purity of this Nation's water re-

sources and to insure that they will be free of the pollution that results from a number of major activities.

In particular, the bill provides strict controls on oil pollution and establishes the liability of the owner of the facility responsible for the oil leak for cleaning up the water and surrounding beaches. I believe that the civil and criminal penalties in this section of the bill for failure to comply with these requirements are fair and necessary in light of the several recent tragic oil leaks.

There is another aspect of this legislation which I would like to emphasize briefly. That is section 11(b) which requires that any applicant for a Federal license for an activity that may discharge waste into the navigable waters of the United States present the issuing agency with certification from the affected States that the activity will be conducted in such a manner that it will not reduce the quality of the water below the State's accepted standards. This provision is specifically intended to require that the Atomic Energy Commission take thermal pollution into consideration when issuing licenses for nuclear generating facilities.

This section was included in the bill over the objections of the chairman of the Joint Committee on Atomic Energy, who sought to weaken it in several particulars. I applaud the firm stand of the Public Works Committee in insisting on these sensible precautions so that the thermal standards for water quality adopted by 34 of the Nation's water quality jurisdictions will not be meaningless in the eyes of the AEC.

In my judgment, we must give much more study to the deleterious effects of thermal pollution. While many States have made progress in adopting thermal standards for water quality, there are indications that some of those standards are inadequate. I feel that we should effect a moratorium in the construction of nuclear powerplants until we can be sure not only that the plants present no radiological hazards, but also that they will not reduce the quality of surrounding waters or upset the ecological balance in the area. There has been some indication that the coolant towers associated with nuclear plants can be a source of enormous air pollution, and even cause weather modification in some instances. While these aspects of power production are not of immediate concern in connection with this legislation, my colleagues may wish to bear them in mind for future discussions regarding air pollution, nuclear plants, and the quality of our environment. To further befoul our air and water and retard their purification in the name of advancing technology would be folly.

It is my understanding that the gentleman from Ohio (Mr. VANIK) will propose an amendment to this bill, to incorporate the features of H.R. 9382, of which I am a cosponsor. Mr. VANIK'S amendment would provide an emergency fund to provide permanent corrective relief for those areas of the Nation which are in environmental crises. Included among those "pollution disaster" areas are the Lake Erie basin, the great rivers, and other offshore regions. The problems in these areas are international, interstate, and of such magnitude that their solution is beyond the capacity of any single State. I urge my colleagues to support Mr. VANIK'S amendment, in order that these areas may receive the urgent attention which they need.

Finally, Mr. Chairman, while I commend the committee's comprehensive approach to the problem of water pollution, I feel that the appropriations authorized by this legislation are totally inadequate. It has been estimated that, to restore this Nation's waters to their natural state and keep them that way, we would need to spend $100 billion between now and the end of the century. This bill would authorize appropriations of only $348 million during the next 3 fiscal years. I hope that my colleagues will provide full funding for this legislation, will increase the funds for water pollution control in future years, and provide funds for sewage treatment in an additional bill. There is a critical need for legislation providing for the treatment of solid wastes.

Mr. WOLFF. Mr. Chairman, I am pleased to join in support of the Water Quality Improvement Act of 1969 which promises to be another major step forward in our effort to curb water pollution and protect our environment for future generations.

There is a special pleasure in supporting this bill because section 18 contains provisions I had previously introduced as separate legislation to control sewage from vessels. I am, of course, gratified to see my long-standing recommendation included as part of this omnibus legislation.

It is essential that this legislation receive our prompt affirmative action. Every day our waterways are being polluted by waste from vessels, industrial spillage, oil slicks, and other pollutants that collectively threaten to permanently destroy our environment. I have long felt this is an area, along with air pollution, deserving the highest priorities of the Federal Government. It is therefore reassuring that this legislation is among the first major bills to come before the House this year. I trust we will pass this bill without delay and declare ourselves firmly in favor of necessary controls on the menace of water pollution.

As has been noted in debate the major provisions of this legislation are designed as a greatly needed assault on the problem of pollution from offshore oil drilling and oil leaking from tankers. This problem has increased sharply in recent years and reached its unfortunate zenith in January and February when the beaches of southern California were turned into filthy, blackened sponges full of oil. A repetition of this tragedy, which killed fish and wildfowl besides ruining recreational and natural resources for human enjoyment, cannot be tolerated and I am hopeful this bill would begin to solve this problem.

I am also impressed by those provisions of the bill requiring assurances that industries and utilities discharging wastes into waterways provide necessary assurances that the waste will not violate existing guidelines on pollution. This is a constructive step in the effort to curb the still unmeasurable impact of thermal pollution.

As I noted at the outset I am pleased that the bill contains provisions I had sponsored previously to control the sewage from vessels. As pleasure boating and commercial use of the waterways are growing we must have the necessary protections to ward off still another threat to our rivers, harbors, and shoreline.

This is a good bill that takes a giant step in the effort to stem the rising tide of pollution. With constructive legislation such as this there is reason to hope that the great waterways and shorelines of the United States will be conserved in a manner befitting our heritage. I believe there is little we might do that is more important than conserving that heritage so I am pleased to be able to vote for the Water Quality Improvement Act of 1969.

Mr. LANGEN. Mr. Chairman, I concur with the basic provisions of the Water Quality Improvement Act of 1969, which is before us today. The Committee on Public Works is to be commended for directing early attention to the problems of water pollution, and it is hoped that these proposals receive favorable action.

I am most grateful to the committee for including the basic principles of my own lake pollution control bill, which I introduced in 1967. I urge that this section of the bill be kept intact.

We in Minnesota are particularly aware of the benefits derived from attractive and clean lakes, since we have so many of them.

The scenic surroundings and satisfying recreational and relaxing activities associated with lakes will be in ever greater demand as our population continues to grow. It is quite a sight to see the cars stream out of our cities at the end of the week, all carrying families to a favorite lakeshore spot that promises fresh, clean air and pure water for swimming, boating, fishing, and the many other activities connected with our lakes.

Unfortunately, the presence of man in ever-increasing numbers has aggravated a problem that threatens the future of these great resources. This is why many of us introduced legislation to amend the Federal Water Pollution Control Act to authorize a comprehensive planning program in lake pollution prevention and control. The comprehensive planning programs called for in the bill before us today will go a long way toward halting the steady erosion of our lakes.

The manmade pollution of our lakes is accelerating the normal aging process of such bodies of water. Lake Erie is a conspicuous example, but our smaller lakes, some in Minnesota, also are deteriorating at a rapid pace. Rank vegetation chokes much of the lake beginning in July, and restricts fishing, boating, swimming, and other recreational activities. Subsequently the mass of vegetation begin to rot, creating odor problems, and lowering the oxygen level so that fish frequently die.

These conditions might naturally develop, through the regular aging process,

but it would take thousands of years. But man has accelerated this aging process through pollution. It comes from many sources, such as septic tanks of the shoreline cottages, sewage from cities and towns situated on the watershed, pollution from livestock on farms, and draining from fertilized farmlands. Siltation from erosion within the drainage area further complicates the problem. Unfortunately, a lake has relatively little flushing action, and has much less capacity to dilute introduced wastes than does a flowing stream.

Greatly expanded Federal, State, and local research and demonstration programs are needed to develop practical and effective methods for improving the quality of lake waters. The problem must be attacked on two fronts simultaneously. First, we must find ways to remove or dissipate the existing nutrients. And then we must reduce the nutrients entering the lake.

The clean lakes section of the bill before us is a welcome step in the right direction. It authorizes the Secretary of the Interior to enter into contracts and grants with various individuals, agencies, and organizations, for research and development on the problems of lake eutrophication and other lake pollution problems. The Secretary would also be authorized to develop field laboratories, research facilities, and demonstration projects. We desperately need new and improved methods for the prevention, removal and control of natural or manmade pollution in our lakes. This bill will provide the means of accomplishing these methods.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that the House will approve this bill before us, H.R. 4148, as another forward step in the legislative efforts we have exerted, and which I have supported, over the last several years to strengthen the Federal Government's effectiveness in trying to prevent catastrophic pollution of our waterways.

The provisions of this current measure are designed particularly to help the various States adequately deal with the most vexing problem of oil discharge and spillage by making shipowners liable for such discharge; establishing a revolving fund for reimbursing States faced with sudden and tremendously expensive cleanups of oil and other polluted material; initiating a demonstration program for effective water pollution control; encouraging students, through grants, to undergo training in water quality control; and authorizing funds for extending water pollution control research and development.

Mr. Chairman, the reasons for and the meaning of these and other provisions in the bill have been thoroughly and expansively explained to the membership, and there is no need of enlarging upon them at this time.

The objectives of the bill are unquestionably in the national interest and the appropriations projected are reasonably moderate in consideration of the vital importance of removing and preventing the very dangerous and damaging pollution of our national waters.

Therefore, I hope that this Water Quality Improvement Act of 1969 will be overwhelmingly adopted.

Mr. EILBERG. Mr. Chairman, I want to take this opportunity of recording my unqualified support of H.R. 4148, a bill which will help solve some of the major unmet pollution abatement needs of this country.

There is no question that water pollution is one of the most aggravating and serious problems of our time. For over 10 years now the Congress has been studying the facts and enacting progressive legislation to overcome the shortcomings of public and private action. Nevertheless, our citizens continue to express deep concern over the slow pace of cleanup efforts and achievements to purify the waters of our streams, lakes, and shoreline.

The Gallup poll, in 1968, issued the results of a study in which the people questioned were asked what they considered the most urgent of environmental problems. Thirty-two percent said water pollution. When asked what they considered the best solution, they responded that new ways must be found to stop industrial pollution, existing laws should be better enforced, and new legislation passed.

Enactment of H.R. 4148 will be a significant step in these directions.

The bill provides strong penalties for discharging oil into the navigable waters of the United States and also establishes a program in which the Federal Government can clean up the oil from a spill and require that the industry or person responsible for the spill reimburse the Government for costs of the clean up. In considering this provision, the House Committee on Public Works urged that State and local groups already formed for clean-up operations be called upon for cooperation and assistance. In addition, both national and regional contingency plans are to be developed to meet all future emergency spillages such as the *Ocean Eagle* incident off the coast of Puerto Rico.

Wastes from ships and boats with inadequate marine sanitation devices are a major cause of pollution. According to estimates of the Federal Water Pollution Control Administration, the combined waste being discharged from all watercraft operating in American waters approximates the quantity of raw sewage that could be discharged by a major city such as Buffalo or Cincinnati. The bill authorizes the Secretary of the Interior, after consultation with other appropriate departments, to promulgate Federal standards of performance for marine sanitation devices. The enforcement of these standards would prevent the future discharge of untreated and inadequately treated sewage into navigable waters.

Acid mine drainage is still another major source of pollution. It has been estimated by the Federal Water Pollution Control Administration that each year over 4 million tons of acid-equivalents are being discharged into streams from both active and abandoned mines. These acids can destroy fish and their habitat, thereby greatly reducing the recreational value of our Nation's streams. Experts have indicated that control methods are not yet known. The bill therefore authorizes the Secretary of the Interior to enter into agreements with State or interstate agencies to carry out demonstration methods and projects for acid mine water control.

There is urgent need for more skilled manpower both in research and the operation of treatment facilities. To alleviate this need, the bill authorizes an expansion of the existing training grants program established under the Water Quality Act.

Federal agencies which control property or issue licenses and permits for construction or development, have a major role to play in pollution control, since many of these facilities and operations affect water quality. For example, the dredging and disposition of spoil in navigable waters is controlled by the Corps of Engineers. The bill provides that each agency having jurisdiction over property or over the issuance of permits or licenses must insure that all operations resulting in pollution effects, must be carried out in a manner that will comply with established water quality standards. This provision simply means that the Federal Government, in all of its activities, will lead the way in preventing pollution.

There are a number of research studies that must be sustained in the years ahead if adequate solutions are to be found to outstanding and poorly understood pollution challenges. For example, although some advances have been made on the problem of lake aging or "eutrophication," much more knowledge is required. Research is needed on the control of phosphorus and on the elimination of pollution from combined storm and sewer systems. The bill provides for these and other needs by authorizing appropriations for 2 additional years at the level already provided for fiscal year 1969.

Mr. Chairman, the control of water pollution must be a dynamic effort, responsive to both old and new problems stemming from constant technological change. I have supported the passage of earlier pollution legislation. I hope and I am confident that this House will enact into law this bill before us.

Mr. FASCELL. Mr. Chairman, I strongly support H.R. 4148, the Water Quality Improvement Act of 1969. Adoption of this much-needed protection is long overdue.

Basically, this legislation takes the approach of making those who handle oil and other potential water contaminants responsible for any damage caused by these materials. The existing law applies only to oil damage that is willful or grossly negligent; but the increasing complexity of our civilization has produced many sources of contamination that did not meet these criteria.

The breakup of the tanker *Torrey Canyon*, with its incalculable damage to the coast of England and its nearly $8 million cleanup costs, and the devastation of California's beaches this year by oil from an offshore drilling rig are but two examples of unintentional but tragic dam-

age to wildlife and our natural environment. Making those who handle oil and other possible pollutants responsible for the cost of any damage will provide a powerful incentive for them to take ever greater measures of protection.

One provision of the bill makes shipowners liable for oil discharge or spillage cleanup costs up to $10 million, or $100 million per gross ton. It provides criminal penalties against individuals operationally responsible for vessels who fail to prompty report a discharge of oil or other polluting matter to the Coast Guard or Secretary of Interior. It also provides civil penalties against vessel owners or operators in cases of willful or negligent discharge. The measure would authorize the Government to recover costs of clearing up discharge or spillage presenting an actual or threatened pollution hazard if those responsible are unable or unwilling to remove it.

But this legislation does not stop in these major areas of water pollution concern. It provides protection against discharge of inadequately treated sewage from vessels, and authorizes a demonstration program on acid and other mine water pollution control. Research funds on water quality control are also provided, and it is hoped that these expenditures will enable us to do a far better job of preserving and protecting our water environment in the future.

Taking all of these things into account, the legislation is strongly in the national interest. From my own area's viewpoint, it could help prevent the golden sands of Miami Beach from being despoiled by oil from offshore vessels—a tragedy which has not happened so far only because of good fortune. Internationally, this bill would help cleanse the world's waters by encouraging foreign nations to follow our example.

The increasing size and number of oil tankers, the growing exploration for offshore oil, and the presence of other pollutants make it necessary that we impose these new protections. Therefore, I strongly urge my colleagues to approve this bill.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will read the Committee substitute amendment printed in the bill as an original bill for purposes of amendment.

The Clerk read as follows:

H.R. 4148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Quality Improvement Act of 1969."

Mr. WRIGHT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 4148) and include extraneous matter.

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

There was no objection.

ELECTION TO COMMITTEE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 363) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 363

Resolved, That David R. Obey, of Wisconsin, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Public Works.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRESIDENT NIXON ENUNCIATES VITAL INFORMATION POLICY

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

Mr. MOSS. Mr. Speaker, I direct to the attention of my colleagues an important policy statement by President Nixon concerning the availability of executive branch information to the Congress.

The President, in an exchange of correspondence with me, and as set forth in his implementing memorandum to administrative officials, has stated that any claims of executive privilege to withhold information from the Congress will not be asserted without specific Presidential approval in each instance.

The information policy is consistent with the pattern established in recent years. I wish to express to the President my appreciation and that of the Subcommittee on Foreign Operations and Government Information for taking this significant step in behalf of freer access by the Congress and the American people to information concerning the activities of the Federal Government.

The above-mentioned exchange of correspondence and the President's memorandum are included herewith:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 28, 1969.

Hon. RICHARD M. NIXON,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The claim of "executive privilege" as authority to withhold government information has long been of concern to those of us who support the principle that the survival of a representative government depends on an electorate and a Congress that are well informed.

As you know, some administrations in the past made it a practice to pass along to Executive branch subordinates a discretionary authority to claim "executive privilege as a basis to refuse information to the Congress. The practice of delegating this grave Presidential responsibility was ended by John F. Kennedy when he restored a policy similar to that which existed under previous strong administrations, including those of Presidents George Washington, Thomas Jefferson and Theodore Rooosevelt. In a letter to the Foreign Operations and Government Information Subcommittee, dated March 7, 1962, he enunciated the policy as follows:

". . . this Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents, correspondence and information. That is the basic policy of this Administration, and it will continue to be so. *Executive privilege can be invoked only by the President and will not be used without specific Presidential approval.*"

President Lyndon B. Johnson informed the Subcommittee by letter, dated April 2, 1965, he would continue the policy enunciated by President Kennedy. He stated:

"Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with this subject. Thus, the claim of 'executive privilege' will continue to be made only by the President."

In view of the urgent need to safeguard and maintain a free flow of information to the Congress, I hope you will favorably consider a reaffirmation of the policy which provides, in essence, that the claim of "executive privilege" will be invoked only by the President.

Sincerely,

JOHN E. MOSS,
Chairman.

THE WHITE HOUSE,
Washington, April 7, 1969.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government, Information Subcommittee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Knowing of your interest, I am sending you a copy of a memorandum I have issued to the heads of executive departments and agencies spelling out the procedural steps to govern the invocation of "executive privilege" under this Administration.

As you well know, the claim of executive privilege has been the subject of much debate since George Washington first declared that a Chief Executive must "exercise a discretion."

I believe, and I have stated earlier, that the scope of executive privilege must be very narrowly construed. Under this Administration, executive privilege will not be asserted without specific Presidential approval.

I want to take this opportunity to assure you and your committee that this Administration is dedicated to insuring a free flow of information to the Congress and the news media—and, thus, to the citizens. You are, I am sure, familiar with the statement I made on this subject during the campaign. Now that I have the responsibility to implement this pledge, I wish to reaffirm my intent to do so. I want open government to be a reality in every way possible.

This Administration has already given a positive emphasis to freedom of information. I am committed to insuring that both the letter and spirit of the Public Records Law will be implemented throughout the Executive Branch of the government.

With my best wishes,

Sincerely,

RICHARD M. NIXON.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

(Establishing a procedure to govern compliance with congressional demands for information)

The policy of this Administration is to comply to the fullest extent possible with

Congressional requests for information. While the Executive Branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocation of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege.

RICHARD NIXON.

OIL AND TAXES—THEY DON'T MIX

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

Mr. PODELL. Mr. Speaker, today is the Federal income tax deadline for all people of the United States. Millions of them will fill the night air with tears and recriminations, fulminating at the injustice of it all. Let us look behind this. Let us examine some shocking facts.

Our oil industry pitifully staggers under a Federal tax burden of approximately 8.8 percent, while taxpayers average out closer to 25 percent of their income in Federal taxes.

In 1966, Standard Oil Co. of New Jersey paid out 6.3 percent in Federal tax of a net income before taxes of $1,830,944,000. Gulf earned $655,727,000 in 1965, paying 8.1 percent of it in Federal tax. As you tote up what you are paying today, individual taxpayers, think of Conoco Oil, which earned $241,362,000 in 1967 in net income before tax. It paid out $30,031,000 in taxes to our Federal Government. Atlantic Oil Co. earned $61,110,000 in 1962 and didn't pay a penny in Federal taxes. In 1965, Atlantic earned more than $105 million in net income, and did not pay a penny in Federal tax that year. In 1966, Atlantic earned $127,284,000 in net income and did not pay a cent in Federal tax that year.

How much did you pay, Mr. Taxpayer? How much did your family have to do without that year? Or the year before? How about the year Atlantic got away without paying a penny again? How much did you skimp on food, clothing, and education? How much did you do without in spite of hard work and saving, while oil company barons made fortunes, enjoying them in poverty-stricken leisure?

Pure Oil Co. did not pay a penny Federal taxes in 1962, 1963, and 1964, as it earned upward of $88 million. Richfield earned more than $26 million in 1964, and did not pay a cent in Federal taxes that year. How is that for helping America's consumers? Like throwing an anchor to a drowning man.

Now we contemplate the pitiful sight of these oil companies parading before the tax-writing committee of the House, pleading poverty. Weep for them. Roll in agonized sympathy on the floor. Before they will admit they have done you wrong, you will be able to milk an elk. To slap them on the hand is like prescribing milk of magnesia for a typhoon or aspirin for an earthquake. The only thing these princes of plunder understand is tax reform delivered by an aware and responsible Congress.

Congress gave the oil-depletion allowance to this industry. Congress has the daily power to remove these privileges, or at least bring them down to manageable levels.

Congress must do its duty to America's taxpayers, who have asked for tax reform. The oil-depletion allowance could be abolished tomorrow, including that priceless little gem which allows an oil company to produce oil in a foreign country and receive a depletion allowance for U.S. tax purposes. I have introduced a bill to abolish the 27½-percent depletion allowance. Other Members have done the same. Let us act.

DEDICATION OF THE STATUES OF FATHER DAMIEN AND KAMEHAMEHA

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

Mrs. MINK. Mr. Speaker, symbolic of the harmony between races in Hawaii, the two men chosen by the Hawaiian people to be honored in Statuary Hall represent two different worlds which, fused, created the great State of Hawaii. Kamehameha the Great was a warrior king who believed in the gods of his ancestors, and the man who successfully united the Hawaiian Islands in 1810 under one rule. Father Damien was a Catholic priest from Belgium who spread the Christian faith throughout the islands before devoting the last 16 years of his life to the suffering lepers of Hawaii; Father Damien was an example to all mankind of the spirit of Christianity.

Kamehameha was born in 1758 in Kohala, Hawaii, to High Chieftess Kekuiapoiwa and High Chief Keoua of Kona. Legend has it that soothsayers had reported to the king that the child would be a rebel and "slay the chiefs," and the king had ordered him killed, but the baby's mother had insured his safety by hiding him in the hills. He was brought back to the Hawaiian court when he was 5 years old and named Kamehameha, which means "The Lonely One."

Even as a boy, Kamehameha was a strong young warrior. In his youth, the boy's ruler-uncle placed him in charge of a temple where Kamehameha performed his duties seriously. The death of his uncle in 1782 brought about a civil war on Kohala, and the youthful warrior Kamehameha led one of the three rival factions. With the aid of seven loyal warriors, Kamehameha led his forces to victory, and captured the large island of Hawaii. In the summer of 1794, King Kahekili, ruler of all the other islands, died, and left his lands to a younger brother and to his son. After these leaders had declared war, Kamehameha captured the islands one by one. By 1795, he had conquered all of them except the islands of Niihau and Kauai, and had made himself king. In 1810, the two remaining islands were ceded to him, and Kamehameha was ruler of all the Hawaiian Islands, united under one ruler for the first time.

Kamehameha, for having achieved the political consolidation of the islands, is universally recognized as the outstanding Hawaiian chief of the island's history. A fearless leader of powerful physique, he was skilled in the practices of war and government. The most popular tale told of Kamehameha took place during the civil war on the island of Kohala. Jumping from a canoe to battle some fishermen on shore, he caught his foot and fell, and the fishermen took that opportunity to strike him with a canoe paddle. Later, when he became king, Kamehameha's first great edict was "mamalahoa," or the "law of the splintered paddle" whereby he decreed that, "The old men and children shall sleep on the highways unmolested." The greatness of Kamehameha lay in his humanitarian qualities and in his ability to effectively organize his government, while encouraging industry and promoting agricultural endeavors by his people.

He is honored as an enlightener and reformer of his people. He was a good judge of men, and had the ability to inspire loyalty in his followers. He was the first chief to understand the advantages to be gained by friendly relations with foreign visitors to the islands, many of whom came to Hawaii during his reign. He managed the internal affairs of his kingdom in a way that minimized the danger of insurrection or revolution. His relations with other chiefs, his disposition of lands, and his administration of the government all tended to quell disruptive influences, to weld discord into union, and to create national feeling and national pride. He was true to the traditions and ancient religion of his people, and, at the same time, built a new nation and united his people. Kame-

hameha died at Kailua, Hawaii, on May 8, 1819, 150 years ago, but he has not been forgotten by the Hawaiians of today who celebrate Kamehameha Day each year, and perpetuate his memory in many other ways.

The second man to be honored here today was born Joseph de Veuster in the Flemish sector of Belgium on January 3, 1840. One of six children, he was expected to bring material success to the family, and, as a young man, he was sent to France to study a commercial course. The de Veuster family was one in which religion played an important part. Joseph's brother, Auguste, was studying for the priesthood; his sister, Pauline, became a nun. His parents were disappointed, but gave their approval when, at age 18, Joseph decided to enter a religious order.

He was accepted at the monastery at Louvain, where his brother Auguste soon became Father Pamphile and Joseph took the name "Damien." It was at Issy near Paris, studying for the novitiate, that Damien first heard about the need for missionaries in the Pacific islands. Both he and his brother were anxious to go. After taking his final vows, Pamphile was scheduled to go to Hawaii, but, before he could sail, he caught typhoid when an epidemic struck, and Damien went in his place.

Two months after Damien landed at Honolulu, he was ordained a priest and assigned to the island of Hawaii. For 8 years, he served the district of Kohala, preaching the Gospel and ministering to the sick. In 1869 the Government of Hawaii began to enforce rules for isolating lepers; a colony was set aside for this purpose on a peninsula on the northern coast of Molokai.

Cut off forever from healthy men and women, the 800 lepers at Molokai were given no supplies, no assistance of any kind. Their condition was tragic and deplorable. When a new group of priests arrived, and someone was found to take his place in Kohala, Father Damien went to Molokai to bring help and the word of God to the forsaken lepers. He gradually gained their trust, built a chapel, and brought them faith. In the 16 years that he lived in the leper colony, churches, schools, and orphanages were built, a pipeline was constructed to bring fresh water to the colony, and wooden houses were built. Word spread around the world of the work of Father Damien. Franciscan Sisters from the United States arrived to nurse the acutely sick housed in a makeshift hospital. In 1885, Father Damien found that he was now himself a leper, and a shocked and sorrowful world contributed the money and supplies that made it possible to build a hospital that housed over a thousand lepers.

From a hopelessly vile encampment where doomed lepers waited to die, Father Damien had built a colony with sanitary facilities, medical help, and spiritual aid. He brought love and hope to the sick and dying. After 16 years of devotion to the lepers, Father Damien died of leprosy on April 15, 1889—exactly 80 years ago today.

These men, whose lives and works continue to inspire the people of Hawaii today, are worthy indeed of this honor we accord their memories. By placing their likenesses in Statuary Hall, millions of people who visit the Capitol may learn of their greatness, and come to understand our meaning of the word "aloha."

LING-TEMCO-VOUGHT

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

Mr. CABELL. Mr. Speaker, in recent weeks one of the finest corporate entities in the Nation has been the victim of a smear campaign by individuals in Government, and by one or more agencies of the Federal Government.

Why this firm, LTV and its chairman, Mr. James J. Ling, should be so singled out is beyond comprehension.

In this morning's mail, I received an unsolicited letter from one of the Nation's great philanthropies, the National Jewish Hospital and Research Center at Denver, chronicling the many contributions that Mr. Ling and his company have made to this organization during the past years.

Anyone reading this letter will join me in decrying the slanderous misinformation, and I suspect, the demogoguery, to which these people have been subjected.

I will insert this letter in the RECORD at this point in the hope that all Members will read it:

NATIONAL JEWISH HOSPITAL
AND RESEARCH CENTER,
Denver, Colo., April 10, 1969.

Hon. EARLE CABELL,
House of Representatives,
Washington, D.C.

DEAR SIR: It has been said of the "conglomerates" that they lack social conscience and evade social responsibility.

Like most generalizations, this one is only partly factual. But where they are not true, they cast an unfair light upon those who do not fit into the generalized description.

Whatever the general feeling is about conglomerates and their social conscience, we would like to tell you about the one with which the National Jewish Hospital and Research Center at Denver is specifically acquainted.

Mr. James J. Ling, Chairman of the Board and Chief Executive Officer of Ling-Temco-Vought, has for many years taken an active part in behalf of the National Jewish Hospital. After serving on the Dallas area NJH Committee, he undertook the Chairmanship of the Annual Dinner in 1962, was the Guest of Honor in 1968, and serves on its Board of Trustees. Through his active interest, many, many thousands of dollars have been raised for our free treatment medical center in Denver.

For any other person, these efforts might have been enough and their "social responsibility" considered fulfilled—but not for James Ling. In September of 1968, he agreed to serve as National Chairman for the National Jewish Hospital's $4,000,000 Building Fund Campaign. Toward this effort he has not only rallied the resources of LTV but also of dozens of other business and community leaders throughout the country—in addition to making a most general personal contribution.

The cause of the National Jewish Hospital that Mr. Ling has so ably assisted is truly a philanthropic one in every fine sense of the word. The patients treated, without charge to them, could not have afforded the high cost of hospital medical care and often would not have been able to receive treatment had NJH not been available.

Without income from patients, almost the total amount of the budget must be raised every year. In 1968–69, this was 6½ million dollars and will be 7 million in 1969–70. This then, is the challenge presented to the nation's business leaders—to which they so nobly responded. This is the effort put forth by James Ling and through him by his friends and business associates. An effort for which they get nothing in return—nothing that is, in a materialistic sense but perhaps everything in the sense of fulfillment achieved as the results of a good deed done.

Very truly yours,

NORMAN DAVIS,
President.

PROPOSED CUTS IN B–52 MISSIONS IN VIETNAM—A CRUEL ECONOMY?

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

Mr. WALDIE. Mr. Speaker, I am greatly concerned about the recent cutbacks in B–52 bombing missions in South Vietnam announced by Secretary of Defense Laird. Cutbacks, I might add, that were said to have been made solely in the interest of economy.

My very, real concern about this 10-percent cut in one of our most effective tactical weapons was heightened yesterday by the receipt of a letter from the parents of a young man who at this very moment is on his way to the front lines for combat duty.

At this time I would like to read an excerpt from that letter from Mr. and Mrs. Arnold O. Anderson of Orinda, Calif.:

Our son Robert is leaving for Vietnam next Thursday after 1½ years of training including recently concluded Special Forces training at Fort Bragg, N.C. Both Ruth and I (the parents) feel very strongly that if America's sons are sent to fight in Vietnam, the least the rest of us can do is support them properly. We have some doubts about our involvement in that small far-away country, but if we are going to continue this war, then let us give more than adequate support to our forces there.

Mr. Speaker, the parents of Robert Anderson and the parents of all our young men in Vietnam deserve the assurances that their sons will receive the fullest support possible. To reduce that support in the name of economy is irresponsible to say the least.

I, like Mr. and Mrs. Anderson, harbor some doubts about the scale of this Nation's involvement in the Vietnam conflict. Twice in the past year I have joined my colleagues on the floor of the House of Representatives to call for a reduction in our combat commitment in the hope that the South Vietnamese military establishment would take a more active role in the conflict and that reduction of our commitment would ease the path toward a mutual deescalation by all combatants.

However, there is a great distinction between reduction of combat commitment in the interest of peace and reduc-

tion in tactical strength in the interest of economy.

There has been some speculation in the press that the administration's decision to reduce the B–52 missions by 10 percent, thus saving some $110 million, is actually a move by this country to indicate to the opposing side that we are interested in scaling down the war.

There have been no indications from the administration or the Defense Department that this is indeed the case. Rather, the White House and the Pentagon have steadfastly maintained that the B–52 cutbacks were "strictly budgetary."

Mr. Speaker, our commander in the field, General Abrams, has repeatedly said the B–52 raids are a most vital and most effective weapon in this difficult war. Our young men on the lines concur. To remove even 10 percent of this weapon from their disposal to pare down this Nation's budget is an inconceivable and cruel economy.

If, Mr. Speaker, this reduction is actually an important step to remove the present impasse in peace negotiations in Paris and elsewhere, then I call on Secretary of Defense Laird or President Nixon to announce that this is the case.

Mr. Speaker, when President Lyndon Johnson announced to the Nation, in March 1968, that he was reducing the level of bombing in North Vietnam in the real belief that this act would result in significant progress toward a lasting peace in Vietnam, he did so without regard to saving money. He did so in the interest of saving lives. Yet, he did not reduce the effectiveness of our fighting men in the field.

This, I think, is in marked contrast to the announced reduction of B–52 raids that are in close and direct support of our troops in the combat zones of South Vietnam.

Mr. Speaker, this so-called economy move is being taken at a grave risk to the lives of our young men on the front-lines. It is being taken despite the protestations of the commander in the field and despite the concern of parents of boys on the lines.

I urge that so long as we persist in a questionable policy of maintaining combat forces in Vietnam, that those forces be given every feasible means of support—at any cost. They, and their parents, deserve no less.

ROGERS SAYS FINCH TARDY IN APPOINTING HEALTH SECRETARY

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

Mr. ROGERS of Florida. Mr. Speaker, to date there have been more than 100 bills introduced relating to public health referred to the House Interstate and Foreign Commerce Committee. Hearings have been held and will be held on these bills.

I think my colleagues will agree that the public health of the people of the United States is a matter of top priority.

Indeed, when Health, Education, and Welfare Secretary Finch appeared before our committee on March 5, he said there existed a genuine crisis in terms of the confidence of the American people in the health delivery system.

Yet the Secretary has failed to name an Assistant Secretary for Health, the executive position of leadership in the executive branch. This certainly is no way to calm a crisis.

I can understand the thought which must go into the appointment of a man to this position and I appreciate this.

But it has been almost 3 months since Mr. Finch took office. And when he appeared before the committee and was asked about the immediacy of the appointment, he said he expected it to come within a few days or a week.

That was 42 days ago.

I think that period allows for ample consideration. I know that there are varying elements concerned with the problem which must be taken into account when appointing a man to this position.

Still, we must also realize that this Nation's health problems need attention now and should not be relegated as the stepchild of HEW. The organization of our entire health effort suffers in proportion to the number of days that the office of Assistant Secretary for Health remains vacant.

I think we have waited patiently past the period of reasonableness. Now I call upon the Secretary to unravel what problems he may be facing and proceed with the task of naming a man to the post of Assistant Secretary for Health and to set in motion the planning necessary to assure the field of health the attention and leadership it merits.

I would also add that I hope the Secretary gives proper attention to the appointment of a Chief Dental Officer. This position has been vacant for nearly a year and a half and has allowed our efforts in the field of dental care to splinter and proceed leaderless.

PRESIDENT SUPPORTS TAX INCENTIVE CONCEPT

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

Mr. BENNETT. Mr. Speaker, President Nixon's domestic proposals announced Monday included one very important goal which I have been working on for the last two Congresses.

The recommendation for "a program of tax credits, designed to provide new incentives for the enlistment of additional private resources in meeting our urgent social needs" is one with great potential to help solve our great social problems.

This program should include an attack on our hardcore unemployment.

Government cannot create permanent employment for all Americans; and should not attempt to do so. However, I believe Government can help in solving the problem of the 2 million permanently unemployed in America.

I have introduced, H.R. 112, along with 40 cosponsors which would provide tax credits to businesses for training the hardcore unemployed. The legislation is pending in the House Ways and Means Committee, and I have urged speedy reports and hearings on this bill. In view of the President's recommendations I am hopeful for fast action.

I applaud the President for his support in essence of H.R. 112. The bill would go a long way in solving the hardcore unemployment problem—for 2 million Americans.

The cosponsors of the tax incentive legislation are:

Mr. ADDABBO of New York, Mr. BARING of Nevada, Mr. BYRNE of Pennsylvania, Mr. CLARK of Pennsylvania, Mr. COWGER of Kentucky, Mr. DERWINSKI of Illinois, Mr. DICKINSON of Alabama, Mr. DOWNING of Virginia, Mr. DULSKI of New York, Mr. EDMONDSON of Oklahoma, Mr. ESHLEMAN of Pennsylvania, Mr. FASCELL of Florida, Mr. FRIEDEL of Maryland, Mr. FULTON of Pennsylvania, Mr. FULTON of Tennessee, Mr. HALEY of Florida, Mr. HAYS of Ohio, Mr. HOWARD of New Jersey, Mr. HUNGATE of Missouri, Mr. LEGGETT of California, Mr. LUJAN of New Mexico, Mr. LUKENS of Ohio, Mr. MATSUNAGA of Hawaii, Mr. MCDONALD of Michigan, Mr. MESKILL of Connecticut, Mr. OTTINGER of New York, Mr. PICKLE of Texas, Mr. PUCINSKI of Illinois, Mr. RIEGLE of Michigan, Mr. SANDMAN of New Jersey, Mr. SAYLOR of Pennsylvania, Mr. TIERNAN of Rhode Island, Mr. VIGORITO of Pennsylvania, Mr. WALDIE of California, Mr. WOLFF of New York, Mr. ZION of Indiana, Mr. WHITEHURST of Virginia, Mr. MOORHEAD of Pennsylvania, Mr. POLLOCK of Alaska, and Mr. GROVER of New York.

ON LOWERING VOTING AGE TO 18

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

Mr. FULTON of Tennessee. Mr. Speaker, there is considerable discussion today about a "generation gap."

Such a "gap" does exist, and it is my feeling that one of the major causes of such a situation has resulted from our telling our young people they must accept the responsibilities of adulthood, and yet we have denied them a voice in their own destiny.

Their voice could, and should, be heard at the polls.

We call upon our 18-year-old citizens to enter our military services and face combat.

We permit our 18-year-old citizens to marry, accept family responsibilities, to earn a living, pay taxes, operate a car, accept legal obligations which mean they can be sued, buy a home, obtain charge accounts, answer for their debts, make a will, and become eligible for employment under our civil service laws.

Yet we deny what is considered the basic right of citizenship and responsibility—the right to vote.

Today's youth of 18 is more physically fit than his parents, thanks to an improved diet and living standard.

More important, today's youth, at 18, is better educated than his parents were at the same age. Not only have our

teaching techniques improved, but far more is expected of a young man or woman in high school today. Technological changes, coupled with more qualified instructors, utilizing improved techniques in teaching that were not even known in previous generations, have played major roles in not only teaching more students, but in teaching students more.

Television, not only as a tool of education but as a part of our mass communication media, has increased the scope of knowledge of today's young men and women. These young people see history happening. Through the television media they usually participate in great debates of our times at the United Nations, the horror and reality of war is brought to them by our network correspondents, and they see, firsthand the human misery spawned by a civil war in Nigeria.

Our young people are idealist and enthusiastic. They are knowledgeable of our political processes and are capable of making meaningful contributions to our social, economic, and political life.

In 1956, young people between the ages of 15 and 19 numbered 17,052,000, and those between 20 and 24 numbered 13,667,000. By 1970, it is estimated that the number of 15- to 19-year-olds will total 17,261,000. In just 8 more years, in 1975, there will be 20,807,000 young people between 15 and 19 and 19,299,999 will be between 20 and 24 years of age. By then half our population will be under 25 years of age.

Our 18-, 19-, and 20-year-old men are carrying a major share of the burden in the war in Vietnam. Well over 25 percent of our fighting men in Vietnam are between 18 and 20 years of age. The casualty rate for this age group is just under 30 percent.

Our 18-, 19-, and 20-year-olds have earned their right to be heard through their ballot. They have earned this right through their service to their Nation.

A man's maturity should be judged by how he accepts and carries out his responsibilities, and today, the vast majority of our young people have shown they are not only willing, but capable of accepting the obligations and responsibilities of full citizenship, including the right to vote.

It is my pleasure to join many of my colleagues in seeking to lower the voting age from 21 to 18, by introducing a resolution calling for a constitutional amendment prohibiting denial of the vote on account of age to anyone 18 years of age or older.

KIRKLAND COLLEGE WILL INAUGURATE ITS FIRST PRESIDENT

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

Mr. PIRNIE. Mr. Speaker, on Saturday, April 19, 1969, Kirkland College, a new and educationally noteworthy institution of higher learning will inaugurate its first president. I am confident my colleagues will desire to join me in wishing every success to Kirkland College and its first chief executive officer Samuel F. Babbitt.

The history of Kirkland College is brief only because of the newness of the institution; but the brevity of the chronicle should in no way be allowed to detract from the college's significance and the quality of education it makes available to its students.

In 1961, as part of its 150th anniversary, Hamilton College in Clinton, N.Y., decided to take a long and intensive look at itself and at its possible future. The trustees of Hamilton, the Nation's 30th oldest college, finally decided that they could best meet those demands engendered by the ever-increasing number of young people who seek and qualify for a college education of superior quality by establishing a series of coordinate, undergraduate colleges, all of which were to be built on land adjacent to the Hamilton campus.

The first of these units is Kirkland, a residential college for women which was opened to a class of 165 freshmen last fall. It has enriched its older brother and established a pattern whereby both colleges may maintain a small size, individual traditions, and the historical respect for human values which has characterized Hamilton. Kirkland, like Hamilton, is committed to a liberal arts curriculum, and it believes in small classes and the individualized teaching which this allows.

Kirkland has been able to attract an extremely well-qualified group of men and women who are dedicated to teaching undergraduates. Its imaginative curriculum together with the opportunity to share in the development of a new college has attracted scholars from over thirty different institutions. In its first year of operation a member of this faculty was one of ninety in the country to be awarded a research grant by the National Endowment for the Humanities.

The mission of Kirkland College is best summarized in this paragraph from its catalog:

> It sets out to prepare a woman to be intellectually alert and to handle with superior capability the multiple and overlapping phases of her life—as an individual active in society, as a wife, mother, career professional. These phases are of necessity dissimilar. They require widely differing abilities and attitudes. They require a woman who can continue her role as learner into adult life beyond college—a woman able to discriminate between unchanging values and ever-changing circumstances. Kirkland would equip its students to meet these demands by developing, to the maximum, each student's potential for self-preparation and self-direction.

The person charged with seeing to it that Kirkland College meets these ideals will be inaugurated on April 19.

Samuel Fisher Babbitt became Kirkland's president in July 1966 after he had served as an assistant dean of the Yale Graduate School. A graduate of Yale, he began his academic career as an assistant to the director of admission of Yale College and assistant to the freshman dean. In 1957 he became dean of men at Vanderbilt University. Five years later he joined the Peace Corps in Washington, D.C., as Director of the Division of Colleges and Universities in the agency's Office of Public Affairs. He received his Ph. D. in American studies from Yale in 1965.

President Babbitt's undergraduate career at Yale was interrupted by 3 years of service in the infantry, during which time he was made a master sergeant. This enlistment included 11 months of combat duty in Korea during which he received the Silver Star for outstanding valor.

At the age of 40, he is a young president of a very young college. He is sensitive to and profoundly aware of the issues that now threaten so many of this Nation's colleges and universities, and, with the approval of his trustees, he has taken a number of imaginative steps in an attempt to insure that what has happened elsewhere will not occur at Kirkland.

These actions may be characterized by their involvement of students in the college's decisionmaking process. For example, both students and faculty are appointed to standing committees of the board of trustees, and a recently adopted constitution for the conduct of the affairs of Kirkland College provides for a joint assembly of students and faculty to discuss and propose a broad range of college policies. The result has been a means of expression and impact which can instill and maintain the vital sense of community which is so scarce in the educational community today.

Kirkland College is the first new, independent women's college in the East since 1926. I am proud that it is in my district, and I am proud, too, that the president of Kirkland College has had the foresight to include in his inauguration day festivities a colloquium of educators from the United States and foreign countries who will travel to Clinton to discuss the possible responses of educational institutions and of government to the changes dramatically reflected in student action throughout the world.

I know you will be watching this new institution which comes into being in such troubled times for education, and I am confident you will join me in congratulating Kirkland College and President Babbitt and extending every good wish in their new and important venture.

LET US STOP SOCKING IT TO THEM

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

Mr. SCHWENGEL. Mr. Speaker, we could hardly find a better day to discuss the need for tax reform than today when we are all so pointedly reminded of the existence of, and the inadequacies in our tax system. An article by Murray Seeger in the April 1969 Washingtonian does an excellent job of pointing up some of the present inequities and the need for reform. I insert Mr. Seeger's article in the RECORD, as follows:

IT'S INCOME TAX TIME AGAIN OR SOCK IT TO THE MIDDLE-CLASS!

(By Murray Seeger)

You might call it the nation's most exclusive club. At the last roll call there were

only twenty-one members and each had an annual income of a million dollars or more. What is most unusual, however, is that these fortunate souls make their millions without paying a penny of Federal income tax.

There is nothing illegal about their tax returns. The lucky twenty-one have simply taken full advantage of Internal Revenue Code loopholes. The club members pay high fees to the lawyers who guide them to the promised land, and together they can laugh at the innocents who believe the United States has a progressive or confiscatory tax system.

These anonymous club members, known only to a few Treasury Department experts, have one thing in common . . . they are very, very rich; for the biggest and best tax shelters are tailored for our wealthiest citizens.

For the poor, about the only defense against the tax collector is the personal exemption of $600 for each member of the family. For middle and upper-middle income groups, income-splitting between husband and wife cuts tax rates. The rich, however, have capital gains, oil-depletion allowances, rapid depreciation allowances, "hobby" farm losses, and unlimited charitable contributions.

One of the great anomalies of American life is that the poor save on their Federal taxes by having babies and the rich escape simply by having so much money. The result is that the largest group of taxpayers, the much-abused middle class, carries a disproportionate share of the Federal tax burden.

It is not just the twenty-one super tax evaders who stand out. In 1967, a total of 155 taxpayers each reported gross incomes of more than $200,000 and paid no taxes.

A landmark study of 1962 tax returns by Joseph A. Pechman, the brilliant economist at the Brookings Institution, found that those earning over a million dollars a year paid an average actual tax rate of 26.7 percent, about the same rate as taxpayers earning between $50,000 and $100,000 a year. Although the law says tax rates for individuals making $50,000 and up slide from 62 to 70 percent, only a very naive taxpayer would pay that high a rate. The highest average tax rate paid is actually about 30 percent and that falls on the $100,000 to $200,000 group.

How do these champion tax dodgers do it?

Here is an actual example—call him Mr. X:

His total income was $10,829,028 in 1967, almost all of it from stock dividends and therefore subject to the full maximum tax rate of 70 percent. But Mr. X is a great benefactor to mankind, giving $10.5 million to charity. With other deductions Mr. X was able to protect his entire income from taxation.

But did Mr. X really give away all his income? No, what he gave away was stock that had grown in value over a period of years without being taxed. Mr. X thus avoided the capital gains tax, got a full deduction against his current income, and laughed all the way to his broker's office where he started the cycle over again.

Mr. Y earned stock dividends of $2 million and in addition had capital gains of $4.4 million. The 70 percent rate should have applied against the dividend flow and the lower capital gains tax of 25 percent against the remainder.

But Mr. Y was able to juggle his capital gains and losses that year and give away $4 million worth of property to charity so that he, too, ended up with a zero on the line marked "balance due."

Mr. Z didn't have to find a convenient charity because he is in oil. As most everyone knows, the enterprise and luck of oilmen are rewarded as no other economic activity is. Mr. Z also was a farmer, but his luck on the land was not nearly so good as it was underground.

After his costs for exploring and developing new wells are taken off the top, Mr. Z still had reportable income of $2,280,962 in 1967. Then came the other deductions—$865,644 from the twenty-seven and a half percent depletion allowance and $828,571 from that lousy farm. Charity got only $32,809, because all the other deductions were big enough to wipe out Mr. Z's tax obligation.

About that farm. You would think a smart fellow like Mr. Z who did so well in oil could make his farm break even. But Mr. Z knew that the law allows him to write off his farm losses against nonfarm income. Maybe he built himself a mansion on that farm, loaded it up with the best equipment and best cattle, and charged it against the money pumped out of the ground in the form of oil.

A recent Treasury study observed: "The indication is that as people have more adjusted gross income they have a remarkable propensity to run their farm operations at a loss."

Another club member, call him Mr. A, earned his million in real estate, another area of investment favored by the tax laws.

Mr. A's total income was $1,433,000, mostly in capital gains from selling real estate. But he could deduct depreciation costs of $864,000, since real estate can be written off at rates up to twice as fast as other capital investments. He had to give away only $33,000 to end up with a zero tax bill.

Almost everyone, of course, tries to pay as little Federal income tax as possible. The ideal tax system would be neutral, that is, it would treat everyone alike and there would be equity not only among different classes of taxpayers but also among various sources of income.

Our system, however, is not neutral, so people make decisions that will be rewarded by the tax laws. One of the simplest examples is the couple who buy a house instead of renting an apartment because the mortgage interest deductions will actually give them more cash income at the end of the year.

Conspicuous among those making financial decisions in hope of avoiding the tax collector are doctors, lawyers, and small businessmen.

A few years ago, Washington real estate speculator Burton J. Dorfman started tapping the surplus income of Montgomery County doctors and businessmen. He used the money to buy central city properties on which he obtained oversized mortgages. The investors shared in the income from the properties, and also shared in the special depreciation provisions.

Together the partners put up $250,000 to help Dorfman buy four apartment buildings. "We went into a smaller one first," Dr. Arthur J. Wilets of Chevy Chase explained, "and it paid off nicely. When more came up, we decided to go into them, too. But we lost money on them."

"It is difficult for any of us to tell what happened," Dr. Wilets, who first met Dorfman at a party, recalled. "Evidently, the mortgages were very high, a very tight squeeze. The break-even point for the buildings was then very high. And apparently the cost of running them went up too high." In this case, the tax provisions had seduced a group of Washingtonians into making a reckless financial investment.

Others who have money to bury buy shares in oil development companies because of the big write-offs available even if no oil is found. A big strike, of course, allows a depletion allowance that goes on at twenty-seven and a half percent of the mineral property's income no matter if the oil keeps coming for four years or 40.

Combines are formed every day to buy new buildings or expensive items such as airplanes that can be leased to corporations who don't want to spend their own cash. The lenders share the rent and the tax credits.

The case of the central city investor, however, has serious social implications. The speculators do little to improve their slum property since such investments use up depreciation benefits.

The rapid depreciation, plus mortgage interest deductions, wipes out taxable rental income and also allows depreciation-caused tax losses which can be applied against other income. As a result, there is a payoff for rapidly turning over slum properties and spending little on maintenance. Selling prices are held artificially high because there are always buyers looking for the tax havens. Millions of tax dollars are lost because of these special provisions, yet the tax incentives have not given us the kind of housing needed in our cities.

In the same way, the tax loophole that invites the rich to buy hobby farms means that those who actually want to farm have to pay more for land.

The analysis of what the tax loopholes do to the nation has been going on since the Congress started writing the provisions into law. In many respects, one man's loophole is another man's tax reform.

The late Senator Robert F. Kennedy, for instance, was highly successful at dramatizing the inequities in the law which allow the small group of very rich taxpayers to evade their responsibility. And still he advocated other forms of tax write-offs to speed private investments in urban renewal and job training for the hard-core unemployed. To a tax purist, the Kennedy proposals were potential new loopholes.

"Tax reform is like cutting federal spending," says Rep. Wilbur D. Mills, the canny chairman of the House Ways and Means Committee. "Everyone is for it until you get down to the details."

As a result, countless efforts to remove individual privileges such as the oil depletion allowance or unlimited charity donations have failed. Every recent attempt to tighten the depletion allowance resulted in more minerals being covered by the fixed write-offs.

The current drive for tax reform is gaining momentum, however, and one reason is the notoriety of the Twenty-One Club.

Joseph W. Barr, now vice chairman of American Security and Trust Co. turned the spotlight on the privileged few in testimony before the Joint Economic Committee last January shortly before he left the Treasury Department.

"We face now the possibility of a taxpayer revolt if we do not soon make major reforms in our income taxes," Barr said. "The revolt will come not from the poor but from the tens of millions of middle-class families and individuals with incomes of $7,000 to $20,000 whose tax payments now generally are based on the full ordinary rates and who pay over half of our individual income taxes.

"The middle classes are likely to revolt against income taxes not because of the level or amount of the taxes they must pay but because certain provisions of the tax laws unfairly lighten the burdens of others who can afford to pay. People are concerned and indeed angered about the high-income recipients who pay little or no Federal income taxes."

Whatever measure Barr had taken of public opinion, his conclusions were accurate. A few days after he testified, Congressmen and the White House started getting mail. President Nixon called Wilbur Mills to the White House to confess he was truly interested in tax reform. "We're getting letters from all over the country," says one congressional staff member. "They are mostly from little old ladies who are mad to find there are people who don't pay taxes." The Treasury went on overtime to prepare legislative proposals.

The revenue gained if the twenty-one biggest tax evaders were roped would be small compared to the money lost in other areas. But the notoriety gained by this little club

has been the biggest stimulant to tax reform this year. It almost seems like a put-up job, having those very rich, anonymous individuals to shoot at. But if a true tax reform bill is written, the twenty-one will have performed a great public service.

TAX RELIEF AND NEED FOR SIMPLIFICATION OF FEDERAL TAX RETURN FORMS

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

Mr. HUNT. Mr. Speaker, today, April 15, will rank high on the list of days that would preferably be forgotten. But it will not be forgotten soon, because by midnight tonight, millions of taxpayers across the Nation have already had to dip into savings or obtain personal loans, at interest rates approximating 8.5 percent, to pay taxes for which withholdings were insufficient. This situation is due largely to the retroactive effectiveness of the 10-percent surtax, but especially in the case of single persons, withholdings would have been inadequate anyway.

To make matters worse, there were additional millions of taxpayers whose State and local taxes were not withheld from their wages and salaries, and in the aggregate, it is a rather bleak day for those who come to the realization once a year that while the cost of living climbs, so do taxes.

Perhaps, the only consolation, if indeed it is one, is that the taxpayer gets only a very small taste of just how much the Government of which he is a part is costing him. To be sure, if no taxes, Federal, State, or local, were withheld, there would undoubtedly be a complete tax rebellion tomorrow let alone the mere rumblings of such an occurrence as it is.

Compounding the already dismal situation even more is the fact that taxpayers were faced with an ever-increasing maze of paperwork and instructions they were to comprehend only to find that the results were as frustrating as the paperwork. Literally millions even had to pay someone else to find out how much more they had to pay Uncle Sam.

Today, I am introducing two measures which are intended primarily to relieve those in the middle and lower income brackets. One would raise the standard and the minimum standard deductions allowable to individual taxpayers to provide direct economic relief. The other would provide for the establishment of an advisory committee to the Secretary of the Treasury to recommend improvements in and simplification of Federal tax return forms and procedures. While other major tax reforms are still being formulated, I commend both of these measures to the attention of the appropriate committee for due consideration.

CAUSE FOR CONCERN

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

Mr. GONZALEZ. Mr. Speaker, less than 2 weeks ago I described to the House a new kind of race hatred that is developing in Texas. This new racism is racism practiced by a minority group; past victims of discrimination, they have adopted the same poisons, the same attitudes, the same tactics of those who have so long offended them. Mexican Americans in Texas now see racists among them; they now see self-appointed so-called leaders making facile judgments of large classes of people, using the same sort of distorted logic, deceitful tongues, and hateful words of racists. We now have the supreme irony that to these misguided souls, the answer to racism is racism in return. I had hoped when I spoke a few days ago that I might be wrong about this phenomenon, but time has proved that indeed there was cause for concern and that rather than being wrong, I was right.

A few days ago the leader of the Mexican-American Youth Organization held a press conference during which he stated that his goal was freedom and independence for Mexican Americans—in a confused kind of way—and stated that if all else failed he would resort to killing his "gringo" enemies. This young man says that he can claim that some members of the Anglo-American society are all right, but in the next breath condemns the whole group and its society. Apparently to these new racists, the key to being good or evil depends on whether they personally approve of you or not; if you are an Anglo, you are presumed guilty of racism until you prove yourself innocent; if your name happens to be Spanish surname you are presumed all right no matter what you might have done in the past—crimes being excused as the product of Anglo racism—as long as you are with them; and if you are not with them then you have "gringo" tendencies.

The thinking, unrefined as it is, connected with the words, irresponsible as they are, of groups like this, compose a potent mixture. There is held forth pride as the goal, and there is held forth an enemy of pride, and there is put forward much heat, but little information on where exactly people should go to find their new pride. All that is said is that the reason that pride does not exist lies with the Anglo racists ,and that one day the "gringos" might have to be killed. This odd mixture of hate and cant gives rise to serious concern. Neither misdirected hatred, meaningless slogans, empty rhetoric, nor dramatic gestures can alone produce real progress. Progress requires real goals and real work, something that seems beyond the ken of the new racists.

Indeed, what appears most disturbing of all is that the new racism demands an allegiance to race above all else. In this new allegiance an individual is entitled only to those views which the leaders—self-appointed and self-anointed—believe forward the cause. Anyone deviating, anyone criticizing, anyone questioning, is tainted with having "gringo" tendencies or having sold out the cause. On the other hand, anyone judged loyal can do no wrong, and regardless of his actions, regardless of how irresponsible he might be, is not to be criticized, because such criticism would destroy the unity of "la raza." Thus the new racists want it both ways—total loyalty for those within, but the right to excommunicate those who deviate.

I do not believe that the sins of the past can be forgotten, nor do I believe that present-day racists ought to be forgiven. I do believe that facts are required on the side of the right, and that these new racists lack the facts to support their claims; and I believe that honest goals require honest tactics. It saddens me to see mirrored in faces promoting idealism the same ugliness I have seen in faces promoting shameful bigotry. It is in the name of idealism that some of the most shameful episodes of history have taken place; and it is the name of idealism that is being used by these thoughtless adventurers.

What saddens me most of all is not that I am personally an issue, because that has happened before; it is that the issue, the real issue, is not being addressed at all, and that is: What is the goal, how do we defeat poverty and hopelessness and despair best, and where do we now stand? The real questions stand forgotten, and that is proved in the following report from the San Antonio Express and News:

MAYO LEADER WARNS OF VIOLENCE, RIOTING

(By Kemper Diehl)

(NOTE.—Elimination of gringos may become necessary, Gutierrez tells press conference in South America.)

A gringo-dominated society is responsible for the problems of the Mexican-American "barrios" and unless there is social change there is a possibility of violence and rioting as a result of "very serious social unrest."

If "worst comes to worst" it may be necessary to eliminate gringos by killing them.

That was the message delivered in a calm and scholarly way Thursday by a 24-year-old "Mexicano" at a press conference called to detail the aims of the Mexican-American Youth Organization—a group under fire from U.S. Rep. Henry Gonzalez as a source of the spread of racial hatred.

Presiding adroitly at the conference held by MAYO leaders at their headquarters at 1009 S. Zarzamora St. was Jose Angel Gutierrez just back from a fund-raising visit to Washington.

Gutierrez in predicting the possibility of violence was agreeing with fears expressed by Gonzalez earlier this week. But he did not agree with the congressman on much else during a question and answer session which lasted well over an hour.

In fact, he agreed that Gonzalez might turn out to be a gringo himself.

Joining Gutierrez in the conference were Mario Compean, recent candidate of the Committee for Barrio Betterment in the city election, and Norman Guerrero. Standing by to lend legal assistance, if necessary, was Juan Rocha of the Mexican-American Legal Defense Fund and taping the proceedings as a precautionary measure was the Rev. Henry Casso.

During the lengthy conference it was established that MAYO's operating budget of $8,527 is financed by Ford Foundation funds distributed through intermediary organizations.

Gutierrez, it was explained, draws no pay directly for his MAYO efforts, but is a staff investigator and "community involvement specialist" for MALD which is also funded by the Ford Foundation. Guerrero is head of the University of the Barrios which operates on a budget of some $6,000 provided by the Mexican-American Unity Council, a Ford-funded group.

Gutierrez prefaced his remarks with a demand that newspapers and broadcasters distribute the entire text of his opening statement in full as well as the entire give and take of the conference itself.

The statement actually served as an excellent take-off point for the discussion to come. It announced:

"MAYO has found that both federal and religious programs aimed at social change do not meet the needs of the Mexicanos of this state.

"Further, we find that the vicious cultural genocide being inflicted upon La Raza by gringos and their institutions not only severely damage our human dignity but also make it impossible for La Raza to develop its right of self-determination.

"For these reasons, top priority is given to identifying and exposing the gringo. We also promote the social welfare of Mexicanos through education designed to enlarge the capabilities of indigenous leaders.

"We hope to secure our human and civil rights, to eliminate bigotry and racism, to lessen the tensions in our barrios and combat the deterioration of our communities.

"Our organization, largely comprised of youth, is committed to effecting meaningful social change. Social change that will enable La Raza to become masters of their destiny, owners of their resources, both human and natural, and a culturally and spiritually separate people from the gringo.

"Only through this program, we of MAYO, see the possibility of surviving this century as a free and complete family of Mexicanos. We will not try to assimilate into this gringo society in Texas nor will we encourage anybody else to do so.

"Rather MAYO once again asks of friends here and across the nation to assist us in our efforts. We intend to become free as a people in order to enjoy the abundance of our country and share it with those less fortunate.

"MAYO will not engage in controversy with fellow Mexicanos regardless of how unfounded and vindictive their accusations may be. We realize that the effects of cultural genocide takes many forms—some Mexicanos will become psychologically castrated, others will become demagogues and gringos as well and others will come together, resist and eliminate the gringo. We will be with the latter."

Gutierrez was asked his definition of a gringo and replied:

"A person or an institution that has a certain policy or program or attitudes that reflect bigotry, racism, discord and prejudice and violence."

He was asked if Gonzalez was a gringo, and replied:

"He has demonstrated some tendencies that fit in that category."

Asked if a majority of Anglo-Americans could be designated as gringos. Gutierrez responded:

"According to the Kerner report we could say yes to that answer."

He went on to say he could not testify as to this from personal experience as MAYO had not had extensive dealings outside of Texas. He added:

"The majority of the ones (Anglo-Americans) here in this state are gringos."

Gutierrez was then asked what was meant by the phrase "eliminate the gringo" in the MAYO statement. He replied:

"You can eliminate an individual in various ways. You can certainly kill him but that is not our intent at this moment. You can remove the base of support that he operates from, be it economic, political or social. That is what we intend to do."

A newsman asked:

"If nothing else works, you're going to kill all the gringos?"

Gutierrez replied:

"We'll have to find out if nothing else will work."

The questioner persisted:

"And then you'll kill us all?"

Gutierrez replied:

"If it doesn't work . . . I'd like to add to you that if you label yourself a gringo then you're one of the enemy."

Gutierrez was asked if he might not be a gringo himself in that he appeared to show racial animosity toward Anglo-Americans. He replied that he did not accept the premise that he displayed racial animosity.

"I don't think I have," he announced, "I think I am identifying the problem and attempting to point out what the problem is."

He was asked if he could say, "Some of my best friends are Anglos," and chuckled befor replying:

"That's a racist statement. I wouldn't be that derogatory or condescending . . . I would say that a lot of people are friends of mine and some of them are Anglos."

He was asked if the MAYO group sought a separate society and replied he did not mention society.

"I said culturally and spiritually," he explained. "We are distinct and we don't wish any part of this racist society. We have something beautiful to begin with."

He emphasized that the MAYO aim was to "resist any further cultural genocide."

Asked to explain this he cited as one example "racism" in textbooks and the denial of the right to speak Spanish in elementary grades.

Gutierrez asserted that so far as he knew the San Antonio ISD was the only local school district to change its policy so as to legitimatize the use of Spanish. Of Edgewood ISD he said:

"They don't require them to speak English, but they do have punitive measures of punishment for those who do speak Spanish."

Asked if MAYO identified with the people of Mexico in its aims, he replied:

"If they share the same values, yes. We are different from the Mexicans in Mexico . . . in that we have been able to develop and adapt to the local situation here and as a consequence we have modified many of our value systems."

Gutierrez was again pressed as to intentions of killing gringos "if worst comes to worst." He replied:

"If worst comes to worst and we have to resort to that means, it would be self-defense."

Asked if he hated gringos, he replied:

"Yes I do."

He was asked if there were a time limit as to when it might be determined that "worst had come to worst."

He answered:

"Well I can only make a personal decision. If the attacks on my person and my property continue as they have been doing then it will only be a matter of a few years."

He explained:

"Last year part of my property in Crystal City was burned. Two months ago my home was burned in Crystal City. In 1963 I was kidnapped and coerced or attempted to be coerced . . . by gringo elements."

He continued that in "the whole attempt to create an organization and movement" he had been "abused and misused by a lot of people."

He added:

"If this continues, within a few years I will no longer try to work with anybody."

Asked to explain why 500,000 Mexican nationals had immigrated to the U.S. within the past 15 years despite his charges regarding the misery and degradation they face, he replied:

"Maybe they don't know any better . . . You'll find about an equal number going back."

Gutierrez said he had been born and reared in Crystal City. He is a graduate of St. Mary's University.

He said that he felt Gonzalez "has been unjust in his treatment of us because he hasn't presented any proof or any base for the charges that he makes."

He was asked if Sen. Joe Bernal and Comm. Albert Pena had helped MAYO and replied:

"They've certainly been around when we need them."

Asked who might be called the "white hats" and "black hats" in his view, he answered:

"In gringos there's nobody wearing white hats. They're all a bunch of animals."

He cited Mayor McAllister as a gringo.

Asked about the reference to the religious programs in the opening lines of the MAYO statement he said that he did not believe the church had "ever reached" the Mexicano for "social change."

He was asked what the church had reached the Mexicano for, and replied:

"To make them dependent on the church as a crutch."

Despite a "Brown Power" sticker on the window of the office, Gutierrez said he did not know anything about the background of such a slogan and commented:

"I don't know that we're advocating brown power."

On several occasions Gutierrez made it clear he had no confidence in the courts of Texas. He was asked if he was optimistic about obtaining justice in the courts and replied:

"Not at the Texas level. In fact there's been no relief by any Texas court given to any Mexicano. It's always come from federal court."

Gutierrez said that the MAYO movement might concentrate on the employment of economic force through "labor strikes," the "boycott of certain business," development of barrio-owned business firms, or even "a loan from McAllister's San Antonio Savings Assn."

He was asked if he had any opinion on the Cuban revolution and Fidel Castro and replied he knew little about them, adding:

"Only what I read in the newspapers and that leaves a lot to be desired as far as getting the other side of the story."

Near the close of the conference Gutierrez dealt with the relationship of the work of MAYO to that of VISTA which has been accused of distributing MAYO literature.

He held that MAYO was more effective in its work because VISTA youngsters must contend with "hangups."

The MAYO leader said that VISTA workers are "completely prohibited from any political activity which is a tremendous source of power."

Further, they have no "identification" with the people of the Southwest and tend to think they are doing "missionary work."

Expounding on the political activity situation, Gutierrez said that the VISTA workers are not really able to get people together to discuss issues. He added:

"We can relate the same message in Spanish without actually getting up there and advocating anything or anybody."

Though Gutierrez said he regarded some portions of the MAYO effort as a sort of nonpartisan political activity, he was confident it did not threaten the tax-exempt status of the Ford Foundation.

Rocha explained that what MAYO actually does is to bring about public dissemination of information.

Compean reported briefly on educational and leadership aims of the organization including participation in voter registration drives. He emphasized work of MAYO with former gang members.

Guerrero discussed the work of his university which has a staff of three and works with gang members and drop outs.

"We've been out on the streets until two or three in the morning," Reported Guerrero,

adding that "We have a lot of fun with the policemen."

Asked to amplify on the 3 a.m. duty, he said that "we're talking to the people—to the dope addicts."

He charged that police have called his students "pachucos" and at times had booted them in "the rear end."

Asked of the police involved were Anglo-American or Mexican-American, Guerrero mused that police are "weird people." He said that, though there are "good cops," the people of the poverty area consider the police to be "perros—dogs."

Asked about the murder which occurred late one night at the university, he noted that "after the years of poverty and degradation we have encountered—this system has not produced angels."

A reporter asked if the group felt Rep. Gonzalez had done anything for the Mexican-Americans. Gutierrez replied that he had passed a tremendous amount of social legislation but "locally the record with Mexicanos is not very impressive."

Asked if Gonzalez had not helped with the food stamp program, Gutierrez assailed the food program as helping "Mexicanos become dependent on a welfare system." He called for replacement of the present welfare system with a system under which the government as a last resort would guarantee every person a job or a fixed income.

Guerrero reported he was a scholarship student at Trinity University. Pressed as to whether he considered it a gringo institution, he reported:

"The majority of my professors are—they're Anglos. There are a lot of gringos that go there."

Asked if the professors were "all right," he replied:

"Some of them . . . but my hassel is not with Trinity."

NEED FOR REDEFINITION OF FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MINSHALL) is recognized for 60 minutes.

GENERAL LEAVE

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, events of last year in east-central Europe clearly spelled out two facts for all the world to see: First, the resilience of the forces opposing Soviet Russian hegemony and of traditional, totalitarian communism, and, second, the brute military power of the Kremlin ready to crush any burgeoning nationalism, humanism, or market-oriented economics in the region.

In 1968 we witnessed the "spring of Prague," the challenge to bureaucratic totalitarianism, secret police terror, and alienation of the individual in a collectivist society by Czech and Slovak students and intellectuals, regardless of whether they were Communist Party members or anti-Communists. We watched the increasing search for national identity and sovereignty, renewed interest in the history of these nations in order to strengthen identification with the West. We discerned the younger generation's hunger for humanism and moral values rather than the emptiness and deceit of communism.

Yet we also witnessed the use of military force against Czechoslovakia by the Soviet Union, the repression of students, intellectuals and Jews in Poland, the revival of the old divide-and-conquer tactics of the Russian occupiers in Czechoslovakia, the slowdown in economic reforms in Hungary, and the fateful proclamation of the "Brezhnev Doctrine." This unilateral pronouncement of the Soviet Government, restricting the national sovereignty of "Socialist" nations by declaring Soviet intervention legal if the "Socialist" governmental order were endangered, is a clear attempt to legalize the protectorate status of these countries.

No wonder that even some of the Communist governments and parties protested this unabashed claim to become the protecting power in contravention of the United Nations Charter.

American policy under the Kennedy and Johnson administrations was mostly that of detached waiting and ineffectual sloganeering. Our silence before, and shortlived protests after the invasion of Czechoslovakia seemed to indicate to many a tacit understanding that we consider the area a Russian preserve which can be ruled according to the whims of the Moscow regime.

The Soviet invasion of Czechoslovakia reawakened old fears of Russian expansion by force in Europe. It reopened the Berlin problem. More immediately, it raised the specter of a Russian invasion of those Communist countries which, in part or entirely, detached themselves from Russian military domination; that is, Yugoslavia, Rumania, and even Albania. Occupation of these countries by the Red Army would greatly aggravate the situation of our NATO allies in the Mediterranean and our position in the Middle East.

At the same time, however, Moscow's political gamble in Czechoslovakia remained a pyrrhic victory. Resistance, though in muted forms, persists in Czechoslovakia, federalization strengthened the allegiance of the people to the state, and the death of Jan Paluch focuses world attention to the undefeated spirit of the youth that seeks humanism and believes in Western values of freedom and human dignity. This determination was displayed on a historic scale by the young Hungarian freedom fighters in 1956, it burns now in the youth throughout east-central Europe.

Under these circumstances, the new administration is well-advised to seek a redefinition of our policies. A way must be found to reduce and remove Soviet military presence and pressure and to help restore national self-determination to these countries. If liberation is excluded by the existence of nuclear parity, and if "bridge-building" only leads to Soviet military intervention, a new approach must be found. Soviet actions in east-central Europe, the resilience of anti-Soviet, pro-Western nationalism there, the quest for humanism infiltrating even some party workers, the increasing intensity of the Sino-Soviet conflict—all are factors which might enable the United States and other Western countries to suggest new solutions to the Soviet Union. Solutions, which would, if not solve at least alleviate the sad fate of these proud nations so closely allied through history, culture, economic interest and sympathies with Western Europe.

One such approach would be the strengthening of unity and the coordination of efforts in Western Europe in the spirit of Atlantic partnership, with a proposal to neutralize, at least part, but preferably all of the area between Germany and Russia by international guarantee after a withdrawal of Soviet military forces. The new buffer zone also would include pro-Western Austria, national Communist Yugoslavia, Hungary, Czechoslovakia, and probably Rumania and Poland as well.

Such ideas were most succinctly analyzed in a recent memorandum of the American Hungarian Federation submitted to the President and Secretary of State Rogers. The International Affairs Committee of the Federation and its active, scholarly chairman and secretary are to be warmly congratulated for their incisive analysis of the situation. I am particularly impressed by the scope of their thinking, which does not limit itself to Hungary alone. For, in reality, there is no separate question. The future of Hungary hinges on development of the East European region in particular and on unity and coordination of efforts in Western Europe in general.

Mr. Speaker, at this point I will insert the memorandum in the RECORD:

MEMORANDUM OF THE AMERICAN HUNGARIAN FEDERATION

Self-determination of all nations has ever been the fundamental tenet of American foreign policy. In its name, and mindful of the disappointing experiences of the last 25 years, the division of the globe into spheres of influence among the superpowers, the United States and the Soviet Union, must be rejected as ineffectually and dangerously offensive to American national interests.

Conceived as a four power system at the Teheran and Yalta Conferences, this master plan had further deteriorated into a confrontation of the two superpowers maintaining a precarious balance through mutual intimidation. Accordingly, instead of unification, the European continent was partitioned into two halves, and that deplorable split is enforced even today by unopposed Soviet intervention.

The existing balance of terror is fragile and an unfortunate conglomeration of events resulting from cumulative minor decisions could produce a situation in which even the superpowers would lose their freedom of choice.

The basic assumption for a reassessment of our policies cannot be "bridgebuilding," an ineffectual slogan of irresolute politicians unhappy with the results of bipolarity, but unwilling to work for a gradual transformation of the European status quo. It must be rather the promotion of the *emergence of a Europe, friendly toward the United States, but sufficiently united and undependent to act as a third superpower in regard to its major regional interests. Therefore, measures promoting Atlantic partnership must be given priority over bilateral arrangements with the Soviet Union.*

Only the emergence of a politically well-coordinated Europe can overcome the frus-

tration felt by Europeans on both sides of the Soviet-American demarcation line and their relapse into provincial isolationism.

Acceptance of Europe as an equal partner would create a power sharing Western cultural and historical heritage at the center of the power conflict. It should exert a peaceful, but almost irresistible, pull on Central European nations and serve as the natural mediator and major cultural force in reforging the ties with these countries, preventing them from moving closer to the Soviet Union as a result of the feeling of helplessness and abandonment by Western countries.

However, even a Western European superpower could not offer an automatic solution to the overriding problem of Europe's central lands, the partitioning of Germany, and the presence of Russian troops in the area between Russia and Germany. For Soviet power in the region is military and economic, rather than ideological. Nationalism, therefore, forms the counterpoise to communism and the Soviet Union. Nationalists in East Central Europe are committed to Western historical traditions of their nations and yearn for closer ties with Western European countries.

Under these circumstances, the road to change would have to lead probably through a neutralization of the Central European states, creating actually three Europes: the Western European power, the buffer area of East Central Europe and the East European superpower: the Soviet Union. Such a neutral zone would even cater to real or alleged security interests of the Soviet Union in regard to "German revanchism," and "American imperialism."

The contention of the Soviet Union, however, that the maintenance of a "Socialist" order supersedes the rights of East Central European states to sovereignty as far as the Soviet Union is concerned, can never be accepted either implicitly, or explicitly. The "Brezhnev Doctrine" contravenes the basic principle of the United Nations and international law which is the sovereign equality of nations, and endangers peace and security in all of Europe.

While a neutralization cannot be conceived without future progress on the solution of the problem of German reunification, it is not dependent upon a full solution of the same. Neutralization would have to include preferably all nations between Germany and Russia, but at the minimum Hungary, Czechoslovakia and already neutral Austria, perhaps also Yugoslavia, Rumania and Poland. International guarantees by the major powers, and a corresponding withdrawal of foreign troops to 200–250 miles from the present demarcation lines, could make such proposals attractive even to Moscow which today has less problems with Austria and Finland than with allies Rumania and Czechoslovakia. Furthermore, a European settlement would increase the freedom of action of the Soviet Union on her Chinese flank. Central European peoples would greatly benefit by the removal of Soviet military and economic pressure from the area. Premier Imre Nagy Hungarian Government asked for a neutralization of Hungary on November 1, 1956, and neutralization formed topic of serious discussions in Czechoslovakia during the summer of 1968.

Our alternative option is to maintain bipolarity and to emphasize the control of nuclear arms in order to find common grounds with the Soviet Union. In the long run, this course would result in a reheating of the German question, in frustration and possible revolts among the despairing Central European nations, and in an increasing fragmentation of Western Europe. Finally, Soviet American tensions would be reintensified with no mediating European power present.

Lured into a false sense of security by the seemingly stable bipolar balance, with the sympathy of our friends alienated by our unattractive role as the policeman of the status quo, we could easily approach the precipice facing surrender, or a nuclear Armageddon. For legitimacy, or the recognition of binding principles of international order, are not accepted in theory, or practiced in diplomacy, by the Soviet Union.

President Nixon, in his October 19, 1968 speech at Eatonville, N.J., stated that a regional pact can have a great role in peacemaking and continued:

"Regional pact can prevent a local conflict from escalating into a world war. The regional pact thus becomes a buffer separating the distant great powers from immediate threat—and the danger of a local conflict escalating into a world war is thereby reduced. A regional pact would provide a buffer between the United States and the Soviet Union in future flareups."

It is this kind of regional pact establishing a neutral zone in Europe that our memorandum seeks while asking for the promotion of Atlantic partnership concepts for Western Europe in order to promote a stable peace on the continent of Europe that should not be bargained away for real, or alleged, concessions of the Soviet Union on the issues of the Middle East and Viet Nam.

Mr. LUKENS. Mr. Speaker, today I am joining with my colleagues, ably led by the distinguished gentleman from Ohio, in discussing new approaches to our policies toward east-central Europe after the deadlock of many years under the past administrations. The occasion is provided by the memorandum of the American Hungarian Federation on the issue to the President and the Secretary of State which was recently sent to them.

Our policy toward east-central Europe was characterized by either indifference or irresolution. Despite the strong forces opposing the present status quo which condemns these nations to the satellite status toward the Soviet Union, forces which manifested themselves clearly in the 1956 Hungarian Revolution and the events in the spring and summer of 1968 in Czechoslovakia, and the efforts of even the Communist regimes of Rumania and Yugoslavia to escape Russian domination, we have not come up with a comprehensive policy that would have had a reasonable chance of ridding these nations from Russian military pressures and occupation. The liberation policy failed as it was to be restricted to propaganda. The bridgebuilding policy remained ineffective, morally compromising us in accepting the regimes and Soviet influence. Instead of successfully detaching some states from the Russian orbit, it only led to the consequential and evil Brezhnev doctrine which claims the right of military intervention by the Soviet Union in case the "Socialist" order is endangered in any one of these "Socialist" countries. This is an international law definition of protectorate and nullifies the sovereignty of these nations even under international laws.

We must find some means to counteract the increasing pressures of the Soviet Union on the area in view of the strength of those native forces which struggle valiantly against overwhelming odds for national sovereignty, human dignity and more individual initiative in these collectivist, totalitarian societies.

As it seems to be clear that even much of the Communist Party leadership of the lower- and middle-echelon levels desires the removal of Russian military occupation and a freer development of national policies, and as it is evident that the peoples are in favor of ending Russian occupation and of reforging their ties with Western Europe, it would be in our interest in proposing neutralization of the Central European area, including Austria and Yugoslavia, as well as to the Soviet Union and the governments concerned. While such neutralization might not be the best solution, it would enable these countries to resume more independent national policies, rid them from Russian occupation troops, and enable them to cooperate among one another. The "inner core" of the buffer zone would approximately be the territory of the former Austro-Hungarian monarchy where common historical traditions and economic interests already exist and have been forcibly torn apart by the Versailles-Trianon Treaties of 1919–20, the German domination of the area in the late thirties and the Russian domination of the region since 1945.

We hope that if our Government plans to have negotiations with the Soviet Union, this approach would be used instead of continuing with the Kennedy-Johnson policy of watchful waiting and idleness toward the region that helped the peoples of east-central Europe and the Western European nations, as well as believe that we have written off east-central Europe for good as a Russian reservation.

Mr. PUCINSKI. Mr. Speaker, today I am joining my colleagues in discussing our policy toward the region of east-central Europe on the basis of the recent memorandum of the American Hungarian Federation.

With the events in Czechoslovakia and the visit of the Russian leaders to Rumania the problems of east-central Europe are again moving into the forefront of interest of world politics. To this added the expressed desire of the new administration to concern itself increasingly with European problems and its intent to start in the near future substantial talks with the Soviet Union involving European and Middle Eastern questions. Undoubtedly, much thought must be given by our policymakers on how to activate American policy in this region without necessarily upsetting the general aim of a detente with the Soviet Union.

One such well-reasoned proposal has been recently submitted by the American Hungarian Federation which memorandum was also signed by the Federation of Free Hungarian Jurists and Hungarian Freedomfighters Association of America. The memorandum urges a rethinking of our policies in finding ways which would induce the Soviet Union to yield military control over part of the area in return for Western concessions. The way suggested is a neutralization of the Danubian countries on both sides of the Iron Curtain, including Austria and Yugoslavia and Hungary, Rumania, and perhaps Czechoslovakia.

It is in support of this concept that I am speaking today, though I believe that the proposal should be extended to Po-

land as well and perhaps the idea of neutralizing both the Danubian countries, Poland and the two Germanies would find a better response in the Soviet capital. However, we must realize that at the present, a more modest approach might be of better diplomatic value and, therefore, I welcome the proposal of the American Hungarian Federation and hope that our policymakers will pay the needed attention to it and will further research it.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the fortunes of the peoples of east-central Europe are always close to our hearts. Many Americans or their ancestors came from these lands of the Danubian region, Poland and the northern Balkans. They helped us to build a better and culturally more enriched America, and they remain concerned about the fate of their former conationals.

Furthermore, the strategic importance of the Danubian region and the northern Balkans has been of great significance to our NATO allies, particularly Germany, Greece, and Italy; and the deprivation of the right of the Danubian and northern Balkan nations to self-determination remained a heavy heritage of our inept policies at Teheran and Yalta and of brutal Soviet aggression toward them.

Events, however, continue to evolve even in east-central Europe. The days of Stalinist monolithic satellization are gone, but Russian military and economic hegemony over the area still deprives them of true political independence and strong internal pressures for such a state of affairs still provoke Soviet military intervention, like in Hungary in 1956 and Czechoslovakia in 1968. Yet the forces of nationalism, which is almost completely anti-Russian, and the search of the youth and intellectuals for a more democratic life and humane methods cannot be repressed even by Russian tanks; and the economic realities of the 1960's force even the Communist regimes to expand trade with the West in order to help modernize their obsolete machinery and management methods.

Yet the central fact remains continued Soviet control and no true solution can be achieved until this central fact is successfully altered. Therefore, it is with great interest that I have read the recent memorandum of the American Hungarian Federation proposing neutralization of part of the area: The Danubian region, including now neutral Austria, Hungary, Yugoslavia and either or both Rumania and Czechoslovakia. I trust that our diplomats and policy planners will further study the interesting proposal and work out a comprehensive plan which could form our counterproposal to the Soviet-backed European Security Conference which will have to be dealt with in some manner after the remarks of President Nixon to the NATO meeting last week and the NATO communique composed at the end of the same meeting.

Mr. ADDABBO. Mr. Speaker, today I am joining my colleagues in discussing various alternatives to American policies toward east-central Europe.

The two salient facts evident about the situation in that region are the anti-Russian, nationalist spirit of the peoples, and the unchallenged military superiority of the Soviet Union which finds its expression in the occupation of most countries of the region and in the newfangled "Brezhnev doctrine" claiming the legal right of intervention, a carte blanche for political and military domination.

The events of 1968 in Czechoslovakia showed with great clarity the presence of these two major forces and the absence of any coordinated policy on our part. While liberation is outmoded by the military-political realities of life in international politics, we must continue looking for an alternative policy not based on the sanctioning of the protectorate status of these proud nations in the "Socialist commonwealth."

Recently the American Hungarian Federation which for over six decades served as the spokesman of the American Hungarian community submitted a memorandum to the President, Secretary of State, and the National Security Council on the subject of future policies of the United States in east-central Europe. They discussed the issue in the all-European framework, pointing out that the emergence of a politically coordinated Europe that can speak with one voice on the major regional issues is a prerequisite for any successful Western policy toward these historically pro-Western countries of the European center. Therefore, they suggested that we give precedence toward policies directed toward Western unity, and promoting Atlantic partnership.

In addition, however, realizing that negotiations with the Soviet Union over the major international conflict issues are necessary, they also suggested the official presentation of a comprehensive neutralization program for Austria, Yugoslavia and at least Hungary, Czechoslovakia, preferably Poland and Rumania including the withdrawal of foreign forces from these countries. This neutralization would also be guaranteed by NATO and the Soviet Union thereby increasing the security of both Western Europe and the Soviet Union by the creation of a buffer zone especially as the increasing intensity of the Sino-Soviet conflict and the troubles the Soviet Union continues to have with some of her allies in east-central Europe, must render Moscow more interested in a European settlement.

I certainly hope that the memorandum will be carefully read by the policymakers in this country and further studies be made on the proposals of the American Hungarian Federation.

Mr. JOELSON. Mr. Speaker, today I join my colleagues in discussing alternate courses to present American policies toward east-central Europe.

Recently, we are faced in east-central Europe with two forces for change. The first one is the increasing recognition of national independence and historic tradition of these nations in response to the increasingly anti-Russian feelings of the peoples. The second force is the search for some kind of humanism by the younger generation, a return to Western moral and philosophical ideals even when presented within the political framework of a socialist society. These ideals found acceptance in many countries even among the young and the intellectuals who were Communist Party members and who occupy important positions in the cultural and political life of their countries.

However, since August 1968, Russian military and economic pressure against the states of the region has increased in order to counteract these tendencies. We have seen the repression of the spring demands of the Polish university youth in 1968, the military occupation of Czechoslovakia where individual freedom was, at least in part, restored and further reforms demanded, and the pressures on Rumania and even on independent Yugoslavia.

Yet the pressures were only partially successful. Everywhere, even in Hungary, which underwent the traumatic experiences of an anti-Communist national rising in 1956, the peoples express their quest for reforms and humanism with increasing impatience despite the Czech events.

President Nixon is preparing this year for a new summit meeting with the Soviet Union, and it is to be expected that the future of east-central Europe will form one of the most important topics of such a negotiation. Together with the German question, it could cause a confrontation between the two superpowers and NATO more easily than Vietnam or the Middle East.

It is, therefore, necessary to ask ourselves what alternatives we have. Liberation can no longer be pursued in view of the present military balance between the West and the Warsaw Pact nations. Bridgebuilding via Moscow has been proven too ineffective because in the moment the policy is even half successful, Russian intervention can deprive the nations and the West of any of its accomplishments as has been proved in Czechoslovakia.

We must search for a regional arrangement which would safeguard great power interests in the area, as well as the interests of the nations involved. A compromise plan is proposed by a memorandum of the American Hungarian Federation which suggests that neutralization of central Europe, including Hungary, Czechoslovakia, possibly also Rumania and Poland on the one hand, and already neutral Austria and independent Communist Yugoslavia on the other, would remove the seeds of conflict from the Danubian Basin while safeguarding also alleged Russian fears of Western advance in Europe under the guise of neutralization. We believe that in view of increasing Russian interest in a detente with the West, a result of sharpening conflict between Russia and China, such a proposal may even be considered by the Kremlin, and we urge the President and the Secretary of State to give careful consideration to the ideas expressed in the memorandum.

Mr. DULSKI. Mr. Speaker, I am happy to join my distinguished colleagues in discussing our policies toward east-central Europe.

The initiative for this round of dis-

cussion was provided by the recent memorandum of the American Hungarian Federation sent to President Nixon and Secretary of State Rogers, proposing the inclusion of a neutralization plan for part of central Europe as an official American negotiating position.

This plan appears to have much merit and follows, in many respects, earlier plans by American-Polish experts on a Central European Federation. Since we cannot liberate east-central Europe and we cannot prevent the continued rise of nationalist and anti-Russian sentiments, it is our duty to find some provisional solution that could provide security to the peoples of the area, including a large degree of national self-determination, and also which would be acceptable to NATO and the Soviet Union.

Any neutralization plan must include some progress toward a solution of the German question. Placing the complex German question into the foreground of negotiations negated, in the past, any progress toward a restoration of peace and free development to the other nations in the region. Therefore, we welcome the suggestion of the American Hungarian Federation for a neutral zone to be established on the Austrian pattern, not only including Austria, but also Hungary, Poland, Czechoslovakia, and independent Yugoslavia, and providing for the withdrawal of foreign forces from the zone. While such a proposal would have been considered Utopian a few years ago, in view of the many difficulties the Soviet Union has been experiencing with many of its "allies" in the region and the increasing Chinese pressure on the eastern frontiers of the Soviet Union, perhaps this might become a proposal of considerable interest to the Soviet Union as well as a counterproposal to the European Security Conference promoted for propaganda purposes by Moscow.

Mr. CRAMER. Mr. Speaker, today I am joining my colleagues, led by the distinguished gentleman from Ohio, in discussing the problem of American policies toward east-central Europe. The debate is occasioned by the fine paper of the International Affairs Committee of the American Hungarian Federation recently submitted to the President, the Secretary of State, and the National Security Council.

It is my belief that the Czechoslovak events of 1968, the Timisiora Conference between Tito and Ceaucescu, the recent, not too successful, attempts of the Soviet Union to gain wholehearted support of the parties of the region against the Chinese are all signs that east-central Europe is not going to remain a docile subject of the Soviet Union even in the face of our continued inaction. Internal developments, whether manifested in the quest for economic efficiency instead of the wasteful practices of Marxist-Leninist economics, for humanism among the youth and the intellectuals, or for political democracy among the masses are going to continue despite Soviet intervention. In fact, the more repressive foreign measures are used, the more nationalism and aversion against Russia will grow, rendering slowly, but inevitably, this region of the world a new powder keg just like in the decades since 1914.

The new administration wants to take a different approach to the problem from the ineffectual "bridgebuilding" attempts of the last 8 years. We must find some means to deal with the overriding problem: the presence of Russian military forces in the area. Entering an era of negotiations rather than confrontation we cannot revert to "liberation" policies, but neither can we recognize the satellite status of these countries under what is now called the Brezhnev Doctrine of legal Soviet Russian intervention in case of danger to the Socialist order in these countries by internal developments.

The ideas of the American Hungarian Federation on these matters are interesting. They stress the need for more active Atlantic partnership policies in Western Europe in order to promote the emergence of a politically well coordinated Europe, independent but friendly which could make its own decisions about major regional issues. Such a Europe would, of course, exercise a strong peaceful pull on the states of central Europe. But the memorandum goes beyond these generalities. It proposes studies on a possible neutralization of Austria, Yugoslavia, and part of the Warsaw Pact nations, particularly Hungary and Czechoslovakia, by means of negotiations with the Soviet Union and the NATO allies.

I hope that our policymakers will give the attention to this paper which it deserves by its new approach and that further studies will be made in this direction.

Mr. CULVER. Mr. Speaker, I would like to bring to the attention of the Members of the House the recent publication by Frederick A. Praeger of "The Czech Black Book," a translation of a publication compiled by the Institute of History of the Czechoslovak Academy of Sciences and entitled "Seven Days in Prague."

The purpose of the book, which was first secretly circulated in Czechoslovakia, was and is to refute the so-called Soviet white book—"On Events in Czechoslovakia," Press Group of Soviet Journalists, Moscow 1969.

"The Czech Black Book" is an excellent account of the Soviet-led invasion of Czechoslovakia and seriously undermines any credibility the Russian "white book" may have had.

As just one example of the unreliability of the Soviet publication, I would cite a statement on page 18 of the translation which states:

U.S. Congressman J. Culver who returned from a visit to Czechoslovakia was quoted by the Lebanese newspaper Al Hadaf on August 29 as describing his encounters with the former director general of the Czechoslovaki television, J. Pelikan.

Here is what J. Pelikan said in short:

"The advocates of liberalization are counting on purging the leading party organs not only of hostile elements but also of all those who have been taking a vacillating or wait-and-see stand.

"The leadership of the country will be taken over by men who will be able to wrest Czechoslovak politics and economy from out of the influence of the red ideology and to turn them in a direction conforming to Western traditions."

Mr. Speaker, there is no truth whatsoever to the story which appeared in Al Hadef and was reprinted in the Russian "white book." At no time either during my travel abroad or after my return to the United States did I describe to a representative of the press a meeting with Mr. Pelikan, nor attribute to him in any way the comments which the Soviets have reported.

It is this type of fabrication which "The Czech Black Book" overcomes, through its report of the 7 tragic but heroic days in Czechoslovakia last August. I commend it to the Members of the House.

Mr. HOWARD. Mr. Speaker, I am glad to have the opportunity today to join my distinguished colleague from the State of Ohio in discussing the direction of American foreign policy in Eastern Europe.

The general direction of American foreign policy in all areas has been toward the self-determination of all nations. It has been my feeling that this course should be more aggressively followed. In the case of the Eastern European bloc, I feel it must be our responsibility to do everything possible, in a nonmilitary manner, to encourage and support the attitude of self-determination which is being so earnestly sought by these freedom-loving people.

As we consider the possibility of bilateral discussions in the near future, I feel we should keep in mind the possibility of correcting our own course of direction in foreign policy. We have recently watched the development of more independent governmental structures in the Eastern European countries, and we cannot help but notice that this move toward independence continues to grow in strength, despite efforts by the Soviets to stop it. I feel American Government must indicate its support of these efforts, which may well lead to a more united Europe, with a healthier, more viable economy.

As I have stated many times previously on this floor, the nations of Eastern Europe have long fought for the right to govern themselves as part of a free society. In developing our Nation's policies toward those countries, we should keep their efforts well in mind, and keep our minds open for new alternatives in supporting those efforts.

Mr. BROYHILL of Virginia. Mr. Speaker, it gives pleasure of joining my colleagues, ably led by the distinguished gentleman from Ohio, in analyzing trends and options of American policies toward Eastern Europe.

The last years have seen a renewal of the spirit of nationalism and humanism in that part of the world. A remembrance of the historical and cultural ties which binds the countries of the Danubian region, Poland and Bulgaria to the western part of the continent and which go back in some cases more than a thousand years. There is also a spirit of questioning and defiance on the part of the youth and the workers, the so-called darlings of the Communist system against the untenable and erroneous Communist ideology, and a search for a more humane and more effective approach to politics and economics.

Simultaneously, the dislike of the Russian occupation and dictation is growing even among nominal party members, and

even by some in the high echelons. The ferment in Czechoslovakia was primarily anti-Russian, the foreign policy of Rumania betrays increasingly nationalist motivations behind the veil of Communist Aesopian language, and even the presence of large occupation troop units have not done away with all the vestiges of liberalization in Czechoslovakia. The Kremlin is finding it harder and harder to keep the satellites in line who are encouraged also by the sharpening Sino-Soviet conflict.

At the same time, the Kremlin found no new recipe for dealing with the native forces of resistance. Tanks, censorship, secret police methods are still sought in order to keep Russian control, increasing the dislike which prompted the alienation in the first place.

The United States has a great stake in seeing freedom and national self-determination restored to the peoples of east-central Europe. Our past policies under the past two administrations was basically a hands-off policy, camouflaged by the ineffective slogans of "bridgebuilding," which was, however, exposed as extremely vulnerable to Russian actions in the moment of its first incomplete success.

We need a new approach which could be summarized by viewing the policy toward east-central Europe in the greater NATO and Soviet framework and in counterproposals rather than acceptance of the Russian-East European suggestion for an European Security Conference. Such counterproposal should take the form of a neutralization plan for the Danubian countries on both sides of the demarcation line, including at least Austria, Yugoslavia, Hungary, and Rumania and preferably also Czechoslovakia.

Such ideas were proposed by the American Hungarian Federation memorandum recently submitted to President Nixon and the State Department. I welcome them as an expression of real concern on the part of Americans of Hungarian descent in the matters not only of the country of their origin but also for the future of the entire region in general and American relations with Eastern Europe in particular. I am sure that our policymakers will listen to the new approach proposed and will further the study of the situation.

Mr. ST. ONGE. Mr. Speaker, I am pleased to join with my colleagues in discussing the memorandum of the American Hungarian Federation on problems of American foreign policy toward east-central Europe.

The memorandum has several positive assets. First, it recognizes the complexity of the situation and does not call for simple solutions. It perceives clearly that there are no independent Hungarian, Czechoslovak, or Polish problems in our policy toward the belt of states located between Germany and Russia. Furthermore, that our policies are greatly influenced by our conception of Europe as a whole, by our attitudes toward an evolution of NATO and by our relations with the Soviet Union, the dominant power in east-central Europe at the present time.

Moreover, the memorandum exposes the failures of our past policies, whether they be of the "liberation" or the sloganeering "bridgebuilding" type. The success of any of these two policies in part brought about a tragedy for the peoples of the region. The so-called liberation policy was unmasked as propaganda without military backing by the Hungarian Revolution of 1956, which was finally crushed by the Red army despite the heroic efforts of the Hungarian people. The bridgebuilding policy was proved worthless by the invasion of Czechoslovakia last August and the subsequent repression of liberalism in that state at direct Russian intervention.

The question remains whether we should conduct a hands-off policy of indifference toward these states, which for most of the last millennium played a major part in shaping the history of Europe, or should we look for new initiatives? The memorandum concludes that the latter must be the case and I tend to agree with its conclusions. The form in which the new initiative could be made remains to be rendered more precise by expert research, but the general direction is clearly shown in the memorandum.

In the forthcoming talks with the Soviet Union, the new administration must seek to raise the issue of a possible neutralization of the countries of the Danubian Basin, including Austria and Yugoslavia, which are outside of the Soviet orbit, Hungary and Rumania, and possibly also Czechoslovakia. I hope that our policymakers to whom this memorandum has recently been submitted will take the time to consider it carefully and will apply its contents to the subject of further policy-oriented research.

Mr. RODINO. Mr. Speaker, it is evident that the new administration attaches great significance to European affairs, and therefore I believe that it would do well to closely study the proposals advanced by the American Hungarian Federation in a memorandum recently submitted to the President, the Secretary of State and other major policymakers.

The memorandum deals with both Western and Eastern European affairs, as the two cannot in reality be separated from one another. Our policies toward Western Europe should reflect the spirit of Atlantic partnership and aim at promoting a strong and independent Europe which, together with the United States, can deal with the regional problems of the Continent.

The European Continent has two major problems, both inherited from the Second World War. The first is the question of the division of Germany; the second the problem of continued Russian domination over large areas of east-central Europe. While we continue to hope for progress on the question of German unity, which is a concomitant requirement for progress on the situation in east-central Europe, the two problems are not identical.

The creation of a buffer zone including Austria, Yugoslavia, Hungary, Bulgaria, Czechoslovakia, and Rumania would still be possible before a full solution of the German question and could pave the way toward solving it. The centrifugal forces within the Warsaw bloc are already so strong that even in the face of our very limited involvement they can only be restrained—not eradicated—by superior Russian military and economic power. The increasing difficulties of the Soviet Union in keeping these countries in line, together with the intensified tension at the eastern border of the U.S.S.R. with the People's Republic of China, are factors that may make even the Russian receptive to such an arrangement, provided their security and economic needs are respected by some international guarantee on the status of the region and the retainment of certain economic ties. The winners would be the peoples of the region who crave for national independence and for an evolution of their systems into more humanistic and democratic forms, and for the reforging of their severed ties with Western Europe. I hope that our policymakers will consider these possibilities in preparing for talks with Russia.

Mr. BUCHANAN. Mr. Speaker, it is pertinent in the discussion to insert at this point the remarks of Dr. Z. Michael Szaz, secretary of the International Affairs Committee of the American Hungarian Federation:

REMARKS BY MR. SZAZ

American foreign policy toward Eastern Europe has been ever since 1944 a basically defensive one. The region was recognized as not vital to American national interests and therefore political considerations have always prevailed over security considerations.

While the Yalta Agreement did not in effect establish a sphere of influence division of Europe, such a division existed in fact as soon as the American and Soviet armies met at Torgav on April 24, 1945. As the Soviet Union has never lived up to the Declaration of Liberated Europe calling for the establishment of representative governments by free elections, by 1946 the United States also reconsidered its position and stopped sending reparations from its zone in Germany to the Soviet Union and in 1947 established the Bizonal Economic Area in Germany. The cold war soon hardened the military demarcation line into a political and ideological one and non-Communist parties and politicians met either jail and execution at home in Eastern Europe or had to escape to the West.

The Communization of Eastern Europe was not accepted as final by the United States. Public opinion's disgust was paired with the general assumption of American military superiority and it was considered possible to shake the Russian rule over the countries of Eastern Europe by diplomatic, economic and propaganda means without provoking World War III.

This was basically the "liberation" program of John Foster Dulles endorsed by General Eisenhower in his speech to the American Legion in August 1952 before his election to the Presidency of the United States.

The weakness of the "liberation" theory has been that it came too late. Such an active policy might have saved at least part of the area in 1946, but starting six years thereafter was doomed to failure by Soviet and domestic Communist entrenchment in the entire socio-political apparatus superiority over the Soviet Union in the nuclear and air power fields Soviet control over Eastern Europe can be loosened by political and economic means, by psychological warfare without leading to World War III and American military intervention.

While the Truman Administration continued to protest and undertake a large-scale propaganda campaign with the help of Radio Free Europe and the Voice of America, the

full use of all political, economic and psychological means in form of a "liberation" campaign with all means short of war was first promised by the Republican Presidential candidate General Eisenhower in his speech to the American Legion on August 24, 1952.

The incoming Eisenhower Administration, under the leadership of Secretary of State John Foster Dulles embarked on the above program. However, it became soon clear that psychological warfare alone would not suffice to break down the vise of Communist control which by that time has permeated all socio-economic and political levels of the Eastern European countries and was wedded to a ruthless and terroristic, but efficient secret police apparatus. Only an appeal to open revolt or to guerilla warfare would have been powerful enough to shake loose Communist control, but such an appeal would have meant promise of active American military support, a conclusion to which the Eisenhower Administration has not subscribed.

Three months after the inauguration of the Eisenhower Administration the death of the Soviet dictator Joseph Stalin appeared to have created a completely new situation rendering the success of the liberation program more likely but also introducing new elements like an evolutionary process of "nationalization" and "liberalization" of the existing regimes in Eastern Europe and possible Russian acquiescence into neutralization of part or all of the region due to internal weaknesses.

The results were tragic for the peoples involved, especially in Hungary where as a result of inept Communist leadership the discontent assumed the form of open revolt and forced the establishment of a multi-Party Government which tried to restore democracy and leave the Warsaw Pact. The challenge to Soviet and Communist control resulted in the near-intervention in Poland only averted by Gomulka's cooling of nationalist passions and temporary liberal reforms and in the bloody intervention of Russia in Hungary crushing the fight for freedom and establishing a quisling regime.

The Hungarian Revolution represents a watershed in American policy toward Eastern Europe. It demonstrated unmistakably the insufficiency of an activist policy which is unable or unwilling to draw the necessary military conclusions of its successes. The result of the fall events of 1956 has not been a curtailing of Soviet influence over the region but an actual increase in the long-run prospects of acceptance of Russian overlordships by these peoples. After all the dream of American liberation has been shown utterly unreal by the Hungarian freedomfighters. Rightly or wrongly the peoples of Eastern Europe felt even more abandoned than in 1945 and drew their own conclusions that they have to get along with their present masters and work for improvement within the existing ideological and power political framework.

On the American side the twin crisis in the Middle East diverted attention from the magnitude of political defeat but before any new policies could have been effectively implemented, a new event had occurred destroying the basis for an activist policy in Eastern Europe, the Russian space feats with the Sputnik and their implicit ramification of nuclear stalemate with the arrival of ICBMs.

The remaining period of the Eisenhower Administration did not produce any firm policy toward the region. The argument between those who wanted to continue the old tactics and aim it now for a "nationalistic" deviation of the regimes, and those who advised a hands off policy, or even a bridgebuilding policy continued with none of the protagonists achieving clear superiority in American Administration councils. Thus, the Hungarian question was kept on the U.N. agenda, but food and credits were extended to Poland, a summit meeting was sought and the German question was still discussed but after the second Berlin crisis in November 1958 attention was focused on the new Russian offensive in the region rather than on any liberation policies.

The Democratic Kennedy Administration started on a new tack. Especially after the Cuban confrontation and the end of the Berlin crisis, a new theory underlined our policies toward Eastern Europe. It called for an activist policy but not toward undermining the governments by direct appeals to the opposing elements among the population. Rather it called for improvement of economic, cultural and even political relations with the governments in power recognizing their permanence and political claim to power and hope that the enlightened national self-interest of the governments will lead them to better relations with the West and liberalization of the totalitarian controls at home. Yet, this bridgebuilding policy explained in President Kennedy's speech at the American University and elaborated by President Johnson's October 1966 speech was not to be restricted to Eastern Europe.

It was rather to be a minor part of our bridgebuilding policy toward the Soviet Union, for the policy was based upon the permanence of Russian military and economic control of the region. We were trying to become, together with other NATO countries a sort of junior partner in Soviet-controlled Eastern Europe and receive in return the economic satisfaction of trade and the moral satisfaction of the removal of the worst features of dictatorial rule for the populations involved.

The theory was very logical and nice, but it has never completely worked. There were too many internal contradictions in it and it did not fit into the Soviet plans for the region in the long run.

II

The bridgebuilding theory via Moscow has been long advertised as the major accomplishment of the Kennedy-Johnson Administration. It has laid the basis for a durable peace and led to a limited but vital cooperation between the two superpowers, both of whom realize now that the existence of the other and the avoidance of a nuclear holocaust is in its own national interest.

It is a political misfortunate for the Democratic Presidential candidate in 1968 that the failure of the policy occurred exactly during the Presidential campaign with the Soviet occupation of Czechoslovakia. For facing the mess in Vietnam and its urban and racial affairs at home, the apparent accomplishments of the bridgebuilding, detente policies were the only selling points of the eight years of Democratic Administration to the American people.

A close analysis of the bridgebuilding via Moscow policy has shown in the past that it does not work in the interest in the United States. Already long before the Prague events the negative sides has outweighed the positive ones. The first corollary of the policy has been the slowing down of American involvement in NATO, and a passive acceptance of French "going it alone" policies by the Johnson Administration. Once agreements with the Soviet Union became possible on international security matters and Russian aggression did not have to be feared, the role our NATO allies played in the formulation and implementation of American policies could be relegated into the background and NATO could be deemphasized. The events of the last four years of NATO history show clearly this trend of American policy and the sorry disarray they have created. In a perverse manner, apparent success in detente also meant that American influence over Western Europe could be reenforced, but for reasons of his own, President Johnson avoided this temptation which was exploited by President Kennedy in his first year of detente policy (1963).

The second corollary of the policy was the assumption that both the Soviet Union and the Eastern European countries would be slowly liberalized and thereby become more open to Western cultural and economic contacts. The Iron Curtain was to be dismantled and people-to-people contacts expanded. As all East European countries needed the hard currency of the tourists and Western businessman, the bridgebuilding policies attained some successes. However, the cultural and economic beneficiaries of the bridgebuilding were not United States citizens, but Germans and Frenchmen, Britons and Italians who could both on historical and economic grounds compete better for the favor of the local Communist regimes than their American counterparts. However, the policy was linear and was unprepared for a refreezing of the atmosphere that must occur when the bridgebuilding becomes moderately successful in Eastern Europe and present a latent danger to Russian economic and political control. Thus, in the moment of its success the policy would become a failure unless the liberalization or disintegration trends in the Soviet Union would proceed approximately at the same speed, a very unlikely occurrence.

The third corollary of the policy was the abandonment of anti-Communism as an American bargaining point in Eastern Europe. While the old liberation policy was strictly based on it, the new policy tried to hide it, ignore it, or even deny it, thus going to the other extreme. Realpolitik was to silence the opposition forces and cause them to cooperate with the new regimes and try to force the changes from the inside. The damage done to American image by this policy in Eastern Europe among the people over 35 has never been completely analyzed, but it must have been considerable. It also deprived the American informational agencies and papers of their strongest moral, ideological and political weapons. At Radio Free Europe even articles were no longer accepted for publication as early as 1964 which would prove economic exploitation of satellite countries by the Soviet Union. They were considered to be too delicate.

The final corollary of the policy was based upon its acceptance by the Soviet Union. However, the bridgebuilding policy toward the Eastern European countries has never been accepted by Moscow. Russian and local Communist writers and essayists were always warning of the ideological and political infiltration of the West and kept the people to people contact generally within well defined limits, minimizing the intellectual and economic impact of Western influences.

III

The Soviet occupation of Czechoslovakia and the ensuing threats to Rumania and the Federal Republic of Germany raises anew the question of American foreign policy toward Eastern Europe.

The Soviet occupation destroyed most of the assumptions of an evolution of the region to national communism of a more permissive type. It has shown that even when facing ideological bankruptcy, the Soviet Union can and will revert to military methods to enforce her own national control over the region. Furthermore, that bridgebuilding policies do not deter the Soviet Union from assuming a psychological-diplomatic offensive in Europe as long as NATO is in disarray and our relations with France and Germany are strained.

In my opinion, reassessment of our policies must not be restricted to Eastern Europe like in the past. The question of Eastern Europe is embedded in the problem of our relationship with our NATO allies and the Soviet Union. Viewed in isolation, a return

to activist "liberation" policy would reheat the cold war without great advantages to us. Yet the bridgebuilding policy is dead and no matter of rhetoric of the New York *Times* or Professor Brzezinski can resurrect it.

We must find a East European policy that takes into consideration the following factors:

1. There is no such unit as Eastern Europe. Events of the last few years created at least "two Eastern Europes," one held in subjugation by Russian military power, or by national interest complementary to the Soviet desires (Bulgaria), and one ruled by Communist regimes responsive to the local national interests, e.g., Rumania and Yugoslavia. Furthermore, no solution of the Eastern European problem may be achieved without some progress on the German question.

2. The basis for Soviet power in Eastern Europe is no longer ideological. Even in Poland, as the spring events of 1968 have evidenced, there are many Communist elements who disagree with the Soviet-type of socialism and local nationalism is on the rise in every Eastern European country. Nationalism remains the only major counterpoise to communism in Eastern Europe and its development since the death of Stalin constitutes the only effective anti-Soviet force. In reverse, there is little question that the Prague events show that the Soviet Union is also giving continuing precedence to national imperialist considerations over general, international Communist interests.

3. The basic question in Eastern Europe is the presence of foreign occupation troops. By now, every country still subject to Russian control has Russian troops at her soil. The removal of Soviet troops must be the primary aim of American diplomacy in the region. There is reasonable hope that once this objective is achieved, the countries would orient themselves toward Western Europe and liberalize their policies at home.

4. Unless we have a strong Western Europe which is further integrated, there cannot be an active policy toward Eastern Europe for any settlement leading to a diminution of Russian presence in the area can only be based at the reduction of American forces in Western Europe. While disengagement cannot provide the full answer, some disengagement and progress on the Germany question would have to precede Russian withdrawal from Eastern Europe.

IV

There are few other alternatives. To continue the present policy would be disadvantageous to the United States and would encourage the Soviets to assume an offensive stance toward the NATO countries while putting military pressure on Rumania and Yugoslavia.

A return to "liberation" policies would probably not receive public support either in the United States and Western Europe and would be ineffective in view of nuclear parity.

To abandon all interest in the region again would be interpreted in Moscow as neo-isolationism forced upon the United States by internal problems and result in Soviet initiatives against the NATO region.

The new policy must be based upon the recognition that in the long run it is in our national interest to promote increasing contacts and integration between Eastern and Western Europe and to reduce our military presence in Europe.

This is not a call for troop reduction at a time of danger to NATO countries. The prerequisite for the policy is the reestablishment of military balance by an enlargement of present NATO forces and withdrawal of the forward elements of the Red Army from Czechoslovakia. But as a medium-range consideration, the thinning out of the Central European sector from foreign troops must be the hub of any reasonable policy aiming at furthering American and European interests in Eastern Europe.

The new policy must aim at the reopening of the German question. No amount of talk about disengagement, or reduction of forces, or bridgebuilding can solve the problem unless German unity is restored in some shape or form. The basis for a solution of the security and free development of Eastern Europe is progress in restoring German unity.

The new policy must guarantee to a greater extent than before that countries which assume a nationalistic stance will not be abandoned at the alter of the detente to the Soviet Union's kind graces. This is not to call for their full guarantee by NATO, but at least for their placing into the grey area of American military interests which, under certain circumstances might be defended from armed aggression. The Johnson announcement of Rumania came close to such a position, though his abject silence on Czechoslovakia was rightly interpreted as a disclaimer of any American interest in Czechoslovakia.

Each of the three principles of a new policy would require a long study in itself. However, they must be part and parcel of an all-European policy aiming at bringing increasing coordination and unity to the continent not by American-sponsored community projects, but by helping the European powers to find the way to one another, in the spirit of John Foster Dulles, but realizing that the best encouragement we can give is the expression of our interest and the upgrading of their role in our policy-making vis-a-vis the Soviet Union and Eastern Europe. The creation of Europe united on foreign policy, integrated economically, and culturally independent, and friendly to the United States without forming part of an enforced Atlantic Community, is in our national interest. The fulfillment of the promises of this policy would go far in solving the problems created by Russia in Eastern Europe without direct American involvement. After all, it was the success of West German trade and cultural relations with Eastern Europe which exerted a substantial influence on the Soviet leaders to occupy Czechoslovakia lest they lose their influence in most of the region. And Soviet Russia, too, in the long run, will have less objections to ties between Eastern and Western Europe than to close ties between Eastern Europe and the United States.

Mr. FINDLEY. Mr. Speaker, today's discussion of American policies toward east-central Europe is very timely.

A solution to the complex problems of the region cannot come overnight, but unless we start thinking of new ways of trying to deal with the present crisis-filled deadlock between the nations of the area and the Soviet Union on the one hand, and between NATO and the Soviet Union on the other, central Europe might again become the powderkeg of Europe just as it had been twice during the present century.

Native forces in these countries have already worked some change during the past decade. The Soviet monolithic control has been already cracked by the Polish and Hungarian events of 1956, especially by the temporary victory of the revolutionary forces in Hungary later defeated by Soviet armored divisions. With some modifications, the Soviet Union was quickly able to restore control over the region by the end of 1957. The second upheaval came more gradually.

Yet, despite Soviet occupation, nationalist and democratic unrest continues in Czechoslovakia where passive resistance extends not only to the masses and workers, but to much of the party leadership itself. Rumania succeeded in vetoing closer economic integration within Comecon which would have been detrimental to her national interests, and even in foreign policy has recovered some leverage and independence. Hungary is experimenting with economic reforms and while it is emphasized that they could not spread to the political realm, the changes are undermining classical Marxist economics. Anti-Russian feeling is high in almost every country of the Warsaw Pact in view of the events of August 1968 and nationalism has become the major counterforce penetrating, transforming, and often outrightly opposing traditional Communist tenets.

It has been said that the Soviet Union has less trouble in her relations with neutral Austria, or Finland than with Rumania and Czechoslovakia who are formally members of the Warsaw Pact.

Mr. HALPERN. Mr. Speaker, today I join my colleagues, ably led by the distinguished gentleman from Ohio (Mr. MINSHALL), in discussing the situation in east-central Europe in the light of recent proposals of the American Hungarian Federation.

With the new administration displaying signs of renewed interest in East European affairs and preparing serious negotiations with the Soviet Union on major issues, it is of great importance that we try to find new approaches to our relationships with central Europe.

The American Hungarian Federation's call for an Atlantic partnership to be the mainstay of our policy toward Western Europe appears to be a most hopeful approach to this problem. We cannot and should not play the policeman of Europe; rather, we must help the European nations to become self-sufficient in military and political matters and promote integration and coordination among them in the creation of a viable European community.

It is my belief that we can arrive at no solution of the complex east-central European question without a regional plan which would be acceptable to the peoples of that region and which would at least be tolerable to the Soviet Union. It is, therefore, with special interest that I read the proposal for the neutralization of much of central Europe by the American Hungarian Federation. Such a neutralization would establish common guarantees against intervention. Creation of a buffer zone would in fact create three Europes: Western Europe, the buffer zone, and the Soviet Union. It would be a possible solution to the security needs of the Soviet Union and the needs of the central European nations to live outside of blocs. This desire needs no proof as far as Austria and Yugoslavia are concerned, and was also manifest in Hungary and Czechoslovakia in 1956 and 1968, respectively.

Such an approach could take the form of a cautious but positive reply to the European Security Conference ideas which the Soviets and their satellites are now pushing for propaganda reasons and for effecting our withdrawal from Europe, unmasking the Soviet designs, but preserving the potentially positive elements of the plan which call for the dissolution of military blocs. A buffer zone neutralization could even be acceptable

to Soviet security needs at a time when the Soviet Union has considerable trouble with several of its Warsaw pact allies.

In this connection, may I call attention of my colleagues to a periodical published in New York: "Studies for a New Central Europe," which is pushing the idea of neutralization of the Danubian states, with possible common institutions among them once neutralization has been achieved and guaranteed by the major powers.

I insert at this point the editorial in the last issue of the "Studies for a New Central Europe" which pertains particularly to the idea of neutralization:

TOWARD A THIRD WAY IN A NEW CENTRAL EUROPE

Europe is an extremely sensitive area of the world where the use of bare military power will bring neither permanent peace nor a solution to its problems and needs. The Russians will soon realize that the use of a raw force in a highly developed area backfires. The military "blood and iron" method of Napoleon, the Czars, Bismarck, Mussolini and Hitler harmed in the long run more than they helped their nations and Europe. American and Western policy must also change from their predominantly military countermeasures, pacts and expenditures—as Richard Nixon recently emphasized—to "preventive diplomacy" and peace planning with "regional peace pacts" and the whole-hearted participation of the nations concerned.

THREE ALTERNATIVES IN EUROPE

The solutions commonly advocated for Europe fall into three categories:

A. A *United Europe*. This is presently politically unrealistic, at least for the foreseeable future and so long as the Soviet Union is a nuclear superpower. Moscow would never give its consent to a politically, economically and militarily unified Europe that included East Central Europe "from the Atlantic to the Urals." Such a unity exists only culturally, based on deep historical sentiments of the European nations. But politically, a *United States of Europe* is still unrealistic, a fantastic dream like that of Coudenhove-Kalergi's *Pan-europa* proposed between the two World Wars to which some statesmen like Briand, Seipel and Masaryk gave lip service but which proved to be a political illusion. Now, the European Movement invites its friends and adherents to almost yearly conferences with its program devoted to "European unification." The main speaker of the last conference held January 19–20, 1968 in Rome, was the German Professor Walter Hallstein who emphasized the idea of "Europe as a whole." Another organization, Action Europeene Federalist held its congress November 18–19, 1967 in Brussels with the participation of Jean Rey, Professor Hendrik Brugmans, Dr. Dieter Roser, Vice President of the German Europa-Union and others. The 17th congress of the latter organization met on March 4–5, 1968 in Cologne. But Jerzy Jankowski, a Polish journalist and editor of *Poland in Europe,* who attended these congresses, summarized their net results as follows: "The regimes in power in Eastern Europe are hostile to the United Europe idea. Thus, what is there left to say at the congresses beside repeating cheap formulas about an 'entire Europe' and platonic compliments to the peoples of the 'Second Europe'?" [1]

B. The Present *Two Europes* organized militarily by NATO and the Warsaw Pact countries would permanently fix the present East and West Europe side by side. This would be a hell to those nations caught unwillingly between the two superpowers, the masters of NATO and the Warsaw Pact. This present *status quo* would leave the German problem unsolved, the Berlin Wall and the Iron Curtain permanently established, the Cold War, intermittently intensified, especially now after the occupation of Czechoslovakia and as it was previously, after 1948 and 1956. The greater the increase of military power on both sides of the Iron Curtain, the more unbearable will life be for the 120–130 millions who live between Russia and Germany. Such enormous military expenses incurred by both America and the USSR are also an unnecessary burden on their economies that unbalance their budgets, foreign payments, and hinder finding solutions to their problems at home. Both America and England are willing to withdaw from Europe but as long as the Two Europes exist, a military de-escalation in Europe remains a dream. At whose expense were the 650,000 Soviet troops deployed in Czechoslovakia and now rocket bases established there? The NATO forces, America, Germany and also Yugoslavia immediately reacted by increasing their military expenditures, ordering more expensive rockets, tanks and jet bombers. Cannot lessons be learned from Hitler's military failures? The present trend only lays the base for a Third World War which could not be contained in Europe.

C. We submit, the realistic solution is a third way:

Three Europes: 1. Western Europe with its nucleus, the Common Market. 2. East Europe which is practically Soviet Russia. 3. Central Europe, a neutralized buffer zone between Russia and Germany.

The French President De Gaulle was realistic when he reminded the world in a speech at the Warsaw parliament, in the heart of Central Europe, that politically, there are Three Europes: Western, Central and East Europe. While a United Europe is an utopistic dream, the present Two Europes a hell, Three Europes would be to the advantage of all nations—and is politically realistic. It would be in the interest of the nuclear powers too, including the Soviet Union.

For Peace and Military Deescalation, a Neutral Buffer Zone is needed in Europe.

It is vain to exhort the leaders of the Kremlin to move their troops out of Hungary, Czechoslovakia and East Berlin so long as the English-American troops remain and are even strengthened on the other side of the Iron Curtain. Russia was invaded several times since Napoleon and it understandably feels the need of protection against what it calls "German revanchism" or other aggression. The present "revanchism" of West Germany serves as an admirable bogeyman to keep the Warsaw Pact group in line. Therefore a neutral buffer zone between the Russians and Germans would release the Soviet Union from this fear and enable the Kremlin to concentrate against a possible invasion from China. If a Central European neutral zone were guaranteed by the Great Powers and, as in Austria's case, by some other 60 states, the security of Russia's Western frontier would be unquestionable. Moscow's obsession must be removed by a proposal made through diplomatic channels to neutralize the zone from Finland down through the Danubian countries. Such an agreement would make the motivation written into the recent Soviet-Czechoslovak treaty obsolete. Article 1 of the treaty "ensures the security of the countries of the socialist community against the increasing revanchist strivings of the West German militarist forces." Neutralization would serve the security of the Soviet Union, Poland, and Czechoslovakia as well. It would open the way for a military de-escalation. The neutralization of Austria in the State Treaty of 1955 was one of the wisest steps taken in decades. The Kremlin now has less trouble with Austria than with the non-neutralized Hungary, Rumania or Czechoslovakia. Neutral Sweden and Finland are better neighbors than Rumania. It will of course be in the best interest of the nations in such a neutralized buffer zone to have good economic and cultural relations with Russia. With their military expenditures reduced, peoples of the zone will attain a higher level of existence.

The idea of a Neutralized Buffer Zone gains momentum.

Fifteen years ago many questioned the usefulness of such a neutralized buffer zone between the great powers. Western diplomacy was reluctant in giving consent to neutralize Austria. Only after more than 280 fruitless four-power conferences did it yield. It was the Austrian Chancellor Raab who succeeded in negotiating the matter with Molotov in Moscow. The final Memorandum [2] contained the "international obligation that Austria will maintain neutrality of the *same type as maintained by Switzerland.*" This was the key. The neutralization of Austria was a step forward. Following this, the withdrawal of troops from Hungary could have been negotiated immediately on the same platform and formula. But Western diplomacy did not see this opportunity. When the Hungarian revolution broke out in 1956, the government of Imre Nagy proclaimed neutrality. This was not backed by Western diplomacy, and the millitary intervention of the USSR followed. However, the Hungarian uprising marked the first defeat of Communism in Central Europe and its repercussions in the West undermined the prestige of Communist parties everywhere.

Recently, Western observers in Prague have reported increased interest among Czechs and Slovaks in the concept of a neutralized zone. Dan Morgan, correspondent for the *Washington Post* wrote from Prague on September 14, 1968:

"The Czechoslovak central authorities have completed a candid, confidential report in which they had to acknowledge an increase in a *detectable interest in neutrality for Czechoslovakia.* The invasion episode has also raised a significant doubt about the role of the Czechoslovak army which, although one of the best in Europe, was not ordered to resist the Warsaw Pact onslaught."

At the tenth anniversary of Imre Nagy's execution, the Prague *Literarny Listy* (June 13, 1968) published a eulogy of Nagy emphasizing his demand for Socialist neutralism. The growing interest in neutralization in Central Europe is also stated in a note sent by Czechoslovakia to the Polish government on September 13, 1968:

"An allegation made in the Polish party paper *Trybuna Ludu,* that the Czechoslovakian National Assembly's Foreign Affairs Committee had advocated neutrality of Czechoslovakia—was absolutely false."

The note, however, acknowledged that the Committee did discuss neutrality but at the insistance of the government came to the conclusion that "a proclamation of neutrality would not bring about a solution." This confidential report proves that a plebiscite in Czechoslovakia would favor neutralization by a large majority. A Hungarian journalist, Tibor Pethö, spokesman for the Government, wrote even before the Czechoslovak invasion:

"Czechs, Slovaks, Hungarians have lived together close to each other for centuries. The common experiences of this long togetherness taught us many things. We gathered ample experiences concerning antagonisms and hatreds; also the advantages of friendship and cooperation . . . by elim-

[1] Jerzy Jankowski: Problems of Eastern Europe at the Three European Congresses. *The Central European Federalist,* New York, 1968. No. 1, p. 17–22.

[2] Memorandum on the results of negotiations between Austria and the Soviet Union. Moscow, April 15, 1955. See *Documents on American Foreign Relations,* Vol. 1955, p. 121.

inating the influence of friendship and cooperation . . . by eliminating the influence of foreign powers which tried to divide and confuse the people in the Danube basin either by methods of the Hapsburgs or by those of Hitler . . . We trust in a federalist reorganization." (*Magyar Hirek*, June 29, 1968)

János Péter, Hungarian Foreign Minister, gave the following report to the Parliament (July, 1968):

"Diminuation of the dangers in Europe is in the common interest of all continents. For further clarification of the situation in Europe it is necessary to increase the number of existing bi-lateral agreements, and also that of the *regional agreements*. Only from the mosaic of these can the future peace of Europe be composed. Together with our neighbors we are working for a *well organized cooperation of Central European and Danubian Basin countries* with different systems economically, culturally and politically, in the interests of the peace and security of Europe."

Western Powers and a Buffer Zone.

Franz Joseph Strauss, West German Minister of Finance, who has influence on German foreign policy matters, stated in one of his lectures:

"If the *Eastern satellites can be formed into a buffer Europe*, if the mistrust in Germany which derives from the prejudices and experiences of the past can be allayed step by step, if this policy turns the pages of history and liquidates the legacy of the Second World War, then much will have been gained." [3]

Dr. Lujo Toncic-Sorinj, Foreign Minister of the Federal Republic of Austria, expressed his firm conviction more than once, that close cooperation among the peoples of the Danubian region is only a matter of time owing to the natural historical elements at work which will prevail against difficulties created from outside. Even Otto Winzer, Foreign Minister for East Germany told the National Assembly on August 9, 1968 that "under European security we must understand a *regional system* based on international agreements."

It was the English Prime Minister Eden at the Geneva Conference of Heads of Government that proposed the establishment of a buffer zone on July 18, 1955:

"We would be ready to discuss and try to reach agreement as to the total of forces and armaments on each side in Germany and the countries neighboring Germany. To do this it would be necessary to join in a system of reciprocal control to supervise the agreements effectively."

A mutual withdrawal of forces 250 miles on each side was proposed. It is regrettable that other events in world politics diverted attention from following up this idea or that of George Kennan on mutual disengagement. See also the study of E. Chaszar: "*The Possibility of a Neutralized Zone in Central Europe.*" [4]

The Secretary-General of the United Nations, U Thant, advocated a "vigorous and articulate *Third Force*" between the great powers. We agree with *Nelson Rockefeller*: "The historic choice fast rushing upon us, then, is no less than this: either the free nations of the world will take the lead in adopting the federal concept to their relations or, one by one, we may be driven into the retreat of the perilous isolationism, political, economic and intellectual, so ardently sought by the Soviet policy to divide and conquer." [5]

Richard Nixon recommended a regional buffer zone in his campaign speech at Eatonville, N.J. on October 19, 1968:

"Regional pacts that can prevent a local conflict from escalating into world war. The regional pact thus becomes a *buffer* separating the distant great powers from immediate threat—and the danger of a local conflict escalating into world war is thereby reduced. A *regional pact* would provide a *buffer* between the United States and the Soviet Union in future flareups."

Dangers to be averted by "preventive diplomacy."

Austrian Chancellor Klaus was told in Moscow during his visit of March 14–21, 1967 that Austria would be breaking the obligations of permanent neutrality if she joined the European Common Market and this would be a *casus belli*. On the other hand, Klaus was told that Austria would be supported if she strengthened her neutrality and her relations with the other Central European states. Austria was also encouraged to call a Conference on European Security to be held in Vienna.

Today many dangers exist in the Central European area beside a new Anschluss. Because of the unsolved situation the possibility of widespread protest movements e.g. in Vienna, East or West Berlin like those in Paris and France in May-June, 1968, cannot be excluded. Because of the closeness of the Soviet nuclear super-power, De Gaulle's methods would be dangerous. The Soviet forces would step in to "help restore democratic order" in Vienna, Berlin, East or West Germany. If thousands of German citizens were killed in such actions as were Hungarians in 1956, the West German army, supported by fifty-five million West Germans would certainly step in. Such action could start a Third World War.

Could anyone predict what would happen if the dictator Tito should die without having an able successor to hold the multinational and insecure Yugoslavia together? Is there secure peace or safety in the Rumanian situation? Therefore, it would be wise for the U S. State Department to nominate a committee of experts on Central Europe to prepare a detailed plan for a neutralized buffer zone between Russia and Germany to be proposed to a European Conference on Security. Although America won two world wars militarily, they were lost diplomatically at the peace conferences because of insufficient preparation of realistic peace plans. Clémenceau, Stalin, Molotov, etc. dominated the conferences because they had plans. Should not Western "preventive diplomacy" possess as carefully elaborated peace plans as the Chiefs of Staff who have their alternative military plans for possible dangers?

THE EDITORS.

[3] Franz Joseph Strauss, *The Grand Design*. Praeger. New York. 1966.

[4] Studies for a New Central Europe, Series 2, No. 1, 1968, p. 9–15.

[5] Nelson Rockefeller: *The Future of Federalism*. (Paperback, 1968.)

NUCLEAR DISARMAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MCCARTHY) is recognized for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. MCCARTHY. I am happy to yield to the distinguished gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I should like to commend the gentleman on the position he is taking in his special order this afternoon. I hope this may be widely supported throughout the Nation.

Mr. MCCARTHY. I thank the distinguished gentleman very much.

Mr. Speaker, the United States and Russia may take a step in the next 2 or 3 months that would destroy the possibility of success at the bilateral nuclear disarmament talks. This step is the final testing of the MIRV multiple-warhead system. I understand that both nations are expected to complete their tests within that period. And completion of testing of this new warhead would introduce a new phase in the nuclear arms race. I urge that we announce that we will defer final testing of the MIRV warhead until we begin the nuclear talks and that we ask the Russians to do the same.

Nations have few opportunities to change their policies, to modify in a significant way the positions that they have taken in the past. Each opportunity is important because the choice of alternatives sets the course for years to come. The United States and Russia have an opportunity to change their policies today. A decision by both nations to slow down and possibly reverse the nuclear arms race of the past quarter century would reduce the threat of mutual destruction.

There is no guarantee that talks with the Russians will succeed. Each nation has different goals, goals that often conflict, as events in Czechoslovakia illustrated last summer. But we also may have mutual interests, in this case the limitation of strategic arms. At this stage in the nuclear arms race, it may be in the interests of both nations to negotiate a halt in the growth of our nuclear arsenals. But this stage will shortly come to a close. Every effort must be made to start these negotiations promptly and to bring them to a successful conclusion.

The arms limitation talks are threatened by the final testing of MIRV multiple warhead systems because once those tests are completed, we will speed up the nuclear arms race. This new phase involves building many highly expensive new nuclear arms systems—systems that will increase the chances of nuclear disaster. If, for example, a decision by both nations to complete testing of the MIRV warhead would encourage a fundamental change in defense strategy. Russia or the United States might believe it necessary to attempt to develop a first-strike capability—the capability to destroy the other nation before it would be able to retaliate.

This would be a major change from the present policy of assured second strike capability—the ability to inflict unacceptable losses on the other nation after a nuclear attack. The possibility of this change in our strategy takes on added reality in light of the recent charge by Secretary Laird that the Russians are already attempting to build a first strike capability. We know that today neither the Russians nor the United States has a first strike capability. Each nation does have an assured second strike capability. Commonsense urges that we strive for agreement with the Russians on a limitation and possible reduction of strategic arms before we enter this next phase.

There are several major defense decisions facing the United States today. The decision as to whether we go forward with an anti-ballistic-missile system has received the most attention. The pros and cons are being discussed by Congress and the people. A second ques-

tion is whether we should begin the development of a new strategic manned bomber. A third decision, one that has not received the attention that it should, is whether we should complete testing of the MIRV multiple-warhead system before we begin the arms talks.

Other major decisions, dependent in many ways in the first three are whether we should begin a sea-bottom-based strategic missile system, mobile land-based strategic missile system, or a surface ship strategic missile launching system. Individually and collectively our decisions on these questions will have a major effect on our defense strategy and the possibility of successful strategic arms limitation talks.

The decision as to whether we complete testing of MIRV is the most important of all. Many of the experts, such as Dr. Jeremy Stone, of Stanford University, believe that if the United States and Russia complete testing of multiple warheads, the arms limitations talks cannot succeed. Once testing is completed there is no way for either side to know whether the other is arming its missiles with MIRV's. It is possible to verify, I am told, whether the Russians complete their MIRV tests. It is much more difficult, if not impossible, after that point to know whether their missiles are being armed with MIRV's.

The final testing of a multiple-warhead system such as MIRV is critical because the system must be very accurate. Each warhead must be able to hit close to its target if it is to be effective. It must be highly accurate if the smaller warhead is to destroy its target. And the only way to know whether the warhead is that accurate is to test it in flight. It apparently is possible to determine whether a nation tests one of these warheads in flight. We cannot determine, short of actual physical inspection, whether a missile is equipped with one of these warheads once flight testing has been completed.

One of the key problems of nuclear arms limitations is that of verification. Each nation must be able to determine what the other is able to do. It is somewhat more easy for the Russians to know what we do, for ours is an open society in which most decisions are made known to the public. Russia, on the other hand, has always opposed inspection within her borders. Verification of Russia's actions must be accomplished by means that do not involve sending inspection teams to Russia. We apparently are able to accomplish this. As William Foster, former head of the Armaments Control and Disarmament Agency said, we have more capability for verification than the public is generally aware of. One can speculate that he is talking about cameras and other instruments mounted in reconnaissance satellites. Final testing of MIRV marks the last point at which it may be possible to agree not to equip missiles with them.

I might add here that the distinguished Senator from Vermont, Senator AIKEN, said that we now have a capability with our spy in the sky satellites for detecting a postage stamp at a height of 50 miles.

Once Russia and the United States start equipping their missiles with MIRV multiple warheads they enter a new phase in the nuclear arms race. Today we have approximately 2,400 targetable warheads. If we equip our missiles with multiple warheads, we would increase the number to 8,000 to 10,000. This increase would be accompanied by a Russian increase. And the jump in size would make it more likely that one of the nation's might consider a first-strike. With 8,000 or 10,000 highly accurate warheads, it might be possible to wipe out the opponents missiles before he was able to launch very many of them. The threat of a possible first-strike by the opponent would make it necessary to take measures to counter the threat.

These measures would probably consist of building a new generation of strategic missiles, such as a mobile land-based missile system, a seabed mounted missile system, or a new strategic manned bomber. Another measure, of course, would be to build an anti-ballistic-missile system. But I think that it has been clearly demonstrated that the ABM is not the answer to the nuclear missile threat. The answer, with all its horrible consequences, would probably be to build more and more missiles that would be more difficult for an opponent to destroy.

One of the ironies of the decision that we made to build MIRV multiple warheads is that we made the decision based on a belief that the Russians were building an anti-ballistic-missile system for their nation. It now turns out that the system that we thought was an ABM, is the Tallin antimanned bombed system. And it is only recently that the Russians started construction of the Galosh ABM around Moscow. But although a total of 67 sites were constructed, little work has been done on them lately and the system has not been expanded to the rest of Russia. It would be tragic if our decision to complete testing of the MIRV multiple warhead now led the Russians to build additional ABM sites.

We have delayed beginning the strategic arms limitations talks longer than they should have been. Unfortunately, shortly after the Russians indicated that they were interested in talking about this subject, they intervened in Czechoslovakia, chilling relations between East and West. The United States also has undergone a change in administrations with the accompanying problems of having the new team learn the ropes. President Nixon has indicated that one of his main objectives is to begin the talks. I welcome that commitment and urge that the talks begin as soon as possible.

But it will not increase the chances of success at the talks, if we complete testing of the MIRV multiple warhead and make decisions to build an ABM anti-ballistic-missile system and an AMSB advanced manned strategic bomber. The opportunity to freeze current levels of strategic arms and even reduce them could well be lost. If anything, we will strengthen the hand of those in the Soviet Union who do not want to slow down the arms race.

A delay in final testing of the MIRV multiple warhead until the talks begin does not prevent us from completing the tests if the Russians decide to complete their tests, or if the initial arms limitation talks do not offer any indication of success. One of the first items on the agenda might well be for both nations to agree not to complete the MIRV tests for the duration of the talks. A ban on MIRV multiple warheads could then still be included in the discussions at the conference.

Some of our goals at the strategic arms limitation talks might well be:

A freeze on the final testing of MIRV multiple warheads leading to a ban on their use;

A freeze on further Poseidons, Minuteman III's, and SS–9 and FOBS intercontinental ballistic missiles;

A ban on ABM anti-ballistic-missile system—this would involve dismantling the 67 Galosh ABM sites around Moscow;

A ban on land-based mobile strategic missile system;

A ban on sea-bottom-based strategic missiles;

A ban on new strategic manned bombers;

An extension of the partial nuclear test ban to underground tests; and

A ban on the use of chemical and biological warfare.

The experts tell us that, with the exception of chemical and biological warfare, we have the means of knowing whether these limitations are being followed without actually sending inspection teams to the other nation. Our reconnaissance satellites make it possible to exercise effective arms control. Many experts also believe that we can detect underground nuclear tests. And briefly, because I intend to discuss this at length at a later date, a Russian-United States ban on chemical and biological warfare would offer much to both nations without a significant effect on their defense capabilities.

I believe that we can negotiate some, if not all, of these limitations with the Russians. Our success may well determine the fate of mankind. And if we cannot reach agreement, we will move into the next phase of the nuclear era. The risks of nuclear holocaust will mount. The costs will be high. But the United States will maintain an effective defense because there is no alternative.

Although we are willing to bear the costs of effective defense, a new nuclear era would weigh heavily on the taxpayer. William Foster estimates that the next generation of nuclear weapons will add $100 billion more each decade to our defense budget. This would double the amount of money that we now devote to defense. And this is probably a conservative estimate.

A defense budget twice the size of today's would also place additional strains on our society. National strength is not only a matter of missiles and warheads; it is also a matter of the morale of a society. Our morale during the second half of the 1960's has not been high. The Vietnamese conflict, the decay of our cities, the difficulties of communication between youth and their parents all illustrate the troubled nature of our society. Although we have attempted to meet

these problems, we have not had the resources to do as much as we should. We have used most of our Federal taxes for defense.

I might inject here that during the debate this afternoon we heard that although the Committee on Public Works had authorized an expenditure of $1 billion throughout the United States to combat water pollution next year, the administration has recommended only $214 million, about 20 percent of the amount authorized. That $214 million is considerably less than we spend on gas and germ warfare.

A limitation on strategic arms would make it possible to use some of these resources to rebuild our cities, provide a better education for all, clean up our environment, to achieve the goals toward which each American strives.

A new upward spiral in the arms race would also bring with it a further change in the nature of our society. Bigger defense budgets would mean an increase in the proportion of our industry involved in arms production. It means new defense bases located around the country. It means more defense research by experts at our universities. Each one of these steps increases the impact of the military on our society. It would further shift the balance from civilian orientation toward military orientation. This is of the utmost importance for the distinction is what made the difference between Athens and Sparta—one devoted to the enhancement of man but occasionally defending herself—the other devoted to the warlike arts alone.

The most important reason for seeking success at the arms limitation talks is survival. The main question is whether mankind can survive the nuclear age. As Henry Stimson pointed out, the nuclear weapon "constitutes merely a first step in a new control by man over the forces of nature too revolutionary and dangerous to fit into the old concepts, it really caps the climax of the race between man's growing technical power for destructiveness and his psychological power of self-control and group control—his moral power." We must strengthen our moral power, our collective moral power to control these awesome weapons of destruction.

I urge, therefore, that we delay completion of the MIRV multiple warhead tests and that we do not make decisions about other new weapons systems that will lessen our chances of successful arms limitation talks. We should not call our intentions into questions by ill-advised action now.

When I first considered making these remarks, the need to include this final thought was not evident. But events in the past week make it necessary. There is nothing more dangerous for the United States than to make honest differences on defense questions a partisan matter. It was with the deepest unrest that I have heard some administration spokesmen characterize opposition to the ABM as partisan. If defense decisions are caste in terms of Republican versus Democrat we will suffer the gravest consequences. As a matter of fact, much of the dissatisfaction with the earlier decision to proceed with the ABM anti-ballistic-missile system derives from the fact that politics appeared to play a major part in it.

The question of MIRV multiple warhead final testing is being debated today among the top experts in the executive branch. Their's is not a partisan debate. And I have not made my remarks on MIRV in a partisan spirit. Rather, I seek what I hope every thoughtful American seeks—the road to sense in a nuclear age. There is no room for politics on that road.

COAL MINE HEALTH AND SAFETY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the National Broadcasting Co. radio network carried an hour-long program on April 13 devoted to the problems of coal mine health and safety. Because of the great public interest in this question, and the pending legislation on the subject in the Congress, I am pleased to provide the full text of this radio broadcast for inclusion in the RECORD:

[Music]

Woman (singing):

"Shut up in the mines at Cold Creek
And I know I will have to die.
So tell my wife and children
That I'm prepared to die."

ANNOUNCER. This is NBC News. Second Sunday, "The Coal Miner—A Cry From the Depths."

Woman (singing):

"Shut up in the mines at Cold Creek
And I know I will have to die.
So tell my wife and children
That I'm prepared to die."

The birds . . .

RUSS WARD. But who is prepared to die? This is Russ Ward. Turn off Highway 250 in West Virginia, just outside the town of Mannington, and you pass a white, two-story, green-shuttered house where a man named Fred Rogers used to spend most of his time—his time above ground, his time when he was not working the overnight shift in the Pittsburgh Consolidation Coal Company's mine number nine. Five nights a week and sometimes six Fred Rogers would back his car off a slag ramp near his porch, turn on to the meager climbing road, and drive the few miles to Llewellyn Portal, to the mine shift that led him down to his work. And surely at some time in the years he drove that road, Fred Rogers must have noticed the signs stuck in the hillside by one of the valley churches. "Prepare to Meet Thy Maker." At 5:25 a.m. on November 20th, with just a few hours to go on the cateye shift, Consolidation Mine Number Nine blew up. 78 men lost their lives. Among those men, the husbands of Mary Rogers and of Nora Snyder—miners' wives, miners' widows. Once strangers, now friends, sharing the sudden inheritance of bewilderment, grief and shock.

MARY ROGERS. That night, I don't know, I seemed to sleep much better than I usually did. In fact, I didn't hear anything. And the next morning, I think it was around about 7:30, I heard a knock on my front door right here. And I came down. It was my neighbor. And she said, "Mary," she said, "there's been an explosion at the mine." And she said, "How bad, I don't know." She said, "My husband went up there." I said, "He hasn't come back yet." And she said, "How bad is it? I don't know." Well, from then on, I couldn't tell you what happened. And I think it was around noon the phone rang and some man said to me, said, "Did your husband work last night?" And I said, "Yes." And that was the only word that I received from the mine. There was no one came to visit to tell me that my husband was in there, about the explosion, or nothin'. And still to this day they haven't. There's been no representative from the mine come to tell me what happened to my husband. To me he went to work and he hasn't come home. Oh, I never gave up hope, and I never gave up hope. Well, I still, really, I don't—even to this day, I still feel it. Think maybe somewhere he's still livin'.

NORA SNYDER. I've heard of things like this happening, but you don't realize what it's really like until you go through with it yourself, you know. When they do bring them out, we don't know if there will be ones—he'll be in his casket or not. But the general manager, he told me—I'm talking to him, and he says "You can rest assured that I'm going to make sure that part of your husband will be in that casket," you know. How do we know what'll be unless—if it's our husbands, if it's just a check number? We never got a check, I mean, you know, it might be somebody else's body that we were burying and what—when they bring them out, we won't know. You really won't know that. I don't know. A lot of people have said, "Well, our husbands are dead too. We've lost our husbands." But yet—but their husbands are out and they're buried, you know. That's different. This is a lot different, when they have to be left like this. Did something terrible to the three of them.

MAN. We won't know with precision what happened in that mine, but I think we can—we can develop several postulates, and they all arise from the combination of three factors. There was an ignition source—that is to say, there was methane in the mine. There was something to propagate the ignition once it got started. And that's possible in a mine either through coal dust or more methane, and there was a spark. So I think we can say with confidence that as yet we don't know what the cause was, but the cause was clearly some omission with regard to the safety in the mine.

WARD. The speaker, John O'Leary, Director of the U.S. Bureau of Mines. The subject, methane gas—odorless, invisible. Years ago, millions of years ago, this was the energy of the sun being absorbed by the floral growth, which, driven later into the earth, was to become coal. And that energy, locked in the coal, was to become methane. Methane which, freed, could join with coal dust and sparks to rip open the innards of its imprisoning earth and the men working in it. John O'Leary, then, on the question of technology and whether such an explosion could happen again.

JOHN O'LEARY. The truth of the matter is, we do not have at hand the technology to completely foresee and thereby safeguard against an unexpected liberation, massive liberation of methane. Until we get to the point where methane control is a part of the mining operation, we always have the hazard of another Mannington. I don't think there's any question about it.

WARD. December, Washington, D.C. The Mannington-Farmington mine has been sealed, its fire-spewing shaft choked with slate, and the Senate calls a hearing on mine safety. The shock of Manningtons passed and the possibility of Manningtons to come bring together Congressmen, Cabinet members, federal officials, and union leaders to discuss the death and accident rates in the nation's most hazardous occupation—coal mining—and the question, "Have we done enough in this area?" John O'Leary.

O'LEARY. Among the major industries for which systematic data are maintained, this is the most hazardous industry in the United States and the striking thing about this is that the overall safety record of the industry, from the standpoint of fatalities per million man-hours of employment has not really improved in more than two decades. This is one of the very few indexes that you can look upon as being static. Most things over the last twenty years have either gotten better or they've gotten worse. And happily, in coal mining, it hasn't gotten worse, but certainly it hasn't gotten better.

WARD. Surely no occupation is completely safe. The parttime seamstress, working at home, can run through her finger with a bureau drawer needle and die of blood poisoning. But in the case of the coal mine, the death and injury rate is astonishing. Each day in the six principal coal-producing states, some 142,000 men enter the mines. Of these, last year there were 309 deaths and more than eight thousand injuries. Indeed to qualify as a disaster, a mine accident must claim at least five lives. Anything less, presumably, can be taken in stride.

There is the mud, the water, the dark, the spinning cables, the high-voltage lines, the explosions, the rattling rail cars, the danger of collapsing walls, and, in fact, the worst killer of all, the overhead, which gives way to mangle men or bury them in tons of rocks. These are the accidents that strike them. There are others that take their slow and deadly time. Among these, perhaps the worst offender is a piece of equipment known as the continuous miner, the gigantic bit that rips through the earth to pull out coal at the rate of five or six tons an hour. The dust is unimaginable. Thin as talcum powder, able to clog a miner's respirator and where it is not watered down, the cause of pneumoconiosis—black lung.

The Appalachian Regional Hospital in Beckley, West Virginia. This is a miner with black lung. A tracheotomy should help. But these are the sounds of his unending battle just to breathe. (NOISES)

MAN. Been in the mines since 1919. My breathing got awful short on me about four or five years ago. It's been continuing to get worse all the time. For a time I breathe pretty good. There comes a time when your breath just completely leaves you and you can't hardly breathe at all. When my breath leaves me, it's like someone's throwing something over me, smothering me like this. It just leaves all at once. It's just the same as throwing something in your face.

MAN. Black lung is due to coal dust or carbon.

WARD. Dr. I. E. Buff, Charleston, West Virginia.

Dr. I. E. BUFF. Carbon or the black lung or the dust attacks the little arteries in the lungs. It causes a constriction in these arteries and eventually cuts the blood supply off to the lungs. Also, carbon is an irritant to the terminal part or the end of the lungs, what we call aviolar spaces. Now, what they are in plain language are air spaces, and this is where the damage is done by coal dust. It makes them choke to death because they can get the air in but they can't get it out, and because of this they get an accumulation of carbon dioxide. Carbon dioxide is a killer. It will kill the brain, it will kill the liver, it will kill the kidneys, it will kill the bone marrow—as a matter of fact, there isn't any part of your body that will not be affected by a high carbon dioxide. The black lung is just a lung that looks like carbon. It looks like a lump of coal, actually. When you open the chest in a miner, you look like you got two lumps of coal instead of two lungs. They're that black, that shiny, and that glistening.

The ordinary lung is pink. The black lung looks like a piece of coal lying in the lung, in the area. They're hard and they're brittle. This means that the lung has been dead for ten—partially for ten, fifteen years, and the patient has slowly died. I don't think it takes a pathologist very much time to tell a black lung, because he doesn't really have to make sections. He can tell it right easily.

So actually, what you are doing, besides choking these fellows to death, is giving them a picture of someone who has cancer because the blood supply is cut down on all the organs so that they eventually die. It is as if a string is tied around their neck and made tighter every day and eventually, of course, they die from asphyxia. And asphyxia, a medical term, means choking to death.

WARD. Curiously, though it's been estimated that eight out of every ten miners risk disease, West Virginia would not recognize black lung as an occupational illness and provide compensation for it. Buff lost whatever professional detachment he may have had and swung into open battle against the state legislature and the coal companies.

In this, Buff was joined by Dr. Hawey Wells of Morgantown, West Virginia, and the scholarly, bearded Donald Rasmussen of Beckley. Separately, together, the three doctors descended on coal towns, mining camps, union rallies, private gatherings, laying out the black lung problem, offering a solution, ripping into the coal companies along the way.

BUFF. Now, there is a genocide of a race of people, a genocide of a group of people, an occupational genocide that miners are being actually murdered by coal dust.

WARD. Going back to black lung, then, would it not be possible, as in the case of astronauts, to supply miners with a kind of fresh air system that they could carry with them, at least an oxygen mask?

BUFF. This is feasible. It would work. But the mask costs $85 approximately. And the air costs three dollars a day. I have suggested this and met with very, very, very little success. Because I also suggested to the operators that they put in chemical toilets in the mines instead of spilling their debris on sites and walking around in an area that is full of human wastes. And there's also the problem of the human wastes drying and they breathe it in their lungs and get fungi infection and other types of infections which happen.

Now, the coal miner lives like a hog in there. The hog wouldn't even take that. I don't think he'd even stay. But the human being does. And I said, well, put in chemical toilets. You know the answer I got was this. Well, doctor, don't you know how much waste a person puts out a day? And I said, yes, two, and two and a half pounds. Suppose we had three hundred miners, then. Do you realize it would cost us a quarter a day to remove this waste? You think we can afford such a thing? How do you expect an industry that refuses to spend a quarter a day for sanitation to spend $75 for a mask and three dollars a day for compressed air?

WARD. But as it turned out, the West Virginia miners cup of bitterness finally overflowed. Early this year, three to four thousand of them marched on the state legislature. For three weeks, the mines were shut, closed by a wildcat strike, and the fight to win recognition of and compensation for black lung. The miner had simply had enough. The battle was on.

MAN. Gentleman, the blame belongs on the shoulders of the state legislature. (Applause.)

The body, the elected body of the people who have deliberately sat on their hands in an effort to kill this legislation of humanity for our people in the state. (Applause.)

MAN. What we physicians want, basically, is to clean up the mines from dust. We don't want your children to be sacrificed for money. (Applause.)

SPEAKER OF THE HOUSE OF DELEGATES. The question is on the passage of the bill. All those in favor of the bill will vote "Aye." Those opposed "No." (BELL) Has every member voted? Having voted in the affirmative, I declare the bill effective as of July 1, 1969. (Applause.)

MAN. The legislature has adjourned. There's no more weight that we can swing in Charleston. So I propose that we return to work tomorrow morning. (Shouts.)

WARD. So, perhaps because they were feeling their oats, the miners stayed out for still another day. But whatever, the West Virginia miner who went back to his job was not the same miner who three weeks before had walked off it.

MAN. The coal miner had been held down for a hundred years or more to nothing except just the barest level of recognition as human beings. And he has begun over up here to find it's somewhat like an evolution. He grows into becoming more civilized every year until he has come to a point of where he looks back over all of these atrocities that have held him down and till he has built to a position where he's in a state of revolt right now. He has listened to these politicians and the union leaders tell him that well, next year, next year, next year, next year until he's so tired of it that he's ready to actually pick up arms and fight if necessary.

WARD. But the victory over the state legislature did not leave all the battles won. Indeed, the circumstances of that victory have led some of the Charleston rebels into another battle. Curiously, with their own union.

ANNOUNCER. Second Sunday will continue after a ten-second pause for station identification. (Noise.)

ANNOUNCER. Again, "The Coal Miner—A Cry From the Depths." Here is Russ Ward.

WARD. Fairmont, West Virginia. The lift door opens. The bell rings all clear. And from three hundred feet down, the four to twelve shift is back above ground, on the way to check in their head lamps, shower off and go home. (Bell.)

There's a cameraderie here, a sense of experience shared and danger felt that has lent itself to a sly and irresponsible fiction—the fiction that come what may in the way of hardship, exploitation, pain, even death, the coal miner will somehow stay cheerful and stay cheerful because he's a fatalist. There was a time, perhaps, the miner himself contributed to this fiction but there is at least some evidence now that he is withdrawing his support. The march on Charleston occurred because the miners had passed the limit of their own considerable capacity to accept and endure. They felt their government had let them down, that their state had let them down and by some that their union had let them down, particularly in the matter of the march.

MAN. Now I can read you an article here out of the Mine Workers' Journal where it says—and I quote this verbatim now out of the United Mine Workers' Journal. It says, "The fact that the black lung bill passed at all was due to the legislative team appointed by United Mine Workers' president W. A. Boyle." Well, now, that's a lie. We had no support, no backing whatsoever from our international union. They wouldn't open their mouths. In fact, they told us before we ever struck, they told us we couldn't do that—that we'd start a violation of the law and a federal lawsuit, but we were within our rights because we have a health hazard clause in our contract. Well, if our union leaders had this clause in there, why didn't they know it? If a dumb, simple coal miner knew it, why didn't those educated people who are supposed to be our leaders know it? I'm talking about our leaders in the union now. Why didn't they know it? It was proven in court.

MAN. In September I said to the convention, I assured the convention, I guaranteed the convention that every coal mining district would get a copy of what we considered a model law to be introduced in each one

of the respective states where they mined coal.

WARD. The head of the United Mine Workers' Union, W. A. "Tony" Boyle.

W. A. "TONY" BOYLE. West Virginia, being one of the first states in session, we were there with our bill. We introduced it. And the bill was in there and, as a matter of fact, if you read the bill, the greatest proportion and preponderance of the law presently passed down there in Charleston is the Mine Workers'. Now, in Charleston, sure there's a certain group. There's always been a certain group—I said Charleston. I mean West Virginia. Certainly there's always been a certain group in West Virginia that's been opposed to the local arrangements in their respective areas or in most—in some instances opposed, we'll say, to John L. Lewis or the National Union. You find that in any organization. But the fact remains that the large majority of the coal miners in every one of these states knows that in their hearts that no one fought any harder for legislation for their protection than John L. Lewis and Tony Boyle have. I can go to sleep and that doesn't bother my conscience at night.

WARD. The question of how widespread is the opposition to Tony Boyle is a moot one, answerable only by how the West Virginia miner votes in the next UMW election. In the meantime, the so-called rebel miners have found a Congressional ally in Representative Ken Hechler, Democrat, West Virginia. In his criticism of Tony Boyle, Congressman Hechler is close to unsparing. He says the UMW is "in bed" with the industry. He wants a full-scale Congressional investigation of the UMW Welfare and Retirement Fund. And he charges that the UMW has not fought for safety in the coal mines. Congressman Hechler.

KEN HECHLER. Oh, the UMW leadership will talk very loud in public, you know, about what they're doing. They'll drag out the record of what they have said in the past, but when you come right down to it, they haven't really stood up to fight for and lead the parade for health and safety legislation that they should have. That's the great missing balance wheel in this whole sordid history of the treatment of the coal miner. The UMW top leadership has not stood up for the coal miners as they should have. They have supported high wages, but forgotten about health and safety.

WARD. Again, Boyle of the United Mine Workers.

BOYLE. The leadership of John Lewis, the leadership of Tony Boyle has been one recognized by the Congress of the United States in every administration, Republican and Democrat, as fighting for safety measures in coal mines ever since 1890. Those are the things that some of the membership that are distant and disgruntled because we haven't done enough on safety, know nothing about because they're out working in coal mines and no one has got the story over to them, I suppose.

WARD. Boyle on the question of safety, the coal mine operators, and whether in the mine production comes first.

BOYLE. I think that the coal operators of this country are—certainly I think they're dragging their feet. They've always been dragging their feet, and they've always opposed safety legislation in the past that would cause them to put profits, whether they say to the contrary notwithstanding, that they do not put profits ahead of safety; that may be true with an individual coal company here or there, that they're vitally concerned or vitally interested in safety and that they're thinking about safety before they are profits, but they're not kidding me. Because I believe that the coal operator is in a business to make money, and I think that they're making a profit, and they should be making a profit, but not at the expense of safety of coal miners.

WARD. John O'Leary, Director of the U.S. Bureau of Mines.

O'LEARY. The coal industry has used a good deal of ingenuity in the past twenty years to reduce the real cost of coal production in light of competition from other fuels and when you take a look at the industry the way it is today I think that experts are of the view that there are still substantial opportunities for cost reductions in the basic process. There are for example some pretty evident improvements in the machinery in a mine which would permit continuous miners to operate a higher percentage of the time. On average, on the basis of the sample that we have now, the large continuous miners operate about 28 percent of the total minutes in a shift. In other words, their capacity is substantially underutilized and if we could find low-cost techniques for connecting the continuous miner with the hauling system in a mine, there is an evident cost saving right there.

Now, those cost savings, it seems to me, are adequate to compensate or perhaps substantially more than compensate for the additional cost of safety. I don't want to mislead you on this now. Safety costs money. There's no two ways about it. On the other hand, it seems to me that the alternatives to that expenditure are simply not in the cards. The expenditure is going to have to be made and happily, we are in a circumstance here where we can actually make safety pay for itself to a degree by improvements in the overall system of extracting coal from a seam.

WARD. Pose the question of safety in the coal mine and you immediately draw the argument of who is or should be responsible for it. And even then, the argument is not confined to the upper levels of industry where government, company, and union leadership face each other across the polished conference tables of Washington. Indeed, it flourishes even in the dark and muddy passages of the mine itself. The safety issue as debated by a company foreman and a union miner.

MAN. I can't understand it when you try to enforce safety. They tell me you give the men a violation there, they want to strike.

MAN. No. The only way I have ever heard of a strike over safety is for it not to be corrected, is when they go to the safety committee and the company officials and ask them to correct it and if they don't, now this is something big, you know, something that's a hazard that they'll threaten a strike over. And if they go to squawkin' maybe too much, you know, applyin' too much pressure on 'em, then they put 'em doin' somethin' else. In other words, he'll put 'em doin' the dirtiest job there is.

MAN. Your supervisor, your foreman, like myself or any other foreman can turn his back and that's when a man breaks one of the safety rules. Then they get caught. One way or the other, they get caught by gettin' hurt. But a lot of people think that the foreman, they give him ten or fifteen or twenty men, and he's in charge of those men. Now, they think that you ought to go around and hold a hat over these guys' heads and keep this rock from fallin' on 'em. You can't do that. But when a man's got common horse sense, if he sees it's bad, he don't have to go out there. You can't make him go out there. The law provides that. If I make you go out in a bad place, you get killed, well, they can—well, they'll hang me.

MAN. I'd say that superintendent is definitely wrong, because all miners realize the hazards in going under the ground to start with. They know what their chances are of getting cripped up for life or even getting killed. They know how easy it is to get hurt in there. You can go to your safety man that the company has. Now, he has authority to fire a man if he catches him, you know, violating safety, which he won't. And you can ask him to correct it, and he still don't do nothing about it. That is, I'm not saying all of the mines are that way. But I have seen this done and I have went to the section man myself over some of it. And go back the next day, and you see the very same thing practiced.

MAN. Every week, there's fifteen minutes of safety meetings on their own time now. The Eastern's paying for that. That costs them way up into thousands of dollars to have a fifteen-minute safety meeting. Every man employed has a meeting. Every Monday morning. You bring up those little things that happen. What can you do to prevent this or prevent that. That's brought up every Monday morning. Well, two or three days later, you come find they're back in the old swing, they're still doing the same thing. Safety meetings don't do no good. You're apt to see some guy over there eating a sandwich, two guys over here telling a joke, maybe the guy over here's half asleep, not paying attention. It's just time throwed away. So then they holler, well, of course, now, you can't say it's all the men and of course it's some of the supervisors just as bad. You can't have one unless you have the other.

MAN. Talking about safety, now I know up on the section I work at, well, we have a lot of water up on that section now. It's running now from the old works, you know, back down to where we're working at and the splices on the cables are smoking and you can cut your light off and you can see sparks flying from it. It's very weak, you know, coming through the splice of the tape. And now that's one thing that we hop on to 'em about.

MAN. He hollers about cable smoke in the mine. We do something about the cable smoke. The company provides stuff for the men to hang their cable up. They have nails for 'em to drive and to hang their cable up. Not to run over the cable. When you run over the cable, you're tearing it up. No, it takes too much time. It takes 'em about a minute. That's too much energy they waste, see. They don't want to do that. Just get off a shuttle car, walk around, hang it up. Get by the easy way.

MAN. But they won't give us time. They say, listen, go on to the face. I ain't told you to do this. You go on to the face and work or you get your bucket and go outside. Everything is in a mad rush. It's just like a rat race, in other words.

WARD. Ironically, Consol Mine, in the Mannington-Farmington area, was known as a clean mine, a safe mine, managed by a company whose safety practices had won the endorsement of government and union alike. So to the coal miners' charge that the owners in general want production first and safety after, this reply from the president of Pittsburgh Consolidation Coal, John Corcoran.

JOHN CORCORAN. Our safety record in 1967, and I use that year because it's the last full year for which we have national statistics, in 1967 the industry accident frequency record was 41. That's not very good. Our company record was 12. And the record for all manufacturing was 14. Now, this proves rather clearly that if a company does have a competent safety program, a coal company, it can develop a safety record that is even better than that of manufacturing generally. We spend a great deal of money in training and educating our men in safety practices. Last year alone, we spent about a million and a half dollars solely in training and educating our miners in safety methods and safety practices. Now, in addition to the programs on training and education, we spend a great deal of money in various safety procedures in the mine, thoroughly rock-dusting our mines, putting in all kinds of roof supports to try to insure against roof-fall accidents. Again, I could go through a list of, multitude of things that are done. I think the best demonstration of how thoroughly a job we try to do is the fact that we spend about fifty cents a ton on nothing more than trying to put in the kinds of equipment, the kinds of facilities, and the

procedures that will hopefully insure safe mining practices.

WARD. But in all candor, it must be said that not all members of the National Coal Association hunger and thirst for reform in the mines. Assuredly, there are mines that are safety-conscious, and assuredly there are mines that are not. So is it a question, then, not only of rules and standards but also one of enforcement? Again, Congressman Hechler.

KEN HECHLER. I think what you're going to have is a real will to safety on the part of both the coal operators and the United Mine Workers' top leadership, and an aggressive, cooperative effort on the part of everybody concerned. All too frequently, I think the coal operators sort of react like a person taking a high school examination when the inspectors come in. They get things all ready and cram for it, and then once the inspector has left, it's sort of like a person who has finished an examination. They say, okay, now we can forget that subject until the next exam or next inspection, you see. And as a result of this, there isn't a constant will to safety as being the most important single goal in the mines. The emphasis has been on production up to now. Production, production, production. The foreman holds his stop watch, the teams of miners are encouraged to compete to try to produce more, but nobody really comes down hard and says, are you thinking about safety today, and what have you done about it and how are you protecting the individual human beings?

WARD. Obviously, then, the coal mine has never been the consistent target of aggressive legislation, decent reform laws of the type that would have made unnecessary much of what we have heard tonight. Now, though, with Mannington-Farmington in mind and the coal fields astir, the proposed tougher legislation stands a chance—higher standards of safety, sterner enforcement, harsher penalties for the offender. John O'Leary.

O'LEARY. I think the whole safety consciousness of the mining community has been aroused, as witness the events in West Virginia that have just culminated in the passage by the West Virginia legislature of some pneumoconiosis legislation. But I think that there's a major change in the attitude of the individual workers in the mine that's a very, very necessary step to coming to grips with this problem. After all, their lives are on the line every day. It's easy for the instant expert in Washington to theorize on how it should be done, but the people are in there day in and day out, they live with the problem, and to the extent that they in effect permit management to get away with bad practices or contribute to those bad practices themselves, they're living with a hazard.

When they become alert to it, when they become aroused by it and above all, when they find there is something they can do about it, and I think they're finding that now, that attitude changes. That attitude of fatalism that's been one of the negative influences on the safety record of this industry show to him one way or the other that he has some options, that he is, to a degree at least, the master of his own fate and I think that that has been amply demonstrated here recently and the West Virginia situation is a very clear example of that. He is not fatalistic with regard to the condition of his lungs. He went out statewide for two weeks on strike because he didn't like the statutory setup. He didn't like the degree of protection that was accorded him. And I think that once the miner begins to feel he can influence the situation, that he will become about like the rest of us. Remember, the first rule for all of us is survival. The miner may be fatalistic, but above all he's a human being, and he wants to survive.

WARD. But there remains the problem of the human factor. Mr. Hechler.

KEN HECHLER. You've got to have a complete reorientation of the thinking on the part of both the coal operators and the top UMW leadership as well as the men themselves. There are many, many examples of this. One miner up in Morgantown who still has his arm in a sling as the result of a compound fracture, said, "I didn't mind so much being hurt, but when I was layin' there in a stretcher and the operator, company operator came along and he passed right by me, he didn't even say that he was sorry that this had happened to me." I think it's terrible what happened to some of the widows at Farmington, who said that the only way that they found out that their husbands were trapped down there in the mine was the company called later in the day, not to express any sympathy or to express hope of what they could or should do, but rather to simply ask the question, "Was your husband working last night on the cat-eye shift?" and hung up and made it a very, rather crude way to inform a potential widow of exactly what happened. The relationship here is not a very personal or human one. There doesn't seem to be a feeling of equality on the part of the coal miner and those at the company level. They're treated as cogs in a great production machine.

WARD. The president of the Bituminous Coal Operators Association, George Judy.

GEORGE JUDY. Oh, I think that all the coal companies have a real concern for their employees. After all, our employees, I think, are our greatest assets. And we have to take care of these employees, we have to look after their well-being and safety and I just don't see how anyone can say that the coal companies have little or no concern for the welfare of the men.

WARD. And John Corcoran, Pittsburgh Consolidation.

CORCORAN. I think one of the problems here is the fact that the coal industry is such a fragmented one. We have some 5100 companies operating 5900 coal mines. Now, I haven't any doubts that when you look at the industry as a whole, there are many of these miners who move from mine to mine and therefore are moving from company to company very quickly and very rapidly. And I can readily see that in those circumstances a man would not develop any great close feeling to the company for which he happened to be working temporarily. But I feel that in our own company and companies like ours, we do have a much better relation with our men.

I hasten to add that in this area we all have more to do, which is the same in many other areas today, and that is sometimes we just don't seem to be able to communicate as well as we'd like to. I'd like to think that we could develop a better relationship among our employees and certainly it's going to be one of my objectives to try to instill that same feeling into all of our people. They should be aware of the fact that we are trying to do everything we can in the area of safety, and we are spending a lot of money on research and we are trying to make these mines as safe as we know how to make them. And in this respect, certainly, our objectives and that of the men working in the mines are exactly the same. And therefore, we should have a feeling of closer relationship in achieving this objective.

(Music)

WOMAN (singing):

"The birds are gaily singing
Up on the mountain high.
So tell my dear old mother
I'll meet her up in the sky.
Shut up in the mines of Cold Creek,
And I know I'm about to die.
Go tell my mother's friends
I'll meet them up in the sky."

WARD. Significantly, this kind of music is acquiring in West Virginia today the quality of quaintness. It is no longer that close to the people, because, whatever the forces that have worked against it, the twentieth century is managing to fight its way into those distant coal fields. There is more radio, more television, more houses, and more supermarkets. There is less company housing, and even some company stores are being phased out. And although the accidents and the dangers and the deaths continue, there is a change, too, in the miner. He knows more, he wants more, and he hopes to get it by mining coal. And in this, he is right. Because coal is a growing industry. Production is up. Carloadings are up. Sales are up. And domestic and foreign markets are expanding. So we know the industry is not dying. It is only the miner who is doing that. Russ Ward, NBC News.

(Music)

WOMAN (singing):

"The birds are gaily singing
Up on the mountain high.
Go tell my dear old mother
I'll meet her up in the sky.
Shut up in the mines of Cold Creek
I know I'm about to die
So tell my mother's friends
I'll meet them up in the sky."

(Music)

ANNOUNCER. This has been Second Sunday, "The Coal Miner—A Cry from the Depths." Directed by Robert Sosman. Technical supervision, Raphael Weiss. Field correspondents, Peter Hackes in Washington; Merrill Pollis and George Hickey of Station WJAS in Pittsburgh. Your announcer has been Arthur Gary. This has been a production of NBC News.

THE PHONY WAR AGAINST INFLATION

The SPEAKER pro tempore (Mr. DORN). Under previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, the administration has declared war on inflation. It is a just war, what with the 5-percent increase in the consumer price index in the last year, and the 3-percent increase in the wholesale price index.

I wish the war would succeed. But unfortunately, it is not being seriously fought, and I am afraid it will not succeed. Until it is effectively fought, we are going to continue to have inflation.

The ingredients in the administration's war against inflation are three:

First. Continuing the surtax after next June 30 for another year, to yield $9 billion.

Second. Modest cuts in spending, apparently most of them on the nondefense side of the budget. This is so because Secretary of Defense Laird's budget cutting exercise has so far resulted in a cut of only $1.1 billion out of the enormous $80 billion defense budget. Significantly, virtually all of this cut is in the area of bombs and artillery shells for Vietnam, leaving the Pentagon free to come back next January for a supplemental appropriation if their optimistic projections about the level of fighting are not borne out. There has still been no cutback in the enormously expensive new weapons systems the Pentagon has waiting in the wings. From what we see portended, therefore, most of the cuts will come out of Health, Education, and

Welfare—$1.2 billion—and Social Security—$1 billion.

Third. Moderately tight money. The Fed so far this year has been creating money at approximatey the rate of 2 percent a year—just about what the Joint Economic Committee has recommended. Though it recently raised bank reserve requirements, the potential restrictiveness of this move will be at least partially vitiated by a somewhat more expansive open market purchase of securities by the Fed. At least, I hope that the Fed will negate some of the effect of its increased reserve requirements by added open market purchases. Unless it does so—at a rate consistent with a slow and steady 2-percent increase in the money supply—it could well throw us into a recession.

I see little reason for believing that this combination—a continued surtax, modest expenditure cuts mostly elsewhere than in defense, and reasonably tight money—will work. We have had the surtax since last summer. It has not markedly chilled consumer expenditures, probably because consumers saw fit to spend a percentage point or so more of their after-tax income following the surtax. And Government expenditures, fueled by Pentagon spending, have shown no appreciable decline.

As I shall demonstrate, these largely meat-ax methods are not likely by themselves to come to grips with the inflation we are actually suffering. Indeed, not only are they not likely by themselves markedly to reduce inflation; they will produce—judging by the administration's own admissions before the Joint Economic Committee earlier this year—up to 500,000 new unemployed by the end of this year who would have had jobs but for the slowdown of growth which is the aim of the administration's program. The Council of Economic Advisers conceded a probable rise in unemployment this year from 3.3 percent at the beginning of the year to 3.9 percent at the end. Administration witnesses were not able to answer the Joint Economic Committee when we asserted that, if this is what was going to happen, it would result in 400,000 or 500,000 unemployed.

I should have thought that the wise way to fight demand inflation, Mr. Speaker, was to concentrate on reducing excess demand, and to avoid throwing men out of jobs by stepping up structural ghetto-oriented manpower programs. With our manufacturing establishment currently operating at only 84 percent of its plant capacity, it seems to me shortsighted economics to contemplate throwing away half a million jobs. Yet that is precisely what the administration seems bent on doing.

Thus the administration's program has a considerable potential for doing harm by causing unemployment.

But the tragic thing is that it is not going to do much about dampening inflation, either. Let us look at where the inflationary pressures in the economy actually are. If you look at the consumer price index and the wholesale price index, you come up with about five such major pressure spots:

First. Defense spending: This is the greatest single inflationary factor—greatest not only in its enormous amount and in its unthinking disregard of bottlenecks, but in the fact that it produces no useful good which can be used to sop up the purchasing power created by the act of producing defense goods. Surely our swelling military hardware program is at the core of our inflation. To talk about penny-ante cuts in welfare programs is silly when the place where major cuts could be made without diminishing our real security lies in the military.

Second. Business equipment spending: Whereas the wholesale price index is up 9 percent in the last 10 years, the indexes which most closely reflect business capital equipment spending are up by a much greater amount. Metals are up by 13 percent, machinery and equipment by 17 percent. These two are at the top of the wholesale index list, primarily because of the Government-induced inflationary boom in capital equipment spending by business, as a result of the continued 7-percent investment tax credit. Business capital expenditures will reach a total of some $73 billion this year, up a whopping 14 percent over last year's recordbreaking total. The administration with one breath announces that it must stop excessive business equipment investment by tightening money—which is then done with a vengeance. With the next breath, it deliberately creates an incentive for excessive business equipment investment by continuing the investment tax credit. How silly can you get?

Third. Home mortgage interest rates: The consumer price index has gone up overall by 23 percent since 1959. Expenses of homeownership, however, have gone up by 34 percent. And this is largely because of soaring interest rates, now at their highest level in a hundred years. Interest rates for homeownership, in turn, are as high as they are largely because of the extraordinary siphoning off of the Nation's credit resources to business investment which, as I have pointed out, is induced by our present tax policy largely through the 7-percent investment tax credit. The Federal Reserve, if it continues to create money at a modest rate of around 2 percent a year, cannot avoid contributing to the high interest rates which now make homeownership so expensive as to all but price it out of the market. Its task becomes almost impossible because of the 7-percent investment tax credit.

Fourth. Medical care: This is now 49 percent above what it cost 10 years ago. Here we are now reaping the whirlwind of a monopolistic situation in the health profession. But prolonging the surtax is not going to reduce medical costs. People are going to have to pay for medical care even if they are taxed more. What will break the medical care logjam is a long delayed Federal program of seeing that we have adequate schools for medical and other health professionals, so as to eliminate the present severe shortage on the supply side in the health field.

Fifth. Lumber: Prices of lumber and lumber products have skyrocketed, particularly in the last year. At the same time, profits in the lumber industry have increased, by almost 100 percent. Basically, this is the result of poor national planning in recent years. Our timber resources and cuts are simply not adequate for both present domestic and foreign consumption. Short-term remedies include increasing allowable cuts without jeopardizing sound forest practices, and temporarily reducing the level of our lumber exports. HUD Secretary Romney recently appealed to the lumber industry to exercise restraint in its price increases. The appeal was well intended, but is not likely to have much effect in the absence of wage-price guideposts.

A real war on inflation would involve the following steps:

First. The administration should adopt a goal of ending inflation, instead of just about giving up and accepting another 3.5 percent increase this year. As the Joint Economic Committee said in its annual report of April 2, 1969:

> The rise in prices of 3½ percent, as projected and accepted by the Council, is both inconsistent with the Employment Act and intolerable, for it not only damages the retired and others on relatively fixed incomes but it robs millions of workers of the purchasing power of their wages, and everyone of the value of his savings.

Second. Achieve an adequate surplus. No war on inflation can succeed if the Government itself is so irresponsible as to permit the budget to go again into a substantial deficit at high employment levels. This, manifestly, would be very inflationary and would make the task of monetary and other policies virtually unmanageable. Actions on expenditure and taxes this year must be guided by the overriding necessity to achieve a significant budget surplus. As the joint Economic Committee said in its annual report:

> The momentum of inflation and evidences of economic strength, despite monetary and fiscal actions of the past year, indicate the need for fiscal restraint in the year ahead—indeed, the budgetary surplus for fiscal year 1970 should be larger than the $3.4 billion estimated in the January Budget.

Excessive demands for credit which have been driving interest to unparalleled heights, and the inflationary rate of expenditures for business investment, are evidences of an excessive tendency toward investment at the expense of savings. The Federal Government can make a distinct contribution toward quieting the speculative inflationary fever by increasing the national rate of savings via achievement of a significant budget surplus.

Third. Military expenditures should be substantially cut. But the administration's proposed budget cuts are lopsidedly in the nondefense area—almost $3 billion as opposed to $1.1 billion in defense. As the Joint Economic Committee said in its April 2, 1969, report:

> The largest segment of the Federal budget is that devoted to national defense expenditures. These outlays should especially be subject to expenditure analysis and control. So far, at least, we are not realizing substantial reductions in national defense spending, though there continues, of course, to be the

hope that reduced outlays for Vietnam will be achieved as the year advances. To complicate the issue, costly military proposals are being made for improvements in our strategic forces, modernization of the tactical air force, other increased research and development efforts, and introduction of an ABM system. The potential adverse effect of adding to the non-Viet Nam outlays for defense is substantial. Thus the Administration and the Congress should search out and reduce defense programs and commitments of lower priority or those that have outlived their usefulness. This will not be easy but should be pursued vigorously.

Fourth. Wage-price guideposts should be restored. As the Joint Economic Committee said on April 2, 1969:

This committee, as it has for a number of years, strongly advocates the development of an effective, realistic, and definite set of wage-price guidelines. We also advocate the establishment of a special office at a high level in the administration to assemble and analyze information on a comprehensive and fair basis in order to apply these guidelines to important industries.

Fifth. Those tax loopholes which cause inflation should be repealed forthwith. Foremost among them is the 7-percent investment tax credit, which contributes both to the inflation in the capital equipment industry and to the inflationary overdemand on scarce credit supplies. As the Joint Economic Committee said on April 2, 1969:

First priority in tax reform should be given to repeal of the 7 percent investment tax credit as a significant step toward reducing inflation.

Other loopholes which are directly inflationary and should be promptly plugged are the hobby farms loophole, which bids up the price of farmland, and the accelerated depreciation provision, which causes speculative price rises in urban real estate. Other loopholes whose inflationary impact is less direct—the oil depletion allowance, the abuse of the capital gains provision, tax-exempt local securities, for example—should likewise be closed, if only to serve as an answer to the taxpayer's revolt.

Despite much talk of a tax reform message by the administration any day now, if press hints of what it may contain are to be believed, it will be more of a mouse than a lion. Major loopholes—the oil depletion allowance, the investment tax credit, capital gains at death, tax-exempt bonds—will be largely untouched. Instead, affluent loophole-enjoyers will be charged a small hunting or license or users fee for enjoying the loophole. New loopholes, known as tax incentives for businesses will be introduced, thus removing further areas from congressional annual budgetary control. New revenue raising for the fiscal year starting June 30 will be close to zero.

Sixth. Interest rates should be brought down. As the Joint Economic Committee said in its annual report of April 2, 1969:

Should inflationary pressures worsen, we advocate strongly that purchasing power be siphoned off through increased taxes and the resulting surplus applied to reduction of the national debt. We oppose any further increase in our already excessive interest rates and urge their reduction to a level that is less dislocative and harmful to our economy."

This is an admonition, let me make it clear, not that the Federal Reserve System bring interest rates down by creating new money at an excessive rate, but instead that we lower interest rates generally by removing from the demand side of the credit equation the swollen demand for business equipment spending engendered by the 7 percent investment tax credit.

Lower interest rates will help three elements of the economy that need help—the homebuilding industry, State and local government, and small business. If repeal of the investment tax credit does not by itself product sufficiently lower overall interest rates, consideration should be given to direct controls over credit. The Nation used this power over consumer credit by raising the down payment and shortening the payoff period on purchases of certain consumer durable goods, in the early 1950's, during the Korean inflationary period, with considerable success. We should be ready to employ consumer credit controls again rather than see interest rates rise out of sight.

When you look at the kind of program needed to win the war against inflation, you come to the reluctant conclusion that the administration's choice of anti-inflationary weapons is just not going to do the job. Indeed, a war that begins by postulating a 3.5 percent rate of inflation this year concedes defeat before it starts.

Perhaps the saddest aspect of the phony war on inflation is that the administration committed itself before election against doing anything very meaningful about inflation. This was clearly shown in just one day of Mr. Nixon's campaign last fall. On November 1, Mr. Nixon campaigned through Texas. Under the heading "Nixon Pledges Support to Top Texas Ventures," the Los Angeles Times described the day's activities:

Richard M. Nixon jet hopped Friday across President Johnson's home state promising to support ventures dear to Texas ears. Trying hard to win the 25 Texas electoral votes, Nixon promised in stops at Ft. Worth, Lubbock and San Antonio that he would:

Retain the F–111, the controversial swing-wing fighter conceived under the Kennedy Administration, which is produced in its Air Force version at the General Dynamics Corp. plant in Ft. Worth.

See to it that a "fair shake" is given U.S. farmers and textile producers in secret trade negotiations with foreign countries.

Recognize that government, rather than private enterprise, is better qualified to handle great projects like the $1 billion Trinity River Project that could open Ft. Worth to oceangoing ships. The project has been authorized by Congress, but funds have not been appropriated.

Stand firm by his commitment to support the 27½ percent oil depletion allowance that is built into the Internal Revenue Code as an inducement for oil production but that is a constant target for tax reformers.

Here, in one swoop, Mr. Nixon promised to continue one of the military's most expensive and wasteful aircraft ventures; to see that U.S. food and textile producers are protected against foreign competition that might lower their domestic prices; to back the $1 billion Trinity River project by the Corps of Engineers—a project that some say would be less costly if Fort Worth were made an ocean port by moving it bodily down to the sea; and to avoid tampering with the present oil depletion allowance, thus passing up a leading opportunity of increasing Federal revenues and balancing the budget.

November 1 was a day the Nation will long remember. And there were, unfortunately, many like it.

The administration has made clear that it is not meaningfully going to cut military and military-related expenditures; that it rejects wage-price guideposts; that it has no intention of repealing the system of tax loopholes, ranging from the investment tax credit to the oil depletion allowance. The administration has thus unilaterally disarmed itself before the war against inflation has begun.

My complaint is nonpartisan. But it is no answer to the absence of a real war on inflation today that it was the Democrats who allowed the wage-price guideposts to atrophy, who enacted the investment tax credit, who have let the tax loopholes go unplugged for years, who have enormously increased military spending.

Nothing could please me more than to help President Nixon turn the phony war against inflation into a real war. There are enough of us on the Democratic side who feel as I do, to give him a clear majority if he should decide that we are really going to wage a war against inflation.

MORTON ATTACKS APATHY IN CHESAPEAKE BAY DEVELOPMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. MORTON) is recognized for 30 minutes.

Mr. MORTON. Mr. Speaker, before us today is another bill, which I support, aimed at controlling pollution of our water resources. The measure authorizes new weapons—in the form of funds, demonstration projects, and educational programs—to be used in our fight against this encroachment on our environment.

We can see the vital need for acts of this nature when we consider the impact of pollution on a specific body of water. For this reason, Mr. Speaker, I would like to speak at this time on a matter of grave economic and environmental importance to this Nation. This is the rapidly accelerating deterioration of Chesapeake Bay, the largest, possibly the most magnificent, and certainly the most productive estuarine area in the United States.

Mr. Speaker, let me hasten to say I am indebted to many people who are dedicated to the proposition of conserving our environment, and particularly to saving this magnificent bay and its system of watersheds.

We have been guilty of an almost criminal neglect in allowing urban and technological pressures to stalk virtually unchecked through the estuarine environment. Pollution is steadily, silently winning its fight against society. Its arsenal

consists of ignorance, temporizing, and apathy—simple weapons which man effectively uses against himself.

If the Chesapeake Bay water resource planning and concomitant action are to be more than a frantic race to catch up with the present, immediate action must be forthcoming. A study of wide scope is urgently needed to develop a comprehensive plan to set forth an effective and rational program of management for the Chesapeake Bay. The Corps of Engineers has been authorized to make this study; the problem has been that the funds have not been appropriated.

The Chesapeake Bay, situated as it is in a rapidly expanding industrial and urban complex, is as vulnerable to the adverse effects of the works of man as any other estuarine system in the world. In order to save it, we must institute a sound program based on a firm foundation of an expanding estuarine and watershed management technology.

The problems that are emerging today forecast the magnitude and complexity of problems expected in the future. In 1960, the 64,000-square-mile drainage basin was the recipient of the waste products of an estimated 11 million people.

This population will grow to approximately 17 million by 1990 and is projected at 30 million in 2020.

The increasing nutrient and chemical loads in the bay system is a problem of great concern. One appaling source of this is the District of Columbia sewerage system. After final treatment, it discharges some 8 million pounds of phosphorus and 25 million pounds of nitrates into the Potomac River annually. Unless tertiary treatment facilities are provided, the above numbers can be expected to double within the next 25 years. An excess of chemical nutrients frequently leads to explosive blooms of algae and to increased growth of noxious aquatic weeds which triggers other problems. These noxious weeds tend to trap silt, potentially causing a shoaling problem. Small boats are inoperable in areas heavily infested by weeds. Further, weeds affect the recreational and esthetic uses of the waterways. If nutrient discharges are excluded from a flowing nontidal river, the river in time will revert to its natural state. But, the damage done to the estuary by excess nutrients is virtually irreversible because of the continuous recycling of the nutrients.

It is generally believed that the present trend toward more intensive urban development in the United States, and in nearly all other nations, will persist at least through the end of this century. Problems associated with water resources management in urban areas have become both acute and complex. As this development moves along the tributaries of the bay system, we shall see radical changes as more and more agricultural and forest lands are replaced by streets and roofs.

Urban construction skins the earth's surface and can increase sediment yield a thousandfold. These sediments enter the bay and smother bottom-dwelling organisms and create esthetically objectional conditions. Over the centuries, shore and bank erosion have removed much fine agricultural land, in fact a number of islands in the bay have completely disappeared.

Urban development tends to increase runoff, which, in turn, lowers the groundwater table. Depending on the extent of development, this can cause a measurable decrease in base flows during drought periods, which can have a significant effect on salinity values in the tributaries.

Growth in impervious areas increases both the magnitude and frequency of flooding, which can have a decided effect on water quality in the estuarine environment.

Rapidly expanding electrical power requirements and the resulting demand for larger powerplants are requiring use of large volumes of estuarine water for cooling purposes. One proposed plant on Chesapeake Bay will use about 1 million gallons of water per minute for cooling, with a rise of 10 to 12 degrees Fahrenheit in water temperatures. The exact effects of heat on many estuarine species is not well known, but this problem is being studied by a number of scientific and educational institutions.

The States of Maryland and Virginia have no technically reliable system to evaluate the effect of thermal loads on specific bay areas. On the other hand, some public utility companies have spent considerable sums on the construction of hydraulic models in an effort to estimate the effects of thermal electric plants on aquatic environments.

The protection of aquatic life from adverse water quality factors is much more complicated in the estuary because of its diversity of life and the fragile nature of its ecological interrelationships. The subtly shifting estuarine equilibrium can easily move toward ecological disaster through neglect or mismanagement. A grave example of our lack of understanding of ecological balance occurred in Virginia in 1966, when the oyster crop was virtually destroyed by *Michinia nelsoni*—MSX. A better knowledge of the basin system might have minimized the spread of this oyster-killing fungus.

Accelerated urban development, an increasing amount of leisure time, and a generally expanding level of personal income have created a great demand for water-based recreation in the bay area. Conversely, and ironically, the industrial and economic base of the prosperity that generated the demand also threatens to destroy the existing recreation potential by its deleterious effect on the water quality upon which water-based recreation depends.

There are other significant threats to the Chesapeake Bay environment. These include both inter- and intra-basin diversions of fresh water inflows. Current examples are first, the deepening of the Chesapeake and Delaware Canal, which will increase the net amount of water flowing from the head of Chesapeake Bay into Delaware Bay from about 900 cubic feet per second to about 3,000 cubic feet per second; and second, the Baltimore water supply tunnel, which taps the Susquehanna River above Conowingo Dam. Fresh water diversions can alter the salinity regime of the headwaters of the bay, affecting the spawning of many species of fish.

Many estuarine areas have been subject to the gradual destruction of wetlands through filling for urban development. The once productive San Francisco Bay has been reduced by approximately one-third through land reclamation operations. Wetlands, now recognized as "powerful biological engines," produce many of the organic nutrients so necessary for the maintenance of the estuarine ecological system. The extensive, well-established Chesapeake Bay wetlands must be protected, now, from shortsighted land-use patterns.

The great size of Chesapeake Bay, its little understood physical, chemical, and biological parameters, and the effect which rapidly increasing population and urban-industrial development have on the estuary make necessary for the preservation of the rare body of water, a specialized study. Realizing this, the Congress directed, in section 312 of the River and Harbor Act of 1965, that a complete study of Chesapeake Bay be made by the Corps of Engineers, and that, as a part of this study, a hydraulic model of Chesapeake Bay be constructed in the State of Maryland.

The Corps of Engineers, with the advice and support of many Federal agencies, the States concerned with Chesapeake Bay, and a number of educational institutions of outstanding competence in bay-oriented research, has prepared preliminary plans for this authorized study of Chesapeake Bay.

These plans take cognizance of the extreme complexity and reaction potential within the bay to the man-environment, and well note that no single political or social entity can have the requisite personnel, equipment, and technical know-how to accomplish the many specialized studies needed for such a comprehensive investigation.

Fortunately, the required expertise does exist among the many agencies which historically have been responsible for certain features of water resource development.

The proposed Chesapeake Bay study is a comprehensive estuarine study. It is multidisciplinary in scope, encompassing the engineering as well as the physical, biological, and social sciences. The study is being managed by the district engineer, Baltimore, Md., whose staff is experienced in managing resource development studies of a size comparable to the magnitude of the Chesapeake Bay study. Comprehensive planning experience in many disciplines has been developed and strengthened over time by intense involvement in diverse studies.

But on the whole, this effort is not moving forward to the degree it should, because of lack of funds. This indicates to me that the importance and survival of this great estuary as a biological, productive entity has not been considered in its relative urgency.

The specific objectives of this study are to:

First. Make a complete investigation and study of water utilization of the Chesapeake Bay Basin.

Second. Formulate a long term sound water-land management plan for the development and use of the bay area's resources, with special attention to improving the economic and social well-being of the people of the Chesapeake Bay area.

Third. Define an early action program, setting forth those elements which require prompt execution in order to: first, prevent deterioration of the bay's resources and environment, and second, meet present needs.

Fourth. Make recommendations for carrying out the plans and programs, including institutional arrangements, cost sharing, and management of the bay's resources.

It is intended, further, that the study develop a mechanism by which the plan recommended for optimum development of the area can be subject to review and revision as changing conditions require.

A major difficulty confronting the formulation of a rational plan of management is a serious lack of quantitive data. Never has an adequate inventory of the bay resource been attempted. Little quantitative data are available concerning the physical, chemical, and biological characteristics of the bay and the capacity of the bay to support its own natural functions as well as the diverse and often destructive activities of man. This serious lack of perspective of the bay environment in its present uneasy relationship with a rapidly expanding urbanized environment is probably the most dangerous existing threat to the bay system.

A logical plan of study directed toward development of a comprehensive plan must include many parameters because, for whatever purpose the bay is used, such use affects all other purposes. There is a need for a coordinated management approach to developing and preserving the resources of the system. Although the States of the bay area support a number of progressive agencies which have regulatory and management functions in Chesapeake Bay, there is no single agency that is actively engaged in an overall multistate planning effort directed toward the maintenance, enhancement, and rational utilization of the bay resources.

This complete study of water utilization and control, involving the largest estuary in the Nation and its spectrum of complex problems, is expected to yield significant knowledge of many important physical, chemical, biological, and social phenomena of importance not only to Chesapeake Bay, but to other estuarine areas. This study undoubtedly will improve the environmentalist's ability to estimate the effect of man's works on estuarine ecology, based on the development of a methodology to determine realistically the carrying capacity of these important resources.

As a part of the Chesapeake Bay resource study, a hydraulic model of Chesapeake Bay, together with a technical center for bay studies, is planned for construction at Matapeake, Md.

Thus far, the research activities which have been completed and those in progress, have established the Chesapeake Bay region as a world center for estuarine research. However, as work has progressed, it has become readily apparent that a jump in basic and applied engineering research capability is necessary.

Currently available investigative and analytical techniques have provided much valuable assistance in determining the gross physical operating characteristics of the bay system. However, the time is past when unilateral problem solutions based on judgment, available but inadequate technology, and reconnaissance type data are of use to the Chesapeake Bay community.

The hydraulic model of Chesapeake Bay will provide the necessary steps to the scientific and engineering problem solutions so urgently required now.

Most of the problems confronting the Chesapeake Bay are not and cannot be subject to rigorous mathematical analysis. The hydraulic model is an absolute necessity for continuing the economic, scientific and engineering study for the preservation of the bay.

Some of the important uses of the model are:

First. Determination of the salinity distribution in the bay system, and how it is affected by both natural events and the works of man.

Second. Determination of the mechanics of estuary flushing, the characteristics of waste dispersion, and the potential waste assimilation capacity of the bay.

Third. Location and evaluation of erosion and sedimentation problems.

Fourth. By analogy, the effects of certain processes, both of nature and of man, on some biological characteristics of the bay.

Fifth. Determination of least hazardous site location for underwater outfalls, thermal power station, and so forth.

At the request of the House Appropriations Committee a reanalysis of the study was completed during fiscal year 1969. The revised cost estimate for the Chesapeake Bay resource study is approximately $15 million.

A conservative estimate of the combined yearly value of both the commercial and the sport fishery of Chesapeake Bay is $100 million. If we were to capitalize the fishing industry at $100 million a year at 4⅝-percent interest for 50 years, we would arrive at the astronomical sum of $18.6 billion. The total cost of the proposed Chesapeake Bay resource study is less than one-tenth of 1 percent of $18.6 billion.

It must be remembered that the fishery resource of Chesapeake Bay represents only a small portion of the total value of the bay.

Process, procedure, and habit have been developed and applied for so long without thought to actual or potential impact on our environment, that many areas have already been reduced to an intolerable pollutional morass. This is doubly tragic as the technology to study and abate has been readily available. We cannot allow ourselves to be reduced to a state of self-pity, and possibly self-destruction. We must use our technical and scientific resources.

It is imperative that lead time on Chesapeake Bay be generated before we are forced into agreement and action by catastrophe. We simply must assume the responsibility to make this important study, develop rational management schemes, establish a viable management mechanism, and bring to a halt the steadily increasing deterioration of the bay resource.

It is impossible to overemphasize the fact that, as the quality of the environment deteriorates, so does the quality of life. We must stop fouling our nest, for at the very least, it will soon become uninhabitable, and at the very most, nonexistent.

Recognizing the problems, and lip service to them, is no longer enough. Action is the only answer.

DISPOSAL OF RIGHTS IN INDIAN TRIBAL LANDS WITHOUT TRIBAL CONSENT

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, I am today introducing a bill to protect Indian tribes from involuntary alienations of interests in their lands by the Secretary of the Interior or other Federal officers.

This late in the 20th century, it probably surprises many Members of this House, as well as the public, that the Secretary of the Interior may still have power to grant away Indian property without the Indians' consent.

The Indian Reorganization Act of 1934 empowers tribes organized under its provisions "to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe." Similar provisions are contained in the Oklahoma Indian Welfare Act of 1936. Hence, tribes organized under these acts have a guarantee from Congress that rights-of-way will not be granted, or other interests in their lands alienated, without their own consent. Tribes which did not organize under either of those acts have no such statutory guarantee.

The Indian Reorganization Act allowed the tribes 2 years within which to choose whether or not to come under its provisions. Because of various restrictions imposed by the act, many tribes voted to stay out. Today the tribes which did not organize under either that act or the Oklahoma Indian Welfare Act, have more members than those who did, and own more land.

Whether the tribe came in or stayed out of the Reorganization Act has nothing to do with the current effectiveness of its organization or its present-day ability to manage its own property. For example, some of the Pueblos of New Mexico have highly organized village governments, maintained on traditional lines since long before the Indian Reorganization Act was even proposed. Some other tribes adopted constitutions under the act, but developed little or no organization except on paper. The largest American Indian tribe, the Navajo, with more land, more citizens, and a more elaborate government than several of

the territories, operates entirely outside the Reorganization Act.

Despite the fact that only tribes under the Indian Reorganization Act or Oklahoma Indian Welfare Act have a statutory guarantee against such action, the Department of the Interior has not, in fact, granted a right-of-way over any Indian tribe's lands without its consent for many years. And since 1951 a departmental regulation has required consent from all land-owning tribes alike, whether or not they are organized under one of the acts. The Department by its long continued practice has acknowledged the obvious fact that the tribes outside the acts are just as progressive and just as well able to look after their own interests as those under them.

On April 4, 1967, the Interior Department published a proposed new regulation which would have abolished the consent requirement wherever it is not commanded by statute. That is, it would have taken away the right of the tribes not organized under the Indian Reorganization Act or the Oklahoma Indian Welfare Act to veto unwanted rights-of-way across their lands.

The Secretary of the Interior admitted that this radical and retrograde proposal was drafted with the situation of the Navajo Tribe in mind, because that tribe, a few years ago, was unwilling to consent promptly to rights-of-way for a certain power project on its lands. Eventually the disagreement was settled amicably, and the consent given. Nevertheless, to prevent recurrence of similar disputes, not rare in the business world, the Department proposed to strip all non-IRA tribes of their power to keep unwanted rights-of-way off their lands. The consent requirement was to be abolished not because the Navajos had proved themselves incapable of guarding their own interests, but because they guarded them too well.

The House Committee on Government Operations recently published a report of this study of the Department's proposal, House Report 91–78, 91st Congress, March 13, 1969, entitled "Disposal of Rights in Indian Tribal Lands Without Tribal Consent." As a result of this study the Department of the Interior returned to reason and withdrew its proposal to abolish the consent requirement. The committee recommended, however, that consideration be given to amending the Indian Right-of-Way Act to require tribal consent to all right-of-way grants of tribal land, so as to afford the Indians adequate protection from possible spoliation of their property by the overbearing paternalism of Federal officers.

The bill which I am today introducing would do precisely this; namely, extend to tribes outside the Indian Reorganization Act, the same statutory protection against unconsented rights-of-way over their land as is enjoyed by the tribes organized thereunder.

Most people think of rights-of-way as long narrow strips used for communication or transportation facilities. Some of these, like limited-access highways can take in a lot of land and effectively split communities in two. But the Interior Department's interpretation of the term "right-of-way" goes even further; it includes reservoir sites among other things. In one case, the Department granted a right-of-way of Indian land for a 53,000 acre reservoir. The law places no limit on the term of years of an Indian right-of-way.

Make no mistake about this: the power to grant rights-of-way over Indian tribal land is the power to grant away permanently whole Indian reservations.

The area of Indian tribal land in the lower 48 States has shrunk to approximately 39 million acres. This seems like a lot of land, but it is not good land. The most productive areas were taken away from the Indians a century or more ago. What they have left is generally only what the white immigrants did not want. It is largely desert, suitable only for grazing one cow per 40 acres. Despite widespread belief to the contrary, only a small part of it produces oil or other minerals. Very little of it produces crops the Indians can live on, and even less crops they can sell for cash. Thirty-nine million acres of such land is an irreducible minimum Indian landholding. To this land 387,000 Indian citizens look, in part at least, for their livelihood. We already have enough "problems of the cities" caused by unskilled black and white poor people forced off the land. None of us wants to add a "city Indian" problem. Indian Tribes should be able to preserve every acre of Indian land for tribal purposes, if they so desire.

The Department of the Interior was not able to give a single valid reason why the power to prevent unwanted grants of their lands should be stripped away from a majority of our tribal Indian citizens. In fact, the Secretary of the Interior admitted to the Government Operations Committee:

> Generally, those requiring rights-of-way over tribal lands have encountered no particular problems in obtaining Indian consent.

He did not even suggest a reason why such problems might arise more frequently with tribes outside the Indian Reorganization Act, so as to be remediable by amendment of the regulation, than with tribes under the act, where only Congress could authorize grants over tribal veto. Furthermore, neither the Secretary of the Interior nor any other reasonable person can assert that an Indian tribe is always wrong when it refuses consent to a particular proposed right-of-way. The State highway department, the local power company, the natural gas pipeline company, and even the Corps of Engineers are not always right when they want to oust citizens from their land for a right-of-way.

The bill I am introducing today, which is based on the recommendation in the report of the House Government Operations Committee, would simply amend the Indian Right-of-Way Act of 1948 to plug up the loophole that made possible the Interior Department's vindictive proposal to abolish the consent requirement. That act, which requires tribal consent only in the case of tribes organized under the Indian Reorganization Act or the Oklahoma Indian Welfare Act, does not repeal any previous right-of-way act, of which there are about a dozen, some adopted as long ago as the Indian wars. None of them expressly requires tribal consent to right-of-way grants. My bill would require consent of the proper tribal officials to all rights-of-way over tribal land, whether granted under the 1948 act or any other act, and whether or not the tribe involved is organized under the Reorganization Act or any act. In case of tribes not organized at all—of which there are very few—the amendment would require consent by a majority of the adult members of the tribe. This consent could be obtained in a referendum called by the Secretary of the Interior, or if the tribe was small enough to make such procedure practicable, by collecting signatures on a petition.

The principle that Indian tribes should not be deprived of their property without their consent is one of the oldest in the jurisprudence of the Western Hemisphere. It was first stated in 1532. It was adopted by the United States in the Northwest Ordinance of 1787, even before adoption of the Constitution. Today, when Indian property holdings have long since been cut down to the irreducible minimum, it is more valid than ever.

In the 19th and early 20th centuries, Congress riddled the principle with loopholes. Since 1934 we have been closing them. Today's bill will plug one of the worst remaining.

In recent years many Indian tribes, like the Navajo, have begun to take care of themselves in the modern world. Occasional disagreement in business dealings with them only prove the success of our 35-year-old reversal of Indian policy from tearing down to building up the tribes' responsibility to manage their own property.

The bill I introduce today will protect the Indians' hard won self-reliance against attempts, whether ill or well-intended, of any future Secretary of the Interior to reinstate the debilitating paternalism of the period immediately following the Indian wars. I have confidence, Mr. Speaker, that this bill will commend itself to all fair minded and realistic Members of Congress. I present the bill to be printed at this point in the RECORD:

H.R. 10093

A bill to require tribal consent to all grants of right-of-way over Indian tribal land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act of February 5, 1948 (Chapter 45, 62 Stat. 17, 18, 25 U.S.C. 324), is hereby amended to read as follows:

"No grant of a right-of-way over and across any lands belonging to any tribe shall be made pursuant to this or any other act of Congress without the consent of the proper tribal officials or, if the Secretary of the Interior certifies that the tribe has no tribal officials, the approval of a majority of the adult members of such tribe."

WHY DON'T TAXPAYERS PURCHASE LOCKHEED CORPORATION INSTEAD OF THE C–5A TRANSPORT?

(Mr. PODELL asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, once again evidence mounts indicating that the Pentagon and a major military contractor have combined to allow costs on a project to mount far beyond original estimates. In this case, it is the C–5A Air Force military transport, which is supposed to be the major freight and troop carrier for the military in upcoming years.

The estimate when the contract was let in October 1965 was $2,880,400,000 for 120 of these craft. A new, unpublished Pentagon figure of this week's vintage reveals a figure of $5,202,400,000 for the same 120 planes. The increase in cost alone is almost as much as the original estimate.

In fact, this very latest price figure is an actual price increase of $77.2 million over cost estimates of just 3 months ago. A thought-provoking equation, to say the least.

Nor does any guarantee exist that we are anywhere near an end to the spiral on this particular project. Costs for the C–5A are climbing more than $25 million monthly and $300 million annually. One last straw is that the plane is behind schedule—and our people are footing the bill.

An Air Force spokesman attributed price escalation to an increase in prices of spare parts and inclusion of previously omitted costs for docks and hangar facilities. So nice of them to discover a rise in prices of spare parts. Most thoughtful of them to locate figures for facility costs they somehow previously mislaid. If this excuse is true, then so is Sancho Panza's ass Pegasus in disguise.

We are told the dollar history of this craft is "probably the best cost history we have ever had on any program." Behold a classic case of foot-in-the-mouth disease. Has there ever been a bolder, more venturesome misstatement of the opposite of truth by a military defender of a contractor? Verily, I am speechless with admiration at such intellectual calisthenics.

Weak Air Force supervision, poor corporate management, and a contract which rewards inefficiency emerge. Mr. A. Ernest Fitzgerald, Air Force Deputy for Management Systems, is to be commended as a veritable taxpayer's hero for allowing us to realize how badly this project has run amuck dollarwise.

Let us also note that Lockheed is perpetrator of the Cheyenne helicopter—a royal botch which was a gunship to end all gunships. After completing a model in May 1967, Lockheed had succeeded in completing a massive armada of nine more since then, bringing forth a warning of cancellation from the Army.

Rather than topple over the brink of apoplexy, litigation, and tears over the Pentagon and military-industrial complex, I prefer to grope for solutions, since technical salvation for the present seems out of reach. I therefore propose that the Government purchase Lockheed Corp., rather than obtain their C–5A plane. It would be cheaper for the Nation, and we would thereby come into possession of huge assets Lockheed has already realized by swallowing so much Government cash.

Mr. Speaker, there is a most meaningful comparison to be drawn between accomplishments and behavior of cave men and what our "Cannon Kings" produce after obtaining billions of dollars worth of military contracts.

Cave men were simplistic but effective thinkers. So are the "Cannon Kings." Cave men were brutishly shrewd. So are the "Cannon Kings." Cave men preyed upon their neighbors. So do the "Cannon Kings." There, however, all comparison ceases abruptly. Why?

Because the cave man constructed clubs, knives, slings, and other deadly weapons which worked.

CHEMICALS AND PESTICIDES—OUR FRIENDLY, SILENT ASSASSINS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, it is becoming increasingly obvious that chemicals, in form of insecticides and pesticides, are being used and abused in many endeavors with callous disregard for consequences. Added to food to preserve it—color it—utilized for medical and pharmaceutical purposes—defoliation and destruction of food supplies in Vietnam—they are increasingly altering our environment, wreaking silent damage we shall all have to pay for.

We are only now beginning to realize what long-range effects use of these chemicals will have on the ecology of our world. This is in addition to air, water, oil, thermal, and noise pollution, all of which create environmental imbalance. More evidence surfaces weekly, brought out of too-long unexplored corners by scientists who are not being listened to.

Now we have some evidence pointing to a connection between cancer and chemical pollution. Perhaps up to 80 percent of cancer victims are stricken because of chemical pollutants they eat, breathe or otherwise live with. As of now, this is not a proven theory. Yet it seems that only yesterday scientists drawing parallels between smoking and lung cancer were ridiculed. If Dr. Samuel Epstein's comments to an American Cancer Society seminar are fully proven out, many cancers could be prevented by control of chemical pollution.

He commented that suspect chemicals include pollutants in air and water, fuel combustion products, smoking, chemicals added to foods, some drugs, and pesticides.

Tiny amounts of extracts from solid particles taken from polluted city air produced a high incidence of tumors in livers, lymph glands, and lungs of laboratory animals. According to Dr. Epstein, such amounts would be inhaled in about 3 to 4 months by people living in cities with polluted air.

Under his test procedures, a weed-killer, maleic hydrazide, caused liver tumors. People eat enough of this from potatoes alone in 20 years to get the same dose he gave to newborn mice.

This scientist should be highly commended and encouraged in his work, which is aimed at creating a series of simple, sensitive and practical tests to answer questions about man's exposure to an increasing number of chemicals.

It must become the policy of our country, in actual practice, to limit use of chemicals we know to be deadly. Accordingly, I am introducing a bill today to establish an American Commission on Chemicals. Composed of 11 members, it would study, investigate, and finally make recommendations on use of chemicals for civilian and military purposes.

My measure gives the American Commission on Chemicals subpena powers to carry out objectives of the bill. A report would be submitted to the President and Congress by July 1, 1970.

Mr. Speaker, technology daily outdistances man's morality and capacity to understand the fruits of his mind. Even now we can look around and see what chemicals have done and are doing.

Sheep killed in Utah. Defoliation in Vietnam. DDT poisoning food fish in our Great Lakes so they are inedible and must be impounded. Above all, alteration of the ecology of the earth. We must act with responsibility now, lest we pay a horrible price tomorrow. Nature will suffer such abuse only so long. Then she will strike at all of us with terrible fury.

Insensitivity to this must end. Waters grow more polluted daily. Industry and municipalities offer feeble excuses. Our air grows worse daily. Our auto industry shrugs. Off our coasts, the oil crowd merrily pollutes away. Chemicals pour out everywhere, silently building up their residues in all of us.

I know, however, that the chemical industry will posture and loudly claim that questioning chemical pollution is almost an insult to the flag. Their reaction is as predictable as the fact that Coho salmon fingerlings cannot be introduced into Lake Michigan this spring because of the DDT level.

TWO CORRECT MOVES ON SST AND OLDER AMERICANS' BENEFITS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I must confess my pleasure at two acts of the Nixon administration today. The first was an omission from the budget of new funds to start construction of an SST prototype. Leftover funds are to be made available for continuation of research and development, which is all well and good.

Mr. Nixon, by not now requesting any of the additional $212 million needed to begin construction of an operational prototype, has shown some understanding of the problem. He now may utilize the $212 million which would have been made available for the SST, to restore cuts made in funds to fight water pollution—cuts made in Federal aid to education and slashes in Job Corps. By all means, let the President slice this saved $212 million and divide it as he sees fit among these three categories of essential social needs. Our whole country would applaud him for it. Allow me to say that I have

fought the SST not only because it is a significant contributor to noise pollution, but also because of the imbalance its support by the Government adds to our present reversal of social priorities. Progress is all important, of course. But humanity and the upgrading of human life in our troubled times must take priority.

I further note Mr. Nixon's intention to propose a 7-percent boost in cash payments for all of the Nation's 24.5 million social security beneficiaries. He also has stated his intention of requesting an increase in the amount of income social security recipients may earn without losing their benefits. Both actions are utterly essential, particularly when one examines the plight many millions of older Americans find themselves in daily.

Skimping on food, housing, clothing and drugs—all of which are essential to their well being, these older Americans have little cash and are allowed to earn meager incomes. Government holds the threat of withholding social security benefits from them if they dare earn too much money.

When we look around and see what leeway is allowed other segments of American society, we cannot help but wonder about our older citizens. I shall support any restoration of aid the President chooses to make to education, clean water, and the Job Corps. I intend to support any increase in cash benefits for social security recipients. I shall do the same for an increase in the amount of income they may earn without losing their social security benefits.

PRESIDENT OF UNITED SHOE WORKERS OF AMERICA SUBMITS REPORT ON TARIFF COMMISSION'S REPORT ON THE FOOTWEAR INDUSTRY

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

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to call to the attention of the Members of the House of Representatives the report issued by Mr. George O. Fecteau, general president of the United Shoe Workers of America, on the Tariff Commission's report on the footwear industry submitted to the President on January 17, 1969. I am particularly impressed with the depth of Mr. Fecteau's analysis of the devastating effect of the import situation on the footwear industry.

Mr. Fecteau's remarks are as follows:

We have reviewed the United States Tariff Commission's report on the footwear industry requested by the President on April 29, 1968, and finally released on January 17, 1969. We find it completely unsatisfactory to workers in the footwear industry. The President had asked the Commission to report on all factors relating to the economic condition of non-rubber footwear producers including production, sales, investment, employment, prices, profits, exports, imports, tariff treatment, participation in international trade, and the effect of imports upon the industry.

COMMISSION'S REPORT SKIMS THE SURFACE

Unfortunately, the Commission's report merely skims the surface. It could have been turned out by the leather experts in the Commerce Department except for the profit study and the survey of importer price lines which added little to known facts on the industry. An intensive investigation should have been made of why imports are increasing, what the basic causes are, and what this implies for the future. The Commission could have assembled its own samples of work shoes from Poland, Czechoslovakia, and Rumania if it was not satisfied with the exhibits and testimony provided by the shoe unions and the industry. It could have assembled dress shoes from Italy and Spain and vinyls from Japan—shoes in the various price categories. It could have set up an advisory group of experts to investigate the comparability of domestic and foreign footwear as to quality, labor cost, production, and workmanship. Worthwhile answers to the above questions might then have been given, as well as to the trend of future footwear imports.

At least 80 percent of the material in the Commission's report had already been presented several times by representatives of labor and the industry to the Executive branch, administrative agencies, and the Congress, or was readily available. What light the new material shed on the economic conditions of the industry added little to our understanding of the impact of imports on employment and output.

In certain cases, such as the discussion of industry technology, growth trends, the competitive nature of imports, and rising footwear costs, the Commission's analysis was inadequate and misleading. Finally, its careless observation that even 335 million pairs of imported footwear in 1975 would have little effect on employment opportunities and production in the industry can only be regarded as showing little interest in the continued export of jobs in the domestic footwear industry.

COMMISSION OMITTED ANY DISCUSSION OF FOREIGN WAGE RATES, THE CAUSE OF MOST IMPORTS

A glaring deficiency in the Commission's report was its failure to point out the basic cause of imports—low wages—and to compare labor costs here and abroad. This is the most vital point in any study of the footwear import situation. To omit this information was inexcusable, especially in view of the fact that ample data on wages, production, and numbers of workers was presented to the Commission by representatives of labor and industry.

The fact that imports are greatest from countries where wages are lowest is clear from figures that were available to the Commission.

Japan: Imports up from the 1954–56 base of 2,528,400 pairs to 65,146,100 pairs in 1968. The prevailing hourly wage, including fringe benefits, is approximately 57.2 cents.

Italy: Imports up from the 1954–56 base of 1,009,400 pairs to 58,996,400 pairs in 1968. The prevailing hourly wage, including fringe benefits, is approximately $1.04.

Spain: Imports up from the 1954–56 base of 23,100 pairs to 14,249,100 pairs in 1968 The prevailing hourly wage, including fringe benefits, is approximately 55 cents.

Taiwan: Imports up from the 1954–56 base of no pairs to 15,316,400 pairs in 1968. The prevailing hourly wage for men, including fringe benefits, is approximately 14.4 cents; for women, it is 7.9 cents.

United States: The prevailing hourly wage, including fringe benefits, is $2.62.

It was pointed out to the Commission that the same machinery is used in these countries to produce footwear that is used in the United States. In spite of the fact that the productivity of American workers is greater than in any of these countries, this is far from sufficient to offset the low wages abroad. Child labor, long hours, and low wages make it possible to ship footwear to the United States at prices several dollars below what American manufacturers can meet, and yet no discussion of these basic facts appeared in the Commission's report.

JOBS LOST TO IMPORTS

Both labor and management submitted testimony at the public hearings on the potential jobs absorbed by imports. The Commission gave this no consideration in its report and apparently is not disturbed by the continuing export of potential jobs in the footwear industry.

Based on current employment in footwear, the Commission has been shown that the industry would have hired another 56,000 employees to produce the footwear sold in 1968 if there were no imports. This is a fact that should have been brought to the attention of the President and Congress. And these workers would have been recruited from the labor groups that have the highest unemployment today.

Even the Emergency Council for the Advancement of Trade (ECAT), a group advocating free trade, in its study of the effect of imports on employment among certain industries found that footwear manufacturing had been the only one among nine industries that could lay claim to reduced employment due to imports.

MORE AUTOMATION IS NOT THE ANSWER

In its conclusion the Commission falls back on the typical answer to the import problem: that automation will overcome the competitive wage advantage abroad.

While the Commission recognizes that considerable progress has been made in recent years in the use of semi-automatic machines, conveyors, and the like, it fails to mention the fact that the same level of technological improvement has taken place in Italy and Japan, as well as in other countries exporting footwear to the United States, and it will take place as fast abroad in the future as here. Innovations made here will be used abroad tomorrow, and vice versa. There is no such thing as this country's catching up and moving far ahead in technology to offset the wide margin in wages paid here and abroad. And the Commission fails to recognize, too, that automation in the industry even at its slower pace means simply the displacement of labor, and that is important to workers.

DOMESTIC FOOTWEAR DIRECTLY COMPETITIVE WITH IMPORTED FOOTWEAR

The implication in several places in the report is that imports are chiefly low priced footwear that are not produced in the United States. This is misleading as most imports are directly competitive with domestic production, right down to packables, and this was shown at the hearings. For instance, the Commission was shown Japanese vinyl imports landed in the United States at a cost of $1.25 a pair which were exact replicas of shoes produced in Pennsylvania at a factory cost of $2.35 per pair. While these imports make up at least a third of total imports coming into the United States similar comparisons could have been made in dress shoes, work shoes, and packables retailing up to $15.00 per pair. Footwear in all price categories were displayed and loaned to the Commission so that it might check the comparability and see the competitive price advantage of imports.

Labor and the industry indicated at the hearing that they were not so much concerned with imports retailing above $20.00 a pair as they were with footwear in the lower-end area whether it was sandals, vinyls or medium low priced dress and work shoes. Nowhere, however, did the Commission's report point out the direct competitive nature of this type of footwear against similar domestic-produced footwear. Throughout the Commission's report it is implied that because the greatest volume of imported footwear is the medium and low price brackets U.S. shoe workers and manufacturers have not been harmed.

COMMISSION PASSES LIGHTLY OVER CRITICAL FACTOR OF RETAIL MARKUP ON IMPORTS

The Commission did recognize that the retail markup on imported footwear was higher than on comparable domestic footwear, but then it proceeded to de-emphasize this point so important in encouraging retailers to buy imports and push them on to the consumer by mentioning the practice of one large retail outfit which seemed to follow a uniform markup on imported and domestic products. Why did the Commission find it necessary to point out the practice of one of thousands of retail outlets while over and over again during the hearings it was brought out that lower priced imports provided retail groups with greater markups and therefore greater profits? Obviously this powerful incentive for greater profits to the retailer is reason enough to expect imports to grow and just as obviously this point warranted far more consideration than was given it by the Commission.

NO COMMENT ON RESTRICTIONS ON AMERICAN EXPORTS OR SUBSIDIES ABROAD

While the Commission mentioned the shrinking export market for American footwear, it failed to point out that major footwear exporting countries to the United States maintain barriers against footwear imports from other countries including the United States. Japan maintains quotas that prohibit any important quantities of footwear. Italy and Spain maintain border taxes and hidden custom restrictions. These should have been outlined in detail.

The Commission should also have investigated the subsidies given to encourage local and U.S. manufacturers to expand the shoe industry in these countries.

Both the non-tariff barriers and special government policies and practices (some in Communist countries) which in effect subsidize the manufacture and export of footwear in such a way that they avoid U.S. anti-dumping and tariff laws contribute even more to the unfair competition already suffered by the U.S. footwear industry and should have been given more attention by the Commission.

IMPORTS OF FOOTWEAR GREATER THAN STEEL OR TEXTILES

The Commission, after establishing the fact that import penetration of footwear amounted to 22% of the market (and the equivalent of 27% of domestic production which the Commission failed to mention) should have compared this with textiles and steel—other industries seeking relief. It is particularly important to show that an industry with less penetration has received help. The Tariff Commission study on textiles and apparel, submitted to the President showed the following share of consumption attributable to imports in 1965. In that year cotton apparel imports were 5.8% of U.S. consumption; wool apparel, 9.1%; and man-made fiber apparel, 2.6%. The Commission could have pointed out that in 1965 imports of footwear were 13% of consumption and had risen to 22% in 1968. While imports of textiles have certainly increased since 1965, they are still substantially lower than imports of footwear in terms of market absorption. And imports of steel are reported to be 18% of domestic market. Do we have one policy for industries with greater potential power and another for smaller industries?

FORECAST OF 468 MILLION PAIRS OF IMPORTS IN 1975 UNCHALLENGED

At the hearings the manufacturers forecast that imports in 1975 would reach over 468 million pairs or 48% of a 985-million-pair market for nonrubber footwear and 90% of domestic production of 517 million pairs. This would mean a loss of 168,000 potential jobs—jobs that would be there if there were no imports. No one in the opposition including the retailers and importers who are bringing in the footwear criticized this pairage projection as unrealistic.

Only the Commission suggests that imports might amount to only 335 million pairs in 1975 and that domestic production might be 650 million pairs. Only the Commission appears to be undisturbed at the industry losing 35% of its market with imports equal to 52% of production. And only the Commission seems unconcerned about the continuous loss of potential shoe jobs and the loss of all growth to the industry from 1968 to 1975.

The Commission's low estimate of 335 million pairs of imports by 1975 is unrealistically low because imports in 1966 increased 10% over 1965; in 1967 increased 34% over 1966; and in 1968 increased 36% over 1967. If the rate of increase were to fall by 5% a year until 1975 when there would be virtually no increase over the previous year, the total pairs imported in 1975 would be 483 million pairs instead of the 335 million pairs suggested by the Commission. Is it likely in the light of what has happened that the rate of increase will suddenly decline to these levels?

The Commission's conclusions that the "Growth rate of imports will no doubt eventually decline from recent levels but when and how much is problematic," is not very helpful or reassuring to the industry and its workers and is not of much assistance to the President and the Congress.

In conclusion, the American shoe workers for whom I speak reject any assumption that the shoe or any other American industry is expendible and should be allowed to expire rather than risk antagonizing foreign countries into boycotting goods produced in America. We believe that foreign countries buy from us because they need the goods we produce at the price and quality we produce them for, and they are not about to deviate from such sound and economic practices simply because America takes reasonable and necessary precautions to protect its industries and the jobs of its workers.

FACTS ABOUT TAXES

(Mr. BOW asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOW. Mr. Speaker, on this income-tax-deadline day when millions of Americans reluctantly part with Uncle Sam's share of their earnings, the Nixon administration has sounded a ray of hope for the future.

The $4 billion budget cuts proposed by the President today and the promise of a $6 billion surplus a year hence offer the first real break in the long period of rising expenditures, rising debt, and rising taxes. If Congress and the American people will support the administration's economy program, regardless of whatever temporary sacrifice it may mean for some of our favorite programs, we can offer Americans the hope and promise of an end to inflation and a reduction in taxes in the months ahead.

As most of us know, April 15 this year has something new about it. This year Americans are not merely groaning under the heavy burden of taxation. The groan has become an outraged roar. Millions of Americans have concluded that we are being taxed too heavily, taxed unfairly, and taxed for purposes we do not approve.

This is a great awakening that can have great value. If we are sufficiently aroused about taxes to learn the facts about Government finance, we may save this country from fiscal suicide.

The basic fact is that the vast majority of Americans must pay for anything this Government does for them or to them. The poor cannot pay. The rich are too few to bear the burden. It is the great middle class that pays. I have letter after letter complaining that the heaviest burden of taxation falls on the middle- and low-income taxpayer. The complaints are correct. Moreover, there is no way to escape that fact.

In 1966 there were 68 million taxpayers with incomes under $20,000 and the sum of their adjusted gross income was $405.3 billion. There were slightly under 2 million taxpayers with incomes above $20,000 and the sum of their adjusted gross income was $63 billion. Of that amount $46 billion was the income of people in the $20,000-to-$50,000 range. It should be plain that confiscating the income of all people above that range would run this Government only a few days or weeks. The main burden falls upon the middle-class taxpayers because there are so many of them and they have most of the money.

Since this is the case, it behooves the middle-income individual to take great interest in the spending programs of this Government. He should take great interest in the spending attitudes of the people he elects to public office. He should realize that every new function, every new program, every inefficient practice is going to cost him, personally, because there really is no one else to pay.

If this can be demonstrated now to tens of millions of Americans who should be prosperous, who have good incomes, but who cannot make ends meet, we will have accomplished a great deal.

I hope that the realization will be strong enough to win overwhelming public support for President Nixon's economy cuts and additional cuts that the Congress may be able to make.

In bringing this lesson home, we have to be frank about tax reform. Tax reform is needed. Part of the fury of our fellow citizens is based upon the belief that some are escaping a fair share of the tax burden. We must make absolutely certain that this is not the case; that the tax laws are equitable and evenly enforced so that each pays his proper share. But we will be sadly mistaken if we submit to the delusion that tax reform will open great new sources of revenue and lift the general tax burden. It cannot do so.

The nature of the so-called tax loopholes and the income that escapes taxation because of them have been greatly exaggerated. For example, we are outraged that some millionaires escape taxes by investing in tax-free municipal bonds. Assume this loophole is closed and we encounter new questions. Obviously, State and local governments must sell bonds to create improvements. Should they compete with others in the market, thus increasing the local tax burden? Should the Federal Government subsidize the interest rate for them, thus adding another burden to the Federal taxpayer? Search as you may and I doubt you will find another method of financing local

government improvements that is less a burden on taxpayers generally than the present system. Most alternatives would increase the general tax burden.

Similar considerations can be offered with regard to the many other special provisions of the tax law. The fact is that taxing income not presently taxed would only shift the burden slightly from one tax bill to another. Mr. Average American would continue to bear the load.

There is no question but that the load is too heavy, particularly since the State and local tax burdens have also increased dramatically in recent years.

The solution lies in determining the level of Government spending that is acceptable. We need a list of priorities. Every citizen should give thought to the Government services he requires or desires, and relate that requirement or desire to his own ability and willingness to pay.

Some of my constituents are disappointed that the tax surcharge probably will be extended. So am I, but if we wish to repeal the surcharge we have an obligation to find ways of trimming Federal spending by $9 billion.

Other constituents suggest that the personal exemption should be doubled, to $1,200. Experts tell me that action would reduce Federal revenue by $17.3 billion. If that is the kind of tax relief we wish, let us find ways to reduce spending $17.3 billion and double the exemption.

These suggested tax cuts, like tax reform, are subjects for consideration and recommendation by the experts on the Ways and Means Committee. Our colleagues on that committee are working hard on tax reform at this time, and I support their efforts. I do not claim expertise in their field.

I do claim to be an expert on appropriations and spending, however, and in this field I accept the challenge of the tax revolt. The taxpayers have challenged us to cut Federal spending so that they may have relief from the tax burden. That I propose to do.

Let me add that this obligation will extend, insofar as I am concerned, into the period following the cessation of war in Vietnam. The advocates of greatly expanded social programs already have made their plans for spending in the years ahead every dollar that will be saved when war expenses diminish. The people will demand that a major portion of such savings be applied to tax relief, and I, for one, will fight to make certain that is done.

THE UNITED STATES IS DRAGGING ITS FEET ON ELIMINATION OF INTERNATIONAL RACIAL DISCRIMINATION

(Mr. COHELAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. COHELAN. Mr. Speaker, by the the Constitution of the United States this country is committed to absolute racial equality under law. And it has been stated to be the official policy of this country that in international, as well as national matters, absolute racial equality under the law is our goal. In fact, on September 28, 1966, the American Ambassador to the United Nations, former Supreme Court Justice Arthur Goldberg, cast the vote of the United States in favor of the Convention on the Elimination of All Forms of Racial Discrimination. And in so doing, the Ambassador warmly praised the endeavor and noted that it was entirely consistent with the American Constitution.

And yet, despite the Constitution and the public policy commitment, the past and the present administrations have failed to submit this treaty to the Senate for ratification.

At the end of 1968, 28 countries had ratified this treaty and had begun on the work of the Committee on the Elimination of Racial Discrimination. Since the United States has not ratified the treaty, it cannot contribute to the work of this committee. And since the most powerful nation on earth has not endorsed the treaty, it seems inevitable that the work of the committee will be impaired. It seems too, considering the disapprobation which surrounds American policies in nonwhite third world countries, that wise and prudent foreign policy would require American ratification of this treaty. And if practicalities were not enough, then as a matter of morality it seems to me that the United States with its strong libertarian and egalitarian heritage should be a leader in the implementation of this international treaty to eliminate racial discrimination.

Prof. Frank C. Newman, of the faculty of Boalt School of Law at the University of California at Berkeley has recently written a concise and persuasive exposition on the convention and the failings of the United States in not ratifying this convention. This is a matter of large importance and I strongly recommend to my colleagues and to the administration that they pay heed to the urgings of Professor Newman.

I include Professor Newman's article in the RECORD at this point:

THE NEW INTERNATIONAL TRIBUNAL ON RACIAL DISCRIMINATION

(EDITORIAL NOTE.—It is particularly appropriate in this "International Year for Human Rights" to publish the results of a joint student-faculty project concerning the new International Committee on the Elimination of Racial Discrimination. A proposed draft of the Committee's procedural rules is introduced by Professor Frank Newman's discussion of the tribunal's organization and purposes, and followed by an appendix containing the text of the Convention establishing the Committee. The latter document has already been published elsewhere, but is reproduced here for the convenience of our readers.)

(By Frank C. Newman) *

Some months hence, nearly all lawyers will be surprised when they learn that an International Committee on the Elimination of Racial Discrimination has been elected. Its election will mark a great step forward in implementing Article 1 of the United Nations Charter, which declares that "The Purposes of the United Nations are . . . [*inter alia*] to achieve international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race. . . ." [1]

Progress based on those words began 20 years ago when the U.N. General Assembly, in the Universal Declaration of Human Rights, proclaimed that, "[E]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race. . . .". [2] That declaration, however, like the French Declaration of the Rights of Man proclaimed 160 years earlier, [3] said nothing about the enforcement of its commands. [4] Many observers believe that we will soon witness a new era of international enforcement of human rights, notably inaugurated by this Committee on the Elimination of Racial Discrimination. [5]

The Committee is the creation of a treaty (the Convention on the Elimination of All Forms of Racial Discrimination) unanimously adopted by the General Assembly in December 1965. [6] In his statement commending the Assembly, Secretary-General U Thant noted:

"Not only does it [the treaty] call for an end to racial discrimination in all its forms; it goes on to the next, and very necessary, step of establishing the international machinery which is essential to achieve that aim. . . . [T]he adoption of this Convention, with its measures of implementation set out in Part II, represents a most significant step towards the realization of one of the Organization's long-term goals. . . ." [7]

The "measures of implementation" that he stressed involve primarily the work of the new Committee. Its members will be "eighteen experts of high moral standing and acknowledged impartiality . . . who shall serve in their personal capacity." [8] How are they chosen? Each nation that ratifies the treaty may nominate one of its citizens, and "at a meeting of State Parties convened by the United Nations . . . the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of State Parties present and voting." [9] As of this writing the nations that have ratified were: [10] Ghana, Iran, Libya, Kuwait, Niger, Nigeria, Pakistan, India, Sierre Leone, Tunisia, United Arab Republic, Bulgaria, Cyprus, Soviet Union, Czechoslovakia, Hungary, Poland, Iceland, Spain, Yugoslavia, Brazil, Argentina, Costa Rica, Ecuador, Panama, Philippines, Uruguay, Venezuela.

The reader will note that the United States and most Western European nations have not ratified. Moslem, East European, and Latin American blocs seem well represented. Among the present members of the U.N. Security Council the only parties to this treaty are Hungary, Pakistan, and Spain.

A. WHAT RACIST ACTS MAY CONCERN THE COMMITTEE?

The racial discrimination treaty is similar to what the American Law Institute might have produced as a partial restatement of 14th amendment equal protection law. Article 5 provides:

"State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

"(a) The right to equal treatment before the tribunals and all other organs administering justice;

"(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group or institution;

"(c) Political rights, in particular the rights to participate in elections, to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

Footnotes at end of article.

"(d) Other civil rights . . . [*e.g.*, the right to choice of spouse, to own property, to freedom of association, etc.];

"(e) Economic, social and cultural rights . . . [*e.g.*, to equal pay for equal work, housing, education, etc.];

"(f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres, parks."

The Committee proceeds when "a State Party considers that another State Party is not giving effect to the provisions of this Convention" (Art. 11), or when individuals claim they are "victims of a violation by . . . [a] State Party of any of the rights set forth in the Convention" (Art. 14). The sweep of governmental conduct proscribed and prescribed is gigantic.[11]

B. WHAT ARE THE COMMITTEE'S POWERS?

By no means will this be the first international body to concern itself with racism. Race and related problems that involve apartheid, South West Africa, Rhodesia, Angola, etc. have been on the United Nations' agenda since the first meetings of the General Assembly.[12] The new Committee will, however, have unique powers.[13] The treaty authorizes action on: (1) Nation vs. nation disputes, (2) citizen vs. nation disputes, and (3) reports to the General Assembly.

1. Nation versus nation disputes

Each party that thinks another party is violating this treaty may so advise the Committee. The nation complained against then has a duty to "submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken." [14] Thus, a government's treatment of its racial minorities or racial majorities becomes a proper subject of international concern almost automatically. As to racial discrimination, this treaty once and for all eliminates the doubts and quarrels regarding domestic jurisdiction that have plagued so many international lawyers for so long.[15]

What happens if "the matter is not adjusted to the satisfaction of both parties?" Either nation may refer it back to the Committee which then, after obtaining "all the information it thinks necessary", may set in motion a procedure for an ad hoc conciliation commission "appointed with the unanimous consent of the parties to the dispute." If they disagree "on all or part of the composition of the Commission, the members of the Commission not agreed upon . . . shall be elected by secret ballot by a two-thirds majority vote of the Committee from its own members." The procedure thus is more than hortatory.[16]

2. Citizens versus nation disputes

The most provocative clauses of the racial discrimination treaty read as follows:

"A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. . . .

"The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating. . . .

"Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

"The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. . . . [and] shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

"The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations." [17]

What does all that mean? It means that by accepting those clauses a nation allows an international tribunal to take action on the complaints of individuals who are within the nation's jurisdiction. In effect, this treaty creates ombudsmen for racial discrimination, ex officio experts who have the power to investigate and to criticize what governments do about racial discrimination that the people who are governed find objectionable.[18]

How important is that power? Some may argue that it amounts to not much and that we need courts, sheriffs, and armies if truly we intend to ensure equal protection of the law internationally.[19] Yet there are reasons for believing that these international ombudsmen could be potent and could, for instance, meet the tests Walter Gellhorn has prescribed for ombudsmen generally: "readily accessible, professionally qualified, wholly detached critics to inquire objectively into asserted administrative shortcomings . . . advisors, not commanders . . . [who] rely on recommendation, not on compulsion." [20] If the Committee on the Elimination of Racial Discrimination is bold and resourceful, if its 18 members insulate themselves from petty compulsions of global politics and display dedication and integrity and courage, then the impact could indeed be significant. They could mightily affect many of the struggles that reflect unlawful racial discrimination in this sadly torn world.

The most persuasive international analogies originate in the work of the European Commission on Human Rights.[21] For interstate disputes 16 nations have accepted its jurisdiction; 11 nations have authorized it to act also on individuals' complaints. Three interstate cases have been decided; four more (all involving Greece) are pending. Nearly 4,000 complaints have been filed by individuals, and the following are illustrative results: The Norwegian Constitution, the Belgian Penal Code, and Austrian criminal procedure statutes have been amended;[22] a complainant named Boeckmans was awarded 65,000 francs because of prejudicial remarks made by an appellate judge,[23] external forays into internal affairs have been allowed as follows:

"[C]ertain States have accepted the presence of the Commission or of some of its members to carry out investigations in their territory and have given full co-operation for this delicate task. In 1958, members of a Sub-Commission in the first Cyprus case carried out an investigation on the spot for three weeks and, in 1967, the whole Sub-Commission visited a prison and heard evidence in West Berlin in regard to a case (No. 2686/65) where ill-treatment was alleged. In 1966 and 1967, delegated members of two Sub-Commissions heard evidence in Austria and the Commission's Secretary, at the suggestion of the Federal German Government and with the Commission's approval, visited in prison the applicant X. . . ." [24]

3. Reporting to the General Assembly

The Committee's non-adjudicative duties are set forth as follows in Article 9 of the racial discrimination treaty:

"1. The States Parties undertake to submit to the Secretary-General for consideration by the Committee a report on the legislative, judicial, administrative, or other measures that they have adopted and that give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

"2. The Committee shall report annually through the Secretary-General to the General Assembly on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties."

Other agencies that report to the U.N. General Assembly have had great influence (comparing favorably, say, with the proved influence of the U.S. Commission on Civil Rights).[25] The Article 9(2) directive is of no mean significance.

C. RULES OF THE COMMITTEE

Article 10 of the treaty provides, "The Committee shall adopt its own rules of procedure", and other clauses affect the content of the rules. Our chief aim here is (1) to present draft rules that implement those clauses, and (2) to array types of procedural issues that are likely to confront the Committee.

The draft itself is a project of the 1968 Boalt Hall Summer Seminar in International Legal Studies. The authors were participants in that Seminar and were aided greatly by Dr. Egon Schwelb [26] and Professor Thomas Buergenthal.[27] The documents used as guides included:

Rules of Procedure of the European Commission on Human Rights.[28]

Statute of the International Court of Justice, and that court's rules.[29]

U.N. Covenant on Civil and Political Rights, and its Protocol.[30]

Rules of Procedure of the U.N. General Assembly and of its Economic and Social Council. [31]

Provisions of miscellaneous treaties concerning education, investment disputes, etc.[32]

Those documents and several others are pertinent. Yet we warn our readers that there is but a meager jurisprudence which aids officials who must finally promulgate rules like these. The administrative law of international, supranational, and transnational bodies is neither comprehensive nor mature. It begs for analysis and critique.[33]

D. WILL THE UNITED STATES PARTICIPATE?

This treaty was signed and highly praised by Ambassador Arthur Goldberg on September 28, 1966.[34] It has not been forwarded from the White House to the Senate for advice and consent.[35] That fact may puzzle some observers who praised the Johnson administration for its aggressive sponsorship of civil rights reform.[36] Yet a letter from the White House dated January 4, 1968 [37] reads in part as follows:

"It is our intention to seek ratification of appropriate human rights conventions and to send them forward when conditions appear favorable.

"I have noted with interest your view that our inability to participate in the administration of the International Convention on the Elimination of All Forms of Racial Discrimination would jeopardize our national interest. Until such time as the Committee to be elected under this Convention has been formed and has had sufficient time to begin work, we cannot actually determine whether or not United States abstention would significantly affect its work. Nothing presently indicates, however, that our interests would be jeopardized."

Should not American jurists carefully consider this question: Given the data that show the effect on foreign affairs of racial discrimination in the United States,[38] and given the range of powers and the procedural thrusts of this remarkable new Committee, can it really be argued that "United States abstention" will not drastically affect the

Footnotes at end of article.

Committee's work? Readers are urged once again to examine the list of nations that appears in the opening paragraphs of this discussion. Those nations, as ratifiers of the treaty, will nominate and then elect the new committeemen and massively influence the formative years. Can the United States possibly justify its role as abstainer?

FOOTNOTES

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[1] 18th REPORT OF THE COMM'N TO STUDY THE ORGANIZATION OF PEACE, THE UNITED NATIONS AND HUMAN RIGHTS 43 (1968).

[2] *Id.* at 194.

[3] *See* H. LAUTERPACHT, INTERNATIONAL LAW AND HUMAN RIGHTS 126 (1950) (discusses "Lord Acton's judgment that the single confused page of the Declaration of 1789 outweighs libraries and is stronger than all the armies of Napoleon").

[4] *Cf. Measures Taken Within the United Nations in the Field of Human Rights,* U.N. Doc. A/CONF. 32/5 (June 20, 1967), and Add. 1 thereto (Jan. 23, 1968) paras. 357 to 507; *Methods Used by the United Nations in the Field of Human Rights,* U.N. Doc. A/CONF. 32/6 (June 20, 1967), and Add. 1 thereto (Jan. 23, 1968).

[5] *See* Newman, *Ombudsmen and Human Rights: The New U.N. Treaty Proposals,* 34 U. CHI. L. REV. 951 (1967); *cf.* Carey, *U.N. Response to Government Oppression,* 3 INT'L LAW 102 (1968); MacDonald, *The United Nations High Commissioner for Human Rights,* 1967 CAN. Y.B. INT'L L. 84.

[6] U.N. Doc. A/RES/2106 (XX) (1966), reprinted in 60 AM. J. INT'L L. 650 (1966); *see* Schwelb, *The International Convention on the Eliminatoin of All Forms of Racial Discrimination,* 15 INT'L & COMP. L.Q. 996 (1966).

[7] Quoted in 3 U.N. MONTHLY CHRON., Jan. 1965, at 103. Part II of the treaty appears in the Appendix to this Article. For comment on the International Bill of Human Rights, which in December 1966 was approved unanimously by the General Assembly, see Schwelb, *Some Aspects of the International Covenants on Human Rights of December 1966* in INTERNATIONAL PROTECTION OF HUMAN RIGHTS 103 (A. Eide & A. Schou eds. 1968); *cf.* Newman, *Natural Justice, Due Process and the New International Covenants on Human Rights: Prospectus,* 1967 PUBLIC L. 274.

[8] Art. 8(1) of the treaty.

[9] Art. 8(4).

[10] U.N. Press Release HR/211, L/T/367, Dec. 5, 1968.

[11] See Art. 1 to 7 of the treaty.

[12] *See* RACE, PEACE, LAW AND SOUTHERN AFRICA (Carey ed. 1968); COMMISSION ON HUMAN RIGHTS, REPORT ON THE 22D SESSION, E/4184, at 83 (1966) (Measures for the Speedy Implementation of the Declaration on the Elimination of All Forms of Racial Discrimination); U.N. Press Release HR/190, Sept. 10, 1968 ("New Delhi Seminar on Elimination of Racial Discrimination Ends with Adoption of Report"); *cf.* comments on International Day for the Elimination of Racial Discrimination, 5 U.N. MONTHLY CHRON., April 1968, at 52–55. Apparently that International Day was hardly recognized in the United States. See however Dash, *Police Balk Embassy March,* Wash., Post, Mar. 22, 1968, § B, at 1; Watson, *"Superior Race" Panned on "Discrimination Day," id.* Mar. 23, 1968, § A, at 13; *cf.* U.N. Press Release WS/339, Mar. 29, 1968 (U.S. pledges $25,000 on 40% matching basis to Trust Fund for South Africa) *See also* 5 U.N. MONTHLY CHRON., Mar. 1968, at 72 (WHO amendment authorizes World Health Assembly to exclude from WHO any nation that ignores its constitution's objectives by "deliberately practising a policy of racial discrimination").

[13] *See* Schwelb, *supra* note 6, at 1058; Korey, *The Key to Human Rights—Implementation.* INT'L CONCIL. 50 (Nov. 1968).

[14] Art. 11(1) of the treaty.

[15] *See* Acheson, *The Arrogance of International Lawyers,* 2 INT'L LAW. 591 (1968); McDougal, *Reply to Dean Acheson, id.* at 729; *cf.* McDougal & Reisman, *Rhodesia and the United Nations: The Lawfulness of International Concern,* 62 AM. J. INT'L L. 1 (1968); RACE, PEACE, LAW AND SOUTHERN AFRICA, *supra* note 12.

[16] See Art. 12 of the treaty.

[17] Art. 14 of the treaty, the last paragraph of which reads: "The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by the declarations in accordance with paragraph 1 of this article."

[18] *See* Newman, *supra* note 5, at 957: Schwelb, *supra* note 6, at 1041; *cf id.* at 1045 ("The Role of the Committee . . . in Regard to Petitions from Dependent Territories").

[19] *Cf. Panel: Implementation and Enforcement of International Decisions,* 1968 PROC. AM. SOC'Y INT'L L. 1–35. Article 22 of the racial discrimination treaty reads, "Any dispute between two or more States Parties over the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall at the request of any of the parties to the dispute be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement."

[20] W. GELLHORN, OMBUDSMEN AND OTHERS: CITIZENS' PROTECTORS IN NINE COUNTRIES 422, 436 (1966).

[21] *See* COUNCIL OF EUROPE REPORT TO INT'L CONF. ON HUMAN RIGHTS, 1968, 35–45 (1967); C. MORRISON, THE DEVELOPING EUROPEAN LAW OF HUMAN RIGHTS (1967); *cf.* K. VASAK, LA COMMISSSION INTERAMERICAINE DES DROITS DE L'HOMME (1968).

[22] A. ROBERTSON, EUROPEAN INSTITUTIONS 49–50 (1966).

[23] A. B. McNulty, The Establishing of Procedures and Institutions for the International Protection of Human Rights: The European Approach 8 (mimeo 1968).

[24] *Id.* at 11.

[25] *See* J. CAREY, INTERNATIONAL PROTECTION OF HUMAN RIGHTS 12 (1968); Bernhard, *Role of the United States Commission on Civil Rights,* 23 L. IN TRANS. 107 (1963); Parson, *The Individual Right of Petition: A Study of Methods Used by International Organizations to Utilize the Individual as a Source of Information on the Violation of Human Rights,* 13 WAYNE L. REV. 678 (1968).

[26] The excellent articles by Dr. Schwelb that are cited in notes 6 and 7 *supra* were especially helpful. See also his *Some Aspects of the Measures of Implementation of the International Covenant on Economic, Social and Cultural Rights,* I HUMAN RIGHTS J. 363 (1968), and *Notes on the Early Legislative History of the Measures of Implementation of the Human Rights Covenants* in MELANGES OFFERTS A POLYS MODINOS 270 (1968).

[27] Illustratively see his *The United Nations and the Development of Rules Relating to Human Rights,* 59 PROC. AM. SOC. INT'L L. 132 (1965); *The Domestic Status of the European Convention on Human Rights: A Second Look,* 7 J. INT'L COMM'N JURISTS 55 (1966).

[28] COUNCIL OF EUROPE, EUROPEAN COMM'N ON HUMAN RIGHTS, RULES OF PROCEDURE OF THE COMM'N (January, 1965).

[29] I.C.J. STAT., annexed to U.N. CHARTER, June 26, 1946, entered into force October 24, 1947. RULES OF COURT, ADOPTED by the I.C.J., May 6, 1946, I.C.J. ser. D, No. 154–83 (2d ed., 1947), [1950–1951] I.C.J.Y.B. 235–62.

[30] International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by G.A. Res. 2200A, 21 U.N. GAOR, Supp. 16, at 52–58, U.N. Doc. A/6316 (1966); text is also reproduced in U.N. Doc. A/CONF. 32/4 at 8.

Optional Protocol to the International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by G.A. Res. 2200A, 11 U.N. GAOR, Supp. 16 at 59–60, U.N. Doc. A/6316 (1966); text is also reproduced in U.N. Doc. A/CONF. 32/4 at 16–18.

[31] RULES OF PROCEDURE OF THE GENERAL ASSEMBLY, U.N. Doc. A/520/Rev. 7 (1964); RULES OF PROCEDURE OF THE ECONOMIC AND SOCIAL COUNCIL, U.N. Doc. E/3063/Rev. 1 (1967).

[32] Convention against Discrimination in Education, adopted and opened for ratification, acceptance and accession by the General Conference of the U.N.E.S.C.O., December 14, 1960, 429 U.N.T.S 93; text is reproduced in UN. Doc. A/CONF. 32/4 at 30–33.

Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education. Adopted by the General Conference of the U.N.E.S.C.O. December 10, 1962; text is reproduced in U.N. Doc. A/CONF. 32/4 at 33–36.

Convention on the Settlement of Investment Disputes between States and Nationals of Other States, opened for signature, ratification, acceptance or approval March 18, 1965, 575 U.N.T.S. 159; text is reproduced in 4 INT'L LEGAL MATERIALS 532–44.

[33] See Newman, *supra* note 7, at 312 n. 18.

[34] See Dept. of State Press Release 6/49a–1066 BT, noting that the U.S. signature was accompanied by this statement: "The Constitution of the United States contains provisions for the protection of individual rights, such as the right of free speech, and nothing in the Convention shall be deemed to require or to authorize legislation or other action by the United States of America incompatible with the provisions of the Constitution of the United States of America." *Cf.* Statement by Mr. Goldberg, Committee III, December 14, 1965, 54 DEPT. STATE BULL. 212 (1966); Statement by Miss Willis, Plenary Session, December 21, *id.* at 216.

[35] See Senator Proxmire, *President's Commission for Human Rights Again Calls for Ratification of Convention,* CONGRESSIONAL RECORD, vol. 114, pt. 20, pp. 25788–25789; cf. CONGRESSIONAL RECORD, vol. 114, pt. 23, p. 29608.

[36] "Gov. Harriman attended the September 17 meeting [of the President's Commission for the Observance of Human Rights Year] and cited President Johnson as achieving more progress in human rights than any of his predecessors." NEWS OF THE COM'N, No. 2 (Oct. 1968) at 1.

[37] Letter to F. C. Newman from E. E. Goldstein, Special Assistant to the President (on file with the *California Law Review*); *cf.* Schwelb, *supra* note 6, at 1058.

[38] ". . . Secretary of State Dean Acheson . . . said, in 1952, that 'the continuance of racial discrimination in the United States remains a source of constant embarrassment to this Government in the day-to-day conduct of its foreign relations; and it jeopardizes the effective maintenance of our moral leadership of the free and democratic nations of the world.'" Quoted in Deutsch, *Views from Many Bridges on School Segregation and Integration,* 51 A.B.A.J. 233, 236 (1965); *cf. U.S. Race Problems No Longer a Domestic Affair—Wilkins,* Oakland Post, May 8, 1968, at 1.

DEFENSE SPENDING MUST BE REVIEWED

(Mr. COHELAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. COHELAN. Mr. Speaker, I have on a number of occasions cautioned the Members of this body that the defense budget can no longer be considered a sacred cow. The enormous sums we are now devoting to defense claim the lion's

share of the resources of the Federal Treasury. Vietnam now costs more each year than we are spending at the Federal, State, and local level on public education. And non-Vietnam defense expenditures claim $5 out of every $8 paid by individuals in income taxes this year. In total, defense expenditures claim nearly 100 percent of all personal income taxes paid.

In my view, we can preserve the security of the United States with many billions less than we are now spending—even on the non-Vietnam defense expenditures. Several items recently in the news have disclosed substantial waste in defense spending—ABM, Spanish bases, battle tanks, are only a few of them. In the coming months the Congress will have to come to grips with this staggering misallocation of national tax revenues.

The press has begun to notice this need. In particular, the New York Times of Sunday, April 6, 1969, carrying the column of James Reston, notes the growing battle which looms over maintenance of the present enormous defense appropriations. I commend this column to the readers of the RECORD, and include it at this point:

THE $25 BILLION QUESTION

(By James Reston)

WASHINGTON, April 5.—The strategy of the Nixon Administration is now beginning to come clear. The indications are that the President has decided to reduce the level of violence at once in Vietnam, begin withdrawing substantial forces from that conflict by the end of 1969, and negotiate a cease-fire, a compromise settlement and a complete withdrawal of American troops from that country by the end of 1970.

There are, of course, many variables in this strategy. President Nixon's principal advisers, for example, are divided now over just how many men can be pulled out this year—the figures at issue are from 50,000 to 100,000—and they are also divided over continuing or reducing the present level of search and destroy missions in Vietnam, but the general direction of policy has apparently been set. It is toward de-escalation and disengagement and this has already started a quiet struggle over the post-Vietnam defense budget.

The debate over the anti-ballistic-missile system is only the beginning of it. The scope and scale of the battle over the defense budget has not yet emerged in public, but in private here it is developing into a major effort, not merely to cut the armed services back by a few billions, but to challenge many of the basic assumptions of the Pentagon and swing it back from around $80 billion a year to $50- or $55-billion.

This is the really big political confrontation that is over the horizon in America, and it dwarfs all the other confrontations over the cities and the races, and the universities, and poverty and the health services, for it is a $25-billion question that influences not only defense policy but the whole field of social and political reconstruction.

NIXON AND LAIRD

This is not the kind of fundamental question President Nixon likes. His way is to modify existing policies and to give the impression of change without changing things very much. But he is faced with radical and even dangerous problems which cautious adjustments will not remove. After all the polite talk and Sunday supplement articles about the military-industrial complex, there are now powerful men and forces in this country which are finally determined to take this issue by the throat and force a major reallocation of national resources away from military defense and toward reconstruction on the home front.

The Pentagon, the lobbyists for the aerospace industries and the powerful Congressmen whose districts benefit from the big defense contracts have recognized this coming defense budget battle quicker than the politicians, preachers, publicists and students who are writing and demonstrating for social reconstruction in this country.

They are already arguing that after the end of the Vietnam war it will be essential to develop the new weapons systems that have been postponed because of the war in Vietnam. They are not very original but they are very determined. They are warning on Capitol Hill at precisely the right points of power about a new "missile gap." They are talking about "new intelligence" that "proves" the Soviets have an intercontinental first-strike missile that can destroy our defenses and place our security in jeopardy.

Therefore, while they admit that we have to cut the defense budget some after Vietnam to make more money available for the problems at home, they are arguing with considerable skill that we must be "realistic" and keep the cuts to a very few billion.

This appeal to national pride and fear of the Soviet may not be very original, but it is directed very accurately at the key men in Congress whose power and political interests rest on a continuation of vast military budgets.

LAIRD'S POWER

Also, the new Secretary of Defense, Melvin Laird of Wisconsin, is the only man in the Nixon Cabinet who has a powerful political constituency of his own. He has great influence with the political leaders of the Republican party. His personal view of how to defend the country coincides very closely to the views of the Joint Chiefs of Staff and the views of Chairmen Russell and Stennis and the other military-oriented elders of the Congress, and this is a formidable coalition not only of political but of military, industrial, and one must now add labor union forces that would like to keep the military budget about where it is, even after Vietnam.

This is not a political conspiracy. These are not cynical men. They honestly think that the best way to defend the country from its external enemies, keep the national economy booming along, and minimize unemployment is to maintain a defense budget of from $75 to $80 billion.

The issue is really philosophical. How best to defend the nation? What threatens it most—its external enemies or its internal divisions and chaos? And specifically, whether to take $20 to $25 billion out of the military budget for the home front, or go on assuming that the external threat is greater than anything else.

These issues will come up even if the Administration's deescalation and disengagement policies in Vietnam do not work. The country has gone through these same arguments about how much money had to be voted for the Pentagon in the Truman Administration—only then the hawks were saying we would be destroyed if we didn't vote $15 billion for military defense, and the doves were saying the budget had to be kept to $10 or $12 billion.

The difference now is that the military have prevailed for over a generation, and even with over $75 billion for military defense, the external problems remain and the internal problems have become much more serious. So we are now approaching a defense budget debate of major proportions, for only by deep cuts in this budget will it be possible to pay for the reconstruction programs on the homefront.

POST OFFICE DEPARTMENT AND PARTISAN POLITICS

(Mr. FULTON of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, early in his administration, President Nixon stated that the Post Office Department would be taken out of partisan politics and the patronage system.

This decision had my enthusiastic support, and my congratulations on the decision were made to the White House.

In more recent correspondence with Mr. Nixon, I pointed out that my experience regarding the Post Office and political patronage has indicated that this practice has, unfortunately, not ended.

Not only have I learned that 15 individuals, all representatives of big business, have been named as acting regional directors, referred to in Post Office press releases as "expert consultants," but I have discovered that Post Office personnel in the regional post offices can no longer talk to a Member of Congress.

This situation came to light when I made a routine inquiry of the regional post office at Memphis. It has been my practice, on many occasions, to simply pick up the telephone and call the regional director when I had an inquiry or a problem from a constituent relating to a post office matter. But now, I am told, that an inquiry, even of a routine nature, must be made to an Assistant to the Postmaster General in Washington, who then must contact the regional office. Then a reply is given the Assistant, who passes the reply on the congressional Member. Thus, we add to the expense of Government operations, multiply the maze of Government bureaucracy, delay action on an inquiry, and suffer from a marked inability to provide prompt service to constituents.

In my correspondence with the President, I pointed out that Mr. Ted Ripa, of Chicago, an aide in Mr. Nixon's presidential campaign, had resigned his position as an executive with Martha Washington Kitchens of Chicago, and has now become the acting regional director with the regional post office at Memphis, Tenn. I have asked the President to inform me in what way Mr. Ripa's experience as an executive with Martha Washington Kitchens qualifies him to serve as a $100-a-day expert consultant as acting regional director with the Post Office Department.

Perhaps Martha Washington Kitchens is another fast food service organization and Mr. Ripa is going to incorporate the techniques of the convenience food industry into our postal system.

Actually, these "expert consultants" are receiving $98 a day for their services as acting regional directors. This fee sounds like a bargain basement special at a merchandise sale, but it appears that it will be at the expense of the taxpayer. In fact, we could expect a request for a postal rate increase to pay the consultant fees.

In my correspondence with the White House I have asked if it could be made

public how many of the acting regional directors are members of the Republican Party, and what role, if any, they played in the presidential campaign. In addition, I have asked how long these individuals have been serving as "expert consultants" at the 15 regional post offices, how long they will remain in these positions, how they were selected, and what were the qualification requirements for the positions.

In addition, I would like to know, and I believe my fellow Members of Congress would like to know, if these expert consultants were, in fact, being trained to take over the posts of regional directors.

If they are being trained to become regional directors, perhaps this should come under the Department of Labor and its on-the-job training program.

For the benefit of my colleagues, the 15 acting regional directors are—

Dallas region: James Upfield, former vice president, Bayfield Industries Division, Automatic Sprinkler Corp.

Denver region: Robert Balbasin, of Denver, former vice president of development, May Department Store Co.

Minneapolis region: Joe D. Austin, of Minneapolis, senior vice president and member of the board of directors, Minnesota National Life Insurance Co.

Seattle region: Frank Cleary, former vice president, Pacific Northwest Bell Telephone Co.

San Francisco region: Gere T. West, vice president of traffic, Consolidated Freightways.

St. Louis region: Albert P. Viragh, former vice president, Hussmann Refrigerator Division, Pet, Inc.

Washington, D.C., region: Herman Intemann, of Arlington, Va., former vice president Union Carbide Corp.

Atlanta region: William Haile, of Mooresville, N.C., former executive vice president, Union Carbide Corp.

Austin region: E. L. Mears, of Lexington, Mass., vice president, Industrial Chemical Group, W. P. Grace & Co.

Chicago region: John L. Fike, of Chicago, former general superintendent, Swift & Co.

Cincinnati region: Kroger Pettengill, of Cincinnati, former president, First National Bank of Cincinnati.

New York region: Harold Larson, of White Plains, N.Y., former vice president, American Can Co.

Philadelphia region: Raymond F. Winch of Swathmore, Pa., manager, marketing planning, Sun Oil Co.

Witchita region: Russ James, of Witchita, currently an administrator for the Kansas division of the Boeing Co.

Memphis region: Ted Ripa, of Chicago, former vice president in charge of marketing, Martha Washington Kitchens.

If we are, in reality, to remove the Post Office Department from political patronage, these are questions which must be answered and explained. I feel all of us want to create a truly efficient and fiscally sound postal operation, staffed with a professional corps of postal employees and executives.

PRESIDENTIAL POSITION ON EFFORTS TO EXEMPT EDUCATIONAL PROGRAMS FROM TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the apparent inconsistencies and equivocations in the policies of the new administration in the area of civil rights have properly caused increasing concern in the press and among interested citizens. An excellent commentary by John P. MacKenzie appeared in the April 14 issue of the Washington Post entitled "Nixon Civil Rights Policy Appears Mired in Confusion," the text of which follows these remarks.

Several Members of the House have indicated their desire to see the legislation extending and improving the Elementary and Secondary Education Act contain a provision exempting programs under the act from title VI of the Civil Rights Act of 1964. Title VI, as many Members of this body are well aware, requires nondiscrimination in federally funded programs.

The House Members who supported such an exemption in committee are now weighing the possibility of offering it as an amendment on the House floor.

Here is an opportunity, it seems to me, for the President clearly and simply to clarify his views and policies on civil rights—by announcing immediately his opposition to any such amendment, and by using his influence to prevent this amendment from being offered on the floor and to oppose it with the full weight of his office if it is offered.

The issue here, Mr. Speaker, is quite clear. Either schools and school boards will be required to comply with title VI as interpreted in detail by the relevant executive agencies, or they will not. For the President to take action here will not require extensive effort on his part, or on the part of his already overworked staff. It would, however, put the new administration on record on the question of civil rights in the schools, and I urge the President to advise the Congress of his position on this matter.

The article referred to follows:

NIXON CIVIL RIGHTS POLICY APPEARS MIRED IN CONFUSION

(By John P. MacKenzie)

Less than three months after taking office, the Nixon Administration appears to have as many civil rights policies as there are agencies with civil rights duties.

So far, it's been a record of activism and equivocation, of creative effort and indifference, of talk and conduct that both excites and worries Negro leaders. The only central themes have been lack of coordination and a tendency to react and improvise rather than initiate action.

On the same day that the Justice Department's civil rights chieftian announces a bold new move to protect Negroes from real estate "blockbusting", the Secretary of Transportation is roasted on Capitol Hill for easing up on equal employment demands for highway builders.

On the same day that the Justice Department sues a textile mill for job and company housing bias, the NAACP Legal Defense Fund is taking the Pentagon to court for letting three prime textile contractors off the hook over their hiring, promoting and company housing practices.

In one 24-hour span, President Nixon vows publicly that the executive branch shall "lead the way as an equal opportunity employer"—and his press secretary states that the Chairman of the Equal Employment Opportunities Commission, freshly rebuked by Senate Republican leader Everett Dirksen for "harassing" employers, will be replaced.

Beneath these appearances of confusion and lack of direction, there is real confusion and lack of direction—although the young Administration's failure to attempt high-level, across-the-board civil rights enforcement may not be entirely an accident.

Assistant Attorney General Jerris Leonard for example, did not know in advance that the Defense Department was accepting verbal equal employment assurances from the textile firms rather than the written promises required by a 1965 executive order.

Such a snafu probably would not have happened under President Johnson who, besides making his stand on civil rights very clear, designated Attorney General Ramsey Clark as his man, Government-wide, to ensure enforcement of Federal law barring financial aid to areas plagued by discrimination

Nobody has stepped forward to claim the laurels of Mr. Civil Rights for the Nixon Administration, partly perhaps because Attorney General John N. Mitchell has indicated he wants to make the line between Justice and, say, the Department of Health, Education and Welfare, firmer rather than fuzzier where they have over lapping jurisdiction such as in school desegregation.

The total effect each department going its own way, is not one of neutrality toward civil rights. The Pentagon's failure to submit its contracting policy to scrutiny elsewhere in Government amounts to a decision to avoid the kind of review that almost certainly would build pressures for a tough Defense Department policy.

Besides making it easier to temporize, such lack of necessary embarrassment. The Pentagon made its textile announcement within hours of President Nixon's promise to NAACP Executive Secretary Roy N. Wilkins to investigate complaints on the subject—a bureaucratic goof that no cynic could have stage-managed.

Leonard, 39-year-old former Wisconsin state legislator, has overcome an initial setback about his membership in a segregated Milwaukee club to earn a reputation among many civil rights workers for a sincere desire to enforce Federal law vigorously.

He stepped in quickly to argue in the Supreme Court on the side of Negroes who tried to desegregate a recreation area near Little Rock, Ark. When he filed a friend-of-the-court brief in a Chicago "blockbusting" case, lawyers for Negroes there credited him with a creative legal argument and they were grateful to have the prestige of the United States Government thrown in as well.

Leonard is regarded by some subordinates as easily educated in the intricacies of civil rights enforcement, but he is being watched to see whether he can capture the appropriations needed to unfreeze the current travel restrictions that keep many bias fighters chairborne.

At HEW, Secretary Robert H. Finch weathered an initial period of unpreparedness and uncertainty to begin a pattern of toughness over school desegregation-Federal aid guidelines.

But Finch's appointment of Robert C.

Mardian, who has urged a quiet cutback in Federal fund cutoffs, as general counsel, counterbalanced his naming of Leon A. Panetta, a liberal, to do the actual enforcing, has created a new mix of emotions and expectations. So have Finch's own conflicting public statements on civil rights issues.

No civil rights legislative program has emerged, but it will be surprising if the White House backs a Johnson Administration proposal for enforcement powers for the Employment Commission, since Dirksen has upbraided former chairman Clifford A. Alexander Jr. for his use of its existing powers.

The Administration's failure to coordinate with Dirksen plus an ill-timed White House statement the next day saying Alexander would be replaced as chairman combined for the maximum Administration embarrassment. Knowing that Alexander, a Democrat, could become difficult to handle politically, the Administration nonetheless managed to let Alexander resign as chairman (while remaining on the commission) in a righteous huff rather than quietly.

The signs are scant that segregationist Sen. Strom Thurmond (R-S.C.) wields great influence on civil rights matters. But signs are plentiful that the Nixon Administration will continue for some time to move in several directions at once on civil rights.

COMMUNIST AIR AGGRESSION

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, the news that the Communist regime of North Korea has shot down a U.S. reconnaissance plane resulting in the apparent murder of 31 U.S. boys has shocked the conscience of the peace-seeking world.

Compare, for example, the barbaric act of the Government of North Korea toward our U.S. aircraft with the reports of Soviet bombers regularly flying along the U.S. coast. Compare also this action with the piracy at high seas in the capture of the U.S.S. *Pueblo* and the subsequent imprisonment and torture of the American crew.

How can any informed American believe that we can negotiate peace from a position of weakness through supposed assistance from the Soviet Union, when it is the Soviets and their arms escalation and military equipment that underwrites these atrocities?

The American people must awaken our leaders that there can be no peace until we go after the peace—not by pacifist verbiage—but by a policy of retaliation and announced efforts that we are going to win our goals—including an announced all-out effort for peace through victory and the unequivocal backing of our boys wherever they serve.

I include several news articles following my remarks:

[From the Washington (D.C.) Evening Star, Apr. 15, 1969]

NORTH KOREA SAYS U.S. PLANE DOWNED—NAVY SPY CRAFT WITH 31 MISSING IN SEA OF JAPAN—COMBAT PATROL COVER PROVIDED FOR AIR SEARCH

TOKYO.—North Korea, which captured the U.S. intelligence ship Pueblo, reported today its air force shot down a large American reconnaissance plane.

In Washington, the Defense Department said a Navy reconnaissance plane with 31 aboard was missing in the Sea of Japan.

North Korea's official Central News Agency said "a large-sized modernly equipped reconnaissance plane" intruded deep into North Korean air space and was shot down. The time given for the downing of the plane was 1:50 p.m. or 11:50 p.m. EST yesterday.

The broadcast gave no information on the fate of those aboard.

It said only that the North Korean air force shot the plane down at a high altitude "by showering fire of revenge upon it."

ROUTINE RECONNAISSANCE

In Washington, the Defense Department said the Navy EC121 plane, based at Atsugi, Japan, was flying "a routine reconnaissance track" which kept it at least 50 nautical miles from the North Korean coastline.

The Pentagon did not immediately confirm that the North Koreans shot down the huge electronics-packed aircraft but said only that a broad search was launched for the plane and its crew of 30 Navy men and one Marine.

At the Capitol, however, Vice Adm. J. B. Colwell, deputy chief of naval operations, talked as though hostile action was involved.

He called the incident "a clear case of international piracy and a breach of international law." He talked briefly with newsmen before going into a closed session of the House Armed Services Committee. He declined to give further details in public.

PRESIDENT AWAKENED

At the White House, press secretary Ronald L. Ziegler said President Nixon was awakened "early this morning" to be told about the missing plane.

Ziegler declined to say just when Nixon was awakened, but said the information was relayed to the President by telephone from Dr. Henry A. Kissinger, his special assistant for national security affairs.

A Defense Department spokesman said the aircraft commander was under orders to approach no closer than 50 miles to the coast of North Korea.

The EC121 carried two 20-man life-rafts.

The Defense Department said combat patrol cover was being provided for two search planes, an HC130 Hercules and a KC135 tanker.

The destroyers Tucker and Dale, which have been based at Sashebo, Japan, were ordered to head toward the search area.

The EC121 is heavily-loaded with electronic gear, as was the U.S. intelligence ship Pueblo, which was captured off the North Korean coast on Jan. 23, 1968. The U.S. claimed at the time the ship was in international waters about 25 miles off the North Korean coast.

Search operations today apparently were centered within 200 miles of where the Pueblo and its 83 crewmen were captured. The crew was released late last year. The Pentagon said the air search today is centered about 95 miles southeast of Chongjin, North Korea.

The U.S. Embassy in Moscow today asked Soviet assistance in searching for survivors of the plane. A spokesman said the embassy had informed the Ministry of Foreign Affairs of the plane's disappearance and sought help from any Russian ships that might be in the area. Japanese fishing boats already have joined the search.

At the Pentagon, Daniel Z. Henkin, the Defense Department's chief spokesman, dodged all questions on what may have happened but said "the aircraft was in communication with its base during its mission."

"We have no information at this time which confirms the sighting of any survivors," Henkin said.

Pentagon records indicated this would be the first U.S.-North Korean air clash in 10 years.

In June 1959 a Navy P4 patrol plane was attacked by a MIG jet in the Sea of Japan about 85 miles east of Wonsan, North Korea. A tail gunner was seriously wounded in that incident but the damaged plane returned safely to a base in Japan.

The missing airplane is a converted Lockheed Super Constellation. It has a big hump in the top of the fuselage to carry radar and other monitoring devices.

"It is a large-crew airplane," the spokesman said, confirming that 31 men would not be an unusual number to be aboard. The monitoring equipment requires a number of operators.

The North Korean agency said the "U.S. imperialist aggressor army which has been rapidly intensifying the war provocation maneuvers against (North Korea) of late perpetrated on the morning of the 15th the grave provocation of infiltrating deep into the territorial air of the republic a large size modernly equipped reconnaissance plane to conduct reconnaissance, while perpetrating grave provocations along the military demarcation line."

It said the North Korean air force "instantly spotted" the plane and "scored the brilliant battle success" of shooting it down.

"The U.S. imperialist aggressors must bear in mind that the stern warning of the Korean People's Army is not empty talk and the Korean People's Army counters any provocation of the U.S. imperialist aggressors instantly with a hundred-fold, thousand-fold retaliatory blow," the broadcast said.

About the time of the announcement in Washington, the U.S. Navy in Saigon abruptly cancelled an awards ceremony tomorrow aboard the aircraft carrier Ranger off Vietnam.

A Navy Spokesman in Saigon said he did not know if the cancellation was directly connected with the plane incident.

South Vietnam's defense minister and other officials had been scheduled to go aboard the Ranger to present medals to about 50 U.S. Navy men.

[From the Baton Rouge (La.) State-Times, Apr. 8, 1969]

SOVIET BOMBERS ARE FLYING REGULARLY TO WITHIN MILES OF U.S. COAST

(By Bob Horton)

WASHINGTON.—Soviet bomber flights to the fringe of North America have become so routine in recent months that U.S. fighters aren't always sent to intercept them, according to Pentagon sources.

Over the last 15 months, these sources say, there have been about three dozen incidents of Soviet planes flying near continental North America, usually Alaska or Canada.

However, the Soviets have been careful to turn back before actually flying over U.S. or Canadian territory, the sources said.

While continental defense officials occasionally may decide not to scramble interceptors, the Soviet bombers are always monitored on radar from the time they get within a few hundred miles of the North American coastline until they leave.

Only two or three of the Soviet missions have been disclosed officially by the Pentagon, which indicates the low key attitude the U.S. government is taking.

The most recent Soviet flight, sources report, occurred April 1 when eight to 10 TU16 Badgers came within 65 miles of Northwest Alaska.

The Alaskan Air Command scrambled F102 interceptors, but no nose-to-nose confrontation was necessary.

The Badger is a twin turbo jet aircraft roughly comparable to the old American B47 and capable of speeds up to 580 mph.

Seven other Soviet flights near U.S. territory this year are recorded on a list now stamped secret in the Pentagon.

In addition, there were more than 25 other similar incidents in 1968 not only off Alaska but near Newfoundland, Labrador, Iceland, and around the Aleutian Island chain in the Pacific.

GROUP OF SEVEN

Usually the Soviet planes show up in groups of two or three, but on one mission this past January, seven TU95 Bear reconnaissance bombers came within 30 nautical miles of Northwest Alaska. The Bear is a 500 mph turbo prop capable of flying 7,800 miles without refueling.

Six to eight Bears were intercepted by U.S. fighters last summer, again off Northwestern Alaska, in another major flight which went unpublicized.

Pentagon sources say the Soviets have been careful to halt their approaches within 30 to 150 miles of North American territory during the 15-month period.

In 1963 the United States protested strongly to the Soviet Union that two reconnaissance bombers had flown 30 miles inland across the southwestern tip of Alaska. The Soviets denied any incursion.

Pentagon sources are frank to admit the United States has no real basis for complaint so long as the Soviet planes remain outside NATO territory.

Furthermore, the United States could hardly protest that the flights are provocative. Strategic Air Command training missions send nuclear-capable B52s quite regularly into Arctic regions near Soviet territory.

PROBABLE REASONS

Sources believe the Soviets have three reasons for conducting what appears to be a regular program of flights toward the United States:

They want to keep a constant check on how long it takes U.S. radar to detect incoming planes and scramble fighters to intercept them.

The flights provide Soviet air crews with training made highly realistic when U.S. fighters meet them.

The Soviets collect various intelligence information from the missions. Even without flying over U.S. territory, they can take long range photographs, test radar detection systems and maintain data on American radio frequencies.

The decision whether to send U.S. jets to meet Soviet planes entering the air defense zone usually depends on the speed and angle of approach of the incoming flight.

Interceptors are designed mainly to assure the Soviets that their presence has been detected.

[From U.S. News & World Report, Mar. 24, 1969]

New types of Soviet weapons are showing up in the Vietnam war. U.S. Marines have captured Soviet D–74 field guns that can fire 55-pound high-explosive shells more than 13 miles and penetrate 7 inches of armor plate. The Marines also have sighted the first self-propelled guns known to be used by the enemy. They are believed to be the Russian-made JSU–122 assault guns.

[From Human Events, Apr. 19, 1969]

MILITARY REPOSITIONED AROUND GLOBE—BEHIND THE SOVIETS' "FORWARD STRATEGY"

(By Paul Scott)

The dramatic movement of powerful Soviet naval units from the Arctic to the Pacific Ocean is an integral part of the Kremlin's strategy of repositioning its military forces in strategic areas of the world.

Although U.S. intelligence authorities are split over the immediate impact on the West of this Russian naval build-up in the Pacific, the majority agree the transfer of ships gives the Kremlin a powerful new military lever to influence future events on the Korean peninsula, in Asia, and other areas of the world.

Strikingly illustrative of this expanding "forward strategy" are the following Soviet military movements during the past year:

(1) the positioning of 80,000 Russian troops in Czechoslovakia near the West German border; (2) movement of 20,000 additional troops into East Germany and Poland; (3) shifting a large number of Russian ships to the Mediterranean; and (4) basing of Soviet long-range bombers in the United Arab Republic; (5) increasing of military supplies to Arab nations; (6) supplying of arms to Nigeria to internationalize the war there; (7) increasing the flow of arms to North Viet Nam; and (8) shifting of Arctic Ocean naval units to the Pacific.

Significantly, the transferring Soviet navy units have aboard an unusually large number of bilingual communication officers who speak either Korean or Japanese in addition to their native tongue.

Presence of these officers, detected before the Soviet naval units left Murmansk, greatly puzzled American naval intelligence officers until the final destination of the Red naval units was uncovered by the British.

While Russian diplomats are dropping hints all over the world that the Soviet naval movement is designed to meet "the growing Chinese Communist border threat" in the Far East, U.S. intelligence authorities believe there is much more to the Soviet strategic power build-up in the Pacific.

For instance, South Korean intelligence officials have warned the U.S. that the naval transfer is part of Moscow's preparations to support a 1970 invasion of their country by the North Koreans.

This latter threat is considered so real that Speaker John McCormack (D.-Mass.) recently arranged for a congressional delegation headed by House Majority Leader Carl Albert (D.-Okla.) to fly to South Korea to indicate U.S. backing for that government. The lawmakers agreed to work for a step-up of American military aid as a move to deter the Communists.

According to the South Koreans, Kim Il Sung, tempestuous North Korean dictator, is merely waiting to strike until American forces become so mired down in Viet Nam that they cannot defend Korea.

As of today, the priorities of the Viet Nam war have left South Korea woefully unprepared to resist another invasion. More than 50,000 of South Korea's best troops have been drawn out of the line to fight in Viet Nam.

The 50,000 Americans who hold 18 miles of the 151-mile Korean front are ill-equipped to face North Korea's modern 400,000-man army and air force without additional air and ground support from other U.S. bases.

The frantic war preparations in North Korea, plus the unpreparedness in the south, could make Korea a future Pearl Harbor for American forces there if Moscow decides the time is ripe to have Soviet-trained Kim Il Sung open a second Asian front.

It is known here that Moscow's agents in Japan have instructions to ferment a new round of strikes and protests designed to force the present Japanese government to block use of U.S. bases there in any new Korean war. These protests will be centered around opposition to proposed renewal of U.S.-Japanese defense agreements.

These are the little-aired developments in the Far East that President Nixon is being urged by his intelligence advisers to consider in his assessment of the movement of Soviet naval units to the Pacific.

The blow-up of Sino-Soviet border clashes by Moscow is considered highly significant by Nixon's intelligence advisers, but they caution that far too little is known about the incidents to determine whether they were connected with the naval movement or are being used as a cover for more sinister Russian intentions.

One of the most interesting articles on current Soviet foreign policy and strategy being studied at the highest level of the Nixon Administration was written by Joseph Schiebel, director of the Russian area studies program and professor of history of Georgetown University.

Titled "Convergence or Confrontation?", the Schiebel article gives a bleak prospect of a less militant Russia, stating:

"A whole array of military and particularly naval developments and the imminent succession by the Soviet Union to strategic bases (especially those which would permit the Soviet Union almost total domination over the Near and Middle East) . . . point to a preoccupation with techniques of empire by strategic control. . . .

"The emergence of the Soviet Union as a substantive provider of development aid (with strategic strings attached to much of it), as a marketer of major competitive goods (oil, advanced aricraft, etc.) and as a factor in the international money market indicate a growing capacity in this medium of political control. . . ."

Schiebel's forecast that the Kremlin's effort to undermine relations between West Germany and the U.S., the national liberation strategy, and the strategy of isolating the U.S. as a world power will dominate operational aspects of Soviet foreign policy in the foreseeable future.

"The Soviet leaders are not omnipotent supermen," he concludes. "They owe their successes to the fact that they were able to so organize and arrange their advances that there would be no enemies."

The article appears in the 1968–69 Winter Issue of the *Intercollegiate Review*.

[From the Washington Post, Apr. 11, 1969]

AMERICAN ERA OF UNEQUALED MIGHT SEEN AT END

(By Alfred Friendly)

LONDON, April 10.—A 20-year period in which American policy alone largely shaped the pattern of international politics probably ended last year, a group of defense experts believes. The Soviet Union, they say, "must now be treated as a full equal in terms both of strategic power and of her ability to control conflict in the developing world."

The judgment is that of the annual survey of Britain's highly esteemed Institute for Strategic Studies, made public today.

The survey said that for various reasons 1968 marked "the end of the American desire and ability to be the universal and dominant power."

U.S.S.R. EQUALS UNITED STATES

At the same time, the Soviet Union, having equalled the United States in intercontinental ballistic missile strength, has increased and diversified its other military capabilities to the point where it can intervene more actively in local conflicts and wars distant from its borders—even as the United States can, and has done.

There was no clear evidence during the year, the survey declared, to indicate whether the increase in the power and diversity of Russian military capability meant that "an active intervention strategy was in the making" or whether it was merely to give the Soviet Union "the panoply of a superpower" and the same range of options the United States enjoys for prestige and bargaining.

But, the survey authors continued, support for the first interpretation came from the Soviet Union's proclamation of the so-called Brezhnev doctrine—the right of intervention in the "socialist commonwealth." That concept could mean intervention not just in an Eastern European country like Rumania or even Yugoslavia; "it could mean Syria or other left-wing Arab states; it could mean China," the survey said.

THREAT TO BLOC

Reviewing the Soviet invasion of Czechoslovakia, the survey said there was little evidence that developments within the country before August were seen as an immediate security threat to the Soviet Union or its system, but much evidence that they were

regarded as threats to the ability of other nations in the Eastern Bloc "to contain their own internal changes."

The invasion served to delay U.S.-Soviet arms control discussions—although the United States was held back more by "a sense of propriety than a reduced appetite for detente,"—but it did not affect the discussions in principle, the report said. Moreover, the invasion did not change the fact that the NATO nations had no alternative to trying to continue to reach a detente with the Soviet Union.

But the major consequence of the invasion, the survey asserted, was in Eastern Europe itself, where the Soviet action fundamentally changed the status quo.

In terms favorable to Russia, it reestablished the credibility of its military power as the prime instrument of its control in Eastern Europe; it seems to have snuffed out the Czechoslovak reformist movement; it left a larger Soviet military presence deployed on NATO's doorstep, and it served warning on West Germany of the dangers of continuing its wooing of the Eastern Bloc.

On the debit side, the survey said, the invasion shattered the image of a mellowing Soviet Union; frightened NATO into some fresh vibrations; menaced the unity of the Communist movement outside the Eastern Bloc, and "prompted the United States to begin mending her relations with her European allies."

The survey's gloomiest forecasts were focussed on the Arab-Israel conflict, where it found that "the materials from which a settlement" could be built are still inadequate.

Worse, it continued, the Palestine liberation movements have risen to such power that the largest, Al Fatah, now acts almost as a nation, but without a nation's formal structure. Thus, there is "a serious question whether any Arab regime could survive a settlement" in the face of the Fedayeen groups' opposition.

If the Arab governments delay in resolving their own relations, redefining their objectives and reasserting their own domestic authority, the survey warned, Israel's own considerations about "defense and deterrence" may lead it to invoking the nuclear option which she has almost certainly acquired."

SEXATION IN THE CLASSROOM

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, as parents across the Nation become more aware of the inherent dangers of sex education in the schools, opposition to it begins to stiffen and become more organized.

The material for sex education is spread and pushed by an outfit calling itself the Sex Education and Information Council of the United States—SIECUS.

Scores of school boards in the United States have cited a lack of opposition to the teaching of this explosive material on sex as justification of its introduction into the school curriculum.

However, the answer to this is obvious—parents have previously had very limited access to the sensational material produced by SIECUS. As they do become aware—and more are becoming aware everyday—opposition to this lurid material stiffens.

The March 1969, edition of the journal of the Sarasota, Fla., County Medical Society contains two interesting and timely articles on sex in the schools and an informative and enlightening article on this subject appeared in the April 12, 1969, edition of the Prince Georges Sentinel published in neighboring Prince Georges County, Md. Also, a letter to the editor of the County News of Prince Georges from a concerned parent should be of equal interest to my colleagues.

I present these to follow my remarks:

THE JET SEX

(By William Campbell Douglass, M.D.)

When I was growing up, there were two sexes—the male sex and the female sex. My medical school anatomy course confirmed this. But recently something new has evolved from our schools—the Jet Sex. This is the generation of "sexually free" children, who are taught from *kindergarten* how to do it, how babies are made and how they are avoided. The Jet Sex is taught that the issue isn't morality, but fornication without fear. Religion is *out* of our schools, but coition is rapidly becoming the biggest thing since the new math. The children are assaulted with detailed texts, "study guides," visual aids, clay for modeling the human phallus, and everything conceivable short of copulation rooms—and even this has been suggested. In one school, for instance, the teacher, (who can only be described as sick, sick, sick), herded her little charges into a darkened room and had them feel each other.

One film now in vogue for *Kindergarten* shows dogs copulating followed by a human couple in bed under sheets. A recorded voice explains: "Mummy and Daddy are doing the same thing the dogs do." Now really, isn't that a bit much—even for the Jet Sex?

I mentioned sex education in the schools to a friend and he immediately replied, "Well, it's about time!" The implication was that finally someone was *doing* something and we would at last "understand" and "be natural" with sex—thereby bringing on the millenium and a non-neurotic world. But aren't there some things that are better off *not* understood during the formative years? Perhaps I am antedelvian in my thinking (I have been accused of such) but what happens to beauty and art when everything is reduced to a mathematical certainty? Our 20th century explorers have already taken the moon out of poetry and song by informing us that it is a "forbidding and foreboding place." Must we not deromantasize sex with clinical discussions in mixed company in the classroom? As the brilliant Alan Stang, writing in The Review of the News of February 5, 1969, put it: "—observe that what is happening . . . isn't just that sex is being given the most repulsive treatment possible—which it is—but that man's greatest, private pleasure is being made commercial; being made a public spectacle enjoyed by a crowd."

Certainly there is nothing wrong with giving anatomical courses to senior high school students (which is being done by the medical profession here). Most of the kids at this age already understand the reproductive process and perhaps these courses in the mechanism of conception clear up points of confusion. *But let's leave the little ones to their hopscotch and softball.* Psychiatrist Melvin Anchell puts its bluntly: "It catapults the child into advance sexual information; it perverts the child—if you turn into an obstetrician at eight years of age, you have developed a fixation—I think it is creating more perverts than were ever created before."

This is a delicate subject. But it deserves our serious consideration for it is being taught to our children with increasing boldness and diminishing restraint. What goes on in the depths of the mind of a 6 year old boy when he is shown pictures or models of the adult male phallus? Has it occured to the sexperts that they may be engendering a strong inferiority complex that could well carry through to adult life? Mighten the child "act out," as the psychiatrists say, this inferiority complex with promiscuity in a never ending attempt to prove his maleness, to prove his sexual equality with other males?

What of the 6 year old girl, who knows very well what *her* anatomy is, who is exposed to the adult male, or even the immature male, through pictures or models and is told that she will, in a few years, submit to having *that* put in *there*. In a class at the Carter Riverside school in Fort Worth, Texas, the girls were told, "If you don't want all this blood and pain on your wedding, you should - - - -" At this point, one little girl fainted.

How stupid can educators get? I just showed you.

Everyone seems preoccupied with sex these days. That is nothing new. And, of course, the pronoun "everyone" may be little too all embracing. But when the students on an American college campus riot because the faculty refused to let them erect statues of men and women performing perverted sexual acts, one wonders what Freud, sex education and John Dewey hath wrought.

Sex education is the "in thing" in America's schools, starting at the *kindergarten* level. Without it, the promoters of "sexology" warn us, your child will be warped, inhibited and, heaven forbid, moralistic. One wonders how ten generations of Americans managed to build a great and stable nation without formal sex training. We even managed to procreate without liberal busybodies telling us how. At the turn of the century, sex was considered a private matter. Some parents discussed it with their children and some did not. Everyone seems to agree that there was less mental illness then than now. But now the sexperts tell us, "If the parents won't teach their children about sex, then we must."

Why?

They tried it in a big way in Sweden, and now that formerly placid and stable land is ridden with neurosis, suicides and venereal disease. One hundred and forty Swedish doctors signed a petition to the government which stated that Sweden's young people are obsessed with sex and, panting from one partner to another, some have as many as two *hundred* different sex partners!

Mary Calderone, M.D., high priestess of sex education (who has no psychiatric credentials), promotes premarital intercourse among the kids, tacitly endorses abortion and speaks oh so gently and permissively about homosexuality. And, it is interesting to note, Ortho Pharmaceutical Corporation promotes Calderone with fancy brochures to the nation's physicians. The brochures tell America's doctors to stop moralizing and get *with* it! After all, Ortho has a lot of birth control pills to sell and 14 year olds know how to swallow pills, don't they? To coin a phrase: There's *gold* in them thar pills.

Dr. Rhoda L. Lorand, a highly qualified child analyst, has very cogently described the self-appointed sex experts. She said: "I have found that talking to these new sex education zealots about the findings of child analysts over the past forty years, is like talking to an audience of turkeys about Thanksgiving. In order to avoid the realization that their programs belong on the chopping block, they pretend that the evidence proving them in error does not exist and hope that by ignoring it, it will disappear—a most commendable scientific attitude. Don't worry, it won't disappear and more and more people who are unafraid to think are beginning to have doubts about these programs and the caliber of the groups they are attracting."

Dr. Max Levin, psychiatrist and neurologist, reviewed in current Medical Digest a book that was edited by two of our nation's "sex experts," Doctors Isadore Rubin and Lester Kirkendall. The following excerpt from

that review strikes at the heart of their twisted logic:

Rubin says, "The core of the ethical problem is not whether a boy or girl remains or does not remain a virgin, but whether sex is used exploitatively and self-centeredly, or in a meaningful and dignified way."

Kirkendall says, "When it comes to sex in a relationship, the girl has several pressing questions: If I have intercourse, will it make my relationship with the boy stronger? What will he think of me? Will I please him or will I lose his respect?"

All this sounds so reasonable that it has a seductive appeal. Pattenkofer (in the Family and the Sexual Revolution, ed. E. M. Schur, Indiana U. Press), tells us of the satisfaction it gave to a perplexed high school teacher. Like other high school (and college) teachers, she hadn't found it easy to field the questions of her students in the area of premarital behavior.

Pettenkofer writes that he was "much concerned" when the teacher told him "that Kirkendall's ideas had been such a help to her." She said, "Now I have an answer: I just tell the girls and boys that they have to consider both sides of the question: Will sexual intercourse strengthen or weaken their relationship?"

This, mind you, was not a college teacher; it was a high school teacher. One can imagine the turmoil in the mind of a high school girl; in the afternoon, she heard from her teacher that the question has two sides, and now in the evening she is being propositioned by her boyfriend who assures her that intercourse will strengthen their relationship.

The criteria proposed by Rubin and Kirkendall are unsound, indeed naive, for they presuppose a power to foretell the future. A girl contemplating intercourse, says Kirkendall, must ask herself, "Will it make my relationship with the boy stronger?" Even if she possessed the wisdom of Solomon, she would be unable to foretell the answer. Rubin and Kirkendall don't tell us what the girl should do if her forecast of a strengthened relationship backfires. You can make a hit with youngsters if you tell them they're entirely on their own, but few are mature enough to assess the pros and cons of sex freedom.

Ortho Pharmaceutical echoes the sociological garbage from Rubin and Kirkendall in their news release to physicians dated November 13, 1968: "In counseling college students facing stresses arising from changing sexual attitudes and practices, the physician, rather than espousing a 'thou shalt not' philosophy, must help the student face the basic questions—'Will this behavior hurt you or those you love? Will it be good for you?' You see, Mary Jane, Ortho isn't like those other cold blooded corporations. Ortho has *heart!*"

The results obtained from sex education in the lower grades are exactly opposite from what the sexologists claim. We are sexually deprived and sick, they say, and the SIECUS crowd considers itself ordained to straighten us out. But Communists, you know, always claim to be doing the opposite of what they are actually trying to accomplish.

There I go blaming the Communists again. Your Editor has been accused of seeing a Communist under every bed and now I am seeing them in the beds as well.

What is the evidence?

SIECUS (Sex Information and Education Council of the United States) is the Big Id in all matters sexual (and homosexual) these days. One of the founders and the treasurer of this smut ring is one Isadore Rubin. Rubin was identified on May 3, 1955 in sworn testimony before the House Committee on Un-American Activities as a member of the Communist Party. Rubin is also Editor of a dirty little magazine called Sexology. (How do these titles grab your libido: "My desire for Both Sexes," "An Incest-haunted Marriage," "Women Who Have Many Climaxes," and "Fifteen Ways to Get More Out of Sex") *This pornographer's trash is now being revised so it can be used in our nation's schools.*

Another smutologist of some renown is Reverend William Genne' who is a founder, board member and secretary of the SIECUS perversion plant. Genne' has been associated with numerous Communist fronts. Also, not surprisingly, he is a big wheel in the National Council of Churches.

Reverend Joseph F. Fletcher, Professor of Ethics (of all things) at Cambridge Episcopal Theological School, works closely with the "feelthy pictures" crowd at SIECUS. He has been a member of 13 Communist fronts and Herbert Philbrick, former FBI undercover agent, testified: "Joe Fletcher worked with us on Communist Party projects and an enormous number of tasks."

The above is just a sampling . . . perhaps you are not convinced, so allow met to present some more evidence.

When General William F. Dean was released from a Communist prison camp, the Chinese psychologist who had been trying to brainwash him said: "General don't feel bad about leaving us . . . we will soon be with you. We are going to destroy the moral character of a generation of your young Americans, and when we have finished, you will have nothing with which to really defend yourselves against us."

Still not convinced? Consider this from reporter Jack Mabley writing in the Fort Worth Star Telegram:

"A town in Western Poland was the scene of a grotesque gathering in the late spring of 1954. Communist agents had gone through prisons throughout Russia and Poland, rounding up hundreds of sex criminals, perverts and prostitutes. All were transported to this Polish town.

Simultaneously the Communists took into the town scores of Red movie and still photographers and thousands of feet of film. The criminals were turned loose in the town, and for 10 days, there was an incredible orgy. The photographers recorded everything. These prints were taken to a port in Turkey. They were put on a ship which several weeks later put in at Mobile. There the pictures were unloaded. American intelligence agents, who later traced these pictures to their origin, were unable to follow their course from Mobile.

However, it is established that they fanned out through the United States, and were put into the hands of youngsters through pornography dealers. Today these pictures, and the literally millions of reproductions that were made from them, are poisoning the minds of countless young Americans. This was the aim of the Communist agents."

"The story sounds fantastic and yet I personally cannot question the source. *Rational people just aren't ready to believe that the pornography racket is part of a Red plot to undermine American morals . . . Yet the evidence is too solid to be shrugged off.*"

So Isadore Rubin, a Communist, is promoting "sex education" in our schools. That doesn't make sex education and all the raunchy movies and plays a Communist plot, now does it? An official publication of the Italian Communist Party, called Journal Cinema, would disagree:

"The film and theater production of today are really typical bourgeois phenomena. The bourgeoisie have now reached the final state in their advance toward decadence and show up their inherent rottenness *as they surrender all claims to standard bearers of responsibility.* We are not in the least bit interested in stopping do (sic) this. Why place any obstacles in their path? We are interested in encouraging this type of play. We want to encourage this sort-of production. As a technical policy our aim is to defend an enterprise that is pornographic and entirely free of the restrictions of ordinary moral rules. We must be resolute in pursuing this course, even more so in plays being shown that attempt to condone homosexuality."

Where does the National Education Association, the cultivators of the minds of our children, and the American Medical Association, the organized voice of American medicine, stand in regard to this obscene invasion of our schools, this rape of innocent young minds? This may stretch your credulity, but they have taken their stand bravely and firmly with the smutologists of SIECUS!

Naturally, most of these bumble heads in the NCC, the NEA and the AMA who have aligned themselves with Ellis, ("Religion seriously sabotages mental health." "Religion is neurosis," etc.); Fletcher ("For me there is no religion at all"); Kirkendall ("A tremendous feeling of natural unity . . . is immoral"), and the rest of these sick, homosexual-condoning egomaniacs, think they are doing something to combat the very things these neurotics are promoting: premarital sex, illegitimacy and venereal disease. Even Comrade Isadore Rubin, Treasurer of SIECUS admitted this was futile when he said: "For the Community to ask the sex director to take on the responsibility of cutting down on illegitimacy or on venereal disease, is to ask him to undertake a task that is foredoomed to failure."

Sex education, in one form or another, and whether we like it or not, is probably here to stay. So what is to be done? First, throw out SIECUS and SIECUS material, Sexology Magazine, and all the phonies associated with both. Second, read the well-reasoned article in this issue by Dr. James Parsons. Dr. Parsons deserves your rapt attention. His keen mind has penetrated to the core of the problem.

"Who so ever shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he was drowned in the depth of the sea."—Matthew 18, verse 6.

THE GATHERING STORM: SEX EDUCATION VERSUS THE "NO-NO" MORALISTS

(By James M. Parsons, M.D.)

(NOTE.—Dr. Parsons is a graduate of the University of Florida and the University of Tennessee College of Medicine. He took his residency in Psychiatry at the University of Miami School of Medicine. He is Consultant Psychiarist to Patrick Air Force Base, United States Air Force, and Consultant Psychiatrist to Pan American World Airways.)

Mary Calderone, M.D., M.P.H., has a problem.

As Executive Director of the Sex Information and Education Council of the U.S., she is running into community opposition to her organization's programs around the country. Though her organization is notably well heeled, and nonprofit, Mary is finding communities so xenophobic that they will accept sex education, if at all, only at the level of the fifth grade. Of course, sex education in the U.S. has had a great many good receptions too, and except for the opposition, it could be confidently expected that 70%+ of American schools would have a comprehensive sex education program by the year 1970. Mary notes the operation with bitter reflectiveness, however, and has been quoted in complaint: "For too long we have listened to the vociferous minority." (SATEVEPOST, 6/29/68, "Sex Invades the Schoolhouse," John Kobler, P. 64.)

Yes, Mary does have the "No-No" Moralists to consider. Let us define terms. A "No-No" is something, usually behavior, expressly prohibited by a figure who has assumed authority. And a Moralist is one who prohibits, because the Moralist has (by self appointment) pre-empted all privilege of judgment

in matters (self labeled) as "right" and "wrong."

We would expect this plot to thicken. The legions of those promoting sex education will certainly press on in their massive assault. Meanwhile, the "No-No" Moralists are stiffening defenses, aligning all ranks four square into a veritable vista of "Solid Antis."

And let the reader make no mistake: a great storm is quietly gathering; and it will ultimately involve just about every physician in the U.S., willing or not.

In the shadow of such controversy, the psychiatrist suddenly blinks away that vacant eyed preoccupation more suitable for the Freudian couch, and asks: "What is meant by sex education? Who is behind this movement which is everywhere in evidence in the mass media? What are their credentials and their motives?"

The search for the answers to these questions led this writer as far from the state of Florida as Idaho, via long distance telephone calls, in order to verify verbal and printed information from various sources. What follows is an analysis of what the promoters of sex education have been doing, what they intend to do in the future, and a commentary on some persons within this movement which has become so controversial. Perhaps of most significance is the inclusion of an estimate of the results to be achieved, from the psychiatric point of view, within young people receiving this new form of sex education.

One cannot discuss the subject without discussing Dr. Calderone's SIECUS (Sex Information and Education Council of the U.S.), so we may as well affirm now that SIECUS is, far and away, the foremost organization in the field of sex education. Moreover, this group has been able to create the aura around itself that SIECUS is, literally speaking, a selfless group of professionals who offer a not for profit consultation service to communities which have become sufficiently enlightened to desire expert assistance in setting up school programs for "sex education."

There are many who would hotly dispute that the preceding statement is true of SIECUS. However, regardless of one's opinion of the organization, most unemotional observers will usually admit the SIECUS does enjoy that reputation, rightly or not, at least at the present time.

Further, their choice of a name which, when abbreviated, turns into such an acronymic and phonetic triumph has undoubtedly given SIECUS a great boost:—pronounced, the acronym becomes "seek us," at once an invitation and a command, suggesting not only that local communities lack expertise in the matter of sex education, but that SIECUS stands ready to help, provided they are sought. True, it is a small point literally; but from the point of view of subliminal psychological techniques, the choice of the name Sex Information and Education Council of the U.S. seems a pure stroke of genius.

Their name is not all they have going for them either. "It is largely to Dr. Calderone's charm and dynamism that SIECUS owes its formidable influence. A sweet-faced, silvery haired grandmother, with the evangelical fervor of Joan of Arc, she is a great persuader. Frequently listeners who start by being hostile to the idea of public sex education end up as her confirmed disciples. To encourage candor, she avoids sexual euphemisms and has even been known, in all her matriarchal dignity, to use four-letter words." (SATEVEPOST, op. ct., p. 27.)

Dr. Mary Steichen Calderone has been a familiar fixture for years, as medical director of the Planned Parenthood organization. Now as SIECUS' executive director, she has an organization which, at last report, could boast of the affiliation of 52 professional types from such diverse fields as sociology, the bar, the clergy, the press, and—of course—medical doctors, including the specialty of psychiatry.

What are the mechanics of operation of the SIECUS Combine? From what can be gathered, there are 3 main steps. Step 1: SIECUS representatives set up community organizations to promote "sex education" in the schools. Step 2: After sufficient organization promises the adoption of the SIECUS program, certain textbooks, audio visual aids, pamphlets and related literature are recommended by SIECUS representatives, or designates. Step 3: The stage is now set for the possible appearance of "Joan of Arc"—sweet faced and silvery haired enough to make the sale . . . we hope . . . or else we hope not.

A wide divergence of opinion is to be expected among medical doctors, especially psychiatrists, but the rule among psychiatrists, discussing a differing approach toward a problem within the discipline, is normally that of restraint and caution. A tiny minority of psychiatrists contacted were hospitable to SIECUS; this minority was either untrained or unsympathetic to the analytic orientation; also, this minority favored the conditioning therapies. Among the analytically oriented colleagues contacted regarding "sex education" those familiar with SIECUS had little good to say for their approach.

What is the approach of SIECUS? "To establish man's sexuality as a health entity: to identify the special characteristics that distinguish it from, yet relate it to, human reproduction; to dignify it by openness of approach, study and scientific research design to lead toward its understanding and its freedom from exploitation; to give leadership to professionals and to society, to the end that human beings may be aided toward responsible use of the sexual faculty and toward assimilation of sex into their individual life patterns as a creative and recreative force."

It would be redundant to point out that the above quotation from the SIECUS charter sounds fine. Now. What does it mean? Certainly one must be struck by the fact that among all those high sounding abstractions arranged into syntactical structure, nothing emerges factual or concrete.

The answer to the "approach" of SIECUS? It is found only in the actual printed materials offered by this non profit group, and in the public statements of SIECUS officials. Interest has focused on their "approach" to the extent that:

"Classroom sex has fired a whole new industry of such vast and bluechip possibilities that the Wall Street Journal was prompted recently to issue a full report on it. Leading publishing houses and companies, such as International Business Machines (IBM), are pouring literally millions of dollars into texts and teaching aids for the sexual enlightenment of the young." (McCall's, January, 1968, "Sex Education," by Marjorie F. Iseman, p. 37.)

Critics of SIECUS assert that Somebody, Someway, Somehow, is getting "all that money." They also state that SIECUS officials usually write the books and other materials which The Board of "non profit" SIECUS subsequently endorses and recommends for use in classrooms throughout the nation.

Further, critics point out that Dr. Isadore Rubin (a Ph. D. on SIECUS' Board) has long evidenced interest in "profit" as related to exploitation of natural as well as unusual sexual curiosities, since he has for years edited the magazine Sexology, in which sample titles are "Group Sex Orgies," "My Wife Knows I'm Homosexual," "Mail Order Sex Parties," etc. Here, of course, that critic has ventured too far. He has become one of the "No-No" Moralists, unfairly criticizing an entire organization via guilt by association techniques.

To date, SIECUS has been loftily above all its critics. Perhaps it is because SIECUS, tax exempt, receives private contributions and grants from groups such as the Ford Foundation; and therefore, its officials feel that they breathe rarefied air.

On the other hand, some of SIECUS' critics are aware of the above information, plus the fact that, along with IBM, the 3-M Company, McGraw-Hill, Harcourt Brace and World Corporation, as well as others, are banking millions on the success of SIECUS and its program. It's said that money talks, but the critics of SIECUS are talking too, and getting noisier. Why?

The reason lies in the "approach" of SIECUS to sex education. Their program would start a child on "sex education" in the nursery, and follow through in every grade, with both boys and girls in the same classroom viewing everything from graphic illustrations, to plastic replicas of human sexual organs, to animals copulating in classrooms for the edification of the young.

For example, slides have been used in a Westchester County elementary school which show the copulation of dogs, this followed by a human couple under sheets, while a recorded voice explains: "Mummy and Daddy are doing the same things the dogs do." (SATEVEPOST, op. cit., p. 66.)

Dr. Rhoda L. Lorand, child analyst of New York and author of the well received Love, Sex and the Teenager, made the comment that such an approach to sexual education produces an "emotional split" in children in that it stimulates sexual excitement right in the very environment (the classroom) where it must be immediately suppressed.

However, Dr. Calderone carries forth the SEICUS banner bravely. The child of 3 must be started on the path toward illumination: "The penis of the father is made to carry the sperm into the mother through the vagina." Any 3-year-old ought to know that. And as the weeks, months and years pass, more and more sex information must be imparted.

The promised benefits of such a program of sex education are many: a more enlightened attitude toward sex by all, decrease or elimination of sexual problems thereby, with an accompanying decrease in pregnancies out of wedlock, venereal diseases, etc. Accordingly, we would expect a higher rate of successful and happy marriages.

Provided the goals of "sex education" could be reached, or even if matters could be shepherded along in that general direction by following SIECUS' program, it seems ridiculous that anyone would seriously object to buying the package. Therefore, let us leave out all consideration of possible economic motives and of the personalities of the SIECUS people, and think—instead—of the children.

While one may not subscribe to all of Sigmund Freud, it is a fact that his work stimulated tremendous interest in child development. In the last 30 odd years, child analysis has emerged as a highly respected discipline in its own right, and often able to document and reproduce its findings concerning children much better than any of the individual schools of adult psychiatry. Some say child analysts have the advantage, since adults are older and more complex. However that may be, there remain pertinent principles which have been firmly established regarding children, and we shall examine them here.

(1) Children learn via their senses, in the state of development existing at their particular age, and individually so. Their brains will mature anatomically later in life, so they learn by example, by rote, but are most impressed by their sensations. One only need be a parent, not even a psychiatrist, to be aware that children pass through a stage when they put everything into their mouths (the oral stage), followed by a stage when the process of elimination assumes their primary attention (the anal stage).

(2) It has been found that often when a parent, or another, tries to inculcate simple explanations of adult sexual function to a child, it is immediately translated into data meaningful to the child at his particular stage of development: e.g., a child in the anal stage, upon learning that his mother has given birth to a new baby which she had let him feel move within her abdomen, may say, "I know how it got out. Through her bottom." Lest any wag interpose here that that kid wasn't too far wrong, it should be added that upon questioning, one will learn that the child means anal birth.

(3) The child's undeveloped brain cannot assimilate (or "learn") information relating to bodily functions which are years in advance of his own physical development. Stated quite simply, a 3-year-old boy or girl does not possess the necessary physical or cerebral development to understand any such abstraction as, "The penis of the father is made to carry the sperm into the mother through the vagina." Probably a good percentage of children could be induced to repeat the statement by rote memory, but what they understood would be something else. Let us suppose that a child in the oral stage gets such an explanation of impregnation. It will, predictably, be fed into the undeveloped computer and come out as: swallowing the sperm.

It has long been recognized that what we call sexual perversions seems rooted in the infantile fantasies of violence, mutilation and death associated with ideas of oral impregnation and anal birth. The mature pervert is usually not the product of any lack of "sex education," or of sexual stimulation, during his formative years. Quite the contrary, the mature pervert often has a history of stimulation of sexual fantasies before his body and brain had matured sufficiently to cope with ideas that overwhelmed his reality testing faculties, turning his development back onto itself into a welter of fantasies of violence, death, mutilation, oral impregnation and anal birth. The morbidly fascinating *troika* of rape-murder-mutilation transfixes the attention of the civilized person too often; the psychological mechanisms triggering such psychopathic behavior lie precisely in disturbances of the infantile fantasies.

Two brief case reports are pertinent here, both from the author's files.

The first is a young man who, since age 17, has been continuously in trouble for exhibitionism: he masturbates in the presence of young girls as an almost obsessional, though intermittent, form of sexual outlet, even though he has been married for several years now. His obsession dates back to pre school days when he found some "dirty" pictures in the basement, where there also happened to be the laundry hampers. He recognized his mother's underthings (or reasonable facsimiles thereof) in the pictures of women in the sexual act and in various stages of undress. A powerful fantasy life developed thereafter. When puberty was reached the boy went to the laundry to hold female underclothing against himself until he was stimulated to orgasm. His mother came upon this scene, interestingly enough; but she pretended not to notice. Since that time, he has still been trying to "get her attention"—albeit vicariously.

The second case is an 18-year-old, recently married, and recently in trouble for shoplifting items of female intimate wear from department stores. He dates his problem to books on sex which were introduced into the public school curricula in his elementary school in a Northeastern state. "I wasn't thinking about sex at all until I read those books, and then it seemed like I couldn't think of anything else." He became preoccupied with feminine underthings too, and went through a similar experience to the patient mentioned above, though he managed to "control" it. His "control" method was homosexual experimentation, however. He became ashamed of himself, and bitter toward all females because they seemed to remind him of his lack of masculinity. After finally deciding to date girls in order to prove himself, he ended by marrying the second one he dated because she became pregnant. After marriage, "The Problem" suddenly emerged again in full bloom, first with use of his wife's underclothing, and next with a compelling desire to steal fresh, new items, masturbate into them and then throw the articles away. Often he would wear the items himself for varying lengths of time before doing this. The patient, incidentally, was unaware of any hostility toward females and had an elaborate rationalization regarding his behavior: "Why should society say it's wrong when they mean 'it's different?' Suppose I bought the underwear? Then I wouldn't even be stealing. But they make it out as criminal. Who's to say what's right and wrong?" However, when asked would he derive pleasure from buying the items instead of stealing them, he replied that he would not. In fact, he was secretly hoping he would be caught because, in his words, "It worried me that this type of release was becoming more exciting and more satisfying than intercourse with my wife." This patient was apprised that the files of criminologists often show that those convicted of exhibitionism and/or transvestism, if not stopped, go next to child molestation, then to rape, and to rape-murder-mutilation. Here, this patient suddenly demonstrated a flash of brilliant insight: "If I masturbate into new underwear that I've stolen, then it's like I've spoiled a young girl, who's new and clean. And if I carry it far enough, the symbol won't be enough. I'll have to enter the real world. If somebody came upon a dead girl who had been raped and mutilated, it would be like coming upon"—here the patient was practically choked with tears—*"the panties!"* He referred to his practice of leaving new female underwear he had soiled along routes to elementary schools, so that others might see the soiled articles. The last item was a pair of girl's panties, which he had carefully arranged in the middle of a sidewalk.

The tragedy of psychopathic behavior is that so often the patient desperately wants his impulses channeled into mature adjustments, while at the same time he has had to develop a system of rationalizations to explain his behavior which sound broad-minded to others, so that he fools even himself. Fortunately for this patient, he decided that his facile rationalizations, while suggesting breadth of mentation were, in fact, quite constricted as regards information.

With the preceding case histories as background, we may now consider two final points regarding normal child development, and "sex education."

(4) The infantile sexual fantasies become dormant, unless stimulated, during what is called the "latent period"—between ages 6 and 10 years, roughly. During this time, the child learns physical coordination unself-consciously, and sublimates most of the sexual drive into learning academic subjects in a structured environment. What is called "sex education" would, if injected into school curricula during this period, predictably reawaken the infantile fantasies and cause great mischief—perhaps chaos—in the educational process. Females, as would be expected, have the most to lose. For a little girl to be told by a little boy, "I'll bet you have freckels on your vagina," may seem amusing to an adult (especially if, for unconscious reasons, there exists an irrational hostility toward females), but it may cause lasting damage to the girl who is the victim of such "good natured fun." The reader is to be assured that incidents similar to that depicted above, and worse, have already happened on the playgrounds of those schools where "sex education" has been implemented. Among thoughtful people there is an awareness that the female intimate functions must have a certain respect from the male if the girl who is more vulnerable and feels it, is to be able in later years to achieve that trust of her husband which is a prerequisite for her complete sexual responsiveness in marriage.

(5) Perhaps the most surprising of the findings of the child analysts relates to the effect upon the developing child of *indulging in masturbation.* To quote Dr. Anna Freud, in her recently published book, Normality and Pathology in Childhood, "It was equally unexpected that the disappearance of the masturbation conflict would have—besides its beneficial consequences—some unwanted side effects on character formation by eliminating struggles which, in spite of their pathogenic aspects, had served also as a moral training ground." Dr. Anna Freud is telling us that, while the Victorian attitudes toward masturbation (the work of the devil, it will drive you insane, etc.) were harmful to the child, we still have not achieved the proper attitudes to impart to children, since the child who is given the "permissive" routine about masturbation does not, later, show the strength of character seen in those children who have struggled to stop, or control, their masturbatory tendencies.

Contrast the above, however, with the March, 1969, issue of Today's Health, pp. 4–5: "There is no medical evidence that masturbation in either sex is harmful. You may wish to write for a very well written booklet on this subject published by SIECUS (Sex Information and Educational Council), 1855 Broadway (61st Street), New York, New York 10023. The price is 35 cents a copy." Perhaps the most fitting comment that could be made is that Today's Health describes the SIECUS booklet as "well written" instead of "authoritative."

It is exceedingly interesting that those who represent themselves as the *avant garde* of sex education for children are, to all intents and purposes, ignorant of the important basic principles demonstrably elucidated in many in depth studies by child analysts years ago. One could compare these SIECUS officials with "poachers" who go busily about, staking their claims, blissfully unaware that they are having to climb over the fences of families who have already cleared the land, fenced it, and cultivated it intensively—for at least a generation. These "poachers" conceivably could become civilized, provided they would read some books.

One has to assume that the SIECUS officials are simply unfamiliar with the work of the child analysts, for the following reasons. If they were familiar with the findings of the child analysts, they would not advocate their own programs. Or alternatively, they would continue to advocate their programs, while presenting proof that the child analysts's work of the preceding 30 years and more, is invalid. The SIECUS officials behave, instead, as though unaware that their expressed dogmatism is not only unsubstantiated, but directly in opposition to a great body of evidence already adduced.

Leaving aside the question of whether the SIECUS "sexperts" have ever learned anything about the development of the children whom they presume to "educate," we turn next to the question of whether or not they have displayed any awareness of the experience of other countries which have implemented similar programs of "sex education" to that which SIECUS advocates.

One thinks immediately of Sweden, where a program remarkably similar to that which SIECUS advocates for the U.S., has been tried for many years. One can find the results quite conveniently in the book Sex and Society in Sweden, by Birgitta Linner, (The Pantheon Press.) With all the sexual en-

lightenment in Sweden, one would expect that the rate of veneral disease would have plummeted, especially in view of the fact that automatic vendor machines for contraceptive now line the streets of Sweden. However, we learn on page 86 of Birgitta Linner's book that there has been an overall increase in venereal disease. In fact, on page 49 we find that gonorrhea now affects the 14-year-olds and 13-year-olds, and the girls more so than the boys.

So the VD picture was a little surprising, wasn't it? However, we should expect that the more intelligent girls and boys will have been able to avoid unwanted pregnancies, especially before marriage. But we find—*mirabile dictu!*—35% of all brides are pregnant on the day of their marriage. (That's on page 30.)

Well, we must keep optimistic. All those years of good "sex education" must have resulted in a higher rate of successful and happy marriages. No?. On page 29, we learn that approximately 20% of those reaching adult age never marry. And one the same page we find an especially interesting quote:

"In Sweden . . . a traditionally low marriage rate, a high average age at first marriage, a relatively high divorce rate, and a high incidence of premaritally conceived children (despite sex education in contraception) and births out of wedlock (⅓ of teenagers who have coitus do not bother to use contraceptives) are some characteristics of marriage as an institution within the larger societal context."

Does this mean that all "sex education" is bad, and that we shouldn't tell them a thing? Certainly not. If local doctors and their wives would institute informal programs in schools at about the 6th grade level concerning the meaning of puberty, that would be all that was absolutely necessary. To move downward into the 5th and particularly the 4th grade gets us into the latent period, which had best be left scrupulously alone. Further, any sessions on sexual subjects should be held with a sense of privacy, and the sexes should be instructed separately. Ideally, parents would be present, the mothers with their daughters, the fathers with their sons. Parents could sit unobtrusively at the back of the room; though it could not be expected that an immediate dialogue would ensue from this, one could be reasonably sure that the subject would be more open and could be broached more easily later. Which brings us to a major point: much of our sexual adjustment, if healthy, comes from following a good example set by parents. While "you don't learn that in school" it does not seem too much to hope for that some of the parents who became involved in their children's sexual instruction would take the initiative and begin to set better examples for their children.

We have talked about the "No-No." as behavior which is forbidden by an authority figure. And about the Moralist as one who can effectively prohibit because the Moralist has preempted all privilege of judgment in matters (self-labeled) as "right" and "wrong." There are those who are such Moralists that no sex education at all will be allowed by them. But they are no problem, since if a parent feels that strongly, then participation of his or her children in an unspectacular, but entirely adequate, program of sex education can be left at the option of the parents. But there are other Moralists calling the "No-No's" too. And in order that our young people are not abandoned to the fate of Sweden, there may have to be some people who will tell Joan of Arc, "For too long we have listened to the vociferous minority." There may come the time when we shall have to demand of SIECUS, "Will the real 'No-No' Moralists please stand up? And now will all of you please just walk out that door."

At this point, it looks as though the worst thing that could happen would be a few big publishing companies would lose money on books that they couldn't palm off on anybody, and some large corporations might get stuck with overly large inventories of audio-visual equipment for some time to come.

But the kids would be fine. And that's what is important.

[From the Prince Georges Sentinel, Apr. 12, 1969]

DOUBTS ABOUT SEX EDUCATION

(NOTE.—A minister who is concerned about the sex education courses either now in use or planned for all grades in the Montgomery and Prince George's school systems speaks out against them in the following communication.)

(By the Rev. Louie J. DiPlacido)

Since few parents have the full information on the new program, opposition has been minimized, but as details become known, and the potential dangers of the program exposed, opposition will and should increase. Already, an alert Council of Churches from Maryland, in their recent meeting in Rockville, adopted a resolution opposing the program, and plans are under way to alert county residents of its dangers.

Attempts to justify the program, on the part of school officials, by citing the absence of any parental objections, fail to mention how few parents have yet been able to examine the material to be used by teachers who will be in charge of the course.

The impression given by educators that parents are asking for this program "faster than schools have been prepared to teach sex education", ignores the content and nature of the proposed program, which most parents would not accept.

Legitimate objections to the program in Maryland schools are left unanswered (in a recent article in the Montgomery County Sentinel of March 29), by dismissing the source of the objections as a "right-wing, Washington based group".

The denial by Montgomery County School officials, that the new program has any connection with S.I.E.C.U.S. (Sex Information and Education Council of the United States), may be true organizationally; but the fact remains that the highly questionable sex standards, concepts, and attitudes promoted by S.I.E.C.U.S. are parallel with those found in many of the reference books on the official teacher's list for the Montgomery County schools. A careful study of the program, including the reference materials, has led me to the following conclusions:

1. The program is educationally unsound. The major aspect added by this program to the already existing sex-education program is that of human reproduction, according to school officials. And the emphasis is to introduce as much information as possible, and as soon as possible, beginning with kindergarten and in a casual, informal manner, that will lead children to recognize sex as "a natural condition" and discuss it openly and unreservedly. In the context of studying about physical sex impulses, love, liberty of action, etc. children will be asked "What kind of experiences have you had?" And "Can you think of others who have had experiences in these areas?" questions which can easily be used to invade the privacy of both the child and the family.

Qualified doctors and psychologists warn that too much information on intercourse and reproduction can be bewildering to a young child, and "too much intensity can be troubling." Sound educational procedure provides such information when a child asks, and is ready for it, and preferably in the setting of family life in the home. For this reason, extensive factual information on the subject for all children at a given age, is recognized as potentially frightening, and emotionally disturbing.

In a book identified by Dr. Milton I. Levine as a dependable source of information on sex education for children, parents are warned "not to encourage your child to talk out his thoughts and feelings" about sex from 5 and 6 years until puberty.

Premature sex interest can deprive a child of his "latency period, when development, without the strains and responsibilities that accompany sex knowledge, is necessary. Preoccupation with sex, and liberal sex education at early ages has led to liberal sex practice, and excessive sex play and sex experimentation, with disastrous results both physically and emotionally, in other countries where it has been tried.

It has been proven unsound educationally, and should be rejected. The wisdom of using examples from nature when answering a child's questions on human reproduction is also questioned by some educators, as an unsound procedure and more confusing than enlightening, yet it will be the approach in the new program.

The program is morally unsound. Contrary to the claim from officials who support the program, that "no teacher will be preaching morals" when discussing with students premarital sexual intercourse, birth control, and other controversial questions, there will be a "concept of responsibility" conveyed, which in effect will establish a standard of conduct, in sexual relations. The fact is, that the "philosophy" of sex education which defines it as a "natural condition in man", requiring a "positive attitude", will introduce a "humanistic" code of ethics to govern sexual behaviour, which is designed to replace traditional moral standards. The kind of sex education involved, therefore, does not "supplement" the parent's instruction in the home, but in many cases, will destroy and contradict it, as it will that of religion.

Dr. Lester A. Kirkendall, whose material forms a part of the K–6 program now in use has suggested in other material, not yet in use in the K–6 program, that in some cases premarital sex relations strengthen a couple's relationship and should not be condemned, if we value sexuality as a part of our "human endowment."

He argues that we should not condemn sexual promiscuity, or label sex outside marriage as sin, "but adopt more sensible, more realistic sexual standards than existed in the past," and "relax tensions" by permitting premarital sex as acceptable behaviour, without shame, as Denmark has done.

Since prospective teachers for the new program must be "knowledgable and comfortable" with the material, and have the necessary "positive attitude," it seems obvious that those with traditional moral convictions will be disqualified from teaching the course, leaving the captive pupils to teachers who advocate a "new morality."

Having carefully read many of the teacher's reference books to be used in connection with the course. I have found many attacks upon religious and moral ideals, along with approval for unrestrained sex freedom, homosexuality, adultery, and perversion. The subversion of American youth and public morals is underway. Whether it is the avowed purpose of a Communist conspiracy, or the unannounced purpose of liberal, humanistic public educators, seems beside the point.

The fact remains, that a program which takes either an amoral or immoral stance in sex education, deserves to be removed from the public school system.

Assurances that a "concept of responsibility" will be taught, without defining "right and wrong," is precisely the method used in sex education courses in Sweden, where moral restraints have been removed, and sexual freedom encouraged, and where the result has produced disease and disillusionment in young people. Sex education belongs in the home, and in the church, where new material can be given suitable to successive levels

of development for each child individually, and with interpretation by loving and understanding parents, in the context of religious or moral principles that will inspire high ideals, and prepare each child for his future role as a responsible member of society, with a wholesome attitude toward his God-given gifts.

The program is legally unsound. While State law may require sex education, it does not require the kind of sex education, which destroys traditional moral standards. Such a program is unconstitutional, and infringes upon the rights of parents to teach their own children the moral values in which they believe. To allow children to be excused from such classes, is no solution to the problem. If State law requires the extensive educational program proposed in this field, including moral standards and ethics, the law should be changed, since it could be used to destroy the very foundations of our civilization.

But, if on the other hand, our educators are simply responding to the nationwide effort of liberal sex education, and using the State Department of Education in order to justify it, it is time parents become informed, and become vocal in their opposition.

There is a sexual revolution taking place, with inhibitions and moral restraints being removed, and a new morality taking its place, not completely unrelated to Marxist goals for America. If we love our Country, we should not allow our schools to be used to destroy it.

[From the Prince Georges County News, Apr. 10, 1969]

CONCERNED ABOUT SEICUS PROGRAM

SIR: As a parent who has been alarmed by reports on results of sex education in California, Arizona, New Jersey and Georgia elementary and secondary schools, I have been very much interested in the sex program for the elementary schools in Prince Georges County beginning this fall.

Sex education is a vital part of the education of our youth. The issue of the matter is how, when, where, what and by whom. The S.E.I.C.U.S. (Sex Education Information Council, United States) program reportedly used in the above named schools has caused a great deal of alarm in those areas. Parents have organized to oust the program in California; law suits have been brought against school boards, and yet authorities in charge of the program hold on tight. Why?

Is there any wonder why concerned parents of Prince Georges County are up in arms over the proposed SEICUS program to go into our schools this fall? If you think there is smoke here where there is no fire, then grab a copy of American Opinion for March 1969, and read Gary Allen's report on Sex Study: Problems, Propaganda, and Pornography.

In that article, he documents the board members of SEICUS and gives their views on educating your child in what they call sex. (I have another name for it.)

Our school board tells us that SEICUS has absolutely nothing to do with their sex education program. Yet they hand us a copy of their Sex Education Curricula, which subtitles itself as Definition of Sex Education. Source for this curricula is "SEICUS."

The "well publicized" law putting this into Maryland schools is under date of July 1967 and is entitled (Are you ready?), "Educational Programs for Pregnant Girls." The full title is: "Section Four of Bylaw 720:3—Educational Programs for Pregnant Girls." This eight-page document refers to the materials of SEICUS and their directors.

Conference with board members indicate that you, the parent, will have no say about formulating this program and only after 50 per cent of the parents in any school district protests, will the protest be considered. Parent protests will result in "consideration" by school authorities. "Consideration" was defined, finally, as another chance to sit down with the protesting parents and more fully explain the program.

You have absolutely no say in the preparation of a good program for your child. You will learn that you are not an educator, but a "Christian Crusader" or a "McCarthyite."

It has been suggested, by those in the school areas where the SEICUS program is being used, that Congress investigate sex education in the elementary and secondary schools.

Join the ranks of the interested, forgotten, tax-paying parent who wants to do something about the way their tax dollars are being used.

MRS. JULIE BROWN.

LANHAM.

TAX RELIEF FOR THE MIDDLE CLASS

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

Mr. KOCH. Mr. Speaker, I am presently a cosponsor of legislation to close many of the tax loopholes through which the wealthy now escape, forcing middle- and low-income taxpayers to pay more than their fair share. But such legislation is only part of the answer.

Today, I am introducing a bill to provide direct tax relief for the middle- and low-income taxpayer. Such relief is long overdue.

My bill effects two simple but major changes for the middle income taxpayer. First, it increases the standard deduction from 10 to 14 percent and increases the maximum allowable deduction from $1,000 to $1,800.

Anyone who has filled out a tax form in the last month knows how complex it is. Indeed, few of us can, myself included, do it without the help of an accountant. Taxpayers today are compelled to use the long form, because the short form's standard deduction in lieu of itemizing is inadequate and unrealistic. By increasing the standard deduction, more taxpayers will use the standard form, saving on their tax bill, their accounting bill, and the Government's auditing bill.

Second, my bill increases each personal exemption from $600 to $1,200. The personal exemption has not been increased since 1948, yet the cost of living has increased almost 50 percent. No wonder that tax reform is on everyone's mind.

Those taxpayers who have children know the high cost of education, and it is simply not adequate to provide a bare minimum of $600 for each such dependent.

And what about the constant increases in rents, food, clothing, transportation, and, of course, taxes. My bill will not entirely cope with these problems, but at least it is a step in the right direction.

Finally, my bill provides tax relief for those living below the poverty line by increasing the minimum standard deduction from $200 plus $100 for each allowable exemption to $600 plus $100 for each exemption. Such an increase would mean that anyone with an annual gross income of $1,900 or less would not pay any taxes.

A GOOD SOLDIER, A GOOD PRESIDENT, AND A GOOD AMERICAN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, among the millions of mourners for the late President Dwight D. Eisenhower few were able to mark this sad occasion in a more individual way than was one of my constituents, Capt. Nikolai Zubkow.

Captain Zubkow is a former czarist cavalry officer who escaped from Russian communism after World War II. At 77 he has a lively interest in his new country and in the world around him. He is also a professional artist.

It was in his capacity as an artist that he paid his last tribute to the American President and heroic general whom he so greatly admired. He placed before his home, in a drizzling rain, a prized portrait of President Eisenhower which he had painted a year before. His display of his regard for this great American was noted in a picture on the front page of the April 1, 1969, issue of the Miami Herald.

I would like to share with my colleagues and fellow mourners of General Eisenhower's passing the simple eulogy of Captain Zubkow for this beloved leader of our country in peace and war:

He was a good soldier, a good President, and a good American.

BANKS AND SAVINGS AND LOAN ASSOCIATIONS HAVE REASON TO PULL TOGETHER

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, all of us realize the enormous part the commercial banks and the savings and loan associations of the country play in the national economy. There have been times when these two great institutions, both so essential to the welfare of our country have not worked in harmony. One of my closest friends and associates, Arthur H. Courshon, president of the National League of Insured Savings, a member of the Advisory Board of the Federal Home Loan Bank Board, and an outstanding leader and authority in the savings and loan field and also a banker writer in the American Banker of February 18, emphasizes that in this critical time the commercial banks and the savings and loan associations have reason to pull together in the national interest. Mr. Courshon writes out of a great experience in the savings and loan field and in the banking field and as an outstanding business and professional man.

I commend his excellent article to my colleagues and to all who are interested in our financial institutions working together in the most effective way to meet the challenge of these times. I include Mr. Courshon's article at this point in the RECORD:

BANKS AND SAVINGS AND LOAN ASSOCIATIONS HAVE REASON TO PULL TOGETHER

(By Arthur H. Courshon)

Today, perhaps more so than at any other time, commercial banks and savings and loan associations have a reason for pulling together. With problems of the inner cities, of inflation, of high interest rates threatening to dampen the nation's economic momentum,

financial institutions are faced with the prospect of either coming up with solutions or being content with a situation that won't solve itself.

Adequate housing for the disadvantaged remains one of the nation's most urgent problems, and both thrift institutions and commercial banks have a large stake in making certain the problem is solved. Indeed, if this country is to be housed properly, it is going to take a partnership of all the financial institutions to meet the demand for dollars the consumer will seek.

As the industry that is the senior partner in the home finance field, savings and loan associations believe they must continue to exercise leadership in this effort.

Both banks and savings and loans have shown their keen interest in rebuilding the ghettos into decent places to live and work. The Small Business Administration's Project Own, for which the national league is coordinating the savings and loan phase, is helping minority construction contractors get into, and stay, in business. This will translate itself into new business both for banks and savings and loan associations—with its ultimate aim of helping the nation rid itself of slums.

In addition, many banks as well as savings and loan associations are heavily committed to Federal programs for housing low and moderate income families. In many instances, construction funds for these projects are provided by the banks, with long-term financing by savings and loan associations.

The Federal Reserve Board noted recently that banks have increased their construction lending to real estate investors to $4.1 billion during the first ten months of 1968. A similar Fed survey two years earlier showed the total lower by $200 million.

If prospects for home construction continue favorably, as anticipated, construction lending by banks should increase. And, with the enormous job that needs to be done in the inner cities, the partnership of banks and savings and loans, as well as other mortgage lenders, should become even more necessary.

The national league has proposed a new concept—the Urban Development Service Corp.—for improving housing conditions in the urban centers of the nation. The service corporations, wholly owned by savings and loans, would be used as a vehicle to rebuild slum areas, with decent housing as their prime responsibility.

As contemplated, the service corporations could buy the land, tear down the slums, work with Federal, state and local authorities to construct new housing, and own and manage the properties, where necessary.

It will take money—construction money—which could be provided by banks—and long-term mortgage financing, which could be provided by savings and loan associations. The idea, again, is to work together to do the job that everyone knows must be done if financial institutions are to continue to serve the public interest.

Of course the economy is facing turbulent times, and competition between financial institutions is becoming increasingly sharp. With interest rates in all sectors of the credit markets at or near record high levels, both bank and nonbank financial intermediaries are vying for available funds.

The recent Federal Reserve Board action to lift the discount rate was, of course, long overdue. Yet the Fed showed remarkable restraint in maintaining the level of Regulation Q—an absolute necessary if the level of home construction is to be maintained.

Despite the fact savings and loan associations won some new investment powers from the 1968 Housing Act, by and large the thrift institutions are locked into the home mortgage market. Unlike commercial banks, portfolio turnover of savings and loan associations is slow, indeed.

And, of course, if the Fed lifted Regulation Q, there would doubtless be an immediate outbreak of rate increases—and another savings rate war would surely begin. The resultant squeeze on profits would serve only to hamper efforts by savings and loans and banks to accomplish the job of rehousing inner city residents. At the same time, all other housing construction would suffer because of the inevitable disintermediation that would occur.

It is for this reason savings and loans are attempting to somewhat broaden their investment base—in areas strictly related to the home. During the 1968 Congressional Session, the national league was instrumental in helping the industry to secure authority to make loans on mobile homes and vacation homes; to invest in bank CDs; to make loans on home equipment so long as the equipment is affixed to the realty; to make and invest in loans up to $5,000 for the repair, alteration or improvement of real property, and several other home finance related activities.

What is necessary, too, is for Congress to enact authorizing legislation for S&Ls to make consumer loans related to home purchase. This has long been advocated by the thrift industry as a natural extension of its specialty—to better house all America.

Moreover, such authority serves several purposes. It would help the quality of credit, in that couples buying their home would not have to plunge deep into short-term debt to buy such necessities as carpeting, draperies, etc. By placing these items on the mortgage, experts agree, delinquencies on home mortgage would decline.

It also would allow S&Ls to increase earnings, and so better serve the homebuying public. And, at the same time, such authority would keep savings and loans right where they want to be, within the home mortgage field.

The savings and loan industry will continue its efforts along these lines, and it is hoped the 91st Congress will see fit to grant such necessary authority. At the same time, it is hoped, banks and savings and loans will be drawn closer together in a common effort to make the nation's cities better places to live and work.

MAJOR DOMESTIC ISSUES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I recently was asked by the Connecticut State news manager of the United Press International, Mr. James V. Healion, to prepare a brief statement for publication of my views of the principal domestic issue facing Congress today. I chose to dwell upon two issues: first, the need for a more equitable tax structure; and, second, the need for better regulation of Government spending. These issues are, of course, closely related and they are intertwined with two other questions: How does the Democratic Congress adapt to the Nixon administration? And how does the Nixon administration plan to work with the Democratic Congress?

The statement follows:

There are two principal domestic issues facing the 91st Congress:

1. The need for a more equitable tax structure;

2. The need for better regulation of government spending.

The Congress must, as it did last year, continue to take firm steps to control spending programs. Let me cite some opportunities for cutting. In the case of the farm subsidy program, the seven percent of the U.S. population engaged in farming is receiving approximately 20% of the non-defense budget. This is analagous to the unhappy state of affairs existing in the late 1950's when the eight percent of the population engaged in farming were receiving approximately 18 percent of the non-defense budget. This program clearly needs to have its excessively high-spending priority re-evaluated; indeed the out-of-date concept of crop subsidies and farmer welfare needs re-evaluation as to its efficiency and its relevance to modern conditions.

Other spending programs whose priorities need prompt re-evaluation are those directly aimed at improving the quality of life in the nation's urban and metropolitan centers. Clearly, Federal programs for more effective law enforcement in urban America require upgrading. The same holds true for major urban renewal programs and those providing for expanded and improved urban mass transit facilities. In regard to transit, we are reaching a critical turning point in the traditional relationship between the public sector and the private sector as represented by the railroad corporations.

The Penn Central Railroad Company has requested State and Federal assistance for the support of its commuter services and it is clear that a viable rail passenger operation is a vital component in the State's economy.

Another program with a national scope but a largely urban impact which requires re-evaluation is Federal welfare assistance. Here is a case where the degree and kind of Federal participation has changed radically in recent years. Expansion of the welfare program, however, has only made it more costly and more inefficient. Spending for welfare—in the states as in the nation—must be reviewed from top to bottom.

Re-examination is particularly required in programs related to the country's security. In this area there has been dramatic expansion, brought on in large part by the Vietnam involvement. In addition, we are faced with requests for a new level of Federal spending for national defense and every program must be judged upon its merits and further inrceases must be approved only upon the clearest proof of necessity.

It is clear from the foregoing that there is an overall necessity for establishing spending priorities and budgetary controls for every government agency, and in this connection, I have filed H.R. 5545 which sets up a Commission to do just this.

The other side of the coin from spending is taxing, and on this issue, there can be no doubt that the time for major reform has arrived. My own tax reform package (H.R. 7744) requires a minimum twenty percent tax on the incomes of eligible individuals and corporations. I have taken care to devise this tax so that it is broad enough to neutralize some of the provisions in our tax laws which individuals and corporations utilize to avoid tax liability. The purpose of my tax program is not to soak the rich but to achieve a greater measure of equity. The program is designed to meet the justified complaints about tax avoidance which have been so frequently expressed by the nation's middle income earners. The 91st Congress, judging from the hearings of the House Ways and Means Committee, is giving serious consideration to tax reform proposals.

The course of action which Congress takes with regard to spending priorities and tax reform will not be independent of the Executive. The policies advocated by the Administration during the 91st Congress will be of major consequence. It is too early to evaluate or assess the Nixon Administration, but it is not too early to point up the issues and the problems that confront the Republican Executive and the Democratic Congress. Re-evaluation of priorities and com-

prehensive tax reform are complex and interrelated issues. The ultimate shape of the Republican program and the date of its eventual submission will become critical factors within the whole legislative equation. Political climate must be considered also. The Administration and the Congressional leadership will have to cooperate fully if this fundamental spending and taxing challenge is to be met successfully. A spirit of common partnership must prevail over partisan politics.

Thus the questions become: How does the Democratic Congress adapt to the Nixon Administration? And how does the Nixon Administration plan to work with the Democratic Congress?

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. REUSS, today, for 60 minutes; to revise and extend his remarks and to include extraneous matter.

Mr. MORTON (at the request of Mr. LANDGREBE), for 30 minutes today; to revise and extend his remarks and include extraneous matter.

Mr. SCHWENGEL (at the request of Mr. LANDGREBE), for 1 hour, on April 22; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MCCARTHY) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. CULVER, for 10 minutes, today.

Mr. HAWKINS, for 30 minutes, on April 16.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. COLMER.

Mr. EDMONDSON to include a summary legal analysis of the Atomic Energy Act immediately following his discussion with Mr. HOLIFIELD on the bill H.R. 4148.

Mr. MATSUNAGA during consideration of H.R. 5067 on the Private Calendar.

(The following Members (at the request of Mr. LANDGREBE) and to include extraneous matter:)

Mr. FINDLEY.
Mr. SCHADEBERG.
Mr. PELLY in two instances.
Mr. POLLOCK.
Mr. NELSEN.
Mr. HUNT.
Mr. LIPSCOMB in two instances.
Mr. HORTON in two instances.
Mr. CONTE in two instances.
Mr. HALPERN in three instances.
Mr. COLLIER in four instances.
Mr. FREY.
Mr. HUTCHINSON.
Mr. FOREMAN in two instances.
Mr. REIFEL.
Mr. SPRINGER.
Mr. Bow in two instances.
Mr. ASHBROOK in two instances.
Mr. WYMAN.
Mr. REID of New York.
Mr. DERWINSKI in three instances.
Mr. SAYLOR.
Mr. BROYHILL of Virginia in three instances.
Mr. BLACKBURN in two instances.
Mr. GROSS.
Mr. WHALEN.
Mr. ROUDEBUSH in two instances.
Mr. JOHNSON of Pennsylvania.

(The following Members (at the request of Mr. MCCARTHY) and to include extraneous matter:)

Mr. REUSS in six instances.
Mr. CORMAN.
Mr. HOWARD.
Mr. ADDABBO in two instances.
Mr. DONOHUE in four instances.
Mr. BRADEMAS in six instances.
Mr. CLAY in three instances.
Mr. BOLAND in two instances.
Mr. VANIK in three instances.
Mr. EILBERG.
Mr. SCHEUER.
Mr. PODELL in four instances.
Mr. RARICK in three instances.
Mr. GILBERT.
Mr. BURKE of Massachusetts.
Mr. BINGHAM in three instances.
Mr. MIKVA.
Mr. EDWARDS of California.
Mr. DANIELS of New Jersey.
Mr. ST GERMAIN.
Mr. HAMILTON in four instanecs.
Mr. NICHOLS.
Mr. BYRNE of Pennsylvania.
Mr. GONZALEZ in three instances.
Mr. MARSH in two instances.
Mr. HUNGATE.
Mr. MOORHEAD in six instances.
Mr. KASTENMEIER.
Mr. LEGGETT.
Mr. UDALL in six instances.
Mr. CAREY.

ADJOURNMENT

Mr. MCCARTHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 16, 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:

675. A letter from the Postmaster General, transmitting a report on his survey of postal rates, pursuant to the provisions of 39 U.S.C. 2304 (H. Doc. No. 91–97); to the Committee on Post Office and Civil Service and ordered to be printed with illustrations.

676. A letter from the Administrator, National Aeronautics and Space Administration transmitting a report of proposed action to conduct the bioscience program at a level in excess of that authorized in the NASA Authorization Act, 1969, together with the facts and circumstances related to this action, pursuant to the provisions of section 4 of that act; to the Committee on Science and Astronautics.

677. A letter from the Assistant Secretary of Defense (Installation and Logistics), transmitting the report on Department of Defense procurement from small and other business firms for July–December 1968, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

678. A letter from the Comptroller General of the United States, transmitting a report of a review of the Saturn S–IVB–503 stage accident under the Apollo program, National Aeronautics and Space Administration; to the Committee on Government Operations.

679. A letter from the Assistant Secretary of the Interior, transmitting a report of deferment of construction charges for the Eden project, Wyoming, due in 1969, 1970, and 1971 under repayment contract with Eden Valley Irrigation and Drainage District, pursuant to the provisions of the act of September 21, 1959 (73 Stat. 584); to the Committee on Interior and Insular Affairs.

680. A letter from the treasurer, American Chemical Society, transmitting the 1968 annual report of the society, together with a copy of the audit of its books and records for the fiscal year ended December 31, 1969, pursuant to the provisions of section 8 of Public Law 358, 75th Congress; to the Committee on the Judiciary.

681. A communication from the President of the United States, transmitting an appropriation request for the Department of Justice to combat lawlessness (H. Doc. No. 91–98); to the Committee on Appropriations and ordered to be printed.

682. A communication from the President of the United States, transmitting requests for additional appropriations to the District of Columbia (H. Doc. No. 91–99); to the Committee on Appropriations and ordered to be printed.

683. A communication from the President of the United States, transmitting recommendations of net reductions in 1970 requests for appropriations, together with details of the changes (H. Doc. No. 91–100); to the Committee on Appropriations and ordered to be printed.

684. A communication from the President of the United States, transmitting an appropriation request to pay claims and judgments rendered against the United States (H. Doc. No. 91–101); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 366. Resolution for consideration of H.R. 514, a bill to extend programs of assistance for elementary and secondary education, and for other purposes (Rept. No. 91–147). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 10063. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. BARING:

H.R. 10064. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROCK:

H.R. 10065. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. BUSH:

H.R. 10066. A bill to designate the Interstate System as the "Eisenhower Interstate Highway System"; to the Committee on Public Works.

By Mr. CELLER:

H.R. 10067. A bill to provide for the appointment of additional district judges, and for other purposes; to the Committee on the Judiciary.

H.R. 10068. A bill to amend the act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 10069. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 10070. A bill to establish a Commission on Government Procurement; to the Committee on Government Operations.

By Mr. CRAMER:

H.R. 10071. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H.R. 10072. A bill to amend the Internal Revenue Code to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 10073. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 10074. A bill to require the suspension of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures within a reasonable time and to require the termination of Federal financial assistance to teachers, instructors, and lecturers guilty of violation of any law in connection with such disorders; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 10075. A bill to amend the act, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.R. 10076. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 16 years, to restrict the exhibition of movies or other presentations harmful to such persons, and for other purposes; to the Committee on the Judiciary.

H.R. 10077. A bill to prohibit the investment of income derived from certain criminal activities in any business enterprise affecting interstate or foreign commerce, and for other purposes; to the Committee on the Judiciary.

H.R. 10078. A bill to provide for the investigative detention and search of persons suspected of involvement in, or knowledge of, Federal crimes; to the Committee on the Judiciary.

H.R. 10079. A bill to amend title 18 of the United States Code to establish extended terms of imprisonment for certain offenders convicted of felonies in Federal courts; to the Committee on the Judiciary.

H.R. 10080. A bill to amend title 18 of the United States Code to authorize conditional pretrial release or pretrial detention of persons charged with noncapital offenses who are determined to pose a danger to the community or persons or property in the community, and for other purposes; to the Committee on the Judiciary.

H.R. 10081. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

H.R. 10082. A bill to amend title 18 of the United States Code to make it unlawful to injure, intimidate, or interfere with any fireman performing his duties during the course of any riot; to the Committee on the Judiciary.

H.R. 10083. A bill to amend chapter 207 of title 18 of the United States Code to authorize conditional pretrial release or pretrial detention of certain persons who have been charged with noncapital offenses, and for other purposes; to the Committee on the Judiciary.

H.R. 10084. A bill to amend title 18, United States Code, to provide for improved criminal procedure, and for other purposes; to the Committee on the Judiciary.

H.R. 10085. A bill to amend the Sherman Act to prohibit the investment of certain income in any business enterprise affecting interstate or foreign commerce; to the Committee on the Judiciary.

H.R. 10086. A bill to establish a Joint Committee on Organized Crime; to the Committee on Rules.

H.R. 10087. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 10088. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT:

H.R. 10089. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

H.R. 10090. A bill to amend the Internal Revenue Code of 1954 to increase the standard deduction and the minimum standard deduction allowable to individuals; to the Committee on Ways and Means.

H.R. 10091. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

H.R. 10092. A bill to provide for the appointment of an advisory committee to recommend improvements in, and simplification of, Federal tax return forms and procedures; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 10093. A bill to require tribal consent to all grants of right-of-way over Indian tribal land; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of New York:

H.R. 10094. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to include the design of motor vehicles within such act, to authorize certain testing facilities, and to require Federal licensing for certain purposes of automobile dealers; to the Committee on Interstate and Foreign Commerce.

By Mr. OLSEN:

H.R. 10095. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10096. A bill to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 10097. A bill to amend the act, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

H.R. 10098. A bill to provide a uniform allowance for certain motor vehicle maintenance employees in the postal field service; to the Committee on Post Office and Civil Service.

H.R. 10099. A bill to establish a system for the sharing of certain Federal revenues with the States; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 10100. A bill to limit military appropriations for the fiscal year 1970 and to provide for the return of certain funds to county and city governments; to the Committee on Appropriations.

By Mr. PODELL:

H.R. 10101. A bill to establish a commission to study the use of chemicals in peace and war; to the Committee on Interstate and Foreign Commerce.

By Mr. POLLOCK:

H.R. 10102. A bill to amend the Public Works and Economic Development Act of 1965 to permit smaller redevelopment areas in the State of Alaska; to the Committee on Public Works.

By Mr. RODINO:

H.R. 10103. A bill to provide that the nuclear accelerator to be constructed at Weston, Ill., shall be named the "Enrico Fermi Nuclear Accelerator" in memory of the late Dr. Enrico Fermi; to the Joint Committee on Atomic Energy.

By Mr. SCHWENGEL:

H.R. 10104. A bill to amend the act of July 26, 1956, to give the Muscatine Bridge Commission additional time to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.; to the Committee on Public Works.

By Mr. STAGGERS (by request):

H.R. 10105. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970 and 1971, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 10106. A bill to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree; to the Committee on Veterans' Affairs.

By Mr. UTT (for himself and Mr. BETTS):

H.R. 10107. A bill to continue for a temporary period the existing suspension of duty on certain istle; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 10108. A bill to provide for the withdrawal of second- and third-class mailing permits of mail users who have used these permits systematically in the mailing of obscene, sadistic, lewd, or pandering mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WIGGINS:

H.R. 10109. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if the father or a brother or sister of such member dies, is in missing status, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. DIGGS:

H.R. 10110. A bill to provide increased op-

portunities for students in higher education for off-campus employment by establishing programs of work-study cooperative education; to the Committee on Education and Labor.

H.R. 10111. A bill to provide employment and training opportunities for low-income and unemployed persons; to the Committee on Education and Labor.

H.R. 10112. A bill to guarantee productive employment opportunities for those who are unemployed or underemployed; to the Committee on Education and Labor.

H.R. 10113. A bill to further promote equal employment opportunities of American workers; to the Committee on Education and Labor.

H.R. 10114. A bill to provide assistance for the improvement of State and Local law-enforcement agencies through acquisition of equipment for those agencies and provisions of educational opportunities to their personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 10115. A bill to encourage improvements in the machinery of judicial administration by establishing within the Department of Justice the Office for Judicial Assistance, and for other purposes; to the Committee on the Judiciary.

H.R. 10116. A bill to promote the public welfare; to the Committee on Rules.

H.R. 10117. A bill to amend subchapter III of chapter 19 of title 38, United States Code, in order to authorize the Administrator of Veterans' Affairs to pay the total cost of a member's servicemen's group life insurance during any period that such member is serving in a combat zone; to the Committee on Veterans' Affairs.

H.R. 10118. A bill to provide incentives for the creation by private industry of additional employment opportunities for residents of urban poverty areas; to the Committee on Ways and Means.

H.R. 10119. A bill to encourage and assist private enterprise to provide adequate housing in urban poverty areas for low- and lower-middle-income persons; to the Committee on Ways and Means.

H.R. 10120. A bill to amend title XVIII of the Social Security Act so as to include, among the health insurance benefits covered under Part B thereof, coverage of certain drugs; to the Committee on Ways and Means.

H.R. 10121. A bill to amend title IV of the Social Security Act to improve the program of aid to families with dependent children, and for other purposes; to the Committee on Ways and Means.

H.R. 10122. A bill to amend the Internal Revenue Code of 1954 to grant additional income tax personal exemptions to taxpayers supporting mentally retarded dependents under certain circumstances; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 10123. A bill to require Federal approval of voluntary industrial standards; to the Committee on Interstate and Foreign Commerce.

By Mr. DONOHUE:

H.R. 10124. A bill to amend section 2401 of title 28, United States Code, to extend the time for filing tort actions by persons under the age of 21, or insane or mentally ill, or imprisoned on a criminal charge; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H.R. 10125. A bill to amend the act, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. GERALD R. FORD (for himself and Mr. SPRINGER):

H.R. 10126. A bill to amend the Public Health Service Act to provide for grants for the construction and modernization of public health centers and public and nonprofit private facilities for long-term care, rehabilitation facilities, and diagnostic or treatment centers, to provide for loan guarantees for nonprofit private hospitals and other medical facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GAYDOS:

H.R. 10127. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

By Mr. GILBERT (for himself, Mr. BURLESON of Texas, Mr. GIBBONS, and Mrs. GRIFFITHS):

H.R. 10128. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HECHLER of West Virginia:

H.R. 10129. A bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

By Mr. HOLIFIELD (for himself and Mr. HOSMER) (by request):

H.R. 10130. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. JACOBS:

H.R. 10131. A bill to designate the Pentagon as "The Eisenhower Center"; to the Committee on Armed Services.

H.R. 10132. A bill to transfer certain functions to the Administrator of General Services; to the Committee on Public Works.

By Mr. JOELSON:

H.R. 10133. A bill to amend the Public Health Service Act to provide for the establishment of a National Lung Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. KLEPPE (for himself, Mr. ANDREWS of North Dakota, Mr. BROTZMAN, Mr. PRICE of Texas, Mr. SEBELIUS, Mr. WINN, Mr. BERRY, and Mr. DENNEY):

H.R. 10134. A bill to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program; to the Committee on Agriculture.

By Mr. KOCH:

H.R. 10135. A bill to amend the Internal Revenue Code of 1954 to liberalize both the minimum standard deduction and the percentage standard deduction, and to increase from $600 to $1,200 the personal income tax exemption of a taxpayer; to the Committee on Ways and Means.

By Mr. KUYKENDALL (for himself, Mr. BROYHILL of Virginia, Mr. BURLESON of Texas, Mr. CABELL, Mr. DON H. CLAUSEN, Mr. DENNEY, Mr. KING of New York, Mr. MONTGOMERY, Mr. WATSON, Mr. BURKE of Florida, and Mr. MILLER of Ohio):

H.R. 10136. A bill to require the suspension of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures forthwith, and to require the suspension of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

By Mr. McCLOSKEY:

H.R. 10137. A bill to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California; to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

H.R. 10138. A bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 10139. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

H.R. 10140. A bill to amend and supplement the Federal reclamation laws relating to the furnishing of water service to excess lands; to the Committee on Interior and Insular Affairs.

By Mr. PUCINSKI:

H.R. 10141. A bill to remove financial barriers so that all high school graduates will have equal opportunity for a postsecondary education of good quality, to strengthen institutions of higher education, and for other purposes; to the Committee on Education and Labor.

H.R. 10142. A bill to amend the Public Health Service Act to provide increased support for medical education; to the Committee on Interstate and Foreign Commerce.

By Mr. REID of New York:

H.R. 10143. A bill to improve education in the United States; to the Committee on Education and Labor.

By Mr. ST. ONGE:

H.R. 10144. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. CONYERS:

H.J. Res. 643. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. COUGHLIN:

H.J. Res. 644. Joint resolution proposing an amendment to the Constitution of the United States to eliminate the office of presidential elector, and for other purposes, and proposing a further amendment providing for direct, popular election of the President and Vice President; to the Committee on the Judiciary.

By Mr. DIGGS:

H.J. Res. 645. Joint resolution to provide for a study and evaluation of scientific research in medicine in the United States; to the Committee on Government Operations.

H.J. Res. 646. Joint resolution to assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Tennessee:

H.J. Res. 647. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.J. Res. 648. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.J. Res. 649. Joint resolution to provide for the designation of the third week in May of each year as "Municipal Clerk's Week"; to the Committee on the Judiciary.

By Mr. HUNGATE:
H.J. Res. 650. Joint resolution authorizing the President to proclaim the period June 14 through June 21, 1969, as "National Painting and Decorating Week"; to the Committee on the Judiciary.

By Mr. McDADE:
H.J. Res. 651. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President; to the Committee on the Judiciary.

By Mr. WIGGINS:
H.J. Res. 652. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the House of Representatives; to the Committee on the Judiciary.

By Mr. BRAY:
H. Con. Res. 200. Concurrent resolution expressing the sense of Congress that the site where the first American astronaut lands on the moon be named Point Eisenhower; to the Committee on Science and Astronautics.

By Mr. ABBITT:
H. Res. 364. Resolution dismissing the election contest in the Fifth Congressional District of the State of Georgia; to the Committee on House Administration.

By Mr. POWELL:
H. Res. 365. Resolution creating a select committee to conduct an investigation of the circumstances surrounding the recent trial, conviction, and sentencing of members of the Armed Forces on mutiny charges; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:
H.R. 10145. A bill for the relief of Maria and Onofrio Spadafino; to the Committee on the Judiciary.

By Mr. BROWN of California:
H.R. 10146. A bill for the relief of Chung Chi Lee; to the Committee on the Judiciary.

By Mr. BUTTON:
H.R. 10147. A bill for the relief of Nicola Gemmiti and his wife, Michela Gemmiti, and their child, Piero Gemmiti; to the Committee on the Judiciary.

By Mr. CONYERS:
H.R. 10148. A bill for the relief of Seydou Diop; to the Committee on the Judiciary.

By Mr. DONOHUE:
H.R. 10149. A bill for the relief of Jack W. Herbstreit; to the Committee on the Judiciary.

By Mr. GONZALEZ:
H.R. 10150. A bill for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.; to the Committee on the Judiciary.

By Mr. GUDE:
H.R. 10151. A bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.; to the Committee on the District of Columbia.

By Mr. McMILLAN:
H.R. 10152. A bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.; to the Committee on the District of Columbia.

By Mr. MURPHY of New York:
H.R. 10153. A bill for the relief of Frances von Wedel; to the Committee on the Judiciary.

By Mr. REES:
H.R. 10154. A bill for the relief of Mrs. Rosa Chapiro; to the Committee on the Judiciary.
H.R. 10155. A bill for the relief of Nikola Filipidis; to the Committee on the Judiciary.

By Mr. REID of New York:
H.R. 10156. A bill for the relief of Lidia Mendola; to the Committee on the Judiciary.

By Mr. SHIPLEY:
H.R. 10157. A bill for the relief of First Trust & Savings Bank; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

93. The SPEAKER presented a petition of the City Council, Elizabeth, N.J., relative to commemorating April 17 as the anniversary of the Bay of Pigs invasion, which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, April 15, 1969*

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our life, through all the circling years, we trust in Thee;
In all the past, through all our hopes and fears, Thy hand we see.
With each new day, when morning lifts the veil,
We own Thy mercies, Lord, which never fail.

God of the past, our times are in Thy hand; with us abide.
Lead us by faith to hope's true promised land; be Thou our guide.
With Thee to bless, the darkness shines as light,
And faith's fair vision changes into sight.

God of the coming years, through paths unknown we follow Thee;
When we are strong, Lord, leave us not alone; our refuge be.
Be Thou for us in life our daily bread,
Our heart's true Home when all our years have sped.

—HUGH THOMPSON KERR, 1916.

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 14, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of the Senate proceedings.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on April 11, 1969, the President had approved and signed the following acts and joint resolution:

S. 165. An act for the relief of Basil Rowland Duncan;

S. 586. An act for the relief of Nguyen Van Hue; and

S.J. Res. 37. Joint resolution to extend the time for making of a final report by the Commission To Study Mortgage Interest Rates.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

John D. J. Moore, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

By Mr. RANDOLPH, from the Committee on Public Works:

E. L. Stewart, of Oklahoma, to be Federal cochairman of the Ozarks Regional Commission.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated: