spected, all articles acquired as a result of the offense or which may be required as evidence shall be surrendered.

"Article XI

"1. The request for extradition shall be made through the diplomatic channel and shall be supported by the following documents:

"(a) In the case of a person who has been convicted of the offense: a duly certified or authenticated copy of the final sentence of the competent court. However, in exceptional cases, the requested State may request additional documentation.

"(b) In the case of a person who is merely charged with the offense: a duly certified or authenticated copy of the warrant of arrest or other order of detention issued by the competent authorities of the requesting State, together with the depositions, record of investigation or other evidence upon which such warrant or order may have been issued and such other evidence or proof as may be deemed competent in the case.

"2. The documents specified in this Article must include a precise statement of the criminal act with which the person sought is charged or of which he has been convicted, and the place and date of the commission of the criminal act. The said documents must be accompanied by an authenticated copy of the texts of the applicable laws of the requesting State including the laws relating to the limitation of the legal proceedings or the enforcement of the penalty for the offense for which the extradition of the person is sought, and data or records which will prove the identity of the person sought as well as information as to his nationality and residence.

"3. The documents in support of the request for extradition shall be accompanied by a duly certified translation thereof into the language of the requested State.

"Article XII

"1. The Contracting States may request, through the diplomatic channel, the provisional arrest of a person, provided that the offense for which he is sought is one for which extradition shall be granted under this Convention. The request shall contain:

"(a) A statement of the offense with which the person sought is charged or of which he has been convicted;

"(b) A description of the person sought for the purpose of identification;

"(c) A statement of his whereabouts, if known; and

"(d) A declaration that there exist and will be forthcoming the relevant documents required by Article XI of this Convention.

"2. If, within a maximum period of 40 days from the date of the provisional arrest of the person in accordance with this Article, the requesting State does not present the formal request for his extradition, duly supported, the person detained will be set at liberty and a new request for his extradition will be accepted only when accompanied by the relevant documents required by Article XI of this Convention.

"Article XIII

"1. Expenses related to the transportation of the person extradited shall be paid by the requesting State. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the officers of the requesting State before the respective judges and magistrates. No pecuniary claim, arising out of the arrest, detention, examination and surrender of fugitives under the terms of this Convention, shall be made by the requested State against the requesting State other than as specified in the second paragraph of this Article and other than for the lodging, maintenance, and board of the person being extradited prior to his surrender.

"2. The legal officers, other officers of the requested State, and court stenographers in the requested State who shall, in the usual course of their duty, give assistance and who receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the requesting State the usual payment for such acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

"Article XIV

"1. Transit through the territory of one of the Contracting States of a person in the custody of an agent of the other Contracting States, and surrendered to the latter by a third State, and who is not of the nationality of the country of transit, shall, subject to the provisions of the second paragraph of this Article, be permitted, independently of any judicial formalities, when requested through diplomatic channels and accompanied by the presentation in original or in authenticated copy of the document by which the State of refuge has granted the extradition. In the United States of America, the authority of the Secretary of State of the United States of America shall be first obtained.

"2. The permission provided for in this Article may nevertheless be refused if the criminal act which has given rise to the extradition does not constitute an offense enumerated in Article II of this Convention, or when grave reasons of public order are opposed to the transit.

"Article XV

"To the extent consistent with the stipulations of this Convention and with respect to matters not covered herein, extradition shall be governed by the laws and regulations of the requested State.

"Article XVI

"1. This Convention shall be ratified and the ratifications shall be exchanged at Stockholm as soon as possible.

"2. This Convention shall enter into force upon the exchange of ratifications. It may be terminated by either Contracting State giving notice of termination to the other Contracting State at any time, the termination to be effective six months after the date of such notice."

FATHER JOSEPH F. THORNING OBSERVES PAN AMERICAN DAY IN THE HOUSE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. REUSS. Mr. Speaker, for 25 consecutive years, our mutual friend, Father Joseph F. Thorning, has offered the prayer in the U.S. House of Representatives on Pan American Day. It is a tribute to the foresight of you and Father Thorning that together you took the initiative in inaugurating an official Capitol Hill celebration of the cause of inter-American understanding, friendship, and cooperation in April 1944. The annual observance is now a tradition, and has been productive of many benefits to all concerned.

It is a matter of special pride to me that Father Thorning was born in Milwaukee. He studied at St. Louis University and at Catholic University in Washington. He now finds time among his many duties to be associate editor of World Affairs, and Latin American editor of the Diplomat.

On more than one occasion in Washington, the world-renowned priest who gave the invocation yesterday on the 25th anniversary of our observance has been described as "the Padre of the Americas." The title was awarded to Father Thorning in this House by the distinguished gentleman from Montana who is now the majority leader in the other body, Senator MIKE MANSFIELD. Now, more than ever, inter-American programs need such leadership.

HOUSE OF REPRESENTATIVES—*Wednesday, April 16, 1969*

The House met at 12 o'clock noon.

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

By grace you have been saved through faith, and this is not your own doing, it is the gift of God.—Ephesians 2: 8.

Our Father God, in whom we live and move and have our being, we humbly pray Thee so to guide and govern us by Thy spirit that in all the procedures of these hours we may never forget that Thou art with us. Send us out into this new day sustained by—

A faith that shines more bright and clear
When tempests rage without;
That when in danger knows no fear,
In darkness feels no doubt.

Into Thy keeping we commit our country and all who live and fight and die for her that freedom may continue to be gloriously alive in our world. Strengthen them in danger; comfort them in sorrow; keep them steadfast in the performance of duty and ever loyal to this Nation we love with all our hearts.

Lead us, our Father, in the paths of right; blindly we stumble when we walk alone, only with Thee do we journey safely on.

In the name of Him who is the way, we pray. Amen.

THE JOURNAL

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

PRESIDENT NIXON'S REVIEW OF THE 1970 BUDGET

Mr. MAHON. Mr. Speaker, for general information and reference purposes of Members who may be interested, I ask unanimous consent to insert in the extension section of today's RECORD the report summarizing the results of the review of the 1970 budget, released yesterday by the Executive Office of the President.

The document supplies a capsule synopsis of the proposed and projected changes in the budgets for fiscal years 1969 and 1970 submitted by President Johnson in January of this year.

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

There was no objection.

MAIL SERVICE FOR MAMIE DOUD EISENHOWER, WIDOW OF FORMER PRESIDENT DWIGHT DAVID EISENHOWER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10158) to provide mail service for Mamie Doud Eisenhower, widow of former President Dwight David Eisenhower.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 10158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all mail matter sent by post by Mamie Doud Eisenhower, the widow of former President Dwight David Eisenhower, under her written autograph signature or facsimile thereof, shall be conveyed within the United States, its possessions, and the Commonwealth of Puerto Rico free of postage during her natural life. All of her mail marked "Postage and Fees Paid" in the manner prescribed by the Postmaster General shall be accepted by the Post Office Department for transmission in the international mails. The postal revenues shall be reimbursed each fiscal year, out of the general funds of the Treasury, in an amount equivalent to the postage which otherwise would be payable on matter mailed pursuant to this Act.

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

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may sit during general debate today.

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

There was no objection.

ECONOMIC SANCTIONS TO CURB NORTH KOREAN AGGRESSION

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

Mr. PUCINSKI. Mr. Speaker, the brazen and wanton murder of 31 American airmen over the Sea of Japan is another example of North Korean aggression against the United States.

I think we all ought to be reminded today that when Mr. Nixon accepted the nomination in Miami, in his acceptance speech, he said it was time for an administration that would react promptly and effectively against incidents like the *Pueblo*.

I hope Mr. Nixon will make good in that pledge.

I suggest there are several things that can be done short of military intervention. I am not sure that we want to engage in military intervention in North Korea at this time any more than we wanted to when the *Pueblo* incident occurred.

Of course, when we see today in retrospect the tortures committed upon the American sailors of the *Pueblo*, and then this wanton shooting down of an aircraft yesterday, the least this country can do right now is to demand economic sanctions and an economic quarantine of North Korea.

Several of our allies are today doing business with North Korea. They include Japan, Hong Kong, England, and others. The least these allies can do is stand behind the United States in quarantining this aggressor before this whole situation gets out of hand.

Mr. Speaker, the time has come when Secretary Rogers ought to demand that America's allies join us in an economic quarantine of North Korea. If they are not willing to join us, we should come to the realization that they are only fair weather friends and cannot be counted on when we need their help.

ACTION DEMANDED ON NORTH KOREAN INCIDENTS

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

Mr. DICKINSON. Mr. Speaker, last fall in his quest for the Presidency, Mr. Nixon said, in referring to the *Pueblo*:

When respect for the United States of America falls so low that a fourth-rate military power like North Korea will seize an American naval vessel on the high seas, it is time for new leadership. I pledge to you the American flag is not going to be a doormat for anybody at home or abroad.

I applauded his statement then because I believed it came from the man, not just a candidate for public office.

Now once again we are the innocent victims of armed piracy and aggression from North Korea. They have shot down an unarmed American plane 100 miles at sea, thus murdering 31 Americans on board.

Mr. Speaker, I know I speak on behalf of millions of Americans who voted for a change last November—not 4 more years of indecision, frustration, and fear—when I say we are waiting, Mr. President, for you to make your promise good.

YESTERDAY THE "PUEBLO"—TODAY THE "WILLY VICTOR"—WHAT TOMORROW?

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

Mr. FREY. Mr. Speaker, I spent most of my active naval service flying in the same type of reconnaissance aircraft which, according to the latest Defense Department statement at 11 a.m. this morning, was apparently shot down by North Korean aircraft far outside the claimed territorial air space of this nation. We called the aircraft BT's—big targets. They are unarmed, cruise at only 175 knots, and provide an easy target for an enemy.

Our wing was engaged in part to fly a barrier from Midway to the Aleutians and back. Although we only had 19 men aboard, we never felt unprotected or alone. We knew that 180 million fellow Americans were behind us. We knew that in fulfilling our obligation to our country, America would in turn fulfill its obligation to us.

The Defense Department statement points out that this flight was one of 190 similar flights made to date, all considered lawful use of international air space. Whereas all of the flights operated at least 40 nautical miles from the North Korean coast, this plane was operating at least 50 nautical miles from the North Korean coast. Despite a huge search and rescue mission, there are no reports of survivors.

I do not presume to know what course we should now follow. It is obvious we cannot afford to become engaged in another Asian land war. But it is equally obvious that we have not fulfilled our obligations to 30 Navy men and one marine who were aboard this vessel, and all the others in the service of their country. In some way and by some method North Korea must pay the price. Yesterday the *Pueblo*—today the *Willy Victor*—what tomorrow?

CALL OF THE HOUSE

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

The SPEAKER. The gentleman from Illinois (Mr. SPRINGER) makes the point of order that a quorum is not present, and evidently a quorum is not present.

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

A call of the House was ordered.

[Roll No. 36]

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

Abbitt	Ford,	May
Ashbrook	William D.	Morton
Ashley	Frelinghuysen	Moss
Barrett	Fuqua	Murphy, N.Y.
Bates	Gallagher	O'Konski
Bell, Calif.	Garmatz	O'Neal, Ga.
Boland	Gray	Ottinger
Brock	Griffiths	Patman
Carey	Gross	Pepper
Celler	Halpern	Pike
Chappell	Hanseen, Wash.	Powell
Clark	Hébert	Purcell
Clay	Jacobs	Rosenthal
Cunningham	Jones, Tenn.	Scheuer
Davis, Ga.	Kee	Symington
Dawson	Lukens	Teague, Tex.
Dwyer	Madden	Yatron

The SPEAKER. On this rollcall 382 Members have answered to their names, a quorum.

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

WATER QUALITY IMPROVEMENT ACT OF 1969

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 further consideration of the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The SPEAKER. 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 further consideration of the bill H.R. 4148, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read through section 1, ending on page 38, line 17, of the committee substitute amendment.

If there are no amendments to this section, the Clerk will read.

The Clerk read as follows:

SEC. 2. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 24. After section 16 of the Federal Water Pollution Control Act, as amended, there is hereby inserted the following new sections:

"CONTROL OF POLLUTION BY OIL AND OTHER MATTER

"SEC. 17. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, and oil refuse, but does not include oil mixed with dredged spoil;

"(2) 'matter' means any substance of any description or origin, other than oil, dredged spoil, and human body wastes and the wastes from toilets and other receptacles intended to receive or retain human body waters, which, when discharged into the navigable waters of the United States or the waters of the contiguous zone in substantial quantities, presents, in the judgment of the Secretary, an imminent and substantial hazard to public health or welfare, including fish, shellfish, and wildlife, and shorelines and beaches, but such term does not include by-product material, source material, and special nuclear material as defined in the Atomic Energy Act of 1954 (42 U.S.C. 2013).

"(3) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(4) 'remove or removal' refers to the taking of reasonable and appropriate measures to mitigate the potential damage of the discharge of oil or matter to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.

"(5) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(6) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except where such vessel is engaged in commercial activities;

"(7) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(8) 'owner or operator' means any person owning, operating, or chartering by demise, a vessel;

"(9) 'person' includes an individual, nrm, corporation, association, or a partnership, except individuals on board public vessels; and

"(10) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

"(b) Any individual in charge of a vessel (other than a public vessel) or of an onshore or offshore facility of any kind (other than one owned or operated by the United States, a State, or any political subdivision of a State) at the time of any discharge of oil or matter from such vessel or facility in substantial quantities into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, shall, as soon as he has knowledge of such discharge, immediately notify either the Secretary, or the Secretary of the department in which the Coast Guard is operating of such discharge. Any such individual who fails to notify immediately such delegate of any such discharge of oil or matter into or upon such waters, shorelines, or beaches, shall upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both.

"(c)(1) Except in case of an emergency imperiling life, or an act of war or sabotage, or an unavoidable accident, collision, or stranding, or an act of God, or except as otherwise permitted by regulations issued by the Secretary under this section, or except where otherwise not prohibited in the contiguous zone under the provisions of article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, any owner or operator who, either directly or through any person concerned in the operation, navigation, or management of the vessel, discharges or permits the discharge of oil or matter from a vessel in substantial quantities into or upon the navigable waters of the United States or adjoining shorelines and beaches of the United States, or into or upon the waters of the contiguous zone if such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall be subject to the penalties provided in this subsection.

"(2) Any owner or operator who, or any vessel (other than a public vessel) which, willfully or negligently, discharges oil or matter in substantial quantities in violation of paragraph (1) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner, operator, or vessel charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator of the vessel charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The district director of customs at the port or place of departure from the United States shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States for any district within which such vessel may be found.

"(d)(1) Whenever any oil or matter is discharged into or upon any waters, shorelines, or beaches, the United States shall remove or arrange for the removal thereof, in accordance with the regulations prescribed under subsection (g) of this section, when, in the judgment of the Secretary, such oil or matter presents an actual or threatened pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife, or to public or private shorelines and beaches in the United States, unless other adequate arrangements for removal of such oil or matter have been made as required by subsections (e)(1), (f)(1), or (f)(2) of this section.

"(2) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil or matter from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. The expense of removing any such vessel, the negligent operation of which caused or contributed to the marine disaster, shall be a charge against such vessel and its cargo and the owner or operator of such vessel. If the owner or operator thereof fails to reimburse the United States for such expense within thirty days after notification thereof, the United States may sell the vessel or cargo or any part that may not have been destroyed in removal, and the proceeds of such sale shall be deposited in the fund established in subsection (h) of this section.

"(e)(1) The owner or operator of any vessel who, either directly or through any person concerned in the operation, navigation, or management of the vessel, willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone if the Secretary of the department in which the Coast Guard is operating finds that such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section. 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 reasonably incurred under this subsection for the removal of the oil or matter, except that, notwithstanding any other provision of law, with respect to each offending vessel and the owner or operator thereof the aggregate liability for the cost of removal shall not exceed $10,000,000 or $100 per gross registered ton of such offending vessel, whichever is the lesser amount, in the case of such a willful or negligent discharge. The district director of customs at the port or place of departure from the United States shall withhold at the request of the Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended

(46 U.S.C. 91), of a vessel, other than a public vessel, liable for such costs until such costs are paid or until a bond or other surety satisfactory to the Secretary is posted. Such costs shall constitute a maritime lein on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which such vessel may be found. The United States may bring action against the owner or operator in any court of competent jurisdiction to recover such costs. The United States shall also have a cause of action under this paragraph against any owner or operator of a vessel whose willful act or negligence is found to have caused or contributed to the discharge of oil or matter from a vessel involved in a collision or other casualty.

"(2) In any action instituted by the United States under this subsection, subsection (c), or subsection (f) of this section, evidence of a discharge of oil or matter shall constitute a prima facie case of liability to the United States on the part of the owner or operator of the vessel or the person owning or operating the facility, as the case may be, and the burden of rebutting such prima facie case shall be upon such owner or operator or person, as the case may be. The burden of rebutting the prima facie case of liability which the United States shall have against a vessel or the owner or operator thereof, or against a person who owns or operates an onshore or offshore facility, from which the oil or matter is discharged shall in no way affect any rights which such owner or operator or person may have against any other vessel or facility or owner or operator or other persons whose willful act or negligence may in any way have caused or contributed to such discharge.

"(f) (1) Any person who owns or operates an onshore facility of any kind (other than a facility owned or operated by the United States, a State, or a political subdivision of a State) who, either directly or through any other person concerned in the operation or management of such facility, willfully or negligently discharges or permits the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section.

"(2) Any person who owns or operates any offshore facility of any kind (other than a facility owned or operated by the United States, a State, or a political subdivision of a State) which facility is located offshore but within the seaward boundary (within the meaning of the Submerged Lands Act (43 U.S.C. 1301 et seq.)) of a State, who either directly or through any other person concerned in the operation or management of such facility, willfully or negligently discharges or permits the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section.

"(3) If the United States removes any oil or matter required by paragraphs (1) and (2) of this subsection to be removed by any other persons, such person shall be liable to the United States for the full amount of the costs reasonably incurred for the removal of such oil or matter except (A) that the aggregate liability for the costs of a removal shall not exceed $8,000,000, and (B) that the Secretary shall, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, establish reasonable and equitable classifications of onshore facilities and activities and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph. This paragraph shall not apply to any onshore facility until it shall come within a classification established by the Secretary under the preceding sentence, but no such classification shall be established without at least sixty days notification to Congress of such intended classification. The United States may bring action against any such person in any court of competent jurisdiction to recover such costs.

"(4) 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.

"(g) (1) Within sixty days after the effective date of this section and from time to time thereafter—

"(A) the Secretary shall issue regulations, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws, establishing environmental quality criteria relating to the methods and procedures for removal of discharged oil and matter;

"(B) the Secretary of the department in which the Coast Guard is operating shall issue regulations, in consultation with the Secretary, establishing procedures, methods, and equipment (i) to prevent discharges of oil from vessels, and (ii) consistent with regulations of the Secretary, to remove discharged oil or matter.

"(2) Any owner or operator required under subsection (e), and any person required under subsection (f), to remove any oil or matter from any waters, shorelines, or beaches in accordance with regulations prescribed under this subsection who violates any such regulation shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by such Secretary.

"(h) (1) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $20,000,000 to carry out the provisions of subsection (d) of this section. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes, except that such funds shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(2) For the purpose of insuring the efficient and economic removal of oil or matter under subsection (d) of this section, the President shall, within ninety days after the effective date of this subsection, delegate to the Secretary of the department in which the Coast Guard is operating, to the Secretary, to the Secretary of Defense, and to other appropriate Federal agencies, all or part of the responsibility under subsection (d) of this section for removing discharged oil or other matter, in accordance with a national contingency plan or revision thereof, approved by the President. The Secretary of the department in which the Coast Guard is operating is authorized to make available to such Federal agencies from the fund established by paragraph (1) of this subsection such sums as may be necessary to effectuate such removal. Each such agency, in order to avoid duplication of effort, shall, whenever practicable, utilize the personnel, services, and facilities of other Federal and State agencies.

"(3) The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws and regulations, may issue regulations authorizing the discharge of oil or matter from a vessel in quantities, under conditions, and at times and locations deemed appropriate by him, after taking into consideration various factors such as the effect of such discharge on applicable water quality standards, recreation, and fish and wildlife.

"(4) The provisions of subsection (c) of this section and the regulations issued under subsection (g) of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or State agency in carrying out these provisions and regulations.

"(5) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(6) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"(i) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel or onshore facility or offshore facility under any provision of law for damages to any publicly or privately owned property from a discharge of oil or matter or from the removal of any oil or matter.

"(j) Nothing in this section shall be construed as authorizing the Secretary or the Secretary of the department in which the Coast Guard is operating to regulate the operations or construction of any onshore or offshore facility, or as affecting or modifying any other existing authority of either Secretary relative to such facilities under this Act or any other provision of law.

"(k) (1) Any vessel over one hundred gross registered tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the appropriate delegate of the President, evidence of financial resopnsibility to meet the maximum potential liability to the United States which such vessel could be subjected under this section for willful or negligent discharges of oil or matter. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial re-

sponsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the delegate of the President: (A) policies of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the effective date of this section. Regulations necessary to implement this subsection shall be issued within six months after the effective date of this section.

"(3) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitations of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all onshore and offshore facilities; and

"(C) other measures for limitations of liability of such facilities;

for the cost of removing discharged oil or matter and paying all damages resulting from the discharge of such oil or matter. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 18. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation or by a political subdivision thereof, except where such vessel is engaged in commercial activities;

"(4) 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b) As soon as possible after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, and after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; but not earlier than December 31, 1971, and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary and the Secretary of the department in which the Coast Guard is operating with regard to their respective regulatory authority established by this section may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under subsection (b) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense and not by the Secretary of the department in which the Coast Guard is operating.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation of any marine sanitation device on any vessel subject to the provisions of this section, 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.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If such results are in accordance with the appropriate performance standards promulgated under this section, and if the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, and other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or

delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel:

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsections (h) (1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement with or without reimbursement law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the State to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 19. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

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

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary; and

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

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds appropriated under this section in any one year shall be granted to any one State.

"TRAINING GRANTS AND CONTRACTS

"SEC. 20. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

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

"(B) training and retraining of faculty members;

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

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

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

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 21 (1) A grant or contract authorized by section 20 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 20, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 22;

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

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

"(2) The Secretary shall allocate grants or contracts under section 20 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

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

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

"AWARD OF SCHOLARSHIPS

"SEC. 22. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

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

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

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

"(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

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

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

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 20 of this Act; and

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

"(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

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

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

"DEFINITIONS

"SEC. 23. (1) As used in sections 20 through 23 of this Act—

"(A) The term 'State' includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

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

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 20 through 23 of this Act, including recommendations for needed revisions in the provisions thereof.

"(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 20 through 23 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 20 through 23 of this Act during that year and the succeeding fiscal year."

SEC. 3. (a) Section 11 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 11. (a) 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 and the purposes of this Act in the administration of such property or facility. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property or facility, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property or facility. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property or facility involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(b) Any applicant for a Federal license or permit to conduct any activity which may result in discharges into the navigable waters of the United States shall provide the licensing or permitting agency with certification from each affected State or interstate water pollution control agency that there is reasonable assurance, as determined by the State or interstate agency, that such activity will be conducted in a manner which will not reduce the quality of such waters below applicable water quality standards. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If an applicant for a Federal license or permit receives a certification under this subsection in connection with such application, then the Federal agency to whom such application is made, and any other Federal agency may accept such certification for the purposes of this subsection in connection with any other application made to it by such applicant for a license or permit, 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, and (2) this sentence shall not apply to any application for an operating license or permit. No license or permit shall be granted until such certification has been obtained. In any case where actual construction of a facility for the conduct of any activity has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification shall be required under this subsection for a license or permit issued after the date of enactment of the Water Quality Improvement Act of 1969 to conduct such activity, except that any such license or permit issued without certification shall terminate at the end of the two-year period beginning on the date of enactment of the Water Quality Improvement Act of 1969 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification which otherwise meets the requirements of this subsection. Such license or permit may be suspended if a court of competent jurisdiction finds that such licensee or permittee is not in compliance with applicable water quality standards. Nothing in this section shall be construed to limit any other authority pursuant to this Act or any other provision of State or Federal law to require compliance with applicable water quality standards. No Federal agency shall be deemed to be an applicant for the purposes of this subsection. The Secretary shall, upon the request of any State or Federal department or agency, provide any technical assistance to such department or agency for the purpose of carrying out this section."

SEC. 4. Section 5 of the Federal Water Pollution Control Act, as amended, is amended—

(1) by redesignating subsections (g) and (h) as (k) and (l), including all references thereto;

(2) by inserting after subsection (f) the following new subsections:

"(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 vegetation.

"(h) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(i) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

"(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 18 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.";

(3) in redesignated subsection (k)(4) by striking out the words "and June 30, 1969," and inserting in lieu thereof "June 30, 1969, and June 30, 1970,"; and

(4) by amending the first sentence of redesignated subsection (l) by striking out "and $65,000,000 for the fiscal year ending June 30, 1969." and inserting in lieu thereof "and $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971."

SEC. 5. Section 6(e) of the Federal Water Pollution Control Act (33 U.S.C. 466c–1) is amended as follows:

(1) Paragraph (1) is amended by striking out "three succeeding fiscal years," and inserting in lieu thereof "five succeeding fiscal years,".

(2) Paragraph (2) is amended by striking out "two succeeding fiscal years," and insert-

ing in lieu thereof "four succeeding fiscal years,".

(3) Paragraph (3) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

SEC. 6. Section 14 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 7. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

SEC. 8. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (33 U.S.C. 466–1) is amended by striking out "Federal Water Pollution Control Administration" and inserting in lieu thereof "National Water Quality Administration".

(b) Any other law, reorganization plan, regulation, map, document, record or, other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the National Water Quality Administration.

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

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

There was no objection.

AMENDMENTS OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Chairman, I offer several amendments, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma (Mr. EDMONDSON)?

Mr. HALL. Mr. Chairman, reserving the right to object, may we hear the amendments read first.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. EDMONDSON: On page 74, strike out line 3, and insert in lieu thereof the following: "adversely affected State or interstate water pollution control agency as determined by the licensing or permitting agency".

On page 74, line 11, after the period insert the following: "If an affected State or interstate water pollution control agency or the Secretary, as the case may be, fails to act to certify or refuse to certify within a reasonable period of time as determined by the licensing or permitting agency after notification of such application, the certification requirements of this subsection shall be waived with respect to such State, agency, or Secretary, as the case may be, with respect to such application."

On page 74, line 18, strike out "(1)".

On page 74, line 21, strike out the second comma and insert in lieu thereof a period.

On page 74, strike out line 22 and all that follows down through and including the period on line 23.

Mr. HALL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma (Mr. EDMONDSON)?

There was no objection.

Mr. EDMONDSON. Mr. Chairman, yesterday's general debate on this bill developed some possible grounds for misunderstanding between the Committee on Public Works and the Joint Committee on Atomic Energy with regard to procedural matters arising from the technical language of section 11(b).

These amendments were worked out last night with a considerable amount of discussion, and I think very careful consideration by members of our committee sitting with the chairman of the Joint Committee on Atomic Energy and with staff people from both committees.

There has been discussion today by members on our side of the aisle with the ranking minority member and with staff of the minority to resolve these problems.

The words "affected State or interstate water pollution control agency," as used in the bill originally, left both the applicant for a license or permit and probably the States in doubt as to what "affected" means.

The amendment makes it clear that it is the responsibility of the licensing or permitting agency of the Federal Government to determine, at least initially, which are the States involved, and it is from the States included in that determination that the applicant must obtain his certification.

The Federal agency must also set a reasonable time within which the State must act, either to grant or to deny, the certification.

Now it does not have any particular pressure to compel certification but it is put in the position with this amendment to do away with dalliance or unreasonable delay and to require a "yes" or "no" and certification by States that are considered to be adversely affected.

The failure by the State to act in one way or the other within the prescribed time would constitute a waiver of the certification required as to that State.

With respect to the deletion of the mandatory requirement for a second certificate prior to issuance of an operating license the committee recognizes the possible undue and severe burden that might arise from potential time delays. The committee also believes that the language of the subsection, as it stands and without that second mandatory requirement, still adequately protects the State, in that any affected State which believes its best interest requires that it take a second look at the contemplated operation of the facility involved can exercise its right to do so simply by notifying the licensing agency that it objects to the use of the original certification in the granting of the operating license. That would then, without further requirement afford the State the opportunity to review the matter and provide recertification or not as it saw fit. It is, of course, inherent in all of this that full and complete information will be made available to all the States involved by both the applicant and the licensing or permitting agency.

I would like to make it clear that in giving the Federal licensing agency the initial responsibility for determining which are the affected States or the adversely affected States, as this term is used in the amendment, we in no way intend to lessen or transgress upon the right of any State to seek judicial relief if it feels its best interests warrant such a move. There is no intent in this amendment to cut off any judicial remedy or any judicial right that would be available to the States.

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

Mr. EDMONDSON. I am happy to yield to the gentleman from California. I want to thank him at this time for the long period of time after hours yesterday which he gave to consideration of this problem, and I recognize the very serious nature of it in terms of the development of our nuclear power potential in this country.

Mr. HOLIFIELD. Mr. Chairman, I, too, wish to support the amendment offered by the gentleman. I also want to thank the gentleman and the other members of the committee and the staff for spending several hours with us yesterday working over some of these troublesome details which I believe the amendments will cure in the main and that we will be able to proceed. It is my hope that in the development of the energy which is needed in this country that we all realize that every 9 years we have to double the electrical capacity of this country, and it is from that electrical energy that we will depend for the development of our industry, our homes, and our whole society.

Section 3 of H.R. 4148, as proposed to be amended by the Public Works Committee, would amend section 11 of the Federal Water Pollution Control Act to require, among other things, that any applicant for a Federal license or permit to conduct an activity which may result in discharges into the navigable waters of the United States to provide the licensing agency with a certification from each State which may be adversely affected by such discharge, or from the applicable interstate water pollution control agency, that there is reasonable assurance that the activity will be conducted in a manner that will not reduce the quality of the water below applicable water quality standards. In the event of a dispute over the question, the Federal licensing or permitting agency would determine which states might be "adversely affected" by the discharge. Further, if an affected State or interstate water pollution control agency or the Secretary, as the case may be, fails to act to certify or refuses to certify within a reasonable period of time as determined by the licensing or permitting agency after notification of such application, the certification requirements of the bill would be waived with respect to such State, agency, or Secretary, as the case may be, with respect to such application.

One result of this requirement will be that nuclear powerplants, which of course are federally licensed and which obviously must discharge waste heat into condenser cooling waters for return to adjoining waterways, will be reviewed by appropriate State water pollution control authorities prior to Atomic Energy Commission licensing to see that the heated liquid effluents discharged from the facility will not reduce the quality of adjoining waters below approved water quality standards.

I believe this preventive aspect of H.R. 4148 complements the existing thermal pollution control measures that have been taken under the Water Quality Act

of 1965, and should contribute significantly to avoiding situations wherein after-the-fact abatement actions have to be instituted to remedy existing pollution violations.

I believe the committee amendment to H.R. 4148 is a considerable improvement over the bill's present language in several respects. First, it is now clear who shall determine, in the event of a question in this regard, which State or States are "affected." Also, there must be a potential for "adverse affect," as opposed to a mere "affect," which as I interpret the word could mean something as insignificant as 1 B.t.u. Third, this amendment guards against a situation where the water pollution control authority in the State in which the activity is to be located, or possibly in some other State, simply sits on its hands and does nothing. Any such dalliance could kill a proposed project just as effectively as an outright determination on the merits not to issue the required certificate. Thus while this bill would still permit one State to make a decision that would have extraterritorial effect upon another, at least now it cannot do so passively—it has to take affirmative action to consider the matter and to decide to withhold the certificate if it wants to defeat a proposed project.

I therefore thoroughly support the amendment, and urge my colleagues with all the powers of persuasion I can marshal to vote its enactment.

The committee has also proposed an amendment to H.R. 4148 that would help to alleviate a problem under the bill caused by the fact that, under the Atomic Energy Act, nuclear powerplants are licensed in two stages: First, a construction permit must be obtained from the AEC to build the facility, and then an operating license must be obtained to operate the finished facility. As originally reported the proposed amendment to section 11 of the Federal Water Pollution Control Act would have required an applicant for an AEC license to submit the requisite certification at both stages in the licensing process. It seemed to me that satisfaction of section 11's requirements at the construction permit stage should suffice unless subsequent thereto the license applicant proposed a material change which would affect the environment adversely.

The committee amendment to H.R. 4148 proposed today would eliminate the requirement for dual certification, but does so in a way that fully protects the affected State or States. Under the amendment as I understand it, the certification obtained at the construction permit stage would also suffice at the operating license stage unless, after notice given by the Federal agency concerned, an affected State, or the Secretary if his certification is involved, makes written objection to the agency. In that event the certification given earlier at the construction permit stage would require reconsideration.

This amendment is not everything I would like it to be, since there are not any real safeguards in the bill to protect an applicant against arbitrary action by a State agency after the applicant has invested vast sums in his facility, but at least the large potential for delay built into the reported bill's dual-certification requirement has been somewhat mitigated. I trust, moreover, that, quite apart from the bill, the normal appeals procedures to the courts will protect a license applicant who, in a rare case, might be prevented from obtaining his operating license by actions of the State which are arbitrary or capricious, and based other than on the technical facts involved. I, therefore, support the amendment.

Mr. Chairman, I have a number of comments related to the bill itself, but not to any particular amendments now under consideration. They relate primarily to section 3 of the bill, and I would like to include them in the RECORD.

Section 3 primary concerns thermal, or heat, pollution of our waterways, a matter of considerable interest to me. I sponsored legislation in the last session addressed to the thermal pollution problem, at least as it relates to nuclear power plants, and planned to re-introduce the measure in this session. However, as I pointed out in a floor statement on March 11, I refrained from doing so in deference to more comprehensive legislation like H.R. 4148, which would be applicable to all Federal departments and agencies and, in substantial part, to all forms of steam powerplants—fossil fired as well as nuclear.

One result of this bill's new requirements will be that nuclear powerplants, which of course are federally licensed and which obviously must discharge waste heat into condenser cooling waters for return to adjoining waterways, will be reviewed by appropriate State water pollution control authorities prior to Atomic Energy Commission licensing to see that the heated liquid effluents discharged from the facility will not reduce the quality of adjoining waters below approved water quality standards.

Because of my interest in the thermal pollution aspects of this legislation, I suggested several technical amendments for the Public Works Committee's consideration during its consideration of this matter. I am gratified that a number of these recommendations were accepted by the committee, and that explanatory comments in the committee report have further served to clarify the intent of H.R. 4148.

For example, proposed new section 11(b) of the Federal Water Pollution Control Act has been amended by the committee to require only that the certifying State agency find that there is reasonable assurance of compliance with applicable water quality standards. The earlier version would have required a virtual guarantee by the State agency concerned that under no conceivable circumstances could the facility's discharges violate any of the applicable water quality standards. The requirement imposed by H.R. 4148 would appear to be considerably more workable and in keeping with the tests laid down in other legislative grants of regulatory authority.

Also, under the earlier version of this bill any affected license or permit would have been automatically suspended if a court of competent jurisdiction found that such licensee or permittee was not in compliance with applicable water quality standards. In view of the possible adverse effect upon the reliability of a region's electric power supply which the forced shutdown of a large electrical generating facility could have, it seemed to me considerably more advisable to accord the court discretionary power to permit continuation of the activity pending necessary modification of the facility or its appurtenances, if that is feasible, or of the operating practices followed there. This recommendation also has been accepted.

Another of the concerns which I brought to the committee's attention related to an apparent potential conflict under proposed new section 11(b) with the responsibility of the Atomic Energy Commission to regulate the radiological effects of source, byproduct, and special nuclear materials, as these terms are defined in the Atomic Energy Act. I was gratified to note the statement in the committee's report to the effect that nothing in section 11(b) should be construed to conflict with the AEC's preemptive authority under the Atomic Energy Act. Additional clarifying language of a somewhat similar nature appears elsewhere in the report and in subsections (a)(2) and (j) of proposed new section 17 of the Federal Water Pollution Control Act.

The committee's solution to another question gives me some cause for concern. Because it would often appear impractical to require significant changes in the design of a nuclear facility after substantial progress had been made in its construction, and because the imposition of any such requirement could seriously delay operation of a facility whose on-line availability was planned years in advance and probably heavily counted on by the affected systems, I recommended to the committee that it exempt from section 11's coverage those nuclear facilities for which construction permits had been issued at the time of the bill's enactment. The committee bill has afforded some, but not complete, relief in such cases.

As I understand the committee bill, if a construction permit has been issued for a facility and construction of that facility is actually underway at the time of enactment of H.R. 4148, the certification called for by the bill would be postponed for 2 years from date of enactment as to such facility if during that period the permittee applies for his operating license. If at the end of this 2-year grace period the requisite certification has not been obtained the operating license previously issued without certification would automatically terminate. Thus, as I understand it, anyone applying for an AEC operating license after enactment of the Water Quality Improvement Act of 1969 who had received his construction permit and actually commenced construction prior to enactment could receive such operating authorization without the certification required by the act, but his operating license would be subject to automatic termination 2 years from the date of the act if within that time he does not provide the required certification.

To my way of thinking this requirement has a certain retroactive tone to it that normally is repugnant to Congress. However, the requirement is one that affected license applicants probably can accommodate themselves to without undue hardship, and hopefully without unnecessary delays in their operations, if the law is implemented with reason and fairness by the State water pollution control authorities and, where he is involved, the Secretary of the Interior. Therefore, rather than offering an amendment to modify the bill in this respect I shall simply express the deep hope and expectation that the States, or the Secretary of the Interior if he is involved, will implement this part of the legislation sensibly. If they do not, I rather suspect that they may find themselves carrying on their work by the light of a flickering candle.

I shudder to think of the adverse effect upon the reliability of a region's electric power supply which would be had if one or more operating nuclear powerplants in the area were forced to shut down because it was unable to obtain the required certification. Most of the newer nuclear plants are in the 800 to 1,000 electrical megawatt range; each, therefore, will be providing a significant share of the affected system's total power output. In view of this, I think it hardly necessary to elaborate further on the consequences of the forced shutdown of one of these plants after it has been fully constructed and is in operation. Nor need I elaborate, I suppose, on the economic impact of such action on the Nation's utilities and their rate-payers, who after all are the people who actually pay the tremendous sums—in the vicinity of $150 million—represented by each of these large nuclear facilities.

As you can see, Mr. Chairman, I have followed the progress of this bill and substantially similar legislation in the other body quite closely. I believe, that for the most part, the Committee on Public Works has recommended a very fine piece of legislation. I want to commend the committee for the outstanding job that it and its staff have done, and urge my colleagues to vote for the amended bill's passage.

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

(By unanimous consent, Mr. EDMONDSON was allowed to proceed for 1 additional minute.)

Mr. EDMONDSON. I yield further to the gentleman.

Mr. HOLIFIELD. Any unnecessary or bureaucratic obstruction that we place in the development of electrical energy and the development of the capacity to produce energy will be working, in my opinion, against the general welfare of our society. I thank the gentleman.

Mr. EDMONDSON. I agree wholeheartedly with the gentleman. I do not know of any Member of this House who has done more through the years to try to develop the full potential of our country in terms of electrical power and energy. I think he has been a stouthearted champion of measures to develop our hydroelectric power, our steampower through fossil fuels, and in the atomic energy field, and, of course, he is without peer in his efforts in this direction. This committee respects the merits of his argument on the subject and is offering these amendments in an effort to meet those objections to the best of our ability.

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

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

Mr. HARSHA. The amendment offered by the gentleman would strike the language appearing on page 74, line 22, which would do away with the need of second certification at the time an operating license is required; is that correct?

Mr. EDMONDSON. It would relieve the mandatory requirements in the bill. It would eliminate the mandatory requirement for a second operating certificate.

Mr. HARSHA. Does this apply only to nuclear generating institutions?

Mr. EDMONDSON. I think the language of the bill applies to all facilities. I do not think it is intended to be restricted to any particular facility, but it is a particularly sensitive thing for the nuclear facilities.

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

(By unanimous consent, Mr. EDMONDSON was allowed to proceed for 1 additional minute.)

Mr. EDMONDSON. From the time of the initial construction permit, in the case of a nuclear facility, there may be 7 years in construction. They may invest $100 to $150 million in the facility, and the requirement that we have, a mandatory requirement to come back for an operating permit, even when a State was not seeking it, and even when a State was not insisting upon it, seems to us to be an unreasonable requirement in the law.

Mr. HARSHA. Mr. Chairman, is it or is it not a fact that when we first have a certification for a construction permit, that deals with water quality at that time, and subsequent construction of the institution or enterprise and placing it into operation does not change the water quality standards or the effect upon the water quality standards?

Mr. EDMONDSON. It is my impression the obligations assumed in these permits not to affect the water quality standards adversely would be continuing obligations, and then as there is upgrading of water quality standards, there would be a continuing obligation on the facility to comply with the water standards to the limit of its ability.

Mr. HARSHA. Mr. Chairman, I think the gentleman does not understand my question. My question is, When they obtain this first construction permit and certification, at that time, that subsequent construction of the institution and placing it in operation does not change what effect the operation of that institution will have on water quality standards from what was certified to at the initial application.

Mr. EDMONDSON. I think certification would be given only as to the standards that were known, and they would have to be standards that were established at that time. But I still have the opinion that there would be carried some obligation in the operation to try to upgrade the pollution prevention to the limit of the institution's ability.

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

Mr. Chairman, I do not intend to take the 5 minutes, but I do want to rise and ask the gentleman a question. I rise in support of the objective which the gentleman wishes to preserve. The gentleman has advised us of the nature of the amendments and the specific verbiage. I am in support of what the gentleman intends to accomplish.

There have been many discussions about dual certification and I want to make sure what the gentleman is doing will accomplish the objective—as I am sure he does—of making certain that these certifications result in the operation of the facility in conformance to the water quality standards. I ask the gentleman: Is that not the basic objective which we all seek?

Mr. EDMONDSON. Certainly there is no particluar value in just getting reasonable assurance they are going to do something. Our real objective is to get an operating facility that does not adversely affect water standards.

In this regard all we are seeking to do with these requirements about certification is to get attention early in the construction process to the problem of not affecting water standards adversely. The facility should be designed and engineered from the first to take care of that problem as the facility is constructed.

Mr. CRAMER. So the construction, as it relates to new construction and as it relates to requiring a Federal license or certification, is that in a continuing activity it would require a certification be granted—and this is the key, as I understand it—what do they have to certify? As I read it on page 74, line 5, they have to certify "that such activity will be conducted in a manner which will not reduce the quality of such waters below applicable water quality standards."

So I ask the gentleman: Is it not correct that the thrust of the initial certification, for the certification itself under the gentleman's amendment, is that when in operation that facility has to conform to the applicable water standards? So really if it does not conform, that condition of the certification itself will continue to control, making certain that those standards are conformed to.

Mr. EDMONDSON. That is my understanding. I would hope that the licensing and permitting agencies will have the same feeling about it, that the certification is a safeguard that assures early attention to the problems when they design and build the plant, but that it is also a continuing safeguard to the State and that it is a safeguard that is meaningful to the State. I hope the licensing and certifying agency would construe it in that way and undertake to correct any violations.

Mr. CRAMER. With that assurance and as I read the language of the gentleman's amendment, and the basic legislation before us, I support the gentleman's amendments offered en bloc.

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

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

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

Mr. DON H. CLAUSEN. As I understand the objective and thrust of the amendment offered by the gentleman from Oklahoma (Mr. EDMONDSON), there is to be no sacrifice as far as water quality standards are concerned; it is principally designed to facilitate the procedures; is this true?

Mr. EDMONDSON. I believe the major problem disturbing the gentlemen on the Joint Committee on Atomic Energy was the new statutory requirement for a second certification, involving other States as well as the State in which the facility is located.

Mr. DON H. CLAUSEN. This will in fact eliminate the dual certification requirement?

Mr. EDMONDSON. One of the amendments will have that effect.

Mr. DON H. CLAUSEN. I urge support of the amendment.

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

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

Mr. HOLIFIELD. I thank the gentleman for yielding.

I believe I support the principle of eliminating water pollution as much as any Member of the committee. I am very much concerned.

It is my understanding also, I might say, that we are referring to thermal plants, which include nuclear energy but also include conventional energy or any other kind of thermal pollution that goes into these streams. It is my understanding that all of these facilities—whether they be conventional, papermill, or nuclear—will comply and will be forced to comply to the applicable water quality standards of the specific State which may be involved.

Mr. CRAMER. The gentleman is correct. It is contemplated before too long every State will have such standards.

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

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

I do not believe the full impact of the amendment is really understood by the members of the committee. It is in fact a very dangerous and damaging amendment for those who are seriously concerned about pollution.

I intend to offer, as soon as I can be recognized, an amendment dealing with this problem of thermal pollution, because I do not believe that the legislation as reported from the committee, as I mentioned on yesterday during the general debate, is really strong enough.

The gentleman from Florida says eventually we are going to have adequate State standards, but the fact of the matter is that we do not have them now in most States, and not even in the State of New York.

The problem of thermal pollution is a relatively new problem, and certainly it is not one that has created the kind of damage we have seen in oil pollution, about which we are doing something now. After the horse is stolen we are closing the barn door.

Thermal pollution occurs when one pumps heated water into the small lakes and streams, which is taken out of the stream at a cooled temperature and is used to cool the nuclear reactors, and then is put back into the lake or stream.

This is now being proposed on Cayuga Lake, one of the distinguished and beautiful Finger Lakes of New York State. I quoted yesterday inexactly from the distinguished alma mater of Cornell University, in introducing my remarks, but the fact is that far above Cayuga's waters we do have this problem at the present time.

Unless we move quickly now to prevent this kind of thermal pollution, which can destroy wildlife, which can destroy fish, and which can increase the growth of weeds, we are going to ruin a great many of the Finger Lakes, and ruin other small recreational lakes in the districts of every one of the Members.

Members have not heard about this, probably, if they have not begun building nuclear power plants in their districts, but as the gentleman from California and the gentleman from Oklahoma have said, there will be a lot of new plants built in the next few years.

What this amendment proposes is that if any of the plants get constructed without cooling towers or cooling basins, being required, if they can get the construction grant before these State standards have come in, they can continue to operate in this way without any necessity for getting an additional operating certificate 2 years later.

It will be a long time before we get the appropriate State standards, and the plant on Cayuga Lake is proposed for construction now. The Atomic Energy Commission may be meeting even later this spring to act on their application. Unless we get tough standards in this bill the damage may already have been started when that permit is granted.

It would be a sad tragedy if we told these nuclear powerplants this. Surely, the gentleman from California wants to encourage construction of nuclear generating plants.

I do not object to that. Nuclear power is here to stay. But let us insist that we have proper protection against thermal pollution in these plants. If you do not do it now, you will be hearing from the conservationists in your area. The gentleman from New York (Mr. ROBISON) and I can guarantee you that, because we have heard.

Mr. Chairman, this amendment should be defeated.

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

Mr. STRATTON. I yield to the gentleman.

Mr. EDMONDSON. I regret personally that I had not seen the gentleman's amendment or had an opportunity to look at it until this minute, and I regret that I do not have a carefully formed judgment about it. There may be considerable merit to the gentleman's amendment.

Mr. STRATTON. What the gentleman's amendment would do would even compound the situation even if my amendment were not to pass. That is what disturbs me.

Mr. EDMONDSON. I fail to understand how the gentleman concludes that it will compound a situation in view of the fact that the certification that is originally given on these facilities is a continuing requirement upon the facilities and it is not something that is terminated with the construction. Furthermore, the amendments recommended do not affect in any way the provision on lines 6 to 13 of page 75 requiring certification by States for facilities on which construction began prior to passage of this act.

Mr. STRATTON. If the gentleman will permit me to say it, if this bill will pass, there is not going to be any requirement for certification. If the bill is passed in the form in which it exists now, with the gentleman from Oklahoma's amendment added, there are not going to be any real binding New York State requirements to deal with thermal pollution. That means a nuclear powerplant will be built far above Cayuga's waters and will be damaging Cayuga Lake and we will have no opportunity, as the bill is now written, to come back in 2 years with a requirement that it cannot continue to operate under those loose and ineffective State standards on thermal pollution.

Mr. EDMONDSON. Will the gentleman yield?

Mr. STRATTON. I will be glad to yield.

Mr. EDMONDSON. Of course, if there are no State standards, then the Federal Government is at liberty under this bill to impose standards itself and require certification by the secretary. The bill assures against any escape from certification.

Mr. HOSMER. Mr. Chairman, I rise in support of the amendments.

Mr. Chairman, I fully appreciate the gentleman from New York's concern over what he terms thermal pollution. Almost all economic activities that we carry on, including the making of ice, involve some amount of disposition of heat into the environment. In some cases you can logically term this thermal pollution. In other cases you might term it thermal enrichment because the warmer waters will enable you to produce better crops on irrigated land and to produce larger harvests of fish for human food consumption in ponds and so on. So you cannot take this business of what happens to heat in the abstract and pin the label "b-a-d" on it and get up here and legislate against it. Particularly—and this is what I want to call to the attention of the gentleman from New York—you cannot consider the matter of thermal effects in the abstract in another sense. What these nuclear electric generating plants and conventional electric generating plants are being built for is to supply a very critical need by the American people and the American economy for an increasing amount of electric power. We double over every period of 10 years in this society of ours our requirements for electric power. Now, that means if we are going to support and sustain the type of economic advancement this country has become accus-

tomed to, we are going to have to find some place to put the generating stations.

And let me say that the conventional generating stations dissipate heat only at a fractionally lower amount into the environment than do the nuclear generating stations.

We here in Washington cannot be the arbiter of whether in the State of New York the need is greater for this added electrical capacity, or whether the need is greater to keep Lake Cayuga's waters on an average annual basis as to temperature—from going 1 or 2 degrees higher in temperature than it is today. The people of New York are going to have to make up their minds as to which is the most valuable to them. They are going to have to decide as between the temperature of Lake Cayuga or possibly some other lake, and whether they want to have blackouts in the last half of the 1970's due to the lack of electrical generating capacity to meet the new load growth for electricity developing over that period of time.

I do not believe that we would be asked by the gentleman from New York to make that decision here in Washington despite the fact that the allegation is made that all the wisdom of the country resides along the banks of the Potomac. Actually, the gentleman's people in New York and in other parts of the country are going to have to live with or without electricity, they are going to have to live with or without a slight amount of thermal enrichment in some of the waters of their areas if they are going to have their electricity requirements fulfilled. Therefore, since this is something that is personal to them and to their environment, and despite the fact that the gentleman from New York is not happy about the status of the law on thermal pollution in the State of New York, I do not believe the burden is upon us here in Washington to attempt at the present time to make that decision for them. To do what he suggests would erect an almost unscalable barrier to installation of electric generating capacity, not only against the people of New York, but against all the people of this country.

I think if the gentleman from New York is dissatisfied with the standards that have been established by the State of New York, as a citizen of the State of New York he should appeal to his duly-elected State representatives. They write him letters as a Member of Congress on Federal issues, so, perhaps the gentleman can write letters to them with reference to this matter which is a State issue.

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

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

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me in order that I may respond to the statements which have been made by the gentleman from California?

Mr. ROBISON. Yes, I yield briefly to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I should like to comment upon what the gentleman from California has said. The gentleman from California does not understand that the question of a construction permit for a plant on Cayuga Lake could well be settled prior to this legislation being enacted. The Atomic Energy Commission has no authority to consider thermal pollution.

I have no opposition to the development of nuclear power-generating facilities. All I am suggesting is that when we build them let us build them in such a manner as not to have thermal pollution. That can be done, but it will not be done unless we have some kind of protective legislation enacted before this bill becomes law.

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

Mr. ROBISON. I yield to the gentleman from Florida.

Mr. CRAMER. I think the gentleman from New York (Mr. STRATTON) is wrong. I say this for three reasons: First, he wants Federal standards, and I do not know of anyone else with the exception of a few, who does. I certainly do not want Federal standards. That is what we would have to have in order to accomplish the objective which is sought by the gentleman from New York (Mr. STRATTON).

Second, he is saying that, perhaps, this bill will become law before they get a construction permit. It seems to me that the gentleman is assuming that is the case, and I am not willing to assume it. He is a pretty good long way away from getting a permit for construction of that plant. But, assuming that is true, you still have the requirement of conforming to the standards of that State relating to thermal pollution, and all other pollution which is required under the present law and now in the future. So long as that plant operates it will be subject to the thermal pollution standards of the State of New York, and subject to the court's enforcement powers under the basic law. If they were to get a permit, the controlling factor still would be what that State's standards are with regard to pollution, and not what the Federal Government says.

Mr. STRATTON. Will the gentleman yield further?

Mr. ROBISON. I would like to take part of my own time now, if I might for a moment.

Getting back to the issue as I see it, this is not the time to discuss now whether we should have Federal standards or State standards here, but to discuss this particular amendment, instead.

Let me say, in whatever time I have left, that I am sorry the committee has seen fit to change its position with respect to dual certifications. It seems to me it has changed its position for one reason, at least, that lies at the heart of this debate over dual certification, in that it does seem to place an unfair disadvantage on those who wish to build nuclear powerplants while those who build instead fossil-fueled powerplants are not required to obtain two Federal licenses or permits, but at best only one, and that from the Corps of Engineers, not the Atomic Energy Commission.

Now, I can see why the committee does not want—or anyone wants—to put any unfair barrier in the path of nuclear powerplants that is not going to be faced by those who might build fossil-fueled powerplants. But let me ask this question—and I would like to direct it to the attention of the gentleman from Oklahoma (Mr. EDMONDSON).

We know all too little yet about thermal effects or thermal discharge, and we do not know yet even how to define "thermal pollution." We are doing a lot of Federal research into this particular problem as well as into other aspects of the water pollution field. If we learn, as a result of this additional research, that some of the safeguards that are contemplated as necessary now in order to prevent thermal effects from becoming thermal pollution are not adequate, are we not by this amendment in effect freezing a State's ability to review and update its water quality standards in this respect?

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

Mr. ROBISON. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I tried to make it as clear as I could in my own remarks that I did not personally have the view that the gentleman has about freezing the water standards of a State. It was my view that a State should be endeavoring constantly to upgrade its water standards, so that there would be in any of these certificates and in any of these permits the continuing obligation upon the operator to try to meet the new water standards of the State.

Now, if the gentleman just wants to say that we are not going to build anything that has a remote possibility the potential of having some adverse effect, we can stop the construction of every powerplant in the country. I believe that could be the effect of what the gentleman from New York—not the gentleman in the well—is suggesting here as a procedural amendment at this point.

But I believe there is a duty on the part of the committee to enable the country to go ahead with some construction permits under the understanding that we would have a continuing review authority in the issuing agency, and in fact a requirement for that continuing review.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. EDMONDSON, and by unanimous consent, Mr. ROBISON was allowed to proceed for 3 additional minutes.)

Mr. ROBISON. Mr. Chairman, will the gentleman answer another question I put to him then, in this way: Supposing the Atomic Energy Commission grants a construction permit for such a plant, and then in the intervening 3- or 4-year period between the granting of the construction permit and the time when the plant gets ready to go "on the line," as they say, and the utility comes back to the AEC for its operating permit, supposing the condition of the stream that is to receive this thermal discharge has changed substantially; supposing the State now wants to update and review the certification that it sent down to the AEC 3 or 4 years ago and now says, "Additional safeguards are needed beyond those that we thought were needed at the time of beginning construction," this

is a theoretical question that I am presenting to you—but what happens then?

Mr. EDMONDSON. That is one of several possibilities that were discussed well into the night last night, and changing conditions could develop in a number of ways when one of these permits is issued.

When you have changing conditions and when you have a different situation prevailing, I think it would be incumbent upon the Atomic Energy Commission to take a second look at the permit that has been issued.

I think the State also would have the absolute right, as I read this legislation, at any time it reaches the conclusion that there is going to be an adverse effect from the operation of this facility—anytime it reaches that conclusion that its actual conduct of the operation is not going to measure up to the assurances that were given, I think the State would have the right to withdraw its certification.

Mr. ROBISON. Then the State would have to go to court or the Federal Government would go into court to obtain a restraining order with respect to this plant at that point in time, as not being in conformity with the water quality standards of the State as then in effect?

Mr. EDMONDSON. I think the right to go to court would be present at all times and is not affected by the statute.

If we are talking solely about nuclear facilities and the withdrawal of the certification that the State granted the operator, I believe on withdrawal; the Atomic Energy Commission would be obligated to call in the operator and to advise him the situation should be corrected or he would be required to shut down the operation.

Mr. ROBISON. I appreciate the gentleman's clarification for the record. I must say I still regret the change in the committee's position, and I hope the amendment is defeated.

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

Mr. ROBISON. I yield to the gentleman.

Mr. STRATTON. Would the gentleman from Oklahoma agree that the amendment makes it purely optional with the Atomic Energy Commission and puts no mandate on it. As a matter of fact, knowing the record of the Atomic Energy Commission with regard to thermopollution, I would not be as optimistic as the gentleman is.

Mr. EDMONSON. Mr. Chairman, will the gentleman yield so that I may respond to our colleague?

Mr. ROBISON. I yield to the gentleman.

Mr. EDMONDSON. I have reached the conclusion in the period of time that I have been here that it is almost impossible to mandate any agency to do anything. We are trying within the limits of our legislative ability to mandate them to do what is right in this situation.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Oklahoma (Mr. EDMONDSON).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. MATSUNAGA

Mr. MATSUNAGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUNAGA: On page 55, line 23, immediately after "includes" insert the following: "the States, the District of Columbia,".

Mr. MATSUNAGA. Mr. Chairman, the amendment I have offered is purely a technical amendment intended to provide consistency and uniformity of language.

The definition of "United States" on page 39, line 22, of the bill includes the District of Columbia. However, the District of Columbia is not included in the same definition which appears on page 55, line 23, purely through inadvertence according to testimony before the Rules Committee, of which I am a member. My amendment would include the District of Columbia in the second definition to negate any inference that its omission in the second instance was with a specific legislative intent.

Mr. FALLON. Mr. Chairman, will the distinguished gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman.

Mr. FALLON. Mr. Chairman, the committee on this side accepts the amendment offered by the distinguished gentleman from Hawaii.

Mr. CRAMER. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii (Mr. MATSUNAGA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CLEVELAND

Mr. CLEVELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND: On page 78, after line 22, insert the following:

"SEC. 8. The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of any and all methods of financing the cost of preventing, controlling, and abating water pollution. The results of such investigation and study shall be reported to Congress no later than January 1, 1970, together with the recommendations of the Secretary for financing the programs for preventing, controlling, and abating water pollution, including any necessary legislation."

Renumber succeeding sections accordingly.

Mr. CLEVELAND. Mr. Chairman, the purpose of this amendment is fairly clear.

We are directing the Secretary of the Interior to conduct a study as to the feasibility of any and all methods of financing federally supported water pollution programs.

I think most of us realize that over the years our Committee on Public Works in connection with various water quality acts have authorized very substantial sums, but when it has gotten down to the actual appropriating process the state of the budget and the state of the Nation has not permitted the full appropriation of the authorizations.

We find again and again as we study the various States and the various communities that are concerned about this matter an overwhelming backlog of projects that have been approved and cannot be financed. It is causing a great deal of difficulty in the States and local communities. I discussed this subject during general debate yesterday at some length, and I am not going to repeat all of that now.

I might say, and I want to make this particularly clear in the record, that my own personal recommendation would be that we establish some sort of trust fund financed by user fees, taxes, or excises similar in nature to the highway trust fund, which has been so notably successful in financing the interstate and the primary and secondary road networks in this country. However, my amendment does not spell out that the study will be directed only in that direction. It is much more general. The purpose of this is to give the Secretary complete latitude in connection with the studies that we ask him to make under this amendment.

I think that almost every Member will find, as he goes back to his State or district, that there are a tremendous number of sewage treatment facilities that are on the books, that have been approved, but are awaiting financing. I think it is fair to say that financing is still the No. 1 issue involved here.

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

Mr. CLEVELAND. I yield to the gentleman from Florida.

Mr. CRAMER. I would like to suggest to the gentleman that I believe his amendment has considerable merit. I intend to support it. As the gentleman knows, we had financing provisions in the bill last year. For reasons known to all of us, that type of financing was not included in this bill. So the point is that until we get at this problem of financing sewage treatment plants, we are really not going down the road of solving water pollution problems. There is no use kidding ourselves. It takes adequate financing on the local level, or a partnership on the local, State, and Federal level; does it not? Your study would hopefully give us some guidance.

Mr. CLEVELAND. Exactly. It does just that. I might also add that—the gentleman from Florida has been something of a leader in this regard—tax incentives to improve or make it more attractive for industry to build pollution-abatement facilities is something that the gentleman from Florida has long urged and, of course, I think that might be included in this type of study, or I hope it would be.

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

Mr. CLEVELAND. I yield to the gentleman from Michigan.

Mr. DINGELL. I believe the gentleman has a meritorious amendment, but there are some questions I would like to ask. It may be that there are some things in there that my good friend from New Hampshire has not seen. The amendment states:

The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of any and all methods of financing the cost of preventing, controlling and abating water pollution. The results of such investigation and study shall be reported to Congress no later than January 1, 1970.

One of the critical problems we have had in this business of water pollution abatement and water pollution control

is that we have not been able to make adequate funds available to the States under Public Law 660, with the result that many of the State programs are lagging in cleanup. They are being held up because of inadequate Federal financing. What I want to know is whether the amendment would preclude the Congress from proceeding independently. Will we be compelled to wait until the detailed study is completed by the Secretary of the Interior? I think the Congress has some responsibility to move in this area. I would be loathe—and I am sure my friend would be equally loathe—to have Congress precluded from moving if and when the Congress might conceive of an adequate device to finance these programs. I think the gentleman is well aware of the fact that the Secretary now has authority under Public Law 660 as amended to do precisely what the provisions of the amendment would do.

Though I applaud the amendment, are we not getting ourselves into a box here?

Mr. CLEVELAND. While we have authorizations appropriation through the next fiscal years, I cannot see how we could be doing that.

Mr. DINGELL. The gentleman knows that the Public Works Committee in the past 3 fiscal years has discussed this subject with everyone—members of the Department, members of the executive agency, and individual Members of Congress.

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

(On request of Mr. DINGELL, and by unanimous consent, Mr. CLEVELAND was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. It is well known and everybody is agreed these were sums that were not feasible but were desperately needed. But to get back to the point we are talking about, how are we going to be sure, if this amendment goes through, that Congress is not going to be precluded from the possibility of financing, or will it have to wait to get the recommendation from the Secretary?

Mr. CLEVELAND. There is nothing in my amendment that is going to prevent our going right ahead. But our authorization of $700 million is matched by a much smaller appropriation request.

Mr. DINGELL. In excess of $214 million?

Mr. CLEVELAND. $214 million. I do not contemplate the Nixon administration is going to increase that. I think they are going to keep it at that figure. There is nothing in this amendment that will interfere with that whatsoever.

Mr. DINGELL. The gentleman does not respond to my question. What is on my mind is this. Does the gentleman's amendment say Congress is going to have to wait until some secretary or some bureaucrat downtown comes up with a suggestion as to how we are going to finance it?

Mr. CLEVELAND. Will the gentleman confine his question to one point?

Mr. DINGELL. I tried to.

Mr. CLEVELAND. Then the answer to the gentleman's question is no.

Mr. DINGELL. The amendment reads a little differently. It says:

> The results of such investigation and study shall be reported to Congress no later than January 1, 1970, together with the recommendations—

Are we going to have to wait, as a result of this amendment until we have a recommendation from downtown, or until there is consideration of it by the Public Works Committee at some future time, or will some bureaucrat say, "On this we have a study going on." Will we have to wait until that study is completed? It is well known it is the practice, when the agencies do not want to take some action, for them to say, "We have a study. You wait 2 or 3 years until our study is completed, and we will give you some information."

I think, with my friend, this is important. In Public Law 660, as amended, we do have authority for the Secretary to do what is in this amendment. I think we are doing something here that will have results far beyond what the gentleman anticipates. That is, we would be delayed in consideration of alternative methods of financing. These are the questions I am directing to my friend.

Mr. CLEVELAND. There are a great many questions there.

Mr. DINGELL. No. It is very simple. They all revolve around one point.

Mr. CLEVELAND. Then my answer is "No." There is nothing that would preclude us from going ahead. If the gentleman has some ideas, perhaps he would offer them and I'd be delighted to support them if they get at this problem of financing the fight against water pollution.

Mr. DINGELL. I have considerable affection for my friend, but I do not agree with him on this point. I do not think he is correct.

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

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

Mr. GUDE. Mr. Chairman, I support the amendment offered by the gentleman from New Hampshire. This approach would mean a great deal to my State of Maryland.

Mr. Chairman, I commend the gentleman for his excellent amendment to this bill in which he recognizes and points to the necessity of adequate financing for the legislative proposals directed toward controlling water pollution. He specifically urges a plan whereby the Secretary of the Interior would conduct investigations and studies to determine the most efficacious financing arrangements in support of pollution control enactments.

I have experienced a similar need as a Representative of the Eighth Congressional District of Maryland. Maryland streams including the Potomac and Patuxent will deteriorate miserably if the funds are not found to finance our anti-pollution measures. While Congress has been quite generous in passing legislation which authorizes substantial amounts of money to combat pollution, it has been remiss in making the actual appropriations of funds when the time came for coming across with the money to institute the programs devised. Over the past 10 years the State Legislature of Maryland has authorized a $176 million debt for water pollution expenses, $150 million of which has been in the past 2 years. One reason for the enormity of these debt amounts is because the Federal Government has not come through with a proportionately great enough share. In fact it was reported only 2 weeks ago that Congress has come up more than $50 million short on its promises to share the cost of building sewage treatment plants in Maryland under provisions of the Water Pollution Control Act. The Federal Government has pledged to contribute $54 million this year to go along with the $49.9 million put up by the State; but only $3.9 million will come from the Federal Government when the fiscal year ends on June 30.

Therefore, I urge adoption of the amendment of the gentleman from New Hampshire as a strengthening feature to the Water Quality Improvement Act of 1969.

I also would like to take this opportunity to express my support for this bill in its entirety as it speaks to the need for standards of pollution control on the navigable waters of the United States and to the need for sound, efficient enforcement procedures to cope with any deviance from those standards. Furthermore, the stance which it permits the Federal Government with respect to insuring future progress in pollution control is most encouraging: research and vocational incentives will be significantly advanced by the scholarship grants provided for in this Act.

Therefore, I urge adoption of the amendment and the entire bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: On page 74, line 24, strike out "In" and all that follows down through and including the period on line 13 of page 75.

On page 75, line 21, after the period insert the following: "Nothing in this subsection shall apply in the case of any applicant for a Federal license or permit to conduct any activity which may result in any thermal pollution to which subsection (c) of this section applies."

On page 75, line 24, strike out the quotation marks and after such line insert the following:

"(c)(1) As soon as possible after the enactment of this subsection, the Secretary, after consultation with each Federal agency issuing licenses or permits to which this subsection applies, shall promulgate Federal water quality standards which shall be expressly designed to prevent thermal pollution of any waters located in the United States, by any activity licensed by any Federal agency or operated under a permit issued by any Federal agency.

"(2) After the date of the enactment of this subsection, no Federal agency shall issue any license or permit to an individual, firm, corporation, partnership, association, State, political subdivision of a State, or any other public body or agency with respect to any activity which may result in any discharge into any of the waters of the United States which may result in the thermal pollution of such waters, unless the Secretary, after

consulting with the appropriate State water pollution control agency, and, when appropriate, after public hearings, certifies, under such reasonable terms and conditions as he may prescribe, to such Federal agency that such activity will not reduce the quality of such waters below the Federal standards promulgated under paragraph (1). Each such Federal agency shall include in any such license or permit the terms and conditions prescribed by the Secretary as he deems appropriate to control the discharges or other activity in a manner that will not reduce the quality of the water below such standards. The Secretary shall establish such procedures as may be necessary in carrying out the provisions of this subsection, including, where appropriate, an opportunity for public hearings conducted by him or the Federal agency issuing such license or permit. Each such Federal agency is hereby authorized to include in any such license or permit such terms and conditions as such agency determines, after obtaining the advice and recommendations of the Secretary to be appropriate to protect water supplies, fish, wildlife, recreation, and aesthetic values affected by such activity.

"(d) In any case where actual construction of a facility for the conduct of any activity has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification shall be required under subsection (b) or subsection (c) of this section for a license or permit issued after the date of enactment of the Water Quality Improvement Act of 1969 to conduct such activity, except that any such license or permit issued without certification shall terminate at the end of the two-year period beginning on the date of enactment of the Water Quality Improvement Act of 1969 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification which otherwise meets the requirements of subsection (b) or subsection (c), as the case may be.

"SEC. 4. Subsection (a) of section 1 of the Federal Water Pollution Control Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: 'including thermal pollution.'

"SEC. 5. Section 13 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"'(b) The term "thermal pollution" means the addition of heat or some heated substance to any waters, which addition will result in a reduction in the quality of those waters for use for public water supplies, propagation of fish and aquatic life and wildlife, for recreational purposes, or which may endanger the health or welfare of any person.'"

And redesignate existing sections 4, 5, 6, 7, and 8 accordingly.

Mr. STRATTON (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

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

There was no objection.

Mr. STRATTON. Mr. Chairman, I have already raised in connection with the amendment offered by the gentleman from Oklahoma this question of thermal pollution. This is the thermal pollution amendment which I have referred to and which I explained very briefly in a letter which should have been in everybody's office at least by this morning.

Thermal pollution is a problem created when heated water otherwise perfectly pure is discharged into a body of water, particularly a small lake; and when the temperature is raised by even a few degrees, so the scientists tell us and the conservationists and sportsmen are well aware, this can not only encourage growth of weeds, which are a problem already in many recreational lakes, but eventually it can kill all the game fish, so we have nothing but carp and a few other such fish left in the lake.

This is the problem we face with the proposed construction of a nuclear powerplant in Cayuga Lake. The scientists at Cornell University pinpointed this problem, and they created public recognition of it, and this led eventually to deferral of construction plans by the New York Electric & Gas Co.

The demand for nuclear powerplants is going to increase. They are running out of oceans and fast-running rivers. If they can construct a plant on Cayuga Lake they can construct one on Seneca Lake, and they can go to any one of the 1,000 lakes in Minnesota or to any other State; and we can have a very serious problem.

I am concerned that we should act to prevent this problem before the damage is done rather than moving to act after a good deal of damage has been done, as we are doing in this bill with regard to oil pollution. We are closing the door after the horse has been stolen from the barn. I believe we ought to close the door while the horse still is in there.

What the committee's proposed legislation would do is require certification depending on the applicable State standards. The fact of the matter is that at this particular time there are not any really binding State standards.

We usually like to think of New York as the most progressive of the States; certainly it is, at least in terms of raising taxes. But when it comes to thermal pollution, we have very wishy-washy standards. They have a strong bill which passed the Assembly, but my information is that it will not get out of the Senate, and if it does the Governor will veto it.

If we are to rely on the State standards, we may find that the pressures of the utilities are greater than those of the people who want to save the lakes.

Although I join the gentleman from Florida (Mr. CRAMER) in a general abhorrence for substituting Federal standards for State standards, if we are really to act quickly and to prevent this problem before it gets started, we ought to institute the standards. The Department of Interior has studied this. They know the problem. They know the kinds of standards to set. We ought to insist that those standards be applied whenever there is a problem of thermal pollution.

That is all my amendment will do. It repeats some of the language there, with a few changes to put in separate standards for thermal pollution as against the other kinds of pollution.

If we wait for the States to be reminded that they have to tighten up their laws, by the Federal Government, we may find we have waited too long.

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

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

Mr. OTTINGER. I should like to congratulate the gentleman on a very important amendment. It makes a very significant contribution in this vitally important field.

We see the danger of thermal pollution all over the country now. In my own congressional district the Consolidated Edison Co. of New York has plans to put five nuclear plants on one very narrow stretch of the Hudson River. We may find that this will create a heat block and result in the killing of all of the fish life in the Hudson. This would mean destroying the sport fisheries business and the recreation business for not only the entire Hudson area, but as far as Long Island Sound.

I, along with other Congressmen and Senator KENNEDY, have sponsored legislation to provide for siting nuclear plants for the future to assure placement of plants so as to minimize both nuclear and thermal dangers.

I believe the contribution the gentleman is making here, requiring Federal standards until such time as the States can catch up with this problem, is a very significant supplementary contribution to resolution of this problem and I wholeheartedly support the amendment.

Mr. STRATTON. I certainly appreciate the gentleman's support. I know he has done a magnificent job in fighting the threat of pollution in his area.

Actually, I was not aware of the problem of thermal pollution until about a year ago, when the implications of the construction at Cayuga Lake brought it to my attention. A lot of the other Members may not be aware of it. If they ever start building one of these plants at a small lake in any district, the Member will hear about it, and hear loudly from the conservationists in his district.

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

Mr. STRATTON. I am glad to yield to the gentleman from Massachusetts.

Mr. KEITH. I read over a year ago about thermal pollution on the Hudson River, I believe. I know of nuclear and other powerplants on salt water.

Does the amendment in any way affect the plants using fossil fuel instead of thermonuclear fuel, or running fresh water for a seacoast plant?

Mr. STRATTON. Yes. It would apply to any powerplant constructed with a Federal license anywhere. I am not enough of an expert, but I assume there is not so much of a problem with regard to the ocean, because there is so much water that the temperature would not rise appreciably.

Mr. HARSHA. Mr. Chairman, I rise in opposition to this amendment because it would do violence to the whole concept of the Federal Water Pollution Control Act. That act vested the primary responsibility to fix water quality standards in the individual States. The Congress, when it unanimously adopted this act, recognized the principle that the States were in a peculiar position to pass

judgment on this issue. The Congress determined that they were much better qualified to determine their own environment, to determine their own economic needs, and to determine their own industrial demands to determine the appropriate uses of the State waters, and to determine the needs for water quality standards in each individual State. The act provided that each State should establish water quality standards subject to the approval of the Secretary of the Interior. If these standards are not sufficient in the opinion of the Secretary of the Interior, then he can reject those standards and inform the States that they should upgrade them. In many cases this has been done.

So, Mr. Chairman, the Federal Government does, in effect, have some control over the individual States and the standards which they adopt. But if we were to adopt this amendment, we would be doing complete violence to the theory and philosophy of the present Federal Water Pollution Control Act that is that primary responsibility rests with the States. We would be taking away from the individual States their right to govern their own affairs. For that reason, I oppose this amendment and hope it is defeated.

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

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

Mr. LATTA. I know that the gentleman is very much against any type of pollution, including thermal pollution. We must strive to eliminate all pollution—none must escape our attention. I am wondering whether or not, in view of the importance of this amendment, it was discussed and considered in your committee.

Mr. HARSHA. This particular amendment, as I recall it, I do not believe was discussed, but the issue of thermal discharge into the waters of the United States was very thoroughly discussed. We had a member of the Atomic Energy Commission before the committee to testify on this subject. There is general disagreement as to whether or not this thermal discharge is thermal enhancement or thermal pollution. We are not far enough advanced in our research and studies to recognize it unequivocally as thermal pollution.

Mr. LATTA. As I understand it, the Atomic Energy Commission requires these plants to meet the water quality standards of the States before permits are issued? Is this not correct?

Mr. HARSHA. They are required to meet the water quality standards established by the individual States.

Mr. LATTA. Is this not being done in New York State?

Mr. HARSHA. The objection here was that in the opinion of the author of the amendment he did not think the State standards were stringent enough and he wanted Federal standards superimposed upon them.

Mr. ROBISON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hesitate to take the time of the Committee to further discuss this troubling problem of thermal pollution, but I think we could stand to consider it for a few minutes longer.

It would be accurate to say that we stand on the threshold of a new era in the production of electric power in our Nation. As our Nation grows and its people's standard of living improves, we can expect, as someone said a moment ago, to see the demand for electricity go on doubling as it has every 10 years and, as potential hydropower sites are used up, more and more of this demand for electricity will have to be met by steam generating plants, some of which will be fossil fueled while others will be nuclear fueled. These plants will require enormous quantities of cooling waters. The waste heat, called thermal discharges, from such plants now affects something over 7 percent of all of the available fresh water runoff in the 48 contiguous States, a figure which has been projected to rise to more than 16 percent by 1980, and on to about 50 percent by the year 2000, if conventional "once-through" cooling procedures were still in use at that time.

Mr. Chairman, even if the waters of our lakes and streams were now as clean as they ought to be, it is obvious that this situation would pose an environmental and ecological challenge of massive proportions.

Mr. Chairman, with 44 nuclear powerplants moving now toward construction here and there around the Nation, and some 42 more in the planning stage, it also would be obvious that action may be fast outrunning our ability to apply reasonable environmental controls and safeguards, especially since such powerplants use far more cooling water than conventional fossil-fueled powerplants. It has been estimated, for instance, that the proposed nuclear powerplants on Cayuga Lake in New York to which the gentleman from New York (Mr. STRATTON) has made repeated reference, will circulate through its cooling system about one-quarter of Cayuga's volume of water each year. When one relates that fact to the further fact that Cayuga, one of the so-called Finger Lakes, is a deep but relatively small lake—the smallest for which such a powerplant has been proposed—and is also what is called a "stratified" lake in the summer months, with "slow-flushing" characteristics, it becomes clear why concern has been expressed over what effect such huge discharges of hot water into it may have.

Now, certainly, the States should be permitted and encouraged to establish reasonable safeguards against such plants adversely affecting the quality of the waters receiving their thermal discharges—safeguards against those discharges becoming what some people call thermal pollution.

Mr. Chairman, this bill addresses itself to this problem, and it does encourage the States to act.

Mr. Chairman, New York State has moved in the proper direction. Our Water Resources Commission has completed public hearings around the State on definitive new criteria in this respect, having done so under existing authority derived from article XII of the New York State Public Health law. As might be expected, the utility company involved suggests that those criteria are too restrictive in some respects, while others say they are not strong enough.

There is no point here in going into the details of that debate, for it will be settled by those technically competent to judge its pros and cons. But what this situation does illustrate is the fact that the States will move into this picture, are moving into it now, and, I submit, can be trusted to deal as effectively and wisely with this new newly recognized problem of thermal pollution as they have in other water pollution areas.

Now, my colleague, the gentleman from New York (Mr. STRATTON) urges Federal standards, instead. He is, of course, entitled to his opinion as to the necessity for that as I am to mine that it would be best to maintain, here, that same careful balance between State and Federal interests in this area of concern as was achieved on passage of the Water Quality Act of 1965.

Mr. Chairman, I cannot help but remember that my distinguished colleague, the gentleman from New York (Mr. STRATTON), appeared in the well of the House here in July of last year, inveighing and protesting against certain Federal standards as promulgated by the Department of Transportation relative to billboard controls under authority of the Highway Beautification Act of 1965. Perhaps, there is an adequate reason for his change of attitude; I do not know. I am sure there is in the mind of my colleague. But I do not believe that Federal standards in just one water quality area, would be wise or workable or necessary.

Therefore, Mr. Chairman, I hope the amendment will be defeated and the position of the committee sustained.

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

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

Mr. McEWEN. Mr. Chairman, I should like to commend the gentleman in the well for pointing out these facts, lest there be a misunderstanding that our States are not moving ahead. Certainly the State of New York, in the matter of dealing with thermal discharge, has, as the gentleman just pointed out. The New York State Water Resources Commission has just concluded hearings during this past month, and it is my opinion that we can anticipate in a very short time standards to be established in that State, and I am sure other States will follow.

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

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to direct some questions, if I may, to the author of the section beginning on page 67 of the bill. This has to do with training grants and contracts. It is my understanding—and I would like to ask the chairman of the committee or any other member of the committee who wants to answer this question—Is it the Secretary of the Department of the Interior who will be the

one who determines the grants to institutions, the scholarships and stipends that are going to be given to undergraduate students; is that correct?

Mr. CRAMER. If the gentlewoman will yield, there is a present provision in the legislation and under the present law that provides for precisely the same procedure for a similar purpose, but not so broad as this, and in my opinion it would not acomplish the objective, so it amends present section 5(d) which provides presently that the Secretary can provide training in technical matters relating to the causes, prevention and control of water pollution to personnel of such agencies and other persons with suitable qualifications. This is being done presently under the present water pollution control act, and this is an extension of that authority.

Mrs. GREEN of Oregon. It extends it to the tune of $62 million for the next 3 years.

Mr. CRAMER. For the next 3 years. This is as a result of the report of the Senate relating to the subject matter of personnel in order to accomplish adequate water pollution control. This is based upon their findings as to the necessity for, the number and the estimated costs.

If the gentlewoman would consult the RECORD of yesterday she will see where I placed in the RECORD a synopsis of that report.

Mrs. GREEN of Oregon. Would the gentleman further advise me if there were any hearings on this particular section where people from higher education were called in? I would also like to know specifically: Is it not true that the students who might go into this kind of training are presently eligible for all of the other programs that are now available for our college and university students? And specifically would not students now being included in this program be eligible for the work-study program? Are they not now eligible for economic oportunity grants? NDEA student loans, guaranteed student loans?

Is it not true that they are now eligible for all these present forms of student financial aid financed by the Federal Government?

Mr. CRAMER. I will say to the gentlewoman that the report I referred to is Senate Document No. 49 of the 90th Congress, first session, at which time it was found that there are not adequate laws available to accomplish this, and there are not adequate trainees in training or programs available to train them for the purpose of this particular subject.

Mrs. GREEN of Oregon. Mr. Chairman, I believe that in almost every area where professionally trained people are needed there is a shortage, but I have serious question about setting up another program in terms of scholarships, in terms of financial aid programs, in terms of work-study for a particular purpose. On page 68 I notice there is a provision to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works. It is not true that any students who are in colleges or universities today would be eligible for the work-study programs and that such students who are working could be paid by the college or the university under federally financed programs?

Mr. CRAMER. May I say to the gentlewoman that I do not believe there is an adequate program under existence, moneywise or otherwise, to accomplish the purposes of this section, or I would not have introduced it in order to accomplish that objective, pursuant to the Senate report and printed document that I have referred to.

Mrs. GREEN of Oregon. Would the gentleman advise me if he called for hearings of any people in the field of higher education to find out the question of eligibility, for programs and for student financial assistance?

I would say to the gentleman that the students who are in the colleges and universities are eligible for work and study programs, which is exactly what this outlines on page 68.

I also have serious question about the scholarships. There is no reference in the bill that I can find as to the amount of scholarships that any student would receive. The bill provides 4-year scholarships with no ceiling and no requirement based on "need." Also it occurs to me that the students of those institutions of higher education who would be eligible for the program outlined here would not come under the provisions which were adopted last year by this Congress in regard to disruption of colleges and universities. At the present time the Committee on Education and Labor is looking into this whole matter of student assistance, financial aid to the students at the undergraduate level, and at the graduate level. At a time Congress is reviewing all of the student financial aid, it seems questionable to approve of a further proliferation under another agency of Government.

I also notice that there is a provision that you are going to try to attract secondary students with a promise of financial aid. Is this going to be another upward bound program as talent search program duplicating again—programs that are already in existence?

I just do not understand the reason for this proliferation of financial aid programs. I see this happening more and more often on bills coming from the various committees.

We put in so many financial aid programs that nobody in Congress can keep track of them.

I hope the committee will reconsider and reject this part of the bill. The money could be better spent on other parts of the program so necessary in water pollution control.

Mr. WRIGHT. Mr. Chairman, it is painful to me, in one very important sense, to oppose the amendment offered by my good friend, the gentleman from New York (Mr. STRATTON).

Were I knowledgeable of the specific local situation about which he is concerned, I might quite well sympathize with his position concerning the establishment of a powerplant on Lake Cayuga.

In another sense I feel almost like an example of those fools who rush in where angels fear to tread—into the middle of this obvious New York fight.

But I think it is necessary to state the committee's position in opposition to the amendment offered by the gentleman from New York (Mr. STRATTON).

Basically, the reason we oppose the amendment is that we do not believe it would be wise to change the well-established rules simply to achieve a desired result in one specific case.

The gentleman from New York would create an entirely different procedure with respect to thermal pollution, which after all is only one, although admittedly one important phase of pollution, from these procedures we have uniformly applied with respect to all sorts and types of pollution since the beginning of the program.

I think it would be unwise for us to change this delicate balance that we have carefully and purposely created and preserved between the States and the Federal Government. The States promulgate their own standards, but the Federal authority must review and approve those standards. There were specific reasons for this arrangement, and it appears to be working well.

I think that this balance has done some very good things by encouraging the States and indeed requiring them individually to come up with State standards on all phases and facets of pollution. We have stimulated a very great deal of activity on the part of the States to help us to fight this great menace.

If the gentleman were simply to offer an amendment to require the Secretary in evaluating State's standards to take specific account of the adequacy of those State standards with respect to thermal pollution, I think there would be no objection on the part of the committee. Such an amendment would not be necessary in my opinion, as the Secretary already takes this into account. But, you see, the States fix the water quality standards initially. The gentleman's amendment would set up Federal standards for this one type of pollution and place it in a completely different category from all other forms of pollution.

We feel that the State should draw the standards. But the gentleman's amendment would direct that the Secretary shall promulgate "Federal water quality standards, expressly designed to prevent thermal pollution." It seems to me consistent with the entire philosophy of our efforts heretofore to abate water pollution that we should require with regard to thermal pollution exactly the same situation that we have required with regard to other types of pollution.

The gentleman's State should be required to set standards in that regard.

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

Mr. WRIGHT. I yield to the gentleman.

Mr. STRATTON. Mr. Chairman, the gentleman earlier in his remarks suggested that this situation applied to New York and would not apply anywhere else. As a matter of fact I feel there is nothing unusual here that could not occur in many other States. The only point is that New York has apparently been selected as the best bet when it comes to large

companies establishing a plant on a small lake, a very small one.

There are a lot of other lakes and there is no question there are lakes in the gentleman's home State. So it is not a unique situation and we are not dealing with a new problem.

While I recognize the need in general, if we are going to set standards, they should be set by the agencies that have done the research on thermal pollution and the States have just not done this research. Would it not be best in dealing with this problem if we write in protective legislation that we need in the situation, now before it takes place, rather than after the pollution damage is done and require the Federal Water Pollution Control Administration to set the standards, since they have done the research and are expert in the field.

Mr. WRIGHT. I appreciate the gentleman's concern, but in response to the gentleman's question I think it is necessary to point out that thermal pollution is not a new problem. Thermal pollution has existed, for example, here in the nearby estuaries in Maryland. It has occurred in Chesapeake Bay. Thermal pollution has probably been responsible there for the destruction of a number of former oyster beds and other shellfish habitations. I do not think that it is a new problem. I do not believe that the gentleman is quite accurate when he declares that the States are not conversant with this problem. I would be very much surprised were I to discover that the great State of New York, as progressive as it is in so many, many ways, and as interested as the people in New York and the leadership in New York have been with respect to water pollution, would not have had some standards developed, and would not be interested actively in preventing excessive thermal intrusion into its waters.

Mr. STRATTON. We have standards, but in New York State hearings are going on to decrease these standards now so as to permit those plants to be built.

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

As I indicated before, I support the amendment offered by my distinguished colleague from New York (Mr. STRATTON) and I congratulate him for his work in this area. He has performed a very valuable service.

Thermal pollution, which can be caused by both nuclear and fossil fuel powerplants, presents us with a peculiar problem. Although the Federal Government licenses atomic plants that cause the problem, no agency accepts responsibility for it. The Atomic Energy Commission has specifically stated that it has no jurisdiction over thermal pollution and does not want it. The AEC's sole concern is for safety.

The AEC relies on the State conservation agencies to pass upon the effects that a plant has on natural resources and experience doesn't indicate that that is a very effective method.

The Federal Power Commission, which does get involved in the environmental problems caused by projects under its jurisdiction, is restricted to hydroelectric projects and has no authority over either nuclear or fossil fuel plants. We propose to change this in the Electric Reliability Act, which is now before the Communications and Power Subcommittee of which I am a member. We want to retain AEC jurisdiction over safety and give the FPC authority to pass on other problems. But this is going to take time.

At the present time, the Federal Government is licensing and, in fact, promoting the development of atomic power plants and not doing anything about the serious problem of thermal pollution which these plants and fossil fuel plants cause.

Now this is not a case where the Federal Government is being asked to create standards which will supersede State standards. It is a case where Federal agencies are being asked to set standards to protect from adverse effects Federally licensed projects. The States cannot be relied on to carry the ball.

Much to my sorrow, I have to report that the State of New York does not have a very good record in this regard. In reply to my good friends and colleagues from New York (Mr. MCEWEN and Mr. ROBISON) I must point out that while New York established good thermal pollution standards at the beginning, the State has recently moved to change those standards. The hearings to which they referred are not to strengthen those standards nor to see that they are more effective, but, at the behest of the utility companies, to change the definitions so that in at least one area, tidal estuaries, the standards are substantially lowered. I don't know what the motivation behind this change was, but the effect has been to make it easier for Consolidated Edison Co. to build a number of nuclear plants in the lower portion of the Hudson River, a tidal estuary. I am afraid there will be many situations with respect to federally licensed facilities where the pressure on the States from the utilities is just too great.

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

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

Mr. MCCARTHY. I thank the gentleman for yielding. I think it should be pointed out here that while New York State has set those standards, they really do not become operative until the Secretary of the Interior approves them. So that this is an additional protection here.

I think it should also be pointed out to our other distinguished friends from New York that if the State failed to establish standards—and I am thinking of other cases beyond Cayuga Lake—that the Secretary of the Interior could, indeed, intervene at that point and establish standards so that in terms of the gentleman's amendment, you already have a dual Federal involvement here. They can set standards, the Federals, if the State does not act within 2 years, and the Secretary of the Interior, in Washington, has to approve those standards or they do not become established.

Mr. OTTINGER. Mr. Chairman, what I would like to point out to the gentleman is that we held hearings with respect to massive fish kills caused by thermal effects of the Consolidated Edison plant at Indian Point, N.Y. These hearings were before the Fisheries and Wildlife Conservation Subcommittee of the Merchant Marine and Fisheries Committee. Interior officials came to that committee and said that no agency of the Federal Government has jurisdiction with respect to thermal pollution from nuclear plants. They conceded that the problem is serious, that thermal pollution is destructive of natural resources and should be stopped, but, they said there was not anything they could do. They do not have the authority. The AEC does not have or want the authority. The Federal Power Commission does not have authority. There is a void with respect to Federal licensing of facilities that cause thermal pollution and it should be taken care of.

This is particularly important, because so many thermal nuclear powerplants are being presented as alternative sources of power to reduce air pollution.

This is a big problem and it's going to get bigger. The Office of Science and Technology warned President Johnson that the bulk of the new generating facilities in this country over the two or three decades will be nuclear. They estimated that at least 250 new plants will be built and the plants will be a lot bigger, too. Each will have a capacity between 2,000 and 3,000 megawatts as against 700 to 800 megawatts of today's plants.

Experts have estimated that within 10 years nuclear generating facilities will be using one-fifth of the total water runoff in this country. They will be using it for cooling and the effect of dumping the very, very hot water back into the lake, river or stream from which it came could be devastating. With the cooling devices now advocated, I am told that the water may still be as much as 25 degrees hotter than the stream. Furthermore, it will be dead water, deficient in oxygen and rich in the nutrients that foster the rampant growth of noxious algae that can "kill" a river or lake.

Nuclear plants have a lot to offer as new sources of energy. But we ought to be careful, before these huge investments are made, that we do have the necessary authority to regulate their operation so as to prevent destruction of our fish and wildlife.

Mr. Chairman, I support the amendment.

Mr. WRIGHT. Mr. Chairman, I wonder if we might get some agreement on a limitation of time.

The CHAIRMAN. Is there further discussion on the amendment offered by the gentleman from New York?

Mr. WRIGHT. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude in 10 minutes.

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

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. MCEWEN) is recognized.

Mr. MCEWEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. STRATTON).

Mr. Chairman, I yield to my colleague, the gentleman from New York (Mr. ROBISON).

Mr. ROBISON. Mr. Chairman, I appreciate the gentleman from New York yielding.

I would like to respond to what my colleague, the gentleman from New York (Mr. OTTINGER), said a moment ago with respect to the opinion he has that the New York State Water Resources Commission is moving to decrease or to erode or to weaken whatever water quality standards we have covering thermal pollution.

Here is a copy of the statement by Mr. Alfred W. Eipper, who is an associate professor of fishery biology and leader of the New York Cooperative Fishery Unit at Cornell University, and chairman of the Save Cayuga Lake Committee, as presented to the Water Resources Commission public hearing in Syracuse in March. Among other things Professor Eipper says:

My compliments to the Water Resources Commission on both its timely recognition of the need for such criteria—

And the "criteria" referred to is the commission's proposed thermal pollution criteria—

and its solicitation of public opinion on them. These criteria seem to provide a good framework for regulating thermal discharges in ways that will avoid serious damage to aquatic environments, without excessively restricting the producers of heated effluents in most situations.

Then the professor goes on to make a couple of recommendations for changes in those criteria, and then he says:

In combination with the presently proposed 3-degree, 300-foot criterion, these should effectively safeguard New York's deep stratified lakes from thermal damage.

This clearly indicates New York is moving to strengthen, not weaken, its control standards against thermal pollution, even though the ultimate decisions have yet to be made.

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

The gentleman from Michigan (Mr. DINGELL) is recognized.

Mr. DINGELL. Mr. Chairman, I yield back my time.

The CHAIRMAN. The gentleman from New York (Mr. OTTINGER) is recognized.

Mr. OTTINGER. Mr. Chairman, I yield back my time.

The CHAIRMAN. The gentleman from New York (Mr. STRATTON) is recognized.

Mr. STRATTON. Mr. Chairman, let me just indicate that this amendment is a very simple test of whether we are really interested in doing something about thermal pollution. We could talk about the philosophy of Federal versus State standards, but the fact of the matter is the only effective work that has been done, has been done by the Federal Water Pollution Control Administration. The only real concern has been expressed by the Department of the Interior.

If we give the job of certifying to these agencies, we can prevent this menace of thermal pollution before it gets under way. If we do not, it clearly is going to be eroded in New York, in spite of what the gentleman from New York (Mr. ROBISON) says. The word around Albany is that the tough bill that went through the assembly is not going to get through the senate, and if it does, the Governor is going to veto it, because they are more interested in building nuclear powerplants than they are in protecting our small recreational lakes.

If this happens to Cayuga Lake, and if Cayuga Lake goes the way of Lake Erie—I am surprised the gentleman who fought so hard to end pollution on Lake Erie is not on my side on this question—then many other lakes are going the way of Lake Erie and we are doing permanent damage to the recreational environment of America.

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

The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, the important fact of this total argument is being completely overlooked; that is, the States must establish water quality standards and they must be approved by the Secretary of the Interior.

After all the scientists and engineers and qualified experts in the Department of the Interior review these standards, if they find they are not acceptable or do not meet the water quality standards that should be established in that area, then they make recommendations to the States to upgrade these water quality standards. Certainly, with all the know-how in the Department of the Interior, they are not going to permit the State of New York to permit thermal pollution if it can be avoided.

The argument that the State is going to turn its back on the people of New York and allow a company to pollute Cayuga Lake, I believe, is a fallacious one. Certainly the Department of the Interior will not do it should the State decide to do it.

Assuming that the gentlemen are correct, that there is a hearing going on now—I am not aware of this, but assuming there is a hearing going on—to modify the State standards, already acceptable, these modifications must in turn be approved by the Department of the Interior, by the Secretary of the Interior. He is not going to permit any thermal pollution of this lake. But to the contrary assure that they meet acceptable water quality requirements.

As an added fact let me point out to the committee that the company constructing the utility in that area has voluntarily stopped construction until this whole question of thermal pollution can be more adequately studied. I believe there is adequate time here to make this determination before we would see any pollution of Lake Cayuga. I urge the defeat of the amendment.

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

The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The amendment was rejected.

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

I take this time in order to yield to the gentleman from Texas (Mr. ECKHARDT), so as to get a clarification of the meaning of language in one of the definitions.

Mr. ECKHARDT. Mr. Chairman, I should like to ask this question of a knowledgeable member of the committee.

First I should like to recognize the committee's excellent work on this bill, which seems to me a broad and intelligent approach to the questions involved.

There is one area in this bill which touches my area closely, and I believe also may affect other portions of the country.

The report, on page 2, under the heading "Oil Pollution," deals with oil and matter, and refers to some 200 substances which conceivably the Secretary of the Interior might define as substances in which prevention of pollution could apply.

The point I wanted to be clear about is that these substances, under the definition of "matter" on page 38 of the bill, would include such things as very fine washings, for instance, from a dredge producing shell as an industrial product. I wanted to be sure that the term "dredged spoil" which is exempted from the term "matter" did not exempt this type of substance.

Subsection 2 says:

"Matter" means any substance of any description or origin, other than oil—

And then the words "dredged spoil" are used.

So "dredged spoil" would be excluded from the definition of matter. However, Webster's Third International Dictionary defines "to dredge" as "to deepen with a dredging machine; excavate with a dredge." It defines "spoil" as "a material (as refuse, earth, or rock) excavated usually in mining, dredging, or excavating," and gives the example of an artificial island built with spoil from dredging operations. I assume that the term "dredged spoil" would mean that spoil which is removed from a dredge cut, as where a channel is being deepened, and then the spoil is moved to a spoil island or dump in whole, as a waste product, rather than something which might be washed overboard from what really amounts to a floating manufacturing plant.

Mr. WRIGHT. Mr. Chairman, I think if the gentleman would accept my response, that the gentleman from Texas and the author of the Webster's dictionary and the committee are all in agreement. I think we intend to include in our use of the term "dredged spoil" precisely what the gentleman assumes we intend to include; that is, material moved from one place to another for the purpose of creating a navigation channel or for other such purposes that may require the removal of earth from one place to another. I would not believe, and I do not think the committee would believe, that the type of operation which the gentleman describes as a floating factory and the refuse that is spewed out from that kind of an operation would be exempted under the term "dredged spoil." I do not believe that that type of activity would be summarily exempted as dredged spoil. The extent that the

refuse from such an operation would be prohibited as "matter" defined by the Secretary would be, of course, up to the Secretary to determine. However, I think it is clear that such refuse from such a manufacturing operation could be included by the Secretary in his listing of hazardous and harmful matter and would not be summarily exempted from such a listing under the guise of its being dredged spoil.

AMENDMENT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HORTON: On page 75, after line 24, insert the following:

"SEC. 4. Section 12 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"'(f) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to industrial firms and to political subdivisions of States which demonstrate excellence in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be granted.

"'(A) The Secretary shall award a certificate or certificates and a flag or flags of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

"'(B) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register.

"'(C) Beginning on the day following the awarding of such recognition, the recipient industry or political subdivision is authorized to display publicly the flag and certificate, including the display of the flag insignia and the receipt of recognition as part of advertising and other material which is publicly distributed or broadcast.'"

And renumber succeeding sections and references thereto accordingly.

Mr. HORTON. Mr. Chairman, my amendment to H.R. 4148 provides for a program of Federal recognition awards to private industry and local government which demonstrate excellence in the fight against pollution of our waterways.

Every once in a while it is refreshing for the Federal Government to help solve a pressing national problem with a program which does not cost millions of dollars to launch, and which is relatively free of bureaucratic redtape.

In the summer of 1966, the National Resources and Power Subcommittee of the Committee on Government Operations, chaired by our able colleague, Congressman ROBERT JONES of Alabama, held hearings on pollution problems in Monroe and Wayne Counties in the State of New York. It was during these hearings in Wayne County that a constituent of mine, County Clerk Leonard Schlee, called me aside and made the suggestion that an effective way to encourage private initiative in improving waste treatment and eliminating pollution would be to institute a nationally publicized "clean water" award, similar to the "E" awards given to defense plants during World War II. This award would be given by the Federal Government to industries which took exemplary initiative in solving pollution problems, through improvement of waste treatment methods, or through installation of modern waste treatment facilities meeting the stringent standards of the award.

Upon returning from those hearings almost 3 years ago, I submitted legislation which authorized the Secretary of the Interior to grant such awards to private companies and local governments.

Since that time, the problems of pollution in this Nation have, despite great effort on many fronts, grown worse. The Federal Government, because of huge budget commitments to the war and to other domestic needs, has not been able to supply enough antipollution dollars, nor even all of the funds Congress has authorized to help State and local governments attack pollution. We have not yet been able to act on a plan of tax incentives for industries which invest in antipollution facilities.

I believe that a nationally publicized and carefully administered program of Federal "Clean Water" awards could provide some of the needed incentive to get industry and local government to respond positively to the sorry state of too many of our lakes, rivers, and streams. My amendment springs from the idea that one of the foundations of private initiative is the desire for public recognition and community approval. Business recognizes the importance of public good will as a necessity for building markets and for obtaining and retaining competent management and employees. Eastman Kodak Co., in Rochester, has demonstrated its awareness of the importance of this factor. This firm, which is in the process of building a modern secondary treatment plant for its chemical and industrial wastes, has publicly contracted with a little goldfish, to test the purity of its treated effluent—using the health of this lively creature as testimony to the company's efforts to eliminate water pollution.

A program of "clean water" awards would provide a double incentive, at very little cost to the Government. It would serve to encourage companies and localities which have taken very little initiative in cleaning up their wastes to get on the stick and do their part to attack this problem. It would also serve to publicly recognize those cities and towns and industrial firms which have already expended millions of dollars to provide truly exemplary waste treatment facilities, or to develop needed improvements in waste treatment techniques.

Mr. Chairman, I think this amendment would sharply focus on the high priority that our Government gives to correcting the pollution of our environment. Even at a time when the truly massive appropriations necessary to lick the pollution problem are beyond our reach, a well-administered and well-publicized program of awards for excellence in pollution control would stimulate the conscience of America, and I believe, would help to stimulate action on the part of both public and private organizations to do their part in this fight.

I urge each of my colleagues to support this measure.

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

Mr. HORTON. I shall be glad to yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, I know of no one who has served with more diligence and who has gained more knowledge in water resource development than the distinguished gentleman from New York (Mr. HORTON), who has just offered this amendment.

It is my opinion that the amendment is one that is of great value. It could be utilized by industries which are making a great effort to meet the problem of water pollution and to increase the quality of water from which withdrawals are made. Therefore I believe the gentleman's amendment would grant recognition to these vast industrial efforts, and for that reason they would play a much greater role in seeking an answer to the solution of a major public endeavor, and that is to clean up the waters of our country. Consequently, I hope that the Committee will accept the amendment, because I feel it has great value.

Mr. HORTON. I certainly thank the distinguished gentleman from Alabama (Mr. JONES). It was a real pleasure to work with the gentleman on the Natural Resources and Power Subcommittee of the Committee on Public Works. I am sure that through the efforts of that subcommittee and the hearings which we held throughout the country, we did much to bring to the attention of the American people the work that is being done by private industry, and by many local governments, to abate pollution. We found little public recognition for vast expenditures by private industries and for great courage by local elected officials to institute expensive local programs to solve pollution problems.

A program such as proposed here would give some Federal recognition which would not be in terms of any monetary value, but an award which would represent recognition on the part of the Federal Government for outstanding antipollution programs which in my opinion would certainly be warranted and advisable.

Mr. DINGELL. Mr. Chairman, would the gentleman yield?

Mr. HORTON. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding. I believe the gentleman has a good idea here. Because this amendment was not read in full, we have no understanding of the limitation that would be imposed upon this award. I am more than satisfied that the gentleman from New York contends that the award would be made only to persons who are deserving, industries, municipalities, and others who have done something in terms of cleaning up our streams, and would not be something that would be handed out merely at the whim or caprice on the part of someone, or without due consideration to the efforts which have been made by the parties involved.

Mr. HORTON. I did terminate the reading of the amendment. However, I

have sent a copy of this amendment around to all Members. There would be no caprice or whim in the selection of industries, businesses, or governments to receive these awards. The essential part of the amendment reads as follows:

(f) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to industrial firms and to political subdivisions of States which demonstrate excellence in their waste treatment and pollution abatement programs. The Secretary shall in consultation with the appropriate State water pollution control agency establish regulations under which such recognition may be granted.

Thus, regulations would be required on which to base recognition and granting of awards.

Then it goes on to point out that certificates shall be awarded and that the people, the industry or the municipality——

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. BLATNIK. Mr. Chairman, in order to conserve further discussion on the point raised by the gentleman from Michigan, and on the amendment itself, the committee does accept the amendment.

I would like to have the RECORD show that the author of the amendment made a very impressive and persuasive presentation before the committee. He had an amendment that showed a great deal of consideration had been given to it. It was reviewed by the staff, both the majority and the minority participating, and suggestions and modifications were made to it.

We do accept the amendment submitted by the gentleman from New York.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HORTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: On page 78, after line 17, insert the following:

"SEC. 6. (a) The Congress hereby finds and declares—

"(1) that because certain waters of the Nation which have been subject to increasing pollution over the years may become environmental disaster areas in which the water of the region is in immediate danger of becoming unsuitable or possibly harmful to the population of the area, Therefore, Congress resolves by this section to provide an emergency fund to provide permanent corrective relief for those areas of the Nation which are in environmental crises.

"(b) As used in this section—

"(1) The term 'Commission' means the Pollution Disaster Commission authorized by subsection (c) of this section.

"(2) The term 'pollution disaster area' means any area of the United States, the Continental Shelf, or the Great Lakes, in which the water has become or is in danger of becoming unsuitable or harmful for the uses to which it has been traditionally used in that area because of the accumulation of pollutants or other induced changes in the environment and ecology.

"(3) The term 'fund' means the Pollution Disaster Fund authorized by subsection (d) of this section.

"(4) The term 'waste treatment works' means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary interceptor, outfall, storm, lateral, collector, sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

"(5) The term 'Secretary' means the Secretary of the Interior.

"(6) The term 'person' means any individual, corporation, company, association, firm, partnership, society, and joint stock company.

"(c) (1) There is hereby established a commission to be known as the Pollution Disaster Commission.

"(2) It shall be the duty of the Commission to establish those areas in the United States, the Continental Shelf, and the Great Lakes which are pollution disaster areas for the purposes of this section.

"(3) The Commission shall be composed of seven members appointed by the President by and with the advice and consent of the Senate, four of whom shall be recognized experts in the fields of biology, ecology, and conservation and the remainder of whom shall be representatives of the general public. No member of the Commission shall be a full-time officer or employee of the United States.

"(4) Members shall serve at the pleasure of the President.

"(5) Members of the Commission shall each be entitled to receive $100 for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

"(6) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(7) Four members of the Commisison shall constitute a quorum.

"(8) The Chairman and Vice Chairman of the Commission shall be elected by the members of the Commission.

"(9) The Commission may appoint and fix the compensation of such personnel as it deems advisable. Such personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(10) The Commission may for the purposes of carrying out its duties under this section hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

"(d) There is hereby established in the Treasury of the United States a fund to be known as the "Pollution Disaster Fund". There is hereby authorized to be appropriated such funds as may be necessary to initially establish the fund at $100,000,000 and to replenish it thereafter to maintain it at such amount. The Secretary, acting through the Federal Water Pollution Control Administration, is authorized to expend moneys from the fund in accordance with subsection (e) of this section.

"(e)(1) Whenever, in carrying out its duties under subsection (c), the Commission determines that an area of the United States, the Continental Shelf, or the Great Lakes, is a pollution disaster area, and of such dimension that solutions are beyond the capability of any single individual state, the Commission shall notify the Secretary of such determination and the Secretary is authorized to take such action as may be necessary in the case of a pollution disaster area, to provide permanent corrective relief for the pollution disaster area as authorized in paragraph (2) of this subsection.

"(2) In the case of an area declared to be be a pollution disaster area, the Secretary is authorized to make grants from the fund to any State and to any political subdivision of such State, and to any interstate agency created by such State and one or more other States, for any activity designed to provide permanent corrective relief to such area, including, but not limited to, the construction of waste treatment works within the pollution disaster area. A grant for construction of waste treatment works shall not exceed 90 percent of the reasonable cost of such construction. The Secretary is also authorized to purchase evidences of indebtedness and to make loans (including participations in loans), and to guarantee loans, from the fund to aid in financing any projects by private persons for the construction of any waste treatment facility or any other related facility. Financial assistance authorized by this paragraph shall be on such terms and conditions as the Secretary determines are necessary to protect the interests of the United States and carry out the purposes of this section. Loans and guarantees under this paragraph shall be at low rates of interest as determined by the Secretary.

"(3) The Secretary shall, in any case where there is more than one pollution disaster area requesting assistance under this section, give priority to those areas containing the highest concentrations of population and having economies dependent upon the threatened natural resources, and to those areas where the polluted waters are interstate waters or waters along the boundary between this country and Canada, and between this country and Mexico."

Mr. VANIK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as having been read.

I have sent copies of the amendment to both sides of the committee.

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

There was no objection.

Mr. VANIK. Mr. Chairman, this amendment before the committee at the present time provides for the establishment of national pollution disaster areas, and for this purpose I have requested an appropriation of $100 million which will be directed toward the really massive pollution problems of the United States.

Mr. Chairman, I have always supported pollution proposals which were authorized or which were brought to the Congress by this committee. In my period of time as a Member of the Congress I have joined in authorizing and sponsoring and in supporting over three billion dollars in water pollution control legislation, of which $1.5 billion has been appropriated.

Today, after the expenditure of this kind of money, we along the shores of Lake Erie find ourselves in a situation which is worse than it was when we first started these programs. It is said that Lake Erie is a dead body of water. And we do have a body of water which is deteriorating so rapidly that it has indeed become the Nation's greatest pollution disaster area.

We are likely to become the Nation's first manmade depressed area, because of the pollution problem. There are other parts of America that have a comparable problem. There is a problem in northern New Jersey, and southern New York, along the Hudson River. We have the problem that occurs along southern Lake Michigan, along stretches of the Mississippi River, and along the coast of California.

I believe that it is time that we should consider approaching the problem of pollution on a regional basis, in a massive way, to meet these problems.

For example, in Lake Michigan we find that out of $51 million that was allocated to Illinois from Federal funds, only $12.7 million has gone to Cook County.

Detroit, which pours its waste into the Detroit River, which runs into Lake Erie—probably the largest single source of our pollution—out of $47 million allocated to the State of Michigan in the last 13 years only $8 million has been spent in Wayne County.

We have the same problem in Ohio. Although we have had almost $49 million provided in Federal funds, we find that these moneys have been scattered throughout the State in small but necessary projects, which help, but the great source of pollution, the great polluted area of Lake Erie, receives no consideration at all related to its need.

A great many other grants have been made which are really in the form of economic development. We find a lot of these resources being allocated by the several States, not to clear up existing pollution, but to provide for sanitary systems and sewage disposal systems, which make it possible for new industries to locate in these areas.

In testimony before the Committee on Public Works, the Assistant Director of the General Accounting Office indicated the use of U.S.-financed waste treatment works for the sole treatment of private industrial wastes might become common.

So what we need is a task force approach—something that will be directed regionally to the area of need.

My legislation is directed toward that end. I think about Lake Erie. Some of my colleagues may think about disasters of those proportions that affect their communities. But I say that our Lake Erie problem is international. It is interstate. It is completely beyond the capacity of any single State to solve. Therefore, it is a national problem. It requires a special approach which is not available under existing law.

I cannot just stand by and see Lake Erie and the Lake Erie problem overlooked. I cannot give up on Lake Erie. I feel that we ought to perform a transplant to bring back life to the lake instead of trying to perform an autopsy on something that is dead and gone.

I have not given up hope on Lake Erie and I plead with my colleagues in the House of Representatives and on this Committee to provide the help that is needed on this most critical problem.

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

Mr. VANIK. I am happy to yield to my distinguished colleague, the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I congratulate the gentleman on his amendment and I certainly would like to support him.

I think the gentleman is giving the House an opportunity in this bill to deal with the specific isolated problems of greatest need. The whole approach of specifying disaster areas and moving in with assistance is not new. We do it under the Economic Development Act and we do it with various other procedures.

The gentleman is proposing the machinery that would permit the Federal Government to move in with substantial resources when a problem starts to develop which could become an ultimate disaster.

The bill we have before us provides aid across the board to all communities and deals with a broad stroke in dealing with the problem.

What the gentleman is proposing here makes a great deal of sense and there are certain potentials for great disaster in this country affected by pollution.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. VANIK asked and was given permission to proceed for 5 additional minutes.)

Mr. PUCINSKI. There is no greater problem right now than Lake Erie. So it seems to me that we should recall the wise words of perhaps one of the most expert Members of this Congress in this field, the gentleman from Minnesota, who yesterday said:

> 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.

Then he said:

> 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.

Certainly, we have here a situation where it will take millions upon millions of dollars to restore Lake Erie. If there had been available an apparatus such as the gentleman is now proposing in this amendment 5 years ago or 10 years ago, Lake Erie would not be the disaster area that it is today.

So for that reason, I will support the amendment.

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

Mr. VANIK. I yield to the gentleman.

Mr. BLATNIK. I want it to be clear that if it were not for the negligence of the States bordering on the lake in the first place at anytime in the last 50 years, they could have stopped the pollution and we would not have that problem on the floor of the House here today before us. I want the record to show that. It was not because of any neglect or delay on the part of this body.

Mr. PUCINSKI. I would not quarrel with the gentleman's statement in that regard. He is an expert in this field and I respect his good judgment. But the fact remains that what the gentleman is proposing is the creation of an agency or an apparatus that would be able to deal effectively with these problems, these huge problems that often go beyond the scope of the legislation now before us.

I think it makes a great deal of sense. This is the way to approach the problem. The gentleman has said, "Let us set up a fund of $100 million so we can move in and deal effectively before it spreads and affects the whole community." For that reason, I think it is an imaginative amendment. It would be my hope that the Committee would accept it.

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

Mr. VANIK. I yield to my colleague from Ohio.

Mr. FEIGHAN. I wish to commend my colleague for his foresight in bringing forth this amendment. It is my hope it will be adopted. I think it is patently clear to everyone that Lake Erie is just one of many unfortunate situations that exist in the Nation with reference to the pollution of rivers, lakes, and recreational areas. As an example, Cleveland, Ohio, voted a $100 million bond issue for air- and water-pollution control. It seems to me absolutely necessary that this Congress cooperate with the citizens of our country, not only those bordering on Lake Erie, or other great lakes, and offer them an opportunity to match funds in some manner or other to clear up this pollution which, in the case of Lake Erie, is creating almost a dead lake.

I certainly urge adoption of the amendment. I understand there have been considerations of other methods by which this serious condition may be met and eliminated. I would rather have this amendment accepted than to try to wait for other crash programs later.

Mr. Chairman, the creation of a national pollution disaster fund, will provide a much-needed stimulus to the water quality of the Great Lakes and other national waterways.

This amendment will authorize an appropriation of $100 million for the establishment of a pollution disaster fund within the Treasury Department. To channel these moneys into needy areas, a seven-man Pollution Disaster Commission will be created. Four of its members shall be acknowledged experts in the fields of biology, ecology, and conservation and the remaining three persons will be representatives of the general public. All members will be appointed by the President with the consent of the Senate and will have as their task, the allocating of Federal funds to areas of the United States, Great Lakes and the Continental Shelf which have been subject to increasing pollution and whose waters are in imminent danger of becoming unsuitable or harmful to the population.

These areas will be designated as environmental disaster areas and as such will be eligible for Federal aid through the pollution disaster fund, to take whatever action necessary to correct the inadequate and substandard condition of their waters.

Ninety percent matching grants will

be made by the Secretary of the Treasury in coordination with the Federal Water Pollution Control Administration, to any State or political subdivision for any activity designed to provide permanent corrective relief to the disaster area, including the construction of appropriate waste treatment works.

The amendment also authorizes the Secretary to make and guarantee loans to any individual, association, or company for the construction of any waste treatment facility.

This amendment is offered in direct response to the rapidly deteriorating conditions of our Nation's waterways. Waters such as Lake Erie, where people at one time could freely enjoy the pleasures it offered, but now the water is contaminated to such an extent that it is no longer a center for recreational activity. People have been forced to consider the harmful effects the impure waters have on their health and well-being. Plant and animal life have suffered untold damage because of the inferior quality of such waters.

In Cleveland, where the voters recently approved a $100 million antipollution bond issue, this amendment will demonstrate that the Federal Government shares their commitment to clean water and is anxious to provide them with the much-needed assistance in getting the job done. Similar areas throughout the country will benefit from this amendment and I urge my colleagues who share our commitment to clean water, to join in support of this amendment.

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

Mr. VANIK. I yield such time as he may desire to the gentleman from California.

Mr. EDWARDS of California. I thank the gentleman. I congratulate the gentleman from Ohio for bringing this amendment to the floor of the House.

I note that yesterday the gentleman from Ohio (Mr. VANIK), asked if any other water pollution problem in the Nation matches that of Lake Erie. I for one hate to brag—at least in the area of claiming the most polluted body of water in the Nation—but I must confess I believe San Francisco Bay matches, if not exceeds Lake Erie in the complexities of the pollution. We have sewage and industrial wastes of all types pouring into the bay at a rate now exceeding that of the fresh water flow in major portions of the bay. At the same time the Federal Government and the State of California are further cutting the fresh water flows into the bay while building additional pollution pipelines to the bay.

If San Francisco Bay is not now an environmental disaster area, it soon will be. We too need far more help than is offered in this bill, and we need it now. In the future I would hope to brag about the beauties of San Francisco Bay, not its problems, and my contests with the gentleman from Ohio will be in comparing the delights of Lake Erie with those of my bay. I believe I will win hands down.

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

Mr. Chairman, I would like to join my colleagues in supporting the amendment to H.R. 4148 which would establish a special $100 million fund to be used to combat pollution in areas which have become, in every sense of the word, natural disaster areas. I have joined with 28 other Members of this Chamber in sponsoring, as separate legislation, a bill to provide relief for pollution disaster areas. It is my hope that that bill will be accepted as an amendment to the legislation before the House today.

The congressional district which I represent touches on the waters of Lake Erie—the lake which has, as members of the distinguished House Public Works Committee have said, a pollution problem unmatched in the Nation. The Cuyahoga River, one of the major tributaries of Lake Erie, flows through my congressional district in the city of Cleveland. This river is so polluted and so covered with chemicals and oils that it periodically catches fire. It has been called "the only body of water ever classified as a fire hazard." Because of unavoidable age and overloading, the city of Cleveland's sewer system has suffered several recent breaks. For half a year in 1967 and during the last half of 1968, 30 million gallons of raw sewage a day flowed into the Cuyahoga River while sewer lines were under repair. Is it any surprise that the coliform count at the point where the river enters Lake Erie is 1,200 times the bacteria level allowed for safe swimming? Not only is the river totally unsafe for humans, but it is unable to support any form of marine or aquatic life.

The voters of the Cleveland area have just approved a massive $100 million bond issue to be used in Cleveland's antipollution crusade.

Yet the problem of Lake Erie, and even of the Cuyahoga River, is too big for a single community to solve. The major source of Lake Erie pollution is, as a matter of fact, the Detroit River. Obviously, help from the Federal Government is needed in problems as large as that of the interstate and international waters of Lake Erie.

But the legislation before us, H.R. 4148, does nothing to help solve the critical pollution problems of areas like Lake Erie, the Hudson River, San Francisco Bay, and lower Lake Michigan. During yesterday's debate on this bill, it was pointed out by members of the committee that the bill does not provide for a broad assault on the existing pollution in lakes such as Lake Erie.

The amendment offered by my colleague from Ohio (Mr. VANIK), and which I am supporting, does offer hope to areas like Lake Erie which have become pollution disaster areas. The amendment will provide that once a water area has been determined by a commission composed of conservationists and ecologists to be in severe ecological danger, to be so polluted that it is unusable and a danger to health, grants and loans from a $100 million fund will be available to communities and residents of the area for assistance in constructing pollution control devices.

Only a concentrated attack, such as this amendment provides, can save for ourselves and our children these bodies of water, our most precious natural resources.

I urge support for this amendment.

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

Surely every member of the Committee is fully sympathetic with what the gentleman from Ohio desires to do. He appeared before our committee and discussed his proposal in eloquent detail. Certainly Lake Erie is the most advanced case, among the other great lakes, of the debilitation of a great body of water. Certainly a massive assault should be made upon the pollution of this great natural resource.

I refer the gentleman to some lines I wrote back in 1965. I wrote a book that was published in which I pointed out:

> Lake Erie is not only blighted by municipal and industrial waste from those communities which border its shrinking shore lines, but it is also defiled by more than 20 grossly polluted streams. One of them, the Cuyahoga River, was recently found to contain 4 times the bacteria count expected in a stream of raw sewage.

So, as the gentleman can see, I have been actively concerned about this problem for years.

I simply raise this question: Sympathetic as all of us are, desirous as all of us on the committee and hopefully in the entire Congress are to make the assault necessary to clean up this great body of water and the other great lakes, I wonder if the gentleman has any thought that the Congress in the present budgetary situation is going to be able to appropriate $100 million more, as he asks?

Four years ago we approved a massive program to assault pollution on all streams and all bodies of water in the United States. It was the boldest, bravest, most forward-looking program that ever had been offered in this field. It passed this House and the other body unanimously. There was not one single vote against it.

That bill authorized this kind of escalation in expenditures: $450 million for 1968, $700 million for 1969, $1 billion for fiscal year 1970. That is already authorized. We passed that authorization without a dissenting vote in either House.

But what have we done? Have we made that money available? No, we have not. In 1968 we made less than half the $450 million authorized available. We made $203 million available by appropriation. In 1969 we made less than one-third the $700 million available. We appropriated $214 million. For 1970 the administration recommends that we again appropriate $214 million. This is less than one-fourth the amount this Congress authorized, unanimously, for fiscal 1970.

If the gentleman from Ohio wants to put on the books a suggestion that we will authorize for the Great Lakes another $100 million in addition to this $1 billion we already have authorized for the whole Nation including those streams that flow into the Great Lakes, then, fine, we could do that. But, my friends, would it not be meaningless when we cannot get Congress to appro-

priate more than $214 million for the whole Nation, for every community beset by pollution, for every stream that is defiled?

What good is an authorization without an appropriation? A total of $214 million for the whole program—that is all we appropriated last year and that is all we are being asked to appropriate this year. That much for the whole Nation. I think it would be a cruel deception to pass a bill that would say we are going to put up $100 million for this additional purpose and then not do it.

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

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

Mr. JONES of Alabama. Mr. Chairman, the testimony before the committee was that it would take us 92 years to bring water quality up to the established standards that we expected in all the bills we have passed. So we are putting a disproportionate amount on a single project. The total aim of all this legislation is to make geographical distribution of the money so that all the streams may have some proportionate share.

I will say to the gentleman from Texas nobody has done more than I and the subcommittee with which I have been associated as chairman to bring about improvement in and to draw public attention to the state of deterioration in Lake Erie and the other lakes, but I do not think it is necessary for us to take a disproportionate amount of the money and apply it to one single body of water and to the exclusion of the others. We all know, as we have pointed out, we will not be able to have sufficient money to do all the urgent tasks and studies that confront us to eliminate and arrest pollution throughout the country.

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

Mr. MINSHALL. Mr. Chairman, I have listened for 2 days to the debate over amendments to the Federal Water Pollution Control Act. I shall, of course, vote for it, just as I have supported antipollution measures time after time in the past. I will dedicate every effort in my House Committee on Appropriations to see that every cent we authorize today is appropriated.

But, I am discouraged after all these years that the pollution of Lake Erie and funds to save the lake should still be a subject for debate. When all the sound and fury dies down, we who come from States bordering this most polluted body of water in the world still are given only a trickle of money to fight pollution in Erie.

In order to adequately express the emergency nature of the Lake Erie crisis, therefore, I have today written Governor Rhodes asking that he, in accordance with title 42, section 1855, of the United States Code, ask the President to declare Lake Erie a national disaster area. I also am advising the White House of my action and I would urge those of my colleagues from other States bordering Lake Erie to take similar action.

For the situation in Lake Erie is just that: a national disaster, as defined by law, just as real as if the area had been stricken by flood, tornado, or blizzard. Federal funds and forces are immediately mobilized when calamities such as these strike. The disaster of Lake Erie, the decay which is inexorably leading to its death, has been gradual. Perhaps because its destruction has not been as quick or dramatic as a flash flood or forest fire that it has not captured the imagination or inspired the sympathetic indignation of a broad spectrum of Americans. But it is a disaster of the first magnitude jeopardizing the health and the jobs of millions of citizens who live and work on its borders. The lake is literally rotting away and taking with it priceless fishing and recreational areas. Erie's commercial fishermen are suffering severe financial losses, with their total catch down by more than 50 percent. Not a Clevelander who pours a glass of tap water but is reminded by its sickening discoloration of the contamination of the lake.

In 1967 I extended an invitation to then President Johnson to fly over Lake Erie to see for himself the tragic condition of that once beautiful body of water, where more than 4,000 square miles of Erie are absolutely dead, all life strangled by algae. I wanted him to see, too, the miles of beaches closed because the water is unsafe for swimmers.

I extend that invitation again to President Nixon or to those officials who he may designate to make the same flight over the lake, the same visit to the shoreline. I do not think they could fail but agree that this is, indeed, an exceptional pollution case, a national disaster.

My concern and sympathies are extended to my colleagues who argue that Lake Erie is but one of many polluted bodies of water in our Nation. I agree that pollution is a national problem, one of the greatest domestic issues confronting us. But I would suggest that they, too, might see for themselves the incredible conditions of Erie. I believe they, too, would be convinced that this is a special, a unique, case requiring national emergency action.

As regards the bill before us today, I would like to point out that I have both in this Congress and in the 90th Congress introduced legislation to curb dumping of dredging into Erie and other navigable waters by the Corps of Engineers. It is ironic that we hand out millions of dollars to combat water pollution on the one hand, the corps and other Federal agencies are among the major offenders in contributing to the pollution. I also would like to mention that in this and in the last Congress I also sponsored legislation of the type incorporated in today's bill to eliminate the type disaster witnessed in the *Torrey Canyon* incident in England. I am pleased that both pieces of legislation are incorporated and enlarged upon in H.R. 4148.

At this point in the RECORD I wish to include my letters to Governor Rhodes and to the President requesting that Lake Erie be declared a national disaster area:

APRIL 16, 1969.

HON. JAMES A. RHODES,
Governor, State of Ohio,
Statehouse, Columbus, Ohio.

DEAR GOVERNOR RHODES: Inasmuch as the pollution of Lake Erie continues unabated, constituting a continued serious threat to the health, recreation and economy of the State of Ohio, and, inasmuch as the impact of the deterioration of the lake failed to impress the last Administration and now appears unlikely to receive sufficient support from the present Congress, I strongly urge you to ask President Nixon to declare Lake Erie a disaster area. In making this request, I cite the following Federal statute:

"Title 42, Section 1855. Declaration of Congressional Intent.

"It is the intent of Congress to provide an orderly and continuing means of assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters, to repair essential public facilities in major disasters, and to foster the development of such State and local organizations and plans to cope with major disasters as may be necessary."

"Title 42, Section 1855a. Definitions.

"(a) 'Major disaster' means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President is, or threatens to be, of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the Governor of any State (or the Board of Commissioners of the District of Columbia) in which such a catastrophe may occur or threaten certifies the need for disaster assistance under this chapter, and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same purposes with respect to such catastrophe."

I do not need to elaborate to you, who are so mindful and concerned regarding the crisis situation of Lake Erie, the paucity of funds granted under the last Administration for the fight against pollution to the State of Ohio. I am urging colleagues from other States bordering the lakes to call on their State Governors to take similar action, but I would of course be proud to see you in the lead.

I am certain you agree that conditions in Erie constitute a "national disaster" which has not been brought fully or dramatically to the attention of the Nation as a whole. Perhaps this will be the vehicle by which we can bring its plight to the public and enlist the aid of conservation and economy-minded citizens in saving Lake Erie.

A copy of this letter is being sent to President Nixon, along with an invitation to the President or any official he designates to join me in flying over the lake to survey the dead portions, to tour the beaches closed because of health hazards, and to discuss the problem in specific terms. This invitation is, of course, also extended to you.

With warm personal regards,

Sincerely yours,

WILLIAM E. MINSHALL,
Member of Congress.

APRIL 16, 1969.

The PRESIDENT,
The *White House,*
Washington, D.C.

DEAR MR. PRESIDENT: Conditions in Lake Erie have reached such a critical point, and past Federal assistance to alleviate the pollution so sparse, that I have written to Governor James A. Rhodes urging him to ask you to declare Lake Erie a national disaster area.

As stated in my attached letter to the Governor, I feel that Lake Erie qualifies as a disaster area as defined under Title 42, Section 1885a(a).

Not only the economy of the states bordering the lake, but the health and recrea-

tional facilities of its millions of residents, are in the gravest jeopardy. I do not believe full realization of this threat has been brought home to most American citizens, despite the shocking fact that Lake Erie is conceded to be the most polluted body of water in the world. Its death would have an economic impact reaching much farther than the states sharing its shoreline.

It would be my pleasure to personally show you, from the air, the thousands of square miles of Erie which are absolutely dead, all life strangled by algae, and the thousands more miles under immediate threat. I invite you to inspect the deplorable condition of lake beaches, many closed because they are unsafe for swimming. And I call your attention to the severe financial losses suffered by the fishing industry, where the catch is down by 50 percent. It is not necessary to point out that the death of Lake Erie would be a virtual death-blow to lake transport as well as to local industry.

If it is not possible for you to make such an inspection trip, I respectfully request that you designate appropriate officials from the Departments of Health, Education and Welfare, Commerce, Interior and the Army to join me.

With highest regards,

Respectfully,

WILLIAM E. MINSHALL,
Member of Congress.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as was made abundantly clear, factually, and realistically by the gentleman from Texas (Mr. WRIGHT), and by our respected friend and colleague, the gentleman from Alabama (Mr. JONES), we are not only aware of, but quite knowledgeable about, and truly and earnestly sympathetic—and I mean sympathetic—with the plight and the problems existing particularly but not only with respect to Lake Erie, which problems are certainly enormous—monumental and complicated. We agree we should begin to work on this large and complex problem, but we cannot approach it on a scale as large as that proposed by the gentleman's amendment.

In fact, I urge this body to vote down the amendment, in a friendly and understanding manner, with the understanding that a subsequent modified version will be worked out by the gentleman and his colleagues from Ohio and members of the committee and staff, and which will then be submitted to the House for consideration. I am confident that a proposal applicable to all the Great Lakes, and in line with the general provisions of the mine-acid pollution section is worked out, that we can agree to such an amendment and work on the Lake Erie problem can be gotten underway, as well as work on remedying pollution problems elsewhere on the Great Lakes.

I do urge that this amendment be defeated and that the gentleman from Ohio be recognized next to submit the modified amended version.

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

Mr. Chairman, as a member of the Public Works Committee from a district on the shore of Lake Erie I feel compelled to speak on the amendment offered by the gentleman from Ohio.

I have cosponsored the bill which the gentleman from Ohio offered. And I am very hopeful that the committee, after this valuable debate, will seriously consider the gentleman's bill and hopefully will hold hearings, possibly on the shores of Lake Erie. I believe we need the bill.

In response to the gentleman from Alabama, while we certainly want to clean up all the streams in the country there are some pollution disaster areas. Just as in the Appalachian approach we recognize there are depressed areas in the United States, so also there are acute disaster areas in terms of pollution.

We have a crisis here, a national crisis which really affects our viability and our future as a society, in terms of pollution.

I do not see how we are ever going to really deal with this program until we reorder our national priorities.

This committee has done a tremendous job, I believe, under the leadership of our distinguished chairman and the chairman of the subcommittee, the gentleman from Minnesota. We have brought excellent legislation to the floor and seen it passed. Today's bill is another major step forward.

As the gentleman from Texas said, a billion dollars has been authorized for next year for a nationwide attack on pollution, yet the Bureau of the Budget comes in with a recommendation for $214 million. That is about 20 percent.

We should contrast that by just taking one item from the budget for the Department of Defense, for germ and gas warfare, $350 million. Many items in the chemical and biological category we never even voted on knowingly. They are effectively buried in the Defense budget. Now contrast that $350 million with bills passed by the other body and by the House unanimously, to attack this crisis of water pollution, and we see how inverted are our priorities.

We do not have the money. Where is the money going to come from? One way is somehow to come to grips with the gargantuan defense budget in an effort to realistically and prudently trim it back so that we have some resources to utilize in an attack on these grave domestic problems.

I can assure the Members, coming from Buffalo, that this is a crisis. This is a major crisis. It affects the future of our area. The same is true for Detroit and Cleveland and all around the lakes. This is of major national importance. And we are putting "peanuts" into this program.

I do not believe, in fairness to the gentleman from Ohio, we can kid anybody and suggest we are going to pass any authorization, because the crunch comes in the Appropriations Committee.

Until we can muster the determination to reorder our national priorities we are not going to attack the problem of water pollution or any of the other urgent domestic problems.

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

Mr. McCARTHY. I am happy to yield to the gentleman from Texas.

Mr. ROBERTS. I appreciate the gentleman's yielding.

I agree, certainly, with some reorientation of our priorities, but I believe we have overlooked one thing.

When the distinguished gentleman from Ohio was before our committee he testified that the city of Cleveland had passed a $100 million bond issue to help clear up its own sewage problem, but that there were 25,800 able-bodied men on welfare. So let us reorient it and do a public works project, where we can let those people work for the city of Cleveland or somewhere else on a public works project, instead of passing out these grants.

I appreciate the gentleman's statement.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. VANIK). It is identical to the bill that I and a number of others are cosponsoring with him. Our growing concern about the Nation's pollution crisis is the basis for this action, and it is our hope that the amendment will be adopted.

Ample evidence has been presented to show the need for the disaster pollution fund. The California oil leak disaster, still fresh in everyone's mind, and the increasing pollution of the Great Lakes, and the Mississippi River are prime examples of the need for emergency action. It should be noted, too, as the gentleman from Ohio has pointed out, that the pending amendment does not waive the polluter's liability; it merely makes available the needed funds to get the job done.

Some may argue that $100 million is too much money, that the budget cannot stand it. Well, I think it is time to reflect on what we want this country to be. If we can spend $80 billion a year on defense, we can certainly afford to authorize an additional $100 million to protect our air and water—the two essential ingredients for sustaining human life. It is an investment that will reap dividends far beyond the original cost. The quality of human life is at stake here, and it is ridiculous to put a ceiling or price tag on it.

One other point should be discussed. Last month in testimony before the House Public Works Committee the gentlemen from Ohio brought out some very interesting statistics, indicating that an inordinate number of water pollution control grants were going to less populated areas. I have no argument with those areas receiving equitable amounts of Federal assistance, but I do object to the fact that our populated areas are shortchanged in the process. Gentlemen, we live in an urban society; over 70 percent of our people live in urban areas. It would stand to reason that our populated areas must be served adequately and effectively.

The basic purpose of the amendment is just that. To protect and to reclaim our air and water so that our growing urban population can enjoy these vital resources.

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

Mr. Chairman, I had intended to offer an amendment, but on discussing this with the members of the committee I have refrained from doing so.

However, I wish to call the attention of the Committee to a problem that I think has not been sufficiently dealt with in this particular measure under consideration. This is the problem of controlling the influx of salt water into fresh water bodies and particularly into estuarine systems.

The existing act already indicates the national intention to designate these waters as deserving and worthy of considerable protection, but there is nothing in the act which deals with the threat to an estuarine area jeopardized by the intrusion of salt water—an intrusion of salt water into an estuary means there is a major decrease of inflow of lifegiving fresh water into the estuary—there is nothing in this act which determines that that decrease of fresh water flow into the estauary constitutes a pollution of the estuary and a lessening of the water quality in the estuarine system.

I can suggest to you that in San Francisco Bay, for example, where the proposal is to divert 80 percent of the only fresh water flow into San Francisco Bay and to divert it to other uses before it gets into the estuarine system, the problem will be not only a remarkable diminution in the beneficial aspects of the estuary, but the very great area of that estuary will be reduced to a minimal size because of the reduction of 80 percent of the fresh water inflow and the increase in the intrusion of salt water from San Francisco Bay into that system. This intrusion of salt water and reduction of fresh water, will practically destroy the existing estuary. In addition, the ability of the San Francisco Bay water system to dispose of the pollutants placed into that system will be remarkably diminished because of the decrease in the oxygen content in San Francisco Bay, which is a necessary factor in the reduction of wastes transported into water systems. The oxygen in San Francisco Bay is only found in the fresh water that flows into the bay, and if the oxygen is diminished further by a reduction of 80 percent of the present fresh water flow in the bay, then this means that you will diminish the ability of the water in the system to oxygenize the wastes transported into that system by a considerable amount. So you will add to the pollution by permitting salt water intrusions by reason of the diminution of the fresh water flows and their oxygen contents.

Mr. Chairman, I am suggesting considerable attention should be given to the possibility of requiring the respective States and not permitting them to, as is the case in the present act, but requiring them to adopt as a water quality standard a criteria that affects all of the estuarine systems within their particular borders as it involves salt water intrusion. This would not be a remarkably difficult thing for the State to do and would be consistent with the indication of Congress that the estuaries are deserving of protection in order to preserve the water quality of these bodies of water. It would also be consistent with our desire to preserve existing water quality and with our belief that pollution of existing water quality simply means a deterioration of existing water quality by active dumping into that water of pollutants or by an indirect action of depriving that water body of a fresh water flow into the system itself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: On page 65, strike all from line 21 through line 25 on page 72.

Mr. STEIGER of Wisconsin. Mr. Chairman, the gentlewoman from Oregon (Mrs. GREEN) raised with the committee some questions regarding this section of this legislation. The provision now before us which my amendment would strike is a provision which was incorporated in separate legislation and which the Committee on Public Works decided to make a part of this bill. Its major sponsor is my distinguished colleague and friend, the gentleman from Florida (Mr. CRAMER), and therefore, I have some hesitation about entering into this field at this time to raise some questions about what I recognize is a very critical need—how we train personnel, how we bring them into the antipollution treatment field, and how we bring in the quality and numbers of those who are to operate and man the sewage treatment plants which this country so desperately needs.

But, Mr. Chairman, this provision of this bill would propose that over the next 3 years we authorize $62 million, and we are going to authorize it in such a way that, in my judgment at least, we are opening up serious questions as to the efficacy and the viability of a program of this kind without adequate safeguards which have been made applicable to other kinds of training programs which are available.

Mr. Chairman, the gentleman from Florida inserted in the RECORD yesterday at pages 9022–9023 a detailed analysis of the manpower requirements which would be involved in this program.

Let me suggest to the Members that in part that answers some of the questions which are raised by this amendment. There are two major problems with our present effort. One of them is the fact that we are not training enough people. The other is that we are not adequately inducing those in other fields to enter the water pollution field. Well, let me run through this.

First of all, FWPCA, according to this information, has already been awarded a grant of something like $1,032,000, a grant under the Manpower Development and Training Act for the training of waste treatment operators; that is, those in the waste treatment field who are now employed in waste treatment plants.

Second, it has entered the camps system which will for the first time, according to this information, make it possible to offer the opening for the training of those who are not currently employed as operators.

Third, there is no limitation that you have to train only those presently employed in this field.

Fourth, there is a rather significant program, one which represents several millions of dollars, called the new careers program which makes available the training of people for upgrading their skill in areas of public service. Clearly waste treatment operators would be, in my judgment at least, one of those fields that would be eligible for new careers funding. Therefore, I question whether or not the committee has determined whether that would be available to them.

Last, let me say—before I yield to the gentleman from Iowa, as I see him on his feet and shall be glad to yield to him shortly—I have some serious questions simply with reference to the language itself.

We are here making awards for scholarships. Are we to award them for waste treatment operators only but not to sanitation engineers?

Second, there is the question of the definition of "institution of higher education." Yet the report in the RECORD of yesterday clearly indicates that the major thrust will be in 2-year colleges for this type of training.

Third, we are making the grants available on a consistent basis with those for other comparable programs.

I am not quite sure what that is except that I am guessing, based on information available, that it is going to cost $1,000 per year for students at all levels, which is the amount used in calculating the total amount to be authorized.

In all of this I want to make it clear to all of the Members that I am concerned and recognize the need for the training of personnel for treatment plant operators. I doubt seriously that this is the method that ought to be used. It is for that reason that this amendment is offered, in order to perhaps get some clarification or find out if there are some facts which are not now available.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I have an amendment at the desk which is exactly the same as that offered by the gentleman from Wisconsin. We are rapidly approaching a point at which our student-aid program in institutions of higher learning is categorized subject matter. It has been too much proliferated.

Mr. Chairman, the general education funds available to our college students will be cut this year far below the point that I would like to have them cut.

In evidence of good faith, insofar as education generally is concerned, I would say that if this amendment offered by the gentleman from Wisconsin is adopted, I will then, when the general college aid program comes before us for debate, seek to add as much to that program as we take out of this one.

I doubt that this bill provides the way we should approach the problem of finding personnel. I rather believe that when the salaries for the positions about which we are talking here reach the point where they should be, commensurate with their importance, that we will have a suffi-

cient number of undergraduate and graduate students in training for those jobs.

Mr. Chairman, there is one further point. Categorical subject matter grants to college students in the past have not proved that they fulfill the purpose for which they were established.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. STEIGER of Wisconsin. I appreciate the gentleman from Iowa yielding to me. I certainly would join the gentleman from Iowa in urging that when we have the higher education programs before us, that we make provision for this. I believe it would make sense.

I would join with the gentleman from Iowa in that approach.

Would the gentleman from Iowa be willing to perhaps join with me in suggesting that our problem is that the salary level may be less than a college-trained person may be interested in, so that the inducements in this bill are not guarantees that they are going to go into the field and stay there? Also that those who could go into this field are eligible now for work-study programs, for scholarship, and loan provisions, which are applicable to all college students, even those who are training in this field?

Mr. KYL. I would further state, Mr. Chairman, that in the State of Iowa, where we have more complete sewage treatment plants in our municipalities than in any other State of the Union, we have not had exceptional difficulty in finding qualified people to run those plants.

There is nothing magical about the operation of these plants any more than any other kind of industrial facility. It certainly does not take a specialized college education. That is not where this training ought to be placed. We do need more science students in the field of eutrophication, and other allied fields connected with the business of antipollution, but when we get the salaries for those positions to the point they should be we are not going to have any trouble finding students to go into that field of education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 7, noes 29.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. VANIK

On page 65, after line 20, insert the following:

"GREAT LAKES WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 20. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

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

"(1) that the State, political subdivision, interstate agency, or other public agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended."

And renumber succeeding sections and references thereto accordingly, including any other necessary technical amendments.

Mr. VANIK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. VANIK) is recognized.

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

Mr. VANIK. I yield to my distinguished chairman, the gentleman from Minnesota.

Mr. BLATNIK. Mr. Chairman, as I stated earlier after consultation with the author and several of his colleagues from Ohio and our own committee, we now have a modified version of his initial amendment which provides for a 20-year program of all Great Lakes water pollution control demonstration. This is consistent with other provisions in water pollution control legislation which treats the Great Lakes as an entity and it is very similar to the acid mine drainage proposition.

So we do accept the amendment and urge its adoption.

Mr. VANIK. Mr. Chairman, I would like to point out that the amendment I have submitted provides a $20 million authorization for Great Lakes demonstration projects to develop techniques and preliminary plans to remove polluted matters and abate new pollution. It is cosponsored by my distinguished colleagues, the gentlemen from Ohio (Mr. HARSHA) who is a member of this distinguished committee and Mr. FEIGHAN. I now yield to my colleague from Ohio.

Mr. HARSHA. Mr. Chairman, I certainly want to join the distinguished gentleman from Ohio in offering this amendment and in support of this effort.

Certainly the Great Lakes situation is one of dire need and demands special attention.

We do have in this bill provision for some demonstration projects in the lake area. But this is of such a severe nature and the need is so great, I think it merits pinpointing and placing additional emphasis on the dire situation in the Great Lakes area.

Mr. Chairman, the gentleman from Ohio appeared before our committee and gave very persuasive testimony of the needs of Lake Erie and other Great Lakes. He pointed out in succinct terms the unfortunate condition that exists there. He has discussed this grave problem on several occasions with me and other members of the committee, imploring the committee to take positive action to help alleviate this tragic situation that exists in Lake Erie. And it was through his leadership that we have devised this amendment.

I might add that Mr. FEIGHAN has likewise discussed this problem with me a number of times and has arranged meetings with interested industry in an effort to help resolve this pressing problem.

Mr. Chairman, I also would like to call to the attention of the Congress that Mr. MINSHALL from Ohio has likewise expressed deep concern over Lake Erie and requested the committee and me to assist him in finding solutions to the situation.

Lake Erie is a great natural resource and an avenue for extended commerce, as are all of our Great Lakes, and unless we take positive immediate action to preserve them we may lose them. I congratulate the gentleman from Ohio (Mr. VANIK) on his leadership and am happy to join him in cosponsoring this amendment. I urge the committee to adopt it.

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

Mr. VANIK. I yield to the gentleman, my distinguished colleague from Ohio.

Mr. FEIGHAN. Mr. Chairman, I wholeheartedly rise in support of the amendment which I cosponsored with the distinguished gentleman from Ohio (Mr. VANIK). The situation involving the Great Lakes, and particularly Lake Erie, has been one which has given me a great deal of concern over the last several years. I have consistently urged this distinguished committee which has reported this bill, the Committee on Public Works, do whatever is humanly possible to expedite action for the resolution of the problem affecting the Great Lakes. I appreciate all of their efforts to date and I also appreciate the fact that the amendment which is being proposed here which would authorize a sum of $20 million to be used to direct the Secretary of the Interior in cooperation with other Federal agencies and all State and local agencies to carry out meaningful demonstration projects for the elimination or control of pollution within the Great Lakes and the watersheds adjoining thereto will be accepted by the committee.

I would hope that all those interested in resolving the problem involving five of the great natural wonders of the world will cooperate in this effort and that as these demonstration projects are worked out and point the way toward a final resolution in cleaning up the waters of the Great Lakes that this Congress will and it must, I believe, find the funds sufficient to fully accomplish that purpose in the immediate future.

Mr. DINGELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to direct the attention of my good friend, the gentleman from Minnesota (Mr. BLATNIK) to several points that I would like to discuss with him with regard to language appearing on page 74.

If I may have the attention of my good friend, I would like to raise some questions with regard to the points raised by our good friend, the gentleman from New York (Mr. STRATTON) in his recent colloquy.

I would not like the record of the debate on this particular proposal to indicate that there is no power here in the Federal Government and the State government under this legislation and under Public Law 660, as amended, for there to be adequate action where there is a proposed construction of a thermal releasing generating plant which will release thermal pollution into our waterways. I note particularly lines 7 through 11 on page 74, which deal with the question, and I note here that it states as follows:

> In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary.

My question to my good friend is as follows: Am I not fair in inferring that where a State has not acted to establish standards regarding thermal pollution, or where its water quality standards have not been submitted to the Secretary, or where they have not been approved by the Secretary because of failure to adequately cover the problem of thermal pollution, then the Secretary becomes the licensing agency, and in effect requires compliance with water quality standards not only by the person who would be constructing the plant but also by the other Federal agencies which would be authorizing some kind of license for construction of either a thermal or a thermal-nuclear plant? Am I correct in my understanding?

Mr. BLATNIK. The gentleman is absolutely correct. We do agree with his interpretation of that language.

Mr. DINGELL. The point raised by my good friend from New York (Mr. STRATTON) has troubled me for some time. One of the things I have been interested in is the generating plant to which he alluded. I wonder if it will be possible for the Committee on Public Works to request the staff of that very fine committee, the very able staff, to go into this matter to ascertain whether the provisions of Public Law 660 regarding the establishment of water quality standards appropriate to preserve the quality of water are being adequately handled by the State of New York.

Mr. BLATNIK. We certainly shall. We assure the gentleman that we are well aware that thermal pollution is not only a serious problem, but it is growing in seriousness and magnitude year by year because the heavy demands for power are outpacing our control. I assure the gentleman and the gentleman from New York who presented the amendment that the staff will give us a full, detailed report on the status of thermal pollution abatement control in the State of New York and elsewhere, because this is an area that we want to get into and can get into.

Mr. DINGELL. The reason I have taken this time is that I have been particularly concerned with the situation to which my friend from New York alluded. I am satisfied that if the staff of the committee goes into this matter, we will have an adequate and proper report to assure that the situation to which our friend from New York alluded is being properly handled by all agencies concerned, both State and Federal. I thank my good friend from Minnesota.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The amendment was agreed to.

Mr. BLATNIK. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. KEITH) with the explanation for the record that we have unintentionally made things extremely difficult for him. He has had a commitment for the past 2 hours, so I am pleased to yield to the gentleman from Massachusetts.

Mr. KEITH. Mr. Chairman, I appreciate that consideration very much.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. KEITH. Mr. Chairman, I rise to ask questions to establish some legislative history as to the purpose and meaning of the bill.

The CHAIRMAN. The gentleman is recognized.

Mr. KEITH. I note that in the bill the Secretary is given authority to establish ways and means of overcoming the problem of oil pollution. I notice further that $65 million is authorized, among other things, for research to determine how pollution may be avoided. I am concerned particularly with oil spills such as that which occurred off Santa Barbara. In July 1967, I filed a bill which would have established a marine sanctuaries concept. It would have authorized the Secretary of the Interior to study certain ocean areas and determine whether or not their best possible use might be fishing or perhaps even recreation rather than for oil exploration and exploitation.

Officials of the Department of Interior testified then that they did not have sufficient funds to study this so-called marine sanctuaries concept. So I ask, is the legislation before us sufficiently broad to permit the Secretary of Interior to study the relative merits of the alternative uses of marine areas which fall under Federal jurisdiction? Can the Secretary of Interior study specifically whether or not the ocean off Cape Cod would be more advantageously used for recreation rather than for oil exploration and exploitation? I might point out that Cape Cod and the Santa Barbara channel have very much in common. My hope is that we can study the offshore area of Cape Cod and present the problem that exists now off the shore of Santa Barbara from ever occurring there. If I could, I would like to have the chairman comment on that.

Mr. BLATNIK. Mr. Chairman, we have discussed this problem with the gentleman. It is a very pertinent problem. It is pertinent to the legislation we have here.

While the language may not on the surface appear at first glance to cover the problem, on page 77, beginning with line 3, we deal not only with research work and studies and experiments and demonstrations as the Secretary may deem appropriate relative to the removal of oil, but also with the prevention—and we use that word. It certainly was the intent of the committee to give perhaps more latitude than the language itself may imply. Speaking for myself, after consulting with our general counsel, chief counsel of our committee, the answer would be "Yes." The intent is certainly there and we believe the language can be interpreted to cover the problem the gentleman raises.

Mr. KEITH. Mr. Chairman, I have one additional question. Can the Secretary similarly study whether or not the Georges Bank area is more valuable for fishery purposes rather than oil exploration? In this case we have fishery resources versus oil rather than recreational purposes versus oil.

I would like the Secretary to study whether or not it is better for that purpose rather than oil exploration and exploitation.

Mr. BLATNIK. Mr. Chairman, I yield to the ranking minority member on that.

Mr. CRAMER. Mr. Chairman, I am sorry it took so long to get to these questions, because they are important.

I think an important additional answer to the first question of the gentleman is that the Secretary of Interior does have jurisdiction to issue licenses for exploration. It is my opinion certainly he has the authority, prior to doing that, to determine whether in a given area it should be used for fishing or oil, and make whatever studies are necessary, such as the gentleman suggests, off the coast of his district, to determine whether that present fishing ground should be maintained as a fishing ground and therefore oil exploration licenses should not be granted. That is a necessary condition precedent to granting any permit to exploit for oil purposes.

Mr. KEITH. Mr. Chairman, I thank the gentleman very much. Yesterday, he, the gentleman from Florida (Mr. CRAMER), very kindly commented on my foresight in regard to the Santa Barbara incident.

As I said earlier, I have been very much concerned about the whole question of oil pollution, particularly as it pertains to our coastal waters.

We first became concerned in my district some time ago after fishermen returning from their grounds reported that acres of dead fish had surfaced as a result of the seismic tests being used by oil exploration teams. Now, after the alarming tragedy off Santa Barbara, we are more concerned than ever as the prospect of oil rigs some day rising from the waters off Cape Cod continues to grow.

Mr. Chairman, as a result of the legislative history we have written here today, I will write to Secretary Hickel asking him to begin at once to study and protect the esthetic values of the Cape

Cod shoreline and the fisheries resources of Georges Bank.

May I mention in passing that fish conservation as related to this bill is also a problem. At this moment in the waters off Cape Cod, the problem is not only pollution, although the threat of it, of course, hangs over us constantly. There is another perhaps even more serious: Fishermen's nets no longer bring up haddock as they did in the past.

Time magazine has made the crisis clear in its issue this week:

> In New England fishing states, the total share of the catch to local fishermen dropped from 93% to 35% in the last recorded five-year period. Much of the reversal was due to those well-equipped, hungry Soviet fishermen, who, in 1964–65 virtually depleted the Georges Bank area of haddock in just one expedition.

And so, Mr. Chairman, clean water is not enough; we must also begin to manage our fisheries resources better.

Getting back to this legislation, there are some other aspects of the bill before us today on which I would like to comment.

I am glad to find that under H.R. 4148 the Coast Guard has been given the authority to deal with the whole pollution problem.

I know when I went to look at the *Ocean Eagle* disaster in Puerto Rico and I asked who was in charge of the clean-up operations, the port captain, a Coast Guard officer, looked around the room in which several interested parties were gathered and said, "Well, I suppose I am." This illustrates the lack of organization, the fuzzy areas of command which have existed until now and which this bill seeks to eliminate.

May I say further that section 18 is a good answer to the question of pollution from small boats. But I would like to emphasize that regulations and standards should not be written without lengthy consultation with the boating industry. The economic costs involved and the limits of available technology cannot be determined without consultation with those who know most about them—the boat manufacturers and owners.

And, too, these are people who are vitally interested in preserving marine ecology. After all, they are also fishermen who want clean water to fish in, sailors who want clean water to sail in, and occasion swimmers who want clean water to swim in.

Also, Mr. Chairman, section 20, calling for assistance to institutions of higher education in their efforts to study water quality, goes to the heart of what has been missing for some time—and ongoing supply of the most up-to-date information about pollution and its clean-up. I commend the committee for making certain that this provision was included.

There are some weaknesses in this legislation, of course, and I am sure that we can all name one or two of them. But on balance it is an excellent step toward a solution to what we all know is an extremely complicated problem—how to control the pollution of our natural environment.

In the future, let us hope that we can also consider farseeing conservation legislation. We cannot only react to crisis. We must also plan well ahead if we are to keep the possibility of a bright future before us. And so, Mr. Chairman, I want to join with my other colleagues in congratulating the committee for facing up to the serious matter of water quality control. It is something which has been crying for attention for years.

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HUNGATE: In section 18(f), page 59, line 8, after the words "waters of such State", insert a period and strike the remainder of line 8, and line 9.

Mr. HUNGATE. Mr. Chairman, I thank the distinguished committee and my colleagues for the consideration they have given this very important question.

I have an amendment offered on page 59. If the chairman and members of the committee will check this, it seems to me it reads a State may prohibit discharge of untreated sewage from a vessel in intrastate waters in a State only if discharges from all other sources are prohibited. This would mean, as I read this bill, and going back to page 57 and commencing on line 13, section (c)(1), that within 2 years or not earlier than December 31, 1971, new vessels will have to be equipped with machinery to treat sewage that they discharge into the water. Existing vessels would have 5 years in which to perfect some sewage treatment program.

This means that for a period of 2 years on new vessels or 5 years on existing vessels raw sewage could be discharged from the vessels into intrastate waters.

As I understand it, sewage can be discharged raw; can be discharged after primary treatment, which is a little better; or can be discharged after secondary treatment, which is better still.

According to the way this bill now reads, as I read it, if there is a village or a hamlet or a city or a factory located along an intrastate stream or an intrastate lake which has the highest form of treatment, secondary treatment, one could not regulate vessels discharging untreated sewage into that intrastate lake or stream for a period of at least 2 years in the case of new vessels or 5 years in the case of existing vessels.

To me, to put a "period" there, to permit a State to prohibit this discharge of untreated sewage from a vessel within all or a part of the intrastate waters of the State would mean they could regulate that, whereas now they cannot do so unless they also eliminate any factories along the bank which have a high level of treatment, like secondary, or any small cities or villages that might have secondary treatment.

My amendment would permit a State to regulate the discharge of untreated sewage from a boat within this 2- or 5-year period to which I have alluded. Otherwise they would not be able to do so unless they excluded the discharge of all sewage into that stream even though it had secondary treatment.

This would raise the water quality standards, and I urge support for my amendment.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment.

Again, I am sympathetic to and understanding of the intention of the gentleman, but the amendment would cause problems I know he does not want to cause. Frankly, it is not satisfactory.

Until the standards are set on the abatement of discharges and the discharge from vessels the States will have authority in this field. They will continue to have authority for 5 years for old vessels and 2 years for new vessels, even after the standards are established. But once the standards are established it is essential that the Federal Government preempt the field. We would reserve some rights to municipalities, but it is necessary to preempt the field, first, to have effective enforcement of discharges or pollution control in these instances and, second, to have uniformity.

There are vessels which go from harbor to harbor, whether they are recreational or commercial vessels. If they have different circumstances and different rules in each harbor there will be a real hodgepodge and an unworkable situation. Frankly, it would be an unreasonable situation

I do urge that the gentleman's amendment be defeated.

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

Mr. BLATNIK. I am pleased to yield to the gentleman from Florida.

Mr. CRAMER. I might say I agree with the gentleman's explanation, and I, too, oppose the amendment.

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

Mr. BLATNIK. I am pleased to yield to the gentleman from New York.

Mr. McEWEN. I also agree with the gentleman's views.

I can say to my good friend from Missouri, the committee gave extremely careful attention to this subject. We heard from many representatives of the small boaters concerned about regulations among the States.

As I believe the gentleman from Minnesota pointed out, this will not take effect until after the regulations are established, so this is some time away. Then, a body of water that is protected from all other sources of pollution could be protected by the State.

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

Mr. McEWEN. I am happy to yield.

Mr. HUNGATE. At that point, if there is a plant which has been there, let us say, 20 years, or a village which has been there 20 years, which has secondary treatment, the highest form of treatment, could they regulate the boats on the intrastate waters on the discharge of sewage they make without prohibiting that plant or that village from making any discharge into that intrastate water?

Mr. McEWEN. No. The gentleman is correct.

Mr. HUNGATE. To me the boatowner

is getting a better break. There will be plants and villages which have put in secondary treatment which will have to stop when this takes effect, also.

Mr. McEWEN. I would say to the gentleman that I think what the committee carefully considered was the amount and the seriousness of the pollution contributed by shoreside facilities and a relatively small amount of vessels, recognizing that if a State wanted to shut off all sources of pollution in a body of water, they would have to do the same with all vessels.

Mr. HUNGATE. Once again let me ask, they could not require everyone to have secondary treatment and treat the boatowner and the village to the same degree. If they will require any treatment of the boatowner, then they must prohibit the discharge of sewage from any other source as well.

Mr. McEWEN. I would say that the gentleman is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HUNGATE).

The amendment was rejected.

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

Mr. Chairman, if I may have the attention of the able gentleman from Texas, a member of the committee (Mr. WRIGHT), let me say first of all that I wish to commend the distinguished committee for bringing this measure to the floor of the House.

It so happens that I have at least 20 miles of beaches in my congressional district, most of which are occupied by hotels and motels. If the operator of a vessel were either willfully or negligently to drop oil from that vessel into the water and this oil would be pushed ashore by waves and winds, this could do a great deal of damage not only to the beaches but to the private institutions that operate along them. I wish it were possible for the bill to have covered damage to private property as well as to the beaches and the shorelines, but I do realize that you would have had problems in including such a provision in this bill.

I wish to direct the attention of the able gentleman to page 52, beginning on line 16, where it says:

(i) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel or onshore facility or offshore facility under any provision of law for damages to any publicly or privately owned property from a discharge of oil or matter or from the removal of any oil or matter.

Am I correct in assuming that your able committee did not intend by that provision of this bill to impair, diminish, or enlarge in any way any private right that the public owner of a facility or the private owner of a property might have in order to recover damages under the general law other than by the provisions of this bill?

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

Mr. PEPPER. Yes.

Mr. WRIGHT. The gentleman is entirely correct. The purpose of this section cited by the gentleman from Florida is to protect the private right to recover damages exactly as it exists today. This bill—while it creates maximum liabilities and requires proof of financial responsibility on the part of vessels, of onshore and offshore facilities, in amounts adequate to reimburse the Government for any claim that the Government may be required to undertake as a result of negligent or willful discharge—this bill does not seek to alter, modify, or change or diminish or enlarge in any respect the responsibilities that one individual or one firm may have under the law to some private individual damaged by his negligence.

Mr. PEPPER. I thank the very able gentleman from Texas.

If he will allow me one other inquiry under another subject he mentioned, referring you to page 53, where it says that the owner of a vessel is required to maintain assets and—

Shall establish and maintain under regulations to be prescribed from time to time by the appropriate delegate of the President, evidence of financial responsibility to meet the maximum potential liability to the United States which such vessel could be subjected under this section for willful or negligent discharges of oil or matter.

Now may I ask the able gentleman from Texas this question: It is not, as I understand it, the intention of this distinguished committee to provide that these assets that you require to be made available and maintained by the owners of the vessels shall be subject only to a claim of the United States? They are general assets, if I understand the situation correctly, of the company that operates the vessel, and they would be liable to satisfy a judgment of a private owner claimed in private litigation as well as to satisfy a claim by the U.S. Government for the removal of oil or the matter to which I have previously referred?

Mr. WRIGHT. In response to the gentleman from Florida, if I understand the gentleman's question, it presupposes a condition in which the owner of a vessel might spill oil or other matter and be required by the Government to reimburse the Government for the cost of that spillage. It also raises the further proposition that perhaps such spillage may have caused damage to a third party, a private party, and a third party might bring suit in a court to recover those damages.

I would say that the purpose of the bill is simply to require evidence of financial responsibility in an amount adequate to compensate the Government for the maximum amount to which the individual might be liable for reimbursement of a claimant. However, it would be my assumption that these assets, as any other assets owned by the firm or the individual involved after the satisfaction of any claim to the Government would be liable to a judgment of a court of competent jurisdiction in a suit by a person damaged other than the Government.

Mr. PEPPER. I thank the able gentleman for his response to my questions.

AMENDMENT OFFERED BY MR. PUCINSKI

Mr. PUCINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PUCINSKI: On page 79, after Line Seven (7), the following:

"SEC. 9. Section 4 of the Act entitled 'An Act to make appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved March 3, 1905 (33 U.S.C. 419), is amended by adding at the end thereof the following: 'Nothing in this section, or any other provision of law, shall authorize the Secretary of the Army or any official or any agency of the Government to dump or permit the dumping of the spoil from any dredging operation, or any other earth, garbage, or refuse material, into the Great Lakes. Any authorized dumping areas in the Great Lakes established under the provisions of the Act of March 3, 1905, or any other Act are hereby abolished.' "

Mr. PUCINSKI. Mr. Chairman, this is a simple amendment, yet it is broad and far-reaching. It repeals the act of 1905 when the Congress of the United States designated about 120 dumping areas in the Great Lakes for use by the Corps of Engineers.

In 1905 that was a perfectly logical and good move. They were dredging from the rivers and harbors and canals relatively clean silt mostly involving sand, and it did not affect anyone and did not create any problems. But in 1969 we have an entirely different matter.

We have heard here today and heard yesterday the distinguished gentleman from Minnesota (Mr. BLATNIK) tell us that it would perhaps take hundreds of millions of dollars to save Lake Erie. I do not intend to let that happen to Lake Michigan or any other of the Great Lakes if I can prevent it.

Mr. Chairman, this amendment, if adopted, would not bar the Corps of Engineers from dredging. I realize that they have to dredge. Of course, they have to keep these rivers and harbors and canals free for navigation, and I do not propose anything to interfere with or stop that. What we are saying is that the Corps of Engineers will have to find other ways of disposing of the dredging and there are other ways of doing it.

Last year when I asked the Commanding General of the Corps of Engineers whether or not he would be for this amendment to bar the dumping of dredged materials into Lake Michigan and other Great Lakes, he said "Yes, we would be for this amendment if you would find us funds for alternate methods."

They have alternate methods.

So what we are really talking about here now is money. We are not stopping anybody from doing anything. And as the Members of the House have said on many occasions since President Nixon has been in the White House, there is going to be a revision of priorities. I agree—and one of those revisions of priorities happens to be in the Corps of Engineers.

If the Members of the Congress will go along with this amendment and bar the dumping in the Great Lakes by the Corps of Engineers of dredged materials and other materials, then the Corps of Engineers will find other methods to handle this material. They have those methods now. They are using other methods.

Just the other day they stopped dump-

ing off the shores of Chicago, and they plan to dump this dredged material on land. In many other cities they are building dikes and filling them with such material.

I want to emphasize here, because the opponents of this amendment are going to try to confuse you and say that if this amendment is agreed to, all dredging is going to stop tomorrow. Nothing is going to stop tomorrow except the polluting of Lake Michigan, because the Corps of Engineers has a whole series of alternate methods available to them.

And I suggest to the Members, and I submit to the Members, that whatever the additional costs will be—and it has been estimated that it would cost some $100 million if they would have to cease the dumping of dredged materials into the lakes and go to a land fill process operation—I am sure that is a fair price to pay.

The only people who are objecting to my amendment are the barge owners who today are hauling this stuff out into the Great Lakes and dumping this material, and polluting the lakes.

Mr. Chairman, I have some reason to believe that these barge owners are not even going all the way out to the designated areas, because the authorized areas are not marked off, there are no buoys around them, or anything else, to designate these areas. I have reason to believe that some of these barge owners are not even going to these designated areas, as I say, but are going just halfway, and dumping the stuff helter skelter in the Great Lakes.

Further, Mr. Chairman, since 1905, when this legislation was adopted, the floor of Lake Michigan alone has risen 10 feet. Lake Michigan formerly was 113 feet deep, and today it is 103 feet deep.

So, Mr. Chairman, I ask my colleagues to join me in taking the first determined, deliberate move. I call upon the courage of the Members to support this amendment, and to say to the Corps of Engineers that we cannot get everybody else to enforce antipollution laws if Uncle Sam is going to be the No. 1 polluter.

We have evidence, and ample evidence, in the reports on that desk, to show the degree of pollution that the Corps of Engineers is dumping into Lake Michigan. The amendment offers us a means to try to save the Great Lakes, and not go the route of Lake Erie.

We heard the eloquent plea of the gentleman from Ohio (Mr. VANIK) telling us about what has happened to Lake Erie. We have heard from the gentleman from Minnesota, who has told us why it happened.

I do not want to challenge the statement of the gentleman. I think I have to agree with him. It was purely neglect on the part of a lot of people that killed that lake.

So I say to my colleagues who are on the floor of the House at this moment, if you really want to give meaning to this act—if you want to save one of the greatest natural resources of mid-America—then you will support this amendment.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, again I must use the same phrase, and I hope it does not sound trite, because it is said as absolutely sincerely as it is humanly possible for one individual to say it, and that is that we are completely in sympathy with the problem presented by the gentleman from Chicago, but all of us who come from the Great Lakes, or all of those in whose districts are the mouths of rivers, where this type of pollution occurs, where there is a discharge into a bay, or into an ocean, or into a gulf, are faced with this problem.

But this has been one heck of a problem. There is not going to be an easy answer. We could appropriate $200 million right now and the Corps of Engineers would still have difficulty in dealing with this problem.

Probably the one subject that came up the most often during our hearings was the question of the disposition of dredged spoil in the Great Lakes, and more specifically, in Lake Erie and Lake Michigan, and, I might add, no subject gave us more concern during our discussions in drafting this legislation which we have brought to the floor.

Disposition of dredged spoil is currently the most highly publicized of the possible sources of pollution from a Federal activity. Research is underway seeking to determine whether dredged spoil is in actuality an active pollutant and, if it is, to what extent its introduction into any given body of water does in fact lower the quality of that water. In addition, the Corps of Engineers and the Federal Water Pollution Control Administration are conducting a pilot study to determine alternatives to open lake disposal. A draft of the tentative report on this study was sent to the Governors of the Great Lakes States and to other appropriate Federal agencies earlier this month. As evidence of our very real concern in this matter the Committee obtained a briefing on this subject from the reporting agencies several weeks ago. We would hope to receive the report and the administration's recommendations based on the report at an early date.

Whatever the answers are, the continuing viability of the rivers and harbors that produce the spoil are essential to the economics of the region they serve and hence to the total national interest.

For over 100 years the Congress of the United States through River and Harbor Acts has authorized the U.S. Army Corps of Engineers to build and maintain the harbors and waterways of the Great Lakes through which flow the commerce of the Great Lakes, so vital to the strength and prosperity of this Nation.

The vast water area of the Great Lakes, joined by improved connecting channels, provides a low cost transport artery that permits movement of material and products in huge quantities to advantageously located industrial areas. In the calendar year 1967, waterborne commerce at Great Lakes harbors and channels totaled 217.2 million tons of traffic. Controlling depths in both upbound and downbound connecting channels are 27 feet or more.

The Great Lakes are connected with the Gulf of Mexico by means of 9- to 12-foot barge navigation on the Illinois Waterway and Mississippi River. Connections with the Atlantic Ocean are provided by the New York State barge canal system and Hudson River and by the 27-foot St. Lawrence Seaway.

In order to maintain this great economic area with its marvelous waterway system, it is necessary to dredge about 10.8 million cubic yards of material each year from Great Lakes harbors; 6.7 million cubic yards from Lake Erie harbors alone. In all, 115 harbors on the Lakes must be dredged, although not all in any one year.

The need for maintenance dredging results primarily because harbors of the Great Lakes are located predominately at the mouth of rivers flowing into the lakes. As a result of waste discharges and soil erosion, heavy sediment loads are carried into the harbors by rivers. Also, littoral drift of bottom material and storm-generated currents redistribute the deposited sediments into previously dredged areas in the form of shoals. This requires periodic maintenance dredging to remove sediments to maintain established navigation depths.

For more than a century most of the dredged material has been placed in disposal areas in the deep water areas of the lakes. In 1966 the Corps of Engineers investigated the possibility of a 4-year program to construct diked disposal areas for the 15 most critically polluted harbors on the Great Lakes. The program was estimated at that time to cost $95,000,000 and the annual dredging costs would have been increased $3,000,000. The magnitude of this cost led to the pilot study to study alternatives to open lake disposal and to evaluate the public benefits to be derived from using the alternate disposal practices.

If open water disposal operations were to be prohibited, restricted, or controlled, as I understand the gentleman's amendment would do, prior to the planned and orderly process now being pursued, the economic consequences will be catastrophic. Trade, commerce, and industry in the United States dependent on our waterways will be severely affected. Railroads, steamship lines, oil companies, steel firms, and other large industrial concerns would be unable to get to or to utilize their dock facilities for loading and unloading cargo at about one-quarter of all ports.

Allow me to include a list of examples of the harbors that would be affected and eventually closed down:

Cleveland Harbor, Ohio.
Toledo Harbor, Ohio.
Detroit River, Mich.
Buffalo Harbor & B.R.C., N.Y.
Saginaw Harbor, Mich.
Sandusky Harbor, Ohio.
Fairport Harbor, Ohio.
Rochester Harbor, N.Y.
Erie Harbor, Penn.
Lorain Harbor, Ohio.
Rouge River, Mich.
Ashtabula Harbor, Ohio.
Calumet R. & H., Ill. & Ind.
Huron Harbor, Ohio.
Monroe Harbor, Mich.
Indiana Harbor, Ind.
Green Bay Harbor, Wisc.
Chicago River & Harbor, Ill.

Conneaut Harbor, Ohio.
Harbor Beach Harbor, Mich.
Oswego Harbor, N.Y.
Milwaukee Harbor, Wisc.
Two Rivers, Wisc.
Grand Haven Harbor, Wisc.
Michigan City, Ind.
Manitowoc Harbor, Wisc.
Holland Harbor, Mich.
Waukegan Harbor, Ill.
St. Joseph Harbor, Mich.
Racine Harbor, Wisc.
Kenosha Harbor, Wisc.
Sheboygan Harbor, Wisc.
South Haven Harbor, Mich.
Frankfort Harbor, Mich.
Menominee Harbor, Mich.

Transporting the spoil to available land disposition sites is extremely expensive; the land is costly and the transportation is costly. In many cases, the States and localities have indicated their preference to preserve their land for more economically productive use. The Federal Government must allocate its available tax revenues among a great many equally vocal public demands. The dilemma is clear; the attainable solutions are dimly seen at this point. This is not the case of one Federal agency trying to circumvent the water pollution control program. This is an out-and-out case of financing appropriately our wants and needs.

Most people would probably agree that the best solution would be the construction of diked disposal areas, which would require a determination that the benefits to be gained would equal or exceed the additional expense. The pilot study should determine this once and for all time. In my judgment, the benefits are there but they must be quantified and a determination must be made as to who shall bear the burden of the considerable additional costs.

I have been advised that additional authorizing legislation is not needed at this time. The basic authority for construction of the diked areas exist. However, money to undertake this expensive proposition at more than a few locations is not available.

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

Mr. BLATNIK. I yield to the distinguished chairman of the committee, the gentleman from Maryland (Mr. FALLON).

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

The gentleman from Illinois may have given the membership this afternoon the impression that the Army Engineers are the people who are polluting the lakes or the Great Lakes. The impression that you might have been given, that the Army Engineers are getting some polluted material someplace and dumping it into Lake Michigan is just not the case. When the Army Engineers pick up polluted material, it is polluted already and in the lake when they get there, and they are moving it out someplace else in order to keep the channels open for commerce. In other words, the pollution was already there before the Army Engineers got there.

You talk about Lake Erie being a dead lake. If that is so, then it has not happened in the last 5 years. It has happened over the last 100 years. Certainly, if you want to put the blame where the blame should be, then it is on the people who polluted the lakes—the people who live around the lakes and on the lakes. It is certainly not the Engineers because they are trying to keep the channels of commerce open in this country on our waterways.

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

Mr. BLATNIK. I yield to the gentleman.

Mr. PUCINSKI. Mr. Chairman, the gentleman in the well and the very distinguished chairman of the subcommittee for whom I have time and again expressed my deep respect are the great experts of this Congress in this field. He told about the problems that the Corps of Engineers will have if my amendment were to prevail. But yesterday he described the problems that we are having in trying to save Lake Michigan. He said, on page 9038 of the RECORD:

> 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.

If you think the Corps of Engineers is going to be faced with problems now, you have not seen anything that will compare with the problems we will face when huge Lake Michigan, with 25,000 square miles, becomes the kind of cesspool that Lake Erie is today.

I am not suggesting that this amendment is going to save Lake Michigan, but it is the first step, and you can then put some meaningful law into all your other efforts once you have proven to the communities on the Great Lakes that the Government itself is not going to be permitted by law to pollute that lake.

The chairman of this distinguished committee says that the lake had already been polluted. I think that is a misstatement. We are not transferring polluted soil from one spot to another. We are taking pollution dredgings from harbors and rivers and transferring them into the clean waters of Lake Michigan. And let there be no mistake about this. I say this to my colleagues, and I would like to hear my colleague's reaction. The only thing we are talking about here is money.

Mr. BLATNIK. That is not correct.

Mr. PUCINSKI. There is no other issue. The Corps of Engineers has a whole series of alternatives they can use right now in disposing of these dredgings, either on land, in mine quarries, in dikes. They are doing so in Cleveland. So what we are talking about here is money. It means the Corps of Engineers will have to come before Congress and say, "You have barred us from this way of disposing of dredgings. We now need additional funds to do it in a different way." I say to you that I will support that kind of appropriation if it means saving the greatest national resource in America, and I say to you you cannot underestimate the contribution that the Corps of Engineers, through their dredging and their dumping, are doing toward polluting that lake. Is that not a fact? Is it not a fact that we are talking only about money?

Mr. BLATNIK. No, we are not. I made that clear. And it is neither our committee nor Congress but the Bureau of the Budget that originally asked for a review, a reappraisal of this whole program, and a study of alternatives. It is not only a question of money; it is also a matter of engineering feasibility. You can build a bridge or any other structure perhaps in a hundred different ways. But the question is, what is the best way to build it to make it most effective for the dollar value?

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

What the gentleman is suggesting, in my opinion, would kill the public works projects of the Corps of Engineers in that area of this country, because to be feasible a project must have a 1-to-1 cost-to-benefit ratio. You say the problem is only money. If this means a substantial additional cost on the cost side as compared to the benefit side, and it is suggested that it will cost 10 times as much to do these projects with an onshore method as compared to an offshore dumping, then I am saying to the gentleman that in my opinion you will be killing—and if the gentleman wants to take the responsibility for doing that, that is his privilege—but he will be killing all public works projects under the Corps of Engineers dealing with this subject of dredging in that area of the United States of America.

The second point is that in addition to the fact that it is being studied as to how it can be done, we just adopted an amendment which had as its purpose the spending of $20 million in the Great Lakes area for the purpose of finding out how pollution of all types can be prevented, including the type of thing the gentleman is complaining about. So how far do we have to go?

We have millions of dollars of studies under the present law for the lakes. I just do not understand. I understand the gentleman and my objectives of cleaning up the lakes, but I do not think the gentleman understands the outflow of what the gentleman is proposing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PUCINSKI).

The amendment was rejected.

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

Mr. Chairman, I take this time to ask the chairman of the committee a question. Yesterday the trustees of the sanitary district had a big meeting. They were discussing the fact that where there is a huge disaster, such as an oil spill or a ship breaking up in the Great Lakes or somewhere else, under the present system there is no way of coordinating immediately.

I would like to ask who is going to move with such emergency measures? There are many agencies, but there is no single agency in charge? Is there anything in this act that would help deal with this problem of trying to set up more meaningful and more coordinated activities in the event of a major disaster such as an oil tanker breaking up in the

Great Lakes or some other place? Is there anything in the bill that would bring some relief in this area?

Mr. FALLON. Mr. Chairman, is the gentleman talking about pollution in the lakes?

Mr. PUCINSKI. About oil spills or oil slicks or anything else.

Mr. FALLON. Mr. Chairman, there is a contingency plan in the act that provides for immediate action in such cases. This is under the direction of the President.

Mr. PUCINSKI. Just for the record and and so Members and I will know, who would activate such emergency action?

Mr. FALLON. The President or his delegate. The bill provides a method by which the President would delegate to the responsible agencies involved such as the Coast Guard authority to take charge of any removal action under the other provisions of the bill. This delegation takes place 90 days after enactment.

Mr. PUCINSKI. The moving party then would be the Secretary and the Coast Guard and all other agencies could go in and cooperate with them?

Mr. FALLON. That is right, That is on page 50.

Mr. COLLIER. Mr. Chairman, if the gentleman will yield, is it not true that every agency involved could simultaneously move in the emergency that exists, so it is not necessary for anyone to take the lead. If one recognizes the need, it could move in without having necessarily any agency coordinate.

Mr. PUCINSKI. And they do. But the question is, Who initiates the coordination? I think the chairman has answered that. As I understand it, in this bill there is a fund and the Secretary could go to the Coast Guard to start bringing quick and immediate relief. That is as I understand the chairman's explanation.

Mr. COLLIER. But they could start moving in without waiting for coordination.

Mr. PUCINSKI. The question is, Is there some apparatus for immediately coordinating movement, and I believe the chairman has answered the question.

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

Mr. OLSEN. Mr. Chairman, I rise today in support of H.R. 4148, the Water Quality Improvement Act of 1969. As a member of the Committee on Public Works I have been particularly gratified during my service with that committee to participate in legislation which has continuously moved forward a vitally needed program of cleaning up the Nation's waters.

H.R. 4148 is another step in that direction. It faces head-on, and properly so, the question of what is important at the present time— oil spillage, sewage from vessels and thermal pollution.

For the first time this legislation will place on the books a meaningful approach to the question of averting such disasters as the *Torrey Canyon* and the *Ocean Eagle*. For the first time it recognizes that the many vessels, large and small, which ply our waters can, if not properly supervised, contribute to the pollution of our rivers, lakes, and streams, and coastal waters, and for the first time it faces the fact that a new and vital industry, nuclear plants development industry, which is much-needed to provide power also must be properly supervised so that by its operations through the heat of the waters it may not have an adverse effect on the waters which are needed to cool its processes.

I regret exceedingly that the question of necessary funding for this program is not contained in this legislation. However, it seems to me that by the passage of this program, and by the prior acts of 1965 and 1966, we have placed on the books the tools that are needed to combat the pollution of our waters. We must now, before too much time is lost, find ways to provide proper financial help for the implementation of the laws we have enacted and also provide the necessary properly trained personnel to carry out the operations of our water pollution control programs.

I have merely touched the highlights of H.R. 4148. There is also contained therein a study of acid mine drainage pollution, continuance of the many necessary and needed research programs now underway or to be initiated by the Federal Water Pollution Control Administration.

Mr. Chairman, I have listened today as several of our colleagues have expressed their views that this legislation does not go far enough. I agree. I believe we should have stronger water pollution standards. The fact of the matter is that we were limited in how far we could go and still retain the support necessary to pass the bill out of the committee.

In Montana we have the highest water pollution standards in the Nation. We would like to see the rest of the Nation enjoy equally high standards, and I hope we can take action in the future to assure this.

Nevertheless, this is good legislation. It is meaningful legislation. I urge its adoption.

Mr. TUNNEY. Mr. Chairman, recent events off the coast of Santa Barbara have called attention to what may be the single greatest potential for pollution of the Nation's water resources.

Oil may be discharged from vessels, refineries, terminals, storage facilities, barges, and offshore drilling operations.

The breakup of the *Torrey Canyon* off the coast of England in 1967 was the first of a series of spectacular events which brought home to the American public the possibility that such an event can happen anywhere at any time.

The *Torrey Canyon's* oil cargo despoiled the coastlines of two nations for miles and wreaked havoc with the aquatic life of the entire area. The ensuing attempts to control and eliminate the oil were more noted for activity than effectiveness. The cost of the cleanup operation of the Governments, private interests, and citizens of France and England has been estimated at around $8 million.

It also served to point up the fact that under current law such a catastrophe would be beyond the capability of the United States to cope.

Unexpectedly such a catastrophe has occurred in U.S. waters. In the Santa Barbara Channel off the California coast an offshore drilling rig blew out in late January pouring many thousands of gallons of oil to form an 800-mile oil slick and blackening 25 miles of southern California's recreational beaches.

It will be some time before there is a full accounting of the damage, despite the best efforts of Federal, State, and local agencies.

Possible sources of oil pollution are many. There were on January 31, 1969, 7,837 drilled wells on the Continental Shelf under Federal lease. Thousands of other wells and drilling operations are to be found in offshore areas under State jurisdiction.

Hundreds of tankers travel the waterways and territorial waters of the United States. An alarming development is their increase in size to 200,000 tons, with 300,000 tons on the horizon. Together with smaller tankers and barges engaged in transporting billions of gallons of oil and petroleum products they are potential victims of accident, of collision, leakage, spillage or running up on reefs or ashore.

Under present law it has been almost impossible to fix responsibility for damage due to oil discharge. Gross or willful negligence must be proved. This, the Department of Justice reports, is extremely difficult and few prosecutions have been undertaken.

H.R. 4148, the Water Quality Improvement Act of 1969, now before the House, will repeal the Oil Pollution Act of 1924, as amended. Instead it provides a well-balanced law which will fix responsibility for oil discharge, provide penalties for offenders and make violators responsible for the cost of cleanup up to $10 million, or $100 for each gross ton for vessels and up to $8 million for onshore installations and those within the 3-mile limit.

As the bill makes the Federal Government responsible for the cleanup, it establishes a revolving fund of $20 million with costs to be recovered from offenders and if necessary a lien may be placed on the vessels and their further use inhibited until their liability is provided for.

The Secretary of the Interior is to establish regulations for environmental criteria relative to methods and procedures for removing oil and the Coast Guard will specify the actual procedures and equipment which may be used to prevent discharges as well as those to be used for removal of oil.

Any vessel of 100 gross registered tons will be required to establish financial responsibility to meet the maximum liability in instances of willful or negligent discharge.

A study of other measures to provide financial responsibilities and liabilities with regard to vessels and onshore and offshore facilities by the Secretary of Transportation in consultation with other Federal agencies and industry, is to be completed by 1971.

The total effect of the discharge of wastes from watercraft into the Nation's waterways, estuaries, ports and harbors is enormous. There are over 8 million recreational vessels, 110,000 commercial vessels, 1,500 Federal vessels as well as 40,000 foreign vessels. These are all highly mobile and constitute a serious

source of pollution, and one which is growing rapidly.

Most vessels are not equipped to provide even minimal treatment of sanitary waste and there is little control of the disposal of other waste matter from vessels.

H.R. 4148 is designed to correct this by authorizing the Secretary of the Interior to issue standards of performance for marine sanitation devices, and the Coast Guard to issue regulations relative to the design, construction, installation, and operation of the devices. This would apply to new vessels within 2 years and to existing vessels within 5 years. Standards and regulations for Department of Defense vessels are to be issued by the Secretary of Defense.

Certification of acceptable devices is to be by the Coast Guard, and without such certified devices no vessel may be operated on U.S. waters after the lapse of the applicable time established by the act. Penalties are provided for violation.

The Secretary of the Interior may cooperate with State or interstate agencies in a research and demonstration program aimed at eliminating or controlling acid or other mine water pollution. Appropriation of $15 million is authorized for Federal participation in costs not to exceed 25 percent for each project.

This is a problem which has been increasing of late as previous measures to control have proved inadequate and the volume of such drainage is increasing at an accelerating rate.

Twelve million dollars for fiscal 1970 and $25 million for fiscal 1971 and 1972 is authorized for the purpose of grants or contracts with institutions of higher education to assist them in carrying out programs to train undergraduates for careers in design, operation, and maintenance of waste treatment works.

The shortage has been a serious problem and such a program is badly needed.

All Federal officers with jurisdiction over real property or facilities, which may discharge matter into navigable waters, are directed to insure compliance with applicable water quality standards in the administration of the property or facility within budget limitations.

Federal agencies issuing licenses or permits to conduct an activity which may discharge into navigable waters are directed to require certification that operations will not reduce the quality of water below applicable standards before issuance of license or permit. This is particularly important.

I feel that there now exists sufficient technical and administrative expertise to eliminate the problem and hazards of oil and other hazardous substance pollution. This legislation will serve to integrate and effectuate this expertise in a comprehensive manner.

Passage of H.R. 4148 will insure advances in several phases of the vital battle against the deterioration of the Nation's natural environment. I strongly urge its approval.

The pivotal question for the future, however, is whether the hazards to conservation outweigh the benefits resulting from oil and other resource development on the Continental Shelf and other areas? I believe more research on this question is needed before areas are indiscriminately opened up for resource development.

America has abundant natural resources. However, pollution is rapidly eroding these resources. The preservation of our natural resources cannot await tomorrow—for if we fail to act quickly to preserve our environment there will be no tomorrow.

Mr. SCHADEBERG. Mr. Chairman, I am proud to rise today in support of the Water Quality Improvement Act of 1969.

This bill has been the subject of extensive hearings before the Public Works Committee, of which I am a member, and I have participated in and followed them with great interest. The testimony presented has substantiated the serious need for this legislation, particularly in view of the recent harbor and shoreline incidents involving oil pollution. As a cosponsor of water quality improvement legislation, I am satisfied that H.R. 4148 is a comprehensive measure incorporating the basic requirements for meeting our water pollution difficulties.

Water pollution is one of the most important problems facing us today. In spite of efforts at all levels, from that of the Federal Government right down to that of the private citizen, our waterways, streams, rivers, lakes, seas, and oceans have not been cleaned out. In my own State of Wisconsin we have been plagued year after year by fish carcasses being washed up on our lake shores. Our citizens have been offended by the stench and the sight of this debris, our beaches have been abandoned, our fishermen, sportsmen, and boating enthusiasts have been impeded in their activities. The provisions of the legislation before us will assist directly and indirectly in combating this unhealthy and bothersome nuisance.

Another problem whose solution will be attempted through provisions of this bill is sewage discharge from vessels. Ships and boats of all sizes which release waste pollutants into our waters will be required to meet marine sanitation standards to be established by the Secretary of the Interior.

The Water Quality Improvement Act will make a significant difference in our approach to the pollution difficulties we face.

Mr. MONAGAN. Mr. Chairman, I rise today in support of H.R. 4148, the Water Quality Control Act of 1969.

Oil and waste pollution of our coastlines and waterways presents a very real threat, not only to our personal physical well-being, but also the ecological balance of our environment.

The advent of the combustion engine signaled more than an era of mass transportation, the attendant vast utilization of oil also started a slow but steady deleterious encroachment upon the ecological constitution of our environment.

What victory will we have if we succeed in mastering the forces of nature if the leisure time we gain must be spent in a wasteland?

To date we have experienced only the immediate and obvious effects of oil and waste spillage—the dead fish, crustaceans, and plant life. The long-range damage remains to be seen. I think the actual and potential damage is sufficient justification for this legislation.

We have had experience with oil pollution in Connecticut, and I have introduced remedial legislation in this area. From my experience gained from serving on the Government Operations Subcommittee on Natural Resources, which in 1963 inspected the Connecticut shoreline and held hearings in Hartford, I have maintained a keen awareness of the problem presented by water pollution. I am gratified to note that this bill authorizes the Secretary of the Interior and the Coast Guard to carry out a program controlling sewage discharge.

The focus which this bill places upon oil pollution is responsive to the seriousness of the threat. The provisions of the bill which fix responsibility and limit liability in the event of negligent or willful oil waste discharges indicate that a realistic appraisal has been made of the problems created by oil transport in vessels. Also, the civil and criminal penalties provided in this bill force higher protective standards upon oil carriers and oil drilling facilities so as to avoid environmental tragedies similar to the *Torrey Canyon* and the Santa Barbara Channel.

Another prudent section is 11(b) which requires applicants for Federal offshore drilling licenses to conform to State water quality standards. This provision will encompass not only oil and waste discharges, but also thermal pollution, a more subtle but no less dangerous form of water pollution.

I am particularly pleased with the provisions of the bill establishing a revolving fund in the Treasury for the reimbursement of a State or locality that assists in oil waste removal. This provision serves to guarantee swift and effective remedial efforts since the affected States can undertake costly cleanup operations with the assurance that their expenditures will be reimbursed.

I look upon a vote for this bill not only as a vote to enact a necessary remedial measure to meet a growing menace, but also as a vote for long range conservation, for if we do not act now the problem will worsen and the funds necessary to meet the necessities will continually increase.

I regret that because of the present world situation and pressing domestic problems we cannot provide more funds for antipollution measures. I look forward to the day when this will be possible, but meanwhile this bill constitutes a good start on this problem.

Mr. BINGHAM. Mr. Chairman, the stresses on our physical environment imposed by human societies are reaching critical proportions. Many elements of the environment upon which man is dependent are becoming polluted with dangerous chemicals and other substances which threaten to make our air, water, and soil not only less usable to living things, but potentially quite dangerous to life. Perhaps no element of the environment has been more misused than our water, and it is of utmost importance that we devote as much effort as is necessary to insure that our water resources are made pure again and kept

that way for both recreational and drinking purposes.

The Water Quality Improvement Act, H.R. 4148, presently before us provides for several badly needed improvements in our capacity to prevent and deal with pollution of our water resources.

The amendment offered by my colleague from Ohio (Mr. VANIK), which is substantially the same in effect as his bill, H.R. 9382, of which I am a cosponsor, points up one major approach to water pollution control and prevention that has not been included in this legislation—Federal assistance for waste treatment and pollution cleanup facilities.

I am greatly disturbed by the fact that crucial time is slipping by without any major effort being undertaken by the Federal Government to begin to help clean up certain specific bodies of water already heavily polluted and growing more polluted every day. Many scientists feel that some of these bodies of water are nearing the point of no return—that they are becoming so polluted that they may never be adequately purified or that their purification may have to be measured in centuries rather than years or decades. I, along, with Mr. VANIK and other Members of this body, am particularly concerned about such bodies of water as Lake Erie, so important to the citizens of western New York.

Mr. VANIK's amendment would allow bodies of water like these, which are terribly polluted, to be declared "pollution disaster areas", which indeed they are. Federal funds would be authorized to be provided to State, local, and interstate agencies in jurisdictions bordering on such "pollution disaster areas" to help them provide "permanent corrective relief" facilities, such as more adequate waste treatment works and sewer systems.

Inadequacy of State, local, and private waste facilities, and the inability of local governments to improve these facilities and to enforce regulations due to lack of funds, are major causes of continued pollution of many bodies of water.

A broad program of Federal assistance for improvement of such facilities is badly needed, but has been omitted from this legislation awaiting further study by the Nixon administration and the relevant congressional committees. But conditions in some bodies of water, like Lake Erie, are so critical now, and these bodies of water are so near total destruction, that I do not feel we can wait any longer. The provisions of the Vanik amendment would permit us to launch a concerted effort to stop further pollution and begin the clean-up work on at least the worst and most seriously threatened cases of pollution among our many polluted water sources, and would pave the way for a more detailed and comprehensive program. In short, the Vanik amendment provides for the emergency steps that must be taken immediately in the absence of a full-scale Federal program of financial assistance for pollution control. And I strongly urge its adoption.

Mr. MATSUNAGA. Mr. Chairman, it is indeed encouraging that Congress has again recognized the need for new horizons and new innovations to meet this Nation's water needs.

By passage of H.R. 4148, the Water Quality Improvement Act of 1969, we have a logical extension in the area of water pollution control. Congress enacted the first water pollution general legislation in 1948, and the Water Quality Act of 1965, together with the Clean Water Restoration Act of 1966, signaled a new era for water pollution control in the United States.

Of all our natural resources, undoubtedly the most abused is water. So long as our streams, rivers, and lakes could cope with the ever-increasing loads of pollution and waste, we were content to let them struggle along. But, suddenly and dramatically, as in the oil pollution disaster in Santa Barbara, Calif., and the *Torrey Canyon* catastrophe, we find the load is too much.

H.R. 4148, the landmark legislation we consider today, provides for the extension of research, development, and training program of the Federal Water Pollution Control Administration; covers rules and regulations concerning the effect of Federal activities and Federal licenses or permitted activities on our Nation's waters; establishes a new training program designed to provide more efficient waste treatment works both at the municipal and industrial level and provides for proper control of pollution from the various types of water craft that move through our Nation's lakes, streams, and waters. A major provision of this bill is the placing of responsibility for cleaning up after a pollution disaster wherever it occurs in our Nation's waters. In order to provide a more positive emphasis to the program, the legislation would change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration.

Hopefully, this legislation will help to curb the ever-growing contamination of our precious natural water resources, and I urge the passage of H.R. 4148 by the House.

Mr. BOLAND. Mr. Chairman, the bill now before us—the Water Quality Improvement Act of 1969—would correct some of the errors of the past as well as lay the foundation for more fruitful results in the continuing fight against water pollution.

We are in an ungainly financial posture at present that inhibits real progress in this battle—unless, of course, the Congress as well as those in responsible positions throughout the Nation utilize all of the authority and technical knowledge available. This, quite plainly, still hinges on the availability of adequate funding.

This bill before us corrects one grievous error in existing law. The Oil Pollution Act of 1924, recently amended, makes it unlawful to discharge oil from any vessel in the navigable waters of the United States and requires any who do to remove it. However, gross or willful negligence on the part of the owner or operator of the vessel or of the installation must be proven before punitive action may be taken, or responsibility fixed.

This has proved so difficult to do that the Department of Justice has prosecuted only a handful of cases. The result is that oil spills, leakage, and accidental discharge have occurred in many and widely dispersed areas almost with impunity.

One resort has been to resuscitate the so-called Trash Act of 1899—that is, to treat the discharge of oil as any waste material. The Corps of Engineers has striven to enforce this act but with wholly unsatisfactory results.

H.R. 4148 would remove this obstacle by repealing the entire Oil Pollution Act of 1924, as amended, and by substituting a comprehensive and orderly program.

It fixes responsibility for spillage—whether willful or not—and enumerates every known source of oil pollution and every possible means. It extends application to vessels, onshore and offshore installations, and includes inland waters, lakes, harbors, estuaries, and all territorial waters of the United States.

Penalties are specific and procedures are outlined in explicit detail.

In the interest of speed and assurance that the cleanup will be immediate a revolving fund of $20 million would be established.

A study of other measures and possible changes or improvements in the act would be undertaken by the Secretary of Transportation in consultation with all concerned interests.

A growing menace to the Nation's waterways is the burgeoning fleet of recreational boats, very few of which have means of disposing of sanitary waste. Commercial and Government vessels, moreover, have inadequate facilities for this purpose. H.R. 4148 would require every boat and ship to be equipped with such facilities within 2 years for existing vessels, and 5 years for new vessels. In cooperation with the Coast Guard their character and capability would be established under this act. And certification of the efficacy of the equipment would be required of all vessels operating in U.S. waters.

Still another growing menace to water resources exists in the rapidly swelling drainage from mining activities, present and past. The act would authorize $15 million for Federal participation—up to 25 percent of the cost of a cooperative program of research and demonstration aimed at controlling or abating this problem.

There is an acute shortage of trained personnel to operate and maintain the many new and enlarged water treatment plants. This Act would authorize $12 million for 1970, and $25 million over the next 2 fiscal years for grants or contracts with educational institutions to establish programs for training undergraduate students interested in a career in this field. Scholarships would be available for these students.

The lakes of the Nation, notably several of the Great Lakes and many smaller ones, are recipients of nutrient waste matter which is prematurely aging them. Some are being referred to as "dying." In any event, their continued existence is threatened by pollution. A program of contracts and grants would be authorized for the Secretary of the Interior to undertake research and development on the lake eutrophication and other problems of the lakes.

Other research and demonstration programs contained in this bill are for the purpose of developing field laboratories, research facilities, experiments

and research in the prevention and control of oil pollution, and removal of oil discharges.

It has been demonstrated that Federal installations are among the worst offenders and that many deleterious activities are undertaken under license or permits granted by Federal agencies. Many of these installations discharge pollutants into rivers and streams. H.R. 4148 would make it imperative that in the administration of their activities that they, within budget limitations, insure compliance with applicable water quality standards. Federal agencies, before issuing licenses or permits, must obtain assurance that any activities pursued in accordance with the license or permit have been certified by the appropriate State or interstate water pollution control agency, and that any resultant discharges into water courses will not reduce the quality of the water below the applicable standards.

This act is not a panacea, of course, but it would correct some of the major blunders of the past and would authorize several new programs that hold great potential for future progress in the control of water pollution.

Mr. MacGREGOR. Mr. Chairman, on October 19, 1967, I introduced a bill entitled "The Clean Lakes Act," whose purpose was the prevention and control of lake pollution. This bill provided for comprehensive pilot programs in lake pollution prevention and control. I am greatly pleased that this proposal has been incorporated into H.R. 4148, the Water Quality Improvement Act of 1969 passed by the House on April 16, 1969.

Section 4 of this bill grants to the Secretary of the Interior the authority 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 man-made pollution in our lakes. In adopting this provision, the House has authorized the expenditure of $65 million for the 1970–71 fiscal years.

Pollution of our inland lakes has accelerated with the tremendous increase in lake usage during the last few years. What we are witnessing in many lakes is a greatly accelerated rate of maturation caused by man's activities. Without man, it might have taken thousands of years for some lakes to reach extinction.

This problem is, of course, of particular concern to my State of Minnesota, which contains within its boundaries over 15,000 lakes larger than 10 acres. While Minnesota has been a leader in seeking answers to these problems, what America has needed is the kind of comprehensive research program contained in the Water Quality Improvement Act. Minnesotans are anxious to preserve priceless natural inland water resources not only for themselves, but for the enjoyment of the ever-growing number of tourists coming from all parts of the country for Minnesota vacations.

Indicative of my State's concern in this regard, the Minnesota Legislature in 1967 created a Minnesota Pollution Control Agency to help coordinate Federal-State programs pertaining to all facets of the pollution problem.

With the additional assistance that this legislation will provide, the lake pollution problem can be fully researched and brought under control. This is an important victory for conservationists throughout the Nation, and a hopeful step for those of us who love Minnesota's beautiful lakes.

Mr. KLUCZYNSKI. Mr. Chairman, this is a particularly important piece of water pollution control legislation for several reasons, one of which is that it sets up preventive measures as well as remedial ones. The oil pollution control section establishes the machinery for reducing or eliminating the pollution of our rivers, harbors, and lakes by oil and other dangerous substances; but it also establishes the procedures for preventing pollution from major spills of oil and matter through a rapid cleanup process.

The vessel sewage provisions are in most respects a preventive measure. In many of our waters this is not yet a major problem, but with the rapidly increasing boat population it is certain to become a real problem, and the requirements in the bill for research to find ways to control it as well as the regulatory controls themselves afford a real opportunity to prevent a serious buildup in this area.

The expanded training program holds promise of increasing the number of competent people to operate the vast numbers of treatment disposal plants that are and will be required if we are to successfully clean up the waters of the States.

The bill contains other essential provisions, including the extension of existing grant programs. But perhaps the most significant to my own area are the provisions of the Federal cooperation section and the special section devoted to cleanup in the Great Lakes. This has been a matter of primary concern to me for several years and I have worked diligently to find new methods by which Federal agencies could eliminate the pollution in their own activities. In this bill we give the force of law to a previous Executive order requiring Federal agencies to reduce or eliminate pollution to the maximum extent possible within existing appropriations. The requirement that Federal agencies have assurance that activities they license will not lower water quality standards is also an important move forward.

The pollution of the Great Lakes from all sources will have to be brought to a halt in as short a time as possible. We are making progress in this direction, but we are obviously not making it fast enough. I have recently served as chairman at a meeting with the Corps of Engineers and the Interior Department officials to review the results of a study to find alternative methods of disposing of dredging materials, as I have served as organizer and chairman of several meetings in the past. There are alternative methods. They are expensive and they will require maximum cooperation on the part of the Government at all levels, but we must strive to put them into operation as promptly as possible.

I wholeheartedly support this legislation, as I have supported every water pollution control bill that has been considered by our committee since I came to the Congress.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee substitute amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. 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, pursuant to House Resolution 340, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

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

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

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

Mr. CRAMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 392, nays 1, not voting 39, as follows:

[Roll No. 37]

YEAS—392

Abernethy	Buchanan	Dickinson
Adair	Burke, Fla.	Diggs
Adams	Burke, Mass.	Dingell
Addabbo	Burleson, Tex.	Donohue
Albert	Burlison, Mo.	Dorn
Alexander	Burton, Calif.	Dowdy
Anderson, Calif.	Burton, Utah	Downing
	Bush	Dulski
Anderson, Ill.	Button	Duncan
Anderson, Tenn.	Byrne, Pa.	Eckhardt
	Byrnes, Wis.	Edmondson
Andrews, Ala.	Cabell	Edwards, Ala.
Andrews, N. Dak.	Caffery	Edwards, Calif.
	Cahill	Eilberg
Annunzio	Camp	Erlenborn
Arends	Carter	Eshleman
Ashley	Casey	Evans, Colo.
Aspinall	Cederberg	Fallon
Ayres	Celler	Farbstein
Baring	Chamberlain	Fascell
Barrett	Clancy	Feighan
Beall, Md.	Clausen, Don H.	Findley
Belcher		Fish
Bennett	Clawson, Del	Fisher
Berry	Cleveland	Flood
Betts	Cohelan	Flowers
Bevill	Collier	Flynt
Biaggi	Colmer	Foley
Biester	Conable	Ford, Gerald R.
Bingham	Conte	Foreman
Blanton	Conyers	Fountain
Blatnik	Corbett	Fraser
Boggs	Corman	Frey
Boland	Cowger	Friedel
Bolling	Cramer	Fulton, Pa.
Bow	Culver	Fulton, Tenn.
Brademas	Daddario	Galifianakis
Brasco	Daniel, Va.	Gallagher
Bray	Daniels, N.J.	Gaydos
Brinkley	Davis, Wis.	Gettys
Brooks	de la Garza	Giaimo
Broomfield	Delaney	Gibbons
Brotzman	Dellenback	Gilbert
Brown, Calif.	Denney	Gonzalez
Brown, Mich.	Dennis	Goodling
Brown, Ohio	Dent	Gray
Broyhill, N.C.	Derwinski	Green, Oreg.
Broyhill, Va.	Devine	Green, Pa.

Griffin	Mann	Ryan
Grover	Marsh	St Germain
Gubser	Mathias	St. Onge
Gude	Matsunaga	Sandman
Hagan	Mayne	Satterfield
Haley	Meeds	Saylor
Hall	Meskill	Schadeberg
Halpern	Michel	Scherle
Hamilton	Mikva	Schneebeli
Hammer-schmidt	Miller, Calif.	Schwengel
	Miller, Ohio	Scott
Hanley	Mills	Sebelius
Hanna	Minish	Shipley
Hansen, Idaho	Mink	Shriver
Harsha	Minshall	Sikes
Harvey	Mize	Sisk
Hastings	Mizell	Skubitz
Hathaway	Mollohan	Slack
Hawkins	Monagan	Smith, Calif.
Hays	Montgomery	Smith, Iowa
Hechler, W. Va.	Moorhead	Smith, N.Y.
Heckler, Mass.	Morgan	Snyder
Helstoski	Morse	Springer
Henderson	Morton	Stafford
Hicks	Mosher	Staggers
Hogan	Murphy, Ill.	Stanton
Holifield	Myers	Steed
Horton	Natcher	Steiger, Ariz.
Hosmer	Nedzi	Steiger, Wis.
Howard	Nelsen	Stephens
Hull	Nichols	Stokes
Hungate	Nix	Stubblefield
Hunt	Obey	Stuckey
Hutchinson	O'Hara	Sullivan
Ichord	Olsen	Symington
Jacobs	O'Neill, Mass.	Taft
Jarman	Ottinger	Talcott
Joelson	Passman	Taylor
Johnson, Calif.	Patman	Teague, Calif.
Johnson, Pa.	Patten	Teague, Tex.
Jonas	Pelly	Thompson, Ga.
Jones, Ala.	Pepper	Thompson, N.J.
Jones, N.C.	Perkins	Thomson, Wis.
Karth	Pettis	Tiernan
Kastenmeier	Philbin	Tunney
Kazen	Pickle	Udall
Kee	Pike	Ullman
Keith	Pirnie	Utt
King	Poage	Van Deerlin
Kirwan	Podell	Vander Jagt
Kleppe	Poff	Vanik
Kluczynski	Pollock	Vigorito
Koch	Preyer, N.C.	Waggonner
Kuykendall	Price, Ill.	Waldie
Kyl	Price, Tex.	Wampler
Kyros	Pryor, Ark.	Watkins
Landgrebe	Pucinski	Watson
Landrum	Quie	Watts
Langen	Quillen	Weicker
Latta	Railsback	Whalen
Leggett	Randall	Whalley
Lennon	Rarick	White
Lipscomb	Rees	Whitehurst
Lloyd	Reid, Ill.	Whitten
Long, La.	Reid, N.Y.	Widnall
Long, Md.	Reifel	Wiggins
Lowenstein	Reuss	Williams
Lujan	Rhodes	Wilson, Bob
Lukens	Riegle	Wilson, Charles H.
McCarthy	Rivers	
McClory	Roberts	Winn
McCloskey	Robison	Wold
McClure	Rodino	Wolff
McCulloch	Rogers, Colo.	Wright
McDade	Rogers, Fla.	Wyatt
McDonald, Mich.	Ronan	Wydler
	Rooney, N.Y.	Wylie
McEwen	Rooney, Pa.	Wyman
McFall	Rosenthal	Yates
McKneally	Rostenkowski	Yatron
McMillan	Roth	Young
Macdonald, Mass.	Roudebush	Zablocki
	Roybal	Zion
MacGregor	Rumsfeld	Zwach
Mahon	Ruppe	
Mailliard	Ruth	

1—SAVN

Martin

NOT VOTING—39

Abbitt	Davis, Ga.	Hébert
Ashbrook	Dawson	Jones, Tenn.
Bates	Dwyer	Madden
Bell, Calif.	Edwards, La.	May
Blackburn	Esch	Moss
Brock	Evins, Tenn.	Murphy, N.Y.
Carey	Ford, William D.	O'Konski
Chappell		O'Neal, Ga.
Chisholm	Frelinghuysen	Powell
Clark	Fuqua	Purcell
Clay	Garmatz	Scheuer
Collins	Griffiths	Stratton
Coughlin	Gross	
Cunningham	Hansen, Wash.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bates.
Mr. Abbitt with Mr. Ashbrook.
Mrs. Griffiths with Mrs. May.
Mr. Madden with Mrs. Dwyer.
Mr. Murphy of New York with Mr. Frelinghuysen.
Mr. Evins of Tennessee with Mr. Gross.
Mr. Jones of Tennessee with Mr. Brock.
Mr. Casey with Mr. Cunningham.
Mr. Moss with Mr. Esch.
Mr. O'Neal of Georgia with Mr. Bell of California.
Mr. Davis of Georgia with Mr. Blackburn.
Mr. Edwards of Louisiana with Mr. O'Konski.
Mr. Fuqua with Mr. Collins.
Mr. Clark with Mr. Coughlin.
Mr. Clay with Mr. Chisholm.
Mr. William D. Ford with Mr. Powell.
Mr. Scheuer with Mr. Dawson.
Mr. Stratton with Mr. Chappell.
Mrs. Hansen of Washington with Mr. Purcell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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, just passed.

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

There was no objection.

YUKA AWAMURA

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to vacate the proceedings of the House whereby the bill (H.R. 5067) for the relief of Yuka Awamura was passed by the House on April 15, and consider in lieu therof an identical Senate bill (S. 458) which was referred to the Committee on the Judiciary on February 18, 1969.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 458

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.

The Senate 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. 5067) was laid on the table.

ABOLISH THE DRAFT

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

Mr. KOCH. Mr. Speaker, I am introducing a bill to abolish the draft. I wholeheartedly join this bipartisan effort led by the senior Senator from Oregon.

Some prefer to speak of this bill as the establishment of a volunteer army. I think the emphasis is misplaced. We already have a volunteer army—only 15 percent of that force are draftees.

I think the emphasis should be on abolishing the draft. Conscription is involuntary servitude. We have tolerated this system too long. We should put an end to it.

The bill provides that the draft could only be reinstated by an act of Congress upon the recommendation of the President. The President would have to look to Congress rather than General Hershey for the necessary military manpower needed to commit this country to a long-term conflict. Only Congress has the constitutional power to declare war. Such authority should not be subverted by the continued use of the draft.

My bill would increase the monthly pay of each enlisted grade by $100. It is estimated that the cost of such a pay raise would be substantially offset by savings resulting from the increased efficiency of maintaining a career army.

But more important, any increase in military pay costs will make clear to the American taxpayer that our force levels are already very high and will dramatically illustrate the true cost of our present military commitments. We should no longer use the draft as a cheap way to continue such commitments. The price paid in human terms is too great and unfortunately some of the military commitments are already suspect.

I reject the arguments that a volunteer army would lead to a mercenary army dominated by blacks. It has been pointed out that blacks represent 12 percent of the age group between 18 and 26, and they voluntarily enter the service at about the same percentage. Canada and Britain have volunteer armies, and I do not see any signs of militarism in those countries—in fact, their military commitments seem to be declining. On the other hand, Greece imposed conscription yet was not spared a military coup.

Some would say we must postpone abolishing the draft until after the termination of our involvement in Vietnam. I disagree. That unconscionable war and the draft that has helped sustain it has already exacted a terrible and tragic price in human life and liberty.

My bill would abolish the draft within 6 months, following the date of enactment.

SERVICEMEN EXPERIENCING HAZARDOUS DUTY IN KOREA

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

Mr. WOLFF. Mr. Speaker, the loss of

31 Americans aboard the EC–121 missing over the Sea of Japan is another tragic reminder of the dangers to which servicemen stationed in and around Korea are subject.

Despite the rising incidence of American casualties in contact with North Korea and the *Pueblo* incident that is so indelibly engraved on our hearts and minds, nothing has been done to provide appropriate compensation for servicemen experiencing hazardous duty in Korea.

I am sponsoring legislation to provide Americans, assigned to Korea and its surrounding area, tax benefits identical to those enjoyed by servicemen assigned to Vietnam. This is the very least we can do in tribute to these men who are risking, and in too many cases giving, their lives for their country.

I urge my colleagues to support this legislation, H.R. 9636, in tribute to our fine members of the Armed Forces in and around Korea. There is no question that the American people would heartily support such an effort to recognize, in this small way, our great American servicemen.

My bill follows:

H.R. 9636

A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 112 of the Internal Revenue Code of 1954 (relating to exclusion from gross income of certain combat pay of members of the Armed Forces) is amended by adding at the end thereof the following new subsection:

"(d) SERVICE IN AND AROUND KOREA.—For purposes of this section, service performed in the Republic of Korea shall be considered as service performed in a combat zone in which combatant activities are being carried on."

(b) Section 112(c)(3) of such Code is amended by striking out "; except that" and inserting in lieu thereof ", except as provided in subsection (d); and except that".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to taxable years ending after the date of the enactment of this Act.

FLYING "PUEBLO"

(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, it has become grimly apparent that 31 Americans have lost their lives in the Sea of Japan because of an illegal and unwarranted attack upon their plane by planes of the Government of North Korea.

Every report to date has stated that the American plane was at least 60 miles from the airspace of North Korea and some say it was as far as 100 miles.

If the facts develop as we are now told, the loss of an American plane over the high seas off North Korea is an unbelievable repeat of the *Pueblo* affair, with the added loss of 31 American lives.

Mr. Speaker, this Nation has followed months of testimony centering on the every detail of what happened to the *Pueblo*. It was understood that a lesson was to be learned from that international misadventure.

But it now appears that nothing has been learned at all.

The White House and the Defense Department have no comment on why there was no military escort for the plane although it was flying in international airspace.

There is no explanation as to why no supporting force was on ready to protect that plane.

There is no explanation on why we allowed an American plane to be shot down, in short.

And there can be no excuse.

We cannot continue to let North Korea attack American ships and planes at will. The administration has a "flying Pueblo" on its hands and the American people are watching to see what action will be taken.

Time is fast running out. If anything, there is evidence of a developing policy of permitting anyone, anywhere, to do anything to Americans without fear of retaliation. If so, that is a policy which must be reversed, and the "flying Pueblo" incident is the place to start.

Whether it is an American naval vessel off Korea, an American Air Force plane over the Sea of Japan, or civilian fishing boats off South America, our flag and the lives of our people must be protected.

The Congress and the people of this Nation are waiting for action by its President. And I do not think they should be kept waiting.

The American flag has once again been subject to violation without provocation.

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

Mr. ROGERS of Florida. I yield to the gentleman from New York.

Mr. STRATTON. I commend the gentleman from Florida for his remarks.

Would the gentleman not agree with me that under these circumstances, with such an obviously illegal action, and with the loss of 31 American lives, there can be no alternative but some kind of military response and promptly?

Mr. ROGERS of Florida. I see no advantage in the course of action we have been following. We must be prepared before such incidents occur. What I am particularly concerned with is that we learned nothing from the *Pueblo*.

Mr. STRATTON. Must not we do the same kind of thing in retaliation for attacks on our people and our servicemen that the Israelis have taken against their enemies?

Mr. ROGERS of Florida. I think we have to come to some policy of that nature; otherwise this would just continue, I presume.

Mr. STRATTON. I thank the gentleman.

NIXON URGES SPENDING REDUCTIONS

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

Mr. DEVINE. Mr. Speaker, it is refreshing and encouraging to receive official word from the President of the United States that he is proposing reductions in Federal spending. This is unique, at least during the sixties, and I am hopeful President Nixon will have the wholehearted cooperation of the Members of this body, on both sides of the political aisle. I am sure of one thing: the American people will be overjoyed.

Yesterday, April 15, was a mighty gloomy experience for the overburdened taxpayer. And congressional mail these past few months express sincere and deep concern about inflationary pressures, Government spending, and taxes on a local, city, county, State, and Federal level. Rather than being frightened about a possible "taxpayers revolt," I think it is a healthy sign to have the American people become concerned about spending and burdensome taxes and the need for tax reform. Some of us have been talking about this for a long time.

President Nixon issued a statement last Saturday, April 12, announcing completion of his administration's first full review of the Federal budget. He plans to send the Congress a series of budget amendments shortly. He is proposing new reductions in Federal spending of $4.0 billion, and recommending cuts to Congress totaling $5.5 billion in appropriations requests.

These proposals will mean a substantial cutback in spending of tax dollars in the coming year, as well as a substantial reduction in claims against future tax dollars. This can well mark the end of an era—the era of chronic budget deficit.

The President obviously is determined to bring a halt to the inflationary spiral. It would probably be more descriptive to call it a "spending binge". Inflation has eroded the value of every paycheck, pension check, pay raise, and has worked a severe hardship to the poor as well as the folks on a fixed or retirement income.

In order for the President to be successful in lifting this burden off the backs of our overtaxed people, it will be necessary for the Congress to be realistic, "bite the bullet," and select priorities. Mr. Nixon suggests this can be achieved if this Government is willing to impose the same disciplines upon itself as inflation and taxes have imposed on the American wage earner and his family.

Decreases in the budget will, of course, require legislation, smaller appropriation requests and executive actions in order to bring Federal spending under control.

In taking this course, the President recognized the growing needs of the American people, yet, suggests that there are better ways than old ways to solve problems, old and new. He has directed a substantial reduction in the level of Federal employment—45,000 below that recommended in the January L.B.J. budget. Further, Defense Secretary Laird has already identified defense budget reductions of $1.1 billion.

So, rather than carping, or engaging in demagogy for home consumption, re-

sponsible Members of this body will listen to the voice of the people back home, and translate it into affirmative legislative action in an effort to give the President's plan and program the life necessary to move forward together.

THE REPREHENSIBLE ATTACK BY THE NORTH KOREAN COMMUNISTS ON OUR UNARMED NAVAL RECONNAISSANCE AIRCRAFT

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

Mr. WHITEHURST. Mr. Speaker, the reprehensible attack by the North Korean Communists on our unarmed naval reconnaissance aircraft in international airspace far outside the limits of coastal waters raises an urgent question of Communist double standards that we must face.

The Soviet Union has been playing fast and loose in American coastal waters, off the coast of Virginia near the Norfolk Naval Base area, and only today we have reports that the Russians are operating in the Gulf of Alaska.

In the affair of the U.S.S. *Pueblo*, Moscow showed contempt for our rights to operate in international waters off the Korean coast. Today we are receiving compelling evidence that the naval aircraft attacked was much farther away from the coast of Korea than the *Pueblo*—even though the *Pueblo* was in international waters.

Some reports cite radar information that our aircraft was attacked as far as 100 miles off the coast.

We find ourselves in the rather ironical position of asking the Russians to search for survivors and recover debris of our aircraft, which includes supersecret electronic equipment and codes. This is a peculiar position to be in because the Russians arrogate to themselves the right to operate in our coastal waters while so militantly defending the North Korean extension of coastal waters to suit their piratical convenience.

But I am certain that our administration was motivated in its request to the Russians by the life-or-death question of possible rescue of our personnel.

An issue that must be defined at once is the two-faced Soviet policy of probing and poking around in American coastal waters while supplying North Korea with the ships and jets, and training the Red Korean forces to attack American aircraft well outside the coastal limits.

This question of territorial waters and the Russian double standard is not peripheral in the present crisis. It is a basic issue that must be faced squarely in our dealings with the Soviet Union.

Moscow must be told that they cannot get away with the duplicity of seeming to maintain one policy in the Far East pertaining to North Korea, a state they arm, equip, and support despite its piracy, but another policy in the Middle East where they allege that they want to impose peace, and still another policy in the brutal subjugation of Czechoslovakia. They cannot defend the arrogant North Korean claims to endless territorial waters while pushing the limits off the coasts of the continental United States.

REPRESENTATIVE POLLOCK INTRODUCES ALASKA NATIVE LAND CLAIMS BILL

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

Mr. POLLOCK. Mr. Speaker, today I am introducing an Alaska native land claims bill. This bill reflects the conflicts, the efforts and the hopes of Alaska for more than 100 years.

Similar legislation is being introduced in the Senate by Senator HENRY M. JACKSON of Washington State and is being cosponsored by Alaskan Senators TED STEVENS and MIKE GRAVEL.

I feel it desirable that the House bill be introduced in conjunction with the introduction of the similar legislation in the Senate so that it may be used as a vehicle to which amendments may be made and so that the necessary reports from the Department of the Interior and the Bureau of the Budget may be generated.

I am aware that this bill is not acceptable in all aspects to the diverse interests of Alaska and all of her people. But it does place into the hands of the Congress a framework upon which an acceptable bill may be constructed.

I will be offering amendments to the bill in the Interior and Insular Affairs Committee, some of which will be at the request of Alaska's native leaders after discussing these amendments with them. The native leaders are now preparing their recommendations for changes and for proposed additions to the bill. Hopefully, we all may come to terms on a bill that is acceptable to the Congress, Alaska's Indians, Eskimos and Aleuts, the State of Alaska and the Department of the Interior, and which will carry the blessings of the President and the administration.

It will be easier and more productive, I feel, to direct our attention to this single bill rather than to a series of bills on the land claims issue.

Congress has historically reserved to itself the right to make determination of the land ownership rights of the Alaskan natives.

Today there is a sense of urgency in resolving this issue.

Because of the native claims, Alaska lies under a super freeze, imposed by the former and the present Secretaries of the Interior. The native people are uncertain of their future. The economy of the State is slowly being paralyzed. The land claims issue must be resolved justly and fairly so that all of Alaska can move ahead.

There appears to be an acceptance by both Houses of the Congress of the need to enact land claims legislation for Alaska before this Congress adjourns. As Members of the 91st Congress, we have the opportunity to arrive at a fair and equitable solution to this most complex problem which has plagued us for more than a century.

Gentlemen, I consider the resolution of Alaska's land claims as one of the most important issues that will confront me during my tenure in Congress. It is with utmost pride that I introduce today the bill that hopefully will bring to the native people and all citizens of Alaska that fair treatment which they so justly deserve. The U.S. Congress is in the unique position of now solving this historic and longstanding problem.

THE SHOOTING DOWN OF AN AMERICAN PLANE BY THE NORTH KOREANS

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

Mr. WYMAN. Mr. Speaker, yesterday an unprovoked attack on a U.S. military aircraft in international waters destroyed one of our planes, its technical equipment, and probably 31 American lives. This was a flag aircraft and its deliberate destruction by a foreign nation in a shootdown was an act of war by North Korea. Unless the United States reacts positively and firmly to retaliate and hence deter any similar future aggression upon our personnel even our military forces will be sitting ducks for trigger-happy Communists anywhere in the world.

This hostile attack has taken place when a new administration is in control of the U.S. Government. It occurs in an area in which by bitter experience gained in a prior administration we know what can happen if patrol craft—air or naval—are put in positions lacking powerful, effective, and immediately available protection. There was much justifiable criticism that those responsible for the assignment of the *Pueblo* off Wonsan Harbor ought to have anticipated and protected against a possible attack. Yet there was no standby fighter-bomber protection at Seoul or even at sea. Now, only months later and in the same general area, we apparently have military aircraft on surveillance but where is the protection?

The Migs that shot down our plane are reported to have taken off from a North Korean airfield nearby. Is that airfield and are those Migs to be left unpunished? How can there be either self-respect within the United States, or respect for the United States in the international community, or morale within our Armed Forces if we fail now to respond to this unprovoked aggression and murder of our men in uniform?

Mr. Speaker, at the time of the *Pueblo* seizure I said on the floor of this House that U.S. policy should be that—

> No Nation anywhere in the world should be allowed to capture an American ship, or shoot down an American airplane, or kill an American citizen without all hell breaking loose for them—not just a protest from the U.S. State Department to fall on deaf ears in an enemy land.

That was January 25, 1968. I repeat that statement here today, April 16, 1969.

Let us for once act positively and courageously to respond to this aggression. Let us establish as the policy of the new administration that we will protect and defend our citizens engaged in lawful activity wherever they may be in the world, in or out of uniform. Above all let us not again leave this incident to languish in ignominy in the wailing halls of ineffective diplomatic protest.

Mr. Speaker, America is no longer a

world leader if we tolerate the unprovoked aggression and murder of our men, whatever may be the risks involved. Sometimes risks must be taken to earn the right to survive in freedom in a cruel world. This is one of those times.

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

Mr. WYMAN. I yield to the gentleman.

Mr. BLACKBURN. Mr. Speaker, I would like to ask the gentleman if he does not agree that we are dealing with barbarians, and that perhaps the axiom that an eye for an eye and a tooth for a tooth might well apply in dealing with barbarians?

Mr. WYMAN. Moshe Dayan would certainly agree. Here we are dealing with Communists, and Communists today hate us as they always have. They are our enemies today as they have been over the years past. The record proves it.

It may be highly inadvisable to risk becoming involved in a military and strategic sense in another area of conflict at this time—God knows we all wish to avoid that—but we must not fail to respond immediately to deter this sort of deliberate murder of our men, even if the response must of necessity be a military one. The world is watching.

AMENDING UNIFORM TIME ACT

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

Mr. FLYNT. Mr. Speaker, I am today introducing for myself, Mr. STEPHENS, Mr. HAGAN, and Mr. STUCKEY, a bill to amend the Uniform Time Act to terminate the observance of daylight savings time on the first Monday of September of each year—Labor Day.

The citizens of my State of Georgia have experienced 2 years of daylight savings time and are generally satisfied with its observance from May through Labor Day. An overwhelming number of Georgians, however, have expressed great dissatisfaction with the present practice of extending daylight savings time beyond Labor Day.

The principal reason for this objection is the apparent safety hazard to small schoolchildren in rural areas, many of whom must walk from their homes to the nearest schoolbus stop. Others ride bicycles to school. Under the present termination date of daylight savings time this walking and bicycle riding has to be done before the sun comes up.

The school year for these children begins in the last week of August. From about the second week in September, when the daylight hours are reduced in number, until the end of October, these children must leave their homes in the early morning hours before first light and make their way to school during the period of time when visibility is restricted and when traffic is heaviest.

We know of no compelling or controversial reason why daylight savings time should not end on Labor Day of each year, and we feel that if such action were taken, most of the objections to the observance of daylight savings time would be removed.

Mr. Speaker, we hope that Congress will take immediate steps to amend the Uniform Time Act to terminate the observance of daylight savings time on Labor Day of each year.

HOGAN CALLS FOR HOBSON'S FIRING

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

Mr. HOGAN. Mr. Speaker, I wish to call the attention of my colleagues to a shocking article which appeared in the Washington Post today. The article was headlined "Hobson: Black Community Must Take Over Schools."

The article concerns a speech made last night at Georgetown University by Mr. Julius Hobson, an employee of the Social Security Administration and a member of the District of Columbia School Board. Mr. Hobson is reported as telling the students that he is a Marxist Socialist and that he believes that the American free enterprise system "must be overthrown by force and violence." He told the students that he "believes in force and violence" because "it is not possible to solve the social problems under the present social and economic system."

He said:

I am personally a socialist and believe in the social-economic theories of Karl Marx.

He said further that he feels that—

the struggle is international, worldwide, and we should make use of resources outside the United States—including Cuba and China—in the fight against capitalism.

Mr. Speaker, these statements are treasonous. They are reprehensible from any American; they are totally intolerable from an employee of the Federal Government.

Recently, a delegation of teachers from the District of Columbia visited me in my office and informed me that Mr. Julius Hobson is "running the District of Columbia public school system." They also advised me that Marxism is being taught in at least one school in the District of Columbia.

Mr. Hobson has now removed any doubt as to where his true allegiance lies. If the statements attributed to him are true, Mr. Hobson has violated the oath he took as a Federal employee.

I am asking the Secretary of Health, Education, and Welfare to fire Mr. Hobson. I am asking the FBI to conduct a thorough investigation of him to determine the extent of his subversive activities. I am asking the Civil Service Commission to determine whether or not an employee who is engaged in this type of activity should be continued in the Federal service. I am also asking the chairman of the House District of Columbia Committee to study the District of Columbia school system to determine the extent of Marxist socialism doctrine in the curriculum and to determine what action might be taken to minimize the influence of Mr. Hobson regarding the District of Columbia public schools.

Mr. Speaker, in my opinion, statements such as those attributed to Mr. Hobson cannot be ignored. We would be derelict in our duty to protect and defend the Constitution of the United States if we permitted such treasonous remarks to go unchallenged.

I include the article which I referred to, which appeared in the Washington Post on April 16, 1969, in the RECORD at this point:

HOBSON: BLACK COMMUNITY MUST TAKE OVER SCHOOLS

(By Paul Hodge)

Washington School Board member Julius Hobson told Georgetown University students last night the city's "black community is going to have to get angry and take over the schools, physically" in order to improve them.

He also told the students that he was a Marxist socialist and believes that the American free-enterprise system "must be overthrown by force and violence" before the gap can be bridged between the Nation's haves and havenots.

Washington's students "have nothing to lose by raising hell . . . (even if) they take over, control, occupy the schools. Nothing more can happen to them . . . They have nothing to lose but their ignorance," the 46-year-old economist with the Social Security Administration said.

Hobson claimed credit for recent school Board approval of a black studies program in the schools, introduction of a course in Swahili and for blocking construction of the new Takoma Elementary School.

"I got Swahili because I got 50 students to come down and raise hell and disrupt the meeting until the Board agreed to Swahili," he said.

To opponents of the proposed design for the Tacoma School "I told them to get a couple hundred people, come down and bust up the meeting. They did, and we put off construction of the building."

He criticized his fellow School Board members and Negroes who attempted to improve the political and educational systems from within, and said that he would not be surprised if violence flared.

Speaking during Georgetown's Black Awareness Week, Hobson said he "believes in force and violence" because "it is not possible to solve the social problems under the present economic and social system."

He said "I'm personally a socialist and believe in the social-economic theories of Karl Marx." And he said twice, for some disbelieving students, that he felt "the struggle is international, worldwide and we should make use of resources outside the United States . . . including Cuba and China," in the fight against capitalism.

"The destruction of capitalism is essential to ending poverty. You can't have political democracy without economic democracy," Hobson asserted.

To some of the 100 students present who questioned his advocating violence, he answered that violence is in the American tradition. "We are the most violent nation in the history of mankind . . . it's our way of life."

Hobson said Washington's school system is violating Judge J. Skelly Wright's 1967 decision by continuing to spend school money unequally among city schools. "Wilson High School students are getting 21 books per child, while at Dunbar High School they get six per child," he said, and "Wilson spends $820 on each pupil compared to $425 at Dunbar."

He said he was going back to court with these and other "maldistribution" figures and force a more equal distribution.

FEDERAL EMPLOYEE JULIUS HOBSON A SELF-DECLARED SOCIALIST AND SUPPORTER OF THE MARXIST THEORY OF ECONOMICS

(Mr. WAGGONNER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, and Members of the House, this morning's Washington Post carried a news item reporting on a meeting last night at Georgetown University and the appearance there of one Julius Hobson as a participant in a Black Awareness Week seminar at Georgetown, wherein Julius Hobson, who this news item describes as an economist in the employ of the Social Security Administration and an elected member of the Washington School Board, is reported as having said that he is a Socialist, and believes in the social-economic theories of Karl Marx.

He said that he supported the principle of physical takeover of schools; the violent overthrow of the American system; that he thought raising a little hell would be good for this country, and that assistance in the "struggle" should be sought in Communist China and Communist Cuba.

Now, to my knowledge this is the first time that an elected official in the United States and, as reported by this news item, an employee of the U.S. Government, has spoken out and said that he was a Socialist, and that he advocated the violent overthrow of the U.S. Government. I have, today, demanded that the Social Security Administration fire this man for sedition and/or treason.

If the Social Security Administrator has any backbone at all he will fire this man, and if the Department of Justice pursues its task it will prosecute him for having advocated the violent overthrow of this Government. This breed of scum does not deserve to be paid by the taxpayers of this country, and he is un-American if his beliefs are what he says they are.

It is time to send that man somewhere else.

The Washington Post story follows:

[From the Washington Post, Apr. 16, 1969]

SCHOOL SEIZURES SEEN WAY TO IMPROVE THEM

(By Paul Hodge)

Washington School Board member Julius Hobson told Georgetown University students last night that the city's "black community is going to have to get angry and take over the schools, physically" in order to improve them.

He also told the students that he was a Marxist socialist and believes that the American free-enterprise system "must be overthrown by force and violence" before the gap can be bridged between the Nation's haves and have-nots.

Washington's students "have nothing to lose by raising hell . . . (even if) they take over, control, occupy the schools. Nothing more can happen to them . . . They have nothing to lose but their ignorance," the 46-year-old economist with the Social Security Administration said.

Hobson claimed credit for recent School Board approval of a black studies program in the schools, introduction of a course in Swahili and for blocking construction of the new Takoma Elementary School.

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Speaking during Georgetown's Black Awareness Week, Hobson said he "believes in force and violence" because "it is not possible to solve the social problems under the present economic and social system."

He said "I'm personally a socialist and believe in the social-economic theories of Karl Marx." And he said twice, for some disbelieving students, that he felt "the struggle is international, worldwide and we should make use of resources outside the United States . . . including Cuba and China," in the fight against capitalism.

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He said he was going back to court with these and other "maldistribution" figures and force a more equal distribution.

THE PRESIDENT'S DOMESTIC PROPOSALS AND CUTBACK IN PROPOSED SOCIAL SECURITY BENEFITS

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

Mr. BURTON of California. Mr. Speaker, I noted in reading the press this morning that President Nixon has revealed a portion of his program including a cutback in the proposed social security benefit increases recommended earlier this year by President Johnson.

By way of background, President Johnson, just prior to leaving office, proposed to increase revenues to the Social Security trust fund for fiscal year 1970 by increasing the current taxable wage rate of $7,800 per year to $9,000 per year, effective January 1, 1970.

President Johnson further recommended moving ahead the current provision of the Social Security Act wherein the 9.6 percent contribution rate—4.8 percent from employee and 4.8 percent from employer—is increased to 10.4 percent—5.2 percent from employee and 5.2 percent from employer—from the scheduled January 1, 1971, effective date to January 1, 1970.

President Johnson recommended that social security benefit payments be increased to 10 percent. These payments were to become effective starting January 1970—the first check being mailed out February 3, 1970.

President Nixon, although silent on the matter on increasing the Social Security trust fund revenues, has not suggested any changes in President Johnson's proposal on the revenues. However, President Nixon proposed to reduce the proposed 10 percent benefit increase to 7 percent. Putting it another way, the outgoing Democratic administration proposed to increase benefits during fiscal year 1970 by $1.6 billion has been slashed under the Nixon proposal to a benefit increase of only $600 million—six-tenths of a billion—a slash of $1 billion.

Simply stated, the Nixon proposal adds a "surplus" to the trust fund of $1 billion by taking it out of the "hides" of the poorest people in the country. Nixon is suggesting that the 25.5 million social security beneficiaries, about 75 percent of whom are aged, will, in effect, be "soaked" to the tune of $1 billion of reduced benefits.

Nixon further compounds his outrageous suggestion by "chiseling" the social security beneficiaries out of 1 month's increase by proposing a delay of a month—from January 1970 to February 1970—with the first checks being mailed out March 3, 1970.

I dare say that before the course of this year has run, the senior citizens, the totally disabled, and the children in the families where the wage earner has died are going to let the Congress know that they will have no part of this unwarranted, unjustified, and hardhearted cutback from President Johnson's proposals.

Those on fixed incomes will let their voices be heard. Continuing inflation, anticipated to increase the cost of living another 5 percent this year alone, will wipe out the Nixon-proposed benefit increase which will not even be adequate to keep pace with the rapidly rising cost of living.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION HEARINGS IN LOS ANGELES

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. HAWKINS), is recognized for 30 minutes.

Mr. HAWKINS. Mr. Speaker, I had the pleasure of attending, a month ago, the Equal Employment Opportunity Commission hearings in Los Angeles.

The purpose of public hearings is to get at the truth about an issue, and in this case the issue was whether minorities are getting equal job opportunity in some of the Nation's most important industries—aerospace, motion picture production, radio-TV, and banking/insurance—in the Los Angeles area.

The Commission and its able Chairman Clifford Alexander have come under attack for "harassing" business at these hearings. Well, having sat in at these hearings I simply want to say that when getting at the truth about equal job opportunity is called "harassment" it is a sad day for this Nation and more specifically for its minority citizens.

The closest thing I saw to any harassment or badgering of witnesses by the Commission was what might better be called a little impatience. That impatience is shared by all of the Negroes and Mexican-Americans who have long been denied equal opportunity, and been exposed instead to a lot of paper promises and hollow policy statements and press

releases by companies who act as though equal opportunity stops at the level of laborer or service worker—if it exists even there.

The Equal Employment Opportunity Commission had data showing that out of nearly 20,000 officials and managers in the Los Angeles aerospace industry in 1968 only 177—less than 1 percent—were black. And when one of the big five aerospace companies testified, it was easy to see why things were not changing the way all the glossy brochures said they were. This company had added 95 officials and managers to its rolls in 1968—and none of them were blacks, Mexican-Americans, or any other minority groups. But the company was convinced it was doing its job as an equal opportunity employer.

This kind of thing makes me impatient too, Mr. Speaker. And if the worst that employers like this are shown is a little courteous impatience, that is an indignity that does not compare to the indignity that our Nation's minorities are shown every day by such employers, who think that when the door to the mailroom is open, all the barriers are down. The EEOC made sure that its hearings were held with proper decorum. But it also made sure it got the truth and apparently it is the truth which hurts.

Mr. Speaker, I am sure that all of us here are concerned that truth be exposed and justice be done, and that these are the reasons for the outcry against the temper of the inquiring Commission and the tone of the hearings. In order, then, that we might arrive at a just appraisal of the proceedings, I believe we must consider the kind of testimony, on the part of the company officials, that elicited the questioning that has been so strenuously objected to.

One of the leading motion picture studios stated to the Commission that—

> From the inception of the Company in 1928, the policy of merit employment was established. . . . This policy has been so indoctrinated into all management personnel that there has been no question of its acceptance by all levels of supervision.

But under further questioning, this company reported that in 1969 they employ all of 26 Mexican-Americans and nine black people out of some 900 white collar employees. This, in a city where blacks and Mexican-Americans constitute 20 percent of the population, hardly attests to the effectiveness of the "indoctrination."

This example and many others like it which arose during the 3 days of the hearings would seem to make it obvious that the only way to expose reality to the light of day is to probe beneath the surface of perfunctory policy statements. This is exactly what happened at the EEOC hearings and this is what has made some people uncomfortable. It made them uncomfortable in Los Angeles and it made them uncomfortable a year earlier in New York City, when the Commission found that among that city's 100 leading corporate headquarters, the 46 companies who were members of Plans for Progress—a group publicly pledged to affirmative action in minority employment—trailed the 54 nonmember firms in four of six white collar job categories with respect to Negro employment, and in five out of six with respect to Puerto Rican employment. In the key professional and managerial areas, where much of Plans for Progress effort is ostensibly concentrated, nonmember companies employed black people at rates 1½ and four times higher respectively than PFP members.

Clearly, then, a statement of support—public or private—for the general principle of equal opportunity does not produce equal opportunity or a result, "voluntary efforts" all too often go little further than the press release announcing them. Some type of enforcement to assure equal opportunity is imperative, and some exposure of the extent to which voluntarism fails is in the best interest of all concerned.

It is about time we placed ourselves firmly on the side of the truth by supporting, rather than condemning, efforts such as EEOC's hearings.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

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

Mr. BURTON of California. I should like to commend the gentleman in the well, my distinguished colleague from California (Mr. HAWKINS), for his dedication and leadership in this field. I likewise commend our distinguished colleagues from Ohio (Mr. STOKES), and Missouri (Mr. CLAY), and I wish to further make note of the leadership and effective interest that has been given to this most important area by our distinguished colleague from California (Mr. ROYBAL).

Again I commend the gentleman from California (Mr. HAWKINS), for his leadership, and I associate myself with his remarks.

Mr. HAWKINS. I thank the gentleman from California.

Mr. Speaker, I yield to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Speaker, I should like to associate myself with the remarks made by the gentleman from California (Mr. HAWKINS) and to compliment those who attended the meetings in Los Angeles, and most particularly, the work being done by the Chairman and members of the U.S. Equal Employment Opportunity Commission toward the objective that all our citizens, regardless of race, creed, color, national origin, or sex, have an equal chance to obtain meaningful and worthwhile employment—and live a life of genuine fulfillment without the crippling handicap of job discrimination to prevent them from achieving the full potential of which they are capable.

Recently, the Equal Employment Opportunity Commission held a 3-day series of hearings in Los Angeles to survey the actual situation regarding job discrimination in four major industries of southern California: Aerospace, motion picture, radio/TV, and so-called white-collar areas such as banks, insurance companies, and savings and loan institutions.

The Commission uncovered what it described as a documented record of widespread discrimination in employment in these major industries of the Los Angeles metropolitan area, including "blatant violations" of title VII of the 1964 Civil Rights Act—the Federal Government's antidiscrimination employment law.

In fact, in the motion picture industry, where the Commission found "clear evidence" of a pattern or practice of discrimination, the EEOC has recommended the first industrywide legal suit by the U.S. Department of Justice against virtually the entire movie and TV film industry and its craft unions.

Mr. Speaker, I believe that EEOC Chairman Clifford L. Alexander, Jr., deserves high praise for the energetic and effective manner in which he has conducted the Commission's activities.

His pioneering efforts in this vital, but often difficult and controversial area have already accomplished much in promoting the worthy goal of equal job opportunities for all Americans.

In addition, I would like to express a personal note of appreciation for the work of EEOC Commissioner Vicente T. Ximenes, who was also on the panel during its Los Angeles hearings and contributed in an outstanding way by providing imaginative leadership in the fight to assure each citizen of his full rights to share in the great benefits our Nation offers.

Finally, Mr. Speaker, because I believe they would be of interest to my colleagues, as well as of vital importance to a true understanding of the meaning of equal employment opportunity, I would like to include in the CONGRESSIONAL RECORD at this point four items which I have obtained from the Equal Employment Opportunity Commission.

The items are: First, the EEOC's press release summarizing its findings at the Los Angeles hearings; second, a letter I have received from Commissioner Ximenes providing some shocking statistics on what he characterized as the "intolerable minority employment record" discovered in the Los Angeles area; third, the opening statement of Chairman Alexander at the Los Angeles hearings; and, fourth, background data on the four major industries surveyed.

The items follow:

NEWS RELEASE OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

When the U.S. Equal Employment Opportunity Commission wound up its recent three-day public hearings in Los Angeles the record was clear: Blacks, Spanish Surnamed Americans and women are barred from employment or held to the lower paying jobs in the area's major industries. Also made clear was EEOC's determination to change this picture as the Commissioners exposed blatant violations of Title VII of the 1964 Civil Rights Act, the Federal Government's anti-discrimination employment law.

In the movie production industry where the Commission found "clear evidence" of a pattern or practice of discrimination, EEOC agreed on the spot to recommend the first industry-wide suit by the U.S. Department of Justice against virtually the entire motion picture and TV film industry and its craft unions.

EEOC Chairman Clifford L. Alexander, Jr., pointed out that the motion picture industry plays a critical role in influencing public opinion. "Any company that takes equal employment seriously is able to hire qualified blacks and Spanish Surnamed Americans from this area's rich resources," he stated. Unless movie producers have a workforce representative of the nation, they are "not

in a position to project what our country is", Alexander told Arthur Schaefer, of Warner Brothers/7 Arts. When this witness told of meetings held with minority organizations, Alexander said EEOC "gives no points for dinners, awards, meetings attended, etc.".

Chairman Alexander presided at the March 12–14 hearings with the full Commission and General Counsel questioning the witnesses. They are: Vice Chairman Luther Holcomb; Commissioners Vicente T. Ximenes, Elizabeth J. Kuck, William H. Brown III and General Counsel Daniel Steiner.

EEOC revealed that the 4.2 percent employment rate for blacks and Spanish Surnamed Americans in the area's movie industry is well below the average 7.4 percent rate for all industries in the Los Angeles metropolitan area in almost every occupational category.

An attractive young Mexican American actor, Ray Martell with no trace of an accent, was asked by the Commission to report his experience in seeking a job. He charged the movie industry with "outright racism" along with the craft unions involved, and said that Mexican Americans "are not salable" to the movie industry "because of racism." On the one hand he was told by casting directors that he looked too Mexican for conventional roles but not Mexican enough for the industry's stereotyped portrayals of Mexicans.

Joseph Bernay, international representative of the International Alliance of Theatrical Stage Employees claimed "no practices of discrimination" in the *union* but could not explain to the Commission why the membership application included the question "are you foreign born?". Questioned by Mr. Steiner, he revealed that one local union had 4,000 members, of whom eight are Negroes and 51 Mexican Americans. Another had a total membership of 1,000 in which there was only one black and 50 Mexican Americans.

Commissioner Ximenes repeatedly challenged the industry to change the "sombrero and barefooted" image of Mexican Americans as portrayed by the industry.

Commissioner Brown exposed the unrealistic 2,100 hour apprenticeship required for lamp operator in the industry when he reported that a U.S. Navy pilot earns his wings in 1,500 hours of which 280 are spent flying.

Commissioner Kuck wanted to know why the TV industry does not do more shows examining the depth and nature of employment discrimination. The industry had no answer.

Throughout the hearings, EEOC stressed the underemployment of minorities and women which was graphically illustrated in employers' answers to Commission questioning. The spokesman for Walt Disney productions, for example, after reporting that Walt Disney had established a non-discriminatory employment policy in 1928, admitted under direct questioning by Mr. Alexander, that most of his company's black employees are in service and janitorial jobs. Under further questioning from Commissioner Brown he said that out of 238 officials and managers in the company none is black; out of almost 900 white collar employees, only nine are black; 26 are Mexican Americans.

The three major radio-TV networks, ABC, CBS and NBC, Mr. Alexander said, bear the responsibility for bringing to the American people what goes on in this country. He found their attitude "callous" when it comes to the law concerning equal employment. "I would remind the networks", he said following their testimony, "that you are potential lawbreakers," respecting violations of Title VII of the 1964 Civil Rights Act.

"I don't know of any other reason for the exclusion of minorities," he concluded. The Commission, he said, would focus on action to be taken against the networks.

Almost 90 percent of the employees reported by the networks were in white collar occupations. Yet one network had no Mexican American officials, managers, professionals or salesmen and there were only 2 Mexican Americans and 1 black among the 499 officials and managers at the three networks combined. One network reported that 3.6% of its technicians were black while another could only show 0.9%.

While blacks held 7.4% of reported jobs in the Los Angeles metropolitan area in 1967, the networks reported only 2.9% black employees and this figure declined slightly in 1968. Mexican Americans represented only 0.9% of the networks' total employment in 1967 and increased to only 1.6% in 1968.

The American Broadcasting Company's claim of "aggressive recruitment" of minorities was demolished by Commissioner William H. Brown III in his questioning of James G. Riddell, Vice-President, Western Division which brought forth these statistics: out of 146 officials and managers there is 1 black and no Spanish Surnamed American; of the 140 professionals, there is one black and 1 Spanish Surnamed American; of the 307 technicians, there are two blacks and three Spanish Surnamed; of the 14 sales workers, there are no blacks and two Spanish Surnamed Americans. When ABC claimed pride in its figures, Commissioner Brown warned: "If you think you've done a good job then not only ABC but the country is in bad shape."

A similar pattern was established in the questioning of Perry Lafferty, CBS Vice-President of Programs; Herbert Schlosser, NBC Vice-President of Programs, Oscar C. Turner, NBC West Coast personnel director and H. R. Guillotte, NBC labor relations executive.

A pattern of underemployment of minorities was again revealed by three major white collar employers—Occidental Insurance, Bank of America, and Security Pacific National Bank; the five leading aerospace companies in the Los Angeles area—McDonnell Douglas Astronautics Corporation, Lockheed Aircraft Corporation, North American Rockwell Corporation, Hughes Aircraft Company, and TRW Systems, and one of the major unions in aerospace—the International Association of Machinists (IAM).

One aerospace company with 2,068 officials and managers had only 17 blacks, 18 Spanish Surnamed Americans, 35 Orientals and one Indian in these positions.

When an official of North American Rockwell Corporation testified that since December 1966 his company had increased black officials and managers from 46 to 58 and Mexican Americans in this category from 46 to 66, Mr. Alexander dramatized the slow progress by pointing out that at this rate "it would take 15 years for blacks to obtain even 3 percent of the management jobs."

IAM revealed that out of 31 or 32 international representatives, there was only 1 black and one Spanish Surnamed American which the union spokesman admitted was "inadequate."

Occidental Insurance, one of the area's major white collar employers, reported that it set targets for minorities in all job classifications and was able to report that out of its 1300 employees 19.1 percent are Spanish Surnamed, 13.2 percent black and 6.2 percent Oriental. Bank of America and Security Pacific fell far below these rates and all three showed few if any blacks and Spanish Surnamed Americans in the higher level management positions.

Ximenes observed that policies aimed at upgrading Mexican Americans and blacks "have been a failure," according to the industry's own figures. "Maybe," he suggested, "what you need is a training program for hard-core management rather than hard-core unemployment. Management has a fine statement of policy but a series of gate keepers close the doors to minority people."

Chairman Alexander emphasized again that Title VII is the law of the land warning that "it is about time these corportions—many of whom are screaming for law and order—obey the law themselves."

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Washington, March 27, 1969.

Hon. EDWARD R. ROYBAL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROYBAL: I thought you should know the minority employment record of the three major networks of our nation. Both Blacks and Mexican Americans must get relief from this intolerable situation. The networks are ABC, CBS and NBC.

A. Out of 3,500 employees, the three networks employ 76 Spanish Surnamed and 121 Blacks.

B. Out of 504 managers, the three networks had 3 Spanish Surnamed and 6 Blacks.

C. Out of the 76 Spanish Surnamed employees of the three networks, 36 were clerical and 17 were blue collar workers.

D. Of the 121 Blacks employed by the three networks, 67 were clerical and 12 were blue collar workers.

E. There were only 3 Spanish Surnamed professionals in the three networks.

F. There were only 15 Spanish Surnamed technicians in the three network labor force.

Sincerely,

VICENTE T. XIMENES,
Commissioner.

STATEMENT BY CLIFFORD L. ALEXANDER, JR., CHAIRMAN, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, AT OPENING OF COMMISSION HEARINGS, LOS ANGELES, CALIF., MARCH 12, 1969

Our hearings today, tomorrow and Friday will explore utilization of minority and women workers in several industries of national significance. Today we will be concerned with the aerospace industry, the nation's largest manufacturing employer and the largest single employer in Los Angeles. Tomorrow we will be concerned with the motion picture production industry. On Friday we will be covering the radio/TV networks. These latter two industries together exert a staggering influence on the country's image of itself and also have a great deal to do with the worldwide image of our country. On Friday, too, we will hear from a number of major white collar employers in Los Angeles, because here as nationally it is in the white collar job sector that future economic growth will come.

Let me talk a little about some of the other hearings the Commission has held, and what they have meant, in order that these Los Angeles hearings can fall into perspective. Two years ago we held a public forum on employment practices in the textile industries of North and South Carolina. A concerted follow-up effort by the Commission, other government agencies and state and local groups took place after the hearings had pointed up areas where action was needed. A year ago in New York City we had hearings involving some of that city's and the nation's largest white collar employers, and their utilization of minorities and women. Again, a concerted follow-up program took place. We are presently evaluating results of action or inaction during the intervening year by the employers involved, to determine whether necessary change has occurred; and we may return to New York for another set of hearings in the event it has not. Similarly, we are analyzing data on changes since our program with the textile industry. I plan to consult with the Commission shortly about returning for full scale hearings on utilization of blacks by the dominant employers of that industry in North and South Carolina.

This is to say, then, that our Commission believes that hearings, or "dialogues" if you wish, while often productive, are not an end in themselves. The areas for improvement that these hearings identify will be the subject of substantial follow-up activity by the Commission. We will enlist if necessary the support of other government agencies whose responsibilities relate to assurance of equal job opportunity in the industries concerned. In about a year we will evaluate the extent

of improvement, or its absence, to determine whether renewed hearings or other activities are indicated. What, then, do we plan to accomplish in the three days this week? Let me quote from the letter of invitation sent to employers in the industries with which we are concerned.

"A primary objective in holding these hearings is to explore the particular advances made by some firms in providing equal employment opportunity and the techniques which produced such advances. Of equal importance is to explore with the many firms whose success in this area has been limited, the reasons why results have fallen short of intentions. Because any discussion of equal employment opportunity programs is meaningful only when it includes consideration of their results—or lack of results—in terms of actual numbers of jobs for minorities and women within the company, Commission questioning at the hearings will seek to elicit such information in the event that employers' prepared statements omit presentation of [EEO–1] figures."

A similar letter was sent to the unions invited to give testimony at these hearings.

Most of the witnesses who will be testifying today and in the next two days have supplied us in advance with copies of the oral statements they will be making, together with longer written statements and exhibits for the record. These statements were prepared to execute the objective of the hearings detailed in my invitation letter. To facilitate production of the record for the hearings, I am directing at this time that such written statements and accompanying exhibits be entered into the formal record.

Before we begin today's session on the aerospace industry, I believe each of you has obtained from the table outside—or can get from Commission staff who are seeing to seating arrangements—a copy of some background data on the aerospace industry in Los Angeles. It spells out in graphic terms the reason we are here to explore existing utilization of Mexican Americans and blacks in that industry, and why it is action to change that utilization that we are here to stimulate.

In the dialogue we will be having with companies and unions we will undoubtedly hear declarations of future intent. This dialogue must be a prologue to action and this Commission plans to do everything in its power to assure that action.

Finally, to explain the procedures that will govern the hearings, let me turn to Mr. Daniel Steiner, General Counsel and Acting Staff Director for the Equal Employment Opportunity Commission.

Background Data on the Aerospace Industry in Los Angeles

Employment statistics for the aerospace industry in Los Angeles are particularly significant because the industry is the largest manufacturing employer in the nation and the largest single employer in Los Angeles, with over a quarter of a million employees in the SMSA (Standard Metropolitan Statistical Area). The area accounts for about one-fifth of the total national aerospace employment.

The Equal Employment Opportunity Commission's analysis of employment among seventeen (17) major employers, who account for 85% of the total aerospace jobs in Los Angeles, shows extremely low participation by minority groups at all but the lowest levels of aerospace employment in all but a few of the major aerospace companies.

In both overall white and blue collar classifications, the percentage of Mexican Americans employed by the aerospace industry is about half the figure for all industries in the Los Angeles area.

In 1967, for example, Mexican Americans constituted nearly 10% of the total foremen, craftsmen and kindred workers throughout all Los Angeles industries, but only 6.5% of craftsmen in the aerospace industry; they made up 6.5% of the total clerical workforce, but only 2.9% in aerospace. And there was not substantial improvement during 1968—participation increased for craftsmen to 7.2% and for clerical workers to 3.2%.

The white collar statistics for blacks are equally discouraging—of nearly 20,000 Officials and Managers in the Los Angeles aerospace industry in 1968, only 177 were black (0.9%); of nearly 53,000 professionals, only 625 (1.2%); and even in the clerical category, out of nearly 41,000 employees, only 1600 were black (3.9%). Only in blue collar jobs are black people employed in aerospace at rates above all-industry averages.

Variations in Minority Employment

Sharp differences among companies' minority utilization demonstrate that qualified and qualifiable Mexican Americans and blacks are available at all occupational levels. The following chart indicates the most and the least successful major employers of minorities and divides the employment into white and blue collar categories:

RANGE OF 1968 MINORITY EMPLOYMENT AMONG 17 AEROSPACE COMPANIES

	Percent Mexican American		Percent black	
	Low	High	Low	High
Total employment	2.2	32.9	1.2	15.0
White collar	1.1	13.3	0	4.1
Blue collar	4.3	49.1	2.8	32.0

Background Data on the Motion Picture Industry in Los Angeles

The motion picture industry reports approximately 19,000 employees, 13,000 of whom are white collar workers. But it is not the raw numbers of people employed that is significant, it is the fact that the industry plays a critical role in influencing public opinion and creating this country's image of itself. In order to portray accurately the nation's minority groups, the industry must employ minority personnel at all levels.

The Equal Employment Opportunity Commission's analysis indicates that this is not happening.

Minority Employment Rates Well Below Average

Based on analysis of 1967 data, the industry is a very poor employer of minorities. For both blacks and Mexican Americans, it falls below the average rates for all industries in the Los Angeles metropolitan area (SMSA) in almost every occupational category.

If one company is excluded from the total, reported utilization of blacks by motion picture producers is even more dramatically below other industries in the area. For example:

PERCENT BLACK EMPLOYMENT REPORTED IN 1967

	SMSA	Motion picture producers	Motion picture producers (excluding one company)
Total	7.4	4.2	2.1
White collar	3.4	3.5	.8
Officials and managers	1.1	.6	.5
Professional	2.1	7.1	.5
Technical	4.3	.4	.3
Blue collar	10.3	2.3	1.0
Craftsmen	4.9	1.5	.4
Operatives	12.5	2.3	.9

In most key occupational categories, the employment of Mexican Americans in the industry trails the metropolitan average:

PERCENT MEXICAN-AMERICAN EMPLOYMENT, 1967

	SMSA	Motion picture producers
Total	10.1	4.2
White collar	4.4	3.5
Office and clerical	6.5	3.8
Blue collar	17.5	4.7
Craftsmen	9.9	5.4
Operatives	19.0	3.9

Variations in Minority Employment

There are enormous differences among major movie companies in reported minority participation. One company employs large numbers of Mexican Americans in every job category; another, large numbers of blacks in every category above laborer. At the same time, in several job categories, about half of the companies employ no blacks or Mexican Americans at all. The following chart indicates the most and least successful employers of minorities and divides the employment into white and blue collar categories:

RANGE OF MINORITY EMPLOYMENT, 1967, AMONG 7 MAJOR MOVIE COMPANIES

	Percent Mexican American		Percent Black	
	Low	High	Low	High
Total employment	1.5	16.2	0.6	10.4
White collar	.8	13.5	.4	13.7
Professionals	0	14.3	0	26.9
Technicians	0	17.1	0	.9
Blue collar	1.6	18.5	.2	5.5
Craftsmen	1.5	23.1	0	4.6
Operatives	1.0	11.8	0	6.0

Background Data on Three Major Networks in Los Angeles

The minority employment picture for the 3 major radio and TV networks in the Los Angeles area is discouraging. But it is not raw numbers of people employed that is significant, it is the fact that the networks play a critical role in influencing public opinion and creating this country's image of itself. In order to portray accurately the nation's minority groups, the industry must employ minority personnel at all levels.

The Equal Employment Opportunity Commission's data indicates that this is not happening.

While blacks held 7.4% of reported jobs in the Los Angeles metropolitan area in 1967, the networks reported only 2.9% Negro employment, and this figure decreased slightly in 1968. Mexican Americans, who comprised 10.1% of the Los Angeles employment, were 0.9% of the networks' total employment in 1967 and increased to only 1.6% in 1968.

Almost 90% of the employees reported by the networks were in white collar occupations, and here the picture is bleak. For instance, in 1967 Mexican Americans filled 4.4% of all white collar jobs reported by Los Angeles industries, but only 0.9% among the networks—and between 1967 and 1968 the Negro participation rate in white collar jobs actually decreased. By occupational category within the overall white collar category, the 1968 numbers speak for themselves:

Occupation	Mexican American (percent)	Negro (percent)
Total white collar	1.2	2.8
Officials and managers	.4	1.4
Professionals	.4	1.6
Technicians	.9	2.4
Sales persons	1.7	0
Office and clerical	2.3	4.8

While all the networks show gross underutilization of minorities—one network had

no Mexican American officials, managers, professionals or salesmen; and there were only 2 Mexican Americans and 1 black among the 499 officials and managers at the three networks combined—there is variation among the networks which shows that qualified minorities are available if the effort is made to find them. One network reported that 3.6% of its technicians were Negro while another could only show 0.9%. In 1968, the first reported blacks in 6.1% of its clerical jobs, while the second reported 3.6%.

BACKGROUND DATA ON WHITE COLLAR EMPLOYMENT IN BANKS, INSURANCE COMPANIES, AND SAVINGS AND LOAN INSTITUTIONS IN LOS ANGELES

The Equal Employment Opportunity Commission analysed employment statistics for 30 large banks, non-bank credit agencies and insurance companies operating in the Los Angeles metropolitan area. Together, they employ 50,000 people, accounting for 65% of all white collar employment in this industry group.

In overall white collar employment of minorities, the thirty companies compare favorably with the average for all industries in the Los Angeles Standard Metropolitan Statistical Area (SMSA) particularly in the employment of Mexican Americans. For the most part, however, this overall figure reflects minority employment in clerical jobs and relatively high utilization by a few larger companies.

In the employment of Mexican Americans, the 30 companies exceed the area average in clerical employment by a substantial margin, and at the managerial level by a small margin. However, at the professional and technical levels, they lag behind the area average:

PERCENT MEXICAN-AMERICAN EMPLOYMENT, 1967

	SMSA	30 companies
Professionals	2.0	1.7
Technicians	5.2	4.9

The 30 companies exceed the average in employment of blacks only in clerical jobs. In fact, they are less than half the SMSA average in every other white collar category except managers.

PERCENT, BLACK EMPLOYMENT, 1967

	SMSA	30 companies
Officials and managers	1.1	0.6
Professionals	2.1	.9
Technicians	4.3	1.6
Salesworkers	3.5	1.5

WIDE VARIATION IN MINORITY EMPLOYMENT

The large white collar employers vary significantly in minority employment. Nine of the 30 companies have no Mexican Americans at the managerial level, while one company employs them in almost 30% of these jobs. The range of black participation is much narrower, the best utilized employing blacks in 2.9% of the managerial jobs. *Twenty-two of the 30 companies have no black officials or managers.* The performance of top utilizers suggests that qualified minority workers can be found—by those companies willing to look.

Mr. HAWKINS. I thank the gentleman.

I now yield to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. I thank the gentleman for yielding.

Mr. Speaker, there has been some comment in the other body to the effect that the hearings held in Los Angeles last month by the Equal Employment Opportunity Commission were carried out in a "carnival atmosphere."

I sat in at those hearings, and would like to point out for the record that they were conducted with all the propriety any public hearings ought to have.

I believe that much of the objection to them may have come from people who wanted to see a whitewash of minority employment patterns and practices by the companies and unions that testified. These people think that anything other than such a whitewash means a vendetta by EEOC against industry.

Well, there was no whitewash, to be sure. There was fact finding about minority employment and if the facts were embarrassing to the companies or unions who testified to them, so be it. In many cases they should have been embarrassing.

When a major movie company reported that it had an equal employment policy in force since 1928 and that equal employment was "a matter of continual discussion among top executives of the studio," perhaps the critics of the hearings would have liked to see the Commission applaud this company.

But this same company revealed under questioning that out of some nine hundred white collar workers, there were only 26 Mexican Americans and nine blacks, in a metropolitan area where these two groups make up almost 20 percent of the work force; that out of 238 officials and managers, one was black, and he headed up the janitorial department.

I believe, Mr. Speaker, that the Commission should be commended, not denounced, for bringing to the public hypocrisy like this. The time is past when industry and labor should be able to discharge their responsibility for equal job opportunity with pious platitudes. The Commission made this clear at its Los Angeles hearings and in doing so it performed a service that was needed and still needs to be done, all of which was in keeping with the authority reposed in that commission by this Congress.

Mr. CLAY. Mr. Speaker, I want to associate myself with the remarks of my two colleagues regarding the recent Los Angeles hearings by the Equal Employment Opportunity Commission.

I too had the pleasure of attending those hearings, and I just want to add one thing that stuck in my mind about them. And that is that the information EEOC elicited from witnesses was properly embarrassing to them—not the way it was elicited. When the head of the joint apprenticeship training program for lamp operators in the motion picture industry was asked how long it took to train a lamp operator, he said the requirement was 2,100 hours. He was asked, very courteously and matter-of-factly whether he was aware that it only takes the Navy 1,500 hours to train a man from scratch to be a pilot—to land a jet plane on a moving aircraft carrier.

Now this is a pretty trenchant way of saying that apprenticeship programs in that industry are set up with unrealistic standards. Such standards discourage youngsters—particularly minority youngsters who for years were overtly excluded from the industry and are rightly dubious about pronouncements that now the doors are open—from ever getting work in the craft. But it was not the industry representative who was harassed by such questioning. It is the thousands of blacks and Mexican-Americans and native Americans who are daily harassed by this, and similar practices, on the part of companies and unions that keep minorities confined to the lowest level jobs—and sometimes even exclude them from those.

Mr. Speaker, the Equal Employment Opportunity Commission acted responsibly and did this Nation a service at its Los Angeles hearings and I personally consider any attacks on those hearings as irresponsible.

Mr. HAWKINS. I thank the gentleman.

I now yield to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I thank the distinguished gentleman from California (Mr. HAWKINS) for yielding to me and commend him for having taken this time to bring to the attention of the House the matter of the Los Angeles hearings. His leadership in this area is well known.

I also commend the previous speaker, the gentleman from Ohio (Mr. STOKES), as well as the gentleman from Missouri (Mr. CLAY), and our colleagues from California (Mr. ROYBAL and Mr. BURTON).

Mr. Speaker, I was distressed, as I am sure the gentleman in the well was, by the attack which was leveled upon the chairman of the Equal Employment Opportunity Commission by a very well-known Member of the other body, the minority leader no less, with the result that the very next day the administration indicated that the chairman of the Commission would be replaced. I think that Clifford Alexander, Jr., deserves great commendation and credit for the work he has carried on as chairman of the Commission. It is dismaying that he has not been permitted to continue. It is perfectly clear, as indicated by the statistics cited only a moment ago by the gentleman from Ohio (Mr. STOKES), regarding the pattern of employment in that one company in California, that discrimination in employment persists and that the mandate of the Civil Rights Act of 1964 is not being carried out. There must be vigorous enforcement of the provisions which outlaw discrimination in employment-enforcement by all elements of the Federal Government. The Commission itself has rendered a major public service by conducting hearings throughout the country.

This brings to mind the necessity for strengthening legislation, with which I know the distinguished gentleman from California has been very much concerned, to give the Equal Employment Opportunity Commission the power to issue cease and desist orders.

Mr. Speaker, I urge the Congress to strengthen the powers of the Commission so that it can more effectively discharge the responsibilities which have been entrusted to it.

Mr. HAWKINS. Mr. Speaker, in conclusion may I again remind the House that title VII of the Civil Rights Act is the law of the land. It seems to me it behooves those who wish to implement the law of the land to observe it, rather than to attack those who in the execu-

tive branch of the Government are attempting to implement it.

I believe the unwarranted and political attacks upon this commission in particular are not deserving of the right to the claim of the type of jurisprudence to which we should adhere in this country, and that such attacks certainly do not come out of a sense of equal justice under the law for all.

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

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter in connection with the subject of my special order.

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

There was no objection.

A MILE FROM TIMES SQUARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, public alarm over whether there is an unsafety factor in atomic powerplants may require Congress to expedite action on the joint resolution which I introduced for the purpose of making a complete study of the Nation's civilian reactor program.

The proposal to build a supersized reactor on Welfare Island in New York City is reopening the safety question and exposing the Atomic Energy Commission's uncertainty about preventing radioactivity from contaminating air and water. The idea of putting a lethal facility in the midst of one of the most densely populated areas in the world is producing a public fear that should finally bring an in-depth, across-the-board investigation of all nonmilitary activities of the AEC, for the mere presumption that a grave incident will "probably or hopefully" not occur is no longer acceptable.

In dealing with a substance as deadly as the atom, assurance against an accident must be absolute.

A terrifying picture of possible consequences of an atomic generating station on Welfare Island is presented in the current issue of Environment, whose science advisory board and committee for environmental information includes many distinguished names from such disciplines as medicine, biology, physics, and sociology. I ask unanimous consent that the article, "A Mile From Times Square," be included in the RECORD at the conclusion of my remarks.

Another item which I should like to insert in the RECORD is by Don E. Weaver, Scripps-Howard conservation editor, from the March 15 issue of the Pittsburgh Press. It is entitled "Scientists Outline Huge Danger of Atomic Powerplant Spills."

While I am confident that experience and experimentation will eventually remove hazards attendant to the transportation, use, and disposal of nuclear materials, I am alarmed at AEC's purposeless pursuit of a policy to construct atom plants throughout the Nation without regard to protection of life and property. It is for this reason that I appeal to my colleagues for immediate approval of House Joint Resolution 83. Only by making such a study of AEC's civilian operations can Congress establish to the satisfaction of all America whether we can continue to risk the rush down the perilous path over which the Commission has been leading us.

The articles follow:

[From Environment, January–February 1969]

A MILE FROM TIMES SQUARE

(By Sheldon Novick)

(NOTE.—Ordinary power plants make electricity from the heat of burning coal, oil or gas, or from the power of falling water. In nuclear power plants, spitting atoms create heat from which electricity is made.

(Nuclear plants are now usually called reactors, simply because they are little more than containers in which atomic reactions go on. The typical nuclear power reactor holds many tons of uranium in a cylindrical steel container. Splitting of the uranium atoms in a controlled chain reaction provides the heat that in ordinary plants comes from burning coal. The fragments of the split atoms are intensely radioactive and provide some added heat and considerable hazard. The problem in an ordinary power plant is to keep the fire going; in an atomic power plant the problem is to keep it from getting out of hand. The steel vessel filled with uranium would simply go on getting hotter and hotter until it exploded, unless control devices were inserted.

(The reactor at its simplest is therefore a steel vessel containing uranium; the uranium fuel is ordinarily packed into long narrow tubes which are collected in bundles called "fuel assemblies." Long control rods among the fuel tubes regulate the rate of reaction—and hence the heat produced. Water is pumped into the vessel and comes in contact with the hot fuel tubes. Steam is produced and drawn off, and from there an atomic power plant is just like any other. The steam turns the blades of turbines, which drive generators which make electricity.

(This seems a simple and cheap way to make electric power, for uranium releases huge amounts of energy when its atoms split. One pound of uranium 235 contains the energy of millions of pounds of coal. In the late 1940's, when atomic power plants were first being discussed publicly, highly respected individuals predicted that the atom would make electricity too cheap to meter. And although this has not turned out to be quite the case, atomic power plants are becoming cheaper and are appearing on the outskirts of our largest cities—New York, Boston, Chicago, Los Angeles, Detroit, and San Francisco. By the early 1970's there will be more than a hundred of these plants operating, most of them enormous, capable of producing a million kilowatts of power, more than enough power for a city of a million inhabitants. By the end of the century, half of all America's electricity is expected to come from the atom.)

Since the earliest days of the civilian nuclear power program there has been controversy and concern over the possibility of a disastrous accident in a nuclear power plant. Even the relatively small electric power plants first built to run on nuclear fuel contained many times the radioactivity released in a nuclear bomb explosion, and much effort was devoted to seeing that this radioactivity never reached the public.

Despite widespread concern and occasional litigation, a number of nuclear power plants were planned for fairly populous areas. The most controversial of these, the Enrico Fermi plant near Detroit, Michigan, was announced in 1956, and was strongly opposed on the ground of public safety by the United Auto Workers (UAW) and other unions; Leo Goodman, UAW atomic energy consultant for many years, led the battle, which eventually ended in a divided Supreme Court decision in favor of the plant's planners. Many serious safety problems were aired for the first time in this controversy.

In 1961, Pacific Gas and Electric Company announced plans for a nuclear plant north of San Francisco, in an active earthquake zone. This proposal met strenuous local opposition and, unlike the Fermi plant, was eventually cancelled. On December 10, 1962, the Consolidated Edison Company of New York announced *its* plans for a new nuclear power plant—this time, in the very heart of New York City. The plant was to be built in 1965 in the Ravenswood district of Queens, just opposite Manhattan's 72nd Street on the East River.

This announcement met with even more public opposition than previous plans, and the project was eventually abandoned, at least in part because of the public pressure. Yet on November 7, 1968, the *New York Times* carried a front-page announcement that Consolidated Edison had not given up its hopes for a nuclear power plant within the heart of the City. According to the *Times*, "Charles F. Luce, Con Edison's board chairman, said that while nothing was 'definite,' he hoped that in 'planning for the use of Welfare Island, the City will leave a portion of that island or plan to use a portion of that island in such a way that we can put a nuclear reactor beneath it.' "

Welfare Island is in the East River between Manhattan and Queens, in one of the most densely inhabited parts of the earth's surface. It is in an even more densely populated district than the originally proposed site in Ravenswood, a few blocks to the north on the east shore of the river. The reason for choosing this location was given by the *Times* as follows: "Mr. Luce emphasized that if Con Ed was to cut out pollution—'if we're to get our smokestacks out of Manhattan completely'—it had to have nuclear plants here.

"He said a major reason was that Con Ed plants here produced steam for large apartment and office buildings, as well as electricity.

"These plants could not be situated out in the country he said, 'because steam becomes water if you send it too far,' " Mr. Luce added that his engineers had informed him that the best place on the island would be its southern end, now covered by abandoned and crumbling city hospitals. The remainder of the long island is largely unused, although it houses two other hospitals and a Fire Department training school.

A few months before making this announcement, Consolidated Edison had made public plans for another complex of nuclear power plants just outside the city limits on another island, the site of former Fort Slocum on David's Island in Long Island Sound, just north and east of the City and within the town of New Rochelle. The Atomic Energy Commission (AEC) has never approved a reactor for a site as populous as this, but Con Ed hopes that before the planned construction date of 1972, the AEC will be convinced of the safety of the plants.

These plans for building reactors in the heart of New York are a cause for considerable concern, even more than in the early days of the nuclear power program. In recent months, a whole new class of safety problems have come to the attention of nuclear engineers, problems created by the enormous increase in size of planned reactors. The plants planned by Con Ed are from five to ten times the size of the reactors first constructed for electric power just ten years ago, and this rapid escalation of size has brought new safety problems with it.

A serious reactor accident might happen in the following way. After operating for a

time, the nuclear fuel of a reactor accumulates radioactive wastes or fission products which generate heat through their decay. The fuel of a one million kilowatt (electrical power) nuclear plant, the size now being ordered by utilities, after a year's operation would contain waste products amounting to about thirteen billion curies of radioactivity. This is as much radioactivity as is contained in more than fourteen thousand tons of radium. It is more radioactivity than has been released in all nuclear weapons tests in the atmosphere by all nations.

During plant operation heat is generated by the splitting of uranium atoms in a nuclear chain reaction. In the simplest design, the so-called boiling water reactor, cooling water flows through the reactor's core and carries off this heat as steam. However, large volumes of cooling water will be needed to keep the fuel below its melting point, even when the plant is not operating, because of the heat of radioactive wastes. The billions of curies of radioactive waste in the fuel will generate a great deal of heat through their decay. In power plants now planned, the heat generated by these wastes within the fuel will be sufficient to bring the whole mass of uranium and metal fuel tubes—several hundred tons—past their melting point. A reactor operating at full power, therefore, may not easily be shut down: Even after the nuclear chain reaction has been smothered by control rods, the cooling water must continue to flow for some time to forestall melting of the fuel.

The melting of a reactor's fuel—several hundred tons of uranium oxide packed into long slender rods—is a serious mishap, not only because of the high cost of fuel (a reactor's initial fuel loading is about twenty percent of the total cost of the plant). The fuel is extremely dense, and a great deal of heat is generated in a small volume. The fuel itself, divided into thousands of half-inch thick tubes, occupies only a few cubic feet. The large number of rods ensures a large surface for cooling despite the small volume. If melting or a mechanical disturbance reduces the surface area available to the coolant, water and steam are no longer adequate to cool the compact mass below its melting point.

The uranium fuel is packed into tubes of a zirconium alloy, Zircaloy, developed in the Navy's nuclear submarine program. During normal operation the centers of the fuel pins actually reach temperatures higher than the melting point of the metal jackets and close to the melting point of the ceramic fuel itself. Large volumes of cooling water flow among the rods during normal operation. The water boils, and steam is drawn off to drive electric generators. If the flow of cooling water is halted, as by a break in a pipe, the fuel will quickly approach its melting point. Before melting, the Zircaloy tubes will undergo significant chemical reaction with the water and steam remaining, and these chemical reactions will heat the reactor's core further. Once the temperature of the reactor's core has passed a given point, further cooling becomes impossible, and it will simply melt down into a mixture of uranium oxide and Zircaloy, a molten mass weighing perhaps two hundred tons at a temperature of more than 5,000° F.

A number of recent publications of the AEC discuss this conclusion and its implications. A recent summary in the AEC journal *Nuclear Safety* describes the sequence of events which it is believed would follow the interruption of all cooling-water flow in a one million kilowatt nuclear plant:

Local core regions would reach temperatures greater than 2,000° F. within 30 to 50 seconds, and the Zircaloy-steam reaction would begin to become a significant energy source. . . . The time to reach the melting point of the cladding, 3,360° F., at the hottest portion of the reactor in the absence of effective cooling, would be on the order of one minute.

The time from the [coolant] pipe rupture to the collection of the core as a heap in the reactor vessel would be dependent on the model chosen.

A time range from 10 to 60 minutes . . . appears to cover the uncertainties.

It is estimated that 50 to 80 percent of the fuel might fall into the pressure-vessel head. At the end of 40 to 60 minutes, the decay heat rate of the possible core material in the head would be . . . about 30 to 40 megawatts [30,000–40,000 kilowatts].

In other words, the molten portion of the reactor fuel which had dropped as a compact mass into the bottom of the reactor vessel would be generating nearly as much heat through radioactive decay as do some present civilian reactors at full power operation.

Once the core began to melt, cooling would be impossible, but melting of the fuel would begin within one minute of the interruption of normal cooling. Unless emergency cooling were available in this brief time, the melting of the core would be a definite possibility.

Once a molten core had collected in a compact mass, it is difficult to see how it would be contained. The study just quoted found that for the molten fuel to be cooled at a practicable rate, the 180 tons assumed to be collected at the bottom of the pressure vessel would have to be spread out in a slab 40 feet in diameter and 9 inches thick. It is hard to see how this could be achieved within the reactor structure.

Following the initial melting, therefore, the molten fuel would melt its way through the reactor vessel and eventually through the concrete containment structure, if it were not first dispersed by a steam explosion or violent boiling of the fuel itself. One recent study estimates that, "The time required in a large-rupture, loss-of-coolant accident for fuel that is unquenched to melt through the reactor vessel and possibly breach the outer containment vessel has been estimated at one-half to one hour."

We should emphasize that this discussion pertains only to the large reactors on order—one million kilowatts and more. For these, molten fuel would breach not only the reactor containment structures in present designs, but would melt through even the concrete and steel casing that would line the cavity of an underground installation. Therefore, the fuel would eventually melt through them and into the earth. This would be a serious occurrence, for many radioactive wastes ordinarily trapped within the fuel are gases. At this point, at least the gaseous portion of the radioactive wastes would be released to the outside air, for earth and rock will not contain them. Swedish studies have shown that even dozens of feet of high-quality granite will not contain gas under pressure. None of this would apply to smaller reactors, including the few now in operation, for which containment of molten fuel in an underground installation would be possible, and which therefore might be constructed underground with something approaching absolute safety. How large a plant must be before safe containment becomes impossible for practical purposes is still open to question, but it is apparently true that most of the large reactors now on order or under construction are too large for this approach. Deep underground caverns in granite or similar rock might be made gas-tight by injection of cement under high pressure into the cracks and fissures, but this would be expensive and suitable for only a few locations.

In other words, in a one million kilowatt plant, once the steel or concrete containment of the reactor core had been breached, even an underground site in a granite cavern would not prevent the loss of much radioactive gas to the outside air. In the Swedish study, a testing chamber was bored into Rävfjäll Mountain. "The rock . . . consisted of good granite, which was very homogeneous and had fewer cracks and fissures than normal." The chamber was pressurized, and boreholes at the surface 27 meters (88.6 feet) above the chamber were used to detect leakage. Leaks were easily detected at the surface at low pressures, and the rock chamber proved to be incapable of maintaining any significant pressure at all, dropping to atmospheric pressure within an hour or less for all initial pressurizations.

A substantial portion of the reactor's radioactive wastes are gases. Radioactivity equivalent to that released by several Hiroshima-type atomic bomb explosions would be present in a one million kilowatt nuclear plant, after extended operation, in the form of radioactive iodine alone. The release of only this gaseous radioactivity would therefore be a considerable catastrophe.

In other words, the safety of a reactor depends critically on its cooling system. Should this fail, there is now no way of assuring that the public will be protected from sizable radiation exposures. This was a conclusion first officially pronounced by the AEC's Advisory Task Force on Emergency Core Cooling. In the Report of this Task Force, which bears no date but was released late in 1967, the conclusion is put in the equivocal language customary in such documents:

"If emergency core-cooling systems do not function and meltdown of a substantial part of any irradiated core occurs, the current state of knowledge regarding the sequence of events and the consequences of the meltdown is insufficient to conclude with certainty that integrity of containments of present designs, with their cooling systems, will be maintained."

This is a new situation which arises only in the very large power plants which have become popular in the last two years. No reactors of this size are yet in civilian operation; the first will go into operation this year. It is plants of this size which would presumably be constructed on Welfare Island in New York City by Consolidated Edison.

Certainly, reactor manufacturers and the Atomic Energy Commission are doing everything possible to assure that cooling systems will not fail. Elaborate emergency cooling systems, redundancy in normal cooling systems, and other devices are being designed into commercial power plants to absorb heat from the fuel in an accident. These are all systems which depend to some extent on proper operation by human beings, and on the availability of electric power, both of which are factors which lead one to believe that failures cannot be ruled out.

In California, where reactors are being built and planned near the active San Andreas earthquake zone, violent disruptions of the mechanical parts of a reactor are not hard to imagine. (See "Earthquakes and Nuclear Power," *Environment*, November, 1968.) Hurricanes and tornadoes can be listed with earthquakes in other parts of the country. Tornadoes which may topple a power plant's towering smokestack onto the reactor are a particular hazard. Other mechanisms have been suggested. The massive rotors of a plant's turbine-generators might conceivably break free and tear through the reactor building. In Florida the possibility of intentional sabotage has been brought before the AEC.

A variety of small accidents could lead to equally drastic effects if they occurred together. This last is probably the most likely of all. The San Onofre power station in Southern California, one of the largest and newest in operation, was recently discovered to be operating improperly, with control rods inserted when they should not have been. A reactor operator faced with a small accident in such a situation might easily take inappropriate corrective measures. The Elk River (Minnesota) reactor apparently operated for some time with both its emergency cooling system and its cooling water make-up system out of operation. In the Pathfinder reactor in South Dakota, the critical isolation valve which would close off steam lines leading out of the reactor core in case of an

accident was found to have rusted open, and was allowed to remain so for a month and a half before it was reported.

The reactor's cooling pumps are driven by its own electrical power output. In the event that anything causes the reactor to shut down, emergency power must be available to drive these pumps. A loss of power to the pumps, combined with some mechanical interference with coolant flow, would otherwise result in fuel melting. The changeover must be effected literally within seconds if the loss of coolant flow occurs when the reactor is itself operating at full power (at lower power levels natural circulation may be sufficient to cool the fuel).

Because of considerations like these, the reactor designers have been forced to show that nothing conceivable could completely interrupt cooling water flow. This is being done by adding a series of cooling systems to function in emergencies—when the normal primary system for some reason ceases to function. These include emergency core sprays and emergency core flooding, as well as backup pumps and redundant cooling capacity in the primary system itself, designed to offset any conceivable loss.

Unfortunately, it seems likely that any accident severe enough to disrupt the primary cooling system will also affect the emergency cooling systems. Natural disasters such as earthquakes and tornadoes are clearly in this category, as are accidents which interrupt the flow of electric power to cooling and emergency cooling systems.

Finally, emergency cooling systems powered by auxiliary diesel power seem to be the least reliable component of the safety system. The tens of thousands of kilowatts of needed emergency power must be available within 30 seconds or less following loss of coolant flow. * * *

[From the Pittsburgh (Pa.) Press, Mar. 15, 1969]

SCIENTISTS OUTLINE HUGE DANGER OF ATOMIC POWERPLANT SPILLS

(By Don E. Weaver)

Construction of atomic power plants, especially near large population centers, poses grave danger to human life and environment, according to Richard Curtis and Elizabeth Hogan, authors of a forthcoming book on peaceful uses of the atom.

Atomic reactors produce intense heat, which is transferred to make steam and run electric generators. But reactors give off radioactivity as well as heat. There are wastes and byproducts, all atomically hot and dirty.

Accidents, sabotage or earthquakes could spill lethal poisons over vast areas, Mr. Curtis and Mrs. Hogan contend.

In a preview article, "The Myth of the Peaceful Atom," in Natural History, journal of the American Museum of Natural History, New York, they ask:

"How heavily can we rely on human wisdom, care and engineering to hold this peril under absolute control? Abundant evidence points to the conclusion that we cannot rely on it at all."

Hazards are of two kinds, they say: Threat of violent, massive releases of radioactivity, and slow but deadly seepage of harmful fission products into the environment.

They cite the 1912 sinking of the "unsinkable" Titanic, the 1965 power blackout of New York and the Northeast, the 1947 Texas City disaster when explosion of a ship loaded with ammonium nitrate killed 561 people, as examples of technology that failed.

In 1957 an atomic power plant in England malfunctioned. Fission products spewed out into the atmosphere. Authorities had to seize all milk and growing food crops in a 400-square-mile area.

The plant had many fail-safe devices, but they all failed, just as the New York power blackout happened despite numerous technical safeguards.

Some 15 commercial atomic power plants are now operating in the U.S. The Atomic Energy Commission is supervising plans under which 25 per cent of out power will be atomically produced by 1980, and 50 per cent by the year 2000. Eighty-seven atomic plants are planned or under construction, many near large cities.

Two are built and three more planned along the great geologic fault that causes California earthquakes.

Atomic waste and byproduct disposal requires transporting, always subject to accident. Some of the fission material remains dangerous for 500 years. This has to be "permanently" sealed in "perpetual" containers for safety.

Mr. Curtis and Mrs. Hogan say this is a large and risky order, beyond the present state of the technical art. And a big atomic spill can't be reversed. It would have wide, lethal and permanent effect.

FREE-WORLD FLAG SHIPS CONTINUE TRADE WITH NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, the Department of Defense has advised me that last month seven more ships flying free-world flags arrived in North Vietnam. Of these, six flew the British flag and one the flag of the Somali Republic. This brings the total for the first quarter of 1969 to some 28 free-world flag ship arrivals.

This report is, however, encouraging in one respect since the March traffic constitutes a drop from the 10 arrivals in February. I would certainly hope that a general downward trend is in the making.

I was particularly gratified to be informed by the State Department as well that an agreement has apparently been reached which should remove all Somali-flag vessels from this traffic in the very near future.

In the last 6 months there has been a steady procession of Somali flag ships in North Vietnamese waters. Through last month in fact there have been in that period 10 such arrivals. This is not only disturbing in and of itself, but because the Somali Republic is a recipient of U.S. foreign aid. I am advised that during fiscal 1968 the Somali Republic received some $5.7 million worth of foreign aid, including technical cooperation, food for peace, and Peace Corps assistance. As one who has authorized and supported amendments passed by Congress denying aid to countries which failed to take appropriate steps to prevent ships under their registry from trading with North Vietnam, I consider this a matter of utmost concern.

Mr. Speaker, the cooperation of the Somali Republic is most welcome and I commend the new administration for persevering and urge that it continue to do everything possible to dry up this, as well as other, sources of supply.

At this point, I insert a chart and Report No. 25, "List of Foreign-Flag Vessels Arriving in North Vietnam on or After January 25, 1966," issued by the U.S. Maritime Administration on March 5, 1969. As I have pointed out before, this so-called blacklist does not contain the names of all free-world or Communist flag ships trading with North Vietnam, but only those which are considered potential visitors to U.S. ports. In addition, there is no information provided about the number of trips that each vessel has made to North Vietnam.

The material follows:

1969 FREE WORLD FLAG SHIP ARRIVALS IN NORTH VIETNAM

	United Kingdom	Cyprus	Singapore	Japan	Somali Republic	Total
January	8	1			2	11
February	6	1	2	1		10
March	6				1	7
Total	20	2	2	1	3	28

DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION REPORT NO. 25: LIST OF FOREIGN FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

Section 1. The President has approved a policy of denying the carriage of United States Government-financed cargoes shipped from the United States on foreign flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate United States Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through March 4, 1969. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at United States ports:

Flag of registry and name of ship	*Gross tonnage*
Polish (32 ships):	
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
Emilia Plater	6,718
Polish (32 ships)—Continued	
Energetyk	10,876
Florian Ceynowa	6,784
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Janek Krasicki	6,904
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
Kraszewski	10,363
Lelewel	7,817
Ludwik Solski	6,904
Marceli Nowotko	6,660
Mickiewicz	4,344
Moniuszko	9,247
Norwid	5,512
Nowowiejski	9,186
Pawel Finder	4,911
Phenian	6,923
Przyjazn Narodow	8,876
Stefan Okrzeja	6,620
Szymanowski	9,203

Flag of registry and name of ship—Continued	*Gross tonnage*
Polish (32 ships)—Continued	
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919
Total	243,514
British (16 ships):	
Court Harwell	7,133
Dartford	2,739
Fortune Glory	5,832
Golden Ocean [1]	3,827
Greenford	2,964
Isabel Erica	7,105
Kingford Meadow Court [2] (trip to North Vietnam under ex-name *Ardrossmore*, British)	5,820
Rochford	3,324
Rosetta Maud [2] (trip to North Vietnam under ex-name *Ardtara*, British)	5,795
Ruthy Ann	7,361
Shun On [2] (trip to North Vietnam under ex-name *Pundua*, British)	7,295
Shun Wah (previous trip to North Vietnam under ex-name *Vercharmian*, British)	7,265
Shun Wing [1]	6,987
Taipieng (tanker)	5,676
Tetrarch (previous trips to North Vietnam under ex-name *Ardrowan*, British)	7,300
Total	89,334
Cypriot (4 ships):	
Acme	7,173
Amfithea	5,171
Antonia II	7,303
Marianthi	2,137
Total	21,784
Somali (2 ships):	
Shun Tai [2] (trip to North Vietnam, British)	7,085
Yvonne	8,997
Total	16,082
Greek: (1 ship):	
Leonis [2] (trip to North Vietnam under ex-name *Shirley Christine*, British)	6,724
Panamanian (1 ship):	
Salamanca [2] (trips to North Vietnam under ex-name *Milford*, British)	1,889
Singapore (1 ship):	
Lucky Dragon	4,225
Total, all flags (57 ships)	383,552

[1] Added to Report No. 24 appearing in the Federal Register issue of February 4, 1969.

[2] Ships appearing on the list which have made no trips to North Vietnam under the present registry.

Section 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) that such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the United States Government to discourage such trade and;

(b) that no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) that vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of registry—name of ship

a. Since last report: None.

b. Previous reports:

Flag of registry:	
British	1
Italian	1

Section 3. The following number of vessels have been removed from this list since they have been broken up, sunk or wrecked.

a. Since last report.

	Gross tonnage
Agenor (Cypriot)	7,139
Laurel (Cypriot)	7,297
Shienfoon (British)	7,127

b. Previous reports (broken up, sunk or wrecked):

Flag of registry:	
British	3
Cypriot	3
Greek	1
Lebanese	2
Maltese	1
Polish	1

By order of Acting Maritime Administrator.
Date: March 5, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

PHILIP STERN SHOWS HOW THE SUPER-RICH AVOID TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS), is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, Philip Stern has written an excellent article entitled "How 381 Super-Rich American Managed Not to Pay a Cent in Taxes Last Year" which appeared in the New York Times Magazine on April 13.

The article discusses many of the tax loopholes that would be closed off by H.R. 5250, the Tax Reform Act of 1969, which I introduced earlier this year. To date, 44 Members have sponsored this bill and later identical or substantially identical bills. They are: myself; Mr. MEEDS of Washington, Mr. REES of California, Mr. WILLIAM D. FORD of Michigan, Mr. MOORHEAD of Pennsylvania, Mr. ADAMS of Washington, Mr. BINGHAM of New York, Mr. BROWN of California, Mr. ZABLOCKI of Wisconsin, Mr. EDWARDS of California, Mr. GIBBONS of Florida, Mr. CONYERS of Michigan, Mr. LONG of Maryland, Mr. ST. ONGE of Connecticut, Mr. FARBSTEIN of New York, Mr. PODELL of New York, Mr. BYRNE of Pennsylvania, Mr. THOMPSON of New Jersey, Mr. MIKVA of Illinois, Mr. EILBERG of Pennsylvania, Mr. YATRON of Pennsylvania, Mr. ROSENTHAL of New York, Mr. VIGORITO of Pennsylvania, Mr. KOCH of New York, Mr. NEDZI of Michigan, Mr. DINGELL of Michigan, Mr. HELSTOSKI of New Jersey, Mr. MACDONALD of Massachusetts, Mr. BLATNIK of Minnesota, Mr. KARTH of Minnesota, Mr. ROYBAL of California, Mr. BRADEMAS of Indiana, Mr. MADDEN of Indiana, Mr. VANIK of Ohio, Mr. LOWENSTEIN of New York, Mr. OBEY of Wisconsin, Mr. HOWARD of New Jersey, Mr. DANIELS of New Jersey, Mr. GALLAGHER of New Jersey, Mr. HALPERN of New York, Mr. BARRETT of Pennsylvania, Mr. MCCARTHY of New York, Mr. FRASER of Minnesota, and Mr. SCHWENGEL of Iowa.

I commend the Stern article to my colleagues and include it at this point in the RECORD:

HOW 381 SUPER-RICH AMERICANS MANAGED NOT TO PAY A CENT IN TAXES LAST YEAR

(By Philip M. Stern)

(NOTE.—Philip M. Stern, author of "The Great Treasury Raid," wrote the book, he says, with the object of making tax loopholes intelligible to his wife.)

WASHINGTON.—There are, in this land, some 381 rich or super-rich Americans who can look back upon April 15, 1968, with satisfaction, if not smugness—and who are probably facing this Tuesday's midnight tax deadline with near or total equanimity. The reason: even though each had an income in excess of $100,000, not one of the 381 paid a penny of Federal income tax last April. Indeed, 21 of them had incomes of more than $1-million in 1967 but contrived to pass the 1968 deadline wholly unscathed. And they are likely to have equal success this year.

In 1966, four lucky Americans, each of whom drew an income in excess of $5-million, clearly escaped taxation. Even that achievement was dwarfed by the gentleman who a few years ago enjoyed an income of more than $20-million and shared not a penny of it with Internal Revenue.

Such tax avoidance exploits are dramatically on the rise. In just 12 years' time, taxlessness among those with incomes of more than $1-million has increased five-fold; for those with incomes greater than $200,000, there has been a seven-fold increase—far outstripping the growth in the number of people in each category.

Some of these facts were disclosed to Congress last January by outgoing Treasury Secretary Joseph Barr, when he issued his now-famous warning of a "taxpayers' revolt" if such tax avoidance is permitted to continue. Barr's revelation has not been kindly received by the incoming Administration, one of whose tax officials has denounced it as inflammatory" and "unprofessional." The existence of tax-free millionaires and multi-millionaires, this official observed, is "not necessarily meaningful."

Judging from the public response evoked by Barr's statement (20 times as many pro-tax-reform letters received by the Treasury Department this February as compared with last), the issue of taxlessness among the hyperaffluent is of considerable interest to Americans of far more modest means. That includes 2.2 million who live below the official "poverty line" ($2,200 for a married couple), and yet pay some taxes, and those in the $7,000 to $20,000 income range. As Barr noted, these 35 million taxpayers pay half of all the individual income taxes the Treasury receives, and their taxes are generally based on the "fully ordinary rates" found on page 11 of the Form 1040 instructions.

That rate schedule, which calls for paying increasingly stiff rates as income rises, leaves the inescapable impression that the richer a person is, the greater the share of his income goes to the U.S. Treasury. But in the economic stratosphere, the actuality is strikingly different. According to Government figures for recent years, the facts are that—

More than a thousand taxpayers with incomes over $200,000 paid the same proportion of their total income in taxes as did the typical person in the $15,000–$20,000 group.

The bulk of taxpayers in the $500,000 to $1-million income group paid as small a proportion of their incomes in taxes as did most taxpayers with average incomes only one-twentieth as great (i.e., those in the $20,000 to $50,000 category).

The topmost income group—those with incomes of more than $5-million a year—

paid only half as much tax, proportionately, as those with one-tenth as much income.

As such figures indicate, the supposedly "inflammatory" Mr. Barr was actually telling only part of the story of the tax avoidance success of the very rich. The official statistics he used make no mention, for example, of the huge amounts of income which the wealthy are permitted, in computing their taxes, to treat as if nonexistent. Most conspicuously, half of all "capital gains" (profits from the sale of property—stocks, real estate, etc.) may be entirely ignored for tax purposes.[1] For the superrich, this brings immense comfort. Among those listed as having incomes over $5-million, average income was $9-million, and two-thirds of that sum was in capital gains. Thus, on the average, $3-million per taxpayer was entirely outside the reach of the tax collector. All told, about $13-billion is excluded from taxable income annually in this manner, at a yearly cost of $4.5-billion. As if this were not a sufficiently generous tax treatment of capital gains, the law permits total escape from the gains tax on stocks held until death and passed on to one's heirs. (At least $15-billion escapes the gains tax in this manner each year, depriving the Treasury of about $2.5-billion in revenue.)

In addition to the capital-gains exclusion, interest from state and local bonds doesn't even have to be reported on tax returns—a fact that put the late Mrs. Horace Dodge, owner of $56-million worth of such bonds, in a position to enjoy more than $1.5-million of this income without even filing a return.

Moreover, Secretary Barr spoke only of the wholly untaxed multi-millionaires, omitting the many others who, while paying some taxes, manage to pay far less than is called for under the regular rate schedule. For example, that schedule seems to call for those with incomes of $1-million and more to pay about 65 per cent of that income in taxes, yet more than two-thirds of the multi-millionaires in that group contrive to pay less than 30 per cent, for a tax saving of $350,000 on each million dollars of income.

Chairman Wilbur Mills of the tax-writing House Ways and Means Committee has said he intends to have his group look into the tax returns of those agile persons with wholly untaxed incomes of more than $200,000, to see how they manage their escape. But actually the get-away routes are far from secret, having been written into the public tax laws by the predecessors of the Mills group. Moreover, the specific tax avoidance maneuvers employed by actual taxpayers (as taken from their returns) have recently been published in a Treasury Department study, from which the following cases of Messrs. A through K have been taken.

For a man not gainfully employed (no wages or salaries reported), Mr. A fared handsomely, with an income of just under $11 million, almost all of it from dividends (indicating stock holdings of about $300 million). Not a penny of this impressive income went to the U.S. Treasury because of the "unlimited charitable deduction." Mr. A. is one of about 70 Americans who have earned an exemption from the usual 30 per cent ceiling on charitable deductions. He did so by giving to charity for eight years the equivalent of 90 per cent of his taxable income.[2] Having won the right to an unlimited charitable deduction, Mr. A was able to cancel out nearly all of his taxable income in one strike: the gift to charity (quite likely the A Family Foundation) of stock valued at $10.5-million. So great was Mr. A's wealth, however, that this act of prodigious generosity was barely noticeable; it represented only 3 per cent of his total holdings; in an average year, stock market rises would more than make up the gift, so that Mr. A would end the year richer than ever.

Had Mr. A been subject to the ordinary charitable deduction ceiling of 30 per cent, he would have had to pay a tax of about $5 million. But the unlimited charitable deduction, plus a few hundred thousand of other deductions (for state and local taxes, investment management fees, etc.) reduced his taxable income to zero and spared him that annoyance.

Actually, Mr. A's total tax saving was even greater, for the stock he donated had risen greatly in value since he had inherited it from father or grandfather. If he had sold the stock and given cash to charity, he would have had to pay a $2-million capital gains tax on the $8-million increase in the stock's value. But the tax laws are generous: they give him credit for the increase, but forgive him the tax on it.

At the end of the whole transaction, Mr. A's net outlay is only $3.5-million (the $10.5-million gift minus the two-part tax saving of $7 million). And he has the full enjoyment of the $5-million in cold, here-and-now cash spending money that otherwise would have gone to the United States Treasury.

The untaxed increase in the value of gifts to charity sometimes reaches impressive proportion. One donor got a $201,000 deduction for stock worth just $181 when he received it; another received a deduction of $21.6-million, up from $247,000. His total tax saving (or added "take-home pay," if one can put it that way): $16-million—$11-million in the income tax he wholly avoided plus an added $5-million in the forgiven capital gains tax, which he would have had to pay if he had sold the stock. The same benefits would have been available if Mr. A's donation had been in the form of a presciently purchased painting that had skyrocketed in value. And if the gift had consisted of nonvoting stock in the family-held company (as is sometimes the case), Mr. A's generosity would not even have diluted his control of the firm.

While Mr. A. cleanly avoided all taxes, Mr. G was less tidy about canceling out his $1,284,718 of income and suffered the indignity of paying $383 in taxes—about three-hundredths of 1 per cent of his total income. (By contrast, the typical unmarried individual earning $1,700 would pay 7 per cent of his income in taxes.)

Almost all of Mr. G's income was in those familiar capital gains, half of which can legally be ignored for tax purposes. Thus his reduction-finding task was reduced to some $600,000. Evidently the charitable deduction had little appeal to Mr. G: of his $1,284,000 income, only $463 went to charity. Instead, this credit-worthy individual found no difficulty in offsetting most of that $600,000 by borrowing about $10-million, on which the interest payments (all deductible) came to $588,000. But for this deduction, Mr. G would have had to pay a tax on his $600,000 taxable income of about 65 cents on the dollar. Thus, in a sense, the Treasury was underwriting 65 per cent of his borrowing costs, his net out-of-pocket outlay (taking this tax saving into account) was therefore only 35 cents on the dollar. Moreover, Congress, often so parsimonious with Government funds, has sanctioned a profligate use of the Treasury in cases such as this, for there is nothing in the tax laws to prevent Mr. G from taking his $10-million of borrowings, the interest on which is partially financed by the Government, and investing them in such a way as to generate even more tax-favored income causing further incursions on the Treasury.

He might, for example, secure a 100 per cent loan of a new $10-million building and turn it into what is aptly called a tax "shelter." Ignoring the fact that he does not have a penny of this own in the building, and according him all the benefits of a full cash owner, the law permits Mr. G to assume, for tax purposes, that the building is wearing out (depreciating) much faster in the early years of its life than in its later years. This friction, sometimes called a fast tax write-off, produces huge depreciation deductions ($800,000 in the first year, in this case), far exceeding the building's rental income and leaving generous excess deductions to "shelter," or offset, income Mr. G. derives from other sources.

The use of that very escape route brought great tax joy to Mr. J who, despite a total income of $1,433,000, was able with a straight face to tell the Treasury that his income for tax purposes was a *minus* $3,000. His real estate "losses" of $864,000 exceeded his taxable income, and he was allowed to apply that $3,000 "loss" to the reduction of his taxable income in other years. Nor is the tax-free Mr. J unique. The Treasury Department, on studying 13 wealthy real estate operators, found that nine of them had succeeded in reducing their taxes to zero and two others to less than $25.

The tax returns of these multimillionaire tycoons would suggest they are atrocious businessmen, since their mammoth investments in motels and shopping centers appear consistently to produce devastating "losses." The same impression may be derived from the returns of the so-called "gentleman farmers" whose business sense seems only to fail them when they turn to farming. Those in the $100,000-to-$1-million income group who invested in nonfarm ventures showed profits outweighing losses by a 5-to-1 ratio. But those in that same, supposedly sophisticated income group who went into farm ventures reported "losses" outweighing profits by a 3-to-1 margin.

These "losses" are incurred by top-bracket city folk (stock brokers are replacing show business luminaries as the most avid "gentleman farmers") who invest in, say, herds of breeding cattle or in citrus groves. While the herd or grove is maturing, there is no income, but lots of fully deductible expenses, creating a protective "shelter" for the nonfarm income earned in Hollywood or on Wall Street. And here again, the bulk of these expenses are in "tax dollars" which would otherwise have gone to the Treasury. In the case of Mr. K, whose seemingly egregious business sense led him to incur a farm "loss" on the year of $450,000, the shelter was sufficient to keep the tax collector from laying a finger on his $738,203 of income. (As usual, the exclusion of a quarter of a million dollars of capital gains greatly facilitated the tax-avoidance feat.)

Co-beneficiaries of the special farm tax provision are the promoters and farm "managers" who take care of the herd or grove for a fee (tax deductible, of course, to the investor) and who unabashedly encourage high-bracket Wall Street cowboys to take full advantage of the U.S. Treasury for their own enrichment. "Citrus Tax Angles," a publication emanating from a promotion group in Redlands, Calif., tells the prospective investor that, after two years of tax saving, he "more than recaptures" his original outlay, "and he still has title to appreciating real estate [the citrus grove]. Think of it—tax dollars were used to purchase the property and are the only dollars invested."

Partly out of concern that such tax blandishments are artificially boosting farm land prices, the Treasury Department and some

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[1] The other half is taxed at rates no higher than 50 per cent. Thus, no matter how great a person's other income, or how stupendous his capital gains, the tax on those gains is never more than 25 per cent (50 per cent of half the gain)—about the same top rate as a family with a taxable income of around $12,000. This is in acute disharmony with the "ability to pay" principle that supposedly underlies the American graduated income tax.

[2] This seemingly difficult feat can be accomplished with a puny gift to charity in the case of an oil tycoon, for example, who uses some special deductions to reduce his taxable income to negligible proportions.

rural Congressmen have proposed a $15,000 limit on farm "loss" deductions by city folk, a suggestion branded by retired Brig. Gen. H. L. Oppenheimer, the most celebrated promoter of tax-loss cattle breeding, as "principally motivated by a 'soak-the-rich' philosophy and the socialistic desire to bring all take-home incomes down to the same level."

Sometimes, beneath the land where tax-saving cattle graze, there lies oil. Such, apparently, was the case with Mr. I, who combined a spectacular lack of success in farming (incurring a "loss" of some $828,000) with an $865,000 special oil deduction ("percentage depletion") and was thus able to protect every penny of his $1,313,000 net income from the hands of the tax collector. Under the depletion law, 27½ percent of the income from an oil well is not taxable.

In addition to his depletion allowance, Mr. I enjoyed a $125,000 deduction for "intangible drilling expenses," a tax prerequisite less well known than percentage depletion but, to many oil investors, far more useful. Unlike the ordinary capital investment—say, in a machine—which is deducted gradually over the useful life of the machine, most of the cost of drilling an oil well can be deducted immediately. This privilege accounts for the recent dramatic growth of what Barron's Magazine has termed "a tax-sheltered venture . . . enjoying mounting popularity on Wall Street: the oil-drilling participation fund." Such funds are apparently tailored to investors more interested in tax savings than oil discovery, since they usually involve drilling in unproven, "wild-cat" areas where the odds against finding oil are something like 14 to 1.

The intangible drilling deduction is considered especially handy by those oil tycoons with an apparent aversion (or phobia) to paying any Federal income taxes—ever. One oil man has given standing instructions to his tax attorney to "drill up" any potentially taxable income that may loom on his financial horizon. Others are said to guide their drilling decisions with monthly warnings from computers as to income needing "shelter" from Internal Revenue. One oil magnate managed to avoid paying any taxes over an entire 12-year period, during which he sold at least $50-million worth of oil.

Such consistent avoiders of taxation must be the object of special envy and resentment from those of modest incomes who are deeply opposed to the Vietnam war, and who long to withhold part or all of their taxes as a protest of conscience. But while they are barred from doing so by the danger of heavy fine or imprisonment, 381 of the superrich were able to achieve the same result last year, wholly within the law.

One proposal for ending total tax avoidance, favored by the late Robert Kennedy and espoused by officials of the outgoing Johnson Administration, would impose a minimum tax on the well-to-do, applicable to their total income, that total to include the now-excluded half of capital gains, state and local bond interest, the special oil-depletion deductions and the presently untaxed increase in the value of gifts to charity.

The suggestion has been criticized from all sides. It is strongly opposed by the new Nixon team in the Treasury Department on the ground that it would not accomplish the objective of taxing all wealthy persons. The Nixon tax experts are said to be looking for better ways of ending inequities in the tax system.

The minimum-tax idea as proposed by the Treasury also draws criticism from tax reformers. Former Internal Revenue Commissioner Mortimer Caplin points out that it leaves two escape routes unaffected—the "intangible" oil deduction and the "fast write-off" on buildings. Unless these routes are closed, Caplin says, there might still be 21 untaxed multimillionaires.

More generally, tax reform purists do not like the blanket approach embodied in the proposal; they are critical of the Treasury's failure to tackle head-on the specific loopholes. Those who had high hopes in 1961, when the leading exponent of tax reform, Harvard Law Professor Stanley Surrey, took over the Treasury's tax affairs, are puzzled as to why, after eight years of Surrey's administration, the Treasury remains silent on, or is still "studying" these longstanding, costly, well-known favors.

Surrey did bequeath his successors a study highlighting one often-overlooked aspect of tax preferences. Because the loopholes permit the leakage of revenue that would otherwise come into the Treasury, they are just as expensive, and contribute just as much to budget deficits, as do conventional spending programs for which Congress votes the funds each year. For example, were it not for the special tax provisions for oil and gas, the Treasury would net an added $1.6-billion in revenues annually. In this sense, says Surrey, each tax loophole is really a "tax expenditure," but it is hidden (it doesn't show up in the President's budget), and neither the President nor the Congress makes any annual judgment as to its benefits or how it fits into current national priorities.

This has great importance now, when President Nixon is pressing his resistant Cabinet departments to reduce rather than increase the spending levels proposed by their Democratic predecessors. If the oil and gas exploration "subsidy" were an appropriated item, as are the farm subsidies that are part of the Agriculture Department budget, the $1.6-billion would presumably be charged to the budget of the Government department concerned with natural resource development, the Interior Department, and Interior Secretary Hickel would be examining it critically against other natural resource programs as he tries to comply with the President's budget-cutting edict. But because the oil subsidy is a hidden "tax expenditure," it is immune from such scrutiny—even though it has remained unchanged for over 40 years (during which circumstances and technology have altered greatly) and even though a recently released study states that the $1.6-billion "expenditure" is netting the nation only about $150-million in added oil reserves.

The same is true of the "fast tax write-offs" for real estate, which now represent an annual "tax expenditure" of $750-million—only $50-million of which is spent on the most urgent building need, low-cost housing.

All told, the Surrey study states, such hidden "tax expenditures" now total a minimum of $60-billion a year—one-third the size of the conventional budget. Yet they remain seemingly immune from both Presidential and Congressional budget-cutting impulses while Congressionally appropriated programs such as the Job Corps (reportedly destined for a $120-million cut) remain exposed and vulnerable.

Mr. Nixon and his advisers seem intent on even greater use of "tax expenditures," via tax incentives to stimulate private participation in job training and low-cost housing. These, rather than any major reform program, will receive the Administration's attention this year.

Loophole-closing has never been a favored political pastime in America. Congress has behaved as though it had a phobia against it and to date has proved adept only at opening the loopholes wider and for more and more groups. Even Presidents, who have a national constituency and a national responsibility, have shown little feel for curbing tax avoidance. Modest efforts were made by F.D.R. in the thirties (after the disclosure that many owners of large yachts were paying no taxes), Harry Truman in 1950 and John F. Kennedy in 1961 and 1963. But in all cases, these Presidents marched up Capitol Hill and then marched down again, having failed to close any basic loophole.

Presidential skittishness about facing the tax-reform issue reached a notable height in the closing days of President Johnson's term. Under Congressional mandate to propose a loophole-closing program and with nothing political but his name in history to worry about, Mr. Johnson not only refused to endorse the Treasury Department's reform proposals, but even declined to allow them to be made public before he had left office—even though those proposals, as noted, sidestepped virtually every tax favor of any consequence. When the Treasury "package" was reluctantly made public by Congress, it was quickly disavowed by the new Treasury officials of the Nixon Administration, who have indicated they will look for their own ways to foster tax equity and are said to be floundering for a course of action as they begin to sense the muscle of the various pressure groups involved.

Why has tax reform fared so abysmally? The answer boils down to this simple fact: those who benefit from a given tax favor are generally cohesive, well organized, superbly financed and endowed with all the energy and zeal that the threat of losing tens, if not hundreds, of millions of dollars can provide. By contrast, those who favor closing a given loophole are usually diffuse, unorganized, largely inarticulate—and perhaps fearful of pressing too hard for reforms lest Congress begin to frown on their own particular tax preferences. The loophole-closing efforts of most labor unions (whose members enjoy tax-free treatment of billions in medical, pension and other fringe benefits) have been less than zealous, although logically the unions should be the leading opponents of tax favors to the rich. A few days ago, the A.F.L.–C.I.O. did call on Congress to impose higher taxes on "the loophole set"; yet a few weeks earlier, the huge union rebuffed a group of reform-minded Congressmen and refused to put up a penny to organize a citizens' tax-protest movement.

As indicated earlier, Secretary Barr's revelation of the untaxed wealthy has inspired an outpouring of mail to Congressmen, but it is only a trickle compared with the torrents stimulated in just a few weeks' time in 1962 by the savings and loan associations, when a tax provision inimical to the associations seemed likely to pass. (It was defeated, thanks to the outpouring of mail.) And when a single industry, such as oil and gas, enjoys an annual tax subsidy as huge as $1.6-billion, the expenditure of even a minute fraction of that amount to insure continued congressional (and even Presidential) sympathy for the depletion allowance must be reckoned as an extremely lucrative "investment." (In the closing days of a hard-fought off-year campaign some years ago, several Western-state senatorial candidates were offered campaign contributions provided they would pledge themselves in favor of the depletion allowance.)

As the corpses of past reform efforts attest, the battle against the loopholes is an acutely uneven contest. In my own view, the balance will not shift materially unless there comes to pass (a) some form of publicly financed support for political campaigns, so that candidates are not so heavily dependent on contributions from special-interest groups (as even the most public-spirited are today), and (b) a broad public protest against the tax favors enjoyed by the wealthy and by large corporations.

But the latter will not come to pass, I believe, as long as the loophole closers continue to address the basic tax preferences obliquely rather than head-on. A case in point is a 13-point reform bill favored by a group of Congressmen headed by Wisconsin's Democratic

Representative Henry Reuss. By far the most venturesome plan put forward this year, it has the enticement of offering an alternative to the 10 per cent surtax extension (it plugs enough loopholes to raise the same amount of revenue as the surtax—which wholly bypasses the untaxed multimillionaires). Yet the Reuss package merely favors reducing the oil-depletion allowance, rather than repealing it outright (in favor, perhaps, of a Congressionally appropriated oil exploration subsidy, should that prove necessary). By failing to question the principle of the depletion allowance, they are inhibited from asking why oil investors are so special as to require what amounts to a double deduction on their investment (the intangible deductions plus the depletion allowance) or why a multibillion-dollar exploration incentive is needed in a nation so oil rich that it permits some oil states to limit artificially the amount of oil produced.

Similarly, the Reuss group favors closing certain escape routes (the real estate and farm "losses," for example) that depend on the special capital gains tax. But the Congressmen have avoided any head-on confrontation with the preferential capital gains tax itself—that is, with the principle of according favored treatment to one kind of income. They have thus denied themselves the chance to pose such basic and popularly understandable questions as:

Why should the work of money be so vastly favored over the work of men? Why should a lawyer or doctor or engineer pay more taxes on dollars he works to earn than an investor pays on dollars that others may earn for him? Why is a dollar of capital-gains income different from a dollar of earned income when it comes to buying food or shoes—or yachts—or, for that matter, paying taxes?[3]

Many tax reformers argue that frontal assaults on such sacred cows as the depletion allowance and the capital-gains tax are "politically unrealistic." Yet the dismal fate of most reform efforts suggests that, on the contrary, it is the indirect and cautious approach that has proved politically impractical, by its failure to pose questions and issues simple enough to spark widespread public protest against the loopholes.

Tax reform is not necessarily a partisan matter. In the opinion of Republican members of the House Ways and Means Committee (which handles tax legislation for the House), "The need for a thorough overhauling of our tax system . . . is one of our most pressing national problems." And according to the chairman of that committee, Arkansas Democrat Wilbur Mills, "We can no longer afford to defer serious, large-scale efforts to revise our Federal tax system."

Each of those statements has a contemporary ring. The first was made in 1943; the second in 1958. But the sweeping tax reform of which they spoke in such urgent terms is still a thing of the future. In fact, as noted earlier, the extent of total tax avoidance among the very rich has risen greatly since Congressman Mills spoke the words quoted above.

Reformers and the general public have sometimes tended to be intimidated by the immense complexity of the tax laws. But the tax question really boils down, ultimately, to a simple question: Who pays how much? Twenty-one multimillionaires pay nothing, while two million persons below the poverty line pay something. The public response to that plain fact may encourage the would-be reformers to confront head-on both the tax "experts" and their largely unquestioned Conventional Wisdoms.

[3] It is true that capital gains often reflect several years' build-up in value, and it would be unfair to tax them as if they had been entirely earned in the year they are realized. But this is a problem the tax laws have faced in other areas and solved through so-called "income averaging."

CLOSING THE JOB CORPS CENTERS THREATENS NEW YORK CITY YOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, it is unconscionable that the Nixon administration plans to scuttle the Job Corps and close 59 of the 113 Job Corps centers for training youth from our urban ghettos and deprived areas of rural America.

Over 1 year ago the lack of substantial employment opportunities for the thousands of youth trapped in urban ghettos was cited by the President's National Advisory Commission on Civil Disorders as one of the principal causes of riots in our urban areas and of the despair and hopelessness that characterize the lives of millions of inner city Americans. The report of that Commission recommended greatly expanded training and employment opportunities for ghetto youth as an important component of a comprehensive attack on the causes of urban poverty.

Now the President has embarked upon a course which is bound to further aggravate existing tensions. The plan to cut back the number of Job Corps training centers will produce disillusionment among present Job Corps recruits and increase the skepticism and bitterness with which millions of deprived Americans increasingly view their Government.

The effect of the closings on Job Corps trainees from New York City illustrates the disastrous consequences unless the implementation of the plan is blocked by Congress.

New York City ghetto youth constitute 800 of the 1,500 trainees at the Kilmer, N.J., Job Corps Center; 45 of the 90 trainees at Wellfleet, Mass.; 60 of the 120 trainees at Acadia, Maine; and 400 of the 1,200 trainees at Poland Spring, Maine. If the administration's plan to close these centers is carried out, between 1,500 and 1,600 New York City youths will be forced out of Job Corps training in which they are already enrolled.

Many of these youngsters are halfway through programs of training, the duration of which ranges from 6 months to 2 years. In addition, numerous trainees are well on their way toward completing high school equivalency education programs. This educational training, which is invaluable in today's job market, will also be thwarted by the administration's planned cutbacks.

The popularity of Job Corps training programs is attested to by the number of youngsters on the waiting list for enrollment. In New York City 350 young people are on the waiting lists for Job Corps centers which are already operating at capacity, and 100 youngsters apply for Job Corps training each week.

Camp Kilmer in New Jersey is to be completely closed by July 1. This means the uprooting of the 1,500 trainees now enrolled at Camp Kilmer. Although the Labor Department said, "Youth who are still at centers at the time of closing will be given other training opportunities," it is unlikely that the trainees would actually be able to continue with their programs. Many undoubtedly would leave out of discouragement and disillusionment. For others, available space at other locations simply would not exist. Furthermore, the Department of Labor stated that there would be a shift of training emphasis to 30 inner city and near city training centers. However, there are no such centers.

Not only New York City but communities across the Nation will suffer as a result of the administration's unwise decision to reduce the number of Job Corps enrollees by one-third—from the present enrollment of 35,000 to 24,000.

If economy is needed in the Federal budget, badly undernourished domestic programs surely ought not to be the first victims. Let the brunt of budget reductions fall on those Federal programs most responsible for inflation in the first place; namely, the inflated military budget. The kind of "economizing" proposed by the administration, in the short run, will produce justifiable bitterness and hostility toward the Federal Government by those millions of poor Americans who urgently require job training and increased employment opportunities. In the long run, the effect will also be counterproductive, for the contribution these young people could make to the economies of their communities and the Nation would far exceed the cost of their training.

While the administration is ready to "economize" on the budget of the Job Corps by $100 million, it proposes a $6 billion increase in non-Vietnam defense spending. We cannot allow this kind of topsy-turvey budgeting to continue.

As the President's National Advisory Commission on Civil Disorder made clear, and as was affirmed by last month's report of the National Urban Coalition on the lack of progress made since the Kerner Commission's summons to action, we need increased support for programs like the Job Corps—not less. If the administration will not recognize that fact and arrange its budgetary priorities accordingly, then it is up to Congress to exercise its responsibility.

FOUNDATION RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, tax-free foundations control very large resources in this country. These resources are used in almost every conceivable fashion for the public good. There can be no doubt that for the most part foundations have used their powers wisely and well; they have produced new knowledge in many fields of endeavor; they have blazed new paths in arts, in sciences, and in humanities. Yet the fact remains that foundations have very great burdens of responsibility, and when they fail to exercise that responsibility the foundations lose their usefulness and worse, may actually do more harm than good.

The president of the Ford Foundation candidly admits this danger in his current annual review. Mr. McGeorge Bundy writes that as the largest of all foundations, the Ford Foundation has the greatest responsibility of all, and must take every action to insure that it does

not fall into complacency, or become irrelevant. After all, he notes, if a business makes a mistake, or if a union becomes irrelevant, it fails; but a foundation can make an error and emerge with its assets completely intact. Lacking either a constituency or a market against which to test itself, a foundation must be especially wary lest it become irresponsible and defeat the good it intends to accomplish.

Despite Mr. Bundy's commendable concern it is possible that the Ford Foundation can make serious errors, and I believe that in at least one case it has. I believe that the foundation has a heavy responsibility to correct the failings in a series of large grants that he made last year.

A few years ago the Ford Foundation became interested in what it conceived to be the problems of Americans of Spanish surname, or Mexican-Americans. This group is the second largest of American minorities, and its approximately 5 million persons live principally in the five Southwestern States. Most Mexican-Americans—about 80 percent—live in urban areas. Substantial numbers are poor, undereducated, and unemployed. The Ford Foundation, commendably enough, decided that it had a responsibility to alleviate the problems of this mass of people. Toward that end it designed several new programs for action.

One thing that surprised the Ford analysts was that the Mexican-American population had no effective national organization; there was no equivalent of the NAACP or the Urban League. Such groups as existed tended to exist only in a region or at most in a State, perhaps in parts of two States. But no Mexican-American organization had a paid staff, and there was no coordination between the groups that existed. The foundation concluded that one prime requisite for progress was national organization and national leadership; such an organization could define goals toward which the whole group could aspire, and could coordinate the efforts of all groups toward those national goals.

Thus the Ford Foundation made a grant of $630,000 to create what is now known as the Southwest Council for La Raza—the race. This would be the new national leadership organization. However, the council thus far seems to have restricted its concepts to creating new groups rather than coordinating existing groups, and creating further divisions in an already balkanized political structure. The council's activity in my own district has been simply to create new militant organizations, some of which have questionable leadership. Indeed, the proliferation of new organizations over the past year has made it all but impossible to determine which is and is not funded with foundation money, let alone to know even if the foundation is aware of how its money is being used.

For example, the Southwest Council of La Raza made a grant of about $110,000 to an instant organization—by that I mean a brandnew creation—known as the Mexican-American Unity Council. This council is headed by a very young and peculiar man whose attitudes appear to be more or less racist. The Mexican-American Unity Council has in turn created other new organizations such as an institution called La Universidad de los Barrios, meaning the "University of the Neighborhoods." This "university" has as its dean a young college junior, and its purpose—lacking a curriculum or classes—is said to be working with delinquents and others to create construction action.

The problem with this "university" is that its headquarters have served as a sort of hangout for tough characters, and it has been the scene of drinking bouts and wild activity. Neighbors have been terrorized; one person who called in the police reported to me that her home had been stoned and her son's life threatened. She asked me, "What am I to do? I am poor, but I am decent."

I confess that there was nothing that I could do, because this "university" like the foundation that created it, is accountable only to itself. If its "dean" knows nothing of university activity, let alone dealing with tough characters, then that is his affair, and there is nothing I can do with it. Some time ago the "university" was the scene of a killing, and since that time its life has quieted down somewhat. Still, there is no evidence that this institution has any real role to play, outside of serving as a place of employment for a confused young man and a couple of his friends who happen to know people with foundation money to dispense as they see fit. I confess to my colleagues that it is hard to answer when constituents ask me why police characters can go into banks and cash checks drawn on this "university" to be used for purposes known only to themselves.

The Mexican-American Unity Council has also lent its support to a new, young militant group known as the Mexican-American Youth Organization; its sole paid officer is paid from foundation money. This organization is out-and-out racist in its outlook and is pledged to locate, identify, and "eliminate" what it calls gringos which happens to include the majority of the people of Texas if I can judge the true meaning of their rhetoric.

But the relationships between the Southwest Council of La Raza and these strange characters become even more complex than I have described; in addition to using intermediaries to fund organizations that push the political aspirations of council board members, the Ford Foundation has another operation that also has ties with groups like MAYO.

The Ford Foundation wanted to create new leadership, and in fact the new leaders it has created daily proclaim that existing leadership is no good, having made commendable efforts but produced little progress—and my colleagues will pardon me if I disagree with that canard. The foundation also wanted to create a very large legal defense effort, similar to the NAACP legal defense fund; to accomplish this a grant of $2,200,000 was made to establish the Mexican-American legal defense and educational fund; this organization is headquartered in San Antonio and has a substantial staff of lawyers, plus about 230 cooperating attorneys.

The legal defense fund does commendable work. But it also has on its staff people whose activities seem to have little or nothing to do with legal work. For instance, the president of MAYO, who likes to threaten to "kill" what he terms "gringos" if all else fails, and who says that it is expecting too much of him if he should not hate, happens to be an investigator for the legal defense fund. He spends vast amounts of his time promoting MAYO activities, and of course the nature of his job allows him to do this. He travels widely to "investigate" but also makes a great many speeches. Not long ago he was in Washington to raise funds to replace VISTA volunteers who had been asked to leave Del Rio, Tex. I do not think that he was exactly on vacation from his job that day. The office walls of the M.A.L.D.F. legal staff are graced with Che Guevara posters.

I do not think that the Ford Foundation really intended that its funds should be used to create organizations or pay leadership that is clearly irresponsible. The actions of some of these groups and individuals is plainly and simply dangerous. I do not believe that it is wise to hand a child gasoline and matches, but this is what has been done all too often through grants made from the Southwest Council of La Raza and its subsidiaries.

I think that the Ford Foundation wants to see progress in the southwest. But I must come to the sad conclusion that rather than fostering brotherhood, the foundation has supported the spewings of hate, and rather than creating a new political unity, it has destroyed what little there was, and rather than creating new leadership it is simply financing the ambitions of some men who are greedy and some who are ruthless, and a few who are plainly irresponsible.

I hope that the foundation accepts its responsibility and will see that its funds are used in the future for the real purposes intended. It saddens me that a foundation dedicated to constructive action has let its resources be used for action that is destructive and counterproductive. I hope that racists are not the new leaders that the foundation wants to see created; I hope that little men are not permitted the luxury of using money intended for very large purposes. I hope that the House will join me in my concern, and call upon the Ford Foundation to exercise the responsibility its president is so keenly aware of.

THE HELPLESS BLIND? SAYS WHO?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to ask the Members of the House if any one of them ever believed so firmly in a bill that they visited the office of every other Member to obtain support for the bill?

I must admit I have never done this myself, nor have I ever heard of any other Member doing it.

But this phenomenal feat has just been performed.

It has been performed by John Nagle, and John Nagle is totally blind!

Traveling entirely alone, swinging his long cane from side to side before him,

Nagle went from office to office in the three House Office Buildings, somehow managing to find his way through the labyrinthian corridors that are such a confusing maze to us who are sighted.

Says Nagle:

When I first started operating on the Hill, I often got lost. When someone came along, I would hesitantly and apologetically ask for help—

But—

Laughed this blind man—

everybody would reply that they had worked in the building 6 months or 6 years, and still got lost!

So "getting lost" to Nagle proves he is just like everyone else.

John Nagle's recent journey through all of the House was undertaken to explain a bill I had introduced at the request of the National Federation of the Blind, the organization for which John Nagle speaks.

This bill, H.R. 3782, would make certain most necessary changes in the Federal disability insurance law for blind people.

But Nagle did more than just explain H.R. 3782 and answer questions about its provisions.

He also asked that each Member introduce a bill identical to my disability insurance for the blind measure.

Nagle's goal was to demonstrate that H.R. 3782 has substantial House support, and he certainly achieved this goal.

For as of yesterday, 90 bills identical to H.R. 3782 have been introduced in the House—the greatest number of like-bills, I believe, introduced so far in the first session of the 91st Congress.

Mr. Speaker, I know that you and many of our colleagues are already well acquainted with this amazing person, John Nagle, but since there are those present who have not had the inspiring experience of knowing this man, I would like to briefly describe a few facts about him.

John was born in Springfield, Mass. He lost his sight at the age of 13 and grew up into adulthood as a totally blind person.

John attended the Perkins School for the Blind in Waterstown, Mass., where he learned the skills of blindness, and, in 1934, obtained a high school diploma.

John says he understood early in life that if a blind person was to get anywhere in life, he would only be able to do so through an adequate education. So he was determined to get one.

John recalls:

Besides, I really didn't have any other choice. The accepted employments for the blind were not open to me. Work with my hands was not for me, for I'm clumsy and inept with my hands.

After studying journalism at Boston University for 2 years and discovering that newspaper editors were not at all interested in hiring a self-confident but blind journalist, Nagle decided to become a lawyer.

The 9 years, from 1937 to 1946, were busy ones for this ambitious blind man.

For 5 years he attended law classes at night and worked days on a WPA project.

During World War II, Nagle was a subassembler at the Springfield Armory, and he was in his newly opened law office when not in the factory, or not attending classes nights at a local college—"to earn the rest of my A.B. degree," reports Nagle.

For 15 years, John was engaged in the general practice of law in his home city of Springfield, and was a most active member of the community, with memberships in many organizations, a staunch and vocal supporter of many causes.

But the one cause that increasingly absorbed Nagle's time and concern was that of his fellow blind.

He held various offices in the Greater Springfield Association of the Blind, the Associated Blind of Massachusetts, and, in December 1958 he was invited to work in the Washington office of the National Federation of the Blind.

For the past 10 years, John Nagle has become a familiar sight on Capitol Hill.

He has presented testimony in nearly 100 congressional hearings, always reading well-thought-out and forcefully presented arguments from a braille text.

John Nagle has become a Capitol Hill legend—always moving surely and swiftly to a congressional office or hearing room, always purposeful, well informed, and sober—yet with a sobriety that quickly brightens into a beaming smile.

When Nagle speaks of the organization for which he works, he speaks with a fervor of a zealot:

The National Federation of the Blind is a nation-wide organization of blind men and women joined together and working together to improve conditions and equalize opportunities for all blind people everywhere—everywhere in the United States, everywhere in the world!

John is convinced he has the best of all possible jobs.

Nagle states:

I'm always arguing and working on the side of the angels.

As the Washington spokesman of the organized blind, I work for equality of opportunity, not protective and preferential consideration, for blind people.

I work to abate injustice and discrimination, prejudice and bigotry.

I ask, we of the National Federation of the Blind only ask, that blind people be judged for themselves, on their individual merits and demonstrated record of capabilities and accomplishments.

Yes, Mr. Speaker, I expect all here will agree that John Nagle is truly a most distinguished and exemplary person.

But Nagle, himself, dissents from this offer of a hero's laurels.

I'm just an ordinary guy working for a living, supporting myself and my family, paying taxes, functioning as millions of other Americans are functioning.

But, Mr. Speaker, I am sure you will agree that when this blind man deprecates his achievements, he speaks as a minority of one.

In conclusion, Mr. Speaker, I wish to say that I have told this story of John Nagle, for I believe it is a story that needs to be told.

For John Nagle is but one of more than 400,000 blind Americans who are striving to live without a sight-structured society, who are trying to compete successfully for jobs in a sight-geared economy.

Surely no one could remain indifferent and unmoved as they listen to John Nagle, chief of the Washington office of the National Federation of the Blind, as he proclaims the magnificent philosophy of the blind people that he so ably represents:

We reject sterile security and static shelter.

We assert the right, we demand the right, to live as others live, to work as others work, to share equally with our sighted fellows in all of the hazards and responsibilities, as well as all of the rights, privileges and opportunities available to all others.

My bill, H.R. 3782, would help blind people in their determined and courageous struggle to live normal lives, to engage successfully in competitive livelihoods.

For H.R. 3782 would make disability insurance payments available more readily to more people who are blind.

It would make possible the continued receipt of disability insurance payments by blind people to meet the costs of sight, for whatever a blind person does he needs the help of sight to do it.

Mr. Speaker, I urge all Members of the House who have not yet introduced a bill identical to H.R. 3782 to do so promptly.

It is my belief that this measure has the overwhelming support of the House.

Let that support be expressed by an avalanche of disability insurance for the blind bills pouring into the House "hopper."

Finally, Mr. Speaker, I would ask this question: Are the blind helpless?

The life of John Nagle gives an emphatic "No" to this question.

The lives of many thousands of other blind men and women give an emphatic "No" to this question.

At this point in the RECORD, Mr. Speaker, under unanimous consent, I insert a fact sheet which describes the provisions of H.R. 3782, its history, and the reasons for its need of enactment:

IMPROVED DISABILITY INSURANCE FOR THE BLIND

H.R. 3782, a bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder. (James A. Burke, Mass.)

HISTORY

Offered in 88th Congress by Senator Humphrey as floor amendment to H.R. 11865 (Social Security bill); adopted by voice vote without a dissent; lost when Social Security Conference ended in deadlock.

Offered in 89th Congress by Senator Hartke, as S. 1787; 41 cosponsors; adopted as floor amendment to H.R. 6675 by 78 to 11 roll call vote.

Offered in 90th Congress by Senator Hartke, as S. 1681; 57 cosponsors, including nine of the 17-member Committee on Finance; adopted by Committee on Finance as amendment to H.R. 1280; one provision approved in House-Senate Conference, making the generally accepted definition of blindness (20/200, etc.) the standard for visual loss under the Disability Insurance Program.

PROVISIONS

Allows qualification for disability benefits under the above definition if the blind person has worked six quarters in Social Security-covered work, rather than twenty of the last forty quarters as presently required to be eligible, as in all other disabilities; continuation of benefits irrespective of earnings so long as blindness lasts, rather than cutting off benefits if the blind person earns as

little as $140 a month as provided in existing law.

WHAT CHANGES WOULD DO

H.R. 3782, the Disability Insurance for the Blind bill, would transform the Disability Insurance Program providing only subsistence income to long-time employed but presently unemployable blind persons into a system providing short-term employed blind persons with insurance income to off-set the economic consequences of blindness—diminished earning power, greatly diminished employment opportunities, greatly increased costs of living and working, blind, in a sight-directed economy and society.

WHY CHANGES NEEDED

To many blind persons, able to work, although blind, but unable to secure work because they are blind—or unable to secure work of long and steady duration, because they are blind—to these people the requirement in H.R. 3782 of employment for a year and a half in Social Security-covered work, instead of the five of the last ten year requirement in existing law, is much more realistic and reasonable under the special and adverse circumstances facing blind persons.

It is much more realistic, when considering the misinformed or uninformed attitudes, the adverse and prejudicial practices which confront blind people when they seek work, when they are qualified by talent and training for work, when they are skilled and able to operate successfully with blindness, yet, are not hired because they are believed to be incompetent and incapable.

Making disability insurance payments available when a blind person has worked six quarters in Social Security-covered work is much more reasonable than the five years' requirement, for it would make such payments more readily available to more persons when the disaster of blindness occurs, when the need for the security provided by regularly received disability insurance payments is greatest in a workingman's life.

H.R. 3782 recognizes that a person who tries to function, sightless, in our sight-structured world, functions at a financial disadvantage.

For whatever a blind man would do, whatever employment or activity he would pursue, he has the need for sight to assist him.

Sighted family members and friends may be helpful, when the inclination moves them to be helpful, but the blind vending stand operator, the lawyer or teacher, piano tuner, even the blind housewife soon discovers that sight which is hired is more reliably available than sight which is given from kindness.

So the blind person who would function self-dependently, the blind person who would earn a living, who would live self-responsibly, must not only pay the usual daily living costs which his sighted fellows pay, but he must also pay the extra, the burdening expenses of blindness—the expenses incurred in hiring sight.

By allowing a blind person to draw disability insurance payments so long as he continues blind and irrespective of his earnings, H.R. 3782, would provide to such blind person, a regular source of funds to pay for sight, and it would thus help to reduce the economic disadvantages and inequalities of blindness in his life.

Mr. McCORMACK. Mr. Speaker, the gentleman from Massachusetts (Mr. BURKE), is certainly correct. I have been acquainted with John Nagle for more than 10 years. And as I have become more familiar with this blind man's spirit, his determination, and his accomplishments, my admiration for him has grown.

I am not at all surprised to learn of Nagle's latest accomplishment, of visiting, alone, all offices in the House.

Knowing this astonishing blind man, I have come to expect such phenomenal efforts by him.

In my years in the House, I believe I have never encountered a person who better represents the group for whom he speaks, as John Nagle represents and speaks for the blind.

As for Mr. BURKE's bill to liberalize disability insurance for blind people—I understand a major ground swell of support for this most necessary and most worthwhile measure is building in the House.

I sincerely believe that no body of our citizens has tried to do more—and has done more—to help themselves than have our blind people.

H.R. 3782 would give these courageous people, faced by overwhelming disadvantages because of lack of sight, a more equal chance to live and work as self-dependent members of the community and of the Nation.

Self-dependence is the goal of our blind fellow Americans, and since H.R. 3782 would greatly aid them to reach this most worthy goal, I am pleased to join the gentleman from Massachusetts (Mr. BURKE) in speaking in support of H.R. 3782, the disability insurance for the blind bill.

GENERAL LEAVE

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the subject of my special order.

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

There was no objection.

GOVERNMENT INVASION OF PERSONAL PRIVACY ERODES INDIVIDUAL CIVIL LIBERTIES

(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, a crisis in civil liberties looms on our national horizon, its shadow an ever-lengthening menace to all of us. It comes in several forms. A growing list of Federal agencies is collecting significant quantities of data on millions of American citizens. Among these are the Defense Department, Social Security Administration, Civil Service Commission and House Internal Security Committee. Much of this information is collected on citizens unaware of such activities that so intimately concern them.

A second phase of this steady erosion of personal privacy on the part of Government concerns the increasingly delicate questions the Bureau of the Census is preparing to ask every American citizen. Criminal penalties are provided for refusal to answer a wide range of questions, including why marriages terminated and how many babies a woman has ever had.

Privacy is invaded when the Census approaches America with a long list of intimate questions in one hand and the club of jail and fines in the other. We have a question of public need for statistics and individual right of privacy. It is my position that personal privacy must carry more weight in any democracy, where the rights of the individual are supposed to be preeminent.

A third phase of Government invasion of personal privacy concerns the increasing and unwarranted invasion of personal privacy by the executive branch of Government of its millions of employees. The specter of the lie detector test, personality profile, political coercion and probes of personal lives is already diminishing governmental effectiveness and inhibiting the behavior of millions of Federal employees. Numerous examples of these and other acts have amply illustrated the need for swift action.

In the first instance, I have joined my colleague from New York (Mr. KOCH), in sponsoring the Federal Privacy Act, which is designed to protect the individual citizen from unauthorized disclosure or use of personal information collected by various Federal agencies.

In the second instance, emulating the excellent initiative taken by Representative BETTS of Ohio, I am introducing a measure on questions to be asked by the Census Bureau. Its essence is elimination of criminal penalties for failure to answer questions on all but seven subjects: name, address, age, sex, race, head of household, and number of persons in the household on the day the census is taken. Failure to respond to these questions would carry penalties. All other inquiries would have no penalty.

In the third area, Senator ERVIN of North Carolina has stood alone for several years in defense of personal liberties of Government employees. My colleague, Mr. GALIFIANAKIS of North Carolina, has likewise taken up the fight in this body. I am proud to join with him in sponsorship of the Government Employees Privacy Protection Act.

It is intended to prohibit indiscriminate requirements that employees and applicants for Government employment disclose their race, religion, or national origin; that they attend Government-sponsored meetings or lectures or participate in outside activities unrelated to their employment; that they report on outside activities; submit to questioning on their religion, personal relationships, or sexual attitudes through interviews, psychological tests, or polygraphs; or that they support political candidates or attend political meetings. Coercion of employees in regard to bond purchases, charitable contributions, and disclosures of financial assets and activities are also covered. Right to counsel is provided in disciplinary cases, as well.

Mr. Speaker, these bills are a beginning, showing us how significant these intrusions are. Exorcism of these evils is essential if we are to remain a free society. People have a right to be let alone, free from unwarranted invasions of privacy. Congress has the power to act, and should. Liberty we allow to slip between our fingers today is liberty denied our posterity tomorrow.

YES, VIRGINIA, THERE IS A FOREIGN OIL DEPLETION ALLOWANCE

(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, by now most Americans know about the oil depletion allowance—the method used by our oil industry to evade the major share of its tax responsibilities. Since this is merely the topmost portion of the oil iceberg, I feel it is proper to discuss overseas aspects of this depletion allowance. Yes, Virginia, there is a foreign oil depletion allowance, enabling our oil and gas industry to derive vast tax-free revenues from its foreign production at American taxpayer expense.

The percentage depletion allowance does not cease at water's edge. Its 27½ percent is applicable to production of American oil companies abroad. In 1960, $633 million was deducted, and figures have skyrocketed since, with major oil production overseas.

Its justification? The same as for domestic production—because of unusual risks and high costs of exploration and development. Again truth shifts like mercury when used as an excuse by the oil industry.

Dry holes are hard to come by in Kuwait and Saudi Arabia. Drilling costs are minimal because oil is so close to the surface. Still, the depletion allowance is the same in these countries as here. In addition to the 27½-percent oil depletion allowance, oil companies possess other significant tax privileges for foreign operations. Royalty payments to foreign governments, especially to Middle Eastern despots, may be offset against taxes the company owes in the United States. Under our sievelike tax laws, royalties are recognized deductions from taxable income. However, if the American company pays income taxes to a foreign government because of its foreign operations, amount of such taxes may be deducted from tax that would otherwise be due the United States. In other words, a fat tax credit.

Naturally, the credit is preferable to a deduction. If the foreign government cooperates, and they almost always do, our struggling little oil company obtains a major tax break at expense of the American Government and taxpayers.

Most of these foreign countries are not overly concerned as to how they obtain revenue. Perhaps that is why "taxes" are far higher than "royalties" paid them. Even the most ardent supporter of a domestic percentage depletion allowance is hard put to justify a tax credit for such royalty payments. No wonder it is dubbed the "golden gimmick."

There is also a special deduction against taxable income for U.S. companies operating in the Western Hemisphere, which of course includes oil-rich Venezuela.

Many U.S. companies operating abroad pay little or no Federal tax on foreign operations even though, after paying all foreign royalties and taxes, their income exceeds hundreds of millions of dollars—primarily because of the depletion allowance. It was not an intent of Congress to extend percentage depletion allowance to foreign operations. No one then realized it was to be used as a hose for theft from our tax system.

Concept of an oil depletion allowance for exhaustion of oil and gas properties was originated in 1913 as a domestic measure aimed at obtaining greater domestic production during periods of world crisis. In 1926, when percentage depletion was adopted, there was no substantial foreign petroleum production by American companies. Under present tax law, percentage depletion for numerous minerals is restricted to domestic production only.

Supposedly, percentage depletion allowance and other tax benefits for overseas operations are aimed at encouraging oil companies to locate new oil sources in the Middle East and other areas in case of emergency. With the Middle East in constant crisis, it is the height of folly to encourage American efforts there with a massive, subsidized giveaway program. The recent enormous Alaskan strike makes such an argument even more specious. Oil industry arguments for retention of such privilege at expense of our people are as meaningful as a whale farm in the Sahara or an orange grove in Greenland.

America's citizenry spends billions to subsidize overseas oil operations while we restrict domestic production and American consumers are unable to obtain the foreign product at a lower price because of oil import quotas. Is this sense? Then so should we add witch hazel to martinis.

The trauma of April 15 is over. We are all shuddering over aftereffects upon our solvency. All except bloated oil barons, who, bursting with profit gained at expense of all of us, gaze benignly down at millions of us, writhing in financial agony because of their privileges. They dare us to challenge their power and privilege, contemptuously brushing aside pleas for elementary fairness.

Congress gave the oil depletion allowance. What Congress gave, Congress may take away. I have introduced a bill to remove the oil depletion allowance entirely. Another bill has been introduced to remove it from overseas operations, in which I have joined. We have the opportunity to remove several tax shackles now binding America's lower and middle income taxpayers. Let us act.

THE FALLACY OF THE ARAB REFUGEES

(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, more and more these days we are forced to listen to anguished howls by Arab propagandists and apologists over the fate of Arab refugees. Last month, when I visited Israel, I had the opportunity of personally visiting several refugee camps in Gaza, where I observed at close hand what the true situation is.

UNRWA is doing significant work, and has aided in the successful effort to adequately feed and clothe these people. Make no mistake about it; they are quite adequately fed and clothed.

The festering sore is unemployment, as these people spend their time in mounting frustration. Jobs are what they require. Jobs are what their fellow Arabs can provide them with. Jobs are what their fellow Arabs deny them. It is a fact that every Arab country but Jordan denies these people access, so they can work gainfully.

Arab terrorists use them as pawns in their deadly game of international murder. Has anyone ever given a thought to the fact that during the last 20 years, 4,500,000 Europeans were forced out of Arab countries? More often than not, they were driven out at the point of a gun, or at least with a shadow of violence hanging over their heads.

The 2,200,000 Italian settlers were forced out of Libya and Egypt; 1,700,000 French left Algeria, Tunisia, and Morocco. Over 700,000 Jews fled Iraq, Yemen, Egypt, Libya, and other Arab countries. Four and a half million Jews who lived in these countries for countless generations left everything behind. The Arabs took everything, as these people left with only clothes on their backs. The piteous plight of the few brethren who remained behind is ample testimony to the fate they narrowly escaped. Even now the Jewish community of Iraq and those few Jews left in Egypt live existences of persecution and terror.

Now we hear anguished caterwauling over the Arab refugees. Arab States had an opportunity to place 700,000 Arab refugees from Palestine into homes of European people who fled Arab countries. Instead refugees were placed and are being kept in camps that have cost millions of dollars—contributed by people of the world, especially Americans. There are many, including the Arab countries, who have a vested interest in maintaining these refugees in the same squalid misery they are in now. It is the most brutal thing Arabs have done to their own people. Palestine was never an Arab country. It never had an Arab Government. Palestine has been occupied since the time of Caesar by Greeks, Romans, English, and other nations. Its only legal government was the Jewish one of over 2,000 years ago.

Now we are confronted with the spectacle of Arab States, possessing populations which are more than 80 percent illiterate in some cases, spending billions on Russian arms in hope of obliterating Israel, while ignoring awesome social needs of all their citizens, natives as well as refugees.

THE SLUMBERING BEAST OF GERMAN MILITARISM STIRS UNEASILY

(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, Maj. Gen. Hellmut Grashey, deputy army inspector of the West German Army has criticized parliamentary control over the military. He spoke sharply of the parliamentary control agency dealing with military affairs—terming it an instrument spreading mistrust in the ranks. He indicates that the attempt to build a West

German Army along democratic lines is a sop to the Social Democrats in return for their support of disarmament. This general has been called in by Defense Minister Schroeder. The Nazi-lining political party in West Germany has issued a statement supporting Grashey.

Mr. Speaker, again the ghosts of the past rise like specters to stalk the hearts and minds of millions in the Atlantic community. Again Prussian memories awaken, stretch, shake the shades of slumber from their eyes and roar defiance of democracy through the mouth of a German officer—one of the highest ranking officers in his nation's armed forces.

Again is heard a distant rumble of the goose step and that ghastly cannonade of Krupp guns sounds distantly down the corridors of history. Again we hear drums roll and trumpets blare the "Horst Wessel Leid," as brown-shirted legions take to the streets. If we cock an ear carefully, is there not a last echo of the Austrian corporal to be heard?

Do not the pronouncements of this man sound as if they echo the sentiments of Von Roon, Moltke, Seeckt, and Mackensen? Do we not hear the collective click of a thousand pairs of heels and a Prussian "jawohl" to orders to exterminate millions? Only the concept of democracy can guarantee an end to blind obedience that brought destruction upon Germany and made her an outcast among nations for so long. How dare this general seek to resurrect the basic concept of Prussian militarism that commands obedience and stifling of all disagreement.

Now we live in a thermonuclear age, where there is no room for concepts such as "alte cameraden," "Weltanschaung," or a "Drang Nach Osten."

Days of strident nationalism spearheading a military state armed by the Krupps are over. Times of the Prussian grenadiers are finished. Eras of the brushcut, monocle, jackboot, and iron discipline are gone forever. Any German general who dares stand up for them, calling into question a moderate, democratically inclined West German regime has no place in the military forces of a free world.

We have seen enough Sedans, Verduns, Normandys, and Buchenwalds. We have seen enough coal-scuttle helmets and Mauser rifles in the hands of blindly obedient automatons. I praise the Social Democrats of West Germany for their courage. It is my fervent hope that General Hellmut Grashey will be dealt with accordingly by the Government of West Germany. Let him go to a well-deserved retirement so he may attend the neo-Nazi veterans reunions instead of commanding troops.

THE AMSA BOMBER MUST NEVER GET AIRBORNE

(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 was astonished to note that Mr. Laird has it in his mind and plans to commit the United States to a new multibillion-dollar bomber program that could cost more than the proposed ABM. While we struggle desperately against an obsolete ABM, we are to be saddled with a new harpie in the form of this bomber.

The Advanced Manned Strategic Aircraft, or AMSA, would be supersonic at high and low speeds and carry more bombs than craft it would replace. Mr. McNamara resisted attempts to build this useless monster, but allowed research money for it. Now Mr. Laird demands $100.2 million—$23 million more than the previous administration requested—to complete AMSA research. This is why he cut two squadrons of the FB–111. We have been ridded of one useless piece of expensive flying rubbish, only to have it replaced by an even worse, more expensive one. Instead of enriching one military contractor, we see another lined up for an indefinite turn at the public feeding trough.

If the contract is drawn up, we shall be locked into the AMSA program, committed to its development and forced into guaranteeing it untold billions. Most of this information is confirmed by the Pentagon. Should Congress approve this fund request, the Air Force would be authorized to design, test, and flight test experimental craft. Approval of the extra $23 million would authorize flying prototypes. Remember the XB–70? It cost us more than $1 billion, and all we obtained were prototypes.

Purchase of some 240 of these flying dinosaurs would cost anywhere from $12 billion to almost $20 billion. What would we receive? A manned bomber in an age of missiles. A last hurrah for the "wild blue yonder." We would be reincarnating at stupendous public expense the romantic dreams of aging generals who remember "good old days" of thousand bomber raids and cities in flames. "Off we go" is their cry, carrying the U.S. Treasury with them as they fly off into the last sunset.

Mr. Speaker, this is the ultimate outrage. An Air Force spokesman concedes each AMSA would cost at least $40 million. Are we to accept this? Has Congress' power to control appropriations assumed the status of an appendix? Is not the ABM a useless, expensive enough boondoggle? Do we not all know what will happen?

Appropriations will be shuttled or rammed through the Congress, complete with a closed rule. Debate or honest questioning will be stifled. Years will pass as more and still more billions are appropriated. Questions will be answered by mere patriotic slogans and invocation of spirits of George Washington, Valley Forge, John Paul Jones, Robert E. Lee, Chateau-Thierry, and Pearl Harbor. Teddy Roosevelt will charge and Mount Suribachi will be stormed. Finally, when we have squandered billions of desperately needed dollars, we shall have another flying relic and museum piece on our hands. Generals will mutter a series of feeble excuses, then wrap the flag round themselves like a bathrobe and question our devotion to America. Hearings will be shut behind closed doors and another stillborn monster will be locked tightly in a closet marked: "Not to be opened by the American people until the heat dies down."

Mr. Speaker, our society groans under the weight of unmet responsibility. It bleeds from a hundred social wounds. It staggers under blows delivered by old enemies we should have dealt with years ago. A major reason for the existing state of affairs is reversal of social priorities. We have given our military every glittering toy they demanded so they can play war. It has reached a point where they can strut sitting down. Congress is guilty of acquiescence, and America is beginning to realize it.

We cannot, must not, dare not, allow such a military abortion to be foisted upon us. It will escalate the arms race. It will be a despicable waste of money. This plane is a national disgrace. If we allow it to pass, then it shall be a congressional disgrace and the people will know it.

PRESIDENT PUSEY SUPPORTED IN ACTION AGAINST DISORDERS AT HARVARD

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include an editorial from the Auburn Citizen-Advertiser.)

Mr. STRATTON. Mr. Speaker, as one who received an M.A. degree from Harvard University in 1940, the same year that John F. Kennedy received his A.B. degree, I have been more than a little concerned over recent developments at Harvard.

Fortunately, a very great many of Harvard's alumni support the prompt and decisive action taken by Harvard's President Nathan M. Pusey in protecting the files of the university in University Hall.

One such alumnus who expressed this support was the very distinguished managing editor of the Auburn, N.Y., Citizen-Advertiser, Mr. Frederic R–L. Osborne, a graduate of the class of 1950 at Harvard College. His expression of support, written as an editorial in the Citizen-Advertiser of April 4, 1969, is one that deserves to be read by all Members of the Congress, and I am glad to include it at this point in the RECORD:

A LETTER TO DR. PUSEY, PRESIDENT OF HARVARD

DEAR DR. PUSEY: As an alumnus of Harvard I have been upset by recent events at the university. I had hoped that Harvard students would know better and that the university would escape the lawlessness which has plagued other colleges.

However, this was not to be. I believe the university took the only course open to it in ousting the invading students from University Hall.

Too many other colleges have given in to vocal minorities which had broken the law in order to get their way. I hope that Harvard will not give in and that it will expel those students who violated the rules of the university and the laws of Massachusetts.

Not all lessons at a college are learned in the class room or lecture hall. Harvard has an opportunity here to teach both its own students and other colleges.

First it can teach its own students that unlawful violence is not an acceptable means of achieving change in a democracy. The use of violence to force change infringes on the civil rights of others and cannot be tolerated.

While I regret that it was necessary to bruise the heads of a few students in evicting them, I can hardly feel much sympathy for them. The students came seeking trouble. It was they who first resorted to violence and they could hardly expect the university to do less than defend its own. The students sowed the seeds of violence and reaped a harvest of violence from the police in return. Perhaps Harvard can teach this unruly minority that violence from outside the law brings the legalized violence of the law; that force is not the way to bring change in a democracy; that the end does not justify the means.

Second, Harvard can also set an example for other colleges. Harvard was once described by an English publication as "bestriding the American educational scene like a well bred Colossus." I believe that this flattering description has a considerable basis in fact. Other colleges do follow when Harvard leads. Consequently I think that Harvard has an obligation to set an example of fairness and firmness which will stiffen the backbone of other college administrators. After all, what kind of a future generation are we creating if our young people are taught now by indulgent elders that they can break the laws of society and escape without punishment?

Harvard's rules are perfectly clear, and they do not include taking over University Hall and evicting the dean. I hope that Harvard will enforce its rules. The students agreed to abide by them when they entered the college. They should abide by these rules or suffer accordingly.

I am disturbed by the lack of understanding of the rights of others which these young people have demonstrated. To achieve their goal they have not hesitated to resort to physical violence, to break the law and to upset the orderly processing of the affairs of their fellow students. And yet, these law breakers, when the Harvard Yard is once more at peace, will be clamoring for amnesty and will feel that they have been sorely misused if they don't receive it. I hope that there will be no amnesty and that Harvard will insist that those who break its rules are punished.

F. R–L. OSBORNE,
Class of 1950.

BIG 10 UNIVERSITY STUDENT LEADERS APPEAL FOR STUDENT FINANCIAL AID

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I was very glad to be able to welcome to Washington this week a delegation of outstanding young Americans—leaders of student government from the Big 10 universities: Illinois, Indiana, Iowa, Michigan, Michigan State, Minnesota, Northwestern, Ohio State, Purdue, and Wisconsin.

These students came to Washington for the purpose of meeting with Senators, Congressmen, and other Federal officials to express their deep concern about the inadequacy of Federal appropriations for the major Federal student assistance programs: the educational opportunity grants, national defense student loan, and the college work-study programs.

The students presented their case positively, constructively an based on a carefully prepared marshaling of factual information.

Mr. Speaker, I think it is significant that the majority of the students visiting Washington on this mission are not themselves recipients of loans or grants under these several programs. They came to the Nation's Capitol rather to voice their support for student aid programs that would enable their fellow students who do need such financial assistance either to begin their college education or to remain there.

I want to take this opportunity to express my warm praise of these students of the Big 10 for their initiative and energy in seeking adequate appropriations for these important student aid programs. Their visit was particularly timely in view of President Nixon's budget announcement yesterday. President Nixon's budget request for higher education funds will mean a grave disappointment to a large number of low-income students, many of whom have been encouraged to seek a college education and will now be denied, as a result of the inadequate moneys made available, that opportunity.

I may here add that I have a large number of letters from colleges and universities all over the country expressing their deep concern about this matter.

Mr. Speaker, let me here cite just one example of the serious problem facing thousands of American university students today as a result of the underfunding of Federal student aid programs. Colleges and universities have requested $318 million for the national defense student loan program for 1970, basing their request on the need for loans for students. But only $155 million will actually be available in the Nixon administration's budget—and this is also all that was requested by President Johnson in his January budget message, it should be noted, in all fairness. The $161,900,000 listed in the budget for this item includes moneys to institutions and for teacher cancellation.

Mr. Speaker, I insert at this point in the RECORD the joint student government appeal from the Big 10 university student leaders, and a summary of facts describing what the shortage of Federal aid will mean to low-income students at the Big 10 universities, and in particular, at Purdue and Indiana Universities:

JOINT STUDENT GOVERNMENT APPEAL FOR STUDENT FINANCIAL AID

WASHINGTON, D.C., April 15.—Student delegations from several mid-western universities are in Washington this week to seek the restoration of more than $200 million in student financial aid funds that have been cut from the federal budget. Among those schools represented are Indiana, Illinois, Wisconsin, Iowa, Northwestern, Purdue, Michigan University and Michigan State who are participating in a joint appeal to officials of the Federal Government.

The purpose of the trip is two-fold. Student delegates are seeking the restoration of funds for National Defense Student Loans, Work-Study Programs, and Educational Opportunity Grants. Inadequate funding of these three college-based programs will directly affect the educational future of some 250,000 students.

The student representatives, including four Big–10 student body presidents are also encouraging greater federal support in general for culturally disadvantaged and financially needy students.

In a statement issued today the student delegations said that:

"The federal financial aid picture for 1969–70 does not look promising. Severe cuts in Student aid appear in the proposed federal budget, and we view the prospects for the coming year with considerable alarm.

"The student financial aid pinch is becoming more acute every year. Not only are basic costs increasing, but there is an increasing demand for higher education among lower income students.

"We believe that this is a time when government at both the state and national level should be doing everything possible to encourage college attendance by those students from all groups, but especially from those groups which have not hitherto sought a higher education. The fact remains, however, that a limitation of federal student aid will have an opposite effect: the opportunity for a college education will diminish rather than increase for the students in these low-income groups.

"We are not unaware of the serious demands on our nation's financial resources from many quarters, but we believe that there is no area where the demand is more critical than in student financial aid. We support the recommendations of the Carnegie Commission on Higher Education which call for a massive federal commitment to higher education. We believe that such a commitment is necessary if our nation is to meet its needs and provide for both quality and equality of educational opportunity."

The student delegates are meeting with Senators and Congressmen from their respected states and also plan to meet with administration officials.

A POSITION PAPER BY LEADERS OF PURDUE UNIVERSITY GOVERNMENT, APRIL 15, 1969

The following position paper has been presented to Congressmen and Senators from Indiana by a delegation of student leaders from Purdue University Student Government who have met in Washington this week as part of a collective effort by Big Ten Student Governments to restore serious cuts in budgeting for Educational Opportunity Grants, National Defense Student Loans, and the College Work-Study Program. Other Delegations have spoken with their State Legislators, and our opinions have been expressed to other legislators and governmental officials whose responsibilities are related to Federal Aid appropriations.

MICHAEL T. REAGAN,
Director, Student Government Academic, Purdue University.
RICHARD E. PARKER,
President, Purdue Student Senate.
JAMES G. GEORGE,
President Pro Tempore, Purdue Student Senate.

POSITION PAPER

A great number of students are disturbed by recent actions of the Congress on the subject of Federal aid for financial assistance. Those of us who are concerned are not necessarily directly receiving Federal assistance. The subject affects the entire academic community.

It appears that there has been and will be a general curtailment of student aid programs, such as the National Defense Student Loan Program, the College Work-Study Program, and the Educational Opportunity Grant Program. While some states will be unable to obtain adequate funding under the College Work-Study Program, it appears that the needs of Indiana in this area will be met. We, as students of Indiana, are primarily disturbed by the cuts in the Educational Opportunity Grant Program and the pending cut in the National Defense Student Loan Program. This action is coming at a time when renewed efforts are called for, rather than a retrenchment.

The National Defense Student Loan Program (NDSL) received $191 million in 1968–69. Authorization exists for $275 million in 1969–70. The *proposed* funding is for only $155 million, a *reduction* of $84 million from the previous year. Furthermore, it is a reduc-

tion of $115 million from the review panel recommendation of $270 million.

The Educational Opportunity Grant program needs to be considered in two distinct sections; initial year grants and renewal of existing grants. The renewal grants will, as ordained by law, have a sufficient funding level. This level has been set at $90.2 million. The initial year grants of the EOG program have encountered serious problems. The 1968–69 allocation provided for $67 million. The 69–70 authorization provides for $70 million. The proposed 1969–70 allocation is only $40–$50 million. This is not only a great reduction from the review panel request of $98 million, it is even a serious reduction from the previous year's level.

INDIANA STATE LEGISLATIVE ACTION

In addition to the common problems of inflation and the increase in the price rate, Purdue faces somewhat distinct problems. The Indiana Legislature did not fulfill the budget requests of the state Universities. Purdue's appropriation for 1969–70 is *$900,000 less than the current year's appropriation!* So that Purdue could maintain her record of academic excellence, fees were increased by $300 per year for Indiana Students and by $400 per year for non-resident students.

In addition, the state legislature curtailed the funds of the State Scholarship Commission. Funds will be available only to renew existing scholarships. No scholarships will be available from this source for incoming freshmen.

Even when operating under the unreasonable assumption that no additional students will require aid as a result of the fee increase, Purdue's financial aid office foresees a shortage of $1.2 million. This even accounts for automatic internal growth of their funds, and the granting of $0.5 million in additional fee remissions. Purdue's EOG request of approximately $1 million appears to have been posed to $454,000, significantly lower than the present level of $753,000. Purdue had planned to add 512 new students under the EOG, but now will only be able to handle 250.

We are deeply concerned about the people that these curtailments will effect, and the possible accruing social and political repercussions. All of these programs, and in particular EOG effect the disadvantaged students and families of our country. To quote a recent letter from the Indiana Student Financial Aid Association:

"Federal support to student aid resources has shown an obvious intent on the part of the Congress. With the exception of the guaranteed loan program, every federal venture has been designed and directed toward the student who would not be able to attend college with his own funds alone. The Higher Education Act of 1965 was even more specific in its expectation that colleges actively seek students without sufficient resources and "recruit" them into college. It was recognized that such expansion of educational opportunity could not be done overnight, for there were many attitudes of hopelessness and despair to counteract. The last three years have produced results, however, and a college education has become a realistic goal of many young people who would have previously not even considered the possibility. Indiana colleges and universities have been doing their homework during this intervening period of time, and in cooperation with TUTEOR (Talent Utilization Through Educational Opportunity Resources, a coordinated recruitment effort operated by the State Scholarship Commission of Indiana and funded by a federal grant) have been encouraging high school students to further their education beyond high school. In other words, our recruitment efforts as called for in the Higher Education Act of 1965 are about to bear fruit. For three years, students from disadvantaged backgrounds have been hearing from the colleges, the TUTEOR program, and the high school guidance counselor that higher education is accessible regardless of personal financial resources, and that they should plan accordingly. As a result, these students are seniors in high school, they have submitted their applications for admission and financial aid to the college of their choice, and are anxiously awaiting word as to the disposition of their applications."

PROBLEMS IN AMERICA

It is fairly obvious that many of the problems in America's recent past have stemmed not only from the individual's impoverished environment, but from the unfulfilled promises of those who would lead him to better circumstances. Imagine the frustration and despair of a student who has done well in high school, has hoped to obtain a college education, and then discovers that the long-awaited funds exist no more. In a recent interview in a national magazine, Robert Finch said: "I hope to put an end to over-promising and tokenism."

The unrest in the land has been widely attributed to the "credibility" gap. We desire the peaceful existence of our government, and we know of no better way to ensure this than to enable youth to *believe* in the government.

There has been some intimation that the curtailment of funds has been a result of the disorders on the campuses. We have no way of ascertaining the truth of this. We hope it is false. The number of those causing actual disruption is extremely small, and in general, they are not on Federal aid. Fund cutoff provisions have been written into the existing laws. We assume that Congress intended them to be enforced. Under such assumptions, what reason would there be for a further punitive or corrective curtailment? A general measure can lead to only more unrest.

We are aware, even if only from a distance, of the fiscal problems that face the Committees. The problem is further complicated at this time by the change in administrations. However, we feel that the quality of education in the United States cannot be compromised.

Political decisions are the successful solutions of immediate problems while moving toward long-term goals. We ask our legislators to obtain the overview of this question. The immediate problem is that of the need to decrease Federal expenditures. The long-range goal is the successful uplifting of those who would require such expenditures. What better way than through education?

We can afford to carry the student as a tax burden now if we can be assured that he will yield returns as a taxpayer in later life. Education now will surely lead to a decrease in the welfare roles in the future. To quote Mr. Finch again: "What we have to do is concentrate not on bigger and better welfare programs but on programs that work toward eliminating the need for welfare."

A SUMMARY

We ask our legislators to seriously review the problems and alternatives of the EOG and NDSL programs. We concur with Purdue's Financial Aid Director Richard Tombaugh in requesting the following action:

1. A supplemental appropriation for the Educational Opportunity Grant program that is sufficiently large to meet the requests of the colleges. A total of about $98 million would be required.

2. A National Defense Student Loan appropriation that provides at least the $191 million that was available in 1968–69. The regional review panels have seen the need for $270 million in this program.

We are asking not for "handouts," but rather for the establishment of a semblance of equal opportunity.

BIG 10 STUDENT GOVERNMENT APPEAL FOR FEDERAL STUDENT FINANCIAL AID, WASHINGTON, D.C., APRIL 12 TO 15, 1969

INDIANA UNIVERSITY DELEGATION STATEMENT OF PURPOSE

The federal student financial aid picture for 1969–70 does not look promising. Severe cuts in student aid appear in the proposed federal budget, and we view the prospects for the coming year with considerable alarm. Our delegation is joining student representatives from other Big 10 universities who are also currently in Washington in a joint appeal to officials of the federal government.

Our purpose is two-fold: we seek the restoration of funds cut from existing programs including National Defense Student Loans, Work-Study, and Educational Opportunity Grants, and we encourage greater federal support in general for culturally disadvantaged and financially needy students.

We believe that this is a time when government at both the state and national level should be doing everything possible to encourage college attendance by those students from all groups, but especially from those groups which have not hitherto sought a higher education. The fact remains, however, that a limitation of federal student aid will have an opposite effect: the opportunity for a college education will diminish rather than increase for the students in these low-income groups.

We are not unaware of the serious demands on our nation's financial resources from many quarters, but we believe that there is no area where the demand is more critical than in student financial aid. We support the recommendations of the Carnegie Commission on Higher Education which call for a massive federal commitment to higher education. We believe that such a commitment is necessary if our nation is to meet its needs and provide for both quality and equality of educational opportunity.

TED NAJAM,
Student Body President, Indiana University.

JOHN GALLES,
Secretary of External Affairs, Student Government.

TERRY STRAUB,
State President, Indiana Collegiate, Young Democrats.

SHARON HARGAN,
Secretary, Class of 1970.

CUTS IN FEDERAL AID TO LOW-INCOME STUDENTS: SUMMARY OF FACTS

1. Who are affected? Between 45,000 and 100,000 entering college freshmen. Last year 144,000 initial year Educational Opportunity Grants were made to entering students; this year the College Entrance Examination Board estimates that available funds will cover fewer than 100,000 needy students while those needing help total 200,000.

At least 100,000 students for whom adequate National Defense Student Loans will be unavailable, in a year with record high interest rates and limited private loan sources.

At least 60,000 needy students who will seek term-time work under the College Work-Study program and will not find it, due to lack of federal funds.

2. What happened? These three programs were approved by Congress for funding at levels which would have been adequate. But the federal budget greatly reduced these levels and the final appropriations fall far short of that authorized and are wholly inadequate. Colleges requested a total of $797 million under these programs; regional panels approved $669 million, but only between $435 and $466 million has been made available. (Source: CEEB memorandum to college presidents and officers of administration, Feb. '69.

3. What is needed? Immediate restoration

of the funds for these programs up to the authorized limits. A request for these additional funds could come from the Nixon administration (but has not so far). Or action could be taken from within Congress. First body which needs to act is the House Appropriations Committee.

No new legislation is needed; the problem is the level of appropriation.

4. How do these cuts affect Big Ten Universities? A number of Big Ten universities have implemented or are about to implement concentrated efforts to admit fully able but economically disadvantaged students, often from educationally deficient backgrounds as well. Pilot programs around the country in recent years have shown that such students can with very high rates of success be assisted in overcoming previous educational deficiencies. The successes offer some hope that the dismal under-representation of low-income and minority group students (as reported recently by the Carnegie Commission on Higher Education and others) on our nation's campuses can be countered effectively. Cuts now in federal aids to such students threaten seriously to curtail such critical efforts.

In addition to the special programs for extending access to higher education to youth handicapped by a the circumstances of birth, all Big Ten campuses have groups—already too small—of students from low-income families who are regularly admitted. They, too, require base grants and access to low-interest loans if they are to build viable programs of self-help adequate to put themselves through college. Summer jobs and term-time work are simply inadequate without these other vital funds.

THREE COLLEGE-BASED PROGRAMS

(1) National Defense Student Loan—$115 million short: 1968–69, $190 million; 1969–70, $318 million (College requested), $270 million (Panel approved), $155 million allocation in HEW budget.

(2) College Work-Study Program—$65 million short: 1968–69, $140 million; 1969–70, $266 million (College requested), $211 million (Panel approved), $146 million allocation in HEW budget.

(3) Educational Opportunity Grant (Initial year)—$48 million short ($70 million limit as prescribed by law): 1969–70, $116 million (College requested), $98 million (Panel approved), $50 million allocation in HEW budget.

$228 million dollars below the total panel request.

(NOTE.—Taken from the College Entrance Examination Board memorandum, February, 1969.)

INDIANA UNIVERSITY: A MANY SIDED PROBLEM

(1) Limited appropriation by the Indiana General Assembly for the 1969–71 biennium.

(2) Radical increase in student fees: In state: from $195/semester to $325/semester. Out-of-State: from $525/semester to $745/semester.

(3) Indiana State Scholarship Commission: Request: $15 million; Allocation: $6.5 million.

(NOTE.—Five of the twelve members of this Commission have since resigned due to lack of working funds.)

(4) Need support for compensatory education programs such as the Indiana University Program for Disadvantaged Students.

INDIANA UNIVERSITY BUDGET

[In millions of dollars]

Campus	Request		Actual		
	1969–70	1970–71	1968–69	1960–70	1970–71
Bloomington	$51.0	$59.2	$40.9	[1] $39.5	$43.08
Indiana University Indianapolis	14.9	18.9	11.9	13.8	16.1
Regional	10.1	13.7	5.9	7.6	9.6
				1967–69	1969–71
Bonding authority			$8.6	[2] $2.9	$2.3

[1] Actual request $11,500,000 below request. Bloomington operating budget for 1969–70 cut $1,400,000 below the current fiscal year. For the biennium of 1969–71 the budget shows a net increase of only $2,800,000.
[2] Cash.

INDIANA UNIVERSITY FALL ENROLLMENTS

Campus	1968	1969	1970	1971	1972
Bloomington	29,006	31,021	33,565	35,072	36,973
Indiana University, Indianapolis	9,169	9,913	10,774	11,861	12,887
Regional	13,986	15,221	16,996	18,998	21,436
Total	42,161	56,155	61,335	65,931	71,296

[From the Indiana Daily Student, Apr. 8, 1969]

TRUSTEES APPROVE TUITION FEE INCREASE

(By Tom Romito)

I.U.'s Board of Trustees approved comprehensive fee increases for all I.U. students at the March 28 board meeting.

The fee increases included a two-thirds hike in costs for in-state undergraduate students at Bloomington, and a rise in costs of $220 for out-state undergraduates here.

The new fee schedule, which will be effective on all the I.U. campuses this fall, is as follows:

Bloomington campus, in-state:

Undergraduate: present, $195 a semester; new, $325.

Graduate: present, $15 a credit hour; new, $27.

Bloomington campus, out-of-state:

Undergraduate: present, $525 a semester; new, $745.

Graduate: present, $37 a credit hour; new, $62.

Regional campuses, in-state:

Undergraduate: present, $15 a credit hour; new, $20.

Graduate: present, $18; new, $25.

Regional campuses, out-of-state:

Undergraduate: present, $23 a credit hour; new, $40.

Graduate: present, $26; new, $50.

Indianapolis, in-state:

Undergraduate: present, $15 a credit hour; new, $20.

Graduate: present, $15; new, $25.

Indianapolis, out-of-state:

Undergraduate: present, $35 a credit hour; new, $40.

Graduate: present, $37; new, $50.

Joseph R. Hartley, I.U. vice president and dean of faculties, presented the new fee schedule to the board. Hartley headed a task force of I.U. administrators which had consulted to draft the schedule since the state legislature ended early last month.

Hartley said the fee increases will generate $11.6 million additional gross revenue for 1970.

The revenue will cover $1.4 million that was cut from the Bloomington campus operating budget by the legislature, and $.9 million that must be taken from the University budget for debt retirements for buildings, said Hartley.

He said the revenue will also supply $2.8 million to the campus for salaries, books, and supplies; $2.6 million for scholarships; $1.6 million to cover cost of enrollment; $.6 million for moderate salary increases for faculty and non-academic staff; $.4 million for the cost of opening the new library; and $1.3 million for the second year of the 1969–70 biennium.

Hartley said he does not think it will be necessary to raise fees in 1970.

The vice president said the cost for enrollment covers a projected increase of 800 students at Bloomington next fall, cut back from an original projected increase of 2000.

[From the Bloomington (Ind.) Herald-Telegram, Mar. 29, 1969]

WHO HEARS THEIR CRIES?: "CATCHUP" PLAN SUFFERS SETBACK

Failing to get a $3 million appropriation from the General Assembly for "Operation Catch-Up," Indiana University is actively seeking federal and foundation funding of the innovative program for disadvantaged students.

"Operation Catch-Up" will bring disadvantaged students to the university early for summer orientation and remedial programs, then provide constant counseling, tutorial help and waivers of the usual grading procedures as well as financial assistance as the students spend two years on their normal "freshman year" to reach the achievement level of non-disadvantaged students.

Dr. John W. Snyder, acting Bloomington campus chancellor, told IU trustees Friday that the four Indiana state universities are considering presenting the proposal jointly to the federal government to seek support for a statewide program.

IU Student Body President Ted Najam also said that the student body presidents of the Big Ten universities are planning a joint "lobbying session" in Washington next month, hoping to meet with President Richard Nixon to urge greater federal funding of disadvantaged students programs. The excursion is tentatively set for April 14.

Assistant Dean Rozelle Boyd of the Junior Division is in charge of "Operation CatchUp" planning, and faculty and staff to work in the program are being specially screened, Snyder said.

The original goal was 200 students, but funding problems have quashed such hopes and the number may be nearer 50 now, he said.

Trustee Mrs. Harriet Inskeep urged that the number be kept low enough that each student could receive all the help he needed, rather than attacking the problem on a half-way basis and causing greater frustration for the individual.

Commenting on the Legislature's failure to even bring the $3 million appropriation bill (introduced by Bloomington Senator David Rogers) out of committee, Trustee Carl Gray said:

"The legislators saw fit to spend considerable time delving into trivia such as visitation, but did not hear the cry of those needing help more than any other segment of our society. Now the program may be delayed another two years. How can we expect them (disadvantaged young people) to be calm and collected when they face frustration after frustration and their cries are ignored?"

Indiana University's 15-year proposed program for disadvantaged students

Need:	
Financial Aid	$14,278,400
Supporting Services	772,050
Total	15,050,450

LIBERTY AMENDMENT: HOUSE JOINT RESOLUTION 23

(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, an interesting statement was made by Mr. Willis E. Stone, national chairman of the Liberty Amendment Committee, of Los Angeles, before the House Ways and Means Committee on Monday, April 14, 1969, on behalf of the Liberty amendment, which I have introduced as House Joint Resolution 23.

Since Mr. Stone was speaking for a nationwide organization with committees in more than 700 counties in the United States, I include his testimony as part of my remarks in the belief that my colleagues will find it timely as well as informative.

Mr. Speaker, I also include House Joint Resolution 23 with these remarks.

The material follows:

STATEMENT OF WILLIS E. STONE, NATIONAL CHAIRMAN, LIBERTY AMENDMENT COMMITTEE OF THE U.S.A., BEFORE THE HOUSE WAYS AND MEANS COMMITTEE, APRIL 14, 1969

Thank you, Mr. Chairman, and members of the House Ways and Means Committee, for affording this opportunity of presenting the viewpoint of hundreds of thousands of your fellow Americans whose voice has apparently fallen on deaf ears for many years.

As a matter of identification, I am Willis E. Stone, National Chairman of the Liberty Amendment Committee with headquarters at 6413 Franklin Avenue, Los Angeles, California with subordinate committees organized in every state and more than 700 counties. I speak for all the members, supporters and friends of the Liberty Amendment, pending before you as House Joint Resolution #23. Additionally, more than 6,000 organizations have adopted resolutions of support for the Liberty Amendment and seven states have formally petitioned the Congress to submit this question of public policy to the American people for decision.

It has been eleven long years since a vast segment of the American people last had an opportunity to express their views that true tax reform and constitutional liberty are the same things, and can only be had through the literal enforcement of the Constitution of the United States. These truths proposed to you in 1958 went unheeded, and the cumulative disasters of the intervening years are largely traceable to the fact that violations of Constitutional principles continue to accelerate at ever increasing cost to the taxpayers.

SPEND PHILOSOPHY STEPPED UP

The Statistical Abstract of the United States shows that individual tax collections in 1950 had arisen to the staggering figure of $18.4 billion—almost twice the cost of government for the first hundred years of this nation. The 1958 "tax reform hearings" apparently stepped up, rather than diminished, the tax and spend philosophy, as individual income tax collections in 1960 reached $39.5 billion, more than double the 1950 levy. This is indeed tax reform in reverse.

By 1963 individual income tax collections skyrocketed another 25 percent to $48.2 billion that year and reached the fantastic figure of $68.7 billion in 1968, with a projected individual income tax collection of $90.4 billion for 1970! No wonder the spirit of rebellion is loose in the land.

Despite this accelerating tax take from a reluctant people, the national debt is also skyrocketing steadily toward the point of national bankruptcy. Referring again to the Statistical Abstract, the recorded federal debt in 1950 was $257.4 billion. It climbed to $276.3 billion in 1958, and on up to $290.8 billion in 1960—and on up to $310.8 billion in 1965—and on up to $369.7 billion in 1968, as Congress was spending $25.4 billion more than was taken in that year of 1968, and you have just approved the first of the 1969 increases in the "tax ceiling" by $12 billion at the highest interest rate in modern history, reflecting a lack of public confidence in government's fiscal integrity.

Your Committee can re-establish public confidence in your fiscal and Constitutional integrity if you honestly propose taxation solely to finance constitutionally authorized functions of government—finance them adequately—while withdrawing funds from those activities carried on by bureaucratic agencies without the slightest pretense of constitutional authority.

NO MYSTERY

The agencies involved in these unauthorized functions are numerous, and they consume a great volume of plunder to sustain their interest free, rent free and tax free empires in direct and ruthless competition with tax paying enterprises. Neither is there any mystery about the corruption and waste of these specially privileged enterprises which are immune from law—local, state and federal.

The Hoover Commission's Report of 1955 revealed countless ways of instituting real tax reform. A continuing study under the title of Fact Sheet revealed more than 700 federal agencies were involved in constitutionally unauthorized activities. A copy of the Fact Sheet list has been handed to you. An agency named on that list means that agency in some way invaded the private areas of activity which were, by the design of the Constitution, prohibited to government. The fact of that intended prohibition is clearly established by the 9th Amendment which provides that: The enumeration of the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

The Founding Fathers went further, stipulating in the 10th Amendment that: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Despite these safeguards, we now have this vast array of federal agencies' operating powers never delegated, and exercising rights not enumerated.

Your great dilemma arises from your quest for revenue to finance these illicit empires which have taken over forty percent of the land area and an estimated twenty percent of the industrial capacity of this nation without constitutional authority.

EXCESSIVE FUNDS APPROPRIATED

The people yearn for tax reform—true tax reform—and pray you will take steps to stop the financing of facilities and enterprises which exist without constitutional authority. Adequate evidence exists to indicate that an amount greater than the total amount of federal individual income taxes collected each year is appropriated by you to the maintenance and growth of these unauthorized activities!

At the 1958 Tax Reform Hearings of this Committee, I presented a summation of the projected budget spending under the 1959 budget then before you. It was ignored, but the subsequent developments have confirmed every factor therein. I again present that summation on the back page of the brochure titled "Two Towns." Along with it is a comparable summation of the potential savings under the 1967 budget estimating the tax supported costs of the amazing and unauthorized methods devised for dissipating the productive energies of the American people—your people.

They want it stopped. It is the first necessity for producing true tax reform on the heroic scale that will glorify you, our nation and our people for centuries to come. It can be done by just living according to our Constitution. Vast numbers of people are gathering in support of the Liberty Amendment as the best possible instrument for restoring the Constitution to full force and effect, and compelling government to live within the organic law, and within our means.

It is a tragic commentary that the people believe it necessary to forcibly apply the principles of the Liberty Amendment in order to reapply the rule of law upon those who represent us in government. It would be infinitely more desirable if you, our leaders in government, would approach the great problem of tax reform from this traditional and truly basic viewpoint, and stop the insane spiral of spending by our bureaucratic empire builders.

FUTURE OUTLOOK

What does the future hold? By the arbitrary imposition of the tax and spend philosophy which has destroyed countless nations, we can go deeper into the morass of tumulet, conflict, rioting, burning, right into the agony of revolution in the eternal struggle for power and plunder. I am sure all of us want to prevent that.

Our people prayerfully hope that your Committee will find the way to restore the equity of just and equal law under the Constitution. We pray you will finance only constitutionally authorized functions of government, leaving all else to the sovereign states and the free people of this great land.

How can you be induced to hear this message from your people? Can we guide you by the historic device of putting a light in the window as a beacon of a sure harbor—and lead you to a safe haven?

That may be a good way to instruct you, our leaders, regarding the will of the American people, and to regain the sanctuary of the Constitution as the only safeguard to our lives, liberties and property. Surely, the stark, silent but immutable message of the public will be free of oppressive governmental taxing and spending has long been evident to those who will listen. Perhaps that light in the window idea might be just the thing needed to bring America safely home again—to freedom.

H.J. RES. 23

Joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

"SEC. 2. The constitution or laws of any State, or the laws of the United States, shall not be subject to the terms of any foreign or domestic agreements which would abrogate this amendment.

"SEC. 3. The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

"SEC. 4. Three years after the ratification of this amendment the sixteenth article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

DISTRICT OF COLUMBIA HOME RULE PREVIEWED

(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, many Americans are aware of a request for home rule for the occupants of Washington, D.C., nerve center of the United States. Many are sympathetic because they have been conditioned to so believe by emotional propaganda movements.

What people are closely following is the manner in which Washingtonians are exercising the self-government institutions already given them by the Congress.

Channing Phillips, Democratic national committeeman for the District of Columbia and the token candidate for the Presidency of the United States last fall, speaking at Georgetown University, has declared violence for ghetto-based Negroes is inevitable in Washington, but feels that it can be constructive if directed to the areas of the city such as Georgetown where the "decisionmakers" live.

Phillips further stated that when the anger of frustrated Negroes is touched off "my question as a responsible citizen is how can I best channel that anger to make it effective." No other inference can be derived but that he meant to terrify the remaining governmental officials and to cause them to flee the District.

Julius Hobson, member of the newly elected Washington School Board and an economist for the Social Security Administration, speaking at Georgetown University, declared that he was a Marxist Socialist and believed that the American free enterprise system "must be overthrown by force and violence."

Hobson further stated that he felt "the struggle is international, worldwide and we should make use of resources outside the United States, including Cuba and China" in the fight against capitalism.

These isolated expressions of local government leaders should be a warning to all Americans of what to expect in the future at our Nation's Capital if home rule were granted.

The message is clear that Washington, D.C., could expect a future reminescent of Leopoldville in the Congo—a haven where every international extremist in the world would be more welcome than our Government officials.

Unfortunately, Congress in its wisdom never saw fit to proclaim the District a reservation granting residency as a privilege limited solely to people in Government and those having legitimate business with the agencies of the Government or its facilities.

The question is not one of merely surrendering physical control of the District over to the occupants, but rather to attend to their stated desire to grant an opportunity for a vote.

If it is solely the vote that is desired—rather than physical control over the home of our Government—then the only logical conclusion is that the right to vote can be granted by retroceding that part of the District which was obtained from Maryland back to Maryland similar to that portion which has already been returned to Virginia.

Mr. Speaker, so that our colleagues may have ready access to the trends developing from the irresponsible behavior of the community leadership in Washington, I include news clippings from the local papers and a copy of my bill, H.R. 6786:

[From the Washington (D.C.) Evening Star, Apr. 15, 1969]

DIRECT VIOLENCE, PHILLIPS ADVISES

The Rev. Channing Phillips said last night that violence from ghetto-based Negroes is inevitable in Washington but that it can be constructive if directed to areas of the city such as Georgetown "where the decisionmakers live."

Phillips said he does not condone violence but that when the anger of frustrated Negroes is touched off, "my question as a responsible citizen is how can I best channel that anger to make it effective?"

About 150 Georgetown University students, assembled at the school's Hall of Nations for the first in a series of five lectures in connection with the university's Black Awareness Week, heard Phillips talk on "black dissent."

[From the Washington (D.C.) Post, Apr. 16, 1969]

SCHOOL SEIZURES SEEN WAY TO IMPROVE THEM

(By Paul Hodge)

Washington School Board member Julius Hobson told Georgetown University students last night that the city's "black community is going to have to get angry and take over the schools, physically" in order to improve them.

He also told the students that he was a Marxist socialist and believes that the American free-enterprise system "must be overthrown by force and violence" before the gap can be bridged between the Nation's haves and have-nots.

Washington's students "have nothing to lose by raising hell . . . (even if) they take over, control, occupy the schools. Nothing more can happen to them . . . They have nothing to lose but their ignorance," the 46-year-old economist with the Social Security Administration said.

Hobson claimed credit for recent school Board approval of a black studies program in the schools, introduction of a course in Swahili and for blocking construction of the new Takoma Elementary School.

"I got Swahili because I got 50 students to come down and raise hell and disrupt the meeting until the Board agreed to Swahili," he said.

To opponents of the proposed design for the Takoma School "I told them to get a couple hundred people, come down and bust up the meeting. They did, and we put off construction of the building."

He criticized his fellow School Board members and Negroes who attempted to improve the political and educational systems from within, and said that he would not be surprised if violence flared.

Speaking during Georgetown's Black Awareness Week, Hobson said he "believes in force and violence" because "it is not possible to solve the social problems under the present economic and social system."

He said "I'm personally a socialist and believe in the social-economic theories of Karl Marx." And he said twice, for some disbelieving students, that he felt "the struggle is international, worldwide, and we should make use of resources outside the United States . . . including Cuba and China," in the fight against capitalism.

"The destruction of capitalism is essential to ending poverty. You can't have political democracy without economic democracy," Hobson asserted.

To some of the 100 students present who questioned his advocating violence, he answered that violence is in the American tradition. "We are the most violent nation in the history of mankind . . . it's our way of life."

Hobson said Washington's school system is violating Judge J. Skelly Wright's 1967 decision by continuing to spend school money unequally among city schools. "Wilson High School students are getting 21 books per child, while at Dunbar High School they get six per child," he said, and "Wilson spends $820 on each pupil compared to $425 at Dunbar."

He said he was going back to court with these and other "maldistribution" figures and force a more equal distribution.

H.R. 6786

A bill to retrocede a portion of the District of Columbia to the State of Maryland

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of that portion of the District of Columbia ceded to the United States by the State of Maryland and not included within the Federal area described in section 3 of this Act, and all the rights and jurisdiction ceded to the United States by the State of Maryland in connection therewith, are hereby retroceded and relinquished to the State of Maryland effective as of the date of the acceptance thereof by the State of Maryland.

SEC. 2. (a) Nothing in this Act shall be construed to vest in the State of Maryland any property right in any real or personal property situated in that portion of the District of Columbia retroceded to the State of Maryland under the first section of this Act and held by the United States or by any person, except as such property may be transferred to the State of Maryland by the United States or by such person, as the case may be.

(b) The jurisdiction of the United States and of the government of the District of Columbia, and the laws in effect in the District of Columbia as of the date of acceptance by the State of Maryland of the retrocession provided for by the first section of this Act, shall remain in full force and effect until the State of Maryland shall provide by law for the extension of its jurisdiction and judicial system over that portion of the District of Columbia retroceded to the State of Maryland under the first section of this Act.

(c) The United States shall retain jurisdiction over the real and personal property held by it, and situated within that portion of the District of Columbia retroceded to the State of Maryland under the first section of this Act, in the same manner and to the same extent as the United States exercises jurisdiction over property held by its situated within the various States.

SEC. 3. (a) The Federal area referred to in the first section of this Act is more particularly described as that portion of the District of Columbia situated within the boundary line described as follows:

Beginning on the east side of Rock Creek where it meets the Potomac River and running generally north and east to a point where P Street Northwest intersects Rock Creek;

thence east on P Street Northwest to Florida Avenue;

thence following Florida Avenue to Fifteenth Street Northeast;

thence south on Fifteenth Street Northeast to C Street Northeast;

thence east on C Street Northeast to the East Capitol Street Bridge;

thence east on the East Capitol Street Bridge to the point where it intersects the middle of the Anacostia River channel;

thence generally south and west down the midchannel of the Anacostia River to that point in the channel that is due south of Hains Point;

thence due west to the present Virginia-District of Columbia boundary at the shoreline of Washington National Airport;

thence generally north and east up the Potomac River along the Virginia-District of Columbia boundary to a point parallel to the northernmost projection of Theodore Roosevelt Island;

thence east to the confluence of Rock Creek and the Potomac River.

(b) Where the Federal area described in subsection (a) is bounded by streets such streets shall be under the exclusive jurisdiction of the Federal City and the Federal jurisdiction shall extend to the sidewalks of the distant side of the street.

SEC. 4. Effective as of the date of the acceptance by the State of Maryland of the Federal area retroceded to it under this Act, the State of Maryland shall be entitled to one Representative in addition to the number of Representatives to which it is otherwise entitled, until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives, as now prescribed by law. Until otherwise provided by the State of Maryland, such additional Representative shall be elected from the Federal area retroceded under this Act. Such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the Eighty-third Congress and each Congress thereafter.

GAS AND GERM WARFARE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Congress and the country have given time and consideration to our Nation's capabilities with respect to missile strength, the ABM and our defense posture against nuclear attack. But, the public debate rarely has included another form of warfare: chemical and biological.

This exclusion is due for the most part to the shroud of secrecy with which our Government has cloaked all its actions in the field of germ warfare. How little even we of the Congress know about our Nation's ability and policies for responding to a massive gas or germ attack or the contemplated use of such awful substance by our national forces.

There is a Member of this body, however, who has persisted in exploring this matter. This is our good colleague, the gentleman from New York, RICHARD MCCARTHY.

Mr. MCCARTHY recently sponsored a congressional briefing with the Defense Department on our defenses in this field and most recently he directed a letter to Secretary Melvin Laird asking some of those questions with which this Congress must concern itself and whose answers are needed for an informed public discussion on how we might best guard against a poisonous biological onslaught.

Just last week the New York Times wrote an editorial on "War With Gas and Germ" and commended Mr. MCCARTHY for his responsible initiative in pressing for public information. I would like to submit for printing in the CONGRESSIONAL RECORD this editorial of April 7 and compliment our colleague for the extraordinary service he is performing for all of us.

The editorial follows:

WAR WITH GAS AND GERM

In his recent message to the Geneva arms control conference, President Nixon listed control of chemical and biological weapons as one of six possible objectives for international agreement. The President's brief mention is one of the rare departures from the official policy of deep silence which the United States Government has maintained for many years with regard to these weapons.

Since 1964 it has not even been possible to determine how much money the Government is spending on these weapons. Funds for research and development have been scattered through the Defense Department budget under uninformative descriptions.

On the initiative of Representative Richard D. McCarthy of upstate New York, the Army recently held a briefing on chemical and biological warfare for members of Congress, but it was closed to the press and the public. Pentagon spokesmen regularly refuse to answer more than the most elementary questions concerning these weapons. When an experiment with lethal nerve gas went awry a year ago and killed over 6,000 sheep in Utah, the Army for several weeks concealed its responsibility for this disaster.

This policy of silence and deliberate mystification is inexcusable in a free nation. As Senator Gaylord Nelson of Wisconsin has observed, there is no reason why the public cannot know the facts and debate the issues of biological and chemical warfare just as it has come to know and debate those of nuclear warfare. In both cases the survival of mankind and the future of this planet are at stake.

In letters to Secretary of State Rogers and Secretary of Defense Laird, Representative McCarthy has raised major questions of public policy which deserve answer. Is it national policy to respond in kind to a gas attack or a biological weapon attack? Is it sound public policy to contemplate using weapons with which no country has had any operational experience? If gas and biological warfare efforts are purely defensive in nature, why have the American people never been told what to do in case of a nerve gas attack or a hallucinatory gas attack? What precautions are used in the testing and the transport of these weapons and why did these precautions fail in the Utah sheep kill?

These are only a few of the questions which have never been properly discussed because of the official policy of silence and secrecy. Yet several hundred million dollars are spent each year by the United States on these weapons. The pressure to use them is rising. Already this country has employed chemical warfare to defoliate jungles and destroy crops in Vietnam and has used various kinds of incapacitating gases against Communist troops there. These actions violate the spirit if not the letter of the Geneva convention of 1925.

Last August, the British Government moved at the United Nations for a new international agreement to clarify and update the Geneva convention with regard to chemical and biological warfare. A U.N. staff study on this proposal is due by July 1. But it is not necessary for the United States to wait before discharging its own responsibilities. The Nixon Administration can offer a straightforward exposition of its policies in this field. Congress can take down the "Please Do Not Disturb" sign from this program and begin to discharge its normal functions of review and debate.

MODERNIZATION OF POST OFFICE

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, within the next few weeks, the House Post Office and Civil Service Committee will be considering H.R. 4, a bill which calls for the modernization of the Post Office Department. Among the provisions of this measure is title VII which concerns employee-management relations.

Mr. Fred W. Elarbee, Jr., an attorney in Atlanta who has had a great deal of experience in the area of labor-management relations, has performed an analysis of title VII of H.R. 4. I believe that after my colleagues review Mr. Elarbee's analysis, they will agree that serious revisions are needed in this section of the bill.

For the information of my fellow Members, I hereby insert Mr. Elarbee's analysis into the RECORD:

CONSTANGY & POWELL,
Atlanta, Ga.

In re H.R. 4, title VII.

HON. BEN B. BLACKBURN,
House of Representative,
Washington, D.C.

DEAR BEN: I have looked over the proposed chapter on employee-labor management relations contained in H.R. 4 and have the following comments:

First of all, there does not appear anywhere in the Bill a provision against strikes. It seems to me that an absolutely necessary part of a bill which recognizes labor unions with respect to governmental employees is a no-strike clause. This is particularly true where, as in this Bill, a provision is made for arbitration of disputes.

Frankly, I do not like the declaration of policy because it implies that rank-and-file employees should participate in decisions which are basically management in nature and which involve the management of the Post Office Department. Moreover, the declaration of policy amounts to an endorsement of and encouragement almost to the point of requiring membership in labor organizations. While I think it would be all right to recognize the principle of free collective bargaining, it should clearly be a matter of choice with employees either to participate in labor union activities or to refrain from joining, forming, or engaging in union activities. To this extent, a policy along the following lines, I think, would be much more desirable:

"(a) The principle of free collective bargaining through labor organizations chosen by postal employees is recognized. The right of postal employees to present grievances and engage in collective bargaining, or refrain from such activity, with respect to matters that affect their employment will tend to stabilize the Post Office Department and contribute to the effective conduct of its business. Therefore, postal employees shall have the right to form, join, or assist labor organizations of their own choosing, or to refrain from any and all such activities."

Frankly, I think that the word "encouraged" should be deleted from Paragraph (b) of Section 3701. Here again, I think employees should have a right to choose freely and independently without so-called encouragement, which could very easily amount to pressure or coercion.

Section 3702 (Definitions) limits labor organizations that may be recognized to national unions and its affiliates. Prior to the passage of the Taft-Hartley Act, independent unions were not recognized by the National Labor Relations Board. Only nationally affiliated unions could be certified. This was changed in 1948, with the passage of Taft-Hartley, to recognize the validity of independent unions and not require that they be affiliated with some national or international union. The requirement that the labor organization be a national union, or one of its affiliates, puts national unions in the driver's seat, so to speak, and gives them, in effect, a monopoly on the right to represent postal employees. I think this is wrong.

The definition of "consultation" contained in Section 3702 literally gives rank-and-file employees the right to participate in practically every decision of the Post Office Department up to and including "going to the john." I do not believe any management should turn over to rank-and-file employees the right to formulate, change, or implement policies, which is specifically included in the definition of consultation.

Fair representation, a fair grievance procedure, and contract provisions regulating wages and conditions of employment, is one thing—but the management of the Department should be left with management and executive employees and not shared with the union rank-and-file.

Section 3702 defines the bargaining unit as a "craft of postal employees" and then lists postal clerks, letter carriers, mail handlers, etc. This would literally mean that you would have a nationwide bargaining unit of all postal clerks, letter carriers, and other classifications shown. I do not think that an all-encompassing unit is good from the standpoint of the Government. For instance, it is conceivable that literally thousands of employees would prefer not to belong to a labor organization and, yet be required because of substantial vote making up a majority coming from large northern cities.

This is given as an example, and certainly not indicative of what might actually happen. I know for a fact, however, that there would be some large Post Offices in the country where practically one hundred percent of the employees involved at a location would not want to belong to a labor union. To require employees in Alexandria, Virginia, or Macon, Georgia, to belong to a union or to be represented by a union (simply because employees in Memphis, Tennessee, or Columbus, Ohio, have voted for such a union) seems to me to be inequitable and unjust. What I am saying is, bargaining units should be on a much smaller basis or a location-by-location set-up.

Section 3703 provides for recognition simply on the basis of a certified membership list. I do not think this should be allowed under any circumstances. The union should not have the right to represent any employees in any bargaining unit of the Postal Department unless and until the employees have chosen the union by secret ballot election. The free, democratic process of secret ballot election is, and always has been, the best method of selecting our representatives for any purpose—no matter what they are.

The provisions for run-off elections are inadequate and contrary to the present system followed by the National Labor Relations Board. Section 3703 provides that if two labor organizations are involved in an election and a majority of the votes cast are for representation by some union, then the run-off election will be a choice between the two unions. At that point, the employee is not then allowed to vote "no union." This is an unfair method of handling a run-off election. For instance, if 35% of the employees vote for Union A; 30% for Union B; and 35% no union, under the present provisions the run-off election would simply be a matter of choice between the two unions, without a right to vote "no union." This should be amended so that the run-off would be between the two highest voting groups.

In the example above, it would be between "no union" and the union which received 35% of the vote. In this way, the other employees would still have the right to vote for the remaining labor organization or to vote "no union." I don't think the Government can assume, simply because employees cast 30% votes for Union B, that they will then vote for Union A instead of voting "no union." This certainly has not proved to be the case with respect to run-off elections conducted by the National Labor Relations Board.

Paragraph (d) of Section 3703 provides that the Department must recognize a union for a 24 month period after giving it recognition status. This is too long. The National Labor Relations Board recognizes a one-year period.

Paragraph (f) of Section 3703 gives the union the right to "participate with management in the formulation, implementation, and modification of personnel policies and practices, and all other matters affecting the conditions of employment of employees in the unit . . ." Who is going to run the store? The union . . . or the Government? Under this provision, Post Office officials would literally have over-the-shoulder guidance with respect to all management decisions concerning the operation of the Post Office Department. There is very little with respect to such operations that do not affect personnel policies conditions of employment, and their formulation, implementation, and modification.

A no-strike clause should be included in Section 3707 Paragraph (b), along the following lines:

"The labor organization and its members are prohibited from engaging in, calling, encouraging, condoning, or ratifying any strike, work stoppage, slow down, or other interference with work at any time during any employee's employment with the Post Office Department."

Section 3708, Paragraph (a)(2), is a wide-open provision with respect to the matters to be subject to grievance and arbitration before the Labor-Management Relations Panel created in Section 3709. It makes subject to grievance and arbitration, terms yet to be negotiated in collective bargaining agreements. I think this is dangerous and practically unlimited in scope. It is like buying the proverbial "pig in a poke."

The Panel created by Section 3709 is given which should be made by Post Office officials who are appointed and designated to run the Post Office Department for the Government. These duties should not be delegated to any Labor-Management Relations Panel.

Section 3711 (Settlement of Grievances) puts the postal employees at the mercy of the labor union insofar as processing their individual grievances are concerned. Thus, employees are required to "receive the written consent of said labor organization in order to have the grievance submitted to arbitration." In my view, this is an arrogant conferring of control over employees' rights to the labor union and would be in violation of the National Labor Relations Act if such a provision were incorporated in a labor agreement in industry today.

Section 3711, Paragraph (e), provides, on an open-end basis, for employees to participate in unlimited grievance and arbitration procedures with pay. We have found, from hard experience, that where employees are paid for handling or processing grievances, far more valuable management time is consumed, far more loss of production time of employees occurs, with the inevitable loss of efficiency and production. While employees should be given a fair method for presenting their disputes, it seems to me that you should not encourage dispute handling during work time or at the expense of the Department on an unlimited basis.

The Bill is unfair to the American people, who are entitled to democratic freedom within their governmental agencies, bureaus, and departments and who are entitled to management efficiency, with fairness, in all governmental activities.

Ben, the above represents some of the objectionable features I find in the Bill. I hope it will at least help you in some manner.

Sincerely,

FRED W. ELARBEE, JR.,
Attorney at Law.

CONGRESSIONAL REFORMS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, it has been my experience that when the Reader's Digest prints a story, a large number of people read it. And when an article in the Digest suggests that readers contact their Congressman, we can literally expect a veritable flood of mail.

The April issue of the Digest contained a most provocative article by Eugene H. Methvin entitled, "Is Congress Destroying Itself?" After a glittering array of facts to support his contention that our old House could stand some updating, Mr. Methvin suggested that his readers contact us to find out just what we are doing about it.

As you know, over a hundred of my Republican colleagues and I have cosponsored bills in this session to start some of the reforms we urgently need. I am hopeful that many of the suggestions we have made will eventually become law. Congress should not have to be told that we are badly out of date in some of our procedures.

I think most of us realize the tremendous task ahead to up-date and modernize our processes, but I wonder if many Members feel as I do that such modernization should be a priority task rather than one relegated to oratory. In fact, if I was pinned down on the depth of my feeling about congressional reforms, I would have to admit that there is only one subject which should bear a greater priority in this session of Congress, and that is a comprehensive tax reform.

We appear to be caught in a dilemma of our own making. Our responsibilities require us to act on the thousands upon thousands of bills that deal with the proper operation of the Government, yet we could do this task much more expeditiously if we would devote just "some" of our time to the proper organization of our House. If we could find the time to improve our internal operations, I am positive we would serve the Nation better.

Mr. Speaker, I have been in these hallowed Halls for almost 20 years and I cherish its institutions as greatly as any colleague, but length of service should not blind us to the fact that we can do a better job of serving our country if we would only modernize our institutions. I do not propose that we tear the House down; I simply feel that we

should take advantage of some of the experiences of our technological society to benefit our everyday work and activities.

Any Member of this House must be saddened by the examples given in Mr. Methvin's article that show that some of the State legislatures are forging ahead of this House in terms of meeting the demands of their constituencies. It is a truth we should face.

The quality of our Nation's health and well-being lies in direct proportion to the quality of the work we do in her behalf. Can we afford not to have the very highest quality in the Congress of the United States?

The Reader's Digest article follows:

[From the Reader's Digest, April 1969]

IS CONGRESS DESTROYING ITSELF?

(By Eugene H. Methvin)

The legislative branch is in danger of becoming little more than a rubber-stamp appendage of the executive. The fault lies not so much in its membership as in its machinery, which desperately needs overhauling.

"Obsolete"—"inefficient"—"slitting its own throat." Every day these and harsher words descend upon one of the most important institutions in the free world, the U.S. Congress. The attacks come from worried citizens—journalists, political scientists, students of government, state and local officials, disillusioned voters. Most significantly, concern is now growing within the halls of Congress itself. Scores of Republicans and Democrats alike who cherish the historic values of our legislative branch realize that it is in serious trouble.

"Congress has bogged down in trivia and inaction," declares Sen. Hugh Scott (R.-Pa.). Sen. Sam J. Ervin (D.-N.C.), chairman of the Subcommittee on Separation of Powers, after lengthy hearings and study is convinced that Congress "increasingly abdicates its responsibility to determine policy and to set standards." Adds Rep. Jack Marsh (D.-Va.), "Congress is in danger of becoming merely a rubber stamp for programs proposed by the executive branch."

What these and countless other thoughtful citizens fear is this: *Unless Congress modernizes its procedures and organization, it will destroy itself as a crucial force in our constitutional system.*

No one questions that Congress has passed landmark legislation, uncovered and helped remedy grievous national ills, and produced a legion of statesmen and leaders. But certain entrenched weaknesses are crippling Congress. Only by a close, frank examination of shortcomings can the public understand the need for the sensible reforms now being pressed by Congressional members of both parties.

Since 1961 Congress increased federal dollars for manpower training ninefold, spawning 15 programs administered by eight agencies pumping out $2.25 billion this year. But the situation is "little short of chaotic," says Garth Mangum of the George Washington University Center for Manpower Policy Studies. "Individual acts were written, considered and amended in rapid succession to meet current crises with little attention to their interrelation."

After 18 months of wrangling, the House approved the income-tax increase President Johnson recommended in January 1967. As a price for this tax hike, the House demanded a $6-billion-dollar budget cut. Challenged by the President to specify where the cuts should be made, Congress would not. Instead, it left the details to be decided by the President's Budget Bureau. Thus, the people's elected representatives bucked to non-elected bureaucrats their constitutional duty to set priorities for spending our tax dollars.

Not until almost two years after Congress authorized hundreds of new anti-poverty programs and "community action agencies" did the executive branch try to determine how existing government efforts were affecting the poor. I asked the systems analyst who supervised the research, "How could Congress legislate sensibly without having such facts?" "It couldn't," he told me. "Without this information it was like throwing money out the window hoping some would blow to the poor." Concludes Daniel Moynihan, President Nixon's top urban adviser and a veteran of the 1964 White House task force which designed the $7.7-billion War on Poverty: "Many men in the Executive Office and in Congress, men of whom the nation had a right to expect better, did inexcusably sloppy work. *The government did not know what it was doing.*"

Why can't Congress respond more effectively to the challenges of our day? "It is impossible for us as now organized to discharge our constitutional duties of making policy for and overseeing the executive branch," declares Rep. Bill Brock (R.-Tenn.). Here's why:

1. INADEQUATE STAFFS

No Congressman has adequate help for his incredible array of duties. Democrat John Tunney represents 567,000 Californians. Offices in each of his two counties require full-time secretaries. In Washington he receives 200 letters daily, half of them requiring contacts with federal agencies on constituents' problems and occupying three staffers full time. Two more secretaries plus two part-time girls answer correspondence and send out a newsletter to Tunney's constituents. His "legislative assistant" must write press releases and handle other chores. Result: not one person on his staff of ten can devote full time to legislation, research and program evaluation.

Committee staffs present an even more dismal picture. The House Appropriations Committee has a catch-all Subcommittee on Independent Offices that must decide on money bills totaling $17 billion for 23 agencies ranging from the National Aeronautics and Space Administration to the Department of Housing and Urban Development. For their gargantuan job these six Democrats and four Republicans have only three staffers! "Even if we conscientiously try to decide whether a program is useful and operating within legal limits, we have to trust to dumb luck to ask the right questions," one member told me.

For all their work our legislators vote themselves $135 million out of the $184-*billion* federal budget. They appropriate three times as much annually to support an executive-branch army of 6800 publicity agents. Prof. Samuel Patterson of Iowa State University found that Congress has only 588 committee staffers. Yet the "executive lobby" wooing legislators on behalf of federal agencies numbers well over a thousand. The U.S. Department of Agriculture has more bill drafters than the entire House legislative counsel. Senate and House Armed Services committees have only 40 staffers to oversee our vast $81-billion defense operations, while the Pentagon maintains 272 "legislative liaison" officers.

2. INFORMATION EXPLOSION

The average Congressman puts in a 60-hour week during legislative sessions, an American Political Science Association study found: 15 hours on the House floor, 11 in committee, 24 on constituent requests, postmasters, military-academy appointments and such. He has ten hours left for studying legislative issues.

Yet ponder the maelstrom he faces! Members dropped 29,133 bills into the last Congress' hoppers and voted 1002 of them into law. Their 1967 debates filled 36,420 pages of the *Congressional Record*, triple the number when Congress last renovated itself by the Legislative Reorganization Act of 1946. The Government Printing Office last year alone ground out 248,152 pages of printed committee testimony, the equivalent of 287 *Gone With the Wind*-length novels, plus 27,000 pages of committee reports and recommendations, more than the 23-volume *Encyclopedia Britannica*.

Finding out *anything* in this flood is ridiculously difficult. Is it any wonder that, in one survey, 78 percent of the legislators queried rated "lack of information" as the No. 1 problem preventing them from executing their duties satisfactorily?

3. POOR EVALUATION

One of the great reforms supposedly attained by Congressional reorganization 23 years ago was specific provision for overseeing and evaluating programs already legislated. Indeed, the General Accounting Office (GAO) was specifically commissioned to perform expenditure analyses. But Congress never voted the money to give GAO the manpower to do the job. Worse, a survey shows that the 20 House committees do not themselves systematically evaluate programs under their jurisdiction. "We vote all these programs and money and do not follow through carefully to see what the impact of our actions is," Rep. John Brademas (D.-Ind.) complained to the Joint Committee on Organization.

4. CRAZY-QUILT COMMITTEES

The 535 members of the House and Senate divide themselves into 36 committees, 376 subcommittees, plus uncounted boards, commissions and caucuses. Senators average 20 assignments each, Representatives seven. This tangled maze of jurisdictions defines rational, comprehensive policy-making. In the House 18 committees oversee one or more educational programs scattered over 42 agencies, dispensing upwards of $10 billion. One committee considers new highways to bring more cars downtown, and another works on mass transit to keep cars out. Funds are appropriated for the reclamation of Southwestern desert so that bumper cotton crops may be grown—at the same time Southeastern farmers are paid to retire their acreage to prevent surpluses. Says Rep. Fred Schwengel. (R.-Iowa): "No single unit of Congress is looking across the board at the sum of the nation's goals and resources."

5. CLOSED DOORS AND DEALS

Committee chairmen guard their domains like Oriental satraps, arrogating crucial decisions the House should make after thorough debate. The 1946 Legislative Reorganization Act requires open hearings unless a majority specifically votes otherwise, but chairmen frequently disregard it. Foreign and military affairs may require secrecy. But does the House Agriculture Committee require secrecy in 53 percent of its meetings? Protests former Rep. Tom Curtis (R.-Mo.), "Legislative hearings should be open so people can see just how badly some of these programs have been mismanaged. Congressional secrecy is a scandal."

Indeed it is. By monopolizing crucial data behind closed doors, chairmen and senior committee members are able to monopolize crucial policy decisions, leaving rank-and-file members in the dark on many complex issues. This kind of power pays off in a cozy spoils-system alliance that often soaks the taxpayer and ignores the country's real needs. Thus, it is not strange that the Department of Housing and Urban Development should shower rural DeKalb County, Tenn. (population 12,000), with "Model City" grants to the tune of $4.7 million, ahead of 147 real cities. DeKalb's foremost native just happens to be Chairman Joe L. Evins of the House subcommittee that oversees HUD's appropriations.

What can be done? Plenty.

Save Time on Votes. Today, ringing bells

in legislators' offices announce a roll-call vote. As clerks on the House floor laboriously call the 435 names, members scurry through the tunnel connecting the three House office buildings to the Capitol. Frequently they have to ask a colleague for a quickie description of the pending issue. In this antique ritual, requiring half an hour, the House cast its 478 record votes during the 90th Congress. Electronic voting, already used in 33 state legislatures, could slash this time-consuming procedure to a fraction, freeing harassed legislators of the equivalent of *two calendar months* of floor sessions!

Make Information Swiftly Available. Today's legislator cannot even get a daily list of all Capitol Hill hearings, and must wait weeks for the impossibly verbose printed transcripts, relying meanwhile on sketchy press accounts.

The 310-man Library of Congress staff now serving our legislators could, if augmented and armed with modern information technology, bring order to this Capitol Hill confusion. Every legislator could have on his desk each morning, through a remote computer terminal in his office, a complete list of all meetings scheduled for the coming day, plus summaries of the previous day's testimony and even digests of every article in the many periodicals coming into the Library that matches his computerized personal "interest profile." On any roll call, he could have via television an instant summary of the issue, the bill's sponsors and legislative history, voting positions recommended by the President and majority and minority party leaders—research requiring hours now.

Florida's legislators, computerized for four years, can have daily an "instant electronic scoreboard" on the status of 5100 pending bills. A Pennsylvania legislator can tap out a question on an IBM typewriter keyboard and instantly obtain on a small television screen results of a computer search of every state law, or specified clauses in all 50 state constitutions. New York State Sen. Jeremiah Bloom asked his legislature's computer: "Give me all the laws affecting banking that are not in the banking law." The machine spewed forth 1604 laws, a task that would take trained staff lawyers weeks with paste-pot and shears.

Improve Evaluation. Impatient with Congressional failure to oversee programs already passed and with the House blockade on modernization, Sen. Winston L. Prouty (R.-Vt.) and others amended the poverty legislation in 1967 to require the GAO to make a special evaluation. (The more than 150 investigators will report this spring.) But GAO itself opposed a similar Congressional attempt on the fragmented manpower training efforts because its staff, already strained by the anti-poverty study, would have to neglect regular auditing duties.

One proposal is to create a separate "Office of Legislative Evaluation," possibly in GAO, staffed by social scientists armed with the best computer systems and statistical sampling techniques to do "evaluative research" on how people are affected by government programs. "A new source of knowledge is coming into being," testified urbanologist Moynihan, "and this should not remain an executive monopoly. The executive is exposed to the temptation to release only findings that suit its purposes." Such an office might well have spotted trends in the welfare, farm and educational programs in the 1950s that foreshadowed the crime wave and urban riots of the 1960s. Congress could thus have been alerted to the need to change directions.

Press for Modernization. Congress in 1965 created a Joint Committee on Organization, co-chaired by Rep. Ray J. Madden (D.-Ind.) and Sen. Mike Monroney (D.-Okla.), who pushed through the 1946 reorganization. Six Democrats and six Republicans from the House and Senate spent more than a year examining legislative procedures and organization. They unanimously recommended a reform package including a modern information system, restrained powers of committee chairmen, more adequate staffing and improved legislative evaluation.

In 1967 the Senate, after six weeks of debate, approved modernization by a vote of 75 to 9. But the entrenched powers of the House, led by Speaker John McCormack, 77, last year would not even permit the bill to come to the floor for consideration. This year, dozens of Democrats and Republicans, led by Rep. Donald Rumsfeld (R.-Ill.), are pushing modernization. Though Representative Rumsfeld's bill, H.R. 6278, would be only a modest beginning, it would at least create a permanent committee to institute continuous improvements in legislative machinery and procedures.

Congressional modernization is no substitute for tough-minded legislators who do their homework, ask the hard questions and demand no-nonsense answers. But it can help them by reducing diversions and confusion, and arming them with expert help in marshaling the facts that can illuminate complex decisions. What happens to H.R. 6278 involves nothing less than the issue of whether we shall be ruled by elected representatives or a bureaucratic elite. Find out how your Congressman and Senators stand on H.R. 6278 today—and let them know how you feel about it.

STATEMENT BY THE PRESIDENT OF THE UNITED STATES

(Mr. RHODES asked and was given permission to extend his remarks at this point in the RECORD and to include a statement by the President of the United States.)

Mr. RHODES. Mr. Speaker, I wish to include in the body of the RECORD the following statement by President Nixon which concerns his domestic program.

STATEMENT BY THE PRESIDENT

The Administration's first full review of the Federal budget for the fiscal year 1970 is now complete. As a result, beginning next week I shall send a series of budget amendments to the Congress.

Amendments for most agencies will go forward within a few days. The overall totals are now being made available.

The budget that we inherited from the previous Administration in January stated the estimated expenditures for the fiscal year 1970 at $195.3 billion. Our examination of that budget reveals that some of these estimates—notably those for interest on the Federal debt and farm price support payments—are turning out to be too low. After making the necessary adjustments to cover these underestimated items, we find that the actual expenditures budget submitted by the previous Administration is $196.9 billion.

I am proposing new reductions in Federal spending of $4.0 billion, reducing the overall spending figures for the coming fiscal year to $192.9 billion. I am also recommending to the Congress cuts totalling $5.5 billion in appropriations requests and other budget authority—thereby reducing significantly the future spending obligations of the Federal government.

Our proposals mean not only a substantial cutback in the spending of tax dollars in the coming year, but a substantial reduction in claims against future tax dollars and future budgets. With this approach, we believe we have made a necessary and significant beginning toward bringing the Federal budget under closer Presidential control; we have taken the reins firmly in hand.

We recognize, however, the responsibility for budget control is a continuing one. For the past eight years—the sole exception being the current year—our government has run an uninterrupted string of budget deficits. Our actions now, we believe, have brought an end to the era of the chronic budget deficit.

As a result of this review and these cutbacks, we are proposing the largest budget surplus in eighteen years—and the fourth largest in our history—a surplus of $5.8 billion dollars for fiscal year 1970.

We believe that a surplus of this magnitude will speak louder than any words to the business and labor communities in this country and to the world that the United States is determined to bring a halt to the inflationary spiral which has seriously affected our economy these last four years.

In the last thirty-six months, inflation has seriously eroded the value of every pay raise won by the average wage earner; it has done unquestionable harm to the economic welfare of the very poor in our society and those millions of Americans living on pensions and Social Security; it has weakened our international payments position; it has sapped foreign and domestic confidence in the American dollar.

Inflation is the most disguised and least just of all the taxes that can be imposed; and we intend to lift that hidden tax off the backs of an over-taxed people.

These reductions in spending cannot be achieved effortlessly, or without making some very difficult decisions as to our priorities. But they can be achieved by an Administration and a Congress dedicated to eliminating the crushing burden of inflation and committed to the responsible control of the Federal budget. They can be achieved if this government is willing to impose upon itself the same new discipline that inflation and rising taxes have imposed upon the American wage earner and his family.

Some of the decreases in the budget will require legislation; others will result from smaller appropriation requests; still others will come from executive actions that I have directed be taken. In sum, these reductions constitute my best judgment as to where to reduce this budget to bring the acceleration of Federal spending under control.

But even in the wake of these cuts—which we believe to be in the best interest of all Americans—great resources remain at our disposal to do the work that needs to be done in our society.

For example, I am proposing for fiscal year 1970 a level of spending for our domestic problems $6½ billion higher than the figure for the fiscal year 1969.

This Administration will never turn its back upon the growing needs of the American people. That is why domestic spending in the coming year—even after these cuts—will far exceed that for any other year in American history.

We have come into office convinced that there are better ways than the old ways to solve new problems; and we intend to explore these more hopeful approaches.

With regard to specific cuts, the Secretary of Defense has already identified reductions in defense budget outlays of $1.1 billion. We believe these cuts will enhance our economic security without risk to our national security. Information with regard to other specific cuts will be released by the Bureau of the Budget on Tuesday.

As part of the budget review, I have directed that a substantial reduction be made in the level of Federal employment recommended by the preceding Administration. As a result, full-time employment in the executive branch, by the close of the coming fiscal year, will be more than 45,000 below that recommended in the January budget.

These reductions will not be made "across the board," but selectively, since manpower for vital needs such as crime control will have to be increased.

Consistent with these objectives, I will ask Congress for repeal of Section 201 of the Rev-

enue and Expenditure Control Act, which imposes restrictions on hiring in the executive branch. I am in full accord with the objective of that legislation. However, that objective is best achieved, not through some arbitrary limitation, but through leadership determined to reduce personnel and willing to make the difficult decisions as to where the cuts should come.

Just as we have made the judgments as to where the Federal budget should be cut, so we ask for the authority to determine those areas where the reduction of personnel can most beneficially be made.

Although the officials of this Administration have worked long and hard conducting this review of Federal expenditures and employment, the 1970 budget is not yet a finished effort. Conditions affecting the budget change constantly.

What will remain constant, however, is our determination to rein in this rising cost of living and to spend the tax dollars of the American people with a full awareness of the personal effort and labor they represent.

JOB CORPS CLOSURES

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

Mr. TUNNEY. Mr. Speaker, the recent decision by the President to close 57 Job Corps centers has caused great concern in the Congress and throughout the Nation.

The House Education and Labor Committee is now conducting hearings on the matter and the Senate has similar plans.

I believe that the President should postpone any final decision on the closure of Job Corps centers until the Congress has concluded its hearings. Preliminary estimates by the House Education and Labor Committee indicate that precipitous closures would actually cost more than it would save—both in economic and human resources.

The Job Corps was designed to provide education and job skills for young people who are considered unemployable. What is to be done with these young people if their last hope is erased? I do not believe this question was answered when the decision to shut down 57 Job Corps centers was made. It needs to be considered.

The abrupt closure of these camps was a severe blow to thousands of young people who are in Job Corps because it was for them a final hope for permanent employment. In California, Camp Parks Center is slated for closure. This is an urban Job Corps center with 2,000 enrollees who are being provided with intensive and specialized job training and educational programs. When Camp Parks is shut down, most of the 2,000 enrollees will be returning to Watts in Los Angeles—unskilled and further alienated from the community.

The closure of many conservation Job Corps camps in California will also result in returning alienated young people back into urban communities unskilled, disillusioned, and without a stake in the future. Among the conservation centers slated for closure in California are Oak Glen, Alder Springs, Fenner Canyon, Five Mile, Sly Park, and Toyon. There are about 200 young people enrolled in each of these conservation campus. While being provided with job skills and vocational education these young people are performing much needed resource conservation work.

This Nation has called for creation of jobs rather than the expansion of welfare. By the end of 1968, over 200,000 young people had taken part in the Job Corps program. In 1968 the rate of unemployment for those between the ages of 16 and 21 was 12 percent. Most of these young people are unemployables in their communities. The Job Corps centers were giving the unemployable the motivation and skill with which to find jobs—subsequently a stake in their community. A decision to shut this door to opportunity in the face of young people who are already alienated from society should not be made without careful consideration. The only answer up to now has been the Job Corps center. It distresses me to see thousands of disillusioned young people turned back to the streets of urban ghettos. This is not in the best interest of economy or humanity.

GOVERNMENT EMPLOYEE AND SELF-DESCRIBED MARXIST SOCIALIST, ADVOCATES PHYSICAL TAKEOVER OF SCHOOLS

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, last night an employee of the Social Security Administration, who also serves as a member of the School Board in Washington, D.C., called upon this city's black community to "get angry and take over the schools, physically," in order to improve them.

This was not an idle call, Mr. Speaker. This same militant Federal employee-school board member, who describes himself as a Marxist Socialist who advocates the overthrow of the American free-enterprise system by force and violence, bragged that "I got Swahili because I got 50 students to come down and raise hell and disrupt the meeting until the Board agreed to Swahili," and that when certain citizens objected to the design of a proposed school, "I told them to get a couple hundred people come down and bust up the meeting. They did, and we put off construction of the building."

This man Julius Hobson is dangerous, Mr. Speaker. He must be stopped from destroying the last vestage of sanity in the administration of the school system in this city.

More than a year ago, when Mr. Hobson referred to himself in a speech to a suburban high school group as a Marxist Socialist who believes that the American free-enterprise system must be overthrown by force and violence, I asked the Department of Health, Education, and Welfare, who paid his salary, to insist that Mr. Hobson complete a new form application for Federal employment, and specifically that he answer question No. 27 on a "Form 57," which read as follows:

Have you ever been a member of any foreign or domestic organization, association, movement, group or combination of persons which is totalitarian, Facist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

After 2 months of "consultation," former Health, Education, and Welfare Secretary Wilbur Cohen advised me in January of last year:

We have consulted with the Office of General Counsel, U.S. Civil Service Commission, as suggested in your letter. We are informed that the statements attributed to Mr. Hobson in the Washington Evening Star of November 13, 1967, are not in violation of Civil Service rules or regulations and do not provide a basis for asking Mr. Hobson to complete a new Form 57, "Application for Federal Employment."

Mr. Speaker, this House has repeatedly included language in appropriations measures, the first of which was a direct result of Julius Hobson's call in May of 1967 for Negroes to arm themselves against the police, to deny Federal funds to anyone convicted of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons. Yet, Mr. Hobson, who has led marches on school grounds, police stations, distributed inflammatory handbills, who has made speeches entitled "Uncle Sam Is a Bigot" in front of his own office and elsewhere, and who now is calling on the black community to take over the schools physically, continues to be paid by both the Federal and the District governments.

Mr. Speaker, I have today asked the Attorney General of the United States to enlist his Internal Security Division and Criminal Division in determining whether Mr. Hobson cannot be prosecuted for violation of Federal statutes. I have asked him, as well as the Chairman of the Civil Service Commission, to rule on his eligibility for continued employment, and I have alerted the Secretary of Health, Education, and Welfare and the Corporation Counsel of the District of Columbia of these actions with a request that they, too, determine what disciplinary action can be taken against him.

Again I say, Julius Hobson must be stopped, Mr. Speaker. Now is the time to do it. Not tomorrow, when he has completed his long campaign to destroy the District schools and moves on to the destruction of the Nation's Capital and the Government of the United States.

Mr. Speaker, I am inserting at this point in the RECORD the newspaper article from the Washington Post which gives an account of the speech made at Georgetown University by Julius Hobson last night:

SCHOOL SEIZURES SEEN WAY TO IMPROVE THEM

(By Paul Hodge)

Washington School Board member Julius Hobson told Georgetown University students last night the city's "black community is going to have to get angry and take over the schools, physically" in order to improve them.

He also told the students that he was a Marxist socialist and believes that the American free-enterprise system "must be over-

thrown by force and violence" before the gap can be bridged between the Nation's haves and havenots.

Washington's students "have nothing to lose by raising hell . . . (even if) they take over, control, occupy the schools. Nothing more can happen to them . . . They have nothing to lose but their ignorance," the 46-year-old economist with the Social Security Administration said.

Hobson claimed credit for recent school Board approval of a black studies program in the schools, introduction of a course in Swahili and for blocking construction of the new Takoma Elementary School.

"I got Swahili because I got 50 students to come down and raise hell and disrupt the meeting until the Board agreed to Swahili," he said.

To opponents of the proposed design for the Takoma School "I told them to get a couple hundred people, come down and bust up the meeting. They did, and we put off construction of the building."

He criticized his fellow School Board members and Negroes who attempted to improve the political and educational systems from within, and said that he would not be surprised if violence flared.

Speaking during Georgetown's Black Awareness Week, Hobson said he "believes in force and violence" because "it is not possible to solve the social problems under the present economic and social system."

He said "I'm personally a socialist and believe in the social-economic theories of Karl Marx," And he said twice, for some disbelieveing students, that he felt "the struggle is international, worldwide and we should make use of resources outside the United States . . . including Cuba and China," in the fight against capitalism.

"The destruction of capitalism is essential to ending poverty. You can't have political democracy without economic democracy," Hobson asserted.

To some of the 100 students present who questioned his advocating violence, he answered that violence is in the American tradition. "We are the most violent nation in the history of mankind . . . it's our way of life."

Hobson said Washington's school system is violating Judge J. Skelly Wright's 1967 decision by continuing to spend school money unequally among city schools. "Wilson High School students are getting 21 books per child, while at Dunbar High School they get six per child," he said, and "Wilson spends $820 on each pupil compared to $425 at Dunbar."

He said he was going back to court with these and other "maldistribution" figures and force a more equal distribution.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CUNNINGHAM (at the request of Mr. GERALD R. FORD), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SAYLOR, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. MICHEL, for 30 minutes, tomorrow, April 17; to revise and extend his remarks and include extraneous matter.

Mr. FINDLEY (at the request of Mr. LANDGREBE), for 30 minutes, on April 17; to revise and extend his remarks and include extraneous matter.

Mr. CONABLE (at the request of Mr. LANDGREBE), for 30 minutes, on April 17; to revise and extend his remarks and include extraneous matter.

Mr. CHAMBERLAIN (at the request of Mr. LANDGREBE), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. PUCINSKI, for 30 minutes, on April 17, 1969; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. STOKES) and to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 10 minutes, today.
Mr. RYAN, for 10 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. BURKE of Massachusetts, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON and to include President Nixon's review of 1970 budget.

Mr. SAYLOR and to include extraneous material.

Mr. ZABLOCKI and to include extraneous material.

Mr. O'NEILL of Massachusetts in five instances.

(The following Members (at the request of Mr. LANDGREBE) and to include extraneous matter:)

Mr. MCCLORY in two instances.
Mr. WATSON in two instances.
Mr. ASHBROOK.
Mr. MCKNEALLY.
Mr. STAFFORD.
Mrs. REID of Illinois.
Mr. MILLER of Ohio.
Mr. SCHWENGEL in three instances.
Mr. HORTON in two instances.
Mr. VANDER JAGT.
Mr. ESHLEMAN.
Mr. REID of New York.
Mr. FISH.
Mr. RUMSFELD.
Mr. ESCH.

Mr. STEIGER of Wisconsin in two instances.

Mr. BROWN of Michigan.
Mr. BRAY in five instances.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. WILLIAM D. FORD in two instances.
Mr. RARICK in four instances.
Mr. FEIGHAN in four instances.
Mr. HUNGATE.
Mr. LEGGETT.
Mr. KASTENMEIER.
Mr. MOORHEAD in six instances.

Mr. ANDERSON of California in three instances.

Mr. YATRON in two instances.
Mr. BRADEMAS in six instances.
Mr. BIAGGI in two instances.
Mr. RYAN in three instances.
Mr. GAYDOS in three instances.
Mr. BURKE of Massachusetts.
Mr. MONTGOMERY.
Mr. PATTEN.
Mr. FASCELL in two instances.
Mr. OTTINGER in six instances.

Mr. JOHNSON of California in three instances.

Mr. ROGERS of Florida in five instances.
Mr. BINGHAM in three instances.
Mr. CONYERS in three instances.
Mr. VAN DEERLIN.
Mr. FRASER in three instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. GIBBONS in two instances.
Mr. GONZALEZ in three instances.
Mr. HAGAN in five instances.
Mr. ST. ONGE in two instances.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, April 17, 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:

685. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third- and sixth-preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

686. A letter from the Postmaster General, transmitting a draft of proposed legislation to provide mail service for Mamie Doud Eisenhower, widow of former President Dwight David Eisenhower; to the Committee on Post Office and Civil Service.

687. A letter from the Comptroller General of the United States, transmitting a report on the administration and management of the biology and medicine research program of the Atomic Energy Commission; to the Joint Committee on Atomic Energy.

688. A letter from the Acting Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation 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.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALBERT:

H.R. 10158. A bill to provide mail service for Mamie Doud Eisenhower, widow of former President Dwight David Eisenhower.

By Mr. BARING:

H.R. 10159. A bill to require the Secretary of Agriculture to compensate certain permittees where permits for summer or recreation-type residences on national forest lands are terminated and not renewed, and for other purposes; to the Committee on Agriculture.

H.R. 10160. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. BROYHILL of North Carolina:

H.R. 10161. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER (for himself and Mr. DUNCAN):

H.R. 10162. A bill to provide for the establishment of a national cemetery adjacent to the Manassas Battlefield Park, Va.; to the Committee on Veterans' Affairs.

By Mr. CLEVELAND:

H.R. 10163. A bill to amend title 28, United States Code, section 753(e), to eliminate the maximum and minimum limitations upon the annual salary of reporters; to the Committee on the Judiciary.

By Mr. DENNEY:

H.R. 10164. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 10165. A bill to establish the Lindenwald Historic Site at Kinderhook, N.Y., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 10166. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 10167. A bill to amend title 39, United States Code, to provide work clothing for postal field service employees engaged in vehicle repair or maintenance, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HECHLER of West Virginia:

H.R. 10168. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals; to the Committee on Ways and Means.

By Mr. JOELSON:

H.R. 10169. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 10170. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to the Committee on Agriculture.

H.R. 10171. 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. 10172. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10173. 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. KOCH:

H.R. 10174. A bill, Voluntary Military Service Act; to the Committee on Rules.

By Mr. LONG of Louisiana:

H.R. 10175. A bill to authorize the Secretary of Agriculture to improve the roads and certain other facilities in Kisatchie National Forest in Louisiana; to the Commttee on Agriculture.

H.R. 10176. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10177. A bill to amend title 5, United States Code, to establish the age of 16 years as the minimum age for employment on national forest lands under the jurisdiction of the Department of Agriculture; to the Committee on Post Office and Civil Service.

H.R. 10178. A bill to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. McCLORY:

H.R. 10179. A bill to provide that the likeness of the late Dwight David Eisenhower shall appear on Federal Reserve notes in the denomination of $1 printed during the remainder of 1969; to the Committee on Banking and Currency.

By Mr. McDADE:

H.R. 10180. A bill relating to the tax treatment of certain indebtedness incurred by corporations in acquiring stock of other corporations; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 10181. A bill to amend the Social Security Act to provide that the limitation (added by the Social Security Amendments of 1967) on the number of children who may receive aid to families with dependent children under title IV shall not apply before the third calendar quarter of 1970; to the Committee on Ways and Means.

By Mr. McKNEALLY:

H.R. 10182. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual who has completed 30 years of railroad service, without regard to such individual's age; to the Committee on Interstate and Foreign Commerce.

H.R. 10183. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide that the limit on the amount of compensation which may be taken into account in computing annuities and tax liability shall be determined on an annual basis (rather than on a monthly basis as at present); to the Committee on Interstate and Foreign Commerce.

By Mr. OLSEN:

H.R. 10184. A bill to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.; to the Committee on Interior and Insular Affairs.

By Mr. PHILBIN:

H.R. 10185. A bill to amend chapter 55 of title 10 of the United States Code, to extend to mentally retarded or physically handicapped dependents of certain members and former members of the uniformed services the special care now provided to similarly afflicted dependents of members on active duty; to the Committee on Armed Services.

H.R. 10186. A bill to establish an emergency program of direct Federal assistance in the form of direct grants and loans to certain hospitals in crtical need of new facilities in order to meet increasing demands for service; to the Committee on Interstate and Foreign Commerce.

H.R. 10187. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 10188. A bill to amend the Maritime Academy Act of 1958 to require repayment of amounts paid for the training of merchant marine officers who do not serve in the merchant marine or Armed Forces; to the Committee on Merchant Marine and Fisheries.

H.R. 10189. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 10190. A bill to provide additional Federal assistance in connection with the construction, alteration, or improvement or air carrier and general purpose airports, airport terminals, and related facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10191. 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.

H.R. 10192. A bill to provide for the sharing with the State and local governments of a portion of the tax revenues received by the United States; to the Committee on Ways and Means.

By Mr. POLLOCK:

H.R. 10193. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RYAN:

H.R. 10194. A bill to amend the U.S. Housing Act of 1937 to increase the amount of the annual contributions which may be paid thereunder with respect to low-rent housing projects by establishing a more realistic subsidy formula, and to permit increases in the statutory per room cost limits applicable to such projects to the extent necessary to reflect rises in construction costs; to the Committee on Banking and Currency.

By Mr. ST GERMAIN:

H.R. 10195. A bill to provide for the establishment of a national cemetery in the town of Glocester, R.I.; to the Committee on Veterans' Affairs.

By Mr. SAYLOR:

H.R. 10196. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERLE:

H.R. 10197. A bill to amend title II of the Social Security Act to increase the amount of a widow's, widower's, or parent's benefit from 82½ to 100 percent of the insured individual's primary insurance amount; to the Committee on Ways and Means.

By Mr. STEED:

H.R. 10198. A bill to declare that the United States holds certain lands in trust for the Absentee Shawnee Tribe of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT:

H.R. 10199. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALLEY:

H.R. 10200. A bill to designate the stadium constructed in the District of Columbia under the authority of the District of Columbia Stadium Act of 1957 as the "Dwight D. Eisenhower Memorial Stadium"; to the Committee on the District of Columbia.

By Mr. WINN:

H.R. 10201. A bill authorizing the construction of certain improvements on the Blue River, vicinity of Kansas City, Mo. and Kans., in the interest of flood control, water quality control, recreation, and fish and wildlife enhancement; to the Committee on Public Works.

By Mr. WYATT:

H.R. 10202. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.R. 10203. A bill to amend the Internal Revenue Code of 1954 to change the date on which income tax returns shall be filed; to the Committee on Ways and Means.

By Mr. BRASCO:

H.R. 10204. 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 any of certain relatives of such member dies, is captured, is missing in action, or is totally disabled as a result of service in the Armed Forces in a combat area; to the Committee on Armed Services.

H.R. 10205. A bill to amend the Internal Revenue Code of 1954 to provide that percentage depletion shall not be allowed in the case of mines, wells, and other natural deposits located in foreign territory; to the Committee on Ways and Means.

H.R. 10206. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 10207. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. BROWN of Michigan:

H.R. 10208. A bill to amend the Federal Credit Union Act; to the Committee on Banking and Currency.

By Mr. CLANCY:

H.R. 10209. A bill to incorporate College Benefit System of America; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 10210. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. DENT:

H.R. 10211. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 10212. A bill to provide for special programs for children with learning disabilities; to the Committee on Education and Labor.

By Mr. FLYNT (for himself, Mr. STUCKEY, Mr. STEPHENS, and Mr. HAGAN):

H.R. 10213. A bill to amend the Uniform Time Act; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.R. 10214. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:

H.R. 10215. A bill to provide Federal financial assistance to States to enable them to pay compensation to certain disabled individuals who, as a result of their employment in the coal mining industry, suffer from pneumoconiosis and who are not entitled to compensation under any workmen's compensation law; to the Committee on Education and Labor.

By Mr. ROUDEBUSH:

H.R. 10216. A bill to amend title 39, United States Code, to provide career status by appointment of certain qualified substitute rural carriers of record to fill vacancies on rural routes on the basis of noncompetitive examinations; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 10217. A bill to amend the Railroad Retirement Act of 1937 to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of California (by request):

H.R. 10218. A bill to provide chiropractic treatment when requested for veterans eligible for outpatient medical care; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Georgia (for himself, Mr. BROYHILL of North Carolina, Mr. BROYHILL of Virginia, Mr. MATSUNAGA, Mr. ANDERSON of California, Mr. MURPHY of New York, Mr. HOWARD, Mr. EILBERG, Mr. HALPERN, Mr. CORMAN, Mr. FULTON of Pennsylvania, Mr. KEE, Mr. RUPPE, and Mr. FASCELL):

H.R. 10219. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WIDNALL:

H.R. 10220. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. WRIGHT:

H.R. 10221. A bill to authorize the establishment of the Dinosaur Trail National Monument in the State of Texas; to the Committee on Interior and Insular Affairs.

H.R. 10222. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ESHLEMAN:

H.J. Res. 653. 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. PASSMAN:

H.J. Res. 654. 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. PODELL:

H.J. Res. 655. Joint resolution to authorize and direct the Federal Trade Commission to conduct a comprehensive investigation of unfair methods of competition and unfair or deceptive acts or practices in the home improvement industry, to expand its enforcement activities in this area, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of California (by request):

H.J. Res. 656. Joint resolution proclaiming the week of May 24 through May 30 as "National Memorial Week"; to the Committee on the Judiciary.

By Mr. WATSON:

H.J. Res. 657. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. WILLIAM D. FORD (for himself, Mr. ADAMS, Mr. ANDERSON of California, Mr. BIAGGI, Mr. BOLAND, Mr. BRADEMAS, Mr. CORMAN, Mr. DIGGS, Mr. DULSKI, Mr. EDWARDS of California, Mr. FARBSTEIN, Mr. FEIGHAN, Mr. GALIFIANAKIS, Mr. GRAY, Mrs. GREEN of Oregon, Mrs. HANSEN of Washington, Mr. HATHAWAY, Mr. HELSTOSKI, Mr. HUNGATE, Mr. HOWARD, Mr. LEGGETT, Mr. MCCARTHY, Mrs. MINK, Mr. MOORHEAD, and Mr. MURPHY of New York):

H. Con. Res. 201. Concurrent resolution to print additional copies of the memorial tributes delivered in Congress on the late Senator Robert Francis Kennedy; to the Committee on House Administration.

By Mr. WILLIAM D. FORD (for himself, Mr. OLSEN, Mr. O'NEILL of Massachusetts, Mr. OTTINGER, Mr. PATTEN, Mr. PERKINS, Mr. PODELL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SYMINGTON, and Mr. TIERNAN):

H. Con. Res. 202. Concurrent resolution to print additional copies of the memorial tributes delivered in Congress on the late Senator Robert Francis Kennedy; to the Committee on House Administration.

By Mr. HALPERN:

H. Con. Res. 203. Concurrent resolution, Biafra, the need for an immediate cease-fire; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

117. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to the financing of various facilities in the North Cascades National Forests; to the Committee on Appropriations.

118. Also, memorial of the Legislature of the State of Washington, relative to studying the effects of cannibis, or marihuana, on man; to the Committee on Interstate and Foreign Commerce.

119. Also, memorial of the Legislature of the State of Indiana, relative to making certain medical information available to the Indiana Department of Public Welfare in the cases of applicants for, or recipients of, old-age, survivors, and disability benefits and assistance to disabled persons; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GOODLING:

H.R. 10223. A bill for the relief of Charles J. Hiler, Robert F. Cheatwood, Walter R. Cotton, Ernest Levy, Kenneth Greene, and Kenneth L. March; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 10224. A bill for the relief of Mazen As'ad Sa'id; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 10225. A bill for the relief of Mr. and Mrs. Miguel Herranz; to the Committee on the Judiciary.

H.R. 10226. A bill for the relief of Edna Leers; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 10227. A bill for the relief of Sgt. John E. Bourgeois; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 10228. A bill for the relief of Pietro Minna; to the Committee on the Judiciary.

By Mr. ROGERS of Florida (by request):

H.R. 10229. A bill for the relief of Theodore J. Athanasakes; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 10230. A bill for the relief of Karen Hanna Dethlefsen; to the Committee on the Judiciary.

H.R. 10231. A bill for the relief of Yum Foo; to the Committee on the Judiciary.

By Mr. WATKINS:

H.R. 10232. A bill for the relief of Lloyd T. Eastburn; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 10233. A bill for the relief of Cmdr. Albert G. Berry, Jr.; to the Committee on the Judiciary.

H.R. 10234. A bill for the relief of Aristeo Rodriguez; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 10235. A bill to authorize the use of the vessel *Mouette* in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

94. By the SPEAKER: Petition of Henry Stoner, Madison, Wis., relative to the Great Seal of the United States; to the Committee on Banking and Currency.

95. Also, petition of Andrew W. Schroeffel, Los Angeles, Calif., relative to the judiciary; to the Committee on the Judiciary.