

been denied because other airlines, some of them with flights from as far away as 650 miles, occupy the slots. This situation prevails notwithstanding the assertion of the FAA that National should be a short-haul airport.

The CAB also noted that 2 years after it began its investigation the FAA imposed a limit of 40 flights per hour at National Airport and this, the CAB concluded, had helped solve the congestion problem.

Mr. President the fact is that this 40-per-hour limitation had been in effect on a voluntary basis almost from the day the CAB initiated this investigation. The only thing that happened in 1969 was that the limitation was changed from a voluntary to a mandatory one.

Moreover, by the testimony of Mr. Arvin Saunders, who is director of the Bureau of National Capital Airports from the FAA, this rule would not result in any change in the passenger situation at National Airport. Let me quote from his testimony at the May 1969, hearing which I chaired:

Senator SPONG. Do you expect any decline in passengers as a result of these rules?"

Mr. SAUNDERS. I would think there may be some decline in passengers maybe at some of the other airports. Having said that, I immediately take the other side and say that at National I do not think there will be much change . . ." (page 175)

Mr. President, at this time I will read for the RECORD a chronology of some of the major delays in this abortive CAB investigation.

CHRONOLOGY OF CAB INVESTIGATION

June 20, 1967: CAB instituted investigation.

September 28, 1967: Pre-hearing discussions.

February 29, 1968: DOT asks delay.
July 25, 1969: DOT says it will ask discontinuance.

August 4, 1969: Spong letter to CAB urging early hearing.

September 24, 1969: CAB writes DOT asking reasons for delay.

November 17, 1969: Spong writes CAB again urging action.

November 20, 1969: CAB asks DOT to be promptly advised on its position.

April 27, 1970: CAB cancels investigation.

ADJOURNMENT

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 27 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 1, 1970, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, April 30, 1970:

DEPARTMENT OF THE TREASURY

Samuel R. Pierce, Jr., of New York, to be General Counsel for the Department of the Treasury, vice Paul W. Eggers.

U.N. TRUSTESHIP COUNCIL

Sam Harry Wright, of the District of Columbia, who was confirmed by the Senate November 26, 1969, as the Representative of

the United States of America on the Trusteeship Council of the United Nations, to serve on the Council with the rank of Ambassador.

U.S. NAVY

Having designated Rear Adm. Jerome H. King, Jr., U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

CONFIRMATIONS

Executive nominations confirmed by the Senate, April 30, 1970:

FEDERAL POWER COMMISSION

John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1975.

FEDERAL AVIATION ADMINISTRATION

Kenneth M. Smith, of Texas, to be Deputy Administrator of the Federal Aviation Administration.

U.S. COAST GUARD

Rear Adm. Chester R. Bender, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard with the rank of admiral.

IN THE ENVIRONMENTAL SCIENCE SERVICES SERVICES ADMINISTRATION

The nominations beginning Floyd S. Ito, to be lieutenant commander, and ending Abram Y. Bryson, Jr., to be lieutenant (junior grade), which nomination were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 31, 1970.

IN THE COAST GUARD

The nominations beginning Roland W. Callis, to be chief warrant officer (W-2), and ending Scott D. McCowen, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 21, 1970.

HOUSE OF REPRESENTATIVES—Thursday, April 30, 1970

The House met at 11 o'clock a.m.

Rev. James N. Birkitt, Carmel Baptist Church, Ruther Glen, Va., offered the following prayer:

O God, in times like these give us an anchor in Thyself, in the inspired Bible, and in prayer. In these difficult days, help us to accept the things we cannot change, to change the things we can, and give us the wisdom to know the difference. May we return to spiritual values upon which our country was founded, and save us from the moral decay of unregenerate human nature. Grant us a new birth within, new courage, goals, challenges, and Heavenly strength to face the future. Help us to live in the light of eternity, to judge as we one day will be judged. Have mercy upon our Nation. Forgive us of our sins through the blood of our crucified and resurrected Saviour, the Lord Jesus Christ, in whose name we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced

that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 434. An act to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes.

S. 1498. An act to provide for the conveyance of so-called scattered tracts in Oklahoma, acquired under the act of June 26, 1936 (49 Stat. 1967).

TRIBUTE TO REV. JAMES N. BIRKITT

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

Mr. SCOTT. Mr. Speaker, our visiting minister today is a constituent of mine from Hanover County, Va. The Reverend James N. Birkitt is the pastor of a rural Baptist church, the Carmel Church of Ruther Glen, Va., but his Christian activities go well beyond the area he serves as a pastor because he is also president of Christian Enterprises, which operates or contributes to the operation of a number of Christian radio stations, not only in this country, but in several foreign countries. He is a daily speaker on the Radio Bible Institute heard on a network of stations primarily in this country, a Bible teaching program.

Mr. Speaker, I appreciate the kindness of our chaplain, Dr. Latch, in permitting the Reverend James N. Birkitt to open the House today with prayer.

APPOINTMENT OF CONFEREES ON H.R. 14705, EMPLOYMENT SECURITY AMENDMENTS OF 1970

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from Arkansas, the distinguished chairman of the Committee on Ways and Means (Mr. MILLS) I ask unanimous consent to take from the Speaker's table the bill (H.R. 14705), to extend and improve the Federal-State unemployment compensation program, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none, and appoints the following conferees: Messrs. MILLS, BOGGS, WATTS, BYRNES of Wisconsin, and BETTS.

THE CRISIS IN CAMBODIA

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

Mr. ROSENTHAL. Mr. Speaker, we

are all concerned today about the deteriorating situation in Cambodia and the prospect of the U.S. military intervention there.

While the President of the United States considers what action, if any, he will take, we in Congress must also meet our responsibilities. We must weigh the risk of any move that would lead to greater involvement of American forces in Southeast Asia and mire us in an insoluble conflict which would sap our national spirit and strength.

It is with these thoughts in mind that I and 58 other Members of the House have introduced the following resolution regarding any American military role in Cambodia:

H. RES. 962

Resolved, That it is the sense of the House of Representatives that the United States refrain from any military action in Cambodia.

LIST OF THE SPONSORS

Brock Adams, Washington.
Joseph P. Addabbo, New York.
Jonathan B. Bingham, New York.
Edward P. Boland, Massachusetts.
Frank J. Brasco, New York.
George E. Brown, Jr., California.
Daniel Button, New York.
Hugh L. Carey, New York.
Shirley Chisholm, New York.
William Clay, Missouri.
Jeffery Cohelan, California.
John Conyers, Jr., Michigan.
Charles C. Diggs, Jr., Michigan.
Don Edwards, California.
Leonard Farbstein, New York.
William D. Ford, Michigan.
Donald M. Fraser, Minnesota.
Jacob H. Gilbert, New York.
William J. Green, Pennsylvania.
Seymour Halpern, New York.
Lee H. Hamilton, Indiana.
Michael Harrington, Massachusetts.
Augustus F. Hawkins, California.
Ken Hechler, West Virginia.
Henry Helstoski, New Jersey.
Andrew Jacobs, Jr., Indiana.
Joseph E. Karth, Minnesota.
Robert W. Kastenmeier, Wisconsin.
Phillip Burton, California.
James H. Scheuer, New York.
Edward I. Koch, New York.
Allard K. Lowenstein, New York.
Spark M. Matsunaga, Hawaii.
Abner J. Mikva, Illinois.
Patsy Mink, Hawaii.
Robert H. Mollohan, West Virginia.
William S. Moorhead, Pennsylvania.
John E. Moss, California.
Lucien N. Nedzi, Michigan.
Robert N. C. Nix, Pennsylvania.
James G. O'Hara, Michigan.
Arnold Olsen, Montana.
Thomas P. O'Neill, Jr., Massachusetts.
Richard L. Ottinger, New York.
Claude Pepper, Florida.
Bertram L. Podell, New York.
Thomas M. Rees, California.
Henry S. Reuss, Wisconsin.
Fred B. Rooney, Pennsylvania.
Benjamin S. Rosenthal, New York.
Edward R. Roybal, California.
William F. Ryan, New York.
William L. St. Onge, Connecticut.
Frank Thompson, Jr., New Jersey.
Charles A. Vanik, Ohio.
Jerome R. Waldie, California.
Lester L. Wolff, New York.
Gus Yatron, Pennsylvania.
Sidney R. Yates, Illinois.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

APRIL 28, 1970.
HON. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: My resignation from the House Administration Committee is hereby submitted with the request that it be recorded as effective today.

Respectfully,

JERRY L. PETTIS.

The SPEAKER. Without objection, the resignation will be accepted.
There was no objection.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

APRIL 28, 1970.
HON. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It has been an honor and a privilege to know and work with the many fine men who are members of the House Science and Astronautics Committee on which I have served since 1967.

My association with the members and participation in the deliberations of this group will always remain a high point in my life. The problems which have come before my committee have been very challenging and the accomplishments rewarding. New fields have been explored and new technological knowledge has been gained. However, I wish to submit my resignation from the Committee effective today.

Respectfully,

JERRY L. PETTIS.

The SPEAKER. Without objection, the resignation will be accepted.
There was no objection.

ELECTION TO COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 959) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 959

Resolved, That Jerry L. Pettis of California be, and he is hereby, elected a member of the standing committee of the House of Representatives on Ways and Means.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DESTRUCTION OF COMMUNIST SANCTUARIES IN CAMBODIA IS BRILLIANT MANEUVER

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

Mr. MONTGOMERY. Mr. Speaker, in my opinion, President Nixon had no choice but to give his consent for the destruction of the Communist's sanctuaries in Cambodia. Our military commanders have been seeking approval for months and years to enter Cambodia and hit the enemy at his base camp where it hurts him the most.

History will record this military move by the South Vietnamese with U.S. air and advisory support as a brilliant maneuver. These task forces are fully mobile and will be withdrawn from Cam-

bodia after the Communist's sanctuaries have been found and destroyed.

The timing of this combat maneuver is perfect. This is a step in the right direction to end the conflict in Southeast Asia and allow us to continue an orderly withdrawal of American troops.

I personally have never been able to understand why we have allowed ourselves to be placed in the tenuous position of letting the enemy come from a so-called neutral country and kill our U.S. servicemen and then go back across the border for safety and protection.

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

Mr. MONTGOMERY. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Speaker, this is precisely what many of us have been begging and demanding—the implementation of the hot pursuit. These people have been coming across the border and killing American troops and then darting back across the border for sanctuary in Cambodia. This move can win the war and it will certainly hasten the Vietnamization of the war in Vietnam.

Mr. Speaker, if we are going to fight this war, we should win it, and if we are going to do it, now is the time.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for his comments.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

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

Mr. GERALD R. FORD. Mr. Speaker, let me say that later during the debate on the military authorization bill, I will have some observations and comments to make.

I will say now the comment made by the gentleman from South Carolina and that made by the gentleman from Mississippi are good sound military observations. It seems to me that overall this is the right thing for us to do under the current circumstances, and it will, in effect, help save American lives.

CAMBODIA

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

Mr. PUCINSKI. Mr. Speaker, I have listened with great interest to the remarks of the previous speakers including the distinguished minority leader about our involvement in Cambodia, but I think there are many Americans who are asking today: Where have the Cambodians been for all these years? We have known of these sanctuaries for the Communists for many years; and 40,000 American boys have been killed in Vietnam simply because the North Vietnamese have come into South Vietnam, attacked our forces, and then sought sanctuary in Cambodia.

For a long time the Cambodian Government protested any hot pursuit; but now, because communism constitutes a threat to Cambodia, all of a sudden they want our help.

It seems to me the American people have the right to ask whether we ought not to exhaust all of our political options in that particular dispute before any unilateral American involvement. I have been a strong supporter of Vietnam, and

nobody can deny that; but extending the conflict to Cambodia is another question, and I believe many Americans are seriously wondering whether this is a wise policy.

I think any expansion of this war ought to be the problem of SEATO, or the Security Council of the United Nations, or yes, the Geneva Convention itself.

May I remind this House that Cambodia has been a member of the United Nations since December 14, 1955. Surely, the U.N. has a responsibility to protect one of its members from Communist invasion.

I am wondering whether it is the plan of the President to at least explore these other alternatives before the United States gets itself involved alone in yet another conflict in Southeast Asia.

I think the time has come when the United States ought to say, yes, we will fulfill our commitment to help our allies in Southeast Asia but the United States has no mandate to protect these nations exclusively with our own resources.

May I remind our colleagues that SEATO consists of the United States, Great Britain, France, Australia, New Zealand, Philippines, Pakistan, and Thailand. Also by additional memorandum, Cambodia, Laos, and South Vietnam are parties to the mutual security pact.

I believe President Nixon ought to summon an emergency session of SEATO and agree on a collective course of action so America does not wind up carrying the full burden of defending both South Vietnam and Cambodia.

I am not impressed with the agreement that we can now engage in "hot pursuit" of the enemy. Defending Cambodia is a responsibility of all the SEATO powers and not just the United States.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON SECOND SUPPLEMENTAL APPROPRIATION BILL, 1970

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the second supplemental appropriation bill, 1970.

Mr. BOW reserved all points of order on the bill.

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

There was no objection.

MEETING FRIDAY EVENING ON PUBLIC APPEAL FOR JUSTICE FOR AMERICANS WHO ARE PRISONERS OF WAR OR MISSING IN ACTION IN VIETNAM

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

Mr. NICHOLS. Mr. Speaker, a constituent of mine whose brother is missing in action in Vietnam has called to my attention a very worthwhile meeting scheduled here Friday evening, May 1.

This meeting is being sponsored by a number of our colleagues including Congressmen DANIEL, MCKNEALLY, MAY, ROUDEBUSH, SIKES, and OLIN TEAGUE, and will be a public appeal for justice for Americans who are prisoners of war or missing in action in Vietnam. It is scheduled for Constitution Hall, and if I were going to be in Washington I certainly would attend.

I sincerely hope that those Members of Congress who can, will attend this important meeting and let the families of our prisoners of war and those servicemen missing in action know of our concern for their plight.

WAR IN INDOCHINA

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

Mr. RYAN. Mr. Speaker, how often have we heard the refrain before: One more escalation and we will win the war.

The response of the minority leader to that was that the chairman of the Armed Services Committee had made a sound military observation.

The tragic error is that such an approach continues to look at the Southeast Asia problem as simply a military problem and not one which requires a political solution.

The events in Cambodia are so ominous that prompt and responsible action is required by the Congress to avert a wider war involving the United States throughout all Indochina.

Section 401 of the military procurement bill, which we are considering today, is an open-ended authorization for the very type of action which yesterday resulted in American advisers and air support crossing into Cambodia with a large-scale South Vietnamese attack force.

As I have informed my colleagues by letter, today I intend to offer an amendment which would strike out section 401, in an effort to avoid involvement in another war created by the executive branch.

Section 401 provides that funds authorized under the military procurement bill or any other act involving the Armed Forces may be used to "support" Vietnamese and other free world forces in Vietnam, and local forces in Laos and Thailand. This is the very support which accounts for yesterday's U.S. intervention into Cambodia. What is more, it will enable this country to marshal a proxy army, drawing us further into the well of death and destruction which has cost over 41,000 American soldiers' lives in Vietnam.

The House will have an opportunity today to act. By voting for the amendment which I will offer, and thereby deleting the open ended authority for support of South Vietnamese, Thai, and Laotian forces, we will be able to exercise our constitutional responsibilities. The President will have to request specific authority, and will have to explain his actions fully. That is the very least we owe this country and its young men, who are risking their lives in misguided conflict in Southeast Asia.

CONFLICT IN SOUTHEAST ASIA

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

Mr. LONG of Maryland. Mr. Speaker, the Pentagon announcement that we are moving into Cambodia in a fairly large way, with advisers, tactical air support, and other combat support and equipment, is upsetting.

For 7 years, we have tried to win a war in a nation with as many as a half million men. Now, the tantalizing vision is held out that with half as many men we can somehow emerge triumphant by spreading the war into two nations.

The Pentagon announcement is particularly upsetting because we have been assured repeatedly by the administration that we would not become involved in another Asian conflict without consultation with the Congress. Just a week ago today, Secretary of State Rogers reiterated that assurance to the Foreign Operations Subcommittee of the House Appropriations Committee.

Our commitment in Cambodia is already substantial enough to remind us of how we got committed to Vietnam in the first place. It will become even more substantial if the Cambodian Government is given all the support it has requested.

The administration has broken both its promise and its constitutional obligation to consult the Congress by committing American troops, American treasury, and American prestige to the defense of one more nation that lacks the will to defend itself.

President Nixon has launched us into another undeclared war.

RECENT DEVELOPMENTS IN CAMBODIA OFFER AN OPPORTUNITY

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

Mr. BLACKBURN. Mr. Speaker, we have heard several comments today regarding developments in Cambodia in recent weeks. In my opinion, the developments in Cambodia are one of the greatest breaks that the United States has received since our involvement there. Recent developments are favorable to the United States both militarily and psychologically; military because the Communists are being denied sanctuary in Cambodia and psychologically because it shows that the freedom-loving people in Southeast Asia are anxious to throw off their pro-Communist rulers and stand up and fight. The Communists remind me of a man playing poker who has run out of blue chips when someone else raised the ante.

I am glad to say that I can support a cause, the cause of victory in Southeast Asia. When I heard the loud cries on this end of the Capitol, as well as the opposite, from those praying secretly for American defeat, I am glad that I can stand up for an American victory. An American victory will be my victory. I pity and hold with some disgust those who must pray for an American defeat

in the hope that in some perverted way they might benefit politically.

MINSHALL OPPOSES RAISE IN FIRST-CLASS POSTAGE

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

Mr. MINSHALL. Mr. Speaker, as the postal reform hearings progress in the House Committee on Post Office and Civil Service, I wish to be recorded in opposition to the proposed 2-cent increase in first-class postage.

First-class letters already show a profit at 6 cents. There is no reason why first-class mail users should be penalized by an increase in rates.

And there is absolutely no justification for the general taxpayer to continue digging in his pocket to subsidize unwanted, unwelcome third class "junk" mail which does not begin to pay its own way and which is a constant nuisance to recipients.

In its most fair form, the cost of delivering any article through the mail should be a direct-user tax. I hope that the postal reform bill will reach the House floor under a parliamentary situation which will permit us to vote separately on the postal rate issue.

MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND RESERVE STRENGTH AUTHORIZATION, 1971

Mr. RIVERS. 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. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

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. 17123, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on yesterday, it had agreed that the bill be considered as read and open to amendment at any point.

Are there further amendments?

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer and amendment.

The Clerk read as follows:

Amendment offered by Mr. WYMAN:

On page 2, line 19, strike out the period, substitute a comma, and add the following: "Provided further, That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended for the contract procurement of DD 963 class destroyers unless the

procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least two different United States shipbuilders."

Mr. WYMAN. Mr. Chairman, I shall not take too much time on this amendment. However, it is an important amendment in that this DD-963 class of destroyer procurement involves an initial contract for some 30 vessels and an additional commitment—

Mr. MINSHALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Evidently a quorum is not present. The Clerk will call the roll.

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

[Roll No. 98]

Anderson, Tenn.	Edwards, La.	O'Neal, Ga.
Ashley	Felghan	Ottinger
Baring	Foley	Passman
Beall, Md.	Gallagher	Patman
Berry	Garmatz	Pepper
Blagel	Gialmo	Poage
Bolling	Griffiths	Powell
Brasco	Hanna	Price, Tex.
Brock	Hays	Roberts
Brown, Calif.	Hébert	Ruppe
Burke, Fla.	Heckler, Mass.	St. Onge
Burton, Utah	Jacobs	Scheuer
Bush	Johnson, Calif.	Schneebell
Cabell	Jones, N.C.	Stratton
Celler	Kee	Stubblefield
Clark	Kirwan	Stuckey
Clawson, Del.	Langen	Sullivan
Cohelan	Lennon	Symington
Colmer	Lujan	Taft
Cowger	Lukens	Taylor
Cramer	McCarthy	Teague, Calif.
Daddario	Madden	Tunney
Dawson	Mahon	Weicker
Dent	Melcher	White
Dulski	Meskill	Whitehurst
	Mollohan	

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, 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. 17123, and finding itself without a quorum, he had directed the roll to be called, when 354 Members responded to their names, a quorum, and he submitted herewith the names of absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose the gentleman from New Hampshire (Mr. WYMAN) was explaining his amendment. The gentleman will proceed.

Mr. WYMAN. Mr. Chairman, this amendment is not a complicated one. It is designed to require that at least two different sources shall construct the new DD-963 class of destroyer which is the projected new destroyer for the Navy over the next 10 to 20 years. The initial procurement here involves some 30 ships at a cost of approximately \$2 billion.

Mr. Chairman, it is my opinion as a member of the Defense Appropriations Subcommittee that this is altogether too much for a single source procurement. I think a dual procurement would strengthen the procurement process as well as our national shipbuilding capability.

As Members remember, last year there was provision in the bill when it went over to the other body providing for three sources. At the present time in response

to specifications and contract definition the competing sources on this procurement are down to two.

In the long haul many more than 30 such vessels may be required.

I think it very much in the interest of the procurement process and more compatible with a greater measure of protection for national defense, that at least two facilities develop and construct this destroyer. Sole source of procurement here puts altogether too many eggs in one basket.

Dual procurement will involve a brief initial delay to assure commonality. In the prototype there may be a small cost increase in the beginning. But shortly down the line as completed ships come off the ways this increase will be recouped and we will have the continuing added protection of two sources of production for this main line item. To me this is a wise and sound policy.

I would like to ask the distinguished chairman of the Armed Services Committee at this time if the committee has a position in regard to this amendment?

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

Mr. WYMAN. Yes; I yield to the chairman of the committee.

Mr. RIVERS. I think this amendment is substantially the same as the one we had in the bill last year. I can see no harm in it. Insofar as I am concerned I will accept it.

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

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

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I may not take up the entire 5 minutes. I think we have found we can spend a great deal of money for some of these procurements, but we spend it all in one particular place in many instances. At my instance, we have had some amortization of the work with respect to ship procurement by provisions we added in the bill already providing that of the funds made available, \$600 million would be available only for expenditures in naval shipyards.

I think there are sound reasons for this. I would like to submit into the RECORD an analysis of this Committee amendment, which I sent to the Chairman under date of April 6, and which has tables attached to it. I will ask permission to print the tables when we get into the House.

The material referred to is as follows:

APRIL 6, 1970.

HON. L. MENDEL RIVERS,
Chairman, Committee on Armed Services,
House of Representatives, Washington,
D.C.

DEAR MR. CHAIRMAN: Shortly we will be introducing our Public Law 412 Authorization Bill for fiscal 1971. A question arises whether our Committee has the power to halt the apparent administrative desecration of our Naval Shipyards. I know you are concerned about the sometimes fiscal slight of hand of the Pentagon. What with Congressional and Presidential limitations on spending over the past few years, I believe our long-term defense priorities have become confused.

When the red tape and official budget misinformation are cleared aside and the numbers are viewed in perspective, the rather

disastrous desecrating action of the Administration comes to light.

You recall in the early 1960's we fought jointly to maintain a proper balance between public and private shipyard apportionment of Naval repairs, alterations and conversions (RAC). We opposed mandatory apportionment of 35 percent of this work to private yards when for the previous 10 years the average had been 15 percent private. For the past five years, there has been no mandatory apportionment, but it is interesting to note that private yards have enjoyed respectively 32.6 percent, 35.4 percent, 40.8 percent, 37.4 percent and 32.8 percent of the work.

The point is that our victory was rather hollow since in spite of the discretion given the Administration, the Navy has averaged over the last 5 years only \$682 million of RAC work whereas private yards have averaged \$385 million and 36.1 percent of the work.

While the Navy has mesmerized us with the repair figures, apparently there has been a move in the Administration to work disaster in new construction.

You recall in 1965, when Secretary McNamara issued his order closing certain Naval Shipyards, he talked of modernizing and building up the remaining yards so that they could be competitive on new construction. The Navy bought and paid for the Kaiser Report which looked to expending \$700 million to modernize Naval Shipyards in 5 to 7 years. Now four years later, it is my understanding that the Administration has opted for a 10 year modernization program—recommended for the first time last year a \$70 million initial program which was eventually reduced by budget limitations to \$49.9 million. For fiscal 1971, I understand the

Navy recommended \$98 million and this was cut by OSD to \$34.5 million. The point is that at best the Navy yards will only get 50 percent of the Navy recommended program, which means that a 10 year modernization is now extended to 20 years.

On new construction, there has been a statistical disaster which is now wreaking havoc in Naval Shipyards, and I charge destroying our Defense Shipyard capability.

In the 10 year period before 1967, Navy yards were apportioned on the average \$405 million of new construction work annually—about 20 percent of the new work. Private yards were awarded 80 percent or about \$1.4 billion annually.

In 1967, apparently without much fanfare and amid budget confusion, the Navy yard share of new construction was cut to less than 1 percent or \$6½ million, while private yards received a whopping \$1.8 billion. Outside of \$71 million awarded to Navy yards in 1968, there has been no new shipwork allocated to any Navy yard in 1969, 1970 and now 1971; while there has been apportioned to private yards during this period \$553 million, \$351 million, \$2.45 billion, and \$2.72 billion or a total of \$6.07 billion private to 0 for Naval Shipyards. The last figure, as you know, is subject to our Public Law 412 power this year.

Not only are private yards fat from Navy contracts, but the new 30 ship per year Merchant Ship Program of the Maritime Administration and the 10 ship per year Charter and Build Program of the MSTs will swell private yard coffers an additional billion dollars a year.

This feast on the one hand, famine on the other, has had its effect in shipyard employment. In 1956, private yard employment stood

at 110,000 vs. 102,000 in Naval Shipyards. In 1961, when the Democrats came to power, the ratio was 116,000 to 98,400 for Navy yards.

In 1968, it was 144,000 private vs. 95,200 Navy yards. Over the past three years, with the disastrous work allocation policy aforementioned, Navy yard strength has fallen to 86,000 and is projected to deteriorate to 82,000 in June and perhaps 72,000 by the end of fiscal 1971.

I personally believe that our national defense posture will be substantially compromised if our Committee allows a 25 percent reduction in crucial shipyard personnel talents in this short space of time.

Several solutions present themselves to ameliorate the foregoing.

(A) A proviso could be added which would limit the ship authorization so that \$600 million would be available only for expenditure in Naval Shipyards.

(B) A proviso could be worked out which would guarantee that at least 20 percent of the new construction funds would be allocated to Naval Shipyards.

Either of these provisions are a far cry from the 50-50 apportionment called for in the Vinson Trammell Act, which I understand is still law today.

While perhaps only a portion of the Naval Shipyards are involved in new construction, the policy aforementioned affects everyone of them lest they all try to survive out of the same paltry repair dollar allocation.

Mr. Chairman, I know you are vitally concerned with these matters. The contentions can be easily reinforced by calling in civilian and military Navy Shipyard managers to Washington to testify.

Very sincerely,

ROBERT L. LEGGETT.

ALLOCATION OF SHIPWORK BETWEEN NAVAL AND PRIVATE SHIPYARDS FISCAL YEAR 1953 TO FISCAL YEAR 1970

(Dollars in thousands)

Fiscal year	New construction				Total repairs, alterations, conversion and new construction			
	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private
1953	\$256,390	\$303,059	\$559,449	54.2	\$690,781	\$335,859	\$1,026,640	32.7
1954	0	427,818	427,818	100.0	378,811	483,418	862,229	56.1
1955	320,288	415,218	735,506	56.5	724,538	491,618	1,216,156	40.4
1956	388,411	861,380	1,249,791	68.9	907,287	949,101	1,856,388	51.1
1957	549,686	1,010,601	1,560,287	64.8	1,233,521	1,271,083	2,504,604	50.7
1958	303,302	1,281,300	1,584,602	80.9	825,856	1,349,000	2,174,856	62.0
1959	474,131	1,376,699	1,850,830	74.4	1,086,040	1,472,998	2,559,038	57.6
1960	86,160	42,9615	515,775	83.3	531,478	504,984	1,036,462	48.7
1961	483,702	1,488,935	1,972,637	75.5	972,352	1,568,635	2,540,987	61.7
1962	772,371	1,620,824	2,393,195	67.7	1,372,615	1,786,624	3,159,239	56.6
1963	274,192	1,888,108	2,162,300	87.3	872,401	2,214,795	3,087,196	71.7
1964	321,945	1,390,818	1,712,763	81.2	1,030,860	1,690,154	2,721,014	62.1
1965	441,100	1,361,476	1,802,576	75.5	896,762	1,581,996	2,478,758	63.8
1966	255,300	1,390,436	1,645,736	84.5	932,444	1,792,405	2,724,849	65.8
1967	6,500	1,827,300	1,833,800	99.6	695,588	2,343,794	3,039,382	77.1
1968	71,500	553,200	624,700	88.6	868,296	1,028,806	1,897,102	54.2
1969	0	351,600	351,600	100.0	796,422	741,221	1,537,643	47.2

ALLOCATION OF SHIPWORK BETWEEN NAVAL AND PRIVATE SHIPYARDS FISCAL YEAR 1953 TO FISCAL YEAR 1970

(Dollars in thousands)

Fiscal year	Repairs and alterations				Conversions				Total repairs, alterations and conversions			
	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private
1953	\$301,700	\$32,800	\$334,500	9.8	\$132,691	\$0	\$132,691	0	\$434,391	\$32,800	\$467,191	7.0
1954	285,600	55,600	341,200	16.3	93,211	0	93,211	0	378,811	55,600	434,411	12.8
1955	255,400	76,400	331,800	23.0	148,850	0	148,850	0	404,250	76,400	480,650	15.9
1956	294,000	77,200	371,200	20.8	224,876	10,521	235,397	4.5	518,876	87,721	606,597	14.5
1957	269,400	64,200	333,600	19.2	414,435	196,282	610,717	32.1	683,835	260,482	944,317	27.6
1958	293,300	67,700	361,000	18.8	229,254	0	229,254	0	522,554	67,700	590,254	11.5
1959	299,500	57,500	357,000	16.1	312,409	38,799	351,208	11.0	611,909	96,299	708,208	13.6
1960	350,900	63,500	414,400	15.3	94,418	11,869	106,287	11.2	445,318	75,369	520,687	14.5
1961	347,300	79,700	427,000	18.7	141,350	0	141,350	0	488,650	79,700	568,350	14.0
1962	394,300	133,400	527,700	25.3	205,944	32,400	238,344	13.6	600,244	165,800	766,044	21.6
1963	309,909	140,487	450,396	32.2	288,300	186,200	474,500	39.2	598,209	326,687	924,896	35.3
1964	315,053	150,972	466,025	32.4	393,862	148,364	542,226	27.4	708,915	299,336	1,008,251	29.7
1965	432,962	148,620	581,582	25.6	22,700	71,900	94,600	76.0	455,662	220,520	676,182	32.6
1966	511,044	349,619	860,663	40.6	166,100	20,650	186,750	11.1	677,144	370,269	1,047,413	35.4
1967	664,088	352,494	1,016,582	34.7	25,000	121,500	146,500	82.9	689,088	473,994	1,163,082	40.8
1968	667,896	264,106	932,002	28.3	128,900	211,500	340,400	62.1	796,796	475,606	1,272,402	37.4
1969	665,022	235,521	900,543	26.2	131,400	154,100	285,500	54.1	796,422	389,621	1,186,043	32.8

Mr. LEGGETT. Mr. Chairman, I think that the amendment offered by the gentleman from New Hampshire is a good amendment. It is going to allow for dual source procurement, and I think it is going to lead to the construction of these ships more competitively and more rapidly, and it is not going to add to the cost.

I yield back the balance of my time.

AIRPORT AND SEAPORT CRIME CONTROL
ACT OF 1970

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

(By unanimous consent, Mr. KOCH was allowed to speak out of order, and to revise and extend his remarks.)

Mr. KOCH. Mr. Chairman, today I am introducing the Airport and Seaport Crime Control Act so we can break the grip of organized crime at our ports of entry.

In February, I expressed the hope that this Congress would concern itself with stopping the massive theft of international cargo by criminals operating with impunity at both our seaports and airports. At that time I cited the failure of the New York-New Jersey Waterfront Commission to wage an effective and conscientious fight against the infiltration of organized crime in the Port of New York. Now the waterfront commission is seeking to extend its jurisdiction to New York's airports, despite its sorry record in ridding the waterfront of organized crime and protecting valuable cargo.

It appears that the problem is beyond the capacity of State or local authorities. The Attorney General has charged that the largest air cargo center in the world, New York's Kennedy Airport, is virtually controlled by organized crime. Earlier this year, the Nixon administration announced that it would propose legislation designed to prevent theft of international cargo at all ports of entry throughout the Nation. But no legislation seems to be forthcoming. As with many other critical problems facing this country, we cannot wait upon the Nixon administration while it tries to decide what, if anything, it will do.

For all these reasons, the Airport and Seaport Crime Control Act of 1970, which I am introducing today, seeks to place the responsibility and power for dealing with this problem squarely on the Treasury Department's Bureau of Customs. The bill creates a Cargo Protection Division in the Bureau of Customs for two primary purposes:

First, the prevention of infiltration by organized crime of legitimate waterfront and airport business by the use of licensing powers; and

Second, the creation of Federal standards of cargo protection and the creation of freight security areas in both airports and seaports.

It is desirable that there be Federal responsibility for cargo protection as it involves the control and regulation of interstate commerce. The exercise of such regulatory functions by local authorities does not permit the efficient coordination and surveillance of organized crime. In addition, a Cargo Protection Division with national powers will pre-

vent the circumvention or evasion of regulations by the utilization of other ports for various forbidden transactions.

The act provides for the licensing of companies doing business in the airports and seaports. All prospective licensee companies would have to meet the standards of good character and integrity. These companies would include the stevedore companies, air freight delivery and warehouse companies, trucking companies utilizing the ports, maintenance companies of all kinds, special service companies, such as those that provide cooping, container and carpentry services on the waterfront.

Individuals also would be licensed; they would include longshoremen, pier superintendents, hiring agents, clerks, air employees. Those with very serious or recent criminal records, or with a provable connection to organized crime, would be denied a license.

Initially, the licensing power would probably be exercised selectively by concentrating on the major ports where there is an obvious need for control. Eventually, the licensing power could be utilized at lesser ports as commerce increases and crime problems arise. The bill specifically permits bistate, State, and local authorities to exercise licensing powers of their own. Under the act, the Cargo Protection Division can accept State or municipal licenses of cargo handlers, supervisors and transporters in lieu of Federal licenses if the Division determines that the non-Federal standards for licensing are consistent with the purposes of the act.

In order to enable the Division to investigate violations of laws committed at either airports or seaports, the act provides that the Division possess full subpoena and the immunity powers to enable it to investigate the penetration of organized crime into various airport and seaport components. It also provides strong criminal penalties for evasion or violation of the act itself.

We should not delay in providing the authority and finding the money to attack this problem. The volume of cargo at Kennedy Airport will quadruple in the next decade. Reported losses represent only a fraction of what is actually being stolen.

The Senate Select Committee on Small Business which has investigated this problem has emphasized that the ultimate victims of this multimillion-dollar thievery and corruption are the small businessmen and the consumer public. The increased costs resulting from business monopoly, fraudulent practices and cargo theft are passed on to them. It is time for the Federal Government to be given specific responsibility for crime control at our ports of entry if we are to save legitimate businesses and the American consumer from the increasing menace of organized crime.

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

Mr. Chairman, I rise in support of the Wyman amendment which would require the DD-963-class destroyer contract to be split between two shipyards.

I feel that this amendment will serve

the national interest in several ways: First, it will revitalize our sagging shipbuilding industry in two areas—not one. Second, it would avert a total halt in construction if one yard runs into labor trouble and has a strike. At least one yard will be in production. Third, the amendment would allow for continued construction if one shipyard is hampered by mismanagement.

Mr. Chairman, I recognize the need to spread our shipbuilding capabilities over several geographical areas. Shortly, I will be presenting an amendment which moves in the same direction as the Wyman amendment, although much broader in scope. To show that there is no conflict, however, I urge support of the Wyman amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEGGETT

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

The Clerk read as follows:

Amendment offered by Mr. LEGGETT:

On page 2, line 8, after the words, "For missiles: for the Army," strike "\$1,086,600,000" and insert "\$426,200,000".

Mr. LEGGETT. Mr. Chairman, I intend to offer two amendments this morning with respect to the anti-ballistic-missile program. The present amendment would purport to cut \$660 million, which is the total amount of the procurement in the pending bill for the anti-ballistic-missile program. If that amendment fails then I intend to offer a second amendment which would cut out \$203 million for the phase II deployment.

We have spent today for the anti-ballistic-missile system a total of \$4.3 billion for research and development, \$550 million for procurement, and \$1 billion for military construction. In the bill that we have before us today we are laying the foundation to add on additionally this year \$660.4 million for procurement which includes the \$203 million for the phase II procurement, \$365 million for additional research and development, \$357 million will be in the military construction bill which will come out of our committee later this year, \$158 million for other research and development on anti-ballistic-missile systems, \$53 million for operation and maintenance, \$14 million for personnel compensation, or a total this year which will either be in this bill, the military construction bill, or the military appropriations bill, of a total of \$1.608 billion.

Mr. Chairman, I do not think we need an awful lot of new arguments against the anti-ballistic-missile system this year. There are a lot of them available. I think the arguments that we gave 2 years ago and last year against the system are very cogent and appropriate today.

I said last year I do not believe the anti-ballistic-missile system makes much sense. It is clearly costly and ineffective. It is very, very expensive for the very, very limited objective that could be satisfactorily handled with other existing hardware, and there is actual question as to its effectiveness under battle con-

ditions. There is no doubt it creates massive real estate, personnel, training, and related problems never before attempted by modern man and, assuming it is successful, it can lead to added escalation between the United States and the Soviet Union.

I think we have found this year that is exactly what has happened. The Soviets have escalated. Now we are responding to that escalation with the phase II ABM program right now.

I say that we do not build a school unless you have two-thirds support for the bonds. Again last year we supported an ABM system with a 50-50 vote in the Senate and the 50 Members of the Senate who voted against the system it just so happens represent 58 percent of the American public.

So we have a minority supported program at the present program, and I have real reservations as to whether or not the Senate is going to support this program again this year. For that very reason, unless you have a strong polarity and strong support for a program, I do not think it is worthwhile to get into this \$10 billion or \$12 billion or multibillion-dollar training programs.

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

Mr. LEGGETT. I yield to the gentleman.

Mr. RIVERS. Why would not the gentleman accept a vote of the House on this?

Mr. LEGGETT. As the gentleman will recall, we had a very restricted vote in the House last year as we had this year, and we were unable to get a clear vote on the issue of curtailment of procurement alone on the ABM and allow research and development to go ahead.

If the gentleman would allow us to have a recommittal vote this year and limit it just to phase II of the ABM program, I would almost support it at this time.

Mr. RIVERS. The gentleman is talking about last year and he spoke about the other body. What was the vote in the House last year?

Mr. LEGGETT. The vote on a very obscure amendment for the ABM, we got 141 votes against them. I do not think I voted against the recommittal at that time.

Mr. RIVERS. What about our crowd?

Mr. LEGGETT. I do not know about "our crowd."

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

Mr. LEGGETT. I yield to the gentleman.

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

I rise, first of all, to commend the gentleman from California (Mr. LEGGETT) for his leadership in the fight to prevent the United States from further escalating the arms race by proceeding with the deployment of an anti-ballistic-missile system. I support his amendment. Its adoption would signal support by the House of Representatives for the concept that we have a fully adequate system of security, now and in the foreseeable future, based on the principle that the United States could and would re-

spond to any nuclear attack upon it, whether by the Soviet Union and Communist China or any other power, by inflicting intolerable destruction on the attacker. This principle of deterrence, disagreeable and unpleasant as it is, has been fundamental to our strategic security ever since World War II and it will continue to be fundamental in the future. There is no evidence that the Chinese Communists or any other power are so irrational as to invite destruction upon themselves.

Again and again in debating amendments to this bill the chairman and some members of the Armed Services Committee have told us that U.S. security will be jeopardized if the Congress does not approve the Pentagon's desires for bigger and better weapons systems. Yesterday we were told that it was absolutely essential that the United States proceed to deploy MIRV's. Today we are told the same thing about the latest plans for expanding the Safeguard ABM system.

All this is right in line with the recent scare campaign mounted by the Nixon administration. Secretary Laird has been trying to give the impression that the Soviets are accelerating the rate of deployment of their SS-9 land-based missiles, when the rate has actually slowed down, since no new sites for SS-9 launchers have been detected since last August. Dr. John Foster, Director of Defense Research, made headlines by charging that "giant hen house radars" had been erected in the Soviet Union, foreshadowing extensive ABM capabilities; he did not say that these hen houses had first been detected years ago and are considered highly vulnerable to attack. The President himself added to the panic atmosphere, charging that opponents of ABM and MIRV would concede to the Soviet Union military supremacy.

These speeches comprise a combination of long-known facts trotted out as something new and ominous, exaggerations and distortions, and a system of conjuring up remote contingencies for the future as if they present a "real and present danger" requiring immediate action.

The basic case made by the administration for the Safeguard ABM system has been an alleged potential threat to our Minutemen if the Soviets continue to deploy SS-9's at the rate of the last 2 years and will be able to equip them with accurate MIRV's. This is pure supposition. Even if it should prove to be true, we would still have a fully adequate deterrent force in our bombers and submarines.

As I pointed out on the floor yesterday, the Congress is constantly being badgered to take steps based on a fear of what the Soviets might do in the future. What the advocates of these steps always fail to point out is what the Soviets will be bound to do in response to our escalation through the deployment of weapons systems such as the ABM and the MIRV.

The Pentagon, as it stresses the risks involved in restraint, never seems to be concerned with the risks involved in going ahead full speed with the arms race.

For myself, I believe that our security

can be best pursued through a system of balanced deterrents, maintained at a reasonable level through the process of mutual restraint, and through negotiations for controls and limitations such as are now underway in Vienna. Down this road lies not only greater security, but also the opportunity to cut back on our fantastic military spending and to begin to give the necessary priorities to our needs here at home.

Mr. LEGGETT. I thank the gentleman very much.

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

Mr. LEGGETT. I yield to the gentleman.

Mr. FRIEDEL. Mr. Chairman, in recent months, I have spoken out repeatedly on the pressing need we have in this country in the early 1970's to restructure and reevaluate our national goals or priorities. It seems to me that this bill today, at this time, is the proper place to begin. In recent days, segments of our domestic economy have suffered reverses which remind many of us in this Chamber of the late 1920's. This week the savings of millions of Americans in securities went down precipitously while we have at the same time the worst price inflation that the Nation has known in a decade. Unemployment levels have recently reached a 6-year high. While this goes on, the White House seems disinclined or powerless to take the necessary steps to reverse or retard the fateful cycle of recession that seems to be occurring.

In Southeast Asia, the administration's policy of Vietnamization and withdrawal apparently is being massively subverted with the war daily spreading to Laos and Cambodia. In other words, we see before us absolutely no light at either end of our domestic or international tunnels. I therefore believe that in these particular dark days we must go very, very slowly indeed in any new areas of military procurement.

I will therefore, Mr. Chairman, vote against the authorization in the bill for the development of the Safeguard missile system. Yesterday, I voted for the amendments that were offered to cut some of the fat out of the bill. I was disappointed that we were not able to eliminate the \$200 million contained in the bill which provides legislative backing for Deputy Secretary of Defense Packard's negotiations with Lockheed Aircraft over the gigantic cost overruns involved in the C-5A contract. In my judgment, this is literally throwing good money after bad. I am for the Government and the company getting together and working out their mistakes without it costing the American taxpayers additional millions of dollars. Mr. Chairman, it is this very kind of military planning and spending which has tinged our previously hallowed Pentagon with credibility problems.

I was also disappointed that the amendment failed that would have deleted the \$475.2 million requested for the procurement of the Minuteman III, the MIRV, and the ICBM. This amendment would not have stopped this program but merely deferred procurement of the missiles pending completion of the current

SALT talks. We could have continued the research and development aspects of this program but delayed the actual procurement of hardware. If our efforts to reach some accommodation with the Soviet Union on disarmament fail, then the Minuteman III deployment could be undertaken and procurement initiated. In essence, I felt that this amendment would have given great force and effect to the action taken earlier this year by the Senate when it passed Senate Resolution 211 by the vote of 72 to 6, which urged President Nixon to propose a bilateral halt on new strategic weapons systems deployment including the MIRV at the beginning of the SALT talks.

Finally, Mr. Chairman, I intend to vote for the efficiency substitute bill which will be introduced today as an amendment by my distinguished colleague from Pennsylvania. This substitute measure will be identical to the version reported by the committee but will contain, in its terms, an across-the-board efficiency cut of 5 percent. In effect, this bill will reduce the committee measure by about \$1 billion. It will contain, under title IV, a provision that will prohibit the Government from making payments to Lockheed until the Congress has been advised of the arrangement, for untangling the financial relationships that exists between the Government and Lockheed. This is particularly important in light of other important weapon systems contracted currently to Lockheed including the S3-A's and the Scram missile that have already exhibited significant cost overruns. The efficiency substitute bill will contain, again under title IV, the legislative basis for quarterly GAO reports to the Congress on major weapons systems and provide the GAO with subpoena power to audit defense contractor books. The sad story of the F-111's and the C-5A cost overruns are indeed eloquent testimony to the effect that we need GAO oversight in these areas.

The CHAIRMAN. The time of the gentleman from California has expired. (Mr. LEGGETT asked and was given permission to proceed for an additional 5 minutes.)

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

Mr. LEGGETT. I yield to the gentleman.

Mr. GUBSER. Mr. Chairman, I hope that the gentleman will not mind or object to a facetious comment, but I know of his desire to have the right to offer a motion to recommit. I would suggest to him that the Republican Party is the minority party and has that right. So we will be glad to accept his application for membership.

Mr. LEGGETT. I would reply that on this recommittal, and I would do it, as long as I could get out afterward.

But I would say this on this question of what about the ABM system—it is a massive escalation?

We said last year we were talking about a \$10 billion system and this is not the end. When Mr. Packard and Secretary Laird came before our committee this year, what they were talking about

was escalation which they readily admitted was \$1.6 billion in just 1 year. We asked them if we had the ultimate in system and control last year how does it so happen that we have additional costs this year?

He said that we have a thing called price increases.

I asked how much was that? He said it was \$450 million.

The cost-of-living increase for 1 year, and it is going to take us 10 years to build this system so extrapolate that and you have about \$4.5 billion costs in cost-of-living increases.

Then they said we have another escalation.

I said, "What is that?" They said that is the stretching out of the program.

You did not give us an ABM program last year, as fast as we thought we could get ready to build it—\$550 million for that stretchout.

I said, "Is that the end?" They said, "No, there is another thing called design changes."

I said, "How could you have a design change added on?"

I asked how we could have additional design changes when we had spent \$4 billion to design the ultimate program presented last year.

Now we have \$680 million worth of design changes and that was the amount.

I said "Is that all?" They said that we are working on the improved Spartan.

I said, "Do you have figures on that?"

He said, "No."

I said, "Maybe you could give us a guess?"

They came up with maybe a half billion dollars for the improved Spartan to attack the improved Soviet missiles. That might be launched in a flat trajectory from perhaps some submarines that might be constructed sometime in the future. So we have had two add-on plus a thing called the missile site radar system—MSR.

Why? Because the system we designed last year might be overrun.

How much was that?

We do not know.

Make a guess.

That might be another \$200 million.

You add all these things up and you have an escalation in 1 year of \$2.35 billion.

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

Mr. LEGGETT. I yield to the chairman of the committee.

Mr. RIVERS. Would the gentleman's position be different if he knew that the Chinese Communists had an ICBM?

Mr. LEGGETT. I think not. I think we can presume that the Chinese, having launched an orbiting vehicle, certainly have the capability to design and launch a modified projectile which is known as an ICBM.

Mr. RIVERS. How do we know that the booster to which the gentleman has referred is not capable of projecting an ICBM?

Mr. LEGGETT. I think this. We are going to have to live on trust of the Chinese for the next 5, 6, or 7 years, until we get an ABM system constructed.

I say that if we can live on diplomacy and balance of power, with our tremendous 20,000 warhead capability of thermonuclear bombs and warheads, if we can live on that for the next 5 years while we are designing this system against the Chinese, certainly it does not make a lot of sense to say, Well, we are going to design a system and in 5 years, we are going to be protected, when we need protection from the Chinese today and we do not have it. I think the best protection against the Chinese is the same kind of protection we have against the Soviet Union, and that is a balance of thermonuclear destruction. That is what we have today. And I think that is necessarily our best defense.

I think we have got a program that we are funding in this bill known as ULMS, Underwater Long-range Missile System that gives much better 'bang for the buck' than the ABM.

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

(At the request of Mr. RIVERS, and by unanimous consent, Mr. LEGGETT was allowed to proceed for 2½ additional minutes.)

Mr. LEGGETT. The ULMS submarine, which many of us who are for a reduction of defense spending support, seems to be a very cost-effective vehicle. It has 24 tubes and is buried at the bottom of the sea. It is perhaps two or three times the size of the Polaris submarine fully MIRVed. I do not think you can have it both ways. I do not think you can be against MIRV and be against the ABM. That is my personal view. I think we get more bang out of a buck from the MIRV system than from the ABM. The total purpose of the \$12 billion ABM system is to assure that 200 missiles will survive in the middle 1970's and middle 1980's. I think if you get 200 missiles out of one ULMS submarine, and we know we have that capability, we will have a much more cost-effective system.

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

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

Mr. RANDALL. Did I correctly understand the gentleman to say that under the ULMS system, 24 tubes would be buried in the bottom of the sea? If so, would they not be just as vulnerable as some of our land-based vehicles?

Mr. LEGGETT. They would be mobile. They could be moved. We have a good capability to tie all of that down.

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

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

Mr. NEDZI. I thank the gentleman for yielding. I take this opportunity of commending the gentleman for his outstanding work in respect to the ABM system, and I wish to associate myself with his remarks.

Mr. LEGGETT. I thank the gentleman very much. We have today a total, as pointed out in our report last year, now projected for the middle 1970's, not the 4,000 warheads that were admitted by Secretary Laird or the 9,000 projected warheads, projected by Secretary Laird—

but by the time you MIRV all these programs and include tactical warheads and MIRV and warheads in the F-111 and B-1, we will have better than 20,000 ICBM's and thermonuclear warheads—and I think that is plenty to deter a first strike.

Mr. Chairman, let us consider some facts of strategic military life, as they apply to the ABM.

First, a first strike against the United States is impossible, and will remain so in the foreseeable future.

Let me emphasize what is required for such a first strike.

The generally accepted rule of thumb is that 400 one-megaton warheads or the equivalent delivered to the Soviet Union would in effect destroy their society. We presently have more than 4,200 warheads in our strategic weapons, plus many more mounted on so-called tactical aircraft which ring the Soviet Union and which, "tactical" or otherwise, could strike deep and hard, particularly if they were sent on one-way missions.

This is the problem facing a Soviet general considering a first strike:

He must be able to destroy our hardened Minuteman and Titan silos before they can be emptied. He must be able to destroy our manned bombers and tactical aircraft before they can take off, or else rely on his anti-aircraft defenses to take them out once they arrive over his territory. He must have every one of our deployed and in-transit missile submarines pinpointed and ready for instant destruction.

More importantly, he must have absolute confidence in his ability to do all of these things and to do them simultaneously, because if only 10 percent of our forces get through, his society is destroyed.

The impossibility of a simultaneous attack against manned bombers and hardened silos, and the impossibility of any attack against our missile submarines, have been discussed at great length and I shall not belabor the point. But I suggest that the development of the thermonuclear warhead has ruled out the possibility of a first strike by either of the great powers against the other virtually forever, regardless of technological developments.

I say this because of the fantastically high confidence levels required. Let us suppose, for example, that the Soviets develop some as-yet-undreamed-of submarine technique which appears to be effective. It cannot be tested under realistic conditions. They will never know what countermeasures we have until they are faced with them in combat and must overcome them on the first try. The history of untried advanced weapons systems living up to theoretical expectations has not been good. As one of many examples, before the air war over North Vietnam began we estimated the effectiveness of the Soviet SAM-2 missile to 50 percent, but in practice its effectiveness turned out to be only 2 percent.

Consider the disastrous effect of such a miscalculation on the part of a Soviet first-strike planner. If only 10 percent of our Poseidon fleet survived long enough to launch its missiles, the Soviet

Union would receive more than 400 warheads, each twice as big as the Nagasaki bomb. If we turned out to have a countermeasure that enabled our entire fleet to survive, Russia would be showered by over 4,000 of these warheads, plus more than 200 larger Polaris A-3 warheads.

The Soviet planner would face a similar problem with regard to a preemptive attack against our ICBM's and our manned aircraft, and his problems would be supercompounded by the need to carry out all elements of his attack simultaneously.

Mr. Chairman, I suggest that the problem is insoluble. One would have to be absolutely insane to risk one's national existence on the possibility that an untried and highly complex weapons system would approach 100 percent effectiveness. And coming back to reality, the Soviet Union could double its projected military budget for the next 10 years, and it would still not approach even a theoretical first strike capability.

Second, granting for the sake of argument that we need to improve our deterrent, the Safeguard ABM gives us less deterrence for our money than any of several other options available to us.

The Department of Defense claims Safeguard will increase the number of survivable Minuteman ICBM's from about 100 to about 300. So granting the dubious assumption that Safeguard will perform up to expectations in a heavy sophisticated surprise attack, and granting the even more dubious assumption that the Soviets will tailor their offense to maximize the effectiveness of Safeguard, we find ourselves proposing to spend upwards of \$12 billion in order to increase our survivable deterrent by about 200 ICBM's.

Let us compare this with our other options.

For perhaps one-sixth the price of Safeguard we could buy 200 additional Minuteman III missiles with silos. I do not recommend this course, both because it could be considered provocative and because its deterrent effect would eventually be washed out by improvements in Soviet MIRV accuracy. But at least in the short run it offers a cost exchange ratio of about 1 to 1, which is a great deal more than can be said for Safeguard. I should also note that the lead time for this option is only 2 or 3 years, as opposed to 5 years for Safeguard. We could thus afford to do nothing for a year while we await SALT developments.

For perhaps one-half the price of Safeguard, we could superharden all 1,000 of our existing Minuteman ICBM's. I do not recommend this course either, because it too would in time be washed out by improvements in Soviet missile accuracy. But, assuming the technical problems can be worked out, it would serve to extend the deterrent life of Minuteman by several years, which is more than Safeguard would do. And whereas Safeguard would be the most complex device in the history of man, with all the possibility of failure that implies, hard rock silos would be simple and reliable. Against the threat for which Safeguard is designed, superhardening would save far more than 200 ICBM's. Finally, su-

perhardening differs from Safeguard in that it is totally nonprovocative. Once we have set up production lines for Sprint missiles and missile site radars, the Russians might expect us to build a few more and put them around our cities, which in a sense would make them provocative first-strike weapons. But one cannot superharden a city.

Now let us consider the option of putting the Safeguard money into an undersea deterrent. Mr. Chairman, the deterrence we could gain in this way staggers the imagination.

Let us consider what we could gain by putting this money into the underwater long-range missile system, known as ULMS.

One of the most important—probably the most important—factor affecting missile submarine safety is the volume of water in which it can operate. By increasing the missile range from the present Poseidon and Polaris 2,500-3,000 miles to 5,000-8,000 miles, ULMS would convert the Soviet Union's antisubmarine problems from impossible to superimpossible. We could even station these ships in controlled environments such as our own great inland bodies of water. I suggest that the Soviets would find it somewhat difficult to conduct antisubmarine warfare in Lake Superior or the Mississippi River.

Official cost estimates of this program are not yet available, but as a rough estimate it appears that for the cost of Safeguard we could build a fleet with approximately the same number of warheads as the Poseidon fleet now under construction—that is, about 5,000 MIRV units. In addition to being supersecure, ULMS would be more effective than Poseidon because its longer time on station would permit a larger proportion of the fleet to be deployed at any given time. Finally, the advanced technology required for ULMS is modest compared to that for Safeguard, and the maintenance costs would be nominal.

Mr. Chairman, let me emphasize that ULMS could mean the end of the arms race. Once we built it, there would be no need to increase it, and no need to further protect it. The strategic weapons business would be reduced to the relatively inexpensive task of developing advanced warheads to keep ahead of possible city-defense ABM developments. We could gradually retire our manned bombers and land-based ICBM's. We could cancel the Minuteman III and B-1 programs. This is cost effectiveness.

But instead, we are choosing the most ineffective and cost-ineffective of all our options.

Third, Ballistic missile defense, like Vietnam, is a bottomless pit that will swallow as much of our national treasure as we care to throw into it, and still cry for more.

Already we are seeing ourselves being sucked onto the cost-escalation treadmill. I am not referring merely to the 20-percent increase in total system cost estimates which occurred in the past year, although that is nothing to sneeze at. More importantly, I refer to the fact that, while last year Mr. Laird told us Safeguard as proposed would defend our

Minuteman from a heavy Soviet attack, now he tells us Safeguard will not be enough; we will need more. This is going to go on forever; if we are gullible enough to let it.

In our additional and dissenting views on this bill, Congressmen NEDZI, PIKE, STAFFORD, WHELAN, and I discussed how an offense-defense arms race places the defense in a progressively more disadvantageous position. Today I will merely point out, if the offense were to attack with 10,000 warheads, even a 90-percent effective defense would not be noticeably better than no defense at all. And the cost of this defense, assuming it to be possible, would certainly exceed a hundred billion dollars.

I do not mean to suggest the existence of some God-given principle that thermonuclear missile offense shall always be placed ahead of the defense. But I do suggest it is an empirical fact of life, and will remain so throughout the foreseeable future. Every dollar we spend on ABM can and surely will be offset by the Soviet expenditure of a few cents on their missile offense. And the way these things always go, the Soviets will overcompensate for our ABM, leaving us in the end less secure than before the insane cycle began.

Fourth. A missile defense against China is unnecessary. No one denies that a Chinese attack on the United States would result in the obliteration of their entire country. What basis do we have for thinking the Chinese would commit national suicide just for the satisfaction of killing a few million Americans?

All the evidence points to the opposite conclusion. China has traditionally been one of the most cautious nations in the world in the conduct of its foreign affairs. Today it has no troops in combat anywhere. To the best of my knowledge, it has no troops stationed outside its borders. Even in Vietnam, it has yet to commit a single combat soldier—an example we would have done well to emulate. Since China now has joined the space age nations, surely it has the powers today to launch a suicidal ICBM attack. We will not be able to stop her for 5 years with the ABM at most. Probabilities dictate that if China does not act for 5 years she will not act.

Fifth. An anti-Chinese defense is not possible.

Let us set aside for the moment the question of whether the Chinese would be able to penetrate or overwhelm the thin area defense which is the only protection Safeguard would give our population centers. Let us consider only the alternative methods by which China could kill several million Americans.

It would be no trick at all—it would not even be very expensive—for the Chinese to place a thousand megatons aboard each of several trawlers or submarines, and to detonate these off our coasts. The resulting tidal waves would cause great death and destruction; favorable winds would enable fallout to wreak even greater havoc.

For that matter, they could place a thousand megatons aboard a tramp steamer, hoist a neutral-country flag, and

sail into New York Harbor, or San Francisco, or Baltimore, or all at once. Such a ship could be entering New York Harbor this very minute, for all we know. If any Member of this House can suggest a practical method of defense against such an attack, I would like to hear it.

Mr. Chairman, I suggest that our defense lies in our deterrent ability. This is not ideal, but it is all we have, and we had better learn to live with it. We must always be sure that our deterrent is more than sufficient, and more than credible to any potential aggressor. We must always provide a generous safety margin.

But we must also distinguish between real threats and imaginary threats. And most importantly, we must rectify our mistakes rather than locking ourselves into them and compounding them. Neither the present Administration nor its predecessor has brought credit on itself by beginning with the decision that an ABM should be built and then frantically changing from rationale to rationale in hope of finding one that might sell.

So I urge adoption of the amendment to strike all ABM procurement funds. In the coming fiscal year, it will save us \$660.4 million. In the years to follow it will save many billions, and it may mark the moment when we began to turn our resources to helping our citizens instead of tilting at windmills.

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

The CHAIRMAN. The gentleman from New York is recognized.

Mr. PIRNIE. Mr. Chairman, in response to the remarks of the gentleman who preceded me in the well, I would like to remind my colleagues that last year, after the most extensive discussions, both in our committee and in public forms of debate, the Congress voted to begin a phased deployment of the Safeguard anti-ballistic-missile system. At that time the opponents of the system said that the Soviet threat was overstated. This year, however, as the committee report clearly shows, we have learned that the threat was understated last year. The Soviets have gone from 230 to 280 SS-9 missiles and, at the present rate, they could by the mid-1970's provide a threat that would neutralize the deterrence of our Minuteman missiles.

When we authorized the program last year, there were all kinds of allegations that it would wreck the chances for the SALT talks. In point of fact, if anything our affirmative decisions on ABM encouraged the Soviets to seek strategic arms limitations talks. There has been no evidence of any kind that the SALT talks are being delayed or held up because of Safeguard. There has been no evidence of any kind that the Soviets consider it necessary to delay their weapons development because of Safeguard.

When the ABM was debated last year, there were a lot of allegations about the technical feasibility of the system. Our review this year showed that the system is proceeding on schedule. The test version of the missile site radar is working well at Kwajalein. The work on the

software computer programs, the most difficult part of the system, is proceeding at the expected rate. And there is no evidence that the system will not be able to meet its technological goals. The first firing of a missile at an ICBM will take place sometime this fall.

In short, there has been no evidence to indicate that the Congress was wrong in the decision it took last year and much evidence to indicate that it was right. There is, therefore, no evidence to indicate a turn-around should be taken at this time.

In addition, of course, if the system was stopped now, the production and construction work would be halted and if it was later determined the system was required there would be a time delay of about 2 years and a great increase in cost on the order of hundreds of millions of dollars.

We are discussing the price of survival. I hope the amendment will be defeated.

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

Mr. PIRNIE. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I wonder if we can arrive at some point to cut off debate on this amendment.

I ask unanimous consent that all time expire on this amendment and all amendments thereto at 12:45.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I would like to express my support of this amendment offered by my colleague, the gentleman from California (Mr. LEGGETT) who has done a tremendous amount of research on this subject and whose arguments I find most persuasive.

We are embarking on the business of pouring money down an obviously bottomless pit.

We are this year spending \$1.6 billion on a program whose total cost has increased \$1.6 billion in 1 year.

The thing which concerns me most about our ABM system today is the fact that without any question, the control of the firing of our nuclear ABM weapons must, if the system is to work at all, pass from the hands of humans into the hands of computers. The system simply cannot work in any other way. Deputy Assistant Secretary Packard this year backed off from his statement of last year to the effect that the President would retain the control of this system.

In the time frame within which an ABM has to be launched it is just plain impossible to get a message to the President of the United States, wherever he may be, and a rational decision from him, under whatever circumstances he may be in, whether he is in Rumania, in the Far East, at a ballgame or out on a sailboat somewhere, as to a command decision to fire the weapon. It is not going to be done that way. It is going to be done by machinery.

When we say it is going to be done by

the President we are only kidding ourselves. The firing of this nuclear system has now passed into the thoughts and hands of computers. I believe it is a very, very sad age in which we live.

This amendment is a thoroughly proper amendment and should be approved.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

(By unanimous consent, Mr. NEDZI yielded his time to Mr. LEGGETT.)

Mr. LEGGETT. Mr. Chairman, I believe that all the arguments against this system are in the Record for last year and are in the dissenting and separate views we have already put in the Record.

One thing we have to keep in mind is that, when we buy the ABM system, we still have an opportunity now, of course, not to buy the system even though we have spent \$4 billion or \$5 billion in research and for construction of sites and so forth. We still barely have our foot in the door.

What we are buying with this system, of course, is the most gigantic fire department ever known to mankind. For the first time this year we have the figures on the total number of personnel who are going to be required to man this system and to build it.

A \$12 billion system of course does not run by itself. When we say \$12 billion, we do not include the continuous operating cost of this fantastically large system. It is going to cost us a billion dollars a year at a minimum to run the system after we get it, to pay the salaries and to pay the housekeeping, even if we do not expand the system to more than \$12 billion, and assuming we can rely on the figures we have so far.

What we are buying is this: Military personnel to run the system perpetually, 12,550 men; civilian personnel to run the system perpetually, 6,870 civil servants; for a total of 19,420.

If this system is like the ICBM system that we have we will require, in addition to that, 45,000 separate contract personnel, who are the contract personnel currently attached to our Minuteman III's and the Titan program we have, and the silos, at the present time.

In addition, we would have the salaries of the people to build the system; 22,300 production people plus 16,000 military personnel—for a total of 102,720 people.

If we are concerned about inflation in this country—and certainly, with an 8.4 percent escalation in the cost of living in the 15 months since President Nixon took office, we should be—we should look around to try to figure out where there is some place we can help the President, where we can go slow for a year or two and cut down on expensive hardware and massive escalatory systems.

I believe the place to do it is not an across-the-board cut in this bill, which I certainly do not support. If we cannot figure out individuals places to cut this bill, after working on it all year long, certainly we ought to fold up our tent.

The place to cut is in the ABM system. We have been doing R. & D. for a

great many years. We are not at the ultimate in design at the present time. We are still conducting a great number of tests down at Kwajalein. We can maintain a posture with the state of the art by continuing research and development.

The only thing my amendment would do would be to grind to a halt the procurement of this missile at the present time.

It makes good sense, because we are talking now about spending \$500 million to develop a new advanced Spartan, which is a long-range missile which goes with this system. Even the Spartan we are buying today is not what we ultimately intend to buy.

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

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

Mr. RANDALL. The gentleman suggests that there will be a considerable operational expense involved in the cost of men, military and civilian, to man this system. The gentleman a moment ago mentioned the ULMS system. Would he have us believe there would be no expense involved in operating that system in terms of military and civilian personnel?

Mr. LEGGETT. I am glad the gentleman brought that point up, because opposed to the 100,000 people it will take to build and operate this fantastically large ABM system, which would insure 200 missiles are going operation in the 1970's and the 1980's, the ULMS system will involve the use of 10,000 shipyard personnel for about a year, to construct one submarine which would have the same capability as the entire ABM system.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, last year when this issue was discussed it seemed to me that there were two reasons that the opponents gave for opposing it. No. 1, there is the expense involved and they said it would lead to an escalation. The second was that it would not work. Well, if the vote was difficult for some of our colleagues last year, then on those two principal arguments it should be quite a bit easier this year.

In the first place, the argument that our priorities should be reordered is no longer valid, because this has been done. Our priorities have been reordered. I cannot give you the figures, but it runs into several billions of dollars. I am sure that many Members remember the closing of the bases which came to about \$1.5 billion in savings. There was about \$5 billion in one phase by the executive branch alone and \$1 or \$2 billion in the difference between the budget and the final authorization and appropriation last year by the Congress.

Now let us look at this argument as to whether this will work or not. Certainly our Chief Executive, who is my President and your President, our Commander in Chief, has the greatest military sources of intelligence of any man in America. He says it will work. But we do not have to rely on that source alone in our committee. Some of the information is classi-

fied, but the tests have been going on for all of this year, since last year, and I can report to you that these tests have been successful. That is the difference between the situation last year and this year. There has been a significant reduction in military expenditures. The system has been proved in the Kwajalein tests that it will work.

As we approach this vote those two arguments should be paramount in your minds.

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

Mr. RANDALL. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding before he leaves that point. It is a relatively simple argument. We all now accept that the ABM is now technologically feasible. We need the defense. But what needs to be said here, is that we are arguing from a humanitarian point of view on this defensive system where we are absorbing the first strike delivery of the enemy aggressor and saving 20 to 60 million American lives. That is argument enough for me. Does not the gentleman agree?

Mr. RANDALL. Thank you, Dr. HALL.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

(By unanimous consent, Mr. OLSEN yielded his time to Mr. FRASER.)

Mr. FRASER. Mr. Chairman, one of the reasons given for the United States, I think, to go ahead with the ABM system is that the Soviets are building an ABM system. This argument is fallacious. The Soviet ABM system has not given them any increase in security because it is so easy for the United States to saturate and overcome the Soviet ABM defense. Similarly it is wasteful and unwise for us to build an ABM system expecting it to give us any significant defense from the Soviet Union.

I think it is worth taking a moment to notice what the Soviet Union is doing. Around Moscow there is a launching system that has been under construction. Today they have some 62 or 64 launchers in place and it is said that they are operational. What kind of a deterrent or a threat does that pose to American offensive weapons? Let me tell you how small a deterrent it would be to an American MIRV onslaught.

After the Poseidon missiles are in place on an American submarine, one-half of the missiles from just one submarine could knock out all of the ABM intercepts around Moscow and incinerate Moscow. In other words, those 64 launchers could be taken out by the firing of seven Poseidon missiles because they each carry 10 warheads and the 70 warheads would exhaust the Soviet ABM system.

Then, one more Poseidon missile with 10 warheads would incinerate Moscow. Each of those 10 warheads dropped on Moscow would have a nuclear force of double that dropped on Hiroshima or Nagasaki.

So, the fact is today, the Moscow ABM is nothing. As has been made abundantly clear we could go through that like a hot knife through butter.

The reason I presented this was to give

you an idea how this situation would look from the point of view of the Soviet Union

If the United States deploys an ABM system the Soviets would be forced to put multiple warheads on their offensive ICBM's. If they put 10 warheads on top of each of their ICBM's, they would take out 10 Spartans or 10 Sprints with one of their missiles.

This would be the easiest and most effective Soviet response to an American ABM system. They would be compelled to go to multiple warheads as we were when we thought the Soviets were building an extensive ABM defense.

We know the ABM was not a well-conceived system, because the Department of Defense says today that they have to redesign the missile site radar because it is too big. They have got to go to smaller units that could be scattered around the Minuteman site in order to survive an onslaught such as would be expected. I think, for once, we ought to begin to test what we are being told. For once, the Congress ought to stand up and begin to challenge some of the claims coming out of the Department of Defense.

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

Mr. FRASER. I yield to the gentleman.

Mr. HUNGATE. I thank the gentleman for his statement and urge support of this amendment.

Mr. FRASER. I would like to further point out in response to some of the remarks which have been made by the gentleman from Missouri, with respect to what this chart shows with respect to ICBM Soviet nuclear warheads I have added a few more paragraphs to illustrate exactly what I was trying to say. I have here the additional number of ICBM launchers by the Soviet Union, beginning in 1967 with 380 launchers and have extended it down to 1968, 1969, and to 1970 to an annual rate. It is probably 120 and, perhaps, even less, because we are having to annualize a 5-month period.

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

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

Mr. ARENDS. The gentleman is saying something I know nothing about with reference to the fact that the Department says we have to reconstruct or redesign this whole system. Where did the gentleman get that information? There is no testimony in the hearings at all to this fact and I have never heard it before.

Mr. FRASER. If the gentleman will remember during the hearings they stated that they are redesigning the MSR. They said the advantages to having a single missile site radar were very little and stated the fact that they are in the process of redesigning them.

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

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

Mr. GUBSER. Mr. Chairman, I would like to point out two errors in the statement of the gentleman who has just left the well of the House. First of all, there is no major redesign of the MSR system.

There is only the addition of a small MSR radar for the purpose of creating hard point defense. This does not constitute a redesign of the MSR, no matter how the gentleman from Minnesota wishes to distort the testimony.

The second point I would like to make is this, that the gentleman's chart which he has just shown us is not a complete chart. It does not include the latest intelligence estimates. You will note the red line and the straight line. If he had been able to show you the remainder of the updated chart it would have been evident that the red line would again have curved up and crossed the first line to completely vindicate what Secretary Laird predicted in his testimony before the Congress.

So I point out that the chart that was presented is not accurate because it is not complete, and as such it gives a distorted picture.

Mr. FRASER. If the gentleman will yield, the last figure is from the threat chart given to the committee. It gives the threat as of February 1, 1970. There are no additional published figures. There are no figures available after that. The chart is accurate.

Mr. GUBSER. My response to the gentleman is that the published figures are incomplete, and the figures the gentleman has cited are incomplete.

Mr. Chairman, in committee I offered an amendment to delete \$25,000,000 for long leadtime items connected with the five ABM sites to be constructed after the first three.

Last year I supported phase I of the Safeguard system because I believed it was imperative that we insure the survivability of a credible deterrent. I also believed that prudence require that we do not waste a year's time in taking out such insurance.

I still support phase I for the same reasons. I also support that portion of phase II which deals with installations at Grand Forks Air Force Base, Malmstrom Air Force Base, and Whiteman Air Force Base. These installations are to protect our Minuteman missiles and preserve our deterrent capability. They should be completed as soon as possible.

But the five additional sites are for a different purpose and introduce a totally new concept and philosophy of defense. It is a concept which, in my opinion, is not as urgent as protecting our Minuteman sites. I think it can wait and we should not embark upon what will be a multibillion dollar expenditure in the future.

My amendment was overwhelmingly defeated and would be again defeated if offered today. Nevertheless, I want the RECORD to clearly show my reservations concerning this new commitment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS) for 2½ minutes.

Mr. ARENDS. Mr. Chairman, I rise in opposition to the proposed amendment. It is very evident that what is happening here is a continuation of the fight we had last year, and I feel the proponents are weak in their argument.

I would like to cite one or two matters: Recall if you will the mood and reaction of Russia a few days after the passage

by the Senate in 1968 of the ABM program. After Congress approved the ABM program, the Soviet leaders suddenly dropped their negative attitude as to arms limitation talks and offered to talk about arms control limitations. The situation of the SALT talks today is basically the same. We are bringing the Soviet leaders to the table to talk about arms limitations, this is, in part, because the Soviets recognize that we are not going to be caught short in the continued development and improvement of our defense posture.

The gentleman a moment ago talked about what would happen if we were to initiate an attack on the Soviet Union. That is not in the policy or tradition of the United States, and it has been so stated many, many times. Our position has always been of a defensive nature. Should some hostile situation develop, we might then find this strength indispensable. I feel the objective of this amendment is therefore entirely wrong.

Let me add that our safeguard posture should always be that if we are going to err we are going to err on the side of having too much instead of too little. I personally hope we may never need the use of these missiles—and we will not—if we continue to operate from a position of strength in the troubled and upset world.

Mr. Chairman, our position today should be to vote down overwhelmingly the proposed amendment.

Mr. HALL. Mr. Chairman, if the gentleman will yield, I would like to point out the inconsistency in the alleged number, regardless of the source, or the "military intelligence" of the proponents, insofar as the number of warheads are concerned, as displayed before the Members here on the part of the gentleman from California and the gentleman from Minnesota.

Mr. ARENDS. Might I also add to what the gentleman has said, that when we talk about numbers we cannot forget to talk about the megatonnage, this is vitally important in thinking about what could happen with the further development of Russian missiles.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS) for 2½ minutes.

Mr. RIVERS. Mr. Chairman, I want everybody to listen to this: This amendment does one thing. It just about kills the whole ABM program. Everybody who is for waste should vote for this because almost everything we have put into this program could disappear.

Nobody—but nobody—knows what that booster was that the Chinese used to put that gadget up into space this week. Nobody knows what Russia has in these gadgets it has put up into space. I would think these two things alone would cause some people to have second thoughts. Now, how on earth can we ever have an ABM system if we do not perfect one that works? This will allow us the capability to build the ABM. We know Russia has one.

Is it a crime to defend this country? The gentleman from California (Mr. LEGGETT) spoke about a balanced defense. This gives it to us. This gives us an even balance insofar as a deterrent is concerned.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. LEGGETT and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 85, noes 131.

So the amendment was rejected.

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

(By unanimous consent, Mr. GUBSER was allowed to proceed for an additional 2 minutes.)

Mr. GUBSER. Mr. Chairman, I take this time in an effort to inject cool rationality into what is becoming an explosive, emotional issue. I speak of the fast moving situation in Cambodia and along the Cambodian border with South Vietnam. Now is the time for cool heads to deliberate, to cooperate, and guard against hasty action which could complicate an already delicate situation.

I well remember the highly charged emotional atmosphere in which the Gulf of Tonkin resolution was passed. As one who supported it I can say that I would have second thoughts if I were voting on the resolution today. I believe it has been used beyond all congressional intent to justify an escalation of the war in Southeast Asia which none of us envisioned. The House should not forget what happened that day and it should not make the mistake of legislating again in reaction to powerful emotion and on the basis of incomplete information.

Mr. Chairman, I am privy to more than ordinary information regarding the situation in Cambodia and within the last 3 days have been thoroughly briefed on highly sensitive matters. Yet, I say to you quite frankly that I have unanswered questions about Cambodia and I submit that not a single Member of the House of Representatives knows the full truth of the situation.

Then there is the matter of the constitutional prerogative of the President of the United States to act as Commander in Chief of our Armed Forces. Our President will address the Nation tonight on this subject and I presume will give the world his assessment of the situation which prevails. He will make his statement on the basis of information not available at this moment in this Chamber. This House should hear what the Commander in Chief has to say before it takes hasty action which could have long range consequences.

I hold a strong personal view about what should be done with respect to Cambodia. Based upon my present information I would strongly oppose the commitment of a single American military man to ground combat in Cambodia. I feel that the time has come to truly test the Vietnamization program. The upper delta area in so-called IV Corps and III Corps have seen what we have been told are the greatest successes in the Vietnamization program. It is my understanding that with the exception of a few American advisers military op-

erations in these areas are almost completely conducted by troops of the Republic of Vietnam. If an operation is to be conducted against North Vietnamese troops who retreat to Cambodian sanctuaries, then the ground operation should, in my opinion, be completely conducted by South Vietnamese troops even without U.S. military advisers. If Vietnamization is working, now is the time to test it. We should not start down another road of committing advisers today, additional U.S. support forces tomorrow and a full-scale commitment of manpower day after tomorrow.

If one would look at this situation through the eyes of the South Vietnamese he could not help but understand that this is not a new war—this is the same war against the same enemy, the troops governed by Hanoi in North Vietnam. I have seen the area referred to as the Parrot's Peak and understand the terrain. Many Vietcong and North Vietnamese base camps are situated directly on the border. Frequently an attack against this enemy stops in the middle of a base camp as he gains sanctuary by moving to the western limits of the same camp. If South Vietnam on its own volition elects to utilize the principle of hot pursuit and attack these sanctuaries or North Vietnam forces anywhere else, this is their decision, but no U.S. ground forces of any kind should be employed.

Mr. Chairman, this is my strongly held personal view, but despite having been to Vietnam on three occasions, despite dozens of highly classified briefings on the subject, I say once again, I still have unanswered questions about the situation in Cambodia. Tomorrow after hearing our Commander in Chief who is the man responsible for decisionmaking in this important matter, I will know more. Today I could not in good conscience participate in another situation like that which prevailed in passage of the Gulf of Tonkin resolution where Congress abdicated its responsibility. I could not in good conscience participate in writing of law in a partial vacuum of factual information and which is a reaction to the emotion of the moment. I will not legislate for political purposes. Our duty is to legislate only in the light of truth.

AMENDMENT OFFERED BY MR. LEGGETT

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

The Clerk read as follows:

Amendment offered by Mr. LEGGETT:

On page 2, line 8, after the word "missiles: for the Army," strike "\$1,086,600,000" and insert "\$883,600,000".

Mr. LEGGETT. Mr. Chairman, this amendment does what I indicated earlier it would do. It relates to the \$203 million. It is included in that item on page 2 of the bill with respect to missiles. It would take out \$203 million of the phase II item on ABM procurement.

The effect of this procurement announced by Secretary Laird the first of the year would be to construct additional sites in addition to what we authorized last year at Grand Forks, N. Dak., and Malmstrom, Mont.

It would authorize a new ABM missile base, at Whiteman Air Force Base, Mo.

It would allow for advance procure-

ment at five other additional bases around the country, either included in this bill or will be included in the military construction bill which will be offered in relation thereto.

I believe we have to keep in mind that we are talking about a sensitive area, but we can say this, which is the fact we said in the report: The effect of the phrase II add-on, adds between 250 and 300 percent more missiles than the number of Spartans and Sprints we were talking about last year in phase I.

If we can believe the rationale for the reason for the ABM system last year, then we ought to stop right there and take a look at what we have done and where we are going and such as that before we advance additional systems.

If I were the chairman of the committee, defending this system, I believe I would be a little bit concerned about the massive escalation that has occurred with respect to support for the positions opposing the ABM system.

Last year I believe the greatest number of votes we could muster on this floor in opposition was something like 45 votes. This year we have had 80 or 85 votes against the total ABM system, and I have had a great number of people approach me during the debate and say, "We cannot repeal what we have done last year, but we certainly do oppose any escalation or any add-on."

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

Mr. LEGGETT. I yield to my colleague from California.

Mr. SISK. I thank the gentleman from California for yielding.

Let me say that, as the gentleman knows, I voted against his earlier amendment because I supported the Safeguard program in its initial phase.

As I understand his amendment now, it will strike out only those funds dealing with phase II. Is that correct?

Mr. LEGGETT. That is true.

Mr. SISK. I am going to support the gentleman's amendment because, frankly, I believe there is a very strong feeling that the steps we have taken must be fully justified. I am not altogether sure I am right. I am sure I do not have as much information as the President has, or as others may have who proposed this. I recognize we are taking certain chances.

I wish to say that basically I believe the initial phase I should be given an opportunity to be in place and to at least have an opportunity to indicate what its capabilities are and what tests may show it is doing.

Therefore, I propose to support the gentleman's amendment to eliminate phase II, in the hope we can go ahead with phase I and see what happens.

I thank the gentleman for yielding.

Mr. LEGGETT. I thank the gentleman very much.

Of course, this is just the same kind of escalation of support I was talking about, in support of this particular amendment.

If we were really sincere in the rationale last year for the ABM system, there is no reason for the additional phase II program this year.

If Members will look at the second and third pages of my remarks in the report on the bill, on the ABM system, they will see that the rationale for the phase I is given.

The office, Secretary of Defense, rationale was, No. 1, to preserve the President's future options by establishing a minimum base for expansion if the threat requires it.

The CHAIRMAN. The time of the gentleman from California has expired. (By unanimous consent, Mr. LEGGETT was allowed to proceed for 3 additional minutes.)

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

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

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

The way it came out in his speech in the well, it sounded as though the gentleman did not realize Whiteman Air Force Base was a missile center already in existence.

Putting in these funds does not go to that purpose. Those Minutemen are already there, in silos. It is well established. This is the defensive base.

Mr. LEGGETT. To give it a multiple capability with new ABM's.

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

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

Mr. RANDALL. There is classified information which we cannot discuss, but I can say there is already a Minuteman complex surrounding Whiteman Air Force Base which is unprotected. This is the only unprotected complex in America today.

What sense does it make to start on phase I and proceed to protect our ICBM's in Montana and North Dakota and leave large numbers of our offensive strength without any protection in Missouri? Unless we proceed with some kind of a defense at Whiteman all these ICBM's would become sitting ducks. We should proceed with phase II without delay.

Mr. LEGGETT. Further analyzing the rationale from last year, we have tried to protect the options of the President, and we have protected them. To those who say that we have the SALT talks today because of the ABM, it is important to remember it is possible that that could be, but there is no reason to expand the ABM system after we have the SALT talks going.

Second, the Secretary of Defense justifies phase I to provide a means for working out problems that inescapably arise in any major weapons system. We had a debate in our committee and we heard from no less illustrious a member than the chairman of the committee, who suggested that we get the phase I system working before we move on to the phase II program. Before we will do that, here we are moving ahead with a 250- or 300-percent escalation of the program.

Mr. Chairman, I also think this: As far as the ABM system is concerned, the official testimony before our committee concerning the ABM in Moscow—and as I understand it, they have about 67 me-

chanically operated radar type ABM's which are clearly of an inferior capability—the official testimony before our committee is that Moscow is less safe today with the 67 ABM's than they would be without an ABM system. Why? Because we make no secret about it that we have overtargeted our ICBM capability so as totally to account for any defense that they might provide in that area.

Mr. RIVERS. Mr. Chairman, will the gentleman yield at that point?

Mr. LEGGETT. I am glad to yield to the chairman.

Mr. RIVERS. How many ABM's did the gentleman say Moscow had?

Mr. LEGGETT. Moscow has 67.

Mr. RIVERS. And how many do we have?

Mr. LEGGETT. And they are less safe. If we had no ABM's, we would be more safe.

Mr. RIVERS. According to the gentleman's amendment, we would only have two sites.

Mr. LEGGETT. With my amendment we would have 300 percent less than we would have with this first buy procurement for the phase II program.

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

Mr. Chairman, the very first thing we should settle is to correct the statement made by the gentleman from California who just left the well. He said we were starting a new development at Whiteman Air Force Base. That is not true. It is an old B-47 base and later a B-52 base. The base has been there for several years. The birds have been put in silos in a circumference around this base. I refer to our Minuteman ICBM's.

Frankly, with regard to some of the comment that the gentleman made a moment ago, if there is any validity at all to them, about his concern for the cost of operation of the Safeguard system then he should agree that Whiteman is the ideal place to locate a Safeguard unit. The base is well preserved—with ample facilities to house personnel to operate Safeguard. This is the place it should be located, because these ICBM's are altogether unprotected. There is quite a substantial number of them in this area. The Minuteman complex at Whiteman Air Force Base near Sedalia, Mo., is the only major ICBM complex in America today that is unprotected by a defensive missile system.

The gentleman from California spoke about a balanced defense system balanced between the sea and the air. I suppose I should not go into this, but maybe we should balance this thing out. Maybe at the moment there is a need for reduction in some of our naval shipyards—for instance at Mare Island—but that is not the real issue before us now. We are talking about establishing a new unit of the Safeguard system. There has been some talk during this debate about waste in the military. If the gentleman's amendment prevails, it will result in some real waste. There will be big cost overruns because the postponement of the decision to authorize modified phase II would increase both the costs and the risks to the United States. It is estimated that a delay of 1 year could add another \$300

million to the total acquisition cost if this system is later approved. This is the kind of an increase which always occurs in a stretch-out.

What the gentleman proposes would disregard the best source of military intelligence which is the Commander in Chief and he is your President and my President. It would disregard the warning from what the Chinese did a few days ago when they orbited a satellite and what the Russians did a few days later. It should be kept in mind that the Safeguard program, all of it, has been based on what we call a phased development. The President and the Secretary of Defense are ready to stop this if the threat reaches an acceptable risk. But there is no indication that the threat has reached an acceptable risk. The opposite evidence exists, as a matter of fact, and in the past year the risk from the Chinese has increased and the same is true as to the Soviet Union. If this situation turns around to the good and the risk should for some reason diminish, then, of course, we could suspend further deployment.

Mr. LEGGETT. Will the gentleman yield?

Mr. RANDALL. The gentleman had 8 minutes. I will yield briefly in a minute. I anticipate not taking too much longer, but I may have to ask for some more time.

Let me repeat, we can always stop the deployment of the Safeguard missile. But if we lose time now, we will never get that time back again. It is just that simple. For example, if we expect to have any kind of a system deployed and operational by the mid-1970's when the threat would stand at an unacceptable level if the Chinese Communists proceed, at their present pace which has been admitted to even by those who even oppose the deployment of this system.

But if we delay today, if we delay the earliest possible deployment of phase II—then we are really going to be losing not 3 months, or 6 months, or a year but perhaps, as much as 2 years time. If we follow such a course we will be losing too much time. That is the issue before us today. Can we afford to lose time that can never be regained?

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

Mr. RANDALL. I yield briefly to the gentleman and hope the gentleman would return the courtesy sometime.

Mr. LEGGETT. We are talking about this massive escalation. I believe we brought out a minute ago the fact that there are around Moscow 67 launchers, which is the ABM system. There is no doubt about it, we have recognized but we have authorized more launchers than that in our phase I program. So we beat them without the phase II program. With the figures which we have here and which have been submitted by the gentleman from Minnesota, we have already beat them on ICBM's 9,000 to 1,000.

Mr. RANDALL. Let me interject. I would like to be able to use a little bit of my time. As I understand the figures offered by the gentleman from Minnesota, they presumed all of our ABM's were MIRVed. However, all he described

are not MIRVed at present. Moreover, as I understand either the gentleman from New York or the gentleman from Minnesota will offer an amendment to strike out all funds of MIRV or ABM's either sea based or land based.

Mr. Chairman, the figures showing such a large increase in our ABM strength are thus not only misleading but quite false and fallacious. Then also let us not forget the gentlemen who show what strength we will have after MIRV are the very same ones who will try to amend this bill to strike out all funds for MIRV. This is a curious and I may add deceiving way to debate the issue.

Mr. RIVERS. Mr. Chairman, I wonder if we could arrive at some time to close debate on this amendment.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto terminate at 1:30.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I associate myself with those who are opposed to this amendment. This identical debate on the same subject matter was thoroughly covered right here last year with the same people being present. There has developed, as we all know, in recent months a very determined drive in this country designed to undertake to weaken our defense structure. In my judgment it is of such serious proportions that we must take note of it. I think this is an example, this and a number of other amendments.

Actually, one would almost be tempted to think that the armed limitations conference instead of being held in Geneva is being held here in the House of Representatives with the wrong people calling the shots.

It is time, Mr. Chairman, that we take note of this trend and vote this amendment down.

Mr. Chairman, I desire to also discuss the F-111.

The bill has already been well explained by Chairman RIVERS and others and I will therefore restrict my remarks to a brief discussion of one element of the bill. I am referring to the F-111. I have had assigned to me some responsibility with respect to this aircraft and I have devoted a substantial amount of time to informing myself on this very important matter.

Let me begin by saying that unfortunately a proponent of the F-111 starts his case not at the bottom rung of the ladder rather but down in a hole somewhere below it. Before he can give information he must dispel misinformation. One does not start even, so to speak, when talking about the F-111.

An example of what I mean is that I have found wholly intelligent people—even Members of Congress—people for whom I have the greatest personal respect, who believe—I should say who are wholly convinced—that the F-111 has a very bad safety record. Not just a bad safety record but a very bad one. It is

almost impossible to convince them that this is not so because in overcoming misunderstanding of the safety record of the F-111 one is not faced with the usual case of persuasion on the basis of mere fact. One instead is faced with the much more difficult job of overcoming a prejudged, preformed bias, an "I already know" attitude on the part of the listener. Unhappily, however for those who have been opposed to the F-111—for whatever reason—the statistical facts are unavoidable. They leave no room for argument. They are official Air Force figures. I am fully aware that I do not have here today the difficulty I have discussed, but I do think it wise to mention it. And I cannot help but be reminded of Finley Peter Dunne's "Mr. Dooley" when he said:

It ain't what people don't know that hurts them, it is what they do know that ain't so.

I would like to speak briefly about the military requirement for the F-111. This is the prime consideration, and indeed the only one. I do not hold myself out as one capable of making this judgment, although my deep interest and intimate association with the F-111 since its inception do cause me to be not uninformed in this respect. For judgment as to need we must go to the military and civilian leaders of the Department of the Air Force. And in order that my remarks about the national need for the F-111 can be presented in a context that is both understandable and persuasive I will ask your indulgence while I quickly cite a few authorities whom I know this committee considers to be just that.

First, I will quote Dr. Harold Brown, until recently Secretary of the Air Force and, incidentally, previously Director of Research and Engineering for the Department of Defense. This is what Dr. Brown had to say about the F-111:

We believe that the aircraft is capable of performing and will perform a task, a vital task that we can't do any other way.

And Dr. John S. Foster, the present Director of Defense Research and Engineering who said just last year:

The F-111 has more range . . . than our other aircraft . . . higher navigation and bombing accuracy . . . probably more accurate than any other in our inventory.

And Dr. Seamans, the present Secretary of the Air Force, who says:

The F-111's great unrefueled range enables it to strike targets much deeper in enemy territory than any existing fighter.

And former Chief of Staff of the Air Force McConnell's statement:

The F-111 possesses the best night and adverse weather bombing capability of any of our tactical attack aircraft.

The present Chief of Staff of the Air Force, General Ryan says:

The F-111 is now coming into its own as the best fighter attack aircraft in the world for the task of all-weather, deep interdiction.

These statements need no amplification and, while they speak most specifically of capability, they implicitly embody the need for the F-111 in the light of today's world and the threats of today and the future.

I suggest that to define need or re-

quirement one first looks at the threat, and second, at the means for countering that threat. So the question is: Have these means been achieved? Let us look at what the planners wanted. The planners sought an aircraft that would be capable of being deployed to austere bases, be capable of all-weather bombing, of penetrating enemy territory at supersonic speed and carrying either conventional or nuclear weapons. The aircraft would have to be able to take off and land on short and unimproved runways and be virtually perfect in its navigation, and therefore bombing accuracy. As for penetration of enemy territory there was, and is, only one way to do this and that is to have an aircraft that could hug the contours of the earth even while traveling at supersonic speed.

Aircraft on a bombing mission, even in an atmosphere where air superiority is not in question, such as in Vietnam, require the accompaniment of a number—sometimes a large number—of other aircraft to perform essential collateral actions. There is no such requirement with the F-111. They go it alone.

And the number of aircraft available to our forces by itself becomes meaningless if bad weather or lack of daylight prevents them from flying and bombing with accuracy. There are no such limitations on the F-111. Night or day, bad weather or good weather, the F-111 flies and bombs with pinpoint accuracy.

Virtually all aircraft can be detected by enemy radar. By the time that radar, or the human eye, has seen the F-111 it is already too late.

And coupled with all these enumerated capabilities the F-111 travels two times the distance with three times the load of bombs of our other aircraft.

As we all are aware, the F-111 has had actual tactical, operational experience in Vietnam. The detachment of F-111's that was deployed to Southeast Asia and which flew over to combat missions before the bombing of North Vietnam was discontinued. All of the missions were flown at night and 80 percent of the missions were in weather so bad that other aircraft were not operating. I will draw particular attention to the fact that on these missions the bombing accuracy was better than that being realized on daylight visual missions of other aircraft. Also the enemy initiated defensive action on 88 percent of the missions but no F-111 was hit. These operations clearly established the feasibility of low-altitude penetration and all-weather bomb delivery.

As you know, three F-111's were lost in Southeast Asia but none of these losses was due to enemy action. The suspected cause of these losses was later discovered and fixed in the F-111 fleet.

I hope that the foregoing is an adequate presentation of both the need for and the capability of the F-111. And I will point out that every one of these statements is fully agreed to by the U.S. Air Force.

Next, I would like to speak of costs.

The charge has been made that the F-111 has unreasonably increased in cost. This is a matter with which we have all become very familiar; an increase in cost of aircraft from the time of the

original estimate until the aircraft get into our inventory.

The F-111 has indeed increased in cost, but when the details of these increases are understood they appear very much less serious. At the beginning of the F-111 program the belief was that there would be something over 2,400 of these aircraft produced and, quite importantly, there were to be only two versions of the F-111. You could say three versions, but two of them were so much alike as to make little difference between them. So, there was a production plan of some 2,400 aircraft and in only two versions. Obviously, this would make for great efficiency and an almost ideal learning curve. Together these two elements would virtually insure relatively low cost. But—as it is a very big “but”—the 2,400 aircraft became something around 600 aircraft, and the essentially two versions became seven versions. The planned monthly production rate of 49 became a monthly rate of eight aircraft. Add to these considerations some concededly faulty estimating on the part of both the manufacturer and the Air Force, an unforeseeable increase in the rate and extent of inflation, and a number of lesser matters, and the efficiency and almost ideal learning curve that I referred to becoming almost the reverse of that.

Both need and capability are, I submit, established by the fact that those most capable of making judgment in this respect—I am referring to the leading military and civilian people in the Department of the Air Force—have consistently requested a greater number of F-111's than the Office of the Secretary of Defense has permitted to be requested of this Committee. In plain words, if they do not know, who does?

Mr. Chairman, the F-111 has had its troubles. For the very advanced aircraft that it is, it is a wonder that it did not have many more. And for reasons that I think are apparent to all of us, these troubles—actually in number and kind no more than any other of our aircraft—have been the recipient of an almost obsessive interest by the press. It may seem a little strange to use the word “justice” in relation to an airplane, but if any aircraft or any military development has been more subject to injustice in the press, and elsewhere, then I am unfamiliar with it.

Perhaps all of this was inevitable, given the turbulent context of the F-111's genesis, the difficulty attendant upon its birth and the strongly expressed feelings of some of its parentage, but my own view is that it is pretty hard to successfully maintain that a jewel that looks like a diamond, and that the experts say is a diamond, and which cuts materials that can be cut only by a diamond, is not actually a diamond. If the F-111 had troubles, so did every one of our reasonably advanced combat aircraft. And not one of them that emerged into our inventory has anything approaching the capability of the F-111.

Mr. Chairman, although almost everything I have said has application to all versions of the F-111, I would like to make one specific and very important reference to the FB-111, the strategic bomber version of the aircraft.

Over the years we have all heard reference to the matter of assured destruction by our Strategic Air Command. It is not my place, but of course it is most assuredly the place of this committee, to make judgment with respect to the size and composition of our Strategic Air Force. I think it is not inappropriate for me, however, to suggest that the present limitation of only 76 FB-111's for SAC poses a very real possibility that there will be in the very near future a very serious gap in our assured destruction capability. I state this in the light of the age of even the newest of the B-52's and the point in time at which the advanced manned strategic aircraft, the B-1, will come into our inventory.

One last thought, Mr. Chairman. We have invested over \$6 billion in the F-111 to date. Something over \$1.5 billion of this is in material now awaiting use in the building of additional aircraft. For this amount of money—over \$6 billion—we have 230 F-111's. For almost exactly \$1.5 billion we can acquire 324 more of these superb aircraft. Accepting the unequaled capabilities of the F-111—the only aircraft specifically mentioned by the Soviets in the SALT talks—sheer economics would dictate that any course other than the continued procurement of the F-111 would verge on irresponsibility. We have already spent the big money.

Mr. Chairman, it is time that the F-111 is approached with what I will call an aggressive sanity. The picture of this extraordinary aircraft as it has been portrayed is not, of course, the result of calculated imprecision—there has been no “conspiracy” against the aircraft—but had there been a careful, conscientious, coherent and dedicated effort to the end of deprecating this aircraft out of existence it could not have been very much more successful than what has been done through apparent inadvertence.

I earnestly urge the support of the whole House for the closely studied programs which are contained in this weapons authorization and research and development bill.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, when we authorized phase I of this Safeguard system last year, we did so with the understanding that we would give to the President of the United States additional options some time in the future, whenever it was determined that the threat to the United States made expansion necessary. It is enlightening to me today, as it was yesterday, to sit here and listen to predictions about Russian intentions. But how any man who reads the newspapers can possibly believe that the Russians are not expanding their threat is beyond comprehension to me.

We cannot continue to prostrate this country before the Russians or the Chinese. We should expand our ABM system now as the President proposes.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, this amendment is aimed to prevent the kind of escalation of the Safeguard ABM program that was predicted last year. We

said last year, those of us who were opposing this program, that it was going to grow. We now see that very thing happening.

If this amendment is not agreed to, the ABM will grow further until it becomes a monster, devouring resources which we can ill afford, and providing in the long run no security to this country, because it will surely lead to offsetting responses by the other side.

When will we begin to accept the fact that there is not just one kind of security, based on arms? There is another kind of security, and that kind of security is based on mutual restraint, on balanced deterrents, and on the agreements that we hope will come out of Geneva.

The question is not whether we want national security; the question is how we get national security.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California.

I would make clear at the outset that I have resisted and will continue to resist the blandishments of those who urge unilateral disarmament on the part of the United States because I see no evidence on the Communist side of a disposition to follow this sort of moral initiative. To the contrary, the evidence is that in the current phase of the international arms race, the Soviets are not merely setting the pace but setting a very brisk one indeed, particularly in the stepped-up deployment of their SS-9 intercontinental ballistic missiles. I think it would be wishful thinking, therefore, to pretend that we can, for the time being let our guard down. At the same time, I believe it not only possible but mandatory to make rational choices even in what is essentially—and tragically—an irrational preoccupation of civilized men.

Mr. Chairman, once again we face a whopping appropriations request for defense and once again it involves the making of hard choices. As always, this means hard economic choices because the “guns versus butter” analogy continually reasserts its truth on our judgments—as it seems to be doing with particularly disturbing effects at this very moment.

We are faced also with the necessity of hard moral and philosophical choices as well. I need hardly remind anyone in this Chamber that sustained high military budgets at the level proposed in H.R. 17123 imply a continuation of the emphasis on naked military power which is somehow alien to the concept held by most Americans of American traditions. The youth who are expected to man, and, if need be, use this awesomely destructive hardware, that it is proposed that we buy, are increasingly the segment of our society most alienated by the implications of these and associated actions undertaken by the Congress.

Finally, there are hard choices to be made in the matter of simple survival in a still polarized world armed to the teeth. In such an atmosphere, one uni-

laterally disarms himself at his own peril.

It is truly unfortunate that the problem of reconciling all of these difficult choices must inevitably involve making complex judgments of some very sophisticated and technical proposals. Many will simply defer to the "experts," overlooking the fact that all too often the experts themselves have shown some grievous lapses of judgment. In some cases, in fact, they admit—as the outgoing Chairman of the Joint Chiefs of Staff does on page 22 of the report—that important judgments cannot be made at all and that it is necessary, therefore, to "cover all bets." In this case it involves sustaining, through enormously expensive modernization programs, duplicate air arms committed to essentially the same strategic tasks—one on land and one at sea. The possibility that one may have a distinct competitive edge over the other—becoming in the parlance of the defense experts more "cost effective"—studiously ignored and instead we are distracted with arguments for such "redundancy," another favored word of late in the lexicon of defense planners. What we would have considered in another day as unforgivable "gold plating" has now become "redundancy" and, furthermore, a military virtue.

My point in all this is that someone is going to have to make these hard judgments and for the moment the "ball is," so to speak, "in our court." One cannot agree tirelessly with his constituents that our national priorities are badly awry and that defense spending is at the heart of the problem—and hold forth a defense appropriations bill which pares off a minuscule seventeen one-hundredth of 1 percent of the total that the administration has asked for—and not incidentally, apparently everything the Pentagon could possibly have hoped for.

Against the background of the imperatives as I see them, I am forced to make some necessary judgments. The first of these concerns the highly controversial ABM system which, in my view, should never have been given the go ahead in the first place and which at this time certainly does not merit my support in the matter of the \$665 million being requested for Safeguard procurement. There is sufficient "redundancy," I think, guaranteeing the survivability of our strategic retaliatory forces, in 1,054 ICBM's, the bulk deployed in hard-to-hit underground silos, in 41 Polaris-firing nuclear submarines in the trackless depths of the ocean and, finally, in 255 nuclear-carrying strategic bombers dispersed at airfields around the world. The problem of mounting a credible first-strike capability against this force is, in my view, sufficiently complicated without ringing three ICBM missile fields with the Safeguard system.

In passing, I might add that I am not dissuaded by arguments advanced favoring matching the Soviets missile for missile and plane for plane. Neither "parity" nor "superiority" should concern us in these considerations: only considerations of strategic "sufficiency" should. In a world where there is weaponry enough to kill at least twice over every man, woman and child on the face of the globe, "parity" and "superiority" have

lost whatever meaning they may have once had.

It is logical that I oppose not only the procurement proposal for the basic Safeguard system but the proposal to enlarge the deployment to a phase II level. Bigger is not necessarily any better. All of us ought to be wary of any proposal that has gone through as many planning convulsions as this one has in slightly less than 2 years. Just as there appears in the report to be some lack of unanimity among the service chiefs on the need for more nuclear-powered aircraft carriers, there appears to have been a great deal of difficulty encountered in their arriving at a consensus on what they desired in the way of missile defense. It has been reliably reported that neither the Air Force nor the Navy preferred the option to protect Minutemen ICBM's in their silos and that the Army was not particularly enthusiastic for the mission in the first place. One wonders, then, why we are proceeding in this direction.

As "Nike X," the Joint Chiefs of Staff originally proposed that populations in 27 selected cities be defended against Soviet attack. As "Sentinel," Mr. McNamara proposed instead that a "light" defense of the entire population of the United States be provided solely and exclusively against a developing Chinese threat. As "Safeguard" it was proposed by President Nixon a few months after assuming office that Minuteman ICBM's in their underground silos be protected against Soviet attack. Now, for a few billion more, it is proposed that with "Safeguard phase II" we can do both—protect ICBM's from Soviet attack and people from Chinese attack. One has the instinctive feeling that more heat than light is being generated in all this feverish activity.

For this reason I am supporting the amendment to strike Safeguard procurement funds and, failing this, the amendment to foreclose the phase II extension of Safeguard.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts, Mr. KEITH.

Mr. KEITH. Mr. Chairman, when deployment of an ABM was first voted on by this House in 1968, I was one of the few on this side of the aisle who raised questions about the wisdom of such a step. However, at that time, and again last October, I supported deployment of a limited system, largely because it would give us the added technological know-how upon which we could base future decisions about expansion of the program. Additionally, I felt that phase I of the Safeguard system would prove to be a valuable bargaining card at the SALT talks—and perhaps it has been.

Now we are being asked to expand that limited system of two sites to include an additional ABM base and advance work on five others. Such an expansion at this time, I believe, is unwise. The enormous and escalating cost of this system and the fact that the original two sites are not yet operational or tested, lead me to question the advisability of authorizing phase II. The marginal increment in security which it would provide does not justify the expenditure of an additional \$203 million.

Without further involving myself in the technological arguments on this question, I would point out that the ICBM's protected by phase I, linked with the capability of our Polaris fleet and our manned bombers, should adequately deter any Soviet first strike. As far as the Chinese are concerned, the unquestioned superiority of our nuclear forces, with or without an ABM, clearly provides an adequate deterrent against nuclear aggression or blackmail should Peking acquire a deliverable nuclear weapon.

Mr. Chairman, I do not believe that expansion of the Safeguard system at this time will enhance the chances of success at the Vienna SALT talks. What should impress the Soviets and make them more amenable to bargaining is not the size of our ABM program but rather the fact that it exists and that we have the technological capability of expanding it if circumstances require such steps. Indeed, a show of restraint on our part at this time might underline our good faith as we establish our bargaining position at Vienna. It certainly could not be interpreted as a sign of weakness in view of our past resolve in facing up to the challenges of the Soviet nuclear arsenal.

Mr. Chairman, the time has come for the Congress to show more prudence as it exercises its powers of authorization and appropriation in the field of military weaponry. Excessive cost overruns, the danger of obsolescence and the apparently hopeful developments in Helsinki and Vienna dictate that we move more deliberately in the future as we procure military hardware. Phase II of Safeguard, in my view, is a good place to begin exercising that restraint.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I rise in opposition to this amendment. Not only do I rise in opposition to the amendment, but I want the Members of this body to know that the gentleman from Georgia will not feel safe until we have an ABM shield for our cities as well as our missile sites.

Mr. Chairman, I do not trust the Russians, and until there is concrete evidence that they are willing to cut down their offensive capability, I have no intentions of cutting down on our defensive ability in this country.

The gentleman made the comment a moment ago that Moscow is worse off because there are 67 ABM's protecting it. But I would like to make this point: that if we have to overtarget to get to Moscow because of the interception of our missiles by their ABM, then, because of this, there would be other areas in the Soviet Union that would be safe because the missiles we would otherwise have used on those places would then be going to Moscow. This is the sane approach, and I am for defending and protecting the people of our country, and not for placing my faith and confidence in the Russians.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I would only like to emphasize that phase I of ABM will put in place many, many more

launchers than the Soviets have around Moscow. The number of launchers is classified, but I think it is safe to say that they will substantially exceed the number in place around Moscow today.

I am a little surprised at the reaction I get from some Members of the House when I display in front of them figures submitted by the Pentagon for the public record. They act as though this is an act of treason or subverting the Republic by publishing the Pentagon figures.

The figures I have published are effective as of February 1, 1970. I have the hearings right here and it says as of February 1970, the operational ICBM's of the Soviet Union are over 1,100.

Those are the figures I have on my chart. In 60 days there has been some dramatic turn-around—which is totally incredible—I have yet to hear of it.

The reason why it is incredible, of course, is that we know of the launchers under construction. We know ahead of time what is coming out. But this is the figure that is operational and these are the figures I have used on my chart throughout.

I do not understand why people get up and announce in such a loud voice that I am misleading the House. I am only trying to bring to them some facts that I think are very much worth reading.

But the posture statement is in the hearings and it lays out very clearly that the Soviets appear to be on a declining rate in ICBM construction.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

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

At this point in the debate we are pretty much back where we were in the discussion of last year. We hear again the arguments as to whether Safeguard will work or not. That is, whether it will be effective. The fact remains that there have been repeated tests since the authorization and appropriation of last year and the fact also is that the great majority of those tests have been successful.

Last year we were talking about a billion dollars to deploy phase I of Safeguard. The gentleman's amendment today involves a total of \$203 million.

To those who say that the ABM will not work, I would say I am not so much concerned about whether they are right. But I am concerned if they are wrong. Because if they are wrong, we are going to wake up without any ABM system of any kind and be subject to pure and simple nuclear blackmail. So today we are talking not about a billion dollars but of \$203 million. The issue is the expenditure of an x number of dollars as against the security of this country. If those who oppose the Safeguard are right then we will have lost some money—or we will not have lost it completely because as the tests continue we will have gained more knowledge to make the system ultimately workable.

But, if the opponents are wrong and the system was workable then we would be in pretty bad shape without it and they

are asking all of us to do without the Safeguard at our own risk.

Mr. Chairman, There is the issue. As our distinguished Speaker said last year if we are to risk error let us err on the side of the security of this country.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, the amendment relates only to modifying the procurement amount. It is \$203 million. It does not preclude us from moving ahead with the phase I program that we authorized last year. Former Secretary of Defense McNamara said a few years ago that the danger of providing this relatively light but reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented system. Last year we expanded it into a light Soviet system. Now we are moving to a reasonably heavy system at the present time.

The PAR—perimeter acquisition radar—that support this total system can be knocked out. There are only 12 PAR in the whole ABM system. Then they could be knocked out by 12 Shillelaghs or Tow missiles. If anyone can feel safer under this system, they certainly do not know the international facts of life that prevail at the present time.

I do not think that the escalation on the part of the Soviet Union from 200 SS-9 missiles in 1966 to 235 missiles at the beginning of last year and 255 missiles at the time we heard this bill last year and now escalating it to 275 this year dictate that we move ahead with this multibillion-dollar system today.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, if one considers the question of credibility as brought up by the proponents of this amendment, one wonders wherein we differentiate between hope on the one hand and truth insofar as military intelligence and the security of our Nation are concerned, on the other.

I think the song has pretty well been sung. We have a technically feasible defensive means. We know what the opposition is doing in their singing satellite from Red China and the multiple capability of delivery of Red Russia. The thing that needs to be emphasized in our capability is technical feasibility, which has been proved regardless of all the soothsaying that has been stated here on the floor, some out of context and others, I feel, wilfully with half-truths.

Finally, it will save American lives with us in a purely defensive posture. I am for saving those lives.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I oppose the amendment with all my heart. I think it must be recognized that our committee studiously went into this whole matter. We in the committee collectively believe, without partisanship of any kind, that this is the best thing to do in the interest of the American peo-

ple, for our security in the future, and to be ready for any eventuality.

I yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. I thank the gentleman from Illinois for yielding.

Mr. Chairman, I want to set the record straight today.

The New York Times, 2 days ago quoted Representative DONALD FRASER, of Minnesota, as saying the Pentagon's own figures prove the Russians have slowed down their production of strategic nuclear weapons.

I am afraid the gentleman allowed the wish to be the father to the thought.

The fact is that the Soviet Union continues to increase its production of ICBM's at a constant pace.

In 1965 the Russians had about 220 ICBM's. In 1966 they were up to 250. Then they really took off. By 1967 they had a little over 500. From then on the graph shows not a curve but an almost straight line slanting upward at a rate of increase of about 180 ICBM's a year.

I should point out, though, that it deals only with ICBM's. When it comes to ABM's they have 64; we have none. Other figures show they are rapidly increasing their numbers of submarine-launched ballistic missiles.

The facts are plain: the Soviet Union in some areas is rapidly reaching parity with the United States. In other areas it has gone beyond us.

The gentleman heads the Democratic Study Group. I would suggest the group spend more time at study—unpleasant as that may be—and less with its collective head in the sand.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, this is \$200 million. What does it do? What does it do? The gentleman from Minnesota spoke about numbers of missiles. Not once did he mention megatonnage; not once. He did not mention MIRVED missiles. Russia has more megatonnage, and I positively believe they have the MIRV missile.

This amendment for \$200 million improves your Sprint missile. You get more Sprint missiles for the existing bases. You build one other base and put in your long lead items for five others. It does not take an adult to know that with only two bases they could saturate them and church would be out. Unless you start, you will never get started. It is as simple as that.

For the want of \$200 million, you might lose the ball game, and that is what the question is all about.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The question was taken, and on a division (demanded by Mr. LEGGETT) there were—ayes 48, noes 89.

Mr. LEGGETT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. LEGGETT and Mr. RIVERS.

The committee again divided, and the tellers reported that there were—ayes 86, noes 128.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. NEDZI

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

The Clerk read as follows:

Amendment offered by Mr. NEDZI: On page 3, line 16, after the comma, strike out "\$2,909,700,000" and insert "\$2,809,700,000."

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

The CHAIRMAN. The Chair recognizes the gentleman from Michigan for 8 minutes in support of his amendment.

Mr. NEDZI. Mr. Chairman, this amendment strikes \$100 million from the R.D.T. & E. funds for the Air Force. This is the amount in the bill provided for the B-1, formerly known as the AMSA—this is the go ahead for the new manned bomber. For years we have determined that a new manned system is not necessary for our national security. There is no evidence that the Soviets are developing a new heavy bomber. There is evidence that they are developing a new medium bomber, however, to quote Secretary Laird on page 105 of his unclassified posture statement:

The intelligence community believes that medium bombers do not figure prominently in Soviet plans for an initial attack on the North American continent.

While the amount in this bill appears relatively modest, the fact of the matter is that this authorizes the Air Force to enter into procurement agreements for five prototypes which are presently programmed to cost \$2.3 billion. I emphasize programmed because we are all aware of what happens to programmed costs.

Mr. Chairman, we are presently involved in the strategic arms limitation talks, SALT talks, in order to determine whether arms limitations are feasible. Some may argue, as do some proponents of the ABM, that we need this authorization as a bargaining chip. They argue further that we can abandon our program should there be success at the talks. Of course, there would be closing costs—it is obvious, however, that the further along a program, the more it will cost to close it out. Not only will it cost more, but it will be so much more difficult to stop this program because of the intrinsic momentum which weapons systems develop. Weapons program advocates develop a proprietary psychology which increases the enthusiasm with which they support a system which they have once sold to their colleagues or the public. It is difficult for one to admit an error in judgment and reverse course. Add to this the vested interest which defense contractors develop and that of their employees, usually represented by influential labor unions, and you have a momentum which can be braked only in a very slow and costly manner as was the case with the B-70 when we built 2½ aircraft at a cost in excess of \$1½ billion.

I am deeply troubled, Mr. Chairman, by the double standard which our Secretary of Defense uses in appraising the international arms race. His emphasis on Soviet capabilities as opposed to intentions is understandable and justifiable. However, his sweeping review of new

Soviet deployments skirts the fact that we are still far ahead of the Soviets and that they have a corresponding desire not to be a second rate military power. If "sufficiency" is our policy, we must define it—for if it means superiority then we may just as well face the fact that no nation in the world with the "capability" is going to sit still and permit this kind of condition to persist without international agreement and the impact on the arms race is obvious.

While Secretary Laird views Soviet deployment as developing a "first-strike capability," he assures the world that our ABM deployment is defensive—avoiding the fact that an effective ABM has a very significant "firststrike" role in that it could protect us from any missiles not destroyed in a first strike. The world is expected to rely upon our word that MIRVing our missiles, both Minuteman and Poseidon, is defensive. The world is expected to rely upon our word that the development of an ULMS—underwater long-range missile system—is defensive; that the procurement of a new fighter for the Navy and for the Air Force is defensive; that the capability to deploy enormous quantities of men and materiel around the world in the C-5A is defensive; and that the deployment of a new manned attack bomber—the B-1 is defensive. Can we fairly expect the world to look to our intentions and not our capabilities?

I have avoided getting into the technical details of the B-1 since the new "open news policy" described by my colleague (Mr. PIKE) has imposed certain constraints. An unclassified comparison of the FB-111 and the new B-1 furnished upon my request by the Air Force has all the pertinent B-1 data deleted and the House must again have faith in the expertise of the majority of the Armed Services Committee.

In summary, there is testimony that our B-52's, and I appreciate how old our B-52's are, but let me remind the House that \$100 million is in this bill for SRAM's for their modernization, and FB-111's will be effective into the late 1980's. We have awesome deterrent power in our Minutemen and Minutemen III being added to the inventory—we have an invulnerable deterrent in our Polaris and Poseidon submarines. We boast about our capability to destroy sophisticated incoming missiles and yet we are expected to believe that another nation does not have the capability to destroy incoming manned aircraft.

The B-1, Mr. Chairman, is not essential to our security—its ability to perform a meaningful role in our defense posture is extremely skeptical—its effect on the arms race cannot be salutary, and it has all the earmarks of another expensive mistake at a time when there is a pathetic requirement for resources in other areas.

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

Mr. ARENDS. It seems to me that the gentleman has left the impression that we want to go on the offense with some of our weapons. However, the gentleman should recall what has taken place in Vietnam. As you know we have followed

a defensive pattern in Vietnam. We have exhibited our bombing. We have not used nuclear warheads.

Mr. NEDZI. I had no intention of suggesting that we do intend to go on the offense. However, we do have the ability to go on the offense. I think we are using a double standard when we fail to consider our capability. They have no way of knowing our intent. I think what is good for the goose is good for the gander.

Mr. ARENDS. And, if the gentleman will yield further, we, of course, have no way of knowing or determining what Russia's intentions are for the future.

Mr. NEDZI. Nor do they have any way of knowing what our intentions are.

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

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

Mr. Chairman, if ever there was an ill-timed amendment, it is this amendment. The distinguished gentleman who offered the amendment has listened to the story for the need of the so-called follow-on bomber for 7 years. He has been one of the most devoted members of the committee. We have had exhaustive hearings on this matter. He has told us many things which, apparently, would be very significant if the sugar was taken off the top of the cake.

The things he has not said are the things that are important.

The gentleman has not told you that over \$140 million is already invested in the research and development of an AMSA. He has not told you that when the last B-52 goes out of existence, it is the last of the strategic bombers. We have no follow-on. He has not told you that the Joint Chiefs unanimously have advocated the development of a bomber, against the resistance of the former Secretary of Defense Mr. McNamara.

Mr. Chairman, the gentleman from Michigan has not told the Members of the committee that the B-58 has been phased out over the objection of the military by the former Secretary of Defense. He has not told you the answer as to what will be the situation if we do not have a follow-on to the B-52. In other words, we will have no mixed strategic force.

Mr. Chairman, I am sure no one in this body would want to have all our eggs put into one basket. The greatest offense or defense, whichever one you want to take, is to be found in the fact that we have a mix in our strategic inventory.

Mr. Chairman, the gentleman suggested that the bomber can be mended, modified, or tied up with wire, in effect, and perhaps last a little bit longer. However, that is like asking one to rehabilitate a 90-year-old man. How many times can you fix him up to continue life?

Mr. Chairman, the B-52 is running out of time. Unless we proceed with this particular advance we will have no successor to the strategic bomber.

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

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

Mr. NEDZI. Are we not purchasing the FB-111?

Mr. HÉBERT. We are, and I am glad the gentleman asked me that question.

Mr. Chairman, the F-111 has been cut from 264 to 76. But the most important thing about the F-111, as the gentleman knows, it was never to have been conjectured in any manner, shape or form to replace the B-52. It was only at best to have been an interim bomber while the follow-on was being developed.

The gentleman I think knows this. The gentleman sat in the committee, and he has heard all of this.

Mr. NEDZI. The gentleman knows that the Air Force has commended the aircraft as being a fine airplane.

Mr. HÉBERT. The gentleman admits that the Air Force has commended the F-111 as being a fine airplane to do the job for which it is intended to do, but it was never held up as a follow-on bomber.

Mr. NEDZI. But it is expected to be in the inventory until the late 1980's.

Mr. HÉBERT. In the late 1980's the B-52 will be 27 years old.

Mr. NEDZI. The F-111.

Mr. HÉBERT. But only 76 aircraft at the most. How long does the gentleman think you can have an interim airplane, and how long does the gentleman think you can have an interim bomber? You cannot have them forever.

Mr. NEDZI. For as long as it does a good job.

Mr. HÉBERT. Maybe the gentleman has some new formula of everlasting light and power for fixing up a 90-year-old man forever. But I do think it is important that we do have this bomber which, incidentally, can only be purchased after it flies. It is a fly before you buy program. I suggest that any thought or any suggestion of stopping this particular plane at this time is ill advised.

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

Mr. Chairman, I would like to point out to the Members that buying a bomber is not the same as going to a hardware store and buying a hammer. There are many years of developmental work involved in developing a bomber. We do not know whether we will ever have a need for this bomber, and everybody in this body hopes that we will never have to use the bomber.

However, I would like to point out that in 1961 Secretary McNamara stopped all development on the long-distance bomber. He also refused to build any more bombers. He stopped all production on the long-distance bombers we had; that is, the B-52's and B-58's. In fact, this body for 2 years after that, authorized and also appropriated money for these bombers. However he refused to use the money.

Secretary McNamara's philosophy, as we all know, was that if you had a deterrent, a massive deterrent of many, many missiles that could destroy this city or that city, that we would not need a manned bomber. I for one do not want to come to the place where the only defense that we have is massive destruction by the use of ICBMs. So for that reason we do need a bomber, but whether we might need to use that bomber no

one will ever know for certain. We hope not.

The Russians are developing a bomber. It is not as large as this bomber, frankly, and not as good as this bomber will be, I hope. But if we approve this amendment we will place ourselves out of the development of a long distance bomber. If this amendment is carried, would do, would be saying to ourselves, that the only defense to an enemy action would be surrender, or resort to massive retaliation, and all the destruction that such action would bring.

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

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

Mr. HUNT. Mr. Chairman, I want to commend the gentleman from Indiana for his observations, but I would like to supplement his thoughts with this: that about 10 days ago we were apprised by the press and by intelligence sources that the Russians were conducting massive operations off the northern part of their country, were using all of their bombers and using refueling techniques, and enlarging their runways, and so forth.

So in the case of any hostilities, or any offensive action, the Russians have a very fine bomber fleet ready. Therefore we simply cannot be so naive as we were, say, back in 1940, where we were caught off base.

I say to you that this message is well taken, we do need to go ahead with new bombers that will at least be a protective factor for this country, and therefore we should be thinking about it now, and not find ourselves in the position of wondering whether we can protect America or whether we cannot.

Mr. PIKE. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, the thing that intrigues me most under the new complete information policy about cost of weapons systems, which has been enunciated by the Secretary of Defense, is as always—what they really do compared to what they are saying.

On page 7517 of the hearings, Mr. Nedzi tried to find out how much the B-1 program cost:

Mr. NEDZI. Have we any estimates at all as to the cost of this program?

Secretary SEAMANS. Yes, we do. The present estimate for the research and development, including the test aircraft, and the tests with the aircraft, is \$2.3 billion in 1970 dollars. And the production estimate for the [deleted] aircraft is \$7 billion, which includes the initial spares.

Mr. NEDZI. What does that come to per unit?

Secretary SEAMANS. It comes to a program unit cost of about [deleted] million, that takes all the cost, research and development and production, dividing by the total number of the aircraft. Or it comes to [deleted] million on a production unit-cost basis, that is just taking the procurement costs and dividing by the [deleted].

So that is what you know, if you read the hearings about what this thing costs.

Now if you also want to go into it further and find out what it can do, you can look at page 7590 where they make a comparison between the FB-111 and the

B-1. Out of about 20 questions, they have deleted all but two answers on the FB-111 and they have deleted all of them on the B-1.

So you cannot find anything about what it can do and you cannot find anything about what it is going to cost.

However, the Russians know all about this. They know how much it is going to cost and they know what it is going to be able to do because they all subscribe to a paper called the Defense Marketing Survey Intelligence Report.

Back last December that included the maximum speed was mach 2.5 to 3; the range was 10,000 miles; the crew was four; the price range was from \$25 to \$30 million per copy—at that time.

Now the Russians know all this. The Russian Army and Navy and Air Force have access to all this information. But you do not have it—the public does not have it—unless you read the Defense Marketing Survey Intelligence Report. You cannot get it out of the hearings.

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

Mr. PIKE. Of course, I yield to the gentleman.

Mr. RIVERS. The gentleman keeps saying "they." Does the gentleman say that the Committee on Armed Services did this and hushed this up?

Mr. PIKE. We raised this point last year—and you are absolutely correct—I do not say that the Committee on Armed Services did this in any manner. It is done in the Pentagon. I know the chairman has tried time after time after time to get some of this stuff unclassified, but they will not unclassify it.

The Secretary of Defense says we are going to give the public complete cost figures and he does not give the members any cost figures.

The last time we went this route was with the B-70. We spent \$1.5 billion and we built 2½ planes. One crashed—one is in the Air Force Museum at Wright-Patterson and nobody knows where the pieces of that half are and we have to admit that \$1.5 billion was wasted.

This is only going to cost \$2.33 billion to build what they now say is five prototypes. But we do not know what it is going to cost and we do not know how much it is going to be.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman.

Mr. EVANS of Colorado. While we are trying to shed some intelligence on the question we are discussing here, and with all deference to the committee, because I know they tried very hard to get the facts before us—we are talking about \$100 million for another advanced manned bomber. You have mentioned the B-70 and in your minority report you pointed out the acquisition of 2½ planes at a cost of \$1.5 billion.

I would like to know what happened to that plane and why it is not being carried forward?

Mr. PIKE. Because the people who are responsible in the Pentagon for the planning and procurement of strategic aircraft said it was not worth the money.

Secretary Foster this year said in retrospect we were right to cancel it.

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

Mr. Chairman, I address my remarks particularly to the gentleman from New York (Mr. PIKE). What he has said with respect to lack of information concerning this new bomber, sounds strangely like the beginning of the F-111, better known originally as the TFX, back in the days of Defense Secretary McNamara. This business of being unable to obtain information concerning moves to obtain new planes is reprehensible. Back in those days the then Comptroller General, Joseph Campbell, tried to obtain information from McNamara, and McNamara tapped his head and said he was carrying the specifications in his head. Is that the kind of situation that still confronts us?

Mr. PIKE. Mr. Chairman, if the gentleman would yield, I would simply say to the gentleman in response that despite all of the fine speeches and press releases about the availability of information, I have seen no improvement whatsoever since that time.

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

Mr. GROSS. I yield to the gentleman from South Carolina.

Mr. RIVERS. For over 7 years Mr. HÉBERT has been working on this matter. He tried to get McNamara to come forward with an answer in respect to the advanced strategic manned aircraft. He has held special hearings on the subject. McNamara sent one excuse after another. Curtis LeMay wanted it. O'Connell wanted it. The radar was blamed; the configuration of the plane itself was blamed. He blamed it on everything. He blamed it on aerionics. Finally here it is. It has been almost 20 years since we have had anything that resembles a new bomber as such. I am not talking about the TFX. I am not talking about a multi-purpose airplane. We have nothing like this.

We have had nothing since the B-18 was laid down. We have changed the engines. This is the last version of the engine, a fan engine.

No one has done the work that Mr. HÉBERT has done on this question. He has tried to give America something that will work. This plane can go a foot from the ground, 10 feet from the ground, or 90,000 feet from the ground.

Mr. GROSS. I am not criticizing the House Armed Services Committee. What I am criticizing is the repetition of what we ran into several years ago in connection with what is now the F-111—inability, almost total inability to find out what was going on. After all, the common, garden variety of Members of the House of Representatives ought to have some information about what is going on in the Defense Department.

Mr. RIVERS. We could not get them to get to the point of a definition of it. Shriver begged for it. Now Ferguson has begged for it. It is long overdue. It is due to the credit of this great Louisianan, who has been after them for over 6 years, to my certain knowledge.

Mr. GROSS. And we are still asked to take on faith the F-111 with a half billion dollars in this bill for it.

Mr. RIVERS. May I finish my statement. This administration has what is called a milestone concept. Every so often a report is made on the progress. This thing is being run in a businesslike fashion under Secretary Packard. This is a good program.

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

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

Mr. PIKE. I will simply say it has been a long, long time since we have bought a new bow and arrow in this country, too, but if we were doing it, I guarantee the gentleman that both its cost and its performance characteristics would be classified by the Pentagon.

Mr. GROSS. All I am trying to say here today is that I do not want to vote for another flying Edsel. That is all.

Mr. RIVERS. You are not doing so.

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

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

Mr. HÉBERT. I assure you this will not be a flying Edsel, because it will not be put into the inventory until it is a proven flying machine to do the job it is supposed to do. I want to say to the gentleman from Iowa I share his opinion and his observations about the difficulty of getting information.

Mr. GROSS. I thank the gentleman.

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

Mr. HÉBERT. Mr. Chairman, I wonder if we could place a limitation on the debate. I ask unanimous consent that all debate on the amendment be ended at 2:15.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to this amendment, and address myself to the remarks made earlier concerning the alleged double standard in which we seek to judge the Soviets by their capabilities while we ask the world to judge us by our intentions.

I would say we have a single standard, a standard of performance, of the history of these two nations. Where is our Poland? Where is our Hungary? Where is our Czechoslovakia? Where are our captive nations? Where is there one shred of evidence that this Nation has sought anything other than the freedom and self-determination of the peoples of the world at great sacrifice to the United States?

Yet look at the record of the Soviet Union, and it becomes crystal clear we had better judge the Soviets by their capabilities. Their record is one of the subjection of the people by force and without free elections to the absolute rule of a Communist minority, both in the Soviet Union and in its captive nations. Their record is one of the extreme and persistent abrogation of human rights, including an absolute disregard of the right of self-determination for any people to whom they can extend their

colonial rule. Nor has there to my knowledge been any retraction of their stated and restated intention to "bury us" and to ultimately achieve world domination.

Before the judgment bar of history, their growing military strength stands as a clear threat to world peace. The same record reflects our strength to be, in contrast, the world's best hope for peace.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I commend the gentleman from Alabama for pointing out the problem of a double standard, because we have been told here in this debate that the Soviet Union has anti-ballistic-missile weapons that can shoot down items in the sky going 1,700 miles an hour. And we are also being told we must update, as the gentleman from New York says, a bow and arrow that will go 2,000 miles an hour.

My question is: How will these updated bows and arrows get past that super-duper defense that has been established in Moscow?

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE).

(By unanimous consent, Mr. PIKE yielded his time to Mr. NEDZI.)

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, again we are asked to approve a new version of our strategic delivery system, a new strategic bomber which will add to our nuclear arsenal. In addition to the figures which are on this chart, indicating 9,100 warheads after we MIRV our submarines and half of our Minuteman missiles, we are asked to add a new bomber to this 9,100, giving something on the order of an additional 1,700 deliverable warheads or bombs, to take us up to a total of about 11,000 warheads or bombs.

Let me again contrast that with the Soviet position as of September 1 of last year of 1,300 deliverable warheads or bombs. Every single strategic system we have—the three modes—is going to be increased by the money in this bill. At some point we need to call a halt.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I think we need to clarify the atmosphere. This is a follow-on, armed, manned, strategic aircraft. We have been planning it for a long time in the Research and Development Committee and in the Airlift Subcommittee. It does have the planned capability of standoff penetration by long-ranged air to surface missile, because of the Golosh and the Tallinn systems of Soviet defense; which we will need in case of response, or retaliatory capability. Members of the Airlift Subcommittee have visited the mock-ups of these B-1's. There are definite fall-outs from the XB- or SB-70, on the beryllium and titanium techniques, honeycombing, hi-thrust propulsion units, and so forth.

It is in competition. The competition is ready for announcement and/or decision on or about May 15. It would be disastrous to the future defense of this Nation

if, by an action of those who live on hope instead of full backgrounding and knowledge, we struck by amendment in a willy-nilly fashion the capability of following on our B-52's and B-58's and the FB-111's, under these circumstances.

Mr. Chairman, I strongly recommend that this amendment be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Chairman, I shall not belabor the arguments which have been made, but it appears to me, when we are having such dire economic problems in the country, it is a time when we should be absolutely certain of what we are doing when we launch upon a \$2.3 billion program.

That is precisely what we are doing. The B-1 program is of questionable value when it comes to our military posture. We do not know what the costs will be.

In the light of the pathetic requirements which exist in other problem areas of the country, this amendment should be agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

(By unanimous consent, Mr. RIVERS yielded his time to Mr. HÉBERT).

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, obviously there is little or nothing more to be added to the debate which we have had today.

Backed up against what has been said on the floor today I submit the record of 7 years of hearings by a special subcommittee of the Committee on Armed Services, of which the distinguished gentleman from Michigan was a ranking member.

I cannot too eagerly or too strongly stress the necessity for defeating this particular amendment at this particular time. We cannot throw away 7 years of constant study and effort on the part of the Armed Services Committee, in its endeavor to protect this Nation and to give it a mix in our attack forces and a mix in our defense forces.

The passage of this amendment would be the abandonment of a follow-on bomber, which we cannot afford at this particular time.

The rejection of the amendment will give notice to the Russians that we are dedicated to the proposition that we will fill our inventory from day to day with the most advanced weaponry at our command.

Mr. Chairman, I certainly urge once again the defeat of this particular amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. NEDZI. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. NEDZI and Mr. RIVERS.

The committee divided, and the tell-

ers reported that there were—ayes 51, noes 91.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

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

The Clerk read as follows:

Amendment offered by Mr. BINGHAM:

On page 2, line 3, delete "\$2,452,200,000" and insert in lieu thereof "\$1,794,200,000".

Mr. BINGHAM. Mr. Chairman, this amendment would eliminate \$658 million of procurement funds—and I emphasize procurement funds—for the F-14. It would not touch research and development funds for the development of the F-14A, B, C. The F-14 is a plane which is highly controversial. It is controversial both as to cost and as to performance. The Pentagon estimates the total cost anticipated for these planes at \$11.8 billion. Other experts estimate the total cost will run as high as \$25 billion.

The performance of the F-14 is also gravely in doubt. It is one of the most complex fighter-bomber carrier planes ever proposed. It is supposed to perform many missions including fleet air defense, air superiority, escort, air-to-ground attack, and cruise missile defense missions. It must carry a Phoenix missile for the purpose of the defense of carriers. This is one of its primary responsibilities. This means it will be a heavy aircraft. Many of the pilots who have flown this plane are known to have criticized it on the ground that it will not be as maneuverable as the Mig-21 that it will be up against. Its acceleration will be relatively poor, at least until the new engine can be developed for the F-14B. This bill provides for the procurement of 26 copies of the F-14A, the one with the unimproved engine.

If the F-14 as designed proves out, it will indeed be a miracle plane, but nobody knows whether it will prove out, because it has not been flight-tested and will not be flight-tested until next January.

The Congress knows what happened with the F-111. Let us not have a repetition of that disaster.

Mr. Chairman, the GAO has recommended against the procedure of going ahead with procurement before R. & D. is completed, which is the procedure contemplated here.

There is no need for a special speed-up in this situation because the Navy admits that the potential threat to the carrier fleet, which is the primary threat that the F-14 is supposed to meet, is years away.

Mr. Chairman, last year I proposed a similar amendment to defer the production funds and proceed with research and development on the F-14. The House rejected that amendment in the authorization bill, but the Appropriations Committee in its wisdom recommended that the procurement funds be eliminated and added to the research and development funds so that research and development could proceed.

Mr. Chairman, no one argues that a successor to the F-4 will not be needed, but there is grave question as to how we should proceed. Should we go ahead with

the procurement which would be called for in this bill of 26 copies of this plane at a cost of \$658 million when it is still 8 months away from any flight testing whatsoever?

What this amendment would do would be to defer the production procurement funds and to allow the Navy to proceed with the necessary research and development.

Mr. Chairman, I ask for support of this amendment in order to save \$658 million and to prevent what may otherwise prove to be as great a disaster as the F-111.

Mr. STRATTON. I move to strike the last word.

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

Mr. Chairman, I do not anticipate taking the full time because I think the members of the committee are aware of the fact that this amendment, which has just been offered by the gentleman from New York, is the same amendment he offered last year and which did not get very far last year, and there is even less reason for considering it seriously this year.

The gentleman says that this is a highly controversial plane, the F-14. As a matter of fact this is so uncontroversial a plane that even the bitterest critics of excessive and wasteful spending in the Pentagon who are members of our committee have not undertaken to oppose this particular aircraft. They are familiar with it. They know what it can do.

Mr. Chairman, I think this amendment is an example of what happens when one who has not had the opportunity of examining some of the details of the defense budget nevertheless offers an amendment—in good faith, of course—but one that is not going to accomplish what he thinks it would accomplish.

Mr. Chairman, let me just point out that we have recently been told some of the horrors of the F-111, the old TFX. Well, of course, the biggest problem that the F-111 got into was in connection with the version to be used by the Navy. And the Navy recognized, very wisely, at a very early stage, that there was no point in going ahead with the F-111 for carrier use because it could not effectively be used on a carrier. So, what the Congress ordered was an adaptation of the F-111, with all of the existing technology, in a reduced version so that we would not have to go beyond the present state of the art. We ordered the Navy to come up with a modern fighter aircraft for carrier use to be flown now and not at some vague, future time. That is what the F-14 is.

As the gentleman from New York himself indicated, this plane is going to be flying by January of next year. We are not talking about something that might happen in the remote future. These are the planes that are going to be needed on our carriers in the immediate future.

Mr. Chairman, I have had the privilege of serving on the Carrier Subcommittee—and, presumably, we will be into that question in a few moments—but let me just say that of all the critics of the CVAN-70 that came before our subcom-

mittee, not a single one was opposed to the aircraft carrier as such. Some of them were opposed to the total number of carriers that the Navy wanted. Some of them were opposed to authorizing a new carrier in this 1971 budget rather than another year. But they all said carriers are great and that America needs them. But you cannot have carriers without having planes to fly on them.

The F-4 is a great plane, but that was first put down on the drawing boards back in 1953, and in the years since then the Soviets have developed eight new modern, fast fighters. So if we are going to have an up-to-date Navy, and if we are going to have up-to-date carriers that will protect our forces as we withdraw from all our exposed positions in Europe and the Pacific, as the Nixon doctrine suggests, the one thing that will provide American power around the world and back up our forces wherever they may be, and will serve as a demonstration of support for our friends without requiring us to go ashore and put men ashore, it is the aircraft carrier. So for heaven's sake let us put a modern plane on the carriers that we still have.

This F-14 is the plane that will do the job.

Mr. KING. Mr. Chairman, I rise in opposition to this amendment of the gentleman from New York (Mr. BINGHAM).

A great deal of thought, effort, and discussion has been expended in relation to the needs of the modern Navy's attack carrier fleet. I should like to take this opportunity to present a few pertinent remarks on the defense of that fleet, regardless of its ultimate size or composition. I refer to the aircraft known as the F-14.

The need for a new air superiority fighter aircraft has been well-documented. The current backbone of the carrier fighter force is the F-4 Phantom. This venerable aircraft has, unfortunately, reached its ultimate designed capability. It has been modified and improved to the extent that further effective modification is no longer economically feasible. Although still an excellent fighter and proven versatile tactical bomber, the Phantom can be beaten. At least two aircraft in the current, operational inventory of the U.S.S.R. have exceeded the performance characteristics of our best bird.

Now what this means is that in terms of fighter air defense, in particular the defense of attack carriers, the United States is second, not first. We can no longer claim that our fighter escorts and carrier air protection are unbeatable. We can no longer be absolutely assured of adequate protection for our bombers, our attack aircraft, our reconnaissance aircraft, or even our aircraft carriers.

Mr. Chairman, we cannot tolerate such a situation. We must never accept any role that would place the Armed Forces of this country at an acknowledged disadvantage.

This bill provides \$517 million for the purchase of 26 F-14A's with \$60.1 million for advanced procurement of long-

lead-time items, \$80.9 million for initial spares, and \$324.2 million for R.D.T. & E. These expenditures would remove the serious handicap currently facing our attack carrier forces. They would, in my opinion, return the Navy to its deserved status of quiet confidence from its present state of prayerful hesitance.

Mr. Chairman, the F-14 is no antique biplane. Conversely, the Mig-21 is not the ultimate weapon. But does the magnitude of difference have to reach such ridiculous proportions before we do something about it? I certainly hope not.

Mr. Chairman, the United States is in second place in air superiority aircraft. The F-14 will change that and I urge its authorization.

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

The question was taken, and on a division (demanded by Mr. BINGHAM) there were—ayes 22, noes 66.

So the amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MR. MOORHEAD

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

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MOORHEAD:

Strike out all after the enactment clause and insert the following:

"TITLE I—PROCUREMENT

"SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, as authorized by law, in amounts as follows:

"Aircraft

"For aircraft: for the Army, \$279,775,000; for the Navy and the Marine Corps, \$2,329,590,000; for the Air Force, \$3,149,155,000 of which \$344,400,000 is authorized only to meet unfunded prior year production commitments on C-5A aircraft.

"Missiles

"For missiles: for the Army, \$1,032,270,000; for the Navy, \$899,270,000; for the Marine Corps, \$26,220,000; for the Air Force, \$1,430,035,000.

"Naval Vessels

"For naval vessels: for the Navy, \$2,863,205,000, of which \$570,000,000 is authorized to be appropriated only for expenditure in naval shipyards: *Provided*, That none of the funds authorized for appropriation by this Act for the construction of naval vessels shall be obligated until the National Security Council has advised the President of its recommendation in respect to construction of the attack aircraft carrier designated as CVAN-70.

"Tracked Combat Vehicles

"For tracked combat vehicles: for the Army, \$195,890,000; for the Marine Corps, \$46,265,000.

"Other Weapons

"For other weapons: for the Army, \$64,790,000: *Provided*, That none of the funds authorized for appropriation by this Act shall be obligated for the procurement of M-16 rifles until the Secretary of the Army has certified to the Congress that at least three active production sources for supplying such weapons will continue to be available within the United States during fiscal year 1971; for the Navy, \$2,649,550; for the Marine Corps, \$4,180,000.

"TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

"For the Army, \$1,565,505,000;

"For the Navy (including the Marine Corps), \$2,087,435,000;

"For the Air Force, \$2,764,215,000; and

"For the Defense Agencies, \$437,665,000.

"SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1971 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$47,500,000.

"TITLE III—RESERVE FORCES

"SEC. 301. For the fiscal year beginning July 1, 1970, and ending June 30, 1971, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

"(1) The Army National Guard of the United States, 400,000.

"(2) The Army Reserve, 260,000.

"(3) The Naval Reserve, 129,000.

"(4) The Marine Corps Reserve, 47,715.

"(5) The Air National Guard of the United States, 87,878.

"(6) The Air Force Reserve, 47,921.

"(7) The Coast Guard Reserve, 16,590.

"SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

"TITLE IV—GENERAL PROVISIONS

"SEC. 401. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purpose to support: (1) Vietnamese and other Free World Forces in Vietnam (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine."

"SEC. 402. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within

60 days after the date of enactment of this Act and each January 30th and June 30th thereafter the names of any institutions of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution.

"TITLE V—QUARTERLY CONTRACT REPORTING AND GAO AUDITS

"Sec. 501. (a) After January 1, 1971, the Secretary of Defense (hereafter referred to in this section as the 'Secretary'), in cooperation with the Comptroller General of the United States (hereafter referred to in this section as the 'Comptroller General'), shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

"(b) The Secretary shall cause a review to be made of each major acquisition program as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each such contract as to—

"(1) the estimates at the time of the original plan as to the total cost of the program, with separate estimates for (A) research, development, testing, and engineering, and (B) production;

"(2) the estimates of the Department of Defense of cost for completion of the program up to the time of the review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the department or agency concerned intends to exercise such options, and the expected cost of exercising such options;

"(5) significant milestone events associated with the acquisition and operational deployment of the weapon system or item as contained in the plan initially approved by the Secretary, actual or estimated dates for accomplishment of such milestones, and the reasons for any significant variances;

"(6) the estimates of the Department of Defense as to performance capabilities of the subject matter of the program, and the reasons for any significant actual or estimated variances therein compared to the performance capabilities called for under the original plan and as currently approved; and

"(7) such other information as the Secretary shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the program.

"(c) The Secretary after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major acquisition programs under subsection (a).

"(d) The Secretary shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each program review.

(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major acquisition programs and related contracts where, in his opinion, the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after final payment under the contract or subcontract as the case may be, by subpoena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(i) There are hereby authorized to be appropriated such sums as may be required to carry out this section."

Mr. MOORHEAD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

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

There was no objection.

Mr. MOORHEAD. Mr. Chairman, on behalf of the gentleman from Iowa (Mr. SCHWENGL) and myself, I rise in support of this efficiency amendment which I believe is a step all of us can take on behalf of the increasing beleaguered American taxpayer. We have limited resources in this Nation to maintain our national security and sustain a quality of life befitting a great nation. We can no longer tolerate wasteful and inefficient use of our resources in the name of national security or aggregate demand or any other guise.

Over the last year I have heard testimony before the Military Operations Subcommittee and the Joint Economic Committee, on which I serve, which would make any taxpayer weep. We have heard procurement horror stories which range from the infamous \$2 billion cost overrun on the C-5A; to the Mark II Avionics—the brain of the F-111—which now costs more than the original estimate for the whole aircraft; to the Mark 48 Torpedo which the Navy told the Con-

gress they could buy for \$65,000 a copy and for which they just let a contract for the astronomical figure of \$1.2 million per copy; to the production of tanks for which the Army had no usable ammunition; to the deletion of overrun figures from Air Force internal reports because of possible adverse effects of the contractor stock on the stock exchange if the information became public.

It is instructive to point out that the first casualty of poor procurement practices is the guy out in the field or in the air who either does not have the weapon system because of schedule slippages or is provided with a faulty weapon or one that does not meet specifications. Our submarine forces still do not have the Mark 48 torpedo. They were scheduled to receive it in 1968. The Air Force currently has several hundred F-111's which do not meet specifications and are currently grounded with wing problems. Yet, according to press reports, the contractor for the F-111 may make a profit on this defective aircraft.

These are only a few of the stories that could be recited. Gordon Rule, the Chief of Naval Procurement, told the Joint Economic Committee that contractors and the Pentagon play games with the Congress. How much longer can the Congress and the American taxpayer tolerate these games—when billions of dollars are involved?

Waste and inefficiency in defense procurement is not a partisan issue. The tax money of the American public has been wasted by the Pentagon under Democratic as well as Republican administrations. It is interesting to note that this amendment is supported by various groups spanning the political spectrum from the National Taxpayers Union to the Americans for Democratic Action. It is not our purpose here to discuss the question of national priorities—rather, what we are concerned about here today is the single important issue of eliminating waste at the Pentagon and of relieving an unfair burden on the American taxpayer. We are also concerned about making information on Pentagon procurement available to the Congress of the United States, the representatives of the American people.

Mr. Chairman let us consider these two effects of the amendment.

First. It would provide for a 5-percent efficiency cut in the total authorization of \$20.24 billion, or a little over \$1 billion.

Second. It would create a quarterly reporting system to the Congress by the GAO on major weapons acquisition programs.

THE 5-PERCENT EFFICIENCY CUT

The 5-percent cut would mean an immediate savings of \$1.012 billion. Many procurement experts have appeared before committees on which I serve and have testified that if the Congress adopted uniform accounting practices, a wider use of the "should-cost" pricing technique, and tougher costs-performance measurement systems we could capture up to 30 percent of the total price of many contracts in costs savings. This also requires that the military services get tough with contractors and deal with them on a business-like basis.

The sponsors of this amendment feel that the 5 percent figure is conservative, realistic and attainable. Hopefully by forcing increased efficiency we can also realize future savings.

It is also the intention of the sponsors of the amendment that the services do not absorb this 5-percent cut by merely reducing the number of weapons bought, but to turn the efficiency screw on as many contracts as possible on behalf of the American taxpayer.

I think that two steps can be taken now to partially remedy this situation:

First, put the military on notice that they no longer have unlimited funds with which to buy their hardware; and

Second, upgrade Congress' ability to scrutinize major procurement programs where billions of the taxpayers are involved.

GAO QUARTERLY REPORTS

This part of the amendment—title V—would provide a legislative basis for the submission to Congress of quarterly reports on costs and performance of major weapon system contracts. The reports would be analyzed by the GAO and transmitted to the Congress. This much of the amendment is already being carried out. In addition the GAO would be empowered to conduct independent audits and analysis on programs and to subpoena books which defense contractors have in the past refused to supply. All too often the Congress finds it nearly impossible to receive understandable and timely information on costs, performance, specifications, and schedule changes in major weapons programs. The amendment would establish a reporting system designed to improve the timeliness and quality of information on major weapon acquisition programs.

A similar amendment passed the Senate last year but was defeated on the floor of the House by a teller vote of 99 to 102. This year, hopefully, we in the Congress are wiser and will demand more and better information on these costly programs.

I urge the adoption of the substitute. Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman.

Mr. SCHEUER. Mr. Chairman, I rise in support of my colleague and his amendment and congratulate him on his leadership.

Mr. Chairman, we have been allowed to debate the military procurement and research and development bill only 4 hours. A mere 4 hours is not enough time for a serious discussion of a bill amounting to \$20 billion—one-tenth of our national budget. Such a meager time allocation simply illustrates and underscores many Members' dissatisfaction with this bill. I oppose this bill, however, for reasons far more substantial than the time limitation on the debate, namely the unnecessary and overpriced programs funded by this bill.

I would call the attention of the Members to a recent report by the Congressional Quarterly about our defense spending, in which they cited the conclusion of top most Defense Department officials—both military and civilian—

that we could cut \$10 billion out of our military budget and improve our fighting capability.

The most objectionable feature of this bill is the ABM system. This country already has, and plans to maintain, three separate nuclear deterrent systems, each capable of destroying the homeland of any attacker by itself—our land-based missiles, our missile equipped submarine fleet, and our jet bombers. A Soviet attack could neutralize only one of these deterrents and would thus leave the Soviet Union open to a fatal counterattack. As our leading experts point out, only one deterrent is necessary to deliver a successful counterattack.

For years our experts have also told us that missiles and jet planes were diminishing the importance of the Navy. Reportedly the Soviet Union is deemphasizing its own Navy. Yet this bill inexplicably gives the Navy \$435 million more for ship construction than even the Defense Department requested.

Far less justifiable is the \$200 million slush fund for the Lockheed Corp.'s negligence. In effect, this provision directs the citizens of this country to pay for a company's lax managerial practices that would make any normal company go bankrupt. The Government offers no such subsidies to other companies and should not establish a precedent for Lockheed.

In the past few months, the President and the Congress have taken staunch stands against inflation. This bill presents us with a sufficiently clear case of financial irresponsibility to mandate the striking of these flagrantly overpriced giveaway programs from the bill. Otherwise, 1970 will become "the year of the military giveaway" just as 1969, in the words of the House Appropriations Committee, was "the year of the cost overrun."

Our scrutiny of this bill should be more stringent, not less, not only to reorder our priorities, but also to achieve a disciplined and efficient military defense, which continual cost overruns and faulty planning have prevented us from realizing. A vote against H.R. 17123 is not a vote against our country's military interests. On the contrary, as Admiral Rickover has indicated, a vote against this bill would spur the Defense Department to improve its programs and, in the long run to serve this Nation's military interests far more effectively and economically.

Mr. MOORHEAD. I thank the gentleman.

Mr. SCHWENGEL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have listened with avid interest to this debate. I think I perceive a new day in the House. Members of the House are beginning to assert themselves. They are reflecting that they are giving some very serious thought to some important business that prevails here and they are acknowledging once again the spirit of our Government which dictates that we as citizens should preside over the Army, Navy and the defense of our country.

I want to commend the debaters on

both sides who have been honest, fair and forthright and who have spoken with deep conviction. So are we, the co-sponsors speaking with convictions and after rather thorough study. In addition, we are reflecting the thinking of the country—we think.

It is true, Mr. Chairman, one of the major elements in the Defense Department budget is military procurement. Over the past few years, a number of programs that have received congressional support have proved far more costly than originally estimated. In some cases, it appears that contractors have been woefully, and sometimes, some believe wilfully inefficient in determining the probable cost of producing the systems for which they are responsible.

Because of such wasteful practices, my distinguished colleague (Mr. MOORHEAD), the Congressman from Pennsylvania, and I have offered an amendment to the military authorization bill which will answer to many of the charges leveled against current military procurement policy.

The efficiency amendment has two parts. They are: A 5-percent cut in the total authorization of \$20.24 billion, resulting in a saving of \$1.012 billion; and creation of a reporting system whereby the Government Accounting Office will report to the Congress on major weapons acquisition programs on a quarterly basis.

It is evident, Mr. Chairman, that corporations that do business with the Government follow a variation of Parkinson's law. In its latest incarnation, the law reads: Corporate expenses rise to a level that is equal to the amount that can be squeezed out of the Government. In order to combat this pernicious trend, the amendment would in effect require companies to become more efficient or cease to do business with the Government.

A number of persons have commented on the gross inefficiency of defense procurement. The indefatigable Admiral Rickover, in testimony before a committee of Congress, stated that "paying more than we should prevents us from buying many items we need to defend the country." Over the past decade, Admiral Rickover has pointed a number of times to the wasteful management practices both in the Defense Department and those corporations that contract with it. Robert Benson, formerly of the Comptroller's Office in DOD, wrote that "wiping out the inefficiency would annually save the Government \$2.7 billion."

All too often, we in Congress are unaware of the development problems that plague contractors. The second element of the efficiency amendment would go a long way in meeting that problem. It would require the General Accounting Office to report to the Congress every 3 months on the development of each major weapons system. This reporting would, in all probability, obviate such problems as the Mark 48 torpedo and the C-5A transport aircraft. At least Congress would not be presented with an unconscionable cost growth as was witnessed in the case of the C-5A. Congress would be able to assess on an on-going

basis whether or not a program was being properly funded. We would not be confronted with a cost growth of 443.9 percent in the case of the Mark 48 torpedo, a 151.6 percent cost growth in the case of the F-111, or a 249.2 percent cost growth as in the case of the short range attack missile—SRAM. Congress would then have the option of questioning the management practices of those concerns responsible before they have become too entangled in production problems, as happened with the Lockheed Corp. as regards both the C-5A and the Cheyenne AH-56 helicopter.

The third section of the efficiency amendment is more specific than the other two. It is the deletion of the \$200 million contingency fund for payment of claims to Lockheed under the C-5A contract pending outcome of litigation. This amount represents nothing more than a slush fund for Lockheed—sort of a gratuity for mismanagement. The procurement bill includes \$544.4 million for procurement, none of which will purchase a single aircraft. Of this amount, the Air Force admits to \$344.4 million in cost growth for which it is responsible. The remainder is apparently to be allocated to Lockheed in the event that after litigation it turns out that the Air Force is also responsible for further cost growth. It is patent that the Air Force might have a greater incentive to defend its own position if it did not have money to give away.

The efficiency amendment does not cut the numbers of weapons to be purchased. Rather, it is designed as an incentive to contractors to be aware of and more careful with the taxpayers' money. There is no contention here Mr. Chairman that contractors have no inherent right to make a fair profit. It is my contention, however, that they have absolutely no right to so mismanage programs within their area of responsibility that the taxpayers pay far more than originally anticipated.

I include the following:

FACT SHEET IN SUPPORT OF THE MOORHEAD-SCHWENDEL EFFICIENCY AMENDMENT

This Amendment to the \$20.24 billion Procurement Bill is offered in the form of a substitute bill. The Amendment is a conservative effort to build in an incentive for more efficient acquisition of major weapon systems and to gain greater visibility for the Congress concerning the many multi-billion dollar contracts let by the Pentagon. The Amendment will not affect the purchase of any weapon systems.

THE AMENDMENT

The Amendment consists of two sections:
a) A 5% efficiency cut in the total authorization of \$20.24 billion—resulting in a reduction of \$1.012 billion.

b) Creation of a quarterly reporting system to the Congress by the GAO on major weapons acquisition programs.

RATIONALE OF THE 5 PERCENT EFFICIENCY CUT

Over the last year the Congress and the American taxpayers have been shocked by the revelations of huge cost overruns and charges of contractor inefficiency in almost every weapons program. The GAO in a recent report to the Congress documented over \$20 billion in cost overruns on only a few systems. (Attached is a partial list of those overruns.)

Statements on contractor inefficiency

A. E. Fitzgerald, former Deputy Assistant Secretary of the Air Force, before the JEC on June 11, 1969 testified: "We annually spend over one-third of our military procurement funds to buy only waste and inefficiency . . . in the operation of the major contracts we could save as much as \$5 billion without compromising our national security."

A survey of the top corporate executives as reported in "What Business Thinks" in *Fortune*, September, 1969, concluded: "Defense expenditures are higher than they need to be, mainly because of waste and inefficiency."

Robert Benson, a former analyst in Office of the Comptroller of DOD, in the *Washington Monthly* wrote: "Wiping out the inefficiency would annually save the Government \$2.7 billion."

Admiral Hyman Rickover testified before Congress: "Paying more than we should prevents us from buying many items we need to defend our country."

Senator Len Jordan (R-Idaho) during the JEC Hearings in June, 1969, concluded: "The ineffectiveness of cost control procedures have been a result of the fact that contracts with major suppliers tend to adjust to the financial needs of the contractors."

The sponsors of the Amendment will make it clear on the floor that the objectives of this Amendment is to turn the efficiency screw 5% on as many contracts as possible on behalf of the American taxpayer and not to merely cut the number of weapons bought.

RATIONALE OF GAO QUARTERLY REPORT ON WEAPONS PROGRAMS

At present the Congress has no systematic means of determining the cost and performance status of major weapons programs. The Congress is too often at the mercy of the Pentagon, who reveal only what they choose and when they choose. Congress is often faced with accomplished facts when it is too late for corrective action.

This Amendment would enable the Congress to determine systematically and factually the status of programs soon enough to avoid repetition of some of the worst disasters of the recent past. Last year, the GAO documented over \$20 billion in cost overruns on only selected programs.

By aiding effective congressional scrutiny, this example of preventative medicine will help Congress meet effectively its responsibilities to the American taxpayer. (A similar amendment passed the Senate last year and failed 102-99 on a teller vote in the House.)

NEWS RELEASE FROM THE NATIONAL TAXPAYERS UNION

The National Taxpayers Union today called upon all members of Congress to support a 5% reduction in FY 1971 Military Procurement and Research & Development Authorization. James Davidson, Executive Director of NTU said, "Congressmen Fred Schwengel (R. Iowa) and William Moorhead (D. Pa) have stood up on behalf of every taxpayer in America in recommending an efficiency reduction in Defense spending. It is common knowledge that there is much waste in Pentagon procurement. The examples of the C-5A, the F-111, and the Mark 48 Torpedo are still fresh in the memories of many taxpayers. We cannot afford to provide a "carte blanche" for waste merely because it occurs under the guise of "defense."

"Leading experts," Davidson continued, "whose knowledge and patriotism are unquestioned have testified that several billions more could be cut with no loss of military potential. Congressmen who fail to support the Amendment should be asked upon what principle they support waste in the Pentagon. There is simply no excuse for

tolerating misuse of the taxpayers money. Ernest Fitzgerald, now of NTU's Board of Advisors, was fired from the Pentagon when he told the truth about military spending. Politicians who fail to support prudence should expect no better treatment at the hands of the voters."

"The Schwengel-Moorhead proposal eliminates only one billion dollars of the amount authorized by the House Armed Services Committee. Of this amount, as much as \$435 million could be deleted from authorizations for naval ship construction. This Naval Ship Add-on was never requested by the Navy. There is no doubt that it could be cut without jeopardizing defense capability."

"The Congress should remember that passage of unnecessary appropriations for military spending lends credit to the Marxist charge that the U.S. economy is kept going because of wasteful defense allocations. If we spend one cent more than is necessary we secretly acknowledge that the Marxists are right. For this reason alone, every effort at stewardship should be applauded by those who understand that much of the world's fate is decided in men's minds. We cannot expect to defeat collectivism if we act as if its policies were correct."

Davidson called upon Congress to remember the words of the late General Douglas MacArthur . . . "indeed, it is part of the general pattern of misguided policy that our country is now geared to an arms economy which was bred in an artificially induced psychosis of war hysteria and nurtured upon an incessant propaganda of fear. While such an economy may produce a sense of seeming prosperity for the moment, it rests on an illusionary foundation of complete unreliability and renders among our leaders almost a greater fear of peace than is their fear of war."

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on the amendment close in 3 minutes.

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

Mr. DENNIS. Mr. Chairman, I object. I would like to be heard on the amendment.

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

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. DENNIS. Mr. Chairman, I am for a strong national defense and always have been, and I have been voting consistently that way in this debate as I have in the past and expect to continue to do in the future. But it is indeed difficult to determine in these matters, when you are also a person who would like to save some money for the taxpayers if he could do so without damage to the national defense, as I happen to be, just what if any proposals for reduction ought to be supported.

Mr. Chairman, this becomes particularly difficult because of the situation which we always seem to have in this body on this particular subject matter. Unfortunately, from my point of view, most of the reductions which are proposed seem to be advanced by gentlemen, or at least too often are advanced by gentlemen, whose devotion to the principle of a strong national defense I am not as well satisfied about as I would like to be; and also often by gentlemen whose standing as economizers do not appeal to me as much as I would like, be-

cause, as to many of them, I practically never hear them asking to reduce an expenditure here except a defense expenditure.

On the other hand, gentlemen knowledgeable in this field in whom I have a little more confidence in some of these respects and who might be able to enlighten me, by the time we get to this stage on the floor, have done their arguing in the committee, and they are committed to defend the bill. Therefore, it is very hard for an independent Member of a cast of mind such as mine to decide when, if ever, it is in order to accept a cut.

This particular amendment does two things, as I understand. It gives a statutory basis for a cost report, which seems to me a sound idea in and of itself, as far as I can tell.

Then it cuts each item 5 percent. That at least has the advantage that I do not have to determine here how many C-5's we need or what the technical merits of the ABM may be or how many carriers we ought to have, because none of these things are cut out by the amendment.

It is just a reduction in each figure right across the board. On the other hand, it is not a particularly scientific approach, because undoubtedly there are some items that ought to be cut more and some that ought not to be cut at all.

We have just about one guide perhaps, which is that on almost all appropriations, defense and others, almost always we have enough fat to take a 5-percent cut.

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

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

Mr. RAILSBACK. Mr. Chairman, I commend the gentleman from Indiana, whom I think everybody at least on our side of the aisle respects for his judgment. I do not think anybody can call him a flaming liberal. If anything, I think he is very economy minded and conservative. I associate myself with his remarks. It seems to me the conservatives ought to be every bit as concerned, if not more so, about defense spending, and I think they ought to be willing to take the lead to cut what I believe is a great deal of fat out of the defense budget.

Mr. Chairman, I thank the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I thank the gentleman from Illinois for his support, which I do appreciate.

Mr. Chairman, I was about to say that it really is a puzzle to me, on a great many of these things. I cannot say a certain element ought to be cut 5 percent and something else not at all, from personal knowledge, and I do not want to jeopardize defense; yet I do feel that almost any budget I have ever known anything about has had at least 5 percent of fat in it and possibly it will not endanger anything to cut that.

I have wondered why the gentleman who offered the amendment did not offer it as a cut in the overall or total authorization figure.

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

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

Mr. DENNIS. Mr. Chairman, I would like to say that I am honestly inquiring a bit on this one. I do not have a foregone conclusion right at this moment, although I have some inclination to support the amendment, but if I am wrong, I would like to have the gentlemen on the committee, perhaps the distinguished chairman or others, give me some really good convincing reason why we cannot absorb a 5-percent cut, or why it would jeopardize anything important if we did.

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

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

Mr. ARENDS. Mr. Chairman, I would like to say that I also, like the gentleman, want a dollar of defense for every dollar we spend. In addition, I would like to see us economize. But if the gentleman will recall—I do not have the exact figures just now—the percentage of expenditures for national defense today in comparison with the gross national product is the lowest since 1952.

Mr. Chairman, I have a real concern in my mind that we are moving down the road very rapidly to where we might not get more time when we ought to have more.

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

Mr. Chairman, I have been here 30 years and I have heard of military waste since I have been here. I have to make the decision now. The buck stops on my desk. So I told the gentleman from Illinois (Mr. PRICE) who is one of the most dedicated Members in this Congress, to find out where we can cut research and development. I said, "You cannot tell me there is not some place where we can cut research and development." He had the best brains of the committee to work with him to come up with a cut of a little over a million dollars out of \$7 billion.

When the President told the Congress to reduce expenditures in the executive department, he took it out of the Department of Defense—\$3 billion. We reduced, at the word of the distinguished chairman of the Appropriations Committee, \$5 billion, and most of it came out of the Department of Defense. It is always the Department of Defense—those are the soldiers, sailors, marines, and coastguardsmen. Do Members know how much money we spend a year on people in the Defense Department—just people? Over \$40 billion a year.

Go ahead and cut the 5 percent across the board. We can cut it 10 percent. We can cut it all out. We can throw the whole kit and caboodle out. But if we take a 5 percent across on this, we will pay for it. It is as simple as that. Of course, we can do it. But it is very unwise.

The gentleman asked a question. Let me see if I can answer it. Of course, the gentleman is sincere about it. But the bill which the gentleman brings to us is a new bill. We have been in session for over 10 weeks having hearings. Not once

did the gentleman ask us to come and let him bring these things to our attention. Yet he gets up here and he tells us, with the authority of which he is capable, the things that are wrong with it. Even the gentlemen on the front row, who have been disagreeing with me entirely, are not going to support this. They know this thing is ridiculous. This is the most idiotic way on earth to run a railroad.

The gentleman asked me how much we cut this? It is \$473 million less than was authorized last year, and \$1.7 billion less than the Department requested last year. We have cut it. We are down to the bone.

This is a new bill the gentleman brings in here to us. My job is to state what the military needs. I will tell you that if you want to really serve your country, raise this budget. The bill is too low. Ask any military man who is worth the salt of the rank he holds in the service.

You cannot vote for a provision like this. You will hurt everything we have in the military.

If you want to cut, close up all the bases and put your faith in the SALT talks. Then you may live with your memories, but your memories will not be security.

This is a bad amendment. This is a bad bill. You cannot do it this way.

Our doors are always open. Nobody has knocked trying to help us find a way to answer the questions, based on the allegations that have been made in this well under this amendment.

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

Mr. RIVERS. Of course I yield.

Mr. RAILSBACK. Mr. Chairman, I appreciate that you have done a great deal of work. I know this is a very complicated subject matter.

I believe this is why many of us are concerned about this particular procurement bill. About 2 years ago I asked you on the floor of the House how much it cost to develop the F-111B, the Navy version of the so-called TFX. You said at that time that you did not have those figures, but you would get them for me. To date, I have never received that information from you.

I wonder how much it did cost to develop the F-111B, which was completely scrapped.

Mr. RIVERS. I am sorry that I do not have that information. I just do not know at the moment.

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

Mr. Chairman, this is a serious amendment and it should be seriously considered.

I believe that what Chairman RIVERS has just said is absolutely right. This is not the place to try to cut, nor the way to cut.

If we are going to cut defense spending, the way we can do it, and the way we can hurt the least, is to cut personnel. As the chairman said, \$40 billion of our defense costs go into personnel. We do not need the number of people we have right now, but those we do keep need the best weapons.

Certainly we need the research and development we have authorized or are authorizing in this bill.

Our committee did cut research and development. We should not have cut research and development, to keep our defense strong.

To answer specifically the question of the gentleman from Indiana, this is a bare bones budget as far as the procurement of weapons is concerned.

If we want to cut defense spending, then start scaling down the ceiling on the amount of personnel the military services can have. That is the way to cut the budget. That is the way to cut it fast, and the defense of this country will remain just as strong as it is right now.

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

Mr. HICKS. I yield to the gentleman. Mr. DENNIS. For information, what would the gentleman say to the proposition which, instead of trying to do what the gentleman from Pennsylvania is doing here in cutting each of these items 5 percent, would cut 5 percent off the total and put a 5 percent lower ceiling on the total expenditure, leaving the selection of items to be reduced to the Secretary?

Mr. HICKS. Of course, that has been done in the past, as I understand it, in times prior to when I came on this committee, and I understand it just does not work when that is done. The military have certain systems they want to get or retain and they go ahead and push them. If we are going to do our job, we have to help to select those systems. If I were going to choose that path, I would say fine and cut out the ABM system, for example, because I do not believe we need the ABM. However, this House decided we do need it. That is the reason why we cannot do it the way the gentleman suggests. I do say that we can save substantial sums by placing a lower ceiling on personnel and then give them the very best weapons that we have, and we will continue to have a strong defense.

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

Mr. Chairman, just a few minutes ago I sat and listened to the chairman of the Committee on Armed Services slander the gentleman from Illinois (Mr. RAILSBACK) by saying that "apparently the gentleman from Illinois did not care about his country." I have heard a lot of excessive debate since I have been in the House, but this rises to a new low. The fact is that the gentleman from Illinois cared enough about his country to serve in its Armed Forces.

I yield back the balance of my time.

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

The question was taken; and on a division (demanded by Mr. MOORHEAD) there were—ayes 27, noes 74.

So the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. PIKE

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

The Clerk read as follows:

Amendment offered by Mr. PIKE:
Page 6, after line 6, insert a new section 403 as follows:

"No more than half of the funds appropriated pursuant to this bill for C-5A or S-3A aircraft, Cheyenne helicopters, or SRAM shall be used until Congress has approved a settlement of the fiscal differences between Lockheed Aircraft Corp. and the Department of Defense."

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

Mr. PIKE. I yield to the chairman.

Mr. RIVERS. Mr. Chairman, a little while ago, even though the gentleman from Illinois accused me of not giving him certain information, that did not justify me in reflecting on his patriotism. I want to apologize to the gentleman, and I ask unanimous consent to delete that remark from the Record. This is not based on what the gentleman from Indiana said. Not at all.

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

There was no objection.

Mr. PIKE. Mr. Chairman, yesterday when we started this debate I expressed the hope that we could go through it all without anybody questioning anybody's motives at any time.

Frankly, I think we have done pretty well in relation to what happened on the floor last year. I think this has been a pretty good debate. I think that we can question the judgment of each other very, very frequently and we frequently do.

Mr. Chairman, this amendment which I have offered does not cut one dime out of the bill, because it has been made somewhat obvious to me that the great ground swell for reordering our national priorities is not yet quite strong enough to cut any money out of the bill. What it does is it says that on four programs, all of which are Lockheed programs, no more than one-half of the money which this bill authorizes to be appropriated can be spent or used until there has been some overall settlement between Lockheed and the Department of Defense.

Now, the reason I offer this amendment is to first, acknowledge that there has to be some overall settlement between Lockheed and the Department of Defense. They are about \$1 billion apart, with Lockheed saying the Government owes them \$660 million, I think, and the Government saying, I think, that Lockheed owes them some money.

Mr. Chairman, if we are going to resolve this by litigation, it is going to dribble on for years and years and years.

For example, we are starting new C-5A's at the rate of two every month and with every one we start the spread between what Lockheed and what the Government says gets bigger and bigger and bigger.

In the meantime, Lockheed comes in and says they are broke. Well, what are they doing while they are saying they are broke? Here is a publication dated December 1969. It is a Lockheed publication. It is 100-and-something pages—108 or 109 pages—of glorious public relations on behalf of Lockheed. They are

mailing it around the country. This one came to my district.

Now, Mr. Chairman, we say this is a bare bones budget. Two weeks after the Secretary of Defense came to the committee and said what trouble Lockheed was in, they were spending their money in this manner. This happens to be Newsweek, a two-page ad in Newsweek. This same ad was carried all over the country in different publications. This is how their money is being spent.

Well, if we are going to be asked to bail them out, I think we have a right to insist that the money not be spent in this way. The postage alone in mailing this from Burbank, Calif., was 14 cents. I do not know how many of them they mailed out. I do not know how much it cost to produce them. These ads, I think, cost \$27,000 in Newsweek. The same ad was in Life magazine and in Time magazine at one time.

Mr. Chairman, this is how they are spending their money. Well, if they are broke and if we have to bail them out because they are broke, I think we ought to get a final settlement of it.

My amendment would permit them to spend one-half of the money. This would let them get halfway through the year before they had to come to a settlement, but that could be done and should be done.

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

Now, Mr. Chairman, let us analyze this amendment. It is true that Lockheed is in trouble. However, it seems that the gentleman from New York wants to keep on their back forever and ever. We settled the item of the \$200 million last night. I produced the document from the Deputy Secretary of Defense saying that he would not permit any of the \$200 million to be spent until satisfactory contractual arrangements had been made with Lockheed and then was cleared with the committee having jurisdiction over this matter.

Now, Mr. Chairman, the gentleman in his amendment takes in the whole business of Lockheed's operations, including the Cheyenne, the SRAM, the S-3A as well as the C-5A. If you are going to do this to Lockheed, why do you not do it to every other defense contractor who is having trouble, and they all are. Look at their earnings. They do not make any money out of the Government.

Have you forgotten World War II, the arsenal of democracy? Now it is called a vicious military-industrial complex.

I asked one of the contractors how much he made out of the Government contracts, and he said he did not make anything. He said that if he did not have a sideline on tools that he would not make anything.

What does this amendment do? It completely—completely—cuts off this company's capacity to make long lead-time contracts, and they will never be able to achieve the thing that Admiral Rayburn described as the bringing of all systems together so that you do not lose time. They would be wiped out. You would also wipe out thousands of small contractors in this country. This could not work. You could not enter into a con-

tract like that, this just simply could not happen. And moreover you would not have the Poseidon, and you would not have the retrofitted Polaris, you would not have the S-3A, the P-3C, the C-5A, which is working. You would not have anything, but you would have the pleasure of stopping a company—you would have the pleasure of stopping a company. This might sound fine, but it cannot work. It positively cannot work. That is how simple it is.

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

Mr. RIVERS. Of course I will yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I thoroughly agree with the gentleman from South Carolina that this is a completely destructive amendment, rather than being an objective amendment, because if, as the gentleman says, it is going to slow down or possibly stop some of the essential production we need in this country so as to keep America strong and safe, then I think the amendment ought to be completely and overwhelmingly defeated.

Mr. RIVERS. Mr. Chairman, I do not know how long in the future they make contracts for ads in one of these magazines. I would imagine it is many, many months, and I would recommend them stopping it, although I do not know anything about this. I do not know anything about them putting ads in magazines, but I would recommend that they stop until they are out of their financial crisis.

Mr. Chairman, we are not trying to help anyone because of sentiment, but because it is for the security of America, and if it not advantageous to the security of this country then do not give them anything, but cutting off a half a loaf will not hurt Lockheed as much as it will hurt you.

I urge you to reject this amendment.

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

The question was taken; and on a division (demanded by Mr. PIKE) there were—ayes 21, noes 58.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York:

On page 6, following line 8, add the following new section:

"Sec. 403. In line with the expressed intention of the President of the United States, no part of the funds authorize to be appropriated pursuant to this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand or Cambodia."

Mr. REID of New York. Mr. Chairman, the purpose of this amendment is simple; it is to prohibit the use of American ground combat forces in Cambodia, Laos, or Thailand. The House, in my judgment, is coequal with the Senate in this

regard, and it has to some extent been derelict in the past for not taking a position that is obviously clear, and I think in this instance it must fulfill its constitutional obligation and responsibility.

In the fiscal year 1970 appropriation bill for the Department of Defense, as Members know, there is a limitation based on the amendment offered by Senator COOPER and Senator CHURCH precluding funds for the use of U.S. ground combat troops in Laos or Thailand.

Last December, after the bill had been signed and enacted into law, the administration, through Press Secretary Ziegler said:

Anyone familiar with the Nixon doctrine, as outlined on Guam, knows the amendment is totally consistent with the President's policy. As we have said on a number of occasions, there are no U.S. ground troops in either country nor did this Administration visualize under this bill putting any ground combat troops into these countries.

My amendment would have the simple effect of adding Cambodia to this prohibition on the use of ground forces. It is a limitation. It provides no sanctions.

It has been repeatedly stated by the President and high administration officials that there is no present intention to use our ground combat forces in these countries.

Since approving the amendment to the appropriation bill last year precluding the introduction of ground combat troops in Laos and Thailand, President Nixon has reiterated his desire to limit the war in Asia—not to broaden it. He has said:

We have no plan for introducing ground combat forces into Laos.

In addition, on explaining his doctrine pronounced at Guam, he said in his November 3 speech:

In cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Finally, I would like to briefly quote Secretary Rogers, who, when asked whether Laos would become another Vietnam, answered:

The President won't let it happen.

Continuing, he said:

I mean we have learned one lesson, and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us.

Mr. Chairman, my amendment is also consistent with the national commitments resolution passed by the other body on June 25, 1969, by a vote of 70 to 16, expressing the sense of the Senate that the U.S. Armed Forces should not be used abroad or promised for use abroad except by joint authority of the President and the Congress.

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

Mr. REID of New York. I yield to the gentleman.

Mr. REUSS. Mr. Chairman, I commend the gentleman for bringing this amendment to the floor. I support it.

We ought to be extracting ourselves from Vietnam and not implicating ourselves in Cambodia.

I would ask the gentleman whether in his amendment the words "American ground combat troops" include the concept of American combat advisers.

Mr. REID of New York. Yes, that is correct.

Mr. REUSS. I thank the gentleman.

Mr. REID of New York. Further, as Members know, article I, section 8, of the Constitution gives the Congress the authority to declare war, raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces.

These powers were authorized explicitly to the Congress as a vital part of the doctrine of the separation of powers.

Alexander Hamilton, a strong advocate of strong Executive power, wrote in the Federalist Paper No. 69 showing the clear distinction between the British and American systems in the delegation of American powers to the legislature. He said:

The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy, while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

Indeed, in 1848 Abraham Lincoln, then a Congressman, said:

Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose.

The provision of the Constitution giving the warmaking power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was to object. This, our convention undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

Dwight Eisenhower said very explicitly in March 1954:

There is going to be no involvement of America in war unless it is the result of the constitutional process that is placed upon Congress to declare it. Now let us have that clear.

In a word, therefore, I think it is clear that the Congress, and this House, must not let its powers be eroded. We must not back into a wider war.

Our responsibility is clear.

Further, this amendment in my judgment is consistent—

The CHAIRMAN. The time of the gentleman has expired.

(Mr. REID of New York asked and was given permission to proceed for 3 additional minutes.)

Mr. REID of New York. Finally, let me just say I think this amendment is consistent both with existing law and with the President's determination to narrow the war and not to widen it.

I think it will reassure the country that there are limits to the extension of American power.

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

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

Mr. HORTON. I wish to commend the gentleman for the amendment he has offered. I support it. I certainly think it is a reasonable amendment. It is certainly in line with the statements the President has made on numerous occasions with regard to the Nixon doctrine.

On the eve of the President's message to the Nation on the Cambodia crisis, I want to state publicly my own analysis of the problems and priorities which face us in Indochina.

Some background review is important before discussing what our decisions should be at this juncture.

First, the President is in the midst of a laudable program to Vietnamize the war in Vietnam and has made substantial progress in withdrawing American Marine and Army units which serve in an infantry or ground combat capacity. During the unfolding of the President's withdrawal program, the Communist North Vietnamese military threat to two nominally neutral nations, Cambodia and Laos, has been severely intensified. Both these countries have been important as sanctuaries and supply routes for North Vietnamese and Vietcong units operating in South Vietnam. But, until recently, the neutralist governments of Laos and Cambodia were not immediately endangered, although there was partial disclosure of American military support efforts to help the Royalists in Laos hold back Communist Pathet Lao advances.

Then the overthrow of Prince Sihanouk in Cambodia by an anti-Communist coup dramatically altered the focal point of military confrontation in Indochina, with the North Vietnamese seeking to gain military and political control over at least a substantial portion of Cambodian territory, and announcing their intention to install Sihanouk as a presumably Communist ruler of this territory.

A whole host of U.S. interests and foreign policy questions are being tested by the decision our Government makes in this crisis. Having been requested by the new Cambodian regime to send U.S. military hardware and assistance to use against North Vietnamese and Vietcong who are advancing on Phnom Penh, the President must decide far more than the desirability of supporting this fledgling regime.

The following arguments have been put forth in support of American military assistance and involvement in Cambodia:

First. That neutralization of Cambodian territory, now in Communist hands, is essential for the protection of American troops remaining in South Vietnam. The President has mentioned repeatedly that he would not permit his policy of withdrawal to endanger those American GI's who remain on duty in Southeast Asia. The use of Cambodia, particularly the "Parrot's Beak" area nearest Saigon, as a military sanctuary has made the task of allied troops in Vietnam more difficult. The question is whether this fact alone warrants American involvement in the confrontation between two opposing Cambodian regimes, and whether defense of U.S. troops requires an active invasion deep into Cambodia.

We must continue to protect the lives of American soldiers remaining in South Vietnam. In my view, military actions we have been undertaking for many months, permitting hot pursuit of enemy units attacking from across the Cambodian border, or seeking sanctuary in Cambodia should not be curtailed if deemed necessary to protect American lives. But hot pursuit does not encompass supporting or undertaking an invasion of Cambodia, with the intent of supporting the regime there. It may encompass supporting an action limited to destruction of sanctuary areas used to shelter Communist troops which operate in South Vietnam.

In the final analysis, the best way to defend and protect American lives in South Vietnam is to continue policies that would enable these young men to return home at the earliest possible date. It is doubtful that any extension of our military commitment into Cambodia would hasten this homecoming.

Second. That the de facto control of most of Laos by the Communists and the current threat to Cambodia is proof of the domino theory at work, and that if the United States does not help restore neutrality to these areas, Thailand will be threatened next.

There is little question that Communist military persistence, backward social organization, and the impoverishment of the people of these countries would have led to North Vietnamese dominance if it were not for the presence of large numbers of U.S. forces and equipment in Thailand and South Vietnam, and for U.S. advisory and hardware assistance to Laos. The question is. Has our military involvement done anything but postpone North Vietnamese Communist dominance? Or, if Vietnamization will be successful, will it take a similar injection of American lives and dollars to accomplish a stalemate in Cambodia, or Laos, or later on, in Thailand?

Third. A third argument is made that the provision of adviser and hardware assistance, short of sending U.S. ground units, is consistent with the Nixon foreign policy doctrine announced in the summer of 1969 in Guam. This, in my judgment is too narrow an interpretation of the Nixon doctrine. The doctrine does preclude the unilateral dispatch of U.S. ground troops to a nation like Cambodia, but it also requires, as a prereq-

uisite to any U.S. assistance, a decision by other free world governments in the region to send material and troop support to defend a government threatened by Communist military takeover. Although there has been some discussion that Thailand, the Philippines, Japan, and Indochina, in addition to South Vietnam and Korea should mount some joint assistance program to the new Cambodian regime, no positive steps have been taken to carry out any such plan. There is little question that the fall of Cambodia to Communist rule is a far more important threat to these East Asian and Pacific nations than to the United States.

The Nixon doctrine seeks to modify the U.S. leadership of the free world, and to remove from our shoulders the primary burden of serving as world policeman wherever anti-Communist governments are threatened.

These arguments put forth for U.S. involvement in Cambodia indicate the far-reaching consequences of the President's decision. First, he must weigh what commitment, if any, the United States has to this or any Cambodian regime. At what point would U.S. involvement or assistance cease if the threat to the current regime is not immediately ended?

Second, he must weigh the actual threat to American lives that continued Communist occupation of Cambodia would entail. Remembering that the Vietcong and North Vietnamese have been operating out of Cambodia for several years, the question must be asked whether the current threat to our troops is so much greater now that it justifies a widening of U.S. involvement in the war across all of Indo-China, and going beyond the restricted policy of hot pursuit.

Third, and perhaps most important, the President must be aware that his decision will set crucial precedents for the application of his own Nixon doctrine. If he narrowly construes it to mean that only the sending of organized units of U.S. ground troops is prohibited, it will mean little in terms of the changing U.S. role in the world. Also, the role of advisers to ground units of other nations must somehow be explained in the context of the doctrine. If we do not begin now to apply the principle that free nations in the threatened region must choose to involve themselves before America gets involved, then it will be difficult if not futile to try to encourage or enforce any regional defense concept in the future.

The whole question of the Nixon doctrine and its application to Cambodia and Laos includes the consideration of the American crisis of national priorities. We have, with the President's policy of disengagement from Southeast Asia, been moving toward a realistic balance between military and domestic budgetary efforts. If suddenly the U.S. role in Southeast Asia is widened, and not narrowed, if our financial commitments to these countries promises to tie down billions of U.S. dollars in Indochina for years to come, then we will not have met the challenge of our most serious domes-

tic crisis. At a time when the very institutions of American Government are being tested as to their adequacy and relevancy to respond to the needs of our people, this could be a disastrous error.

I believe strongly that the people of the United States have no interest in Cambodia that would override our interest in disengaging from Southeast Asia, or that would override the President's earlier announced intentions to place the burden for defense of these governments on themselves and on other free nations in the East and Southeast Asian area.

Any commitment of U.S. troops, to prop up the new Cambodian regime, whether as advisers or as ground units, will render the most important plank of the Nixon doctrine meaningless. Even if we were to attain a quick military victory in Cambodia, which is extremely doubtful, the overall effect of U.S. involvement will be a widening of the Vietnam conflict across the whole subcontinent of Indochina.

We, in 1970, are still suffering from the effects of a decision to enter a half-way war in the early 1960's. Any risk of extending the United States into an escalation or widening of this military stalemate should be avoided at this stage of American history.

The military budget in this fiscal year and the next is already too high. I have voted on the House floor today, in teller votes, to cut substantial amounts from the military procurement bill in areas where I believe national security is not compromised and where domestic considerations are overriding.

I fully support the amendment offered by the gentleman from New York (Mr. REID) to prohibit the use of any U.S. ground combat troops into Cambodia, Laos, or Thailand.

No one has suggested that outright destruction of all Communist forces and governments in Indochina is or should be our goal. Without any justification for a decision this drastic, there is absolutely no justification for America to extend its entry into a military holding action, or standoff confrontation in Cambodia or Laos. It was a mistake to sacrifice 41,000 Americans in Vietnam. We must not make the same mistake again, when the evidence is so clear that other international and domestic crises may engulf us if we do.

The best way to protect American troops is not to enlarge the war to include Cambodia—but to bring American troops home.

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

Mr. REID of New York. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman's yielding. I wanted to understand whether the gentleman's amendment, if it were adopted, would prevent the action that is now underway in the Parrot's Beak section of Cambodia, which the President is apparently going to discuss on television tonight. Would this amendment outlaw that activity even before the President has had an opportunity to explain what the situation is?

Mr. REID of New York. I would say

to the gentleman that this is a limitation on the use of ground combat forces. It provides no sanction, but it clearly does not preclude the use of funds for advisers or air support.

Mr. STRATTON. This would not interfere then with advisers, or with air support, or with medevac personnel and so on; is that correct?

Mr. REID of New York. It does not preclude their use. It provides no sanction for it. It provides a limitation against the use of regular ground combat forces.

Mr. STRATTON. Does the amendment or does it not eliminate funds for the kind of people who are now operating in the Parrot's Beak area?

Mr. REID of New York. It does not preclude funds for advisers or for air support.

Mr. STRATTON. I thank the gentleman. I am glad to have his statement.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I am glad there was an apparent clarification of a response that was given a moment ago. If I recollect the question asked by the gentleman from Wisconsin (Mr. REUSS), he asked whether your amendment would preclude the military advisers. The impression I got from the response was that the amendment, under ground combat forces, would preclude the utilization of military advisers.

Mr. REID of New York. If the gentleman will permit me, my understanding is that the gentleman from Wisconsin asked whether the amendment would permit the use of advisers. My understanding is that this amendment would not preclude their use.

Mr. GERALD R. FORD. In other words, your amendment would not in any way interfere with the current operation the President has authorized to destroy the sanctuaries of the North Vietnamese and the Vietcong in Cambodia?

Mr. REID of New York. It does not preclude air support. It does not preclude advisers. It does not preclude equipment. But it does preclude the use of regular American ground combat forces in Cambodia.

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

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. RIVERS. Mr. Chairman, I have in the well of the House two maps I want all Members to see. I think if I get beside them I can explain them best. I am indicating the areas that are presently affected. Just about everyone of my acquaintance believes in the concept of hot pursuit. The Vietcong troops would go into sanctuaries inside of Cambodia and Laos. We are now talking about Cambodia. These areas to which I am pointing are the areas where they have been causing the most trouble. Observe how close that area is to Saigon—only 30 miles. We have been wondering how they could blow up Saigon every week. It was simple for Sihanouk. They are only 30 miles away. They could get the stuff where the troops have R. & R. in very large deploy-

ment areas. They have all sorts of storage areas there. They have training areas. They have just about developed this country as a staging area from which to attack Vietnam.

Moreover, they have been flanking our troops and causing terrific damage. We could win the war right here. We tried to get Sihanouk to let us do it. Nothing doing. This crowd did let us do it. I do not know how long this crowd is going to be in business and running this country, but while they are giving us the opportunity to go in and wipe out what has killed so many of our American boys, right on the border—less than 25 miles in, because I am not talking about going all over this country and taking it over—we should take advantage of the opportunity. This is to our advantage and to the advantage of the Vietnamese. We can get right across the border and clean out the bases. This is what they have been doing.

This is right along where the Ho Chi Minh Trail comes, right down this way (indicating) and through Laos and into Cambodia, and right across into the Mekong. Nothing stops them.

We can go in there and intercept the Ho Chi Minh Trail insofar as it applies to Cambodia.

We do not want to stop the President from doing that. I do not know what the President is going to say tonight. I have not talked to him. But this is what he has got to think about. If the Vietnami- zation is going to succeed, we have to do this first. It is as simple as that. I would not want the gentleman's amendment to keep us from going in and to keep us from doing those things that all of the generals—including Westmoreland and Abrams—have told us we must do. But while they are letting us do it, we are doing what we have begged Sihanouk to let us do. Members must remember when Sihanouk captured our sailors.

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

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

Mr. LONG of Maryland. Mr. Chairman, is it the chairman's opinion that to accomplish this, we have to use ground combat troops?

Mr. RIVERS. It is just across the border, 25 miles across the border.

Mr. LONG of Maryland. Mr. Chairman, do we have to use ground combat troops?

Mr. RIVERS. They would be on the soil, yes, but it would not have anything to do with running the government. It is doing what we want to do and what we need to do. It will destroy these areas. Until we destroy these areas, they will infiltrate South Vietnam forever and ever, and the minute Sihanouk gets in, we would not be able to get in there anyway. These are the areas I am talking about. See how every one of them is on the border of the countries.

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

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

Mr. HALL. Mr. Chairman, I think the point needs to be made certainly that, first of all, this border has not been surveyed and it vacillates, and the sanctu-

aries are on the places where theoretically the border is not by treaty, but by mutual agreement between these peoples who oppose each other.

Second, our only men going in there are in an advisory capacity to the Vietnamese who, themselves, need to eliminate these sanctuaries. Would the gentleman agree with that?

Mr. RIVERS. Yes.

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

Mr. RIVERS. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I think it ought to be pointed out, in addition, that throughout our history the President of the United States as Commander in Chief has had and has exercised the power and the authority on occasion to land ground combat troops in case of emergency. But under this amendment, if American citizens' lives were being jeopardized in Thailand or Cambodia—or for that matter, in the Mediterranean or anywhere else—the President could not send the Marines in under this amendment. This is no time or place to attempt to circumscribe or reduce the historical powers and prerogatives of the President of the United States.

Mr. RIVERS. Of course not. The President should be commended. This saves the lives of our troops. We should have done this long ago.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

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

Mr. RIVERS. Mr. Chairman, as I say, I have not talked with the President, but this is undoubtedly what he has to think about. These people have been standing there and lunging at us and they have the stuff in there, and do not let anybody kid us about it. They will bring old Sihanouk back there in short order.

Mr. Chairman, I thank the gentleman from Michigan for getting me this additional time.

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

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

Mr. ARENDS. Mr. Chairman, I must say I am in direct opposition on this particular amendment.

Mr. Chairman, those who serve on the Armed Services Committee, while we do not have all the answers, are privileged on occasion to get some inside information. But, being activated, like every Member of this House, by pure love of our country, those of us who are privileged to know some of these things are in direct opposition to this amendment. It is not in the best interest of this country.

Who can outguess the President of the United States at this particular time? He is going to be on the television tonight at 9 o'clock.

Mr. Chairman, let us see what the President is going to say. Then, after what is said, we will support him in what has to be done in the best interest of this country.

This is no time for us to say to the man who has more information than

any other single person in America, who is motivated by the same things we are motivated by, what is to be done. I repeat, what is being done is what has to be done for the sake of this country.

Mr. RIVERS. I agree with the gentleman.

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

Mr. RIVERS. I yield to the distinguished gentleman from Michigan.

Mr. NEDZI. Would the chairman comment on the headline which appears in the Washington Daily News today which summarizes or epitomizes a radio column which I heard this morning quoting the Cambodian Government spokesman. The headline says, "Cambodia as Neutral Can't Approve Our Aid."

He clearly indicated, or at least was quoted as saying aid was not asked for.

Mr. RIVERS. I do not know a thing about that.

Any excuse we can get to go in and help clean out this thing will help Vietnamization and save the lives of Americans. I would hate to see us do anything to stop it.

Furthermore, we could never tell the President how to run foreign policy. He will tell us, as the gentlemen know, it is none of our business.

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

Mr. RIVERS. Of course I yield to the gentleman.

Mr. REUSS. Do I have the gentleman's position straight? Is it that the gentleman from South Carolina feels the United States should introduce American ground combat troops into Cambodia, and, therefore, opposes the Reid amendment?

Mr. RIVERS. No; that is not true.

Mr. REUSS. Will the gentleman state his position?

Mr. RIVERS. My position is we should introduce troops in there if it is necessary to remove those things which are killing American boys. If we can do it by way of the Vietnamese Army, by way of giving them the material they need, when they get there they will find enough material.

Mr. REUSS. If we cannot do it by the Vietnamese Army, would the gentleman favor it with the American Army?

Mr. RIVERS. If we are ever going to secure that country these things have to be eliminated.

This is the only government that permitted us to go in there. We have tried every way before. This is the only government left.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Certainly I yield to the gentleman.

Mr. REID of New York. I appreciate the chairman's yielding.

Might I ask the chairman whether it is now a matter of law we cannot introduce ground combat forces into Laos and Thailand?

Mr. RIVERS. That is right. That is a mistake.

If there is any country we ought to go to the aid of, if needed, it is Thailand, because they let us come in there in the darkest days of our adversity and never told the world a thing. We built bases

there and used our fighters and our bombers out of Thailand.

To keep us from going to their aid is just a monumental act of ingratitude, in my opinion.

Mr. REID of New York. One final quick question, and I thank the gentleman for yielding.

If the President did send ground combat troops into Cambodia, for whatever reason it might be necessary, does the gentleman see an end of the war or does he see that as leading to a wider war?

Mr. RIVERS. If the gentleman is talking about these areas here, it is bound to shorten the war.

It will do two things. It will eliminate these things (pointing) and it will intercept the Ho Chi Minh buildup, which is coming down there like an interstate highway. The Ho Chi Minh Trail is very vast, over a very wide area. This is a part of it.

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

Mr. Chairman, I take this time—and I hope not to take it all—to caution the House about taking an action of this kind this afternoon just before the President is going to address the Nation.

I, for one, might even support this amendment at a different time. I am opposed to the entering of U.S. ground troops into Cambodia without prior consultation with Congress. However, I would caution the Members of this House this afternoon that if this amendment is passed, you will see the greatest exodus from that press gallery you ever saw, and they will all be heading for the telephones. What they will be doing is broadcasting all over the country, all over the world, that the Congress of the United States has predetermined the judgment of the President even before he made his remarks. This is the worst time that this amendment could possibly be brought forth.

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

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

Mr. RIVERS. I not only agree with the gentleman, but let me say this: We have less than a month of fair weather over there. If we are going to eliminate these things, the time to do it is now—the time is now. When the rainy season comes it is more difficult, and that is what these people are waiting for.

Mr. CEDERBERG. May I say in addition to that that militarily I do not believe we should allow a sanctuary of this kind to exist. I am all for the South Vietnamese taking care of it and I hope they will do the task, but to allow these troops to come in during the day or during the night, into combat and kill our troops and maim the civilians and the South Vietnamese and then go back to a sanctuary and resupply themselves just does not make any combat sense.

I plead with the Members of this House, please do not take this action of approving this kind of an amendment just before the President is going to go on television. It is a tragic mistake.

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

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

Mr. LONG of Maryland. The gentleman's statement puzzles me a little bit. The President argued and only last week the Secretary of State told by subcommittee of the Committee on Appropriations that the Congress would be consulted before any movement into another Asian country would take place. All this amendment speaks to is the introduction of ground combat troops. Does the gentleman argue that—if the President makes a good case tonight, or any other night, that we need combat troops in Cambodia to protect American lives—the Congress would not give him that authority in a very short time?

Mr. CEDERBERG. I will not prejudge what the President will say tonight or at any other time.

Mr. LONG of Maryland. Of course, we do not know what he will say.

Mr. CEDERBERG. The gentleman knows what will happen if the House of Representatives takes this position this afternoon before the President can address the Nation.

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

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

Mr. Chairman, today we are faced with a very serious problem, one that affects every home in our country. In 1964 we had a problem similar to this. At that time we were told that the *Turner Joy* and the *Maddox* had been attacked by North Vietnamese ships. Now in looking into that you find that the commanding officers of those ships will not state they were under attack. But under pressure such as exists here and under strong pleading and suggestion from men high in the offices of this House, our House succumbed and passed the Gulf of Tonkin resolution. I want to tell you that since that time we have had 7 years of the most horrible war that has ever been visited on the people of the United States.

You know, one of the sad things about this war is that if a youngster can get into college, he does not go to the war. If he can get into the Reserves, he does not go to the war. If he can get into the National Guard, he does not go to the war. It is the poor people, the fellows who cannot go to college, who are brought in. If there was ever a war, a horrible war, that was unjustified, this is it. Plainly this is a rich man's war and a poor man's fight.

In a war involving the poorer sons of our country, I strongly support the amendment of the gentleman from New York and I ask that you consider this. I ask that you think calmly and deeply as to whether we are going to enter into a war worse than we are in at the present time. I say that this possibility exists today and now.

Mr. Chairman, Stephen Decatur once said:

Our country in her intercourse with other nations may she always be in the right, but our country, right or wrong.

We might alter that today, Mr. Chairman, and say, "Our country, right or wrong. If right, to be kept right. If wrong, to be set right."

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

Mr. Chairman, I am not going into the military aspects of the Southeast Asia problem.

However, I want to put in perspective what it is we are actually going to do under this amendment because I think that is important in the consideration of the overall principle sought to be raised by the gentleman's amendment.

I think regardless of how we are going to vote, it is important to have a clear understanding of the actual operative potential as compared to its being an expression of congressional policy.

So, first, I would like to ask the chairman of the full Committee on Armed Services whether there are any funds in this bill to finance ground troops.

Mr. RIVERS. There are no funds for personnel and no O. & M. money.

Mr. FASCELL. I am sorry but I did not hear the chairman.

Mr. RIVERS. There is no money for military personnel and no O. & M. money.

Mr. FASCELL. What does "O. & M." money mean?

Mr. RIVERS. Operations and maintenance.

Mr. FASCELL. Therefore, in order for the prohibition in the gentleman from New York's amendment to be effective or have any real meaning as far as the subject matter of this bill, it must apply to equipment and other material used to move ground forces into Laos, Cambodia, or Thailand; is that correct?

Mr. RIVERS. Am I to understand that the amendment is certainly germane?

Mr. FASCELL. I understand it is germane to the bill, but I just want to know what the fund prohibition really applies to.

The question I raise does not go to the overall principle as an expression of sentiment by the Congress. I think expression is worthwhile any time the Congress wants to speak on such an important matter. The question of the introduction of ground troops into any area of Southeast Asia is relevant, but I would like to know whether the fund prohibition in the amendment actually is effective as it applies to this bill. From what I understand, as the chairman just responded, it really is not.

So, it is not a legal proscription of the President's right to commit troops, or to pay for them out of other funds. It is an expression of the sense of Congress, however, which might or might not be important to the administration and which it may consider. But it legally does not proscribe the President. This is the only point I am making, at this juncture.

Furthermore, Mr. Chairman, I submit that this amendment as a matter of legal action cannot possibly change the treaty commitments which the United States has with Thailand. As a matter of law, I do not believe the Congress can do that. I do not believe, therefore, even as an expression of sentiment, the gentleman's amendment can change the treaty commitments and the right of the President under the Constitution to implement those requirements.

It still is, however, if adopted, a very important and vital expression of the

sentiment of Congress. But I do not want us to deceive ourselves that we are putting some monetary restriction on the President or that we are changing some treaty commitment or that we are changing the authority under the Gulf of Tonkin resolution. We are not doing any of that with this amendment.

Finally, Mr. Chairman, this amendment can only be effective on the date this bill becomes effective, if passed. The effective date is the beginning of the next fiscal year, July 1, 1970.

Notwithstanding that, Mr. Chairman, I believe the amendment is an expression of a fundamental policy by this Congress which is vital. However, it does not undermine the President's right to say anything he wants to say tonight about this deplorable situation in Southeast Asia; it does not restrict him monetarily; it does not restrict him legally, and does not modify this country's treaty obligations, and does not change Presidential policy.

It does say, therefore, by inference and construction that it does want the President to come back to Congress.

Therefore, this expression of congressional sentiment, very limited in its actual application, nevertheless is a useful guideline.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I must express my sense of dismay at the statement made by the gentleman from Michigan in talking about his President and our President over here. I have only one President, at one time. As I recall, that is the precise provision in the Constitution of the United States. President Nixon is my President, and he is the President of the United States, and I respect the onerous nature of the office he occupies, and the awesome problems which confront him but I also recognize that this House is one house of a two-house, coequal body which has very serious responsibilities imposed upon it by the Constitution and by the people of the United States.

Mr. Chairman, if this situation is so very delicate that we should not act at this moment in advance of the President's speech this evening, then it seems to me that the appropriate action would be for the Committee to rise and await the statement of the President, and then act, following that statement, upon the basis of any new evidence. Upon the absence of that evidence and under the compulsion to act now, I am going to support the amendment offered by the gentleman from New York (Mr. REID) because I have returned not many weeks ago from Southeast Asia, where I think I undertook a rather responsible inquiry and a very comprehensive inquiry, and the developments which have occurred since my return have not surprised me greatly, and there are other developments which could take place which would not surprise me greatly.

Mr. Chairman, I would point out that it is 17 years since we went into South Korea, and I can see two or three decades of involvement in Southeast Asia, and I can see it on an ever expanding

basis of our material resources, and I know that there is an increasingly strident demand in this Nation for a greater share of those resources.

I have no question as to the motives of some of those who oppose the United States overseas, but I know what dire dangers we face here at home if we continue to do the bad job of housekeeping, to ignore the ills of our own domestic society. We can be destroyed as surely from within as we can by any force or combination of forces from without.

It is time that we start to realize our priorities. The fact that a man steps into this well and opposes an expansion of military activities is in no sense an indictment of his patriotism. I believe that at some times, under the conditions of the moment, it takes more courage to step here and say, "Let us go slow, let us evaluate and reevaluate. Let us know what the hazards of the action we are taking might be," than it does just to stand up and say "I am going along, and I am going to wrap myself up in the flag in the process."

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman.

Mr. REID of New York. Mr. Chairman, I wish to say I agree with and appreciate this statement and concur that this is a matter that the House should act on.

But I would like to advise the Members that I suggested to the leadership, due to the seriousness of the matter and the fact that the President is going to speak tonight, that I thought it might be appropriate to adjourn so we could vote after the President spoke and not before. But I would advise the Members that suggestion, that I was very sensitive to, and which the gentleman mentioned, was declined.

**SUBSTITUTE AMENDMENT OFFERED BY
MR. FINDLEY**

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

The Clerk read as follows:

Amendment offered by Mr. FINDLEY in the nature of a substitute for the amendment offered by Mr. REID of New York:

In place of the amendment, substitute the following language:

"Sec. 403. In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

Mr. FINDLEY. Mr. Chairman, I think we all owe the gentleman from New York a debt of gratitude because he has caused us to enter into a very timely and, I think, very helpful discussion of fundamental military policy, one of the very few such occasions in the 9 years I have been here in the House of Representatives, years in which I have seen an unfolding of military operations unprecedented in our country, and, yet, al-

most never do we discuss the fundamental issue of the role of the United States in these far away places.

The distinguished chairman of the Committee on Armed Services, I feel, put his finger right on the heart of this issue—and I say this kindly—when he closed his comments by saying that if we try, by an amendment of this sort, to tell the President of the United States what to do in the field of foreign policy, the President would respond quite properly, to use the words of the gentleman from South Carolina, "It is none of your business."

I believe that that is a rather widely held assumption, that what happens in foreign policy, especially in fundamental military policy, is really none of the business of the Congress.

It is hard for me to accept that. In fact, I disagree absolutely with such a conclusion.

The amendment I have presented in the form of a substitute retains all of the language of the amendment offered by the gentleman from New York (Mr. REID). But, it adds some things that are unspoken by the gentleman from New York, and I think these unspoken items should be spelled out.

It deals with the item that has been in so much controversy here. Whether in a crisis, requiring a split-second decision by the President through his commanders as to whether ground combat forces should move a few feet across the Cambodian border in order to protect the lives of American troops in South Vietnam—whether or not he could respond.

Of course, the President has a grave responsibility as Commander in Chief—an overriding responsibility to protect U.S. lives whether they are in American uniform or not.

So, even if the Congress would say to the contrary—that he should not do it—it is my belief that he would have the fundamental responsibility to these American citizens to take the action—to protect their lives.

Mr. FINDLEY. I am sorry, I missed the last part of the gentleman's question.

Mr. RIVERS. Does the gentleman's amendment say in so many words that we may enter Cambodia for the purpose of protecting the lives of American troops?

Mr. FINDLEY. Yes.

Mr. RIVERS. Will the gentleman read that language of the amendment again?

Mr. FINDLEY. Yes, indeed. I am glad to. It states, "without the prior consent of the Congress"; then it adds the words, "except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

I am glad to clarify that point and appreciate the question.

Mr. RIVERS. That is what I was trying to say. I can find no fault with an amendment like that.

Mr. FINDLEY. I appreciate the gentleman's comment.

Mr. HORTON. Mr. Chairman, will the gentleman yield? I would like to ask a question on the subject about which you were just speaking.

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

Mr. HORTON. As I understood the statement the gentleman in the well made, he was talking about the idea of hot pursuit, and as I would understand hot pursuit, that would be immediately over the border to protect the ground forces in the immediate vicinity of Cambodia, the South Vietnamese border.

Mr. FINDLEY. I will say to the gentleman, if I may interrupt, that I would hope and expect the President to exercise a very narrow construction on this implied authority to use ground troops outside the borders of South Vietnam, but I can conceive of instances when this would be necessary.

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

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

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

Mr. FINDLEY. I am glad to yield to the gentleman from New York.

Mr. HORTON. The chairman of the Armed Services Committee referred to the map to the immediate right of the gentleman in the well. I am not familiar with it, but I assume it is a map of Cambodia. There are certain MRS with different numbers. I do not know whether those are military targets or what they are. But do I correctly understand that the gentleman's amendment would not permit the introduction of ground troops under any circumstances to go into the heart of or into the major portion of Cambodia?

Mr. FINDLEY. The only circumstance in which ground troops could be introduced into Cambodia would be in the event that the President should determine that such is required in order to protect the lives of American forces within South Vietnam.

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

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

Mr. LOWENSTEIN. I wonder what would occur if the success of the Cambodia forces and our forces and of those allied to us should unexpectedly cause the other side to retreat toward, say, Phnom Penh? Would we then be obliged, under the interpretation the gentleman is giving the amendment, to pursue the enemy through the rest of Cambodia in order to be certain that at some future time they would not come back to the areas where they could harass our troops in South Vietnam?

Mr. FINDLEY. That is a question to which I do not think the answer would appear at this moment. It is up to the President as Commander in Chief to make his interpretation of the implied powers that he exercises as Commander in Chief.

I wish to add one other thing before I yield further. This amendment, to me, is very important, because it speaks to the role of Congress in dealing with fundamental policy. It illustrates the limitations on our role in this area. But it also shows our authority, our respon-

sibility. You will note that my amendment does express affirmatively the right of Congress to consent prior to the use of combat troops. If that is our decision, then we can affirmatively make the decision that our troops should be used. But it also requires that if the President makes a determination to use troops under the implied powers, then he must report promptly to the Congress that he has made that determination. That reporting requirement is nowhere spelled out in present law, to my knowledge. I think it is high time that we impose that reporting requirement on the President.

I think this alone will have a salutary effect and will tend to discourage any unjust use.

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

Mr. FINDLEY. I promised to yield to the gentleman from Indiana. I yield to the gentleman from Indiana.

Mr. JACOBS. I wonder if the gentleman would state whether or not it would be correct to say that the operative language of the Gulf of Tonkin resolution—and the amendment is set opposite the language in that resolution—was not contingent upon the protection of U.S. personnel in Vietnam and if, at the time the Gulf of Tonkin resolution was adopted, it was not also hoped a very strict construction of that resolution might be made by the President of the United States?

Mr. FINDLEY. I gather the drift of the gentleman's comments, and I must say the President may very broadly construe his implied powers. What we do or fail to do here cannot diminish his responsibility. He may fail to exercise it, but we cannot diminish his responsibility.

Mr. JACOBS. Mr. Chairman, the gentleman did not respond. My question was: Was not the operative part of that language contingent on the protection and safety of troops?

Mr. FINDLEY. It had two operative parts and one had to deal with the attack on our ships, and the other dealt with the process through which our Government should go to counter an attack in Southeast Asia.

Mr. JACOBS. It was dealing with the safety of American personnel in Vietnam, as I recall.

Mr. FINDLEY. I believe only section 1 dealt with the safety of American personnel.

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

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

Mr. CEDERBERG. Mr. Chairman, inasmuch as I spoke in opposition to the Reid of New York amendment because I felt very strongly about that, I do believe the amendment of the gentleman from Illinois is a real improvement, and I see no real reason to oppose that amendment.

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

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

Mr. RIEGLE. Mr. Chairman, as I understand the amendment of the gentleman and his explanation, it seems to me he is inferring by what he said that the

President now has delegated authority to act on his own to introduce American military personnel in Cambodia.

Mr. FINDLEY. He has an implied responsibility to do so in Cambodia to protect American lives in South Vietnam.

Mr. RIEGLE. Where specifically in the Constitution can the gentleman find that? I question that.

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

(On request of Mr. GROSS, and by unanimous consent, Mr. FINDLEY was allowed to proceed for 1 additional minute.)

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

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

Mr. GROSS. Mr. Chairman, in the event the gentleman's substitute should be defeated, I wonder if the gentleman from New York (Mr. REID) would accept an amendment to his amendment to provide that in perpetuity no American combat troops be sent anywhere in the world, including the Middle East?

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the full decade of the sixties, I had the opportunity to sit down with several Presidents, and it was my privilege, following such conferences, to support the President, whether he was from my party or another party, in what he thought was in the best interests of the United States.

I am proud of the fact that in this country we can have that kind of cooperation between the leaders on one side of the aisle with a President coming from the other side of the aisle. I have always been very proud of the fact that in this body the Democratic leadership has responded as strongly in support of a Republican President as most of us responded and supported a Democratic President.

I happen to think this is a very crucial hour—and I use that word not literally, but figuratively—and it is my strong hope that at this particular point we, not as Democrats or Republicans, make a basic decision in the overall interest of the country.

I, personally, do not believe that either the Reid amendment or the Findley amendment ought to be approved here this afternoon. I do not know precisely what the President of the United States is going to say tonight. I think it is awfully important that the impact of his remarks not be hampered or hindered by some action taken here this afternoon.

I am a strong believer in the right of the legislative branch to participate in decisions involving our national security. But the problem of time right now is extremely serious. We could very easily take some action here this afternoon which might adversely affect the full beneficial impact of what the President will say tonight.

If I had my choice I would be opposed, as a consequence, to either amendment.

I have looked over the Findley amendment. I have consulted with experts in the executive branch of the Government.

The choice between the Findley amendment and the Reid of New York amendment is easy.

The Findley amendment in effect says what the President has promised he will do. He has said that before introducing American ground combat troops into Laos, Thailand, or Cambodia he will seek the prior consent of the Congress of the United States.

On the other hand, he has said that if emergency situations arise where it is incumbent upon him as Commander in Chief to take action to protect the lives of American soldiers, sailors or marines, then he will act, but he will report immediately to the Congress and to the American people his reasons for taking such action under emergency circumstances.

Therefore, it seems to me that this proposed amendment offered by the gentleman from Illinois (Mr. FINDLEY) does no harm, because it coincides with what the President has promised us and the American people; and therefore I intend to vote for the substitute, and I would ask all on our side of the aisle and as many as possible on the other side of the aisle to do the same.

It seems to me that this is the best course in a situation which could be complicating and harmful. The facts of life are that since 1965 the Vietnamese and the Vietcong have occupied sanctuaries just across the border from which they have made forays into South Vietnam, and after they have made those forays—

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

(On request of Mr. PELLY, and by unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, after the enemy has made these excursions into South Vietnam, killing Americans and killing our allies, they have escaped back across the border and they have rested and recouped and regrouped, and they have rearmed. Then they would come back on another occasion, at their option, with the full protection of the former Government of Cambodia.

In order to save American lives the President has authorized the kind of action, in conjunction with the forces of our allies, which he will describe in detail to the Nation in a few hours.

I hope and trust that we take no action here today or tomorrow or next week that will undermine this long overdue effort to protect the lives of Americans now being killed in South Vietnam.

I am told that the statement to be made by the President tonight is considered to be one of major importance. I believe the best answer for us here this afternoon is to accept an amendment which I am assured coincides with the commitments already made by the President. I believe it is a far preferable amendment to the one offered by the gentleman from New York (Mr. REID).

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

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. I believe that words about saving American lives confuse the issue. I believe that is what we are all trying to do, to save American lives. If Congress had acted many years ago, perhaps we could have saved many of the 40,000 American lives that have been lost in Vietnam.

Is it not true that the Findley amendment merely pulls the few teeth that the Reid amendment has in it and allows the President to do basically as he pleases?

Mr. GERALD R. FORD. I do not think it pulls the teeth of the Reid amendment. What the Findley amendment does is tell us that the President will consult with us in advance if he takes such a step in Laos, Cambodia, or Thailand, which is a promise that he has already made to us and to the American people. Then he is also given the flexibility to act if there is an emergency that arises to protect American lives and then report promptly thereafter. I think that is constructive and not harmful.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. REID of New York. I thank the gentleman for yielding.

I merely ask him, in the light of our earlier conversation this morning whether in deference to the President's speech tonight he would be willing to recommend that the House rise so that we can vote after the President's speech.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 2 additional minutes.)

Mr. GERALD R. FORD. I know that there can be an argument made that we should defer, but I do not have the privilege nor the prerogative of making that decision. Therefore I do not feel that I should comment one way or another on a decision that was made earlier to conclude the business of the day.

Mr. REID of New York. If the gentleman will yield further very briefly?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. REID of New York. In deference to the point that the gentleman was making, is it not accurate that I said an effort should be made to have a vote after the President's speech so that we would not preclude whatever he might say but equally protect the right of the House to vote on a matter wherein we have constitutional responsibilities?

Mr. GERALD R. FORD. I simply say an argument can be made—

Mr. REID of New York. I was simply asking whether the suggestion was not made earlier by this gentleman.

Mr. GERALD R. FORD. The gentleman from New York did make that suggestion. Right. It seems to me that in this circumstance we are faced with today the wise action, the constructive action, the action that in the best interests of the United States would dictate that we support the Findley substitute and get on with the business of approving this legislation.

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

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I would like to have the gentleman's opinion as to whether the Reid amendment or the substitute offered by the gentleman from Illinois (Mr. FINDLEY) would impact in any way the President's authority to have advisers in Thailand at this time, and, in the judgment of the gentleman, would it withdraw the advisers we now have operating in Thailand.

Mr. GERALD R. FORD. In listening to an earlier colloquy between the gentleman from New York and the gentleman from Wisconsin I was led to believe that the Reid amendment would preclude the utilization of military advisers in Cambodia. Subsequently there was another colloquy that I am not sure clarified it, but there were more words concerning it.

Mr. REID of New York. It does not preclude that, I would say to the gentleman.

Mr. GERALD R. FORD. I am glad to have that observation.

The CHAIRMAN. The time of the gentleman has expired.

SILENT EPIDEMIC

(By unanimous consent, Mr. BARRETT was allowed to speak out of order and to revise and extend his remarks.)

Mr. BARRETT. Mr. Chairman, on Monday, April 27, 1970, I introduced two bills, H.R. 17234 and H.R. 17260, designed to attack and eradicate, what has been labeled the "silent epidemic," afflicting an estimated half million infants and children in our Nation's cities and towns. An epidemic of poisonings resulting from the use of lead-based paints in the interior of houses. The effects of such poisonings are at times fatal and, when not fatal, far too often tragic—leaving children with mental retardation, blindness and chronic kidney disease among other consequences.

Lead-based paint has not been used on interiors for over 10 years, but in old buildings it lies just beneath the surface of newer coats of lead-free paint. When the old walls are not properly maintained, the old paint lifts away in layered chips along with the new. This is the decor of older housing, particularly of slum housing. The children living in deteriorating houses, whose walls are layered with sweet-tasting flakes of paint, are the victims. This condition is a major health problem for the infants of those families living in older housing. In fact, aside from infectious diseases this is the major infant health problem.

Compared to the major health problems which we have already solved, the solution to this problem is relatively simple. It can be solved on a local level. Unfortunately, however, our local governments are not able to cope with this matter on their own. Many local governments have enacted ordinances against the use of lead-based paint on housing interiors. However, enforcement of the ordinance proves difficult. Further, the lead-based paint all too often has been covered over. In addition, there is the problem of lack of knowledge by many parents as to the causes and early signs of lead poisoning.

This situation can and must be corrected; and, it must be corrected now. The two bills I introduced are designed to provide a two-pronged coordinated attack to remedy the situation.

The bill, H.R. 17234, concerns itself with the people who live in these homes. It would authorize the Secretary of Health, Education, and Welfare to make grants to assist local governments in developing and carrying out local programs to detect and treat incidents of lead-based paint poisoning. In addition, it would assist in developing and carrying out programs that identify those areas that present a high risk to the health of the residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

The other bill, H.R. 17260, is concerned with the housing itself. It would authorize the Secretary of Housing and Urban Development to make grants to units of local government to assist in developing and carrying out local lead-based paint elimination programs. The bill would require that there be an approved workable program for community improvement for the locality, containing a program to eliminate lead-based paint. In addition, the bill would amend other HUD assistance programs to require that they include an effective plan for eliminating the causes of lead-based paint poisoning.

Mr. Chairman, both of these programs are vitally important to the solution of this major health problem and a coordinated attack is needed. Therefore, I believe it is important to note that both of these bills contain a section requiring the Secretaries of the respective departments to "cooperate with and seek the advice of the heads of other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority" under the acts.

Mr. Chairman, as chairman of the Housing Subcommittee of the Banking and Currency Committee, to which H.R. 17260 has been referred, I will make every effort for favorable consideration by that committee. I will also endeavor to have H.R. 17234, which was referred to the Interstate and Foreign Commerce Committee, receive favorable action.

Mr. Chairman, I urge my colleagues to join with me in sponsoring and supporting legislation to attack the problem of lead-based paint poisoning.

Mr. PODELL. Mr. Chairman, the Members of the House and the Senate and the American people were informed late yesterday of President Nixon's decision to provide American military advisers and American air support to the attacking South Vietnamese Army now in Cambodia. This decision was reached with the "advice and consent" of the President and his advisers and provides just cause for profound dismay.

The reasons cited for the action are similar to those given in support of the 1965 decision to widen the war in Vietnam—that widening of the conflict would bring a speedier end to the fighting. After 5 years of continued bloody fighting, 40,000 American lives, \$100 billion, the war in Vietnam continues unabated.

The faultiness of our earlier reasoning is then obvious. Yet, American decision-makers in the executive branch are still working under the same assumptions and appear ready to make the same mistakes again. The opening of this new front in Cambodia is in direct contradiction to American experience and to the recently issued "Guam doctrine."

I am deeply distressed at both the content of the decision and the manner in which it was reached. There is a constitutional requirement that the responsibility to commit American forces and arms abroad rests with two branches of Government—with the executive and the legislative branches concurrently. The President, whose search for a strict constructionist for the Supreme Court is well known, seems unwilling to follow the letter of the Constitution on this issue.

Instead, the Congress has, except for incomplete briefings, been bypassed. After being consulted "after the fact," it has been asked to concur in the decision because of responsibility to our fighting men.

The logic of such *ex post facto* reasoning escapes me. Decisions of such magnitude and potential consequence as troops to Cambodia require that approval be given by all representatives of the American people.

American policy seems directionless at this point. Vietnamization of the Vietnamese war and widening American involvement in Cambodia are contradictory. If the conflict expands into a pan-Indo-Chinese effort, American lives will be needlessly sacrificed.

We cannot continue to make up rules as we go along—or to spout outdated slogans. Is it too late to ask President Nixon to reconsider his decision? It is certainly not too late to ask Congress to express its disapproval. Congress has the moral and constitutional responsibility to act.

I support the amendment of the gentleman from New York (Mr. REID).

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRATTON. Would it be in order to move at this time that the Reid of New York amendment and all amendments thereto be tabled so that this matter of grave consequence might be considered at another time?

The CHAIRMAN. A motion to table is not in order at this time.

AMENDMENT OFFERED BY MR. LEGGETT TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY FOR THE AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. LEGGETT. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The Clerk read as follows:

Amendment offered by Mr. LEGGETT to the amendment in the nature of a substitute offered by Mr. FINDLEY for the amendment offered by Mr. REID of New York:

After the word "Congress" strike out the proviso exception.

Mr. LEGGETT. Mr. Chairman, the effect of my amendment to the Findley substitute, which I feel there is real danger of this House accepting, will make, I think, the Findley substitute meaningful. It would merely state in line with the expressed intention of the President of the United States that none of the funds authorized by this act shall be used to finance the introduction of American troops in Laos, Thailand, and Cambodia without prior consent of the Congress.

I think that there is plenty of authority for those who say we need authority to go ahead into Laos, Cambodia, and Thailand to chase the enemy. We are living with substantially this same proviso which was contained in the last authorization bill by this House and we have been able to protect our troops in Thailand and our air bases as well as to protect our interests in Laos.

For those who say we need some further expressed authority—to take out the sanctuaries that the chairman referred to earlier in the Parrot's Beak in that part of Cambodia that juts into South Vietnam and certain other areas—I say we do not need any expressed authority. I say this because we have been doing it from time immemorial. Where do you think we kill something over 1,000 to 1,500 troops every single week and have done so over the period of the last 5 years? We kill them by pursuing them in places where we think they are.

What we really have the opportunity of doing here today is I think to circumscribe and put some kind of limitation on the Tonkin Gulf Resolution that was passed by this House some 5 years ago.

I think while the substitute which has been offered by the gentleman from Illinois (Mr. FINDLEY) is laudable, and it looks like we are pursuing a proper objective, certainly we give the President wide, wide latitude that I think in years to come we will regret.

The President in his analysis of the potential situation in Southeast Asia last Monday knew exactly what the Cambodians were up to. All of us on the House Armed Services Committee and the newspapers know the facts about Cambodia. We know they are a military dictatorship. We know they have committed acts of genocide, we know they are anti-Vietnamese. I do not know what else they stand for.

Mr. Chairman, I do not think we want a wider war. The President has said we ought to deescalate the war by proposing the withdrawal of 150,000 men over the next year, leaving about 294,000 American troops in South Vietnam.

This is the considered analysis of the National Security Council—and I think we ought to give the President the best of our judgment and we ought to tell him on the floor of the House today we do not support a wider war.

Certainly, Mr. Chairman, we can protect American servicemen any place we need to protect their lives. We do not need to adopt the Findley substitute in order to do it.

Unless we accept the amendment that I have offered to make that a better

substitute—and I think with that proviso stricken—we will have brought into play the requirement that before the President commits us to a further war in Southeast Asia he will have to come back to the Congress and justify such action not only to the committees but to the Members on the floor of the House and on the floor of the Senate.

Mr. Chairman, this is in line with the responses that have been made by the Secretary of State and I do not believe we will be hamstringing the President in any way by the adoption of this substitute.

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

Mr. Chairman, I would like to support the amendment offered by the gentleman from Illinois (Mr. FINDLEY) but in my judgment that amounts to little more than a Gulf of Tonkin resolution for Cambodia.

Mr. Chairman, I rise in support of the amendment of the gentleman from California to prohibit the use of any funds under this bill to introduce American troops into Cambodia.

Mr. Chairman, I have most certainly not harassed any President—Mr. Johnson or Mr. Nixon—on the conduct of the war in Vietnam. I have expressed doubts about President Johnson's policy since 1965, but I did not ask for, nor did I support immediate unilateral withdrawal.

When in October Senator SCOTT, the Republican minority leader, asked for a 60-day moratorium on criticism of the President's policies in Vietnam, I supported that.

When debate on Vietnam threatened to become highly partisan in late October, I gave speeches to my own party units asking them to give the President more time. When the Wright resolution came before the House, I voted for it because of my reluctance to restrain the President in the conduct of foreign affairs. At that time, however, I pointed out that my support for the resolution should not be interpreted as a blanket endorsement of every facet of the President's November 3 speech, nor as a pledge of unqualified support for any future Presidential action as yet unknown and undefined.

It is difficult for me to support this amendment because I do not like to in any way restrict the action of the President. But Mr. Chairman, the issue today is broader than the freedom of movement of one man, and that issue is twofold. It is first a question of whether this Nation is willing to risk a widening of the war by involvement of American troops in another unhappy nation in Indochina, and it is second, a question of the responsibility of the Congress in determining the policies the country will follow.

Mr. Chairman, I do not believe we should vote on this bill, or on this question, until after the President's speech tonight. If we had any sense, we would postpone our action until at least tomorrow, and possibly later. But, in the absence of any delay in the consideration

of this subject, I believe we have no alternative but to support the amendment.

Mr. Chairman, since the late 1950's we have been involved in Vietnam without specific congressional declarations of support. Since 1964 we have required young men to fight in combat in that unhappy land without specific congressional approval except for the Tonkin resolution, which is, at best, of dubious clarity. We are now faced with the question of whether in the absence of specific congressional consideration of this new question we should send our young men into another area of war.

We have been told by the President "no more Vietnams." Mr. Speaker, if we continue to send troops into Cambodia we run the high risk of having at least one more Vietnam and that is two more than we can afford. Indeed, it may already be too late to avoid it. Mr. Speaker, we cannot in conscience and we should not, out of respect for the Congress as an institution, allow involvement in Cambodia without specific congressional approval of that added involvement. We have had men die in an undeclared war in Vietnam for 9 years. We should not support actions which would lead to the killing of Americans in another undeclared war. In the absence of congressional consideration of this added involvement, and in the absence of congressional determination that this added involvement is in the best interest of the United States, I cannot vote to financially support such efforts. I am tired of young Americans dying in "unofficial" wars.

I am opposed to sending American men into new areas of warfare without a statement from the Congress that their sacrifice is both necessary and wise.

Mr. BIAGGI. Mr. Chairman, the recent unilateral Presidential decision to send American combat advisers, tactical air support, medical evacuation teams, and other support to Laos, Thailand, and Cambodia indicates that there is a total disregard for the advise and consent role of the Congress in making foreign policy decisions that affect our economy and the lives of our citizens.

The prior consent of Congress should, in all instances, be obtained before any decision of such potential military magnitude is made. Surely the lessons of Korea and Vietnam must not be repeated over and over again before the Congress is allowed to have a voice in determining whether or not expanded American involvement in Southeast Asian nations is in the best interests of the United States.

No doubt the safety of American troops in Vietnam must be a serious consideration in determining our Southeast Asian policy. However, the additional implications of such vital action should be approved by debate in the Congress before America is involved and committed in any other nation. This is the only way rational foreign policy can be established.

Mr. MOORHEAD. Mr. Chairman, I rise in emphatic support of the amendment offered by the gentleman from New York (Mr. REID), which says:

In line with the expressed intent of the President of the United States, no part of the funds authorized to be appropriated pur-

suant to this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand and Cambodia.

This House, by sustaining this amendment, will make it clear to the President and more importantly to the people of the United States and the world, that we will no longer support America military excesses in Southeast Asia. Rather than sending our boys into Cambodia, we should be loading them on troopships and bringing them home. And it is at home, in the United States, where we should be concentrating our efforts and our money.

Have the mothers, wives, families, and soldiers of this Nation not suffered enough? Why must we perpetuate our existence in Southeast Asia, when it has been demonstrated time and time again that the people of this Nation want no more Vietnams.

President Nixon entered office on the strength of three promises; to end the war, to cool the economy, and generally to lower the voices of discontent and wrangling in our country.

Not only has he failed to do any one of these things. He took new steps yesterday to generate new, and who knows how far-reaching, antagonisms when he ordered Americans into Cambodia. American blood has stained the earth of Vietnam. I will not see that same blood wasted on the soil of Cambodia.

I for one will not waffle on this latest Nixon folly. No money for a war in Cambodia. No American lives lost in a war in Cambodia. To this I pledge myself. And I hope that my colleagues will do similarly by voting for the Reid amendment.

Mr. TAFT. Mr. Chairman, while I support the military procurement authorization bill providing for about \$20 billion for military procurement for the next year, I hope we will be able to scale the expenditure level back in the appropriation bill that will come later. In any event, the authorization bill for 1971, on which we are voting, is \$400 million less than the authorization for last year. It includes funds for the Safeguard system that I believe is sound as a wholly defensive and deterrent weapon. Its development may well have been helpful in the progress to date at the SALT talks.

I believe that that weapon system, as well as the other military procurements authorized by the bill, are necessary in today's world when the Russians continue their buildup in strategic missiles and their activities in support of troublemakers such as the Arab nations.

While I voted on a number of amendments today, no final vote occurred on the bill, and final action was deferred until Wednesday, May 6. The deferment occurred to permit the Congress to study the President's message on Cambodia before acting on an amendment proposed by Congressman REID of New York, and an amendment to that amendment proposed by Congressman FINDLEY of Illinois. The Reid amendment would have prohibited the use of the funds being authorized for the purpose of introduction of American ground troops into Laos, Thailand, or Cambodia. The Findley amendment to the Reid amendment added an exception to permit such use

to the extent required to protect the lives of American troops still remaining in South Vietnam. It also would have required a report by the President to the Congress on any such finding.

My own feeling is that no American ground troops should be introduced into Laos, Thailand, or Cambodia and certainly it should not be done without the expressed authorization of Congress. However, the Findley amendment seemed to me to be consistent with inherent powers of the President, as to the defense of our forces and I, therefore, would have supported both the Reid amendment as amended by the Findley amendment.

Mr. KOCH. Mr. Chairman, there is no question in my mind that President Nixon has neither the moral nor legal right to commit American military forces in Cambodia without the consent of Congress.

The administration has now embarked on widening the war in Southeast Asia which will further delay the withdrawal of American troops from South Vietnam. President Nixon persists in the tragic illusion that military action rather than political settlement is the answer to the Indochina turmoil of the last 16 years. As I have said before on the floor of this House, the President's policy is simply the persistence of national pride beyond any political, economic, or moral justification. It is a policy that has cost the lives of almost 50,000 American young men. We must not let it continue. Let our policy be committed to saving lives rather than saving face.

By ordering American military action in Cambodia this week, President Nixon has shown contempt for the overwhelming desire of the American people to get our troops out of Southeast Asia. The President was elected to terminate our involvement, not complicate and deepen it. The democratic process is gravely threatened when any President intentionally ignores such a mandate.

I will urge my constituents to make known their opposition to the President's Cambodian decision. It is their sons and their dollars that he uses without their consent or the consent of Congress.

The American people know a tragic mistake has been made in Vietnam. It remains only for the Nixon administration to accept once and for all that judgment. So let the Government be reminded who is master and who is servant.

Mr. FISH. Mr. Chairman, the House deliberation today on the question of introducing U.S. ground combat troops in Cambodia has taken us a giant step toward restoring the role of the Congress in foreign policy.

I am opposed to the introduction of U.S. combat troops into Cambodia. I view the presence of American advisers and medical personnel with the South Vietnamese attack force invading Cambodia as extremely dangerous. To me, the Nixon doctrine clearly precludes sending in American troops, leaving open the question of tactical air support and logistical support.

The memory that advisers were only the forerunners of combat troops in the

quagmire of Vietnam is all too fresh. While the motions before the House would preclude only combat forces, I believe the Congress in the exercise of its responsibilities should be informed and its consent sought before even advisers are dispatched into foreign war zones.

In all of this, Mr. Chairman, our attention continues to be diverted from other troubled areas of the world. In my opinion, the danger of confrontation with the Soviet Union and of full-scale war is in the Mediterranean. While we have concentrated on Vietnam, the Soviet Union has placed a major fleet in the Mediterranean and has developed bases in Egypt. There is evidence that the Middle East fighting is entering a new and dangerous phase with Egyptian troops, armed with the latest Russian equipment and backed by Russian technicians, carrying out a major offensive. New SAM missile systems have been deployed in Egypt, manned by Russian technicians. Today there are persistent reports of Soviet pilots flying Egyptian jets over Egypt.

This is a very trying time for U.S. policymakers. But it seems clear to me that the interest of the United States in working toward a lessening of tension will not be served by our involvement in Cambodia. Our energies, on the other hand, should be directed toward a political settlement in Indochina and our attention directed to dangers of enlarged conflagration in the Middle East.

Mr. WOLFF. Mr. Chairman, the extension of the Vietnam war into Cambodia is most regrettable. This is especially so since the undefined, open-ended policy of Vietnamization appears to include a willingness to follow the South Vietnamese on a course of military adventurism.

One wonders, with great concern, if, as we followed South Vietnam into Cambodia, we would also follow South Vietnam on an invasion of the north, something that has been advocated by Vice President Ky.

Mr. FARBSTEIN. Mr. Chairman, the President in expanding the war in Vietnam into an Indochinese war is pursuing an illusionary dream. We have heard the "we can win the war if only we expand it" logic before, and each time it has turned out to have cruel and predictable consequences. The Pentagon told us in 1965 if only we committed American forces to Vietnam we could drive Ho Chi Minh out. When that did not succeed, we were told, if only we bombed the northern ports, it would destroy the spirit of the North Vietnamese and bring military victory.

When we sent massive numbers of young Americans to Vietnam, it did not deter Ho Chi Minh, and when we began massive bombing of the north, it did not break the spirit of the enemy.

Now the President has decided to accept the advice of the military who say an expansion of the war to Cambodia can bring military victory in Vietnam.

I believe the President is wrong, both in terms of the situation and in terms of the legality of his move.

This is the kind of situation that can only get worse. The Chinese will not per-

mit Hanoi to be defeated. If we escalate, they can do so more easily. We must get out; we must not widen this war. Under no circumstances can we permit this country to get into an Indochinese war. No amount of Presidential explanation can overcome this fact that we have sent our soldiers into Cambodia—call them advisers or whatever.

From the legal standpoint, I believe the President has overstepped his authority. The Constitution requires the consent of the Congress to declare war. The President has not gotten nor even asked for this.

To go into any nation, requires an invitation from the government. As far as I know, we have received no request from the Cambodian Government to invade its territory.

The recently passed national commitments resolution supported by the administration required Presidential consultation with the legislative branch before taking any new military action.

And last year, the administration rejected the Gulf of Tonkin resolution as legal justification for our presence in the area.

We have no legal justification for being in Cambodia.

This is a new war. We should get out right now.

Mr. RIVERS. Mr. Chairman, I wonder if we could arrive at some reasonable limitation of time with respect to these amendments.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 5 o'clock.

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

Mr. GIBBONS. I object, Mr. Chairman.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 10 minutes after 5.

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

Mr. GIBBONS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto terminate at 5:30 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was rejected.

PARLIAMENTARY INQUIRY

Mr. BOLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOLAND. Mr. Chairman, is it in order to move that the Committee do now rise?

The CHAIRMAN. Yes; it is in order.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts.

Mr. RIVERS. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOLAND and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 131, noes 100.

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, 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. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and referred to the Committee on Appropriations:

APRIL 24, 1970.

The Hon. JOHN W. MCCORMACK,
Speaker of the House,
Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, the House Committee on Public Works on April 23, 1970, approved the following lease prospectus revisions:

Area of Fresno, Calif., Treasury Department, Internal Revenue Service Automatic Data Processing Center

Suffolk County, Long Island, N.Y., Treasury Department, Internal Revenue Service Automatic Data Processing Center

Memphis, Tenn., Treasury Department, Internal Revenue Service Automatic Data Processing Center, with an amendment that the annual rental cost of the required space not exceed \$7.00 per square ft., including service.

Sincerely yours,

GEORGE H. FALLON,
Chairman.

PARLIAMENTARY INQUIRY

Mr. BURTON of California. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BURTON of California. As I understand, the armed services bill will not be further dealt with today. Is that the Chair's understanding?

The SPEAKER. That is the understanding of the Chair.

Mr. BURTON of California. In that event, that will permit the country to tell the Congress whether or not they want us to vote in approval or disapproval of widening the war in Southeast Asia. Am I correct in that, Mr. Speaker?

The SPEAKER. The Chair will state that the Chair does not understand that to be a parliamentary inquiry.

Mr. BURTON of California. I thank the Speaker.

LEGISLATIVE PROGRAM FOR WEEK
OF MAY 4

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the program for next week.

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

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, may I advise that after consulting with members of the committee and Members of the leadership on both sides, it is generally agreed, and we will act accordingly, that the military procurement bill, should go over until Wednesday next. That decision will vary the program that we had intended to announce.

Members know that tomorrow is Law Day, and there are numerous Members—large numbers of Members—who have petitioned me that they have commitments which they have made in anticipation of being able to fulfill them. With that in mind, Mr. Speaker, we will ask to go over at the conclusion of business today.

The business for next week is as follows:

Monday is Consent Calendar day, and there are eight bills under suspension:

H.R. 6951. To enact the interstate agreement on detainees into law;

House Joint Resolution 546. To provide for commemoration of the 100th anniversary of Yellowstone National Park;

H.R. 16661. To authorize a maximum of \$15,000 coverage under servicemen's group life insurance;

H.R. 16739. To extend the authority to maintain Veterans' Administration offices in the Philippines;

S. 856. To provide for participation in international expositions;

H.R. 11628. To transfer the authority to purchase office equipment and furniture for the Library of Congress;

H.R. 12619. To amend the act relating to the policing of the Library of Congress;

Senate Joint Resolution 193. To provide for the appointment of James E. Webb as Citizen Regent of the Smithsonian Institution.

Tuesday is Private Calendar day. Also on Tuesday we have H.R. 10138, Public Health Service commissioned officer retirement benefits, with an open rule and 1 hour of debate.

Then for Wednesday and the balance of the week the continuation of H.R. 17123, the Military Procurement Authorization Act for 1971, also the second supplemental appropriations bill for fiscal year 1970, and H.R. 16595, authorizing appropriations for the National Science Foundation, with an open rule and 1 hour of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and further program may be announced later.

ADJOURNMENT OVER TO MONDAY,
MAY 4

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH BUSINESS IN
ORDER UNDER THE CALENDAR
WEDNESDAY RULE ON WEDNES-
DAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

GENERAL LEAVE

Mr. ARENDS. Mr. Speaker, unless permission has heretofore been granted, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 17123 which we discussed today.

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

There was no objection.

ADDABBO ASKS ADMINISTRATION
TO RECONSIDER ISRAEL POLICY

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

Mr. ADDABBO. Mr. Speaker, though we credit the Nixon administration with the most honorable of intentions, it would be difficult to reconcile its present course in the Mideast with our Nation's long-established support of Israel's integrity and the events of recent date.

It now seems clear that the present Arab course is one of attrition, to use raiding parties to provoke retaliation with the specific intention of depleting Israel's superior air might. The Arabs seemingly now have not only Russian equipment but Russian crews to man them. Russia also is supplying missiles to be used against Israel.

It is, Mr. Speaker, chillingly shrewd appraisal of the military situation in the Mideast. While it is true that Israel's superior air power now makes direct attack on that tiny nation a form of military suicide, if she cannot replenish her planes as they are downed, Israel soon will become vulnerable to the hostile hoards that surround her. It is no idle fear that the present U.S. policy may play directly into the hands of the Arabs.

Mr. Speaker, if we withhold our help any longer, it may be too late to save Israel from annihilation. Israel has not survived these years because of parity but because of superiority. In the Middle East, parity is a code name for Israel's destruction.

Let us make it perfectly clear, Mr. Speaker, that our greed for Arabian oil has let us compromise our moral obligations in the Middle East. If the Israelis are belligerent about returning territories taken during the 6-day war of 1967, I daresay they have ample cause. The territories are not the roadblock to peace, nor in a sense, are the Arab Nations who continue to agitate for Israel's destruction.

It is the powerful nations of the world, including ourselves, who are to blame for the perpetual crisis in the Mideast. As long as the Arab Nations continue to receive arms, Israel must be armed. As long as Arabs and Israelis have armies, there will be wars.

The United States might be headed on the road to peace when it proposes deescalating the arms race in the Middle East. But that precarious situation is not one where unilateral action can succeed. It will only result in additional bloodshed. Until we can reach accord with the Russians and other nations about a guaranteed reduction of arms on both sides, we simply cannot allow Israel's military might to be diminished.

Unless our present course of action is changed now, I fear we may be responsible for greater fighting in the Middle East. I urge the administration to reconsider its present stance as quickly as possible.

The President once asked us to consider not what he said but what he did. Accordingly, Mr. Speaker I have forwarded a copy of this statement to President Nixon.

GILBERT INTRODUCES NATIONAL
PUBLIC EMPLOYEE RELATIONS
ACT

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

Mr. GILBERT. Mr. Speaker, today I am introducing a bill which is designed to accord employees of State and local governments the same rights guaranteed employees in the private sector.

The National Public Employee Relations Act is designed to protect the rights of public employees to organize and bargain collectively through representatives of their own choosing. These are rights to which all employees working in a free, democratic society are entitled. The flagrant violation of these rights by some public employees, and the general failure of the States to enact meaningful, comprehensive laws safeguarding these rights, as well as the desirability of a uniform national policy in the area of public employee labor relations law, has given rise to the need for a comprehensive public employee relations act.

This bill establishes a National Public Employee Relations Commission to administer the act and insure the effectuation of these fundamental employee rights.

Experience has shown that protection of employee organizational rights reduces labor-management strife, encourages practices fundamental to the peaceful adjustment of labor disputes, and

restores equality of bargaining power between employers and employees. Justice mandates Congress act promptly to achieve these objectives.

A summary of the bill I am introducing today follows:

SUMMARY OF NATIONAL PUBLIC EMPLOYEE RELATIONS ACT

Section 1: Policy: Sets forth basis of assumption of Federal jurisdiction, relying upon the Commerce Clause and the 1st and 14th Amendments to the Constitution. It declares that the policy of the United States is to encourage collective bargaining.

Section 2: Definitions:

Employer includes state and local subdivisions as well as public and quasi-public corporations, housing authorities and other authorities and public agencies.

Employee includes any employee of an employer and excludes only "officials appointed or elected pursuant to a statute to a policymaking position."

Exclusive Representative includes only those unions which are recognized prior to the enactment of the Act or which later become certified by the National Public Employee Relations Commission.

Supervisor includes only those individuals who can make or effectively recommend personnel changes or who may responsibly direct other employees.

Section 3: Rights of Employees: Authorizes employees to form, join or assist a labor organization and to bargain collectively, free from interference by the employer. It also authorizes employees to refrain from all union activities except to the extent that a collective bargaining agreement contains a union security provision, such as a union or agency shop.

Section 4: Union Dues Deduction: An employer is required to check off dues to any organization designated by written authorization, by employees, BUT where there is an exclusive representative, dues must be checked off to that organization only. The authorization may be revoked annually.

Section 5: Unfair Labor Practices: Bars interference with employee rights, prohibits employer assistance to a union, and requires an employer to bargain collectively with an exclusive representative (bargaining is not required with minority groups). In addition, any violation of the Act—for example, refusal to check off dues—is an unfair labor practice.

Unions are prohibited from coercing employees to join the union and required to bargain collectively if it is the exclusive representative.

The parties are required to bargain on all matters affecting terms and conditions of employment, including those which are covered by regulations or other laws, and to submit to the appropriate legislative body any agreement reached on these matters.

Section 6: Elections: A union petition for an election must be supported by 30% of the employees. Other unions may participate in an election only if they can show authorization from 10% of the employees in the bargaining unit.

The Commission determines the unit in which the election and collective bargaining will take place. Supervisors must be placed in separate units. Only one election may be conducted in a 12-month period, but a petition may be filed earlier.

Section 7: Unfair Labor Practice Procedure: Any individual, employer, or union may file a complaint and is then entitled to a hearing. The General Counsel of the Commission may also file a complaint and/or participate in the hearing on the complaint filed by an individual. A decision by an examiner or the regional director of the Commission is final, unless the Commission determines there are sufficient reasons to review the case.

If no appeal from a Commission decision is filed within 60 days, that decision is final.

The Commission's decisions in representation cases are not subject to review by a court, that is, no appeal will be considered from the Commission's unit, eligibility, or other determinations.

Section 8: Written Agreements: Authorizes the parties to make an agreement providing for arbitration of disputes over the meaning of the agreement, and to enforce the agreement in Federal District Court.

Section 9: National Public Employee Relations Commission: Establishes a commission of five members appointed by the President, and a General Counsel, also appointed by the President.

Section 10: Mediation and Fact-Finding: The party desiring to modify or change the agreement must notify the Federal Mediation and Conciliation Service within 60 days prior to the end of the agreement. The Service is required to assign a mediator upon the request of either party, and may also do so on its own motion.

No express provision is made for mediation in the case of a newly-certified union. However, 30 days following certification either party may request fact-finding, and the Service is authorized to initiate fact-finding on its own. With respect to expiring agreements, either party may request fact-finding, or the Service may initiate fact-finding. The Service must submit to the parties a list of seven persons; each party strikes three names. The fact-finders' report must include recommendations for resolution of the dispute. The report must be kept confidential for five days, but may be made public by the fact-finder after that—and must be made public 15 days after the report is made.

A 60-day period following the expiration of the agreement is allowed for the entire fact-finding process (three days for the Mediation Service to submit the list of fact-finders; five days for the parties to strike names; 20 days for the fact-finder to make his report; 15 days for the report to be made public; and the remaining days to continue to resolve the dispute). A status quo must be maintained for this 60-day period—employers may not change conditions of employment and employees may not strike.

Only the employer and the exclusive representative may participate in the fact-finding proceedings.

The fact-finder is not barred from mediating or resolving the dispute.

The parties may agree to use the procedures of some other governmental or other agency.

If both parties agree to submit disputed issues to final and binding arbitration, the arbitration shall supersede all of the fact-finding procedures.

Section 11: Effective State or Local Laws: If a state or local law is substantially equivalent to PERA, the Commission may delegate its responsibility to the state or local agency.

THE LITTLE WHITE FLEET

(Mr. DAVIS of Georgia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAVIS of Georgia. Mr. Speaker, a former member of the press gallery and committee staff member, Raymond Wilcove, has written an article about one of the Nation's most exciting and important fleet of oceanographic ships, that of the U.S. Coast and Geodetic Survey, an agency of the Commerce Department's Environmental Science Services Administration. The Coast Survey's 15 gleaming white ships survey the Nation's

coasts, estuaries, and inlets; drag the ocean bottom for wrecks and other navigational hazards; measure the tidal currents; and sail to the farthest reaches of the earth exploring the last great frontier here, the sea and the world beneath it.

The article by Mr. Wilcove, Public Information Officer for the Coast and Geodetic Survey, appeared in the April issue of *All Hands*, the official Navy magazine.

The article follows:

THE LITTLE WHITE FLEET

The gleaming white ships can be seen in all portions of the globe. At home they roam up and down the coasts of the United States and in its bays and estuaries. Abroad, their missions take them to far-off climes, to the sun-drenched islands of the South Pacific, to the frigid wastes of the Arctic, to the steaming waters off the coasts of Africa.

Sometimes they are mistaken for ships of the U.S. Navy, although it is years since Navy ships were painted white (except for the ships of the Middle East Force); at other times, they may be taken for Coast Guard vessels. They are neither. They belong to the Coast and Geodetic Survey, the government's oldest scientific agency, with a history dating back to 1807 when Thomas Jefferson was President.

The Coast and Geodetic Survey fleet consists of only 14 vessels, but, to paraphrase the words of a famous Englishman, never has a nation owed so much to so few, for without them America's shipping would stand the risk (literally) of going on the rocks.

Things were bad back in Thomas Jefferson's day. Ships kept piling up on stormy shores with disheartening regularity. That's why the Coast and Geodetic Survey was born. Today modern Coast Survey nautical charts enable mariners to sail their ships with comparative safety anywhere along the coasts of the United States.

Of the approximately 2.8 million nautical charts distributed annually by the Coast Survey, about 1.7 million are used by the Navy. The approximately 850 different charts are the end products of the work begun by those Coast Survey vessels that conduct hydrographic surveys along the Atlantic, Gulf and Pacific coasts, the Hawaiian Islands, Puerto Rico, Virgin Islands, and Alaska. In addition to vessels, there are two land-based survey parties which employ launches for work in protected waters where it would not be feasible to use the ships.

The vessels' officers are members of the commissioned corps of the Environmental Science Services Administration, parent body of the Coast Survey in the U.S. Department of Commerce. The corps is the smallest of the nation's seven uniformed services, consisting of an authorized strength of 330 officers. All are college graduates, with engineering and scientific backgrounds.

The ESSA commissioned officer corps began in the Coast and Geodetic Survey in 1917 during World War I. With the creation of ESSA in 1965, the commissioned corps became an arm of the new agency. Officers spend approximately one-third of their careers aboard Coast Survey ships, where the corps fashions much of the esprit for which it has been noted during its 53 years of existence, both in peace and in war.

During war, they are subject to military duty. Over a 30-year period, officers can expect approximately nine years' sea duty, with good prospects of early command of small hydrographic vessels and eventual command of major survey ships. Experience at sea or knowledge of it is not a prerequisite for appointment as an officer with ESSA, but

an affinity for the sea is necessary to the successful officer.

In addition to service aboard Coast Survey vessels, ESSA commissioned officers are assigned to mobile geodetic and photogrammetric survey parties, geophysical observatories, or other field facilities, or to a laboratory or technical office at ESSA headquarters in Rockville, Md., near the Nation's capital.

ESSA officers have ample opportunity to develop their talents. Pilot training at military flight schools and subsequent assignment to flying duties with photogrammetric, atmospheric research, and other missions are available to some officers, and scuba diving training is furnished to others. Officers wear a uniform similar to that of Navy personnel and pay and special benefits correspond in general to those in sister services.

The Coast Survey fleet consists of four types of ships:

The hydrographic survey vessels *Pathfinder*, *Whiting*, *Fairweather*, *Rainier*, *Mt. Mitchell*, *McArthur*, *Davidson* and *Peirce*;

The ocean survey vessels *Oceanographer*, *Discoverer* and *Surveyor*, which conduct studies of the deep ocean and sea bottoms;

Rude and *Heck*, the wire drag ships, the only ones of their kind in the United States, which search out underwater navigational hazards along the coasts, such as wrecks, pinnacle rocks, abandoned oil platforms, and pillings (incidentally, *Rude* and *Heck* are not what they sound like—they are named for officers who distinguished themselves in the U.S. Coast and Geodetic Survey); and

A current survey vessel, *Ferrel*, designed specifically to measure coastal and estuarine currents.

Researcher, an ocean survey ship, is under construction.

The ships vary in size from the trim 90-foot, 214-ton (displacement) *Rude* (pronounced Rudie) and *Heck* to the sleek 303-foot, 3959-ton sister ships *Oceanographer* and *Discoverer*, nicknamed the *Occo* and *Disco*. In between are the 133-foot, 363-ton *Ferrel*; the 162-foot, 760-ton *Whiting* and *Peirce* (pronounced Purse); the 175-foot, 995-ton *McArthur* and *Davidson*; the 231-foot, 1798-ton *Fairweather*, *Rainier* and *Mt. Mitchell*; the 229-foot, 2000-ton *Pathfinder*; and the 292-foot, 3150-ton *Surveyor*. *Researcher*, slated for commissioning in 1970, will be 278 feet long, with a displacement of 2800 tons.

With one exception, the entire fleet is approximately ten years old, or less, as most of the older vessels have been replaced since 1960.

Surveyor was delivered in 1960; *Peirce* and *Whiting* in 1963; *Oceanographer*, *Discoverer*, *McArthur*, *Davidson*, *Rude* and *Heck* in 1966; *Mt. Mitchell* in 1967; and *Ferrel*, *Rainier*, and *Fairweather* in 1968. *Pathfinder* was built in 1942 and, except for *Pathfinder*, all are air-conditioned.

(*Rude* is named for Captain G. T. Rude, C&GS inventor of the circular star identifier familiar to all naval personnel concerned with shipboard navigation.)

Occo and *Disco* are among the nation's most modern oceanographic floating laboratories. At the time they were built they were the largest and most completely automated search ships in the country.

Three years in construction, each cost approximately \$10,000,000, including some \$1,000,000 worth of electronic equipment. The ships can be provisioned for 150 days at sea and have a cruising range of 15,200 miles. They carry a normal complement of 15 officers, 62 crew members and 11 technical and scientific personnel, with additional accommodations for up to 17 visiting scientists, including women.

Each ship has over 4100 square feet of laboratory space. Closed circuit television is provided throughout the machinery spaces, where a centralized engine room control

(CERC) system provides remote starting and stopping of machinery, and the automatic recording of operating data at a master control station.

A single computer serves both ship operation and the collection and processing of environmental data. Using this computer, the propulsion and other machinery is automated through CERC. The CERC system also permits remote control of main propulsion units and principal auxiliary machinery from a master control station in the engine room and from the bridge.

In addition to automatic logging of ship operating data, CERC includes an alarm system which detects and locates malfunctions, gives a warning signal, and types out a description of the problem.

The ships are the first American oceanographic survey vessels to employ this concept of centralized engine room control. When fully developed in future years, this concept will permit a single operator to monitor and control a ship's engineering plant from a central control station.

The heart of the automated controls is also a computer.

Because controlling and monitoring ship operations require only about 25 per cent of the computer's total capacity the computer is used principally by the Data Acquisition System.

When the ship is underway, the DAS samples (via shipboard and towed sensors), records, and processes geological, geophysical, oceanographic, hydrographic, and meteorological data on a routine basis; ship position is logged continuously; and the computer can be used for concurrent processing of non-routine data.

When the ship is stationary, the DAS samples and processes data sensed by shipboard instruments and by an underwater multi-sensor package, along with its handling of oceanographic data. The automatic data processing system frees many specialists from the routine task of sorting and analyzing a great amount of data, a task which usually consumed months of painstaking effort.

The equipment measures and records a ship's course and speed, magnetic field intensity, gravity, surface current and temperature, temperature at depth, and ocean depth.

Sub-bottom profiles can be taken while the ship is underway and show the structure of the ocean floor beneath its bottom sediment. The ship takes water samples at various depths and is equipped to obtain 100-foot core samples from the deepest ocean floor.

Meteorological data are gathered at regular intervals by ship-launched sounding balloons. Data and samples are studied and analyzed in the ship's laboratories.

The ships can operate equally well in any area of the global sea, including polar waters.

A special control feature—a bow thruster of 400 horsepower—enables the vessels to maintain a nearly constant heading when the ships are on station despite wind and wave conditions. The bow thruster is an underwater duct fitted with a reversible propeller that thrusts a water jet to either side as desired.

The ships can take samples anywhere in the world. Over 22 miles of wire line are carried on each vessel for oceanographic work. One continuous length of wire is over seven nautical miles long. The wires are reeled in by hydraulic winches.

Another unusual feature is a 6-by-8-foot well near the center of the ship which enables special experimental equipment to be lowered and scuba divers to enter and leave the vessel. An elevator carries the equipment and men directly from the oceanographic laboratory into the water 35 feet below.

Six special glass-covered ports near the bow and stern, about 15 feet below the water's surface, permit scientists to view underwater life and formations from within the ship.

The ships have an ample supply of fresh water. Normal consumption for all purposes is approximately 5000 gallons per day, with a storage capacity of about 27,000 gallons and a seawater distillery capacity of 8000 gallons a day.

The vessels have extensive communication facilities. These include radiotelephones, emergency receivers and transmitters, mobile transceivers, portable radiotelephones, facsimile equipment, standard frequency broadcast service, portable lifeboat transmitter receiver, and radio teletype.

An anti-rolling device (a passive rolling tank) enables the ships to conduct continuous operations, except in unusually heavy weather.

A notable feature is the conning tower, an enclosed crew's nest, on top of the bridge approximately 60 feet above the water. It is reached by an inside ladder.

In addition to affording a commanding view of the sea, the ships can also be fully controlled from the conning tower. From this control station, they can be kept on a steady course whenever delicate instruments are being trailed over the sides or from the stern.

Similar, but less elaborate, controls on the deck on each side of the bridge enable similar control to be maintained from these stations.

Ample storage facilities, including cold storage, enable scientists to bring home samples of their findings in their original organic state for further studies in laboratories ashore.

The capabilities of the other ships are commensurate with the nature of their assignments, whether it is mapping the bottom of the North Pacific, a major task of *Surveyor* and *Oceanographer*, or engaging in hydrographic and bathymetric surveys of the coasts, as do *Fairweather*, *Rainier*, *Mt. Mitchell*, *Peirce*, *Whiting*, *McArthur*, *Davidson* and *Pathfinder*. These ships have a range of 4500 to 13,000 miles and carry normal complements of 36 to 128 officers and crew.

Ferrel, the newest addition to the fleet, is the only vessel of her kind in the nation, designed specifically to measure coastal and estuarine currents. The 133-foot ship carries with her a high-speed 59-foot tender and a 28-foot JO boat to carry out operations in narrow channels and to service the ship's instrumented buoys.

The primary use of the *Ferrel's* survey data is in describing and predicting currents, both tidal and nontidal. Results of the surveys appear on the Coast Survey's small craft and tidal current charts, in tidal current tables and, indirectly, in a new series of bathymetric maps.

Ferrel data are used also in ESSA's new Estuarine Flushing and Non-tidal Current Prediction Service in Penobscot Bay and River, Maine.

This experimental service, the first of its kind, applies mathematical modeling techniques to the prediction of water renewal rates for various portions of estuaries. The service is an essential aid to managing and conserving water resources and to reducing estuarine pollution.

Among the more interesting of the fleet's ships are *Rude* and *Heck*. The 90-foot, 213-ton sister ships operate as a team in locating underwater navigational hazards. Using methods perfected by the Coast Survey more than a half-century ago, they operate about a mile apart, locating obstructions by dragging between them at a predetermined depth a steel wire suspended from trailing buoys.

The wire is normally towed at a depth of 35 to 90 feet, suspended from surface buoys.

When the wire catches on an obstruction, it becomes taut, forming the letter V. The least depth over the obstruction is then determined. When warranted, the obstruction is noted on nautical charts.

Each ship carries a normal complement of two officers and eight crewmen. One officer serves as commanding officer of the two ships, the other as executive officer.

The fleet's missions each year are both varied and routine, often time-consuming, sometimes exciting.

A typical year's operations are those carried out in 1969. These included the assignment of four ships which joined other vessels and planes in a three-month study off the island of Barbados of the effects the ocean and atmosphere have on each other and on the weather, important in improving our ability to forecast weather further in advance.

Other scientific projects included drifting across the north equatorial Atlantic on an air-sea research project, together with oceanographic ships of England and West Germany; analyzing the physical characteristics of the sea bottom off the Bahamas to provide knowledge of the engineering properties of marine sediments; an investigation of the nature of the Florida current or Gulf Stream in the Straits of Florida; and studies of the tides and tidal currents of the Gulf of Mexico.

Additional scientific projects included investigations of the Polar Front where the waters of the Arctic and Pacific Oceans meet in the North Pacific; studies off the northwest coast of the sub-surface undulations of the sea called internal waves; research on the submarine mountains and valleys on the floor of the North Pacific; and surveys of Norton Sound between Alaska and Siberia in a program aimed at estimating offshore mineral resources.

Scientific projects are carried out in cooperation with ESSA's oceanographic and meteorological research laboratories.

While these scientific activities were underway, other Coast Survey ships were measuring and charting the depths of America's coastal waters in Puerto Rico, North Carolina, Massachusetts, Hawaii, Alaska, Mississippi, and New York to insure safety from navigational hazards for the hundreds of vessels which daily pass to and from the ports of the U.S.; carrying out current surveys in Hampton Roads, Va., and Penobscot Bay and River, Maine; and wire dragging inshore waters in Chesapeake Bay and off Charleston, S.C., where the hulks of perhaps as many as five Confederate Civil War blockade runners were located.

The fleet is based at the Coast Survey's Atlantic Marine Center, Norfolk; the Pacific Marine Center, Seattle; and the Ships Base at Miami. Seattle is the home port for *Oceanographic*, *Surveyor*, *Pathfinder*, *Fairweather*, *Rainier*, *Davidson*, and *McArthur*, while Norfolk is home for *Mt. Mitchell*, *Peirce*, *Whiting*, *Rude*, *Heck* and *Ferrel*. *Discoverer* is based at Miami.

The Coast Survey and the Navy have cooperated closely over the years. During World Wars I and II, Coast Survey vessels carried out wartime duties with the Navy, some under their own command, others under Navy direction. They were there when American forces assaulted the Japanese in the Aleutians and in the South Pacific campaigns. Although sparingly armed, they survived enemy attacks and one German submarine is credited during World War I to a Coast Survey vessel.

Before World War I, many naval officers served aboard Coast Survey vessels. Perhaps the most noteworthy was Captain Charles D. Sigsbee, commanding officer of the battleship *Maine* which was sunk in Havana harbor in 1898.

There you have it—an introduction to the ships and crews of the United States Coast and Geodetic Survey. They do an important job for all who sail on the high seas and are worthy of recognition.

SYRACUSE UNIVERSITY CENTENNIAL

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

Mr. HANLEY. Mr. Speaker, ever since man first scrawled on the wall of his caves it has been part of his consciousness to wonder why he was doing it. What urge drove him to want to express himself to let others know what he was thinking? So it is with that peculiar Western institution, the university.

From the time of the classical Greek philosophers to Cardinal Newman to S. I. Hayakawa, the nature and function of the university has been a fascinating subject for study for its own sake.

For clarity and precision of expression I think one of the finest descriptions of a university can be found in the opening lines of Syracuse University's charter:

The name of such corporation shall be "The Syracuse University."

The object of such corporation shall be the diffusion of knowledge among men and for that purpose to found, establish and maintain in or near the City of Syracuse . . . an institution which shall be known by the name of "The Syracuse University" and in which christian learning, literature and science in their various departments and the knowledge of the learned professions shall be taught.

These words, written on the 24th of March, 1870, are as vividly applicable today as we observe Syracuse University's centennial year.

Founded originally as "A central college or university for Methodism in the State of New York" Syracuse inherited its spiritual and intellectual birthright from Genesee College in Lima, N.Y. The need to be in a more centrally located area easily reached by all forms of transportation, was a major consideration.

Though the Methodist Church was the primary force behind the founding of the school, it was at all times open to all faiths, and today the multiplicity of nations, races, and faiths represented in both the faculty and student body mirror the aims stated in the charter, "Diffusion of knowledge among men."

Though scholars may dissect and debate the shifting role of a university within society, it seems to me that one of the best criteria for judging the value of any school is to examine what it has done for the world around it. Basically, what kind of men and women has it sent out? And, what have their contributions meant?

From the thousands upon thousands of graduates in the past hundred years, consider just a few from various fields:

Harlan Cleveland, the distinguished dean of the Maxwell School, answered the call of President John F. Kennedy in 1961 to join the U.S. Department of State as Under Secretary. More recently he has served as Ambassador to NATO.

Our colleague, the Honorable DANIEL FLOOD, is a Syracuse graduate.

In the field of medicine, Dr. Gordon Hoople is the recognized authority on surgery of the inner ear—and may I add

that a member of my staff owes his life to the skill of this great physician. Through his expertise in otology, he has brought relief and comfort to thousands who suffer from afflictions of the inner ear.

The president of the world's largest insurance company graduated from Syracuse, Donald S. MacNaughton, of Prudential.

The distinguished former Secretary of Commerce, the Honorable John Connor, is an alumnus.

In the field of education, the indomitable Dr. Welthy H. Fisher—class of 1900—has been cited by both the Indian and U.S. Governments for her service to education in India.

Syracuse has graduated many who have contributed to our awareness of ourselves through the arts. Stephen Crane, whose "Red Badge of Courage" is a recognized classic, the modern black author John A. Williams whose "Sons of Darkness, Sons of Light" gave brilliant insight into a long neglected problem, and the Pulitzer Prize winner Joyce Carol Oates.

In journalism Syracuse claims the respected columnist Roscoe Drummond. Drew Middleton, who has been New York Times European correspondent since the days of Chamberlain's return from Munich, graduated in 1935.

The contributions of Syracuse graduates in sports are highlighted by All-Americans Vic Hanson, Jim Brown, Floyd Little, and John Mackey of football fame.

TV producer Sheldon Leonard, actors Peter Falk and Dick Clark and actress Suzanne Pleshette have made many artistic efforts in the entertainment field.

One of Syracuse's most illustrious alumni is Dr. Norman Vincent Peale, author, columnist, and preacher.

These are but a few of hundreds of distinguished alumni. Former students at Syracuse who received their formal education during their most sensitive years and moved out into society to enrich that world around them. It is tribute in itself to the university, never richly endowed, that its alumni organization has supported it financially to such a degree. The Syracuse Alumni Association is a model for colleges and university across the land.

It may well be said that most universities contribute in a general way to the improvement of the world around us. But only great universities are able to lead. In this respect, Syracuse is a great university, and more responsible than any other individual for making Syracuse into a great university is Dr. William Pearson Tolley, who as chancellor from 1942 to 1970 presided over one of the most brilliant physical and academic improvement programs in education history.

By steadily improving faculty, a building development geared to the influx of students following World War II and insistence upon academic excellence, Chancellor Tolley took a good medium size school and turned it into one of the three largest and most respected private universities in the Nation.

Today Dr. John Corbally heads this school of 20,000 enrollment.

We are well aware that we honor Syracuse University's 100th birthday at a time when the nature and quality of the university function itself is being questioned and in some quarters blindly attacked in the name of absolute academic freedom. If, 100 years from today in the latter part of the 21st century, Syracuse University's bicentennial is equally honored, it will be because men and women with the highest commitment to Judeo-Christian ideals will have served as well in the next 100 years as they have in the past 100.

THE RUTHE B. COWL REHABILITATION CENTER IN LAREDO

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

Mr. KAZEN. Mr. Speaker, the history of our Nation contains many an interesting chapter on the outstanding achievements and meritorious contributions that women have made toward the development and progress of our great country. Many of these praiseworthy deeds fail to gain national recognition because their importance is of local interest, yet the example that they give is truly worthy of praise because of the human values involved.

Recently, in my hometown of Laredo, the name of the Laredo Rehabilitation Center was officially changed to the Ruthe B. Cowl Rehabilitation Center in recognition of the untiring and unselfish contributions not only to the rehabilitation center and the patients it serves but to the community at large by Mrs. Ruthe B. Cowl.

She has dedicated her life to provide a broad program of human development and rehabilitation services to anyone regardless of age, origin of disability, race, nationality, creed or financial condition. The board of directors, in adopting a resolution for the official name changing, cited Ruthe B. Cowl as a "truly humanitarian person." I join my fellow Laredoans in paying tribute to this most remarkable woman, for her unselfish devotion to the needs of the disabled and the handicapped. Ruthe B. Cowl truly deserves this honor and recognition.

Some of the many activities in which Mrs. Cowl is actively engaged, include the following: she is president of the board of the Economic Opportunity Development Corp. of Laredo and Webb County, the local antipoverty program; an active board member for the past 13 years of the Laredo-Webb County child welfare unit; a board member of the Nursing School of Mercy Hospital and a member of the former auxiliary at Mercy Hospital; a board member of Planned Parenthood of Webb County; one of the original board members of the methadone research program; a past officer of the Tuesday Music and Literature Club; a past president of the Sisterhood of Temple B'nai Israel; past chairman of the steering committee of Laredo's Committee on World Affairs; a former active but now honorary member of the Women's City Club; a patron of Laredo's Little Theater, the Laredo Art Association,

and the Laredo Civic Music Association. Mrs. Cowl also had the distinction of having been named as "Lady of the Year" in 1961 and "Mother of the Year" in 1968.

Occupying two small rooms in the health department, the Laredo Rehabilitation Center opened its doors to its first patient on September 10, 1959.

For more than 11 years since that start in those two small borrowed rooms without toilet facilities, Mrs. Cowl worked alone except for the help of her husband, Jack, to acquire all the property and to raise all but about \$20,000 of the funds necessary to have provided Laredo with a facility now valued at \$400,000 and recognized as one of the best of its kind in Texas. Through her untiring efforts and dedication, the total amount raised by Mrs. Cowl is almost \$1 million.

The center handles as many as 100 patients daily. Last year, 19,483 treatments were administered. Most of the people serviced are indigents referred to the agency by private physicians, the various welfare agencies and the schools. Services include physical therapy, occupational therapy, speech therapy, vocational evaluation, education, counseling, social services, plus regular weekly and monthly orthopedic, neurological and psychiatric diagnostic and evaluation clinics.

Mr. Speaker, it is with a deep feeling of pride that I join her host of friends in congratulating Ruthe B. Cowl upon her achievements and contributions to her fellowmen and wish for her a long, fruitful and happy life in her chosen field of service to humanity.

POSTAL REFORM: WHO IS DRAGGING THEIR FEET?

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

Mr. CHARLES H. WILSON. Mr. Speaker, as a member of the Post Office and Civil Service Committee, I along with my colleagues, have been working very hard to develop meaningful postal reform legislation.

Moreover, from where I sat in the committee sessions, it was clear that the members of the Post Office and Civil Service Committee approached this very important matter in a completely bipartisan manner. In fact, the postal reform legislation which our committee had earlier reported out, H.R. 4, was supported by nine Democrats and eight Republicans.

I was dismayed, therefore, to read in the paper the recent remarks by the Vice President attacking both the Democratic Party and the members of the Democratic Party in Congress for delaying the passage of postal reform legislation. In fact, I have been informed that Vice President AGNEW will be unleashed—a very appropriate term—by the administration to deal with Democratic Congressmen who refuse to support the administration's postal reform legislation. I assume that this threat also applies to those Republican Congressmen who are opposing the administra-

tion's postal reform plans, like Mr. GROSS and my other colleague, Mr. SCOTT, of Virginia.

It is one of the tragedies of our time that a Vice President of the United States is constantly making inflammatory and unsubstantiated statements which have tended to polarize our society so that it is difficult, if not impossible, for our leaders and our citizens to arrive at meaningful solutions to complex problems. Vice President AGNEW's remarks on postal reform is a case in point. To put it politely, his remarks are just not true.

Postmaster General Blount agreed with me during the hearings on postal reform before our committee that he has had a great deal of support from the Democratic members on the House Post Office and Civil Service Committee. The record shows the Postmaster General saying that there has been strong cooperation from the Democratic members of the Post Office and Civil Service Committee in working out postal reform legislation.

However, I thought that some good might come out of Vice President AGNEW's unwarranted and purely political attack on us hard-working Democrats. I thought, in my innocence, that we were now guaranteed full participation by the Republican members of the committee. Imagine, therefore, my surprise and amazement this morning when only one Republican member showed up; and that member, my good friend, the Honorable H. R. GROSS of Iowa, opposes the administration's postal reform legislation. We Democrats were told that Republican members could not be present to work on postal reform because they were having a caucus to elect an assistant minority House clerk.

Mr. Speaker, I realize that the position of assistant minority clerk is an important staff position. But I cannot believe that the election is more important than postal reform. If you believe the spokesmen for the administration, postal reform is one of their most important legislative goals. If you believe postal union leaders, failure to pass meaningful reform legislation would make another postal strike a distinct possibility. And if you believe Vice President AGNEW, it is the Democrats who are holding up postal reform and who are to be blamed for everything.

I believe that postal reform is one of the most important matters before Congress. And I believe that we will soon face another postal strike if meaningful reform legislation is not approved.

And, in fact, who will be to blame? Certainly not the Democrats. Just look at the facts. It is the Republican members of our committee who are delaying the adoption of postal reform.

In closing, Mr. Speaker, I hope that the administration can persuade my Republican colleagues to join with the Democrats in being present at the next Post Office and Civil Service Committee meeting.

Oh yes, Mr. Speaker, one more thing, I hope the administration can keep Mrs. Mitchell from commenting on postal reform—that is all we need.

DEMOCRAT LAUDS MITCHELL

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

Mr. ANDERSON of Illinois. Mr. Speaker, while newspapers tend to reserve their front pages for stories of conflict, criticism, and catastrophe, they do, from time to time, manage to find room on the inside pages for items which may not sell newspapers, but which do indicate that not all news is bad news.

Today's New York Times carried one such item tucked away on page 31. Even then the item was given a subordinate position on the page to another story with a bolder headline proclaiming Democratic criticism of the administration. Nevertheless, my new bifocals managed to pick up the tiny little headline which read: "Outgoing Democrat Lauds Mitchell for Crime Fight." The thought occurred to me as I read on that this was actually more newsworthy than the story above which earned the bigger headline, even though it was just another dog-bites-man story; for here was a dog-pets-man story. It told of a Democrat, Mr. Charles H. Rogovin, who has served as head of the Law Enforcement Assistance Administration in the Department of Justice, and, although he was resigning, he was giving his boss, Attorney General Mitchell, praise for his anticrime efforts. In Mr. Rogovin's words:

"I'll give this man credit. Mitchell has a high level of credibility in law enforcement and in the organized crime fight. There's a better coordinated system against organized crime now than ever before.

I want to commend Mr. Rogovin for this display of candor and courage; most resignations are usually accompanied by statements of bitterness, hostility and recrimination. Yet here was a man who was willing to give credit where credit was due, despite the circumstances surrounding his statement. I think this is a real tribute to Attorney General Mitchell and his team at Justice who are cracking down on crime. The article follows:

OUTGOING DEMOCRAT LAUDS MITCHELL FOR CRIME FIGHT

WASHINGTON, April 29.—Charles H. Rogovin, a Democrat who is resigning his Justice Department job over policy and personal differences, nonetheless gave Attorney General John N. Mitchell today high praise for the Government's crackdown on organized crime.

Mr. Rogovin, 39 years old, who resigned last month effective June 1 as head of the Law Enforcement Assistance Administration, said:

"I'll give this man credit. Mitchell has a high level of credibility in law enforcement and in the organized crime fight."

"There's a better coordinated system against organized crime now than ever before," Mr. Rogovin said. "We're still not winning yet, but we're not losing as badly as we were."

FINANCIAL STATEMENT OF LAWRENCE J. HOGAN AND NORA E. HOGAN, HIS WIFE, APRIL 30, 1970

(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 have always felt that a Congressman should make a full disclosure concerning his financial holdings and status. On April 30, 1969, I filed a financial statement in the CONGRESSIONAL RECORD and I propose to do so herewith as of April 30, 1970. Since that time, I have disposed of the company I formerly operated, Larry Hogan Associates, Inc.

I insert a detailed report in the RECORD at this point:

Financial statement of Lawrence J. Hogan and Nora E. Hogan, his wife, April 30, 1970

Assets:	
Cash (see schedule A)	\$15,784.06
Investments (see schedule B) ..	7,200.00
Real estate (see schedule C)	161,800.00
Automobiles:	
1969 Oldsmobile	3,700.00
1968 Mustang	1,500.00
Household furnishings	7,000.00
Total assets	196,984.06
Liabilities:	
Account payable (miscellaneous)	1,200.00
Central National Bank (car loan)	3,686.90
Mortgages (see schedule D)	79,792.58
Total liabilities	84,679.48
Net worth	112,304.58

SCHEDULE A. CASH

Loyola Federal Savings & Loan (savings account)	1,180.64
Columbia Federal Savings & Loan (savings account)	1,176.74
Enterprise Federal Savings (savings account)	291.58
Congressional Employees Federal Credit Union	1,402.94
Central National Bank of Maryland (checking account)	50.00
Maryland National Bank (checking account)	120.00
Sergeant at Arms (checking account)	1,694.38
Cash on hand	150.00
Accounts receivable	9,717.78
Total	15,784.06

SCHEDULE B. INVESTMENTS

Central National Bank of Maryland stock	7,200.00
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SCHEDULE C. REAL ESTATE

Town house, Ocean City, Md.	50,000.00
Cabin, Lake Jackson, Va.	8,000.00
(House, present residence) Landover, Md.	55,000.00
94.6 acres, Alleghany County, Md.	28,800.00
Apartment, Ocean City, Md.	20,000.00
Total	161,800.00

SCHEDULE D. MORTGAGES

Town house, Ocean City, Md.	22,850.28
House, Landover, Md.	38,337.62
94.6 acres, Alleghany County, Md.	4,081.00
Apartment, Ocean City, Md.	14,523.68
Total	79,792.58

SUPPORT THE PRESIDENT

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

Mr. DON H. CLAUSEN. Mr. Speaker, many of the comments directed to the President of the United States yesterday

were, in my judgment, untimely, ill-advised, irrational, and uncalled for.

In this time of crisis, it seems only fitting and proper that we extend to President Nixon the same thoughtful consideration the Congress and the American people extended to President Eisenhower during the U-2 crisis, to President Kennedy during the Cuban crisis, and to President Johnson during the crisis in Dallas.

Today, the heavy burden of decision, action, and responsibility rests solely and squarely on the shoulders of just one man—the President of the United States. Let those who do not share that responsibility and those who do not have access to all the facts remember well the words of H. L. Mencken who said:

For every human problem there is a solution which is simple, neat and wrong.

As one Member of Congress, I am today asking the people I represent to remain calm and to consider carefully these obvious overreactions to the present emergency in Southeast Asia.

RESOLUTION ON CAMBODIA

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

Mr. TIERNAN. Mr. Speaker, I am today reintroducing a concurrent resolution urging the President to consult with and abide by the decision of the Congress before any further steps are taken concerning Cambodia. Cosigning this resolution with me are Mr. CONTE, Mr. MOSS, Mr. FARBERSTEIN, Mr. O'NEILL of Massachusetts, Mr. BYRNE of Pennsylvania, Mr. ADDABBO, Mr. KYROS, Mr. POWELL, and Mr. BURKE of Massachusetts.

Since I first introduced this resolution 1 week ago, the news has been filled each day with increasingly pessimistic reports on our involvement in Cambodia. The need for this resolution becomes more evident by the hour. I urge that the Congress act immediately.

The resolution follows:

H. CON. RES. —

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President consult with and abide by the decision of the Congress before any further steps are taken concerning Cambodia.

APOLLO 13 REVIEW BOARD

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

Mr. MILLER of California. Mr. Speaker, I have just received a memorandum in my office relative to the work of the Apollo 13 Review Board. NASA has set up a very competent group of engineers to study this matter and the Committee on Science and Astronautics has assigned one of its very fine engineers who has been accepted by NASA to act as an observer.

In his first report to me he states as follows:

The Apollo 13 Review Board has been in continuous operation since April 22, 1970. In addition to the Review Board activity, an

Apollo 13 team led by Astronaut James McDivitt has been conducting studies, analyses, and tests of all aspects of the Apollo 13 accident. The Apollo 13 team is cooperating fully and working daily with the Review Board. As an observer to the Board, I have been given full access to all information, all meetings, and treated as a part of the Review Board.

The Review Board has established four panels to examine various aspects of the accident, reporting to specific members of the Board for direction and guidance. At this point in time excellent progress has been made in identifying the nature of the accident and beginning to establish what will be required to fix the equipment for future flights.

I plan to return to Houston today to continue working with the Board.

LAW DAY, U.S.A.—1970

The SPEAKER. Under a previous order of the House the gentleman from California (Mr. CORMAN) is recognized for 60 minutes.

Mr. CORMAN. Mr. Speaker, I have asked for this special order so that once again, as we do each year on May 1, Law Day, U.S.A., may be observed in the House of Representatives. I thank those of my colleagues who have joined with me in this observance.

This year, the 13th annual commemoration of Law Day begins a new decade of public recognition of the rule of law and its place in American society. To open the decade of the 1970's, the theme of this year's observance—law—bridge to justice—has been chosen for its relevance to the problems of the present: To emphasize that the law is in fact a bridge for reaching social goals and for resolving grievances; and to remind the American people that equality and justice for all Americans is the objective toward which our entire system of law is directed and dedicated.

Law Day 1970 finds us in difficulty as we strive toward this objective. There are many sources of the difficulty, many points of confusion, many pricklings of doubt. But, prominent among these sources is that for the first time in the memory of most of us there is widespread doubt abroad in the land about the rule of law.

While this doubt finds expression in many ways and among varied groups, it is gravest among our Negro citizens, who find themselves wondering about the efficacy of law to guarantee them the same basic rights that white Americans have. Black citizens, through unbelievable provocation and abuse, have looked to and relied on the law to achieve their ends. Brown against Board of Education was but the beginning of thousands of litigations which painfully and slowly inched the Nation toward realization of equal protection of the laws in education, in voting rights, in public facilities, in housing, and the like. Yet, the evidence accumulates daily that black Americans are being abandoned in their legal struggles, consigned to the "back of the bus" while certain political leaders pursue political success through the weakening of constitutional guarantees.

The central message of every law day is that a just and democratic rule of law must prevail if we are to live

together in a civilized society with equal justice blanketing the land to encompass every American, regardless of race or color. This concept of justice is inherent in the principles our founding fathers formulated as the foundation of the democracy they created. It was reaffirmed by the 14th amendment to the Constitution, but somehow the concept, as a viable force, lost its way in some 100 years of American history.

It was during this period that for some Americans the rule of law was discarded and equal justice was denied. I speak of those who came to live on our shores during that shameful period in our history when black human beings were being brought here to be bought and sold as chattels, and who, only after a bitter civil struggle, were given constitutional status as free men and women. Yet, in the same breath, fulfillment of citizenship was denied to them and two Americas resulted: one for white Americans, one for black Americans; one for whom the rule of law applied, the other, denied the rule of law, lived in despair and degradation because of the color of their skin. It was only in the past two-thirds of this present century that the "bridge to justice" began to have meaning through the force of laws passed in the Congress and through the leadership of American Presidents during those years.

As an active participant in the enactment of laws against racial discrimination, I can testify that no more descriptive phrase than "bridge to justice" can be applied to the landmark measures Congress has added to the United States Code.

Voting rights, from the meager 1957 act to the extremely important 1965 act, now being extended, have been protected and enhanced by ever increasingly effective laws, so that black citizens are more and more able to assert themselves in the political arena.

Schools have been opened to Negro children by a combination of court action and the withholding of Federal funds, as authorized in the 1964 Civil Rights Act. The objective to create a single school system in which every American child has the opportunity to learn to his highest potential has received protection in basic law.

The 1964 act has opened up public accommodations to Negroes. Now they can drink a cup of coffee in a store which before only permitted them to shop there and carry out. They have access to restaurants, movies, and swimming pools. These may seem mundane to many, but if you have been denied access because of the color of your skin, the eradication of these discriminations is terribly significant.

The 1968 Civil Rights Act opened up neighborhoods and suburbs to Negroes who now can live where they prefer as long as they can afford it. The ability to afford such housing is a significant problem for some, but at least the arbitrary barrier of color in housing has been removed.

We have seen, as in the 1960's, that the combination of law as a bridge to justice, and vigorous, essential leadership at the highest levels of Government is a potent force for the protection of civil

rights for black Americans. We are disturbed that the decade of the 1970's—actually beginning in January 1969—has seen the erosion of these rights by the quality of leadership provided by the highest elected officials of this Government and characterized by back sliding, for apparent sectional political gain, of every civil rights statute passed by Congress.

We who make the laws of this Nation must guard against such erosions, not only to support the cause of black Americans, but for the protection of every American right given to us as a precious legacy from the Constitution. To weaken the rights of one single American, black or white, will undermine the rights of every American. To permit equal justice under law for only some Americans, will in the end destroy America.

On Law Day 1970, we do not look upon a fully developed, perfect system of justice. We recognize that we have a fallible, human system to which we must adhere even while we try to improve it. But, its basic tenets must be left intact as we do so. Therein lies the shield against tyranny and therein lies the bridge to justice.

Mr. GERALD R. FORD. Mr. Speaker, President Abraham Lincoln preached "reverence for law" because he knew it to be the foundation stone of an orderly society.

When Lincoln spoke of the law, he spoke not only of an orderly society but a just society, for Lincoln was a just man. But Lincoln also knew that unless reverence for law was "the political religion of the Nation" there could be no justice among the people of America.

This is what President Dwight Eisenhower had in mind when he signed a resolution proclaiming May 1 as "Law Day" 11 years ago.

Said the resolution of Law Day:

It is set aside as a special day of celebration by the American people in appreciation of their liberties and the affirmation of their loyalty to the United States of America; of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law which is so vital to the democratic way of life.

Note that the resolution cites reverence for the law as being directly related to an appreciation of the great liberties which the American people enjoy.

It is also especially appropriate in this era to extol the ideals of equality and justice under the law. The bar of justice must be looked to as the proper arena for the righting of wrongs or it will not be looked up to at all.

Those of us who prize the liberties with which Americans are blessed, recognize that respect for the law is vital to our way of life. We recognize the right of dissent but we know, too, that this right can be abused and distorted.

To abuse and distort the right of dissent is to pervert the Constitution of the United States and to undermine the system of justice which is the foundation of our entire governmental structure.

We have seen the concept of civil disobedience distorted in our Nation. It has been distorted to justify violence and anarchy.

Law Day has special significance this year because it points up the danger in the philosophy that each individual may decide for himself which laws he will obey and which he will flout. Widespread adherence to that philosophy will destroy America.

Let us dedicate Law Day 1970 to change—but let it be change that is produced through discussion and reason, not through violence and anarchy. We must dedicate our lives to the rule of law if we are to see our society survive.

Mr. MIKVA. Mr. Speaker, I am pleased to join with my distinguished friend and colleague, the gentleman from California (Mr. CORMAN), in noting the significance of Law Day, 1970.

In this day when violence is being widely touted as an acceptable form of political action, it is especially important that those of us who sympathize with some of the goals of the militant activists make clear that we do not sympathize with their methods. In short, although we can understand the urgency of their feelings, we cannot endure the resort to violence as an acceptable means for achieving change. The reasons for disavowing violence are many. But there are three which are especially important.

First, violence can never ultimately succeed. The shortest and simplest answer to those who argue that "we have tried everything else, so now we must resort to violence," is violence will not bring about the kind of changes in our society which most of those who advocate it say they want. If history has taught us anything about the nature of violent revolution, it is surely that the reaction and repression which inevitably follow in the wake of even the few successful violent revolutions have completely vitiated the original purposes of the revolutionaries. Violent revolution is a political tactic which inevitably subverts the ends which it is used to achieve.

Second, violence is a cowardly tactic which inevitably results in the injury or death of innocent persons and in the destruction of their property. A recent tragedy on the campus of Stanford University brought this lesson forcefully to me. The life work of 10 visiting scholars at Stanford was destroyed in a fire resulting from the firebombing of a campus building. Can anyone really believe that any ultimate good can come out of this senseless destruction of the intellectual work of 10 outstanding scholars? How craven this anonymous kind of violence is. How wasteful. And this is merely one particularly striking example of the pointlessness of such anonymous violence. As Mayor John Lindsay recently emphasized, these cowardly tactics—inevitably involving injury and destruction to the innocent—can never produce the slightest shred of support for those who use them or for their cause.

Finally, violence produces a reaction among the large mass of uncommitted citizens which is so hostile to the goals of those who resort to violence, that the reaction itself becomes a formidable obstacle to accomplishment of those goals. Some may call this reaction a backlash. Others may consider it a justifiable identification of illegitimate means with unworthy ends. However we may choose to

characterize it, the public revulsion which political violence produces will make the achievement of social change just that much more difficult. The political goal of enfranchising our 18-, 19-, and 20-year-old citizens is an excellent case in point. If the House does ultimately concur in the Senate amendments to the Voting Rights Act and approve 18-year-old voting, it will certainly be in spite of, and not because of, the violent tactics of youthful militants. Those tactics have made the job of securing the vote for all citizens between 18 and 20 just that much harder to accomplish through legitimate political processes.

What this observance of Law Day, 1970, should do is to remind us that what "law" really represents in an agreement to abide by majority judgments until new judgments can be reached by processes of reasoned debate and decision. This will require of each of us a resolve to shun the beguiling appeals to violence and to rededicate ourselves to the process of peaceful change. Often this rejection of violent methods will require individual acts of courage. An example of such individual courage to stand against the mob was recently exhibited at Columbia University in a situation very similar to the campus disturbances at Stanford described earlier. At Columbia there was a difference. That difference was one student named Eric Brown. His story was recently told in a story in the New Yorker magazine. I would like to place that story in the RECORD at this point. Perhaps it shows us what will be required of each of us if the recent disturbing trend toward violent political methods is to be halted. In any case, it is a poignant illustration of what one man can accomplish just by resolutely standing by the principle of nonviolence. I believe it holds a lesson for us all.

The article referred to follows:

ERIC BROWN

On the evening of last week's antiwar demonstration, we stepped into a coffee shop near Columbia University for a snack and found five young men sitting at an M-shaped counter sipping coffee. Two of them were policemen in uniform, who were holding riot helmets on their laps, and two others, who wore headbands and a variety of political buttons on the lapels of Army jackets, and were sitting directly opposite the policemen, apparently were demonstrators. The fifth man, who was sitting next to the policemen, had a neat black beard and was wearing a dark-brown overcoat. Addressing the policemen but looking over at the two demonstrators, this man said, "Now that I've been seen with you, I've blown my cover." All five men laughed uneasily.

"Don't worry, we know you guys a mile away anyway," said one of the demonstrators, who was holding a daffodil in front of him on the counter.

"I'm not worried," the plainclothesman replied. Then he turned to the uniformed policemen and said, "Actually, these guys are on the job with me," and, pointing to the daffodil, he added, "That's his microphone." There was more uneasy laughter.

We left, crossed the street, and entered the campus. As we approached Low Plaza, two girls who looked about fifteen years old were skipping in the opposite direction. "We heard two shots," one of them called out to us, laughing.

"They weren't shots," a young man told them. "They were firecrackers."

"Anyway, we're not going back in. It was scary," the second of the girls said, and they continued on their way.

At the center of the vast, dimly lit Plaza—which is walled on four sides by buildings of monumental proportions—a crowd of three or four hundred young people had gathered. On-lookers mingled with the demonstrators. The onlookers appeared jittery and apprehensive, but many seemed to be trying to maintain an attitude of amused boredom. "Nobody takes this seriously," one student told us. "They're just out for thrills. It's a kind of party for them." Some of the demonstrators wore helmets, and a number of them carried sticks or metal pipes. From several of them we learned that the demonstration had been organized by a group called the December 4 Movement, or D4M, in order to precipitate a student strike at Columbia with the aim of forcing the University to pay bail money for the Black Panthers facing trial in New York. No speeches were being made, and the crowd seemed undecided about what to do.

Some of its members had spilled bottles containing a mixture of paint and chemicals that gave a foul smell, and the whole area was pervaded with an odor like that of vomit. Someone set a small American flag on fire and held it upon a long cardboard pole as it burned. We went over to see who was holding the pole, and it turned out to be a little girl who looked about ten years old. Several times, people at the edge of the crowd moved in one direction or another chanting, "Strike now! Shut it down!" or "Power to the people!" or just "Power! Power! Power!" but the bulk of the crowd did not follow their lead. Finally, the crowd began a tour of the borders of the Plaza. Several demonstrators threw rocks at windows, and the progress of the crowd was marked by the sound of glass shattering and falling on the stone porches of the buildings. At the rear of the demonstration, a number of students who were wearing Columbia blazers and who looked like athletes were cracking jokes about the demonstrators and making threatening remarks: "I'd like to cream a couple of those punks!" "I wish we had about six baseball bats!" "Baseball bats with bombs in them!" When a demonstrator threw several large rocks at a lamp and missed his target each time, they laughed and jeered.

The demonstration group—with its detractors in tow—now began to move toward Hamilton Hall, and as it got closer the demonstrators began to shout slogans and obscenities and to give Indian war whoops. When they drew near the building, rocks began to fly and glass to shatter. After a moment, however, the rock-throwing stopped. In the doorway of the building, a tall young man in a lumber jacket was standing with his arms folded and his face averted. Some members of the crowd rushed forward to remonstrate with him. Then they withdrew, but other figures darted forward and hurled rocks and bottles of chemicals and paint. Several bottles hit the wall above the young man, and pieces of glass and paint splashed down on his jacket, hands, and face. One onlooker said, "God, how stupid! He just wants to get hurt." But several other onlookers rushed forward, put their arms around him, and led him away from the building as he clutched at his eyes. One of them shouted, "Stop throwing rocks, you bastards!" Not more than a minute later, the same young man returned to the doorway of the building. Again onlookers took hold of him and dragged him away. When they released him, he returned once more. This time, a dozen or so of the demonstrators came forward, and the rock-throwing stopped. We heard the young man say, "I just don't think you should break the windows. I don't like what's happening to the Panthers or what's happened in Vietnam,

either, but the University is one of the few places that are trying to do something relatively nice in a world that's not very pretty. It's a big, helpless, fumbling antefooter, and it's cowardly to attack it. I don't want these buildings wrecked, and I don't want the cops brought on the campus, and the only way I can think of to accomplish that is to stand here."

By now, twenty or thirty demonstrators were jostling around him. Many of them called out that he would get hurt if he stood there, and others told him that the reason he was there was that he wanted to be a "big hero" and that he was on an "ego trip." Meanwhile, however, most of the crowd seemed to lose interest in Hamilton Hall and drifted away to the center of the Plaza.

Later in the evening, the campus security guards were called out, and after that the city's Tactical Patrol Force was called. The students smashed more windows in other buildings, and then entered the student center to hold a meeting. The police did not attempt to enter the building, and the demonstrators left the campus quietly when their meeting was over.

The next day, we went to talk with the young man who had stood in front of Hamilton Hall. He was a junior at the University, and his name was Eric Brown. We asked him if he belonged to any political organizations, and he answered, "Oh, no! What I did could not have worked at all if I had belonged to an organization. It had to be spontaneous, and it had to be nonviolent. If I belonged to an organization, it would give the demonstrators something to fight against with the violent methods they like to use. I just talked to some friends about it and then decided to do it. When the demonstrators came up to me, some of them jostled me and pushed, to try to start a fight. But if I had fought back, it would have given them just what they wanted. When young men get in a situation like this—and I know I am like this, too—they tend to feel that the issue is joined when there is a violent clash. The anti-radical groups hang around the demonstration waiting for an opportunity for direct action. When it comes, they don't have to think about the issues anymore, and neither do the radicals. The *fight* becomes the issue. By fighting, I would have given everyone something he could relate to. By not having anyone to fight with, they were forced to confront themselves. I could tell, though, that their wanting a fight was just a tactic—somehow they didn't seem *really* angry. They didn't really want to hurt anybody. They wanted to face something they expected and could understand. One thing that I wasn't prepared for at all was the way the onlookers rushed forward to shield me and guide me away—putting themselves in danger. At one point, a very big, powerful student told these humanitarian students to leave me alone and let me stand there. This was one confrontation I didn't expect at all."

We asked why he had decided to make his stand.

"I'm afraid of what's going to happen in this country," he answered. "If repression comes, I'm afraid it's going to be very harsh—and it will be much harsher if institutions like Columbia have been destroyed. Did you read the summary of a C.B.S. poll in the *Times* saying that seventy-six per cent of the American public favored some abridgments of the Bill of Rights? I find this very frightening. And then, also, I simply believe that the world would be a much darker place without institutions of learning where people are free to learn what they want and read what they want and write what they want. Even in their own terms, I don't think the radicals gain anything by smashing windows at Columbia. I think the extreme radicals got their support two years ago because they had been *hurt*. They were the victims of violent overreaction on the part of con-

stituted authority. But now they are committing violence. And if other students simply stand up and oppose them individually and non-violently, and the radicals hurt the other students, they will cancel out the origins of their support. Things are so difficult and overwhelming now that it's hard to think anything through. But I think it's valid to examine *one thing*, one part of what's going on, and to try to act morally within the limits of what you understand, even if you don't know the implications for international revolution, or the historical process or something. That way, you gain a little peace of mind and enough certainty to act."

Mr. CEDERBERG. Mr. Speaker, in America today there exists the belief, held by a small rebellious minority, that the law has no value or worth as an entity in itself. They hold that the law's existence is wholly dependent upon its ability to attain justice. This group asserts that the law is merely a device and not an end. These dissidents claim that the law is not the only means to obtain justice; that other methods will accomplish the same goal.

From this viewpoint they posit that the individual has the right to break any and all laws which he feels are "unjust." They believe that if a law is not in accordance with their particular conception of justice they do not have any obligation to obey it. Because a law seems to them unfair or contrary to their political views they assert a right to ignore it.

Let me repeat what I stated earlier. These people do not feel that the law is the sole means for attaining their form of justice. They contend that any and all means—including bombing and rioting—are fair tools in their quest for a "just" society. They contend also that those who would break our laws while attempting to further this esoteric goal should be granted amnesty from criminal prosecution. In other words, be allowed to go unpunished for illegal actions because their intentions were good at the time.

Let me assure you that I neither condone this line of reasoning nor those who would advocate such policy. The law does have value in its own right. It is not just a device. The concept of justice has been strived for and debated ever since man recognized the necessity of living in society. However, for the number of years that he has searched for the meaning of justice—and a means of attaining it—he has come up with about as many conflicting answers. Justice is an elusive goal, something that men continually endeavor to understand but which is at base known only to God.

What does make the law superior to other methods of striving for justice? Simply because it allows us to proceed in an orderly manner—without destroying what is good and revered in our country—toward this goal. The law gives us a firm structure upon which we can work to improve our Nation.

If a law is considered unjust by a group of people they can work toward changing it through the legal system. The Constitution provides ample means for correcting injustices within the judicial process.

Those who choose to work from outside the law risk societal condemnation. They must be made to realize that by break-

ing the law they lay themselves open to criminal prosecution. This is a fact realized not only by those of us who support President Nixon's policy of law and order but by such advocates of civil disobedience as Martin Luther King and Mahatma Gandhi.

Justice can only be rightfully attained through lawful procedures accomplished in an orderly manner. This is the American tradition and must be adhered to.

Mr. FLOWERS. Mr. Speaker, tomorrow marks the 13th annual nationwide observance of Law Day U.S.A. This tradition originated in 1958, when President Eisenhower issued a proclamation establishing May 1 of each year as Law Day U.S.A.

Law Day is sponsored by the American Bar Association in cooperation with 1,500 State and local bar associations, and with the endorsement of many national organizations. Through the efforts of these and other interested groups, thousands of Law Day programs and activities are held throughout the country on or near the first of May. These include addresses, school assemblies, courthouse tours, essay contests, television and radio shows, and dramatic presentations.

The purposes of Law Day are both educational and patriotic. It is not a "lawyers day," it is an occasion for honoring the place of law in American life. For this reason, all Law Day activities have four basic purposes: First, to foster respect for law and an understanding of its essential place in American life; second, to encourage citizen support of law observance and law enforcement; third, to advance equality and justice under the law; and fourth, to point up the contrast between freedom under law in the United States and governmental tyranny in Communist nations.

The Law Day theme this year is "Law—Bridge to Justice." This theme is incorporated in billboard posters, newspaper advertising, window display cards, and other informational and educational materials relating to the observance of Law Day. The theme was selected for its timeliness, and I think rightly so. In today's world of public disorder, rising crime, and social unrest, this year's Law Day theme serves to remind all Americans that equal justice and equal opportunity depend on the individual as well as the law. It reminds us that although the principles of justice are rooted in natural law, and the standards of justice are codified in law books, the achievement of justice depends in large measure on the willingness of every American to accept the spirit and the letter of the law, and to apply it in his relationship with others.

Our Nation is, and hopefully will continue to be, a government of laws and not of men—but let us not forget that men enforce and observe our laws. Therefore, it is fitting that we express our deepest appreciation on this significant occasion to the many dedicated public servants in law enforcement and also to the millions of good, solid, ordinary citizens of this great land of ours who are still "square" enough to obey the law in their daily lives.

Mr. PATTEN. Mr. Speaker, Law Day, U.S.A., is the one day of the year when

Americans should reflect on the great heritage of our country. As the oldest surviving democracy in the world, we should take special pride in the fact that this country's ideals of freedom, equality, and justice are largely a product of the law.

The attempts of the founders of our country to establish a constitution, which would serve as a living, working statement of our goals and ideals, was bold indeed. And, although society has changed tremendously since 1776, our Constitution has managed to serve as a means of achieving social and economic justice through orderly change. When Charles Evans Hughes said that "the judiciary is the safeguard of our liberty and of our property under the Constitution," I believe he also expressed the feelings of most Americans.

Today, we pay special tribute to that justice. Yet, recalling the great legal history of our country is only a small tribute to our legal system. For our law presumes the need for continual re-examination, so that we might evaluate its ability to fulfill our goals and ideals. And in the latter sense, the law serves one basic purpose—a bridge to justice—and embodies the hope of every citizen—"Equal Justice Under Law"—the comforting words carved on the front of the Supreme Court of the United States.

Mr. Speaker, the Court's chamber is considered, "one of the most magnificent rooms in Washington," not only because of its great physical beauty, but also for the inspiring panels carved in marble. Several remind the thousands of people who visit the highest court in the land of the importance of law in a country where freedom not only flourishes, but prevails.

Depicted on the east wall are: "Majesty of the Law," "Safeguard of the Rights of the People," and "The Defense of Human Rights."

On the west wall is, "Justice," flanked by "Truth" and "Wisdom."

And on the south wall are several historical lawgivers, representing Moses, Solomon, Confucius, and others. Also shown on the north wall—Mohammed, Blackstone, Marshall. The spirit and wisdom of the law is felt everywhere in this famous building, where great decisions have been made for our people—ranging from "one man, one vote," to the historic one directing the desegregation of schools.

Respect and execution of the law are vital to civilization and to freedom and justice, so it is an honor for me to again take part in the commemoration of Law Day, U.S.A.

Yet, Mr. Speaker, even though we should remember what Anatole France called the "majestic equality" of the law, we must also be aware of what Emanuel Swedenborg wrote: "Conscience is God's presence in man." For if we observe both the perfect laws of God and the imperfect, but essential laws of man, our eternal dream of true justice will finally become a reality.

Mr. EILBERG. Mr. Speaker, law as a bridge to justice is an apt metaphor. Just as apt would be to say a barrier to injustice or any number of other things. But the important point we must bear in mind is not the catalog of phrases

which reduce law to a thing, to something which has a concrete existence separate and apart from its institutional aspects, but rather we must bear in mind that law and the advantage and the sanctity of law remain subject to our desires and whims and resolutions. In other words, by our actions and our words will law remain a vital force binding us together and providing for order and progress; any failure will be our failure; any shirking will be our shirking.

Judge Learned Hand once wrote that liberty is really preserved in the hearts of men. If it lives there, he said, no court need protect it. If it dies there, no court can protect it.

With all due respect to one of the greatest men who ever graced the Federal Bench, I suspect there is much more metaphor there than accuracy, but we must never forget that ultimately he might be right.

The distinction I seek to draw was suggested by news of one of those recent polls which purported to show that more than half of the Americans interviewed did not recognize the provisions of the Bill of Rights, or they were read to them and varying majorities did not really subscribe to the sentiments expressed therein when it came to people they really disagreed with. Yet the courts stand as bulwarks. The recent attempts to strangle sub rosa the right to picket in front of the White House was thwarted by a Federal judge. Put to a vote, I suspect a majority of Americans might well think it a good idea to keep certain elements—those they disagree with—from so disporting themselves.

After all, they have a beacon in the present Attorney General who recently suggested that we need new rules to handle marchers and picketers; not those from the American Legion, Shriners, and Lions, of course, but those who march and picket to express political beliefs.

But leaving that aside, I suggest that in such matters the courts can and will do much to protect basic liberties and rights even though temporary and even permanent majorities can be found to approve the restrictions. That is one strength of our law. It is a restriction on majority rule at times.

Yet in the long run, if there is a prevailing trend in an antilibertarian direction, if there is strong sentiment for restrictions of political and civil rights, the courts will not stand in the way. Mr. Dooley may very well have been right when he said that, of course, the Supreme Court followed the election returns. The election three or four times back, that is.

Thus it is that the responsibility is ours to resist expedient moves to curb those who need curbing, to insist that even with those whose actions we despise, the bombers, the arsonists, the terrorists, we turn square corners and comply with constitutional and statutory procedures.

The responsibility rests upon us as legislators. On those of us who are attorneys there rests a double responsibility. We must use our legal training and perspective to resist unwise legislation and to encourage that which is sound and constitutional. But in our nonlegis-

lative roles, we must seek to curb the spirit manifested recently in some circles to denigrate the courts and their roles. We must meet in the intellectual marketplace the pernicious doctrines spread by some lawyers and some litigants that the courts are no more than establishment handmaidens and we must oppose these doctrines forcefully with truth.

But—a most important but—as lawyers, and as legislators, we must act to insure that what we oppose these doctrines with is the truth. We must make sure that the courts of this country are places where the poor, the black, the dissenter can get a fair shake. This involves making it possible, especially on the civil side, for the poor to have access to the courts so that their grievances can be presented for a legal resolution. One currently glamorous—and controversial—proposal is the class action suit by consumers and the poor generally who could use it to call to account the merchant who fleeces them, the absentee landlord, and the many others who prey on poverty. But there are many more mundane things as well. We have an ongoing legal services program which needs strengthening. We must do something about filing fees, about costs overall. We must do more to reduce the enormous differences having money and not having money can make for criminal defendants. We must think out whether there is a better way than jail for the poor and fines for the more affluent.

We must redesign our laws and our court system to deal with many of the troubling issues of the day. Environmental pollution and its legal consequences is one such issue. The staggering number of automobile negligence cases in our courts is another.

In short, we must keep tended and strengthened that bridge to justice. Law is a process, a living thing. It promotes stability and invariably leans to that which is established and vested. It cannot be any other way because people must be able to base their conduct and their expectations upon predictability. But law need not be and is not changeless. It changes in many ways and our responsibility is ever to see that the change is responsive to the needs of our society and our people.

Mr. GONZALEZ. Mr. Speaker, is it possible for man to enjoy liberty under law? That is the classic problem of the free man.

It is possible to have law in any society, but it is not always true that the existence of law insures liberty. In fact, history shows that more often than not, men have lived under laws that they did not make themselves, laws which denied liberty rather than guaranteed it.

Law in a free society has the task of helping assure order and justice, but at the same time it must provide for individual liberty. A democratic government must not only protect society from the lawless, but protect the people from the excesses of government. We in the United States today are confronted with a time of severe testing for our concepts of law and liberty, and no one can be certain of the outcome. It may well be that we will emerge with law and order. But no freedom.

The lines are perhaps nowhere more clearly drawn on this day than they are at New Haven, where students from all over the Nation, and others who agree with their aims, protest the trial of certain members of the Black Panther Party, for the alleged murder of one Alex Rackley, who was also a member of the Black Panthers. Throughout the week, Yale students have been on strike, and the question has been mainly whether or not order could be preserved during the weekend. It is more than ironic that one of the first incidents reported this week was a suspicious fire in the Yale Law Library.

The students have accepted the theory that there is a nationwide police conspiracy against the Panthers, and that no member of that revolutionary party can obtain a fair trial anywhere in the United States.

The fact is that a great many Panthers have been killed—close to 30 of them—in various exchanges with police forces across the land. But it is also true that members of the party openly espouse violence and have killed policemen, and it is difficult to know how many of them have taken up the challenge and been killed for their pains.

I cannot help wondering, as the protests go on against this trial and other trials, what would have been said had white thugs tried to stop the trial of James Earl Ray. Would these same students have demanded that justice be done, or that it be abandoned?

In each case a black man lies dead. In each case murder was done for what would seem to be political reasons. Political assassination is the complete antithesis to liberty under law. If government is to take place in an atmosphere of terror, there can be no freedom, for terror and free government are completely incompatible. Yet we are told by some that the processes of justice must be halted, not because the murder of Alex Rackley was any less despicable than it was—but because our legal institutions cannot assure that justice will be done for the defendants.

While radicals of the left assume that there is a conspiracy to destroy militant minorities, radicals of the right assume that there is a conspiracy of ill-defined origin to bring about anarchy and the collapse of our Government.

Both sides are wrong. In the middle stand those who must contend with these shrill and irrational voices, and who must somehow attempt to assure the continuation of liberty under law despite those who on the one hand would destroy it because they do not understand it, and those who on the other would destroy it because they do not know how to preserve it.

Law is not only under attack from radicals of the left and right, but is also threatened by the burden of criminal actions that have nothing to do with political concerns.

The police, courts, and correctional institutions of the country are swamped by enormous increases in criminal activity. Cities all over the land are suffering from immense crime rates, and people are de-

manding more protection, even at the risk of granting the Government vast new powers over individuals, power that may help assure order, but which in in-temperate hands could well destroy priceless individual liberty.

The cry for order is understandable. I have myself asked the Bexar County grand jury to study the alarming rate of crime in San Antonio and what might be done to combat it. I know too many victims of criminal action and too many details about the crime problem not to be disturbed.

For example, the overall rate of crime in the San Antonio metropolitan area is higher than it is for the celebrated "crime capital" of the Washington metropolitan area. If you take the average hundred thousand residents of the San Antonio area, 3,487 of them will have in a year reported a criminal complaint to the police. In Washington, the case rate for the region is slightly less than that—3,416.

Yet in San Antonio, which has a far greater geographical area than Washington, we have only 743 policemen, versus 4,100—soon to be 5,000 for Washington. The San Antonio Police Department has only a hundred men more than the Capitol Police force that protects the Senate, the House, and the Capitol and its environs.

If the police in Washington, who have far greater numbers, and who have far less ground to cover than their counterparts in San Antonio have—are faced with an impossible task, then where does San Antonio stand?

It may well be that in certain parts of San Antonio there is no law, save that of the strong over the weak. It may well be that law as you and I know it does not exist at all for some citizens, whose lives are threatened and whose liberties are curtailed not by government, but by the lack of governmental protection for them.

Consider the case of a neighborhood that is terrorized by gangs. Normally, when a crime occurs, we expect that witnesses will report it. But you and I know that this will not always happen, because some witnesses do not care, others do not want to get involved, and others are simply afraid of the consequences of becoming a complainant or a witness.

I personally have known cases of people who are afraid to call police to report serious crimes, because they have themselves been threatened by hoodlums, or because their families have been threatened. These people know how few police there are, and have good reason to be afraid for their own lives and safety. And so they live in terror, and the very foundations of law and liberty do not exist for them.

The law is not only for the wealthy. People have a right to legal protection. The courts have established that principle long ago, as has the Constitution. Yet the fact is that the quality of justice for the wealthy is not the same as it is for the poor.

A wealthy defendant can make bail, and can hire an attorney, but a poor man can neither post bond nor hire an

attorney. He waits his day in court in jail, guilty or innocent, and deals with an attorney whose interest in him may be limited or nonexistent.

A man of education and experience is not likely to be lost in the legal system, but a poor and ignorant man may be lost. It is not unknown for a poor man to be held in jail for indefinite periods of time, forgotten by the police, by the courts, by the prosecutors, and by his own attorney.

For such persons, law is far more a threat than a guarantor of justice.

Seeing what happens within our cities, knowing that the most frequent victims of crime are the poor, and knowing that more criminal defendants are poor than wealthy, one has to ask whether law and justice are only for those who can afford it.

A man whose store is threatened may be able to hire a private policeman, but a poor man whose home is subject to frequent attack by robbers probably is unable to defend himself at all. For one, law may exist, but for the other it does not. Which of these men can claim to be free?

If the protection of law is not adequate for all people in the city, and if the operation of the legal system works better for those who have money than those who do not, it is easy to see why some citizens perceive law in one way and others another. The fact is that for some, law, the bridge to justice, is a toll-way whose price they cannot pay.

Society pays a heavy price when justice is not available to all citizens on an equal basis.

If crime is ignored because it is concentrated in the west side of San Antonio, the whole city suffers. Any student of police statistics can destroy the notion that crime is confined to any one part of the city. The victims of crime are everywhere. Moreover, the price of crime is paid not just by its victims, but by all of society. You cannot cheapen the life of one citizen without cheapening the lives of all citizens. Liberty curtailed for some endangers the liberty of all. Justice denied some threatens the denial of justice for all.

And so we have reason to be concerned about justice, and about law, reason to be concerned about the future of liberty under law, for we know that there can be no liberty without law.

I do not believe that there is any conspiracy against the liberty of students, any more than I believe that there is a conspiracy by them against the Government. But at the same time I do not believe that we can be satisfied any more than they can that our legal system does in fact guarantee justice for all.

The development of law is a task that can never end, because we do not know for certain what justice is, only that it is not attained yet for everyone. It may well be that liberty and justice for all is a goal that can never be reached by man. The only certainty is that when we become satisfied that the law is perfect, the law is dead, for law must change as society itself changes. Once law ceases to deal with present, existing problems,

it can only be relevant to the past, and thus be dead. So I am not satisfied that our laws and legal systems are perfect, and believe that no man can be so satisfied.

That remarkable Frenchman, Alexis de Tocqueville, observed in Americans a great respect for the law. And though more than a century has passed since he wrote about this country, much of what he wrote is as alive today as it was the day he set it down.

Americans respected the law for several reasons, he said. For one thing, even though the democratic system demanded what he called the "tyranny of the majority" the minority would respect the laws because they themselves might become the majority. Moreover, because of the jury system, Americans were their own judges, and so had a deeper understanding of the law than citizens in lands where there were no juries. And there was a general prosperity, so that there were few who had any reason to revolt, and since majorities could change and did change, laws could also be changed if they proved onerous or unworkable.

Some of his observations are worthy of quoting:

Among civilized nations, only those who have nothing to lose ever revolt; and if the laws of a democracy are not always worthy of respect, they are always respected; for those who usually infringe the laws cannot fail to obey those which they have themselves made and by which they are benefited. . . . Besides, people in America obey the law, not only because it is their own work, but because it may be changed if it is harmful; a law is observed first because it is a self-imposed evil, and secondly, it is an evil of transient duration.

Today the continent is filled, as it was not then, and today our Nation is involved in an unpopular war, as it was not then, and we are beset by problems too numerous to mention that no one then could imagine. Yet there are truths to be learned from De Tocqueville now, as there were then.

If we have people who are in revolt because they have nothing to lose, that is a fault that can be remedied.

If we have laws that are unjust or unworkable, that too can be remedied.

And if justice is denied to some, we should be swift to see that the failure is corrected.

But this can be done only as long as the spirit of liberty survives, and that is a spirit that demands of all men a faith in their fellow men, a faith that the law of free men will produce order and liberty, and justice as well. Lose that faith, and set free the forces of repression, and the very roots of liberty are subject to destruction.

There is no reason to believe that justice can be either commanded or obtained by crowds of vandals, and it is a certainty that legislation cannot take place in the midst of street warfare.

If a few seek successfully to prevent the operation of the due process of law, can lynch law be far behind? And if a few seek to hinder the operation of duly constituted courts, with all the elaborate protections of the law guaranteed to defendants, can the way be far to mob trials, and judgments to satisfy the thirst of a latter day La Farge?

Somewhere between those who seek to halt the operation of legal process, and those who would discard it altogether in the name of law and order stand those who believe in reason. If there is indeed to be a legal bridge to justice, it will be erected by those who are sane enough and brave enough to see beyond the storm of the moment, and who have the courage of their convictions, to stand for law and justice, both at the same time. Not law alone, but law and justice together, not for some, but for all.

Mr. COUGHLIN. Mr. Speaker, I have the pleasure today to speak about "Law Day USA," a day which the Congress has set aside as "a special day of celebration by the American people in appreciation of their liberties" and as an occasion for "rededication to the ideals of equality and justice under law.

The objectives of this day are fourfold; that is, to foster respect for law and understanding of its essential place in American life; to encourage citizen support of law observance and law enforcement; to advance equality and justice under law; and to point up the contrast between freedom under law in the United States and governmental tyranny under communism.

This is also a day when every American must reevaluate and determine his individual responsibilities as a free citizen, such responsibilities as the duty to obey and respect the law; to be informed on issues of government and community welfare; to serve and defend the Nation; to assist agencies of law enforcement; to practice and teach the principles of good citizenship in the home and elsewhere; and to respect the rights of others.

Therefore, I would like to take this opportunity to submit a speech which was given by Judge Learned Hand on May 21, 1944, in Central Park, New York City, which expresses so eloquently and movingly his feelings on "the spirit of liberty."

THE SPIRIT OF LIBERTY

(By Judge Learned Hand)

We have gathered here to affirm a faith, a faith in a common purpose, a common conviction, a common devotion. Some of us have chosen America as the land of our adoption; the rest have come from those who did the same. For this reason we have some right to consider ourselves a picked group, a group of those who had the courage to break from the past and brave the dangers and the loneliness of a strange land. What was the object that nerved us, or those who went before us, to this choice? We sought liberty; freedom from oppression, freedom from want, freedom to be ourselves. This we then sought; this we now believe that we are by way of winning. What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it. And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few; as we have learned to our sorrow.

What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit of Him who, near two thousand years ago, taught mankind that lesson it has never learned, but has never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest. And now in that spirit, that spirit of an America which has never been, and which may never be; nay, which never will be except as the conscience and courage of Americans create it; yet in the spirit of that America which lies hidden in some form in the aspirations of us all; in the spirit of that America for which our young men are at this moment fighting and dying; in that spirit of liberty and of America I ask you to rise and with me pledge our faith in the glorious destiny of our beloved country.

Mr. BUCHANAN. Mr. Speaker, tomorrow, May 1, people all across the United States, and particularly those connected with the legal profession, will be participating in the thirteenth annual observance of Law Day U.S.A. As we prepare for this observance, I think that is particularly appropriate for those of us who have a part in making our nation's laws to both reflect on the significance of this occasion and to further its purpose of informing our citizens of the role of law in American life.

By definition, law is "all the rules of conduct established and enforced by the authority, legislation, or custom of a given community or other group." By application, law is much more than that. It is the cornerstone of our entire society and the freedoms we cherish. Without it, all would be reduced to chaos. As students, one of the first things we learn about our country's democratic institutions is that ours is a government of laws, and not of men. That is, the rights and freedoms which we enjoy are guaranteed and protected by laws; and they are not dependent upon the philosophy or will of those men in government leadership positions at a particular moment in time.

Often we think of law only in terms of crime—when, for example, a law against rape or murder is violated. But the law is much more, touching every phase of our daily lives.

The homes in which we live are protected from unlawful entry by others. The cars we drive to work as well as those individuals who drive them are licensed as a means of protecting our lives. Our businesses are governed by laws, the schools our children attend must meet certain standards. Even the food we eat must meet health standards laid down by our State and Federal Governments. By law we pay taxes to support our schools, build roads, hospitals and undertake the myriads of governmental functions.

The foremost law of our land is, of course, the Constitution. Within its framework the laws which protect and maintain the liberty of our society are formed.

Our laws serve to protect and support those freedoms won over hundreds of

years. If these laws are to continue their function, then we must support them.

It is certainly not inappropriate, therefore, that we observe Law Day every year. On the contrary, Law Day ought to be honored every day in our society. The observance of Law Day was first proclaimed by President Dwight D. Eisenhower on May 1, 1958, and has been observed on that date every year since. In 1961, by a joint resolution of both Houses, the Congress set aside May 1 as "a special day of celebration by the American people in appreciation of their liberties" and as a day for "rededication to the ideals of equality and justice under law."

Equality and justice under law—these are concepts which many in our society seem to have forgotten lately.

The individual lawbreaker has always, regrettably, been an element in our society, but in recent years, we have seen large groups, not only students and left-wing liberals, but others as well, take to the streets in violent protest. The right to dissent is one of those we hold so dear—a right protected by the Constitution and one which differentiates us from Communist-dominated nations where citizens cannot express their dissatisfaction with laws or government. But the flaunting of our laws under the guise of dissent cannot be tolerated.

It seems to me that this year's Law Day theme is particularly relevant in dealing with such growing dissent in our country. The 1970 theme is "Law—Bridge to Justice." In the words of the National Law Day U.S.A. Committee:

The theme emphasizes that the law is in fact a bridge for reaching social goals and resolving grievances that cause divisions in American society.

Indeed, one of the greatest privileges of American citizens—and one which differentiates them from most of the world's people—is their ability—through their elected representatives—to bring about changes in our Nation's laws. This privilege seems clearly to have been overlooked by those who would turn to disruption and violence to effect changes in our society.

The fourfold objectives of Law Day, in my judgment, can provide a basis for the return of law and order to our streets.

The objectives are: First, to foster respect for law and understanding of its essential place in American life; second, to encourage citizen support of law observance and law enforcement; third, to advance equality and justice under law; and fourth, to point up the contrast between freedom under law in the United States and governmental tyranny under communism.

Too often, I fear, we take the law too lightly. In our daily lives we tend to overlook minor law infractions by ourselves and others. But these laws too, like the ones which outlaw crimes of violence, for example, are passed for the protection of our lives and freedoms. They too must be observed.

It is the responsibility of each and every individual to see that the laws of our Nation are observed while they remain laws. It is also the right of every

individual to work toward the alteration of unjust laws by legal means.

Violence in the streets in protest of laws solves nothing.

Our Nation has achieved, in its relatively brief history, what no other nation in the history of the world has achieved. There appears to be no limit to our future potential. We have reached the moon—we can go farther. We have conquered formerly dreaded diseases—we will conquer still others.

We have created, through our laws, a free nation of free people. This we must preserve and protect.

Mr. MATSUNAGA. Mr. Speaker, once a year, in midspring, we set aside a day to rearticulate our devotion to the rule of equal justice under law. It is a day when men speak of liberty and freedom, a day when they examine the importance of the law in their lives and trace its development and attempt to plot its course. This evaluation and time of resolution is especially important to those of us in the Congress of the United States.

Of the countless speeches that will be delivered across the country on Law Day U.S.A., many will be pessimistic in tone. They will recapitulate the disturbing events of recent years. They will point an accusing finger at those who dissent, castigate our young people, bemoan the lawlessness of our recent past and paint a dark and perilous future. I cannot agree with such an outlook. I will stand up with those who express unlimited confidence in the American system of justice and the American people.

The foundation of our system, the U.S. Constitution, in all its strength and weaknesses has borne up under more trying times than those we are now experiencing. It is the protective shield behind which we have developed as a great nation without sacrificing our individual freedoms. This is not to say that obedience to law and the striving toward justice do not require some restrictions on the conduct of individuals. If all men have unrestricted rights to engage in any conduct that suits their fancy, obviously only the most powerful can enjoy complete freedom and the weaker none. A society of free men can exist only if its individual members are willing to pay the price. Intrinsic in our right to free speech is our responsibility to afford others the same right; inherent in our right to vote is the duty to be informed and to exercise that franchise. Freedom is not free.

Despite the seeming slowness of our democratic processes, the law has developed tremendously in the last few years. In the field of criminal justice, for example, the courts have declared that the question of whether or not the accused has the assistance of an attorney cannot be determined by whether or not he has the money to pay for it. The courts have ruled too that an individual must be accorded privacy and not be subjected to the prying eye and ear of government agents. The Congress has enacted the Omnibus Crime Control and Safe Streets Act, which is designed to provide much-needed funds to help the States fight crime in their respective jurisdictions,

and the Ball Reform Act, which reaffirmed our belief in the principles that a man is innocent until proven guilty and that a man accused of a crime should have his freedom before a trial without the onerous burden of unreasonable bail.

In the area of civil rights, we have progressed even further. Beginning with the landmark case of Brown against Board of Education we have taken enormous strides toward eliminating the second-class citizenship to which many Americans had been relegated since the Civil War. No longer do we delude ourselves with the myth of "separate but equal." No longer are the rights of citizens to vote, to eat in public restaurants, to stay in hotels, or to enjoy recreational facilities determined by the color of his skin.

We have put men on the moon and brought them back. Through science and technology we have minimized the limitations of time and distance in communication, transportation, business, and even entertainment.

But perhaps the greatest characteristic of Americans of this generation is their keen awareness of the social problems which beset this Nation and their dedication to finding the right solutions. We have recognized that crime in our cities is a threat to the freedom of all of us. We see drug and alcoholic addiction as a plague. We demand that business be held to account for any sharp dealings with consumers. We know that if man continues to squander his natural resources the American environment will be unable to support human life. We are living in a time of questioning, a time of seeking satisfactory solutions.

Although impatient citizens demonstrate and frequently resort to violence, by and large we are still disciples of the rule of law. We believe in equal justice under law. If Law Day U.S.A. is to mean anything we must resolve that ours will continue to be a society in which law is the vehicle and bridge to justice.

Mr. PRICE of Texas. Mr. Speaker, tomorrow, May 1, is Law Day U.S.A. The purpose of Law Day is to dramatize the values Americans derive from living under a system of public laws and independent courts. As such, it is not a "lawyers day"; it is an occasion for all Americans to honor the role of law in our national life.

Law Day is a day for reminding all citizens of the rights they hold under the Constitution and the Bill of Rights. It is also a day for citizens to carefully consider their individual responsibilities as free citizens. To even be in a position to think about these responsibilities is a luxury most Americans take for granted. Millions of people throughout the world who struggle to eke out a meaningful existence while burdened with the yoke of communism or tyranny would sacrifice almost everything for just a taste of what some Americans treat so cavalierly.

Mr. Speaker, the theme selected for the 1970 observance of Law Day is "Law—Bridge to Justice." I think this is a most appropriate theme.

Today as never before, the very fundamentals of our system of law are being questioned by radicals and other social

malcontents. These individuals and the organizations behind them believe that anarchy and revolution provide the bridge to justice, not law. They talk in terms of only obeying laws which please them, and freely disobeying laws that do not. Yet, if these people had their way and our system of laws were destroyed, where would an individual turn to protest injustice? What standards would be employed to protect individuals from the wrongful actions of others? Who would decide who is right and who is not right? Who would decide who should go free and who should be imprisoned?

Our Constitution provides an answer that has proved most workable for almost two centuries. I say most workable because history does not record a single example of a country or society that has achieved even a relative approximation of our size, complexity, and diversity; and at the same time has enjoyed such a relative level of domestic peace, justice, and freedom for its inhabitants.

Under our form of government, promulgated by the Constitution, the legislative branch is charged with making the laws, the executive branch is charged with administering the laws, and the judicial branch is charged with enforcing the laws. On the basis of this structure it would seem to me that if individuals are dissatisfied with the way our present system operates, they should try to change it through law, not in derogation of law. If justice is really what they seek, then I would suggest that justice could be more fully rendered in the courts rather than in the streets.

We live in an open society. We live in a free society. Those who are dissatisfied with our society should run for elected office as many individuals have done, and work from within society as many individuals are doing. I believe this to be the only way in which the concept of justice can be retained as a viable and effective force in America today. It is for this reason that I hope that all those who participate in Law Day U.S.A. ceremonies and observances this year will dwell on the values and benefits of our system of laws and wherever possible live their lives and actions in the coming year to reflect its values and benefits.

Mr. HOGAN. Mr. Speaker, tomorrow, May 1, was established by the 87th Congress as Law Day, giving us, as citizens of the United States, another opportunity to reaffirm our belief in the rule of law bestowed by our democratic process of government.

Lawlessness, such as we have witnessed in the last few years since demonstrations and violent uprisings have become the "in" ways to try to change the existing order of things, cannot be tolerated if our democratic system is to continue. Laws are the very fibers which hold a civilized society together and, while everyone has the right to try to change the laws through the prescribed legislative process, until they are changed laws must be obeyed by all citizens.

The responsibility for abiding by the laws of our system brings with it the concomitant benefits of the rights accorded by our free society through our system of justice. Justice and right can

only be achieved through an acceptance of law and responsibility.

The theme of this year's law observance is, therefore, a most appropriate one for the problems which confront us in the start of this new decade.

"Law—Bridge to Justice" emphasizes that a system of impartial adherence to our laws is the only real way to protect individual liberties as well as the rights of society as a whole. The threads of jurisprudence have maintained the function of nation-states since time immemorial.

Daniel Webster, the eminent lawyer of early America, has told us that—

Justice is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race. And whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself, in name, and fame, and character, with that which is and must be as durable as the frame of human society.

America—once so great is now being torn asunder by blind revolutionaries who contend that this system, which has done more for individual liberty than any other system in the history of the world, must be destroyed. America's strength has been that we have abided by the rule of law and order while encouraging peaceful dissent to redress injustice. Constructive dissent stimulates us to improve. Citizens have the right to protest peaceably against injustice and inequity, but we should also protest for America when she is unjustly belittled.

Law Day 1970—May 1—affords all Americans the opportunity to demonstrate their faith in the system of government which allows its citizens to protest.

Mr. Speaker, I hope that my colleagues and, indeed, all Americans will not allow this opportunity to slip by but will instead stand up and be heard in praise of what America offers—an opportunity to share proportionately in the rewards and joys of a free and just society held together by the structure of the law.

Mr. DERWINSKI. Mr. Speaker, I am joining the commemoration this afternoon in the House of Law Day U.S.A. and I strongly believe that this year's theme "Law—Bridge to Justice" is a most practical and related theme.

However, it is also important to emphasize to traditional observers of Law Day in the United States the application of international law, especially as it pertains to U.S. prisoners of war and men missing in action. Therefore, in addition to my participation in this special observance of Law Day, I would like to call to the attention of Members the observance tomorrow of "An Appeal for International Justice," in which our colleague, U.S. Senator BOB DOLE of Kansas, has asked for our participation.

Law and order is not a political slogan but is a fundamental American virtue that, at present, is very much in the public mind. The anarchists of the day, the new leftists who are abusing our

laws, ridiculing our court system, and using every possible means to produce anarchy in our land, must be effectively dealt with under the law.

I commend my colleagues who participate in this observance.

Mr. ALEXANDER. Mr. Speaker, it is most appropriate on the eve of Law Day U.S.A. for those of us in the House of Representatives to turn our attention to our system of jurisprudence. As Members of the Congress, we are Members of the most responsive and representative national lawmaking body known to man.

Since becoming a Member of this body, I have been most concerned about the degeneration of our democracy due to the continuing and growing disrespect for the law. It is my belief, Mr. Speaker, that freedom and civil disobedience are antithetical, that the two cannot exist side by side in peace. Each is dedicated to the destruction of the other.

The people of this country have expressed themselves through their elected representatives, at the State and local levels as well as the national level. Speaking through these representatives, they have adopted certain standards and requirements to guide our Nation and the actions of its citizens. If we believe in these laws, then it follows that they must be enforced. If public opinion has changed and it is the will of the people that certain laws be changed, then those changes can be made through their elected representatives and through established, orderly, and lawful means.

Until the people have changed those laws through their elected representatives, however, Mr. Speaker, our laws must be enforced.

There has been a great deal of emphasis in recent months and years on the need for new legislation to deal with the problem of crime and civil disobedience. While I recognize the need to deal with the serious problem of crime, legislation provides only a part of the answer. It is my feeling that the enactment of new laws is not the best solution to this problem. Our Government has, and must continue to, rest on the basic belief of the consent of the governed. A democracy is based on the belief that the majority rules.

Mr. Speaker, we can enact laws from now on to deal with the problem of crime, but it will never be brought under control until a belief in and respect for the laws of this country is reestablished. We cannot train enough police to enforce all of the laws of this country at all levels of government unless the people of this country choose to respect and abide by those laws. And even if we could train enough law enforcement officers, a police state and the personal freedoms that we all love are not compatible. Those who would overthrow our form of government will not come out with anything better. They will only destroy man's best hope for freedom and democracy. Those who would destroy the rule of law will never come to know the benefits of freedom. Those who would threaten the future of our country will not insure a better future but will only destroy a belief in personal and human rights.

We do not expect or demand total agreement. That will never exist in a

democracy. But to attack the principle of majority rule is to attack the foundation upon which a democracy is built. No, total agreement is not essential to a democracy. But respect for majority rule and for the laws enacted by that majority is essential to a democracy.

As I said, Mr. Speaker, the enactment of new laws will not necessarily bring a new respect and regard for law, order, and justice. These lofty goals that are the foundation of our Nation will be reached only as we reaffirm our belief in the rule of the majority and the sanctity of individual rights. America will never be the same until we have a revival of respect for our system of laws.

GENERAL LEAVE TO EXTEND

Mr. CORMAN. Mr. Speaker, I ask unanimous consent all Members desiring to do so may have 5 legislative days to extend their remarks on Law Day, 1970.

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

There was no objection.

PROPOSED REORGANIZATION PLAN

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

Mr. BLATNIK. Mr. Speaker, I would like the Members of the House to know that the Subcommittee on Executive and Legislative Reorganization of the House Committee on Government Operations has been holding hearings on Reorganization Plan No. 2 of 1970.

The plan has two major features: First, the redesignation of the Bureau of the Budget as the Office of Management and Budget with additional high-level positions and other personnel; and second, the creation of a Cabinet-level Domestic Council which will have a staff and be directed by a White House assistant.

The hearings have brought out certain defects in the plan that have aroused the concern of members of the subcommittee; particularly, the gentleman from California (Mr. HOLIFIELD) and myself.

We have, therefore, filed House Resolution 960 to disapprove the reorganization plan and have drawn alternative legislation which was introduced today. For the information of the Members of the text of the bill, H.R. 17376, follows:

H.R. 17376

A bill to enact certain provisions of Reorganization Plan No. 2 of 1970, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—OFFICE OF MANAGEMENT AND BUDGET

SEC. 101. Section 207 of the Budget and Accounting Act, 1921, is amended to read as follows:

“Sec. 207. (a) There is created in the Executive Office of the President an office to be known as the Office of Management and Budget. There shall be in the Office a Director and a Deputy Director, who shall be appointed by the President. The Deputy

Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director or during a vacancy in the office of Director he shall act as Director. The Office, under such rules and regulations as the President may prescribe, shall prepare the Budget, and any proposed supplemental or deficiency appropriations, and to this end shall have authority to assemble, correlate, revise, reduce or increase the requests for appropriations of the several departments or establishments.

“(b) There shall be within the Office of Management and Budget not more than six additional officers, as determined from time to time by the Director of the Office of Management and Budget (hereinafter referred to as the Director). Each such officer shall be appointed by the Director, subject to the approval of the President, shall have such title as the Director shall from time to time determine, and shall receive compensation at the rate now or hereafter prescribed for officers and positions at Level V of the Executive Schedule (5 U.S.C. 5316).

“(c) The Office of Management and Budget and the Director shall perform such further functions as the President may from time to time delegate or assign thereto. The Director, under the direction of the President, shall supervise and direct the administration of the Office of Management and Budget.

“(d) The Deputy Director of the Office of Management and Budget, the Assistant Directors of the Office of Management and Budget, and the officers provided for in subsection (b) of this section shall perform such functions as the Director may from time to time direct.

“(e) The records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of the Bureau of the Budget shall, upon the taking effect of the provisions of this act, become records, property, personnel, and unexpended balances of the Office of Management and Budget.”

TITLE II—DOMESTIC COUNCIL

SEC. 201. (a) There is hereby established in the Executive Office of the President a Domestic Council, hereinafter referred to as the Council.

(b) The Council shall be composed of the following:

- The President of the United States,
- The Vice President of the United States,
- The Attorney General,
- Secretary of Agriculture,
- Secretary of Commerce,
- Secretary of Health, Education, and Welfare,
- Secretary of Housing and Urban Development,
- Secretary of the Interior,
- Secretary of Labor,
- Secretary of Transportation,
- Secretary of the Treasury,
- Director of the Office of Management and Budget,
- Chairman of the Council of Economic Advisers,
- Director of the Office of Economic Opportunity,
- Chairman of the Council on Environmental Quality,

and such other officers of the Executive Branch as the President may from time to time direct.

(c) The President of the United States shall preside over meetings of the Council. In the event of his absence, he may designate a member of the Council to preside.

SEC. 202. The Council shall perform such functions as the President may from time to time delegate or assign thereto. The Council shall take the lead in the following policy functions:

- (1) Assessing national needs, collecting information and developing forecasts, for the

purpose of defining national goals and objectives.

- (2) Identifying alternative ways of achieving these objectives, and recommending consistent, integrated sets of policy choices.

- (3) Providing rapid response to Presidential needs for policy advice on pressing domestic issues.

- (4) Coordinating the establishment of national priorities for the allocation of available resources.

- (5) Maintaining a continuous review of the conduct of on-going programs from a policy standpoint, and proposing reforms as needed.

SEC. 203. The Council shall have an Executive Director to be appointed by the President with the advice and consent of the Senate, who shall perform such functions as the President may from time to time direct. There shall be a staff to be headed by the Executive Director which shall perform such duties as he may assign.

SEC. 204. The Executive Director of the Council shall make an annual report to the Congress on the activities of the Council and shall provide the Congress with such other information as may be requested.

SEC. 205. The records and papers of the Council shall be maintained and preserved as official documents of the United States.

SEC. 206. The provisions of Title II of this Act shall be effective until June 30, 1973.

POLISH CONSTITUTION DAY

(Mr. ANNUNZIO asked and was given permission to revise and extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, Sunday, May 3, marks the 179th anniversary of Polish Constitution Day. Like the American Constitution of March 4, 1789, the Polish Constitution of May 3, 1791 recognizes the sovereignty of the people as the cornerstone of its government.

This great proclamation of the Polish people still stands today as a milestone in the struggle of mankind to establish representative and democratic governments. By guaranteeing the full protection of law and equal justice for all, by granting absolute religious tolerance, and by upholding the sovereign power and will of the people, the Polish Constitution brought to the continent of Europe a new concept of human dignity.

The principles and the spirit embodied in the Polish Constitution of 1791 live on today, and while Poland continues to be Communist dominated, the hope for freedom and self-determination continues to live in the hearts and minds of more than 34 million Polish people who are behind the Iron Curtain.

We in America have not forgotten the tragic plight of the Polish people, and today I join my colleagues in saluting Poland's outstanding contributions and in looking forward to the day when her people can once again live under the principles of freedom and democracy embodied in the original Polish Constitution.

Mr. Speaker, the Polish American Congress, Inc., 1200 North Ashland Avenue, Chicago, Ill., is an outstanding civic organization. Its capable and dedicated president, Aloysius A. Mazewski, has given inspired leadership over the years to this fine organization.

I want to take this opportunity to commend him, and also the members of the executive committee: Valentine

Janicki, secretary, Chicago, Ill.; Joseph T. Pranica, treasurer, Chicago, Ill.; Adele Lagodzinski, vice president, Chicago, Ill.; Kazimierz Lukomski, vice president, Chicago, Ill.; Stanley Mariarz, vice president, Trenton, N.J.; Thaddeus Maliszewski, vice president, Windsor, Conn.; Richard Jablonski, vice president, Cleveland, Ohio; and M. Wasilewski, vice president, Pittsburgh, Pa.

The Polish American Congress has issued an official statement about Polish Constitution Day. It gives me great pleasure, under leave to extend my remarks, to place into the RECORD this statement, as follows:

MAY 3—THE POLISH NATIONAL HOLIDAY

On May 3rd Poles everywhere and citizens of Polish origin in many countries celebrate a Polish national holiday—the Polish Third of May Constitution Day.

In the United States, wherever Americans of Polish descent live, in cities and towns from coast to coast, this holiday is observed with appropriate exercises through the month of May to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the first pioneers of liberalism in Europe.

It was on May 3rd in 1791, barely two years after the adoption of its Constitution by the United States in 1789, that Poland without a bloody revolution or even without a disorder succeeded in reforming her public life and in eradicating her internal decline. But this great rebirth and assertion of democracy came to the Poles too late and did not forestall the third partition of Poland in 1795 by Russia, Prussia and Austria.

POLAND PIONEERED LIBERALISM IN EUROPE

The greatness of the May Third Polish Constitution consisted in the fact that it eliminated with one stroke the most fundamental weaknesses of the Polish parliamentary and social system. The Poles raised this great moment in their history to the forefront of their tradition rather than any one of their anniversaries of glorious victories of heroic revolutions.

We Americans who have been reared in the principle given us as a birthright by the founders of our great Republic, the principle of the sovereignty of the people in the state, which is the primary postulate in the 1791 Polish Constitution, can see how this truism cut off the Poles and the Polish political tradition completely from both the Germans and the Russians, who have been reared in the principle of state, and not national, sovereignty.

The light of liberalism coming from Poland was then, as it has been throughout the years that followed and even unto today, a threat to tyranny and absolutism in Russia and Germany. In 1795 Russian and Prussian soldiers were sent to Poland to partition and rape her. In 1939 Russian and Prussian soldiers met again on Polish soil, as the absolute totalitarianism systems of nazism and communism again felt the danger of true liberalism coming from Poland just as in 1791.

In the Polish Third of May Constitution this liberalism was formulated in these words:

"All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation."

AMERICAN AND POLISH CONSTITUTIONS SIMILARLY INSPIRED

The philosophy of government discernible throughout the Third of May Polish constitution leads one to believe that the American people and the Polish people had each drawn inspiration for their respective constitutions from the same source.

Meditation on the anniversary of May the Third deepens the faith and heightens the courage of every Pole and of every American of Polish origin. It reminds all Americans of Poland's destiny in the history of mankind, and prophesied the ultimate triumph of justice, even though Poland once more has been deprived of her independence, sovereignty and her territory by one of our former allies, Soviet Russia, with the consent of other United Nations.

Mr. Speaker, on this special occasion I am pleased to send my sincere greetings to the people of Poland, to Polish-Americans all over the United States, and especially to those residing within the Seventh Illinois Congressional District, which I have the privilege to represent, as they join together to celebrate this important anniversary in the history of Poland.

U.S. INTERVENTION IN CAMBODIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, the President's decision to so intervene militarily in Cambodia has shocked millions of Americans. I am profoundly disturbed by the suddenness and unexpectedness of this action and I have written to the President expressing my opposition to his decision. It is unbelievable to me that the administration would send troops and planes into Cambodia without the approval of Congress especially after it assured this body time and time again that it would at least consult with congressional leaders before initiating any major new military ventures in Southeast Asia. So, once again we have a case in which the executive department has unilaterally involved the United States in another military venture without legal justification.

I assume the administration no longer stands on the dubious Tonkin Gulf resolution as the legal authority for American involvement in Southeast Asia since the President and his chief advisers have taken a public position of neutrality on the question of repeal of the resolution. SEATO certainly does not apply. Prince Sihanouk rejected the treaty's protocol protection in 1956 and again in 1965. The Lon Nol government has not rescinded Sihanouk's policy toward SEATO but has instead confirmed Cambodia neutrality. Moreover while the Lon Nol government has formally requested military assistance in the form of weaponry, it has not publicly asked for American troops.

The decision of yesterday raises the specter of a new and expanded war that will dash all of our hopes for an end in U.S. involvement in Vietnam. North Vietnam has many means of responding to the U.S. action. And, if Hanoi chooses to send more troops into Cambodia to occupy the capital, the United States will be drawn more deeply into this morass. American boys who should be coming home under the withdrawal program may now find themselves slogging through the jungles and rice paddies of Cambodia fighting the same old enemy only in a different place. As in Vietnam and undoubtedly also in Cambodia we

can defeat him tactically but never totally. So now the endless Vietnam war becomes the endless Indochina war.

In the 1960's President Kennedy and President Johnson spoke often of our commitment to South Vietnam. Now, according to Mr. Ziegler, we have a responsibility to preserve Cambodia militarily. The decisions of Presidents Kennedy and Johnson only brought escalation year after year until we reached the point of diminishing returns. If President Nixon chooses to follow the policy of escalation and unqualified commitment, he will find the returns meager not only in Southeast Asia but also at home for the new priorities of the 1970's demand immediate attention.

EARTH DAY RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, Earth Day 1970 has come and gone and many who participated in environmental activities on April 22 have commented, "Well, it was nice for the day, but now what?"

As a follow-up to my own involvement in Earth Day activities I am today introducing a resolution which would authorize the President to designate the third Wednesday of April of each year as Earth Day. This will give each American a day to renew his or her commitment to the antipollution effort. We have spent many years progressing to the point where we have polluted our surroundings. Now it will take many years before we can undo that wrong and clean up our environment.

As a tribute to the success of Earth Day 1970, I would like to insert at this point in the RECORD the editorial opinion of WWDC Radio and WRC Television:

EDITORIAL No. 1: EARTH DAY

(Broadcast of this editorial by WWDC Vice President and General Manager William S. Sanders was on Earth Day, April 22, 1970. We welcome comments.)

It's Earth Day. A rare day in American history. The first Earth Day.

We will all join together to begin the clean-up of our country's air, water, and everything else that provides us with our vital necessities and natural beauty. It's the one time we can all get together . . . conservative, liberal, revolutionary, government agency, private industry or professional protester. It is the day to celebrate the gift of Mother Earth.

It is the first Earth Day. We suggest it become an annual celebration if only to remind us of what we have and the need to protect it. Incidentally, if you'd like to help, start by picking up a little trash . . . it's Earth Day.

Let's try to preserve our Earth!

Thank you for your interest.

EDITORIAL No. 2: EARTH DAY

(Broadcast of this editorial by WWDC Vice President and General Manager William S. Sanders was on April 23, 1970. We welcome comments.)

Earth Day, 1970 is over. But the reasons for it are still with us. The effect of the hundreds of thousands of us who marched, rallied and picked up trash for a cleaner earth remains to be seen.

The demonstrations of our first Earth Day reflected a sense of unity. A broad spectrum

of Americans were attracted by the protest. Businessmen, Congressmen, housewives and revolutionaries joined forces.

Except that standing alone surrounded by foul air and water were some of the Daughters of the American Revolution. They labeled the environment movement "subversive and distorted and exaggerated." A DAR resolution called the takeover of parks and playgrounds one of the last steps of "subversive elements who have already gone after the military and the police". The ladies singled out "pollution of the mind" as the most dangerous aspect of them all.

We agree . . . and think all the ladies who voted for the proposal should be sentenced to a three hour swim in the Tidal Basin.

Thank you for your interest.

EDITORIAL NO. 3: EARTH DAY

Broadcast of this editorial by WWDC Vice President and General Manager William S. Sanders was on April 25, 1970. We welcome comments.

Earth Day was a resounding success. That is, if measured in terms of participants. Demonstrations, clean-up campaigns, rhetoric, the wearing of gas masks and sundry other activities marked the first "Earth Day".

We're a strange mob, we Americans. We get it together and let our voices be heard, for one day. We verbalize our concern for ecology. We hope someone will heed the message that we're sinking beneath the mire of garbage, debris, smoke, sewage and trash. Mostly we hope someone will do something about the problem. Unfortunately we hope someone else will do the job. Let's not forget one thing . . . that someone else must be you. You must aid in the fight against pollution and not just on Earth Day. You have to do it every day of every year and unless you do there may not be many years left on which to celebrate Earth Day.

Earth Day was a success, but the idea won't be successful until we have mounted a full scale campaign against the causes of our ecological destruction.

Thank you for your interest.

WRC-TV EDITORIAL: EARTH DAY

April 22nd is Earth Day in the Washington area and throughout the nation. It is aimed at dramatizing the sorry state of our environment. Cleaning it up is an issue that finally has succeeded in bridging the generation gap.

Politicians from the President on down, businessmen, establishment figures, educators and students are all on the ecological bandwagon.

Organizations to aid in reclaiming the environment have been formed at hundreds of colleges, and thousands of high schools and grade schools across the country and their elders are backing them. That is progress.

Earth Day in Washington will feature folk and rock singers to decry our filthy rivers, professors will lecture on the perils of phosphates and pesticides, lawyers will give free advice on how to take court action against alleged polluters.

Students in the area have set up workshops, symposiums and panel discussions on everything from population control to the natural gas automobile engine.

WRC-TV is proud of its record in the environment field. We began working for a clean Potomac years ago and have broadened our goals to include other elements of the world we live in. Last year during the month of May, WRC-TV broadcast a number of programs on pollution in our Washington area.

So we have a big stake in reclaiming the environment. We hope that is also the primary effort of those who participate in Earth Day activities. The goal should not be obscured by dragging in other issues of an emotional nature. We seek solutions—not rhetoric.

LAW AND THE ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 20 minutes.

Mr. SAYLOR. Mr. Speaker, on a number of previous occasions I have drawn the attention of the House to the widespread interest in our law schools in the role the law has to play in the protection and enhancement of the environment.

In December of last year, I conducted an informal survey of the Nation's law schools in order to probe the depth of curriculum commitment to the task of training students in what is fast developing as the body of environmental law. The results of my survey appeared in the RECORD during January and February of this year. I can repeat here that in all the correspondence I had with law school faculty members, I was tremendously encouraged by the response I found to the challenge of the seventies. It seems clear that law school faculty-student interest and activity relating to the environment will flourish in the years to come.

I am advised that law students are now planning to form a National Environmental Law Society, that there is to be an environmental law reporter, that the American Association of Law Schools will have a special program on environmental law at its next annual meeting and that the American Bar Association is reviewing whether its committee arrangements are suitable to serve the greatly expanded interest and activity of its members in this area.

Mr. Speaker, tomorrow is May 1, a day recognized as Law Day—U.S.A. One of the reasons we salute our legal system on this day has been its capacity for creative growth. I believe the law is beginning to make the response necessary to meet the challenges of our environmental problems. The National Environmental Policy Act, on which I served as a House conferee and which was signed by the President on January 1 of this year, is an illustration of this response.

The Council on Environmental Quality created by title II of the National Environmental Policy Act will play a central role in guiding the Federal Government toward policies and laws that protect and enhance the environment. The President has named a distinguished panel to serve on this Council. The Chairman, Russell E. Train, after a career as judge on the Tax Court, then president of the Conservation Foundation, and most recently Under Secretary of the Interior, has unique qualifications to lead the Council in its formative period. Member Robert Cahn is a former Pulitzer Prize winning reporter on conservation matters from the Christian Science Monitor and member Dr. Gordon J. F. MacDonald, former vice chancellor of the University of California at Santa Barbara, has had a remarkably broad range of experience with issues involving science and government.

Chairman Train fully recognizes the importance of keeping the Council abreast of developments in the law relating to protection and enhancement of the environment and of drawing on the resources of the legal profession in shaping new proposals in this area that the

Council may make. He also intends to maintain liaison with bar and law school groups interested in this field and from time to time to seek their assistance in case studies and development of model laws and regulations.

With these purposes in mind Chairman Train has just announced the formation of a legal advisory committee to assist the Council. The membership of the committee presently is as follows:

Chairman: Whitney North Seymour, Jr., U.S. attorney for the southern district of New York. Members: Malcolm Baldwin, Esq., senior legal associate, the Conservation Foundation, Washington, D.C.; William T. Coleman, Esq., Dilworth, Paxson, Kalish and Levy, Philadelphia, Pa.; Prof. David Currie, University of Chicago Law School and coordinator for Environmental Quality to the Governor of Illinois; Prof. Frank P. Grad, director, Legislative Drafting Service, Columbia Law School;

Roger P. Hansen, executive director, Rocky Mountain Center on Environment, Denver, Colo.; A. Wesley Hodge, Esq., Hodge, Hillis and Dahlgren, Seattle, Wash.; Prof. Louis Jaffe, Harvard Law School; William F. Kennedy, Esq., corporate counsel, General Electric Co.; Nicholas Robinson, chairman, Environmental Law Council, Columbia Law School; Prof. Ann Strong, director, Institute for Environmental Studies, University of Pennsylvania; Prof. Joseph Sax, University of Michigan Law School; David Sive, Esq., Winer, Neuburger and Sive, New York City.

Because of the keen interest of lawyers around the country in this subject I am inserting at this point in the RECORD a copy of the National Environmental Policy Act of 1969 (Public Law 91-190); the Environmental Quality Act of 1970 (Public Law 91-224); President Nixon's Message on Environment of February 10, 1970; Executive Order 11507 of February 4, 1970—Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities—Executive Order 11514 of March 5, 1970—Protection and Enhancement of Environmental Quality—and a speech by Chairman Train explaining the role of the Council:

PUBLIC LAW 91-190

An act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the

interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Sec. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the

maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

Sec. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

Sec. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Sec. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

Sec. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic,

and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and non-governmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Sec. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

Sec. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Sec. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to

the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

Approved January 1, 1970.

PUBLIC LAW 91-224: TITLE II—ENVIRONMENTAL QUALITY
SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that man has caused changes in the environment;

(2) that many of these changes may affect the relationship between man and his environment; and

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b) (1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91-190.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 203. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereinafter in this title referred to as the "Office"). The Chairman of the Council on Environmental Quality established by Public Law 91-190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this title and Public Law 91-190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91-190;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions.

REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91-190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report.

H.R. 4148—26

AUTHORIZATION

SEC. 205. There are hereby authorized to be appropriated not to exceed \$500,000 for the fiscal year ending June 30, 1970, not to exceed \$750,000 for the fiscal year ending June 30, 1971, not to exceed \$1,250,000 for the fiscal year ending June 30, 1972, and not to exceed \$1,500,000 for the fiscal year ending June 30, 1973. These authorizations are in addition to those contained in Public Law 91-190.

MESSAGE ON ENVIRONMENT

To the Congress of the United States:

Like those in the last century who tilled a plot of land to exhaustion and then moved on to another, we in this century have too casually and too long abused our natural environment. The time has come when we can wait no longer to repair the damage already done, and to establish new criteria to guide us in the future.

The fight against pollution, however, is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable by-product either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected: not from malign intention, but from failure to take into account the full consequences of our actions.

Quite inadvertently, by ignoring environmental costs we have given an economic advantage to the careless polluter over his more conscientious rival. While adopting laws prohibiting injury to person or property, we have freely allowed injury to our shared surroundings. Conditioned by an expanding frontier, we came only late to a recognition of how precious and how vulnerable our resources of land, water and air really are.

The tasks that need doing require money, resolve and ingenuity—and they are too big to be done by government alone. They call for fundamentally new philosophies of land, air and water use, for stricter regulation, for expanded government action, for greater citizen involvement, and for new programs to ensure that government, industry and individuals all are called on to do their share of the job and to pay their share of the cost.

Because the many aspects of environmental quality are closely interwoven, to consider each in isolation would be unwise. Therefore, I am today outlining a comprehensive, 37-point program, embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive Order in five major categories:

- Water pollution control.
- Air pollution control.
- Solid waste management.
- Parklands and public recreation.
- Organizing for action.

As we deepen our understanding of complex ecological processes, as we improve our technologies and institutions and learn from experience, much more will be possible. But these 37 measures represent actions we can take now, and that can move us dramatically forward toward what has become an urgent common goal of all Americans: the rescue of our natural habitat as a place both habitable and hospitable to man.

WATER POLLUTION

Water pollution has three principal sources: municipal, industrial and agricultural wastes. All three must eventually be controlled if we are to restore the purity of our lakes and rivers.

Of these three, the most troublesome to control are those from agricultural sources: animal wastes, eroded soil, fertilizers and pesticides. Some of these are nature's own

pollutions. The Missouri River was known as "Big Muddy" long before towns and industries were built on its banks. But many of the same techniques of pest control, livestock feeding, irrigation and soil fertilization that have made American agriculture so abundantly productive have also caused serious water pollution.

Effective control will take time, and will require action on many fronts: modified agricultural practices, greater care in the disposal of animal wastes, better soil conservation methods, new kinds of fertilizers, new chemical pesticides and more widespread use of natural pest control techniques. A number of such actions are already underway. We have taken action to phase out the use of DDT and other hard pesticides. We have begun to place controls on wastes from concentrated animal feed-lots. We need programs of intensified research, both public and private, to develop new methods of reducing agricultural pollution while maintaining productivity. I have asked The Council on Environmental Quality to press forward in this area. Meanwhile, however, we have the technology and the resources to proceed now on a program of swift clean-up of pollution from the most acutely damaging sources: municipal and industrial waste.

Municipal wastes

As long as we have the means to do something about it, there is no good reason why municipal pollution of our waters should be allowed to persist unchecked.

In the four years since the Clean Waters Restoration Act of 1966 was passed, we have failed to keep our promises to ourselves: Federal appropriations for constructing municipal treatment plants have totaled only about one-third of authorizations. Municipalities themselves have faced increasing difficulty in selling bonds to finance their share of the construction costs. Given the saturated condition of today's municipal bonds markets, if a clean-up program is to work it has to provide the means by which municipalities can finance their share of the cost even as we increase Federal expenditures.

The best current estimate is that it will take a total capital investment of about \$10 billion over a five-year period to provide the municipal waste treatment plants and interceptor lines needed to meet our national water quality standards. This figure is based on a recently-completed nationwide survey of the deficiencies of present facilities, plus projections of additional needs that will have developed by then—to accommodate the normal annual increase in the volume of wastes, and to replace equipment that can be expected to wear out or become obsolete in the interim.

This will provide every community that needs it with secondary waste treatment, and also special, additional treatment in areas of special need, including communities on the Great Lakes. We have the industrial capacity to do the job in five years if we begin now.

To meet this construction schedule, I propose a two-part program of Federal assistance:

I propose a Clean Waters Act with \$4 billion to be authorized immediately, for Fiscal 1971, to cover the full Federal share of the total \$10 billion cost on a matching fund basis. This would be allocated at a rate of \$1 billion a year for the next four years, with a reassessment in 1973 of needs for 1975 and subsequent years.

By thus assuring communities of full Federal support, we can enable planning to begin now for all needed facilities and construction to proceed at an accelerated rate.

I propose creation of new Environmental Financing Authority, to ensure that every municipality in the country has an opportunity to sell its waste treatment plant construction bonds.

The condition of the municipal bond market is such that, in 1969, 509 issues totaling

\$2.9 billion proved unsalable. If a municipality cannot sell waste treatment plant construction bonds, EPA will buy them and will sell its own bonds on the taxable market. Thus, construction of pollution control facilities will depend not on a community's credit rating, but on its waste disposal needs.

Providing money is important, but equally important is where and how the money is spent. A river cannot be polluted on its left bank and clean on its right. In a given waterway, abating some of the pollution is often little better than doing nothing at all, and money spent on such partial efforts is often largely wasted. Present grant allocation formulas—those in the 1966 Act—have prevented the spending of funds where they could produce the greatest results in terms of clean water. Too little attention has been given to seeing that investments in specific waste treatment plants have been matched by other municipalities and industries on the same waterway. Many plants have been poorly designed and inefficiently operated. Some municipalities have offered free treatment to local industries, then not treated their wastes sufficiently to prevent pollution.

To insure that the new funds are well invested, five major reforms are needed. One requires legislation; the other four will be achieved by administrative action.

I propose that the present, rigid allocation formula be revised, so that special emphasis can be given to areas where facilities are most needed and where the greatest improvements in water quality will result.

Under existing law authority, the Secretary of the Interior will institute four major reforms:

Federally assisted treatment plants will be required to meet prescribed design, operation and maintenance standards, and to be operated only by State-certified operators.

Municipalities receiving Federal assistance in constructing plants will be required to impose reasonable users' fees on industrial users sufficient to meet the costs of treating industrial wastes.

Development of comprehensive river basin plans will be required at an early date to insure that Federally assisted treatment plants will in fact contribute to effective clean-up of entire river basin systems. Collection of existing data on pollution sources and development of effluent inventories will permit systems approaches to pollution control.

Wherever feasible, communities will be strongly encouraged to cooperate in the construction of large regional treatment facilities, which provide economies of scale and give more efficient and more thorough waste treatment.

Industrial pollution

Some industries discharge their wastes into municipal systems; others discharge them directly into lakes and rivers. Obviously, unless we curb industrial as well as municipal pollution our waters will never be clean.

Industry itself has recognized the problem, and many industrial firms are making vigorous efforts to control their water-borne wastes. But strict standards and strict enforcement are nevertheless necessary—not only to ensure compliance, but also in fairness to those who have voluntarily assumed the often costly burden while their competitors have not. Good neighbors should not be placed at a competitive disadvantage because of their good neighborliness.

Under existing law, standards for water pollution control often are established in only the most general and insufficient terms: for example, by requiring all affected industries to install secondary treatment facilities. This approach takes little account of such crucial variables as the volume and toxicity of the wastes actually being discharged, or the capacity of a particular body of water to absorb wastes without becoming polluted. Even more important, it provides

a poor basis for enforcement: with no effluent standard by which to measure, it is difficult to prove in court that standards are being violated.

The present fragmenting of jurisdictions also has hindered comprehensive efforts. At present, Federal jurisdiction generally extends only to interstate waters. One result has been that as stricter State-Federal standards have been imposed, pollution has actually increased in some other waters—in underground aquifers and the oceans. As controls over interstate waters are tightened, polluting industries will be increasingly tempted to locate on intrastate lakes and rivers—with a consequently increased threat to those waterways—unless they too are brought under the same strictures.

I propose that we take an entirely new approach: one which concerns Federal, State and private efforts, which provides for effective nationwide enforcement, and which rests on a simple but profoundly significant principle: that the nation's waterways belong to us all, and that neither a municipality nor an industry should be allowed to discharge wastes into those waterways beyond their capacity to absorb the wastes without becoming polluted.

Specifically, I propose a seven-point program of measures we should adopt now to enforce control of water pollution from industrial and municipal wastes, and to give the States more effective backing in their own efforts.

I propose that State-Federal water quality standards be amended to impose precise effluent requirements on all industrial and municipal sources. These should be imposed on an expeditious timetable, with the limit for each based on a fair allocation of the total capacity of the waterway to absorb the user's particular kind of waste without becoming polluted.

I propose that violation of established effluent requirements be considered sufficient cause for court action.

I propose that the Secretary of the Interior be allowed to proceed more swiftly in his enforcement actions, and that he be given new legal weapons including subpoena and discovery power.

I propose that failure to meet established water quality standards or implementation schedules be made subject to court-imposed fines of up to \$10,000 per day.

I propose that the Secretary of the Interior be authorized to seek immediate injunctive relief in emergency situations in which severe water pollution constitutes an imminent danger to health, or threatens irreversible damage to water quality.

I propose that the Federal pollution-control program be extended to include all navigable waters, both inter- and intrastate, all interstate ground waters, the United States' portion of boundary waters, and waters of the Contiguous Zone.

I propose that Federal operating grants to State pollution control enforcement agencies be tripled over the next five years—from \$10 million now to \$30 million in fiscal year 1975—to assist them in meeting the new responsibilities that stricter and expanded enforcement will place upon them.

AIR POLLUTION CONTROL

Air is our most vital resource, and its pollution is our most serious environmental problem. Existing technology for the control of air pollution is less advanced than that for controlling water pollution, but there is a great deal we can do within the limits of existing technology—and more we can do to spur technological advance.

Most air pollution is produced by the burning of fuels. About half is produced by motor vehicles.

Motor vehicles

The Federal Government began regulating automobile emissions of carbon monoxide

and hydrocarbons with the 1968 model year. Standards for 1970 model cars have been made significantly tighter. This year, for the first time, emissions from new buses and heavy-duty trucks have also been brought under Federal regulation.

In future years, emission levels can and must be brought much lower.

The Secretary of Health, Education and Welfare is today publishing a notice of new, considerably more stringent motor vehicle emission standards he intends to issue for 1973 and 1975 models—including control of nitrogen oxides by 1973 and of particulate emissions by 1975.

These new standards represent our best present estimate of the lowest emission levels attainable by those years.

Effective control requires new legislation to correct two key deficiencies in the present law:

(a) Testing procedures.—Under present law, only manufacturers' prototype vehicles are tested for compliance with emission standards, and even this is voluntary rather than mandatory.

I propose legislation requiring that representative samples of actual production vehicles be tested throughout the model year.

(b) Fuel composition and additives. What goes into a car's fuel has a major effect on what comes out of its exhaust, and also on what kinds of pollution-control devices can effectively be employed. Federal standards for what comes out of a car's engine should be accompanied by standards for what goes into it.

I propose legislation authorizing the Secretary of Health, Education and Welfare to regulate fuel composition and additives.

With these changes, we can drastically reduce pollution from motor vehicles in the years just ahead. But in making and keeping our peace with nature, to plan only one year ahead or even five is hardly to plan at all. Our responsibility now is also to look beyond the Seventies, and the prospects then are uncertain. Based on present trends, it is quite possible that by 1980 the increase in the sheer number of cars in densely populated areas will begin outrunning the technological limits of our capacity to reduce pollution from the internal combustion engine. I hope this will not happen. I hope the automobile industry's present determined effort to make the internal combustion engine sufficiently pollution-free succeeds. But if it does not, then unless motor vehicles with an alternative, low-pollution power source are available, vehicle-caused pollution will once again begin an inexorable increase.

Therefore, prudence dictates that we move now to ensure that such a vehicle will be available if needed.

I am inaugurating a program to marshal both government and private research with the goal of producing an unconventionally powered, virtually pollution-free automobile within five years.

I have ordered the start of an extensive Federal research and development program in unconventional vehicles, to be conducted under the general direction of the Council on Environmental Quality.

As an incentive to private developers, I have ordered that the Federal Government should undertake the purchase of privately produced unconventional vehicles for testing and evaluation.

A proposal currently before the Congress would provide a further incentive to private developers by authorizing the Federal government to offer premium prices for purchasing low-pollution cars for its own use. This could be a highly productive program once such automobiles are approaching development, although current estimates are that, initially, prices offered would have to be up to 200% of the cost of equivalent conventional vehicles rather than the 125% contemplated in the proposed legislation. The

immediate task, however, is to see that an intensified program of research and development begins at once.

One encouraging aspect of the effort to curb motor vehicle pollution is the extent to which industry itself is taking the initiative. For example, the nation's principal automobile manufacturers are not only developing devices now to meet present and future Federal emission standards, but are also, on their own initiative, preparing to put on the market by 1972 automobiles which will not require and, indeed, must not use leaded gasoline. Such cars will not only discharge no lead into the atmosphere, but will also be equipped with still more effective devices for controlling emissions—devices made possible by the use of lead-free gasoline.

This is a great forward step taken by the manufacturers before any Federal regulation of lead additives or emissions has been imposed. I am confident that the petroleum industry will see to it that suitable non-leaded gasoline is made widely available for these new cars when they come on the market.

Stationary-source pollution

Industries, power plants, furnaces, incinerators—these and other so-called "stationary sources" add enormously to the pollution of the air. In highly industrialized areas, such pollution can quite literally make breathing hazardous to health, and can cause unforeseen atmospheric and meteorological problems as well.

Increasingly, industry itself has been adopting ambitious pollution-control programs, and state and local authorities have been setting and enforcing stricter anti-pollution standards. But they have not gone far enough or fast enough, nor, to be realistic about it, will they be able to without the strongest possible Federal backing. Without effective government standards, industrial firms that spend the necessary money for pollution control may find themselves at a serious economic disadvantage as against their less conscientious competitors. And without effective Federal standards, states and communities that require such controls find themselves at a similar disadvantage in attracting industry, against more permissive rivals. Air is no respecter of political boundaries: a community that sets and enforces strict standards may still find its air polluted from sources in another community or another state.

Under the Clean Air Act of 1967, the Federal government is establishing air quality control regions around the nation's major industrial and metropolitan areas. Within these regions, states are setting air quality standards—permissible levels of pollutants in the air—and developing plans for pollution abatement to achieve those air quality standards. All state air quality standards and implementation plans require Federal approval.

This program has been the first major Federal effort to control air pollution. It has been a useful beginning. But we have learned in the past two years that it has shortcomings. Federal designation of air quality control regions, while necessary in areas where emissions from one state are polluting the air in another, has been a time-consuming process. Adjoining states within the same region often have proposed inconsistent air quality standards, causing further delays for compromise and revision. There are no provisions for controlling pollution *outside* of established air quality control regions. This means that even with the designation of hundreds of such regions, some areas of the country with serious air pollution problems would remain outside of the program. This is unfair not only to the public but to many industries as well, since those within regions with strict requirements could be unfairly disadvantaged with respect to competitors that are not within regions. Finally,

insufficient Federal enforcement powers have circumscribed the Federal government's ability to support the states in establishing and enforcing effective abatement programs.

It is time to build on what we have learned, and to begin a more ambitious national effort. I recommend that the Clean Air Act be revised to expand the scope of strict pollution abatement, to simplify the task of industry in pollution abatement through more nearly uniform standards, and to provide special controls against particularly dangerous pollutants.

I propose that the Federal government establish nationwide air quality standards, with the states to prepare within one year abatement plans for meeting those standards.

This will provide a minimum standard for air quality for all areas of the nation, while permitting states to set more stringent standards for any or all sections within the state. National air quality standards will relieve the states of the lengthy process of standard-setting under Federal supervision, and allow them to concentrate on the immediate business of developing and implementing abatement plans.

These abatement plans would cover areas both inside and outside of Federally designated air quality control regions, and could be designed to achieve any higher levels of air quality which the states might choose to establish. They would include emission standards for stationary sources of air pollution.

I propose that designation of interstate air quality control regions continue at an accelerated rate, to provide a framework for establishing compatible abatement plans in interstate areas.

I propose that the Federal government establish national emissions standards for facilities that emit pollutants extremely hazardous to health, and for selected classes of new facilities which could be major contributors to air pollution.

In the first instance, national standards are needed to guarantee the earliest possible elimination of certain air pollutants which are clear health hazards even in minute quantities. In the second instance, national standards will ensure that advanced abatement technology is used in constructing the new facilities, and that levels of air quality are maintained in the face of industrial expansion. Before any emissions standards were established, public hearings would be required involving all interested parties. The States would be responsible for enforcing these standards in conjunction with their own programs.

I propose that Federal authority to seek court action be extended to include both inter- and intrastate air pollution situations in which, because of local non-enforcement, air quality is below national standards, or in which emissions standards or implementation timetables are being violated.

I propose that failure to meet established air quality standards or implementation schedules be made subject to court-imposed fines of up to \$10,000 per day.

SOLID WASTE MANAGEMENT

"Solid wastes" are the discarded left-overs of our advanced consumer society. Increasing in volume, they litter the landscape and strain the facilities of municipal governments.

New packaging methods, using materials which do not degrade and cannot easily be burned, create difficult new disposal problems. Though many wastes are potentially reusable, we often discard today what a generation ago we saved. Most bottles, for example, now are "non-returnable." We re-process used paper less than we used to, not only adding to the burden on municipal sanitation services but also making wasteful use of scarce timberlands. Often the least expensive way to dispose of an old automobile is to abandon it—and millions of people do pre-

cisely that, creating eyesores for millions of others.

One way to meet the problem of solid wastes is simply to surrender to it: to continue pouring more and more public money into collection and disposal of whatever happens to be privately produced and discarded. This is the old way; it amounts to a public subsidy of waste pollution. If we are ever truly to gain control of the problem, our goal must be broader: to reduce the volume of wastes and the difficulty of their disposal, and to encourage their constructive re-use instead.

To accomplish this, we need incentives, regulations and research directed especially at two major goals: a) making products more easily disposable—especially containers, which are designed for disposal; and b) re-using and recycling a far greater proportion of waste materials.

As we look toward the long-range future—to 1980, 2000 and beyond—recycling of materials will become increasingly necessary not only for waste disposal but also to conserve resources. While our population grows, each one of us keeps using more of the earth's resources. In the case of many common minerals, more than half those extracted from the earth since time began have been extracted since 1910.

A great deal of our space research has been directed toward creating self-sustaining environments, in which people can live for long periods of time by re-processing, recycling and re-using the same materials. We need to apply this kind of thinking more consciously and more broadly to our patterns of use and disposal of materials here on earth.

Many currently used techniques of solid waste disposal remain crudely deficient. Research and development programs under the Solid Waste Disposal Act of 1965 have added significantly to our knowledge of more efficient techniques. The Act expires this year. I recommend its extension, and I have already moved to broaden its programs.

I have ordered a re-direction of research under the Solid Waste Disposal Act to place greater emphasis on techniques for recycling materials, and on development and use of packaging and other material which will degrade after use—that is, which will become temporary rather than permanent wastes.

Few of America's eyesores are so unsightly as its millions of junk automobiles.

Ordinarily, when a car is retired from use it goes first to a wrecker, who strips it of its valuable parts, and then to a scrap processor, who reduces the remainder to scrap for sale to steel mills. The prices paid by wreckers for junk cars often are less than the cost of transporting them to the wrecking yard. In the case of a severely damaged or "cannibalized" car, instead of paying for it the wrecker may even charge towing costs. Thus the final owner's economic incentive to deliver his car for processing is slight, non-existent or even negative.

The rate of abandonment is increasing. In New York City, 2,500 cars were towed away as abandoned on the streets in 1960. In 1964, 25,000 were towed away as abandoned; in 1969, more than 50,000.

The way to provide the needed incentive is to apply to the automobile the principle that its price should include not only the cost of producing it, but also the cost of disposing of it.

I have asked the Council on Environmental Quality to take the lead in producing a recommendation for a bounty payment or other system to promote the prompt scrapping of all junk automobiles.

The particular disposal problems presented by the automobiles are unique. However, wherever appropriate we should also seek to establish incentives and regulations to encourage the re-use, re-cycling or easier disposal of other commonly used goods.

I have asked the Chairman of the Council on Environmental Quality to work with the Cabinet Committee on the Environment, and with appropriate industry and consumer representatives, toward development of such incentives and regulations for submission to the Congress.

PARKS AND PUBLIC RECREATION

Increasing population, increasing mobility, increasing incomes and increasing leisure will all combine in the years ahead to rank recreational facilities among the most vital of our public resources. Yet land suitable for such facilities, especially near heavily populated areas, is being rapidly swallowed up.

Plain common sense argues that we give greater priority to acquiring now the lands that will be so greatly needed in a few years. Good sense also argues that the Federal Government itself, as the nation's largest landholder, should address itself more imaginatively to the question of making optimum use of its own holdings in a recreation-hungry era.

I propose full funding in fiscal 1971 of the \$327 million available through the Land and Water Conservation Fund for additional park and recreational facilities, with increased emphasis on locations that can be easily reached by the people in crowded urban areas.

I propose that we adopt a new philosophy for the use of Federally-owned lands, treating them as a precious resource—like money itself—which should be made to serve the highest possible public good.

Acquiring needed recreation areas is a real estate transaction. One third of all the land in the United States—more than 750,000,000 acres—is owned by the Federal Government. Thousands of acres in the heart of metropolitan areas are reserved for only minimal use by Federal installations. To supplement the regularly-appropriated funds available, nothing could be more appropriate than to meet new real estate needs through use of presently-owned real estate, whether by transfer, sale or conversion to a better use.

Until now, the uses to which Federally-owned properties were put has largely been determined by who got them first. As a result, countless properties with enormous potential as recreation areas linger on in the hands of agencies that could just as well—or better—locate elsewhere. Bureaucratic inertia is compounded by a quirk of present accounting procedures, which has the effect of imposing a budgetary penalty on an agency that gives up one piece of property and moves to another, even if the vacated property is sold for 10 times the cost of the new.

The time has come to make more rational use of our enormous wealth of real property, giving a new priority to our newly urgent concern with public recreation—and to make more imaginative use of properties now surplus to finance acquisition of properties now needed.

By Executive Order, I am directing the heads of all Federal agencies and the Administrator of General Services to institute a review of all Federally-owned real properties that should be considered for other uses. The test will be whether a particular property's continued present use or another would better serve the public interest, considering both the agency's needs and the property's location. Special emphasis will be placed on identifying properties that could appropriately be converted to parks and recreation areas, or sold, so that proceeds can be made available to provide additional park and recreation lands.

I am establishing a Property Review Board to review the GSA reports and recommend to me what properties should be converted or sold. This Board will consist of the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisors, the Chairman of the Council on Environmental Quality and the Administrator

of General Services, plus others that I may designate.

I propose legislation to establish, for the first time, a program for relocating Federal installations that occupy locations that could better be used for other purposes.

This would allow a part of the proceeds from the sales of surplus properties to be used for relocating such installations, thus making more land available.

I also propose accompanying legislation to protect the Land and Water Conservation Fund, ensuring that its sources of income would be maintained and possibly increased for purchasing additional parkland.

The net effect would be to increase our capacity to add new park and recreational facilities, by enabling us for the first time to use surplus property sales in a coordinated three-way program: a) by direct conversion from other uses; b) through sale of presently-owned properties and purchase of others with the proceeds; and c) by sale of one Federal property, and use of the proceeds to finance the relocation and conversion costs of making another property available for recreational use.

I propose that the Department of the Interior be given authority to convey surplus real property to State and local governments for park and recreation purposes at a public benefit discount ranging up to 100 percent.

I propose that Federal procedures be revised to encourage Federal agencies to make efficient use of real property. This revision should remove the budgetary penalty now imposed on agencies relinquishing one site and moving to another.

As one example of what such a property review can make possible, a sizable stretch of one of California's finest beaches has long been closed to the public because it was part of Camp Pendleton. Last month the Defense Department arranged to make more than a mile of that beach available to the State of California for use as a State park. The remaining beach is sufficient for Camp Pendleton's needs; thus the released stretch represents a shift from low-priority to high-priority use. By careful weighing alternative uses, a priceless recreational resource was returned to the people for recreational purposes.

Another vast source of potential parklands also lies untapped. We have come to realize that we have too much land available for growing crops and not enough land for parks, open space and recreation.

I propose that instead of simply paying each year to keep this land idle, we help local governments buy selected parcels of it to provide recreational facilities for use by the people of towns in rural areas. This program has been tried, but allowed to lapse; I propose that we revive and expand it.

I propose that we also adopt a program of long-term contracts with private owners of idled farmland, providing for its reforestation and public use for such pursuits as hunting, fishing, hiking and picknicking.

ORGANIZING FOR ACTION

The environmental problems we face are deep-rooted and widespread. They can be solved only by a full national effort embracing not only sound, coordinated planning, but also an effective followthrough that reaches into every community in the land. Improving our surroundings is necessarily the business of us all.

At the Federal level, we have begun the process of organizing for this effort.

The Council on Environmental Quality has been established. This Council will be the keeper of our environmental conscience, and a goad to our ingenuity; beyond this, it will have responsibility for insuring that all our programs and actions are undertaken with a careful respect for the needs of environmental quality. I have already assigned it major responsibilities for new program development, and I shall look to it increasingly for new initiatives.

The Cabinet Committee on the Environment, which I created last year, acts as a coordinating agency for various departmental activities affecting the environment.

To meet future needs, many organizational changes will still be needed. Federal institutions for dealing with the environment and natural resources have developed piecemeal over the years in response to specific needs, not all of which were originally perceived in the light of the concerns we recognize today. Many of their missions appear to overlap, and even to conflict. Last year I asked the President's Advisory Council on Executive Organization, headed by Mr. Roy Ash, to make an especially thorough study of the organization of Federal environmental, natural resource and oceanographic programs, and to report its recommendations to me by April 15. After receiving their report, I shall recommend needed reforms, which will involve major reassignments of responsibilities among Departments.

For many of the same reasons, overlaps in environmental programs extend to the Legislative as well as the Executive branch, so that close consultation will be necessary before major steps are taken.

No matter how well organized government itself might be, however, in the final analysis the key to success lies with the people of America.

Private industry has an especially crucial role. Its resources, its technology, its demonstrated ingenuity in solving problems others only talk about—all these are needed, not only in helping curb the pollution industry itself creates but also in helping devise new and better ways of enhancing all aspects of our environment.

I have ordered that the United States Patent Office give special priority to the processing of applications for patents which could aid in curbing environmental abuses.

Industry already has begun moving swiftly toward a fuller recognition of its own environmental responsibilities, and has made substantial progress in many areas. However, more must be done.

Mobilizing industry's resources requires organization. With a remarkable degree of unanimity, its leaders have indicated their readiness to help.

I will shortly ask a group of the nation's principal industrial leaders to join me in establishing a National Industrial Pollution Control Council.

The Council will work closely with the Council on Environmental Quality, the Citizens' Advisory Committee on Environmental Quality, the Secretary of Commerce and others as appropriate in the development of effective policies for the curbing of air, water, noise and waste pollution from industrial sources. It will work to enlist increased support from business and industry in the drive to reduce pollution, in all its forms, to the minimum level possible. It will provide a mechanism through which, in many cases, government can work with key leaders in various industries to establish voluntary programs for accomplishing desired pollution-control goals.

Patterns of organization often turn out to be only as good as the example set by the organizer. For years, many Federal facilities have themselves been among the worst polluters. The Executive Order I issued last week not only accepts responsibility for putting a swift end to Federal pollution, but puts teeth into the commitment.

I hope this will be an example for others. At the turn of the century, our chief environmental concern was to conserve what we had—and out of this concern grew the often embattled but always determined "conservation" movement. Today, "conservation" is as important as ever—but no longer is it enough to conserve what we have; we must also restore what we have lost. We have to

go beyond conservation to embrace restoration.

The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level; it requires the help of every citizen. It cannot be a matter of simply sitting back and blaming someone else. Neither is it one to be left to a few hundred leaders. Rather, it presents us with one of those rare situations in which each individual everywhere has an opportunity to make a special contribution to his country as well as his community.

Through the Council on Environmental Quality, through the Citizens' Advisory Committee on Environmental Quality, and working with Governors and Mayors and county officials and with concerned private groups, we shall be reaching out in an effort to enlist millions of helping hands, millions of willing spirits—millions of volunteer citizens who will put to themselves the simple question: "What can I do?"

It is in this way—with vigorous Federal leadership, with active enlistment of governments at every level, with the aid of industry and private groups, and above all with the determined participation by individual citizens in every state and every community, that we at last will succeed in restoring the kind of environment we want for ourselves, and the kind the generations that come after deserve to inherit.

This task is ours together. It summons our energy, our ingenuity and our conscience in a cause as fundamental as life itself.

RICHARD NIXON.

THE WHITE HOUSE, February 10, 1970.

EXECUTIVE ORDER 11507—PREVENTION, CONTROL, AND ABATEMENT OF AIR AND WATER POLLUTION AT FEDERAL FACILITIES

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Clean Air Act, as amended (42 U.S.C. 1857), the Federal Water Pollution Control Act, as amended (33 U.S.C. 466), and the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), it is ordered as follows:

SECTION 1. Policy. It is the intent of this order that the Federal Government in the design, operation, and maintenance of its facilities shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources.

SEC. 2. Definitions. As used in this order:

(a) The term "respective Secretary" shall mean the Secretary of Health, Education, and Welfare in matters pertaining to air pollution control and the Secretary of the Interior in matters pertaining to water pollution control.

(b) The term "agencies" shall mean the departments, agencies, and establishments of the executive branch.

(c) The term "facilities" shall mean the buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property, owned by or constructed or manufactured for the purpose of leasing to the Federal Government.

(d) The term "air and water quality standards" shall mean respectively the quality standards and related plans of implementation, including emission standards, adopted pursuant to the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended, or as prescribed, pursuant to section 4(b) of this order.

(e) The term "performance specifications" shall mean permissible limits of emissions, discharges, or other values applicable to a particular Federal facility that would, as a minimum, provide for conformance with air and water quality standards as defined herein.

(f) The term "United States" shall mean the fifty States, the District of Columbia,

the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 3. Responsibilities. (a) Heads of agencies shall, with regard to all facilities under their jurisdiction:

(1) Maintain review and surveillance to ensure that the standards set forth in section 4 of this order are met on a continuing basis.

(2) Direct particular attention to identifying potential air and water quality problems associated with the use and production of new materials and make provisions for their prevention and control.

(3) Consult with the respective Secretary concerning the best techniques and methods available for the protection and enhancement of air and water quality.

(4) Develop and publish procedures, within six months of the date of this order, to ensure that the facilities under their jurisdiction are in conformity with this order. In the preparation of such procedures there shall be timely and appropriate consultation with the respective Secretary.

(b) The respective Secretary shall provide leadership in implementing this order, including the provision of technical advice and assistance to the heads of agencies in connection with their duties and responsibilities under this order.

(c) The Council on Environmental Quality shall maintain continuing review of the implementation of this order and shall, from time to time, report to the President thereon.

SEC. 4. Standards. (a) Heads of agencies shall ensure that all facilities under their jurisdiction are designed, operated, and maintained so as to meet the following requirements:

(1) Facilities shall conform to air and water quality standards as defined in section 2(d) of this order. In those cases where no such air or water quality standards are in force for a particular geographical area, Federal facilities in that area shall conform to the standards established pursuant to subsection (b) of this section. Federal facilities shall also conform to the performance specifications provided for in this order.

(2) Actions shall be taken to avoid or minimize wastes created through the complete cycle of operations of each facility.

(3) The use of municipal or regional waste collection or disposal systems shall be the preferred method of disposal of wastes from Federal facilities. Whenever use of such a system is not feasible or appropriate, the heads of agencies concerned shall take necessary measures for the satisfactory disposal of such wastes, including:

(A) When appropriate, the installation and operation of their own waste treatment and disposal facilities in a manner consistent with this section.

(B) The provision of trained manpower, laboratory and other supporting facilities as appropriate to meet the requirements of this section.

(C) The establishment of requirements that operators of Federal pollution control facilities meet levels of proficiency consistent with the operator certification requirements of the State in which the facility is located. In the absence of such State requirements the respective Secretary may issue guidelines, pertaining to operator qualifications and performance, for the use of heads of agencies.

(4) The use, storage, and handling of all materials, including but not limited to, solid fuels, ashes, petroleum products, and other chemical and biological agents, shall be carried out so as to avoid or minimize the possibilities for water and air pollution. When appropriate, preventive measure shall be taken to entrap spillage or discharge or otherwise to prevent accidental pollution. Each agency, in consultation with the respective Secretary, shall establish appropri-

ate emergency plans and procedures for dealing with accidental pollution.

(5) No waste shall be disposed of or discharged in such a manner as could result in the pollution of ground water which would endanger the health or welfare of the public.

(6) Discharges of radioactivity shall be in accordance with the applicable rules, regulations, or requirements of the Atomic Energy Commission and with the policies and guidance of the Federal Radiation Council as published in the FEDERAL REGISTER.

(b) In those cases where there are no air or water quality standards as defined in section 2(d) of this order in force for a particular geographic area or in those cases where more stringent requirements are deemed advisable for Federal facilities, the respective Secretary, in consultation with appropriate Federal, State, interstate, and local agencies may issue regulations establishing air or water quality standards for the purpose of this order, including related schedules for implementation.

(c) The heads of agencies, in consultation with the respective Secretary, may from time to time identify facilities or uses thereof which are to be exempted, including temporary relief, from provisions of this order in the interest of national security or in extraordinary cases where it is in the national interest. Such exemptions shall be reviewed periodically by the respective Secretary and the heads of the agencies concerned. A report on exemptions granted shall be submitted to the Council on Environmental Quality periodically.

Sec. 5. Procedures for abatement of air and water pollution at existing Federal facilities.

(a) Actions necessary to meet the requirements of subsections (a) (1) and (b) of section 4 of this order pertaining to air and water pollution at existing facilities are to be completed or under way no later than December 31, 1972. In cases where an enforcement conference called pursuant to law or air and water quality standards require earlier actions, the earlier date shall be applicable.

(b) In order to ensure full compliance with the requirements of section 5(a) and to facilitate budgeting for necessary corrective and preventive measures, heads of agencies shall present to the Director of the Bureau of the Budget by June 30, 1970, a plan to provide for such improvements as may be necessary to meet the required date. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility to meet the requirements of subsections 4 (a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements, he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) As may be found necessary, heads of agencies may submit requests to the Director of the Bureau of the Budget for extensions of time for a project beyond the time specified in section 5(a). The Director, in consultation with the respective Secretary, may approve such requests if the Director deems that such project is not technically feasible or immediately necessary to meet the requirements of subsections 4 (a) and (b). Full justification as to the extraordinary circumstances necessitating any such extension shall be required.

(e) Heads of agencies shall not use for any other purpose any of the amounts appropriated and apportioned for corrective and preventive measures necessary to meet the requirements of subsection (a) for the fiscal year ending June 30, 1971, and for any subsequent fiscal year.

SEC. 6. Procedures for new Federal facilities.

(a) Heads of agencies shall ensure that the requirements of section 4 of this order are considered at the earliest possible stage of planning for new facilities.

(b) A request for funds to defray the cost of designing and constructing new facilities in the United States shall be included in the annual budget estimates of an agency only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility will meet the requirements of section 4 of this order.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility when action is necessary to meet the requirements of subsections 4(a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) Heads of agencies shall give due consideration to the quality of air and water resources when facilities are constructed or operated outside the United States.

Sec. 7. Procedures for Federal water resources projects.

(a) All water resources projects of the Departments of Agriculture, the Interior, and the Army, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall be consistent with the requirements of section 4 of this order. In addition, all such projects shall be presented for the consideration of the Secretary of the Interior at the earliest feasible stage if they involve proposals or recommendations with respect to the authorization or construction of any Federal water resources project in the United States. The Secretary of the Interior shall review plans and supporting data for all such projects relating to water quality, and shall prepare a report to the head of the responsible agency describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary in connection with the design, construction, and operation of the project.

(b) The report of the Secretary of the Interior shall accompany at the earliest practicable stage any report proposing authorization or construction, or a request for funding, of such a water resource project. In any case in which the Secretary of the Interior fails to submit a report within 90 days after receipt of project plans, the head of the agency concerned may propose authorization, construction, or funding of the project without such an accompanying report. In such a case, the head of the agency concerned shall explicitly state in his request or report concerning the project that the Secretary of the Interior has not reported on the potential impact of the project on water quality.

Sec. 8. Saving provisions. Except to the extent that they are inconsistent with this order, all outstanding rules, regulations, orders, delegations, or other forms of administrative action issued, made, or otherwise taken under the orders superseded by section 9 hereof or relating to the subject of this order shall remain in full force and effect until amended, modified, or terminated by proper authority.

Sec. 9. Orders superseded. Executive Order No. 11282 of May 26, 1966, and Executive Order No. 11288 of July 2, 1966, are hereby superseded.

RICHARD NIXON.

THE WHITE HOUSE, February 4, 1970.

EXECUTIVE ORDER 11514—PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States and in fur-

therance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), it is ordered as follows:

Section 1. Policy. The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

Sec. 2. Responsibilities of Federal agencies. Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research, development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, as appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

Sec. 3. Responsibilities of Council on Environmental Quality. The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures em-

ployed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, surveys, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

Sec. 4. Amendments of E. O. 11472. Executive Order No. 11472 of May 29, 1969, including the heading thereof, is hereby amended:

(1) By substituting for the term "the Environmental Quality Council", wherever it occurs, the following: "the Cabinet Committee on the Environment".

(2) By substituting for the term "the Council", wherever it occurs, the following: "the Cabinet Committee".

(3) By inserting in subsection (f) of section 101, after "Budget," the following: "the Director of the Office of Science and Technology."

(4) By substituting for subsection (g) of section 101 the following:

"(g) The Chairman of the Council on Environmental Quality (established by Public Law 91-190) shall assist the President in directing the affairs of the Cabinet Committee."

(5) By deleting subsection (c) of section 102.

(6) By substituting for "the Office of Science and Technology", in section 104, the following: "the Council on Environmental Quality (established by Public Law 91-190)".

(7) By substituting for "(hereinafter referred to as the 'Committee')", in section 201, the following: "hereinafter referred to as the 'Citizens' Committee'".

(8) By substituting for the term "the Committee", wherever it occurs, the following: "the Citizens' Committee".

RICHARD NIXON.

THE WHITE HOUSE, March 5, 1970.

REMARKS OF THE HONORABLE RUSSELL E. TRAIN

The Council on Environmental Quality is nothing less than a new experiment in government—an experiment which will test whether we are wise enough to manage our affairs in a way which recognizes the essential interdependence of man and his environment.

The responsibilities of the Council cut across the entire fabric of the Federal Government and it provides an integrative force in a critical area of policy making. At the same time, the Council's mandate recognizes that the problems and needs of the environment are tremendously complex, that they do not lend themselves to either simple or instant solutions—a fact which some current pleaders for the environment tend to overlook.

A basic thrust of the National Environmental Policy Act is to insure to the greatest extent practical that environmental considerations are given careful attention and appropriate weight at all stages of the planning and decisionmaking process in every agency of the Federal Government. This requirement is not intended to be a mere formality. Nor is it intended to receive mere lip service. It demands no less than a revolution in the way we approach problems and make decisions—an objective to which the Council attaches the highest priority. If we can in fact cause fundamental changes in the decisionmaking process within the Federal Government, I can think of no greater contribution that our Council could make. Furthermore, such changes could have a pervasive influence at other levels of government, in the private sector, and, perhaps most important of all, in our education institutions.

Already the Council has begun work on a variety of environmental problems—junk automobiles, solid waste recycling, agricultural pollution, pesticides, unconventional vehicles, tanker oil spills, ocean dumping, detergents, environmental monitoring, land-use planning. The Congress, in passing the National Environmental Policy Act of 1969, gave us a very broad mandate. The declaration of policy is clear. One of the major purposes of the Act is: "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment . . ."

The President recognized and expanded upon that sentence when he commented while signing the Act on January 1st that we are engaged in a "now or never" battle for a natural environment of quality. The very fact that he made his approval of the Act his first official act of the decade of the seventies was dramatic evidence of his commitment to environmental improvement.

On March 5, the President clarified our Council's authority and expanded upon our responsibilities to carry out our mandate. The Executive Order of that date directs the Council to evaluate existing and proposed policies and activities of the entire Federal government to assure full consideration of environmental values. In so doing, it directs the Council to recommend to the President and the various agencies program priorities for the control of pollution and improvement of our environment.

During this review, the Council will not hesitate to recommend changes to correct deficiencies and to provide adequate responses to potential environmental problems.

We may on occasion conduct hearings as the need arises so that you, in what now might be termed the "fifth estate," will have an opportunity to present your views and give us your counsel.

The Council will exert its influence to coordinate more closely the vast multitude of Federal programs which either relate directly

to environmental quality, or which have a significant impact on environment.

An important aspect of this authority is the requirement of the new statute that all agencies file detailed statements concerning all proposals for major legislation and other actions which significantly affect the environment. The Council will recommend guidelines for carrying out this responsibility.

The Act provides the criteria on which the reviews are based, and our "guidelines" will supplement those criteria. The Act provides that every recommendation or report on proposals for legislation and other Federal actions with significant environmental impact must include a detailed statement which discusses:

- (1) the environmental impact of the proposal;
- (2) any adverse impacts which cannot be avoided should the proposal be implemented;
- (3) alternatives to the proposal;
- (4) the relationship between local short-term uses of the environment and maintenance and enhancement of long-term productivity; and
- (5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Let me give you an illustration of how this might work. I am sure that all of you are by now familiar with the Florida jetport controversy. For a moment, let us imagine that Florida authorities had just filed their first application, which probably would have been for air space rights or authority to designate aircraft traffic patterns. Or, perhaps the first State-to-Federal contact would be an application for grant assistance.

At this point, using the guidelines developed by the Council, the Federal Aviation Administration would be required to examine not only the air safety aspects of the application, but the entire range of environmental considerations.

As part of this agency review process, all other Federal agencies with special expertise in the subject matter would be contacted. Presumably, in this instance, F.A.A. would contact the National Park Service, Bureau of Sport Fisheries and Wildlife, and other resource managing agencies.

The agency's statement of environmental impact of the proposed project would be part of the entire project file from the outset, would be available to the President and to the Council on Environmental Quality, and on request to the public. It would accompany the proposal throughout the decision-making process, including consideration by Congress as part of the authorization process.

In short, it is intended that there be a thorough evaluation of short-term objectives, and their long-term impact upon the environment.

I think this gives you an idea of the mechanics of one of our most important functions. It will be up to you, as part of the conservation conscience of America, to see that environmental impact studies are read and studied and talked about. There should be no shroud of secrecy around these reports, which will be available under the Freedom of Information Act.

I have emphasized that our Council hopes to be in a position to exert a fundamental influence on the way decisions are made which affect the environment. I have described one of our most important tools in this respect. At the same time, I think that it is important to keep in mind that our Council will never have the staff capability to re-examine every single on-going activity of the Federal Government, nor should it. We expect to be selective in our review process. Moreover, it is also important to remember that fundamental changes, particularly those which involve changes in

attitude and in values, seldom occur over night. The objectives which we will be pursuing necessarily will involve a process of education—education of our policy makers, education of our bureaucracy, education in our professional and other schools, and finally, education of the ordinary citizen toward a better understanding of the world around him and his relationship to it.

I sincerely believe that our new Council possesses tremendous potential for improved environmental management. At the same time, let us not delude ourselves into thinking that any single device will solve our environmental problems. The problems are enormously complex, and they will not give away to simplistic approaches. We Americans tend to think that any problem can be solved, no matter how great, if we can only find the right technological handle and put enough money into the job. Our goal of a high quality environment will not be achieved by following this route. Indeed, it may well be just this kind of thinking which has led us to our present environmental crisis. Far more than technology and money are involved, although these are important. Human values, attitudes, and behavior are even more basic to the equation we must solve.

Our new Council on Environmental Quality hopes to play a leading role in the years ahead. However, if we are to be truly successful in our search for environmental quality, there will need to be a commitment and an effective action at all levels of government—Federal, State and local, in industry, among private organization, and finally in communities and homes throughout the country.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States is the largest producer of cotton yarn in the world. In 1967 the United States produced 2,060,300 short tons of cotton yarn. The Soviet Union was second producing 1,513,900 short tons.

CONGRESS SHOULD MAKE THE C. & O. CANAL A NATIONAL HISTORICAL PARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the April 28 Washington Star carried an excellent article on last Saturday's hike along the C. & O. Canal. This hike, in which I participated, is held each year to dramatize the need to preserve the canal as a national historical park. There is legislation pending in Congress now that would do just this. The Star article makes the case for this legislation briefly and well, and I commend it to my colleagues:

HIKERS WANT C&O CANAL PRESERVED
(By George Huber)

People who don't know what it's all about wonder why 500 or so people turn out each spring for a day's hike along the C&O Canal with Justice William O. Douglas.

What it is is a one-day dramatization of a desire to assure preservation of this 185-

mile stretch of land as a national historical park.

That the old canal is a great recreation facility, or more accurately has great recreation potential, goes almost without saying. It is within easy reach of a dozen metropolitan areas and of millions of people for hiking, fishing, boating, bicycling, canoeing, camping, bird watching, etc.

It comes as a surprise that the government doesn't have great plans to restore and improve this facility. There are individuals within the government who nurture such plans and hopes, but for things to go forward it will take an act of Congress making the canal a national historical park.

Much of the old canal is government owned, as a national historical monument, made so by an executive order by President Dwight Eisenhower. But there are large technical differences between a national monument and a national park, and a park established by act of Congress has a greater status of permanency and funding.

SHOWPLACE NEAR WASHINGTON

People who see only the showplace stretch of the canal just above Washington don't know that much of the rest is in ruins, hardly discernible in many places, unkempt and neglected, and some in private ownership. Part of this showplace stretch was the scene of last Saturday's annual Justice Douglas hike, the 17th he has led. Earlier hikes were further up the canal, drawing attention to some of the poorer canal stretches.

These hikes started in 1954, the first a week-long affair covering the entire 185 miles from Cumberland to Washington. It was proposed then to build a highway along the old canal bed. The hike led by Justice Douglas drew national attention to this plan, and effectively killed it.

GREAT DAY FOR HIKE

The men who were on that hike formed the C&O Canal Association, and planned a one-day reunion hike every spring thereafter. Others have joined in, everyone who shows up is welcome, and now great hordes come out on the last Saturday in April.

Last Saturday's hike was 16 miles, from Seneca to Glen Echo, and best estimates are that around 500 persons started. They had a perfect day for it, best yet of the spring.

There were all kinds in the crowd, including some celebrity watchers who just wanted to see and be seen. The great majority were sincere lovers of the outdoors, however, who want the canal preserved.

There were packs of Cub Scouts and groups of kids even younger. Boy Scouts were there, and Girl Scouts, the Campfire Girls too, Youth Hostels, Canoe Cruisers Association, Potomac Appalachian Trail Club, other groups and many individuals, also whole families including babies carried along in back packs.

The stretch they covered is beautiful and historic, certainly worth preserving, but this can be said of the entire canal.

A point of interest is Seneca Aqueduct, a sandstone structure carrying the canal across Seneca Creek. An unusual thing about this aqueduct is that it also is a canal lock.

Just below, in the Potomac River, is the old Seneca Rock Dam, a rip-rap structure that must have been an engineering feat in its day. It was built to divert river water into the canal, and although in ruins now still backs up enough water for the four-mile long Seneca Lake.

A mile after their start the hikers came to the Blockhouse Point cliffs towering over the canal. These got their name from a fort built there to guard the river during the Civil War.

SEWER CONSTRUCTION

A part of these cliffs tumbled into the canal during blasting for sewer construction two years ago.

Another effect of this sewer construction, and one of the many things that show how tenuous wildlife is along the canal, is evident at the Dierson Waterfowl Sanctuary not far below the cliffs. Here redheaded woodpeckers frequently were seen, but they left during the sewer work and haven't returned.

At Pennyfield Lock the hikers had a view of a Potomac River stretch where President Grover Cleveland loved to fish, and of the house he stayed in there.

Hikers especially were cheered by the great river panorama at River Bend, where not too many years ago a dam was planned. This scheme seems to have died.

And so it went for the whole 16 miles, hardly a step that wasn't of scenic and historic value.

GREETINGS TO THE RUMANIAN NATIONAL COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTAIN) is recognized for 20 minutes.

Mr. FARBSTAIN. Mr. Speaker, on the celebration of Rumanian Independence Day, I greet the Rumanian National Committee and wish your kindred people in Rumania peace and prosperity in their homeland. I am proud to represent the many Americans of Rumanian background who live in my congressional district.

The Rumanian people suffered many centuries under the oppressive rule of the Turks, and 93 years ago they attained their national freedom. They proclaimed their independence on May 10, 1877, while fighting the Turks, and soon became masters of their national destiny. Since then, with sudden and tragic interruptions during the two world wars, they have successfully maintained their independent status as a nation.

Today's Rumania is a socialist state, under a totalitarian system of government. But even under totalitarianism, Rumanians are preserving their national identity and the nation's heritage. Proudly and courageously their leaders seek to work out their own destiny and vigilantly guard Rumania's national independence.

DEVELOPING USES OF ELECTRONICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 60 minutes.

Mr. DENT. Mr. Speaker, I take this opportunity to address the House, and present for the RECORD the views of Floyd E. Smith, international president of the International Association of Machinists and Aerospace Workers—AFL—CIO—Charles H. Pillard, international president of the International Brotherhood of Electrical Workers—AFL—CIO—and Paul Jennings, president of the International Union of Electrical, Radio and Machine Workers—AFL—CIO—pertaining to the developing uses of electronics.

Research on this presentation was prepared by Abe Morganstern, research director for IUE, and AFL—CIO. The technical committee was composed of Anthony Bellissimo, assistant to the president, IBEW, AFL—CIO, George Collins,

assistant to the president, IUE, AFL-CIO, and Vernon Jirikowic, research director, IAM, AFL-CIO.

I find their views very important. The days, I am afraid, of promoting a quota program have come and gone. The American production scene is rapidly deteriorating.

The material follows:

THE DEVELOPING CRISIS IN ELECTRONICS AND COMPANION INDUSTRIES

I. CURRENT REASONS FOR CONCERN

While the Electronics industries are considered to be among the Nation's leading growth industries, current developments in consumer electronics, components, business and computing machines, and companion product lines, should give every American—not merely those whose jobs are directly threatened—genuine cause for concern. For, what is happening is this:

Key growth segments of electronics and companion industries (their know-how, production and jobs) have been, and are being, exported abroad. Moreover, the exodus is rapidly escalating.

The dangerously rising volume of imports—increasingly, in foreign-made American brands and in imports by domestic parent firms from foreign-based plants—tends to accelerate the process of terminating U.S. operations and transferring domestic production and product lines to facilities outside U.S. borders.

The production and jobs transferred abroad are, to a large extent, of the types urgently needed here. They are needed if we are to find work for members of minority groups as well as others among the unemployed poor whom we are now trying to reach through antipoverty, manpower training, and similar programs, at a vast expense of taxpayer dollars.

While the electronics industries, and major electronics-electrical firms, are and have been heavily subsidized by the Federal government, they may possibly grow even more dependent on government, especially the Defense Department, for support. Currently, annual sales to DOD and, in far smaller amounts, to other government agencies, aggregate \$13 billion. This represents more than half the industries' \$25 billion in annual sales.

II. HISTORICAL SUMMARY AND SHORT STATISTICAL RUNDOWN

Electronics grew from a \$1 billion to a \$25 billion industry in 20 years. Over these 20 years, the Federal government has not only been the industry's largest customer, taking annually a major slice of its dollar output; it has also been the underwriter and sponsor of its remarkable technological progress.

Giant corporations dependent on Defense contracts for a substantial portion of sales include General Electric, Westinghouse, R.C.A., I.T.T., Sperry-Rand, Litton Industries, and dozens of others. In fiscal 1969, G.E.'s Defense contracts totaled more than \$1.6 billion. Raytheon's amounted to \$547 million; Sperry-Rand's to \$468 million; Westinghouse's, to \$430 million; Litton Industries', to \$377 million; and R.C.A.'s, to \$300 million. Without profitable Defense contracts, Sperry-Rand could hardly have weathered large, sustained computer and business machines losses. Sperry's most profitable product line today is computers, but it was its Defense business that kept it solvent.

The technological lead of American electronics firms was nurtured and underwritten by billions of dollars in government R&D money. As the OECD Directorate For Scientific Affairs points out, "semiconductors, numerical control, electronic computers . . . as well as a host of other less significant innovations, owe their development to Federal support." Huge Federal outlays for

search, development, test and evaluation, made possible revolutionary developments in miniaturization, microwave, solid state, integrated circuitry, laser technology, etc.; thereby helping to give domestic firms a commanding technological edge over foreign competitors. Many of the profitable patents these firms hold—and on which they are paid royalties by foreign and domestic firms—resulted from government sponsored R&D programs. As indicated earlier, production and product lines financed by government R&D funds have been transferred to U.S.-owned overseas plants.

How much taxpayer money was poured into R&D? According to National Science Foundation figures, from 1957 to 1965, leading firms in the electronics (and communications) industries spent \$23 billion for research and development—22-24 percent of total domestic R&D expenditures. Of this amount, two-thirds was directly provided by the Federal government.

Overseas capital investment by the American electrical-electronics industry continues undiminished, despite the imposition of direct investment controls. Expenditures for equipment and plants outside U.S. borders by electrical-electronics concerns were estimated at \$625 million for the years 1967-68. About \$2.5 billion was directly invested in new equipment and plants abroad during the 1958-68 decade. This sum does not include profits earned, accumulated and reinvested abroad. According to available but incomplete statistics, at least two dozen new American-owned plants were established on the Mexican border within the past year. The trade press and official records show similar escalating shifts of production, products, and jobs to Taiwan, Hong Kong, South Korea, Singapore and other areas in the Far East.

The process feeds on itself. The transfer of production, product lines, and jobs abroad by one or two American firms is a signal for others to follow. That is one reason why new and expanded U.S.-owned plants are springing up on the Mexican border and in the Far East, as well as in Europe. The exodus is encouraged and abetted by the U.S. Department of Commerce, which frequently acts as promoter and agent for U.S. firms. Commerce Department employees stationed abroad assist U.S. companies in finding suitable plant locations. Occasionally, they may also arrange financing, and provide other advertised services. As inducements host countries (Taiwan, Mexico, South Korea, Singapore, Hong Kong, etc.) offer tax and rent concessions plus other attractive advantages—in addition, of course, to wage costs that range from less than 15 cents to 30 or 35 cents an hour.

The General Instrument Company is a case in point. It is now the largest employer in Taiwan, with 12,000 workers in its semiconductor, TV tuner, recorder and IFT plant—up from last year's 7,200, and from 500 in 1962, the year the plant opened. Hourly wages, including fringes, average 15-20 cents. In the past two years, G.I. closed three of its components plants in New England—one in Rhode Island and two in Massachusetts. All told, close to 2,000 workers were permanently displaced. Production of affected product lines was transferred to the company's expanded Taiwan facility. Other product lines and jobs may soon follow.

A second case in point is Ford-Philco, whose work force in Philadelphia was recently reduced by 1300, with additional layoffs foreseen. Philco-Taiwan, with current employment of over a thousand, now makes radios, phonographs and components for hi-fi and Color TV assemblies previously manufactured in the U.S. Philco has also been importing sets from Japan under its own brand name, further reducing domestic employment.

Electronics is rapidly developing into one of Taiwan's major industries and especially into its major export industry. In 1968, for

example, it exported \$60 million worth of electronic products up from \$36 million in 1966. But by 1972, Taiwan's export of TV sets alone—almost entirely to this country—should reach \$250 million. Total 1972 electronic exports are estimated at \$500 million. Currently, exports to the U.S. in major electronic categories are up 40-80 percent from year ago levels. About 650,000 B & W TV sets were exported to the U.S. in 1969—80 percent more than the year before.

Restrictions imposed on foreign firms make it impossible for them to sell radios, TV sets or other products on the domestic Taiwanese market. American firms, however, are not seriously interested in producing for the Taiwanese market. They came to Taiwan primarily for one reason: to manufacture products at Taiwanese wage costs for export to the U.S. Some of the American firms with factories in Taiwan are: I.B.M., G.E., T.R.W., R.C.A., Admiral, Philco (two plants), Cornell Dubilier, Raytheon, Motorola, Singer, General Instrument, Ampex, C.T.S., etc.

The Mexican border program, devised to attract U.S. firms south of the border through substantial wage differentials plus other advantages, similarly imposes restrictions that make it impossible for such firms to sell Mexican-made products on the Mexican market. Directly below our border, we have a classic illustration of what such programs are about. Parts and components—machinery, too—are imported into Mexico duty free, machined and assembled in Mexican plants, and then shipped back to the U.S. for final, finish-up assembly in completed units. This is known as the Twin Plants concept.

The U.S. plants, however, are quite small and, quite frequently, only for show. Units are fully assembled into finished products in Mexican factories by Mexican workers earning 30-35 cents an hour. (Nearly 208,000 B & W TV sets were exported to the U.S. in 1969, up 420 percent from 1968). But the tariff on goods shipped back to the U.S. is only on the "value added" by low wage Mexican workers. Thus, a TV set assembled in Mexico from U.S.-made component parts pays only a fraction of the tariff levied on TV sets wholly made abroad from parts and components supplied by foreign manufacturers.

The "value added" tariff, applied as it is now, in conjunction with wage differentials merely encourages "runaway" companies to relocate. The same "value added" tariff is applied, incidentally, to imports from U.S.-owned plants in Taiwan, Hong Kong, South Korea and elsewhere, whenever almost wholly assembled products are made from parts shipped to the foreign facility from a U.S. plant. The applicable section of the law—Section 807—needs to be drastically changed.

Sales of foreign manufacturing affiliates of U.S. firms were \$4 billion in 1965, compared with \$1.9 billion in 1959. Though reliable current sales data is unavailable through government or private sources, we have reason to believe sales have increased at a much higher ratio than in previous years. In 1968, for example, G.E.'s foreign affiliates had net sales of \$800 million, while I.T.T. and Singer's foreign affiliates had estimated sales aggregating more than \$1 billion between them. *What should be remembered is that sales of such foreign manufacturing affiliates are, to an increasing extent, imports into the U.S.*

Finally, while there are no accurate statistics on the number of electronic, electrical, household, office and business machine facilities owned and operated abroad by multinational American corporations (a large percentage of whom are conglomerates), the number may be figured in thousands. As previously indicated, the number rises each year. All major corporations, as well as a large and growing number of medium-sized and smaller companies, now own and operate plants abroad, using government-subsidized

technology and production know-how to manufacture products, formerly made here, for import into the U.S. (or to manufacture products for sale to third countries—frequently, depriving one of the company's U.S. affiliates of its markets).

III. RISING IMPORTS, TRANSFERS OF PRODUCTION AND DOMESTIC PLANT CLOSINGS

In 1967, the value of TV sets imported by the U.S. amounted to \$125.5 million. TV imports in 1969 are estimated at about \$300 million, up 46 percent from 1968 and 140 percent from 1967. According to preliminary figures, Japan alone exported to the U.S. 880,000 Color and over 2,200,000 B & W TV sets, supplying more than 15 percent of the U.S. Color and more than 40 percent of the U.S. B & W TV market.

In 1967, the value of radio receiving sets, radio-phonograph combinations and parts, and radio apparatus imported into the U.S., totaled \$243 million. Imports for the first 11 months of 1969 are \$374.5 million, and the full year estimate ranges between \$410-\$420 million. An estimated 85-90 percent of all radios sold in the U.S. are imports. From January to October, 1969, the U.S. imported 17 million transistor radios from Japan; 13 million from Hong Kong; close to 4 million from Taiwan; and close to 900,000 from South Korea.

In 1967, the value of phonographs, tape recorders and other sound recorders and reproducers imported into the U.S. was \$153.4 million. In the first 11 months of 1969, the figure was \$303.8 million. For the full year, it could reach \$335 million, up 45 percent from 1968. Less than 10 percent of the tape recorders, cassettes, or similar equipment sold in the U.S. market are made in U.S. plants.

Thus, within two years, from 1967 to 1969, the dollar value of imports of TV sets, radios, phonographs, radio-phonographs, tape recorders and related consumer products has doubled. This doubling follows a previous quadrupling of the value of imports in the years 1962-67. Our 1969 balance of trade deficit on these consumer electronic products should approach one billion dollars.

Last year, Westinghouse closed its TV manufacturing plants in Edison, New Jersey, laying off 3,000 workers. Like several other firms, Westinghouse now imports and sells—under its own brand—Color and B&W TV sets made for it by Japanese firms. Formerly a manufacturer, it is now a distributor.¹ Several other U.S. manufacturers import and sell under their own brand Color and B&W TV sets, radios and other consumer equipment. TMA in Illinois cut back its production lines over 50 percent when it began importing radios and stereos from Japan.

As previously indicated, a sizable number of manufacturers have transferred production to foreign-based plants. Sylvania, for example, now makes TV sets in Hong Kong; Warwick Electronics, which supplies Sears, has drastically reduced production, and laid off hundreds of workers in its Arkansas plant, transferring TV output to a Mexican facility. Admiral and Motorola have established consumer electronics plants in Taiwan. In one of its recent ads, G.E. announced it was the only remaining domestic manufacturer of radios. Implicit in the ad was a warning it might discontinue all production of radios in the U.S.

The domestic household sewing machine industry is now confined to part of one plant (Singer) in Elizabethport, New Jersey, which employs some 2,000 workers (previous employment high was over 10,000). It is the only remaining household sewing machine

plant in the U.S. Yet for every three Singer machines sold here, two were made in the company's foreign plants.

During the past decade, the acquisition-conscious Singer Company acquired a number of major firms in the electronics and office machines industries, among them Friden, a manufacturer of office calculators now known as the Friden Division. Two years ago, Friden signed an agreement with Hitachi, whereby Hitachi would manufacture—under the Friden label and to Friden's specifications—its electronic desk calculators. Friden now distributes in the U.S. and abroad Friden calculators made by Hitachi in Japan.

Burroughs and others have similar agreements. Formerly manufacturers, they have become distributors of the products they once made. The domestic electronic desk calculator business is now dominated by Japanese firms. Currently, 60 percent of this growing market is controlled by Japanese firms. Within the next two or three years, Japanese manufacturers are expected to supply almost the entire market—directly, as well as through Friden, Burroughs and other domestic labels.

Several months ago, the press reported that Litton Industries—a major conglomerate whose various enterprises, such as shipbuilding and electronics, are heavily subsidized by DOD contracts—was shutting down domestic Royal typewriter plants. We learned earlier the Justice Department was investigating the company's acquisition of two German typewriter firms, Triumph and Adlerwerke, for possible Antitrust Act violations. Litton moved into the typewriter business in 1965 when it acquired Royal-McBee. A year or two later, it bought up the British company, Imperial Typewriters, Ltd. The Royal DeLuxe 660, one of the more popular and attractive Royal models, became the Imperial 660. Now Litton has announced Royal Typewriter models will be made in Japan to Royal specifications.

Sperry-Rand, kept alive through Defense contracts and R. & D. money, decided to close out domestic production of typewriter models a number of years ago. Sperry shifted operations to its European plants. These plants were subsequently closed. Now, Remington typewriters are made for Sperry under the Remington label by the Japanese firm, Brothers.

There is a campaign, promoted and supported by American industry, to urge the Japanese government to remove restrictions imposed on freedom of foreign investment, and on ownership and control of manufacturing facilities and enterprises in that country. It should be noted that some firms already have substantial, though not controlling, investments in Japanese concerns.² A major example is G.E., which owns 10 percent of the outstanding stock of Tokyo Shibaura Electric (G.E. also owns 12 percent of the outstanding stock of the German electrical giant, A.E.G.).

We do not believe any agreements reached between the U.S. and Japan permitting American ownership and control of manufacturing facilities in Japan in the electrical and electronic industries would be in the best interests either of American workers or the American people at this time. We feel it would further encourage export of production and jobs from the U.S.

IV. EMPLOYMENT, COMPARATIVE WAGE COSTS AND MAN-HOUR PRODUCTIVITY

By and large, employment in the Electrical Equipment and Supplies industry (SIC 36) has held up fairly well. Expanded Defense efforts and national economic growth were important contributing factors in the growth

of this diverse industry group. Unemployment in the industry, however, may soon be on the rise, threatening to occur at a time when the labor force is rapidly increasing (it will grow 16 percent, to a total of 94 million by 1975) and at a time when the Administration is engaged in a massive drive to find hundreds of thousands of jobs for Negroes, Mexican-Americans and others among the poor for whom gainful employment is urgently needed. The government's various job creating and manpower training programs require several billions of dollars annually in federal expenditures. *Yet the types of jobs exported are precisely the unskilled and semi-skilled jobs needed here if we are to win the war against poverty and provide gainful employment for our disadvantaged poor.*

Moreover, at a time when total national and manufacturing employment was expanding, comparative figures for the months of October, 1966 and October, 1969, show a decline of 24,500 factory production workers (17 percent) in the Radio and TV Receiving Equipment industry. In Electronic Components and Accessories, there was a decline of 20,100 factory workers. The combined production worker decline in the two related industries comes to 44,600. Since these are basically growth industries, there should normally have been an increase in the number of production workers employed.

In another major growth industry, Office and Computing Machines, there was a total employment increase of 30,000, yet factory employment was up only a mere 400 jobs. The annual growth in computer shipments has averaged 15 percent, and this rate of growth should continue at least until 1975. However, firms in this industry have been exporting component parts to overseas plants for assembly into completed machines, effectively cutting into our exports of such machines. These foreign plants may soon be producing their own parts.

The effect cutbacks in Defense and other government programs will have on factory employment in other electrical-electronic industries is difficult to predict, but it could be quite severe.

A careful analysis of our employment problems indicates the need to retain and to increase the number of jobs of the types now being exported. Such jobs are required for those among our citizens most in need of productive work.

Since high labor costs are invariably given as a major reason for rising imports as well as for the shift of domestic production to U.S.-owned overseas plants, let us analyze this argument for a moment. When we do analyze it, we find that multinational conglomerate corporations have achieved almost unlimited exportability of capital, technology, production lines and production techniques. They can move capital, production and jobs freely wherever they wish, taking easy and quick advantage of substandard wages, low rents, favorable interest rates, tax loopholes, and tariff concessions. And, it is obvious the American taxpayer and the American worker has subsidized this mobility.

High U.S. labor costs are used increasingly to dismiss the problem as well as to assess blame. There is no merit in such contentions. For, wages in these industries—not high in themselves—cannot be expected to compete with foreign wages of 15 cents to 35 cents an hour—nor with the \$1 an hour wage-fringe-social benefit costs in Japan. Even if wages were reduced to the \$1.60 legal minimum, they would, with fringe costs added, be more than double the total current Japanese wage fringe cost. They would be from 8 to 12 times as much as the prevailing labor costs in Singapore, Hong Kong, South Korea and Taiwan, and 5 times as high as prevailing labor costs in Mexico. Thus, these countries enjoy a "comparative advantage" vis-

¹ Emerson Radio Division of National Union Electric, another New Jersey TV manufacturer, has announced it is closing out production of TV and other consumer electronic equipment.

² American firms also have licensing agreements with Japanese and European counterparts, the latter paying royalties for the use of American patents.

a-vis the U.S. by virtue of pitifully substandard wages, with which American wages cannot compete. Nor can they be expected to.

It should also be added that during the sixties man-hour productivity in the electrical-electronics industry, averaging about 4 percent a year, exceeded total wage and fringe benefit gains (2.8 percent a year at General Electric and 2.6 percent at Westinghouse). Since annual productivity gains were more than one percent higher than wage-fringe benefit gains, *increases in domestic labor costs can hardly have been a decisive factor in stimulating domestic plant closings and in the relocation of U.S. plants overseas.*

V. TRADE BALANCE CONSIDERATIONS

The American trade balance was at a breakeven point in 1968, dropping from the "historic" annual U.S. trade surplus of \$5 billion. Concern for our declining trade balance has been expressed by the Assistant Secretary of Commerce and by the Department's Bureau of International Commerce. In its study, *U.S. Foreign Trade: A Five Year Outlook*, BIC points out that, omitting government-financed exports, there was a trade deficit in 1967, amounting to \$1.6 billion.

The study also reveals that since 1962 the rate of rise of U.S. imports has outstripped the increase in U.S. exports by a ratio of almost 1½ to 1. During 1962-68, there was a decline in both our total (including government financed) and "commercial" trade surpluses. At least half our trade surplus during these years resulted from government-financed exports. If one were to exclude government-financed exports for 1966-68, the resulting trade balance figures would show a substantial deficit. Each year between 1962 and 1967, there was a sizable annual payments deficit.

The ratio of imports of consumer goods (other than food) and finished manufactures rose rapidly since 1962, and in 1968 accounted for 51 percent of all imports into the U.S. The import value of nonfood consumer goods, exclusive of automobiles, rose from \$2.3 billion in 1962 to \$5.3 billion in 1968. Imports of TV sets, radios, radio-phonographs, etc., which quadrupled between 1962 and 1967, has again doubled. It is essential, according to BIC, to take vigorous action, including, among other things, aggressive and ingenious promotional campaigns. If we are to expand our exports. The U.S. share of world markets, which has been declining, will decline further. A declining U.S. share of growing world markets appears inevitable, and the decline will be evident in practically all geographic areas. The trade deficit for consumer goods (other than food and autos) may nearly double during the 1969-73 period.

The Electrical machinery industry as a whole has always been a "trade surplus" industry, providing the economy with a much needed currency surplus. The extent to which figures are inflated by government-financed exports is unclear but it may amount to several hundred million dollars. In 1966, total industry exports were \$1.9 billion, compared with imports of \$1.02 billion. Since 1966, exports have climbed 37 percent to an estimated 1969 total of \$2.6 billion. But imports have increased far more dramatically, rising 83.7 percent, to an estimated \$1.86 billion.

In 1960, the ratio of exports to imports was 3.8 to 1. This ratio fell to 1.9 to 1 in 1966, and to 1.4 to 1 in 1969. No reversal in the declining trend is expected over the next few years. In consumer electronics (TV sets, radios, radio-phonos, tape recorders, etc.), the most seriously affected industry group, the estimated 1969 trade deficit is more than three times the \$285 million deficit of 1966.

VI. CONCLUSIONS AND REMEDIES

In today's world of multinational corporations; in a world, that is, in which technology, products, production techniques, and

jobs are readily exportable, and in which licensing agreements and joint ventures are common, traditional theories of international trade (laws of comparative advantage), are no longer applicable. And while there is urgent need to expand world trade on a rational basis, so that the world's people may benefit thereby, the growth must be orderly, equitable, and must contribute to real growth in living standards.

The benefits to be derived from increased production and broader world distribution are self-evident. If the electrical-electronics industry's products and instruments, from electric lamps to medical computers, were to be produced in sufficient quantities to meet the earth's population basic minimum needs, there would be enough full time employment in all producing countries for the entire foreseeable future. This is an objective devoutly to be pursued. In its pursuit, however, we cannot permit living standards already achieved—as in this country—to be threatened or undermined. Nor can we permit growth industries and the employment they generate to be exported at a time of substantial increases in the labor force, or at a time when we are trying to find jobs for the unemployed and underemployed poor.

Among the remedies we propose are the following:

A truth-in-import labeling act to identify the manufacturer and nation of origin of all imported products.

A tariff on the full value of the unit or product imported, not merely on the so-called "value added."

A clearly defined international program to raise substandard wage levels.

Measures to limit the export of capital, including a tax thereon.

Public ownership of patents developed on public programs and/or with public funds.

Quotas, either voluntary or involuntary, limiting the imports, and import growth, of products and components whose rate of import growth since 1966 has exceeded a stated percentage—with provisions for extension to other products and components whenever the rate of import increase during two successive years seems excessive.

Adjustments assistance for all workers displaced by a rise in imports, where the import rise can be shown to be a major or a significantly contributing cause of such displacement.

MILITARY ASSISTANCE FOR THE NEW REGIME IN CAMBODIA

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

Mr. ADDABBO. Mr. Speaker, the President has now reacted to a request for military assistance from the new regime in Cambodia, headed by Lon Nol. The request reportedly covers everything from planes and trucks to rifles and spam and totals hundreds of millions of dollars.

The President has formulated an Asian policy which apparently applies to Cambodia, and the Congress, principally through the appropriation procedure, must reach its own conclusions on the extent of our future involvement in Asian land wars. As a member of the House Appropriations Committee and its Defense Appropriation Subcommittee, I am deeply concerned with legislative decisions on this subject and the ramifications of any decisions we make in Cambodia or the rest of Asia.

There are at least some conclusions which I have reached and which I hope will prevail after debate in the executive and legislative branches. First, we must

take a firm position against the commitment of U.S. ground troops in Cambodia or any other part of Asia. Second, we must take a similar position against the deployment of U.S. military advisers, or any other U.S. personnel, directly or indirectly, in Cambodia or any other part of Asia. These policies are consistent with the formerly stated position of the President and it is the responsibility of Congress to assure that these policies are not merely public relations documents, but are followed. This would be in keeping with a provision I supported in the 1970 appropriation bill prohibiting expenditures of any funds appropriated to finance the introduction of American ground combat troops in Laos or Thailand. To do otherwise in light of our experience in Vietnam would be sheer folly.

With respect to military assistance in the form of arms or supplies, I believe we must remain flexible but guard against any further commitment which would or might escalate into a broader U.S. involvement. For example, I would oppose the shipment of any military hardware of such a sophisticated nature that the Cambodians could not operate the equipment without the presence of advisers or civilian personnel. This kind of aid would be too provocative and too easily subject to further commitments by the United States and the weapons may end up in the hands of our adversaries.

With respect to military assistance on a lesser level, I do not arbitrarily or automatically oppose such a move, but I would be wary to vote for any direct aid which might escalate our role in the struggle.

Mr. Speaker, I hope that our President and the Secretary of State will use every available diplomatic channel to avoid another confrontation of U.S. men or materials with Asian nations and reconsider action already taken. The appropriate response to the problems in Cambodia should be shaped and executed by our Asian allies—Thailand, South Vietnam, South Korea, Australia, Indonesia, and possibly the U.N. If U.S. arms shipments are determined to be necessary, then those shipments should be limited to an amount available from existing Presidential contingency funds, avoiding the necessity for congressional appropriations which would spotlight our role in Cambodia in the eyes of other nations of the world and possibly provoke an expansion of the Asian land war which has so tragically divided our Nation and crippled our efforts to improve our own society.

The President must also make one further decision in connection with his resolution of the Cambodia request and that is how to handle the communication of his decision to the American people. I hope that President Nixon's address to the Nation this evening will fully explain our role in Cambodia and be completely open and subject to public scrutiny for nothing could be worse for our Nation at this time than an undercover operation which would place doubt in the minds of Americans as to the real extent of our involvement. There is already growing apprehension about a "secret war" in Laos and it is

imperative that we adopt a consistent and open policy in Asia. This is the only road which will lead to withdrawal of U.S. troops from Vietnam, from all of Asia, and finally to a lessening of tensions in that troubled area.

LAW DAY—RESPECT FOR THE LAW

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, Law Day, as originally conceived in 1958, has among its many worthwhile purposes the aims of fostering respect for law and understanding of its essential place in American life, and encouraging citizen support of law observance and law enforcement. I am proud to add my comments to the wisdom which myriad speakers shall call forth on this day, for I am a believer in the words of Sir Edward Coke, over 300 years ago: "Law is perfection of reason."

When one assumes that society cannot exist without law, he must naturally reach the conclusion that those charged with the creation and enforcement of the law—the judges, the police officers, and the legislators—have the duty to educate and persuade the public to use the law as their own tool. For just as the law works against those who violate it, it works for those who wish to use it, and make the effort to use it properly. What can one achieve by making the law work for him? Principally, he can insure harmony in his dealings with his Government and his fellow man, which is the basic goal of all society. For example, the Constitution itself suggests several objectives which may be realized under the rule of law: equal protection and equal justice, freedom from arbitrary search or arrest, equal education and economic opportunity, a voice in free elections, private ownership of property, free speech, press, and assembly, freedom of worship, and the right to legal counsel and a prompt trial if accused of a crime, to name just a few. Further, the judicial system provides the apparatus for peacefully resolving disputes between individuals in society. If a man has a dispute with his neighbor, or his automobile mechanic, or his business customer which cannot be resolved by discussion, he can go to court for a fair decision, instead of reaching for a gun to help himself.

Today, we are here to urge respect for the law, because before we may use the law to work for us, we must first respect it. But we must ask, what do we mean by respect for the law? I feel that the term has a twofold meaning. First, it means that a person must obey the law, and use obedience of the law to guide his everyday affairs. Second, a person must have faith in the effectiveness of the legal processes as a means of achieving his goals in life.

But if we are to urge respect for the law, we must also face up to the challenge making the rule of law respectable. How can we urge obedience of the law when we put criminal defendants back

onto the streets within hours after an arrest? How can we urge faith in legal processes when anyone wanting to get an auto accident injury litigation onto the docket in New York City has to wait 7 or 8 years?

Just as respect for the law has a twofold definition, every Member of Congress has a twofold role in urging it: that of a legislator, and that of a citizen, which I will discuss next.

To meet the challenge of making the law respectable, we, as legislators, must remain forever vigilant over the efficiency and effectiveness of the legal processes we praise. We urge using the law as a tool, just as we use our automobile as a tool. But neither can operate efficiently for long without periodic tune-ups. Therefore, we, as legislators, have the duty to keep our court system in good operating condition, and thereby act positively when we discover such inefficiencies as horribly overcrowded dockets with growing backlogs, and long-delayed trials. This is why I have suggested, earlier this month, the policy of having the Chief Justice of the Supreme Court, as the highest administrative executive in our judiciary system, lend the dignity and authoritativeness of his office to a "state of the judiciary" message, and periodically discuss graphically, before this body, the true extent of the various crises in our judicial system. As long as we put forth the effort to make our court system work, we need never fear that ours will fall from its lofty position as the best and fairest in the world.

Then, to conclude, we must assume our roles as citizens, in urging respect for the law, and I know of no better way to express this idea than to rely upon the words of Abraham Lincoln:

Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the nation, and let the old and young, the rich and poor, the grave and the gay of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altars.

WATER QUALITY STANDARDS OF CONNECTICUT APPROVED

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

Mr. MONAGAN. Mr. Speaker. I was delighted to learn from Secretary of the Interior Hickel that Connecticut's water quality standards have been approved in their entirety by the Department of the Interior. This means that Connecticut has taken a long step in the direction of improving the quality of water resources in our State.

Governor Dempsey and those officials who have been concerned with this problem should be complimented for their action in pushing for the enactment of high standards and the millions who are interested in improving our environment will welcome this evidence that

Connecticut is moving ahead under the legislation which the Congress passed to stimulate progress in this vitally important field.

ALLOWING MORE IMPORTED MEAT AND LOWER FOOD PRICES

(Mr. ST GERMAIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, much has been said and written about the effects of inflation. All of us in the Congress hear daily from people whose real incomes are dwindling from the erosion inflation causes in the paycheck. It is increasingly difficult to feed and clothe families at today's prices. The effects of inflation are particularly severe upon people with low incomes, fixed incomes, and wage earners with large families. These people are desperately in need of consumer relief. We are familiar enough with the effects of inflation. Why do we not do something to alleviate the problem?

Plain simple hamburger meat is excessively expensive. The consumers we would most like to help find that food is the only budget item they can reduce to meet other fixed expenses. There are many who would like to feed their families meat, but cannot afford to do so. Hamburger is unnecessarily expensive for the low-income family. Why? Because we can lower the price of manufacturing meat, used in hamburger and hotdogs, by lowering the import restrictions placed against it.

The House Government Operations Subcommittee on Consumer Matters, which held hearings on meat prices under the chairmanship of my distinguished colleague, JOHN MONAGAN of Connecticut, recommended in its report that more imported meats be allowed to enter this country to help hold down food prices. The subcommittee further recommended a consumer commission to oversee the situation in the meat industry. The report was printed but rejected by the full committee, of which I am a member, on the loud protests of the beef industry. I hope that the findings of the subcommittee's hearings will not be lost to the public. I hope that the influence of the American meat industry, geared to the production of the high-priced cuts of beef, will not prevent this report from receiving a forum in the media of the Nation.

The purpose of the hearings and of the report was to protect the consumer. Nevertheless, the recommendations of the subcommittee have been stifled by the protests of the beef industry. To listen to some meat spokesmen, it appears they assume all their customers are well-dressed people of means who can afford steak. These advocates would like to keep the supply of manufacturing meat low and the cost consequently high. My interest instead is in the consumer who fights for every dollar to feed his family; who has to make every nickel count, who would rather feed meat to his family but too often has to resort to substitutes because meat is too expensive.

When we review the situation as it has developed, we see that the price of hamburger can be reduced through imports without hurting our own meat industry. The American beef industry is engaged in the business of producing steaks and roasts. This magnificent industry, which produces tremendously fine products, simply could not exist by setting out to produce meat that is used for hamburgers and hotdogs. Beef producers have greatly reduced the herds used for lower priced meats. If any of their meat goes into hamburger, it is only as trimmings from the finer cuts. Manufacturing meat is in short supply. The shortage is obvious from food chain advertisements which show reductions in steak prices at 10 to 25 cents a pound over short periods, while the price of hamburger is lowered only a penny a pound.

Every consumer of hamburger meat is being short changed paying the artificially high prices created by our import restrictions. Under a law enacted in 1964, the beef exporting nations of the world are allowed to ship to this country about 1 billion pounds of meat a year. This is only 7 percent of the meat consumed here. And even with a billion pounds of imported manufacturing-grade meat, there is still a tremendous shortage of hamburger meat which our meat industry does not attempt or care to supply.

Our American beef producers and processors are doing a big job well, but they have become so shortsighted that if they are not careful they will destroy the hamburger and the hotdog as national institutions. When the price of hamburger rises, as it already has, and will continue until it peaks this summer, the consumer who could afford only hamburger will be forced to nonbeef substitutes. I find it amazing that American beef producers fight day and night to keep out greater amounts of imported hamburger. This is the meat that makes beef customers and keeps beef customers.

The countries from which we import beef are allies with whom we would do well to strengthen trade relations. About 70 percent of our imported meat comes from Australia and New Zealand. Ireland, Mexico, and several Central American countries also ship meat here, but the great bulk comes from Australia—which supplies about 50 percent of our imported meat—and from New Zealand, which ships about 17 percent.

To listen to certain spokesmen for the American beef industry, one would assume that Australia, New Zealand, and other shipping nations are enemies of the United States. Listening, one would never know that Australia and New Zealand are our allies right this moment in Vietnam, that these are the countries alongside whose men our men fought and died in World War II, and that these are the countries of whom many American servicemen have such fine memories of hospitality and kindness.

Some supporters of the American beef producers even allege that money sent to Australia never comes back. They are ignoring that Australia buys twice as much in dollar value of American goods as she sells to America. We have heard the beef men say, too, that Australian beef "could swamp this country." Yet

even if Australia sent every single pound of red meat it produces, it could send only 3.9 billion pounds—and the United States produces 35 billion pounds.

Mr. Speaker, I value the achievements of our American beef producers. They are a vital part of our economy. I see no need, however, for steaks and roasts to be the only meat products in good supply in our supermarkets at the expense of the consumer who desires hamburger or can afford only hamburger.

We need imported beef—and we will need more as summer prices come along. All the trade sources I know feel beef prices will go sky high in June, July, and August. I know that some U.S. Department of Agriculture officials feel that will not happen. But they felt beef prices would not jump last summer either. These official guessers were wrong. It was the low income consumer who suffered. Let us not allow it to happen again this summer.

Under the law, only President Nixon can, by Executive action, suspend import quotas so that more meat can enter this country at a time when all indications point to much higher prices for meat. I implore the President of the United States to take immediate action to allow more manufacturing meat into this country.

Mr. Nixon has stated his dedication to fighting inflation. I suggest to the President that as a very tangible and welcome sign he really wants to help low-income consumers, he can immediately lift meat import quotas.

Even that action will not bring nearly enough manufacturing meat to this country to satisfy the great consumer demand, but, Mr. Speaker, it will help much—and help is what the low-income consumer really needs—right now.

I respectfully urge President Nixon's action on this very real problem which only he can act upon.

NATIONAL RAIL PASSENGER CORPORATION ACT

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, the other body of the Congress is today considering legislation which would seek to improve rail passenger service in this country. While I am extremely pleased to see action being taken on this critical problem, I feel that the National Rail Passenger Corporation Act—Railpax plan—is inconsistent with the need to develop a more balanced and more coordinated transportation system and would not be responsive to the needs of specific regions.

I am, therefore, today introducing the Rail Passenger Service Act of 1970. Senators PELL and KENNEDY are introducing this same bill on the Senate floor today as a substitute to the Railpax plan.

This bill would authorize the creation of nonprofit passenger corporations in each of our country's populated urban corridors of less than 500 miles. The Rail Passenger Service Act of 1970 would also authorize the Secretary of Transportation to contract with rail carriers or

urban corridor corporations to provide long distance service if he deems it necessary.

Some will say that my bill would create an uncoordinated rail passenger system. On the contrary, each corridor corporation would have a board of directors whose membership would consist of the secretary or his representative, representatives of the Governors of the States concerned, and representatives of the rail carriers and the traveling public. With the Secretary represented on each of the boards across the country, a coordinated national rail passenger system can be obtained.

Mr. Speaker, in the northeast corridor where I reside, the past 12 years have seen relatively unchanged gate-to-gate times between major airports, despite the fact that aircraft cruising speeds have increased 30 to 40 percent. In addition, the building of new roads and highways has encouraged new traffic to the point that delays in many parts have increased rather than decreased.

The need for a viable rail service is undeniable. And the basic demand is not in long distance travel, although the need is there too, but in the different urban corridors across the country.

A copy of my complete bill is printed below. I urge my colleagues in the House to give it careful consideration.

URBAN CORRIDORS

1. New York-Boston, 219 miles.
2. Washington-New York, 225 miles.
3. Seattle-Portland, 183 miles.
4. Chicago-Indianapolis-Cincinnati, 302 miles.
5. Memphis (211 miles)-Jackson (183 miles)-New Orleans, 394 miles.
6. New York-Albany-Rochester-Buffalo (Mohawk Corridor), 436 miles.
7. Chicago-St. Louis, 283 miles.
8. Chicago-Milwaukee-Minneapolis, 421 miles.
9. Chicago-Cleveland, 340 miles.
10. Chicago-Detroit, 284 miles.
11. Cincinnati-Detroit, 282 miles.
12. Cincinnati-Cleveland, 260 miles.
13. Los Angeles-San Diego, 127 miles.
14. Pittsburgh-Philadelphia, 354 miles.
15. Houston-Ft. Worth-Dallas-Oklahoma City, 459 miles.
16. Miami-Jacksonville, 400 miles.
17. Denver-Kansas City, 483 miles.
18. Kansas City-St. Louis, 283 miles.

H.R. 17428

A bill to designate a national rail passenger system, to establish rail passenger corporations, to provide financial assistance therefor, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS AND PURPOSES

§ 101. Congressional findings and declaration of purpose

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country, that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most con-

venient to his needs; that the necessary improvement and restructuring of existing passenger service and the development of new modes of ground passenger service can best be achieved by nonprofit corporations operating in the nation's urban corridors of less than 500 miles where improved passenger service is most needed; that regional transportation agencies should have a vital role in providing such service in cooperation with such corporations; that Federal financial assistance as well as regional, State, and local funds is needed to achieve the purposes of this Act; that limited long distance passenger service of more than 500 miles should only be provided at a cost to the Federal government on terms justified by the national interest, and therefore it is the purpose of this Act to designate a Basic National Rail Passenger System within which an Urban Corridors Passenger System will also be designated, to create nonprofit passenger corporations with the financial assistance of railroads and the Federal Government to provide passenger service in urban corridors, to authorize the Secretary of Transportation to contract for the provision of passenger service within the Basic National System and outside of the Urban Corridors Passenger System, to authorize the Interstate Commerce Commission to require adequate standards of passenger service in rail passenger operations; and to provide interim Federal assistance to certain railroads as necessary to permit the orderly transfer of railroad passenger service to nonprofit corporations.

§ 102. Definitions

For purposes of this Act—

(a) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(b) "Secretary" means the Secretary of Transportation or his delegate unless the context in which it appears indicates otherwise.

(c) "Commission" means the Interstate Commerce Commission.

(d) "Basic National Rail Passenger System" means the system of long distance intercity rail passenger service of more than 500 miles and the system of urban corridor passenger service for distances of less than 500 miles, designated by the Secretary under title II of this Act.

(e) "Urban Corridors Passenger System" means the system of passenger service between cities not more than 500 miles apart in densely populated areas, designated by the Secretary under title II of this Act.

(f) "Corporations" means the nonprofit passenger corporations created under title III of this Act to provide passenger service in the Urban Corridors Passenger System.

(g) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, using the methodology used in the report of the Commission of July 16, 1969, entitled "Investigation of Costs of Intercity Rail Passenger Service."

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

§ 201. Designation of system

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his report and recommendations for a basic national rail passenger system (hereinafter referred to as the "basic system"). The Secretary shall recommend as part of such system rail passenger routes of distances less than 500 miles between cities in highly populated regions where present and potential demand

for rail passenger transportation may make rail passenger service provided by corporations created under this Act economically viable. The Secretary shall also recommend as part of such system rail passenger routes of distances of more than 500 miles where service may be required to meet seasonal passenger demand, to meet passenger transportation demands for which no alternative mode of transportation exists, or to meet other requirements of the national interest, and where the Secretary shall be willing to provide passenger service by contract with available carriers. Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the system, taking into account schedules, number of trains, connections, through car service, and sleeping, parlor, dining and lounge facilities. In recommending said basic system the Secretary shall take into account the need for expeditious rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and/or service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall system viability; adequacy of other transportation facilities serving the same points; the need for service within defined regional areas; unique characteristics and advantages of rail service as compared to other modes; the relationship of public benefits of given services to the costs of providing them; and potential profitability of the service.

§ 202. Review of the basic system

The Commission shall, within thirty days after receipt of the Secretary's report designating a basic system, review such report consistent with the purposes of this Act and provide the Secretary with its comments and recommendations. The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act submit his report designating the basic system to the Congress. Such report shall include a statement of the recommendations of the Commission together with his reasons for failing to adopt any such recommendations. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the report of the Secretary is submitted to Congress and shall not be reviewable in any court.

TITLE III—CREATION OF RAIL PASSENGER CORPORATIONS

§ 301. Creation of corporations

There are authorized to be created nonprofit corporations (hereinafter referred to as "corporations") to provide on routes within each urban corridor of the Urban Corridors Passenger System, in a manner consistent with the overall transportation requirements of the regions where such corporations are in operation, intercity passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service in meeting the Nation's intercity passenger transportation requirements. Each corporation will not be an agency or establishment of the United States Government. Such corporation shall be subject to the provisions of this Act, and to the extent consistent with this Act, to the laws of the District of Columbia relating to nonprofit corporations. The right to repeal, alter,

or amend this Act at any time is expressly reserved.

§ 302. Process of organization

The President of the United States shall appoint not less than three incorporators for each urban corridor corporation, by and with the advice and consent of the Senate, who shall also serve as the board of directors for one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President.

§ 303. Directors and officers

(a) Each corporation shall have a board of directors of not more than 21 members who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. A majority of the members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years or until their successors have been appointed and qualified. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the Secretary or his representative shall be one of the members of each board of directors appointed by the President and at least one of such members of each corporation shall be a resident of the region served by such corporation and shall be appointed to represent exclusively the interests of passengers in that region. The governor of each State served by each corporation shall appoint a director to serve for a term not to exceed his elective term of office. At least two members of each board of directors shall be elected by the rail carriers who have for consideration been relieved of their rail passenger responsibilities within the jurisdiction of such corporation under the provisions of section 401 of this Act. Pending election of the complete board of directors of each corporation four members shall constitute a quorum for the purpose of conducting business of a board. No director appointed by the President may have any direct or indirect financial or employment relationship with any railroad or railroads during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of \$300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expense incurred in attending the meetings of the board. No director elected by railroads shall vote on any action of the board of directors relating to any contract or operating relationship between the corporation and a railroad, but he may be present at directors' meetings at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at such meeting.

(b) Each board of directors is empowered to adopt and amend bylaws governing the operation of the corporation providing that such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

Each corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the corporation. No officer of the corporation may have any direct or indirect employment or financial relationship with any railroad or railroads during the time of his employment by the corporation.

§ 304. General powers of the corporation

Each corporation is authorized to own, manage, operate, or contract for the operation of intercity rail passenger trains; to carry mail and express in connection with

passenger service; to conduct research and development related to its mission; to own, manage, operate, or contract for the operation of high speed ground passenger transportation, to contract for the improvement or construction of roadbed and to acquire by construction, purchase, or gift, or to contract for the use of, physical facilities, equipment, and devices necessary to rail passenger operations. Each corporation shall rely upon rail carriers to provide the crews necessary to the operation of its passenger trains. To carry out its functions and purposes, each corporation shall have the usual powers conferred upon a nonprofit corporation by The Laws of the District of Columbia.

§ 305. Applicability of the Interstate Commerce Act and other laws

(a) Each corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges; (2) abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise;

(3) regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

(b) The corporation shall be subject to the same laws and regulations with respect to safety and with respect to dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) The corporation shall not be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by each corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(e) Persons contracting with each corporation for the joint use or operation of such facilities and equipments as may be necessary for the provision of efficient and expeditious passenger service shall be and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter thereinto and to perform their obligations thereunder.

§ 306. Sanctions

(a) If the corporation engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of this Act, obstructs or interferes with any activities authorized by this Act (except in the exercise of labor practices not otherwise proscribed by law), refuses, fails, or neglects to discharge its duties and responsibilities under this Act, or threatens any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which the corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States or, in a case involving a labor agreement, upon petition of any individual affected thereby, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any violations, conduct, or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

§ 308. Reports to the Congress

(a) Each corporation shall transmit to the President and the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as

it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its annual report, each corporation shall submit legislative recommendations for amendment of this Act as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

(b) The Secretary and the Commission shall transmit to the President and the Congress, one year following the date of enactment of this Act and biennially thereafter, reports on the state of rail passenger service and the effectiveness of this Act in meeting the requirements for a balanced national transportation system, together with any legislative recommendations for amendments to this Act.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

§ 401. Assumption of passenger service by the corporations; commencement of operations

(a) (1) On or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, each corporation is authorized to contract with each railroad within its jurisdiction to relieve such railroad of responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971. The contract may be made upon such terms and conditions as necessary to permit the corporation to undertake passenger service on a timely basis. Upon its entering into a valid contract (including protective arrangements for employees), the railroad shall be relieved of all its responsibilities as a common carrier of passengers by rail within the jurisdiction of the corporation in intercity rail passenger service under part I of the Interstate Commerce Act or any other law relating to the position of intercity passenger service by rail: *Provided*, That any railroad discontinuing a train hereunder must give notice in accordance with the notice procedures continued in section 13a(1) of the Interstate Commerce Act.

(2) In consideration of being relieved of this responsibility by a corporation, the railroad shall agree to pay to such corporation each year for three years an amount equal to one-third of 50 per centum of the fully distributed passenger service deficit of the railroad attributable to the operation of passenger service within the jurisdiction of the corporation as reported to the Commission for the year ending December 31, 1969. The payment to the corporation may be made in cash or, at the option of the corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the corporation.

(3) In agreeing to pay the amount specified in paragraph (2) of this subsection, a railroad may reserve the right to pay a lesser sum to be determined by calculating the following:

(A) 100 per centum of the available loss of all intercity rail passenger service operated by the railroad within the jurisdiction of the corporation during the period January 1, 1969, through December 31, 1969. If the amount owed the corporation under this alternative is agreed by the parties to be less than the amount paid pursuant to paragraph (), the corporation shall pay the difference to the railroad. If the railroad and the corporation are unable to agree as to the amount owed, the matter shall be referred to the Interstate Commerce Commission for decision. The Commission shall decide the issue within ninety days following the date of referral and its decision shall be binding on both parties.

(4) The payments to a corporation shall be made in accordance with a schedule to be agreed upon between the parties. Unless the parties otherwise agree, the payments for each of the first twelve months following the date on which a corporation assumes any of the operational responsibilities of the railroad shall be in cash and not less than one thirty-sixth of the amount owed.

(b) On March 1, 1971, each corporation shall begin the provision of intercity rail passenger service between points within its jurisdiction unless such service is being provided by a railroad with which it has not entered into a contract under subsection (a) of this section.

(c) No railroad or any other person may, without the consent of a corporation, conduct intercity rail passenger service over any route on which such corporation is performing scheduled rail passenger service pursuant to a contract under this section.

§ 402. Provision of passenger service outside of the urban corridors passenger system

The Secretary is authorized to contract with railroads and the corporations for the provision of passenger service within the National Basic Passenger System for rail passenger service outside of the Urban Corridors Passenger System if the Secretary finds that such service is required to meet seasonal passenger demand, to meet passenger transportation demand for which no alternative mode of transportation exists, or to meet other requirements in the national interest. Such service shall be coordinated with the services in the Urban Corridor Passenger System. The Secretary may take into account in the determination of payments under this section the operating deficit which may be incurred by a carrier in the provision of long distance passenger service. There are hereby authorized to be appropriated such amounts as necessary to carry out the purposes of this section. Any sums appropriated shall be available until expended.

§ 403. Facility and service agreements

(a) Each corporation may contract with railroads for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree. In the event of a failure to agree, the Interstate Commerce Commission shall, if it finds that doing so is necessary to carry out the purposes of this Act, order the provision of services or the use of tracks or facilities of the rail carrier by a corporation, on such terms and for such compensation as the Commission may fix as just and reasonable. If the amount of compensation fixed is not duly and promptly paid, the railroad entitled thereto may bring an action against the corporation to recover the amount properly owed.

(b) To facilitate the initiation of operations by each corporation within its jurisdiction the Commission shall, upon application by the Corporation, require a railroad to make immediately available trains and other facilities. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable.

§ 404. Adequacy of service

The Commission is authorized to prescribe such regulations as it considers necessary for the comfort and health of intercity rail passengers. Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed \$500 for each violation. Each day a violation continues shall constitute a separate offense.

§ 405. New service

(a) Each corporation may provide service within its jurisdiction in excess of that prescribed either within or service outside the basic system including the operation of special and extra passenger trains, if consistent with prudent management.

(b) Any State or regional authority may request of a corporation rail passenger serv-

ice beyond that included within the corporation's system. The corporation shall institute such service if the State or regional authority agrees to reimburse the corporation for a reasonable portion of the avoidable losses associated with the institution of such services.

(c) For purposes of this section the reasonable portion of the operating loss to be assumed by the State or regional authority, shall be no less than 50 per centum nor more than the avoidable loss and associated capital costs. If the corporation and the State or regional authority are unable to decide on a reasonable apportionment of the avoidable losses to be assumed by the State or regional authority the matter shall be referred to the Secretary for decision in accordance with the intent of this Act, taking into account the impact of requiring the corporation to bear such losses upon its ability to provide improved service within its system.

§ 405. Discontinuance of service

(a) Unless it has entered into a contract with a corporation pursuant to section 401 (a) (1) of this Act, no railroad may discontinue any passenger service with the Urban Corridors Passenger System designated by the Secretary prior to January 1, 1975, the provisions of any other law notwithstanding. On and after January 1, 1975, passenger train service operated by such carrier may be discontinued under the provisions of section 13a of the Interstate Commerce Act. Upon the filing of an application for discontinuance for such a carrier, the corporation may undertake to initiate passenger train operations between the points served.

(b) (1) A corporation must provide minimum service on the routes designated by the Secretary as within its jurisdiction until January 1, 1975, to the extent it has assumed responsibility for such service by contract with a rail carrier pursuant to section 401 of this Act.

(2) Service beyond that prescribed which is undertaken by the corporation upon its own initiative may be discontinued at any time.

(3) If at any time after January 1, 1975, a corporation determines that any train or trains in its jurisdiction in whole or in part are not required by public convenience and necessity, or will impair the ability of the corporation to adequately provide other services, such train or trains may be discontinued under the procedures of section 13a of the Interstate Commerce Act (49 U.S.C. 13a): *Provided, however,* That at least thirty days prior to the change or discontinuance, in whole or in part, of any service under this subsection, the corporation shall mail to the Governor of each State in which the train in question is operated, and post in every station, depot, or other facility served thereby notice of the proposed change or discontinuance. The corporation may not change or discontinue this service if prior to the end of the thirty-day notice period, State, regional, or local authorities request continuation of the service and within ninety days agree to reimburse the corporation for a reasonable portion of the operating losses associated with the continuation of service beyond the notice period.

(4) For purposes of paragraph 3 of this subsection a reasonable portion of the operating losses to be provided by the State, local, or regional authority shall be no less than 50 per centum of nor more than the avoidable loss and associated capital costs. If the corporation and the State, regional, or local authorities are unable to decide on the reasonable apportionment of operating loss between them, the matter shall be referred to the Secretary for decision in accordance with the intent of this Act. The Secretary shall take into account the intent of this Act and the impact of requiring the corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 406. Protective arrangements for employees

(a) A rail carrier shall provide fair and equitable arrangements to protect the interests of employees adversely affected by the following discontinuances of passenger service:

(1) those arising out of a contract with a corporation pursuant to section 401(a)(1) of this Act, and occurring prior to January 1, 1975; and

(2) those undertaken pursuant to section 406 of this Act.

(b) Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective-bargaining agreements or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of re-employment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this title shall specify the terms and conditions of such protective arrangements.

Final settlement of any contract under section 401(a)(1) of this Act between a rail carrier and a corporation may not be made unless the Secretary of Labor has certified to the corporation that adversely affected employees have received fair and equitable protection from the railroad.

(c) After commencement of operations in a corporation's jurisdiction, the substantive requirements of subsection (b) of this section shall apply to the corporation, and the certification by the Secretary of Labor shall be a condition to the discontinuance of any trains by the corporation pursuant to section 405 of this Act.

(d) Each corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to Public Law 91-54 (— U.S.C. —) shall be applicable to all construction work performed under such contracts or agreements.

(e) Each corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad providing intercity rail passenger service upon the date of enactment of this Act and any labor organization, if such contracting out shall result in the layoff of any employee or employees in such bargaining unit.

TITLE V—ESTABLISHMENT OF A SPECIAL FINANCIAL INVESTMENT ADVISORY PANEL

§ 501. Appointment of advisory panel

Within thirty days after enactment of this Act, the President shall appoint a seven-man financial advisory panel to be composed of members from the investment banking, commercial banking, rail transportation in-

dustry, State and local transportation agencies, and the Secretary of the Treasury.

§ 502. Purpose of special advisory panel

The special advisory panel appointed by the President shall advise the directors of the corporations on ways and means of increasing capitalization of the corporations.

§ 503. Report to Congress

On or before January 1, 1971, the panel shall submit a report to Congress evaluating the initial capitalization of each corporation and the prospects for increasing its capitalization.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

§ 601. Federal grants

There is authorized to be appropriated to the Secretary in fiscal year 1971, \$40,000,000 to remain available until expended, for payment to the corporation for the purpose of assisting in—

(1) the initial organization and operation of the corporation;

(2) the establishment of improved reservations systems and advertising;

(3) servicing, maintenance, and repair of railroad passenger equipment;

(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

(5) the development and demonstration of improved rolling stock; and

(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads.

§ 602. Guaranty of loans

The Secretary is authorized, on such terms and conditions as he may prescribe, to guaranty any lender against loss of principal or interest on securities, obligations, or loans issued to finance the upgrading of roadbeds and the purchase by a corporation of new rolling stock, rehabilitation of existing rolling stock and for other corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed \$60,000,000. The Secretary shall prescribe and collect from the lending institution a reasonable annual guaranty fee. There are authorized to be appropriated such amounts as necessary to carry out this section not to exceed \$60,000,000.

TITLE VII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

§ 701. Interim authority to provide emergency financial assistance for railroads operating passenger service

For the purpose of permitting a railroad to enter into or carry out a contract under section 401(a)(1) of this Act, the Secretary is authorized, on such terms and conditions as he may prescribe, to (1) make loans to such railroads, or (2) to guarantee any lender against loss of principal or interest on any loan to such railroads. Interest on loans made under this section shall be at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of one percent. No loan may be made, including renewals or extensions thereof, which has a maturity date in excess of five years. The maturity date on any loan guaranteed, including all renewals and extensions thereof, shall not be later than five years from the date of issuance. The total amount of loans and loan guarantees made under this section may not exceed \$75,000,000.

§ 702. Authorization for appropriations

There are hereby authorized to be appropriated such amounts as necessary to carry out the purposes of this title. Any sums appropriated shall be available until expended.

TITLE VIII—MISCELLANEOUS PROVISIONS

§ 801. Effect on pending proceedings

Any intercity passenger train in operation on the date of enactment of this Act may be discontinued only pursuant to this Act, notwithstanding any provision of Federal or State law, or any regulation or order of any Federal or State court or regulatory agency issued before or subsequent to that date.

§ 802. Separability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 803. Accountability

Section 201 of the Government Corporation Control Act of 1945 (31 U.S.C. 856; 59 Stat. 600) is amended by striking "and (4)" and inserting in lieu thereof "(4) Federal Deposit Insurance Corporation and (5)" and adding "a corporation established pursuant to the Rail Passenger Act of 1970".

LAW DAY—MAY 1, 1970

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, recently, I had the opportunity to talk to a group of young people—black and white, bearded and clean shaven, dressed in suits and ties and jeans and sandals. We talked to each other, discussing hopes and hopelessness.

And I came away with a far deeper insight into the ambitions of our younger generation. I also came away determined that I was going to fight to get those youngsters to believe in a nation we had built, and that I was going to fight just as hard to get this Nation to believe in the dreams of its young people.

I think that disaffection of our young people is a vitally appropriate topic for this particular Law Day, for law forms the framework of common beliefs on which a democratic society can grow—not the limits within which our society stagnates. The common beliefs which underlie our legal structure are facing the greatest challenge in our history because it is a challenge from within. Hope and achievement lie in the stars, not on the ground, and yet, for too long our national eyes have been cast downward.

Too many of us see only the riots and the drugs on campuses and equate this to the actions of all our youth. Too many of us find it expedient to say "to heck with all of them" and stomp off into the seeming security of age and sophistication. Too many of us find it equally easy to piously state that students have a right to dissent while turning away and ignoring the words and meaning of their dissent.

Yet, it is up to us to make students and the rest of their generation feel that they have something to look up to—a government, a family, a system of justice to be proud of. Let us not make the mistake of judging the quiet majority of our young people on the actions of the

social minority. But let us not make the mistake of thinking that the majority of our young people do not have the same questions, albeit not the same actions, as the vocal minority.

Dissent is one of this Nation's priceless values. It must be protected at all times and in all areas of thought and action, be it in time of peace or in time of war. But this dissent, of its very nature, requires law for both its expression and its preservation.

In this snowballing world of ours, there is a growing manifestation of unrest—unrest against traditions. The revolutions of science, technology, industry, communications, education, religion, and morality are exploding throughout the world.

It is indeed true that the recurrent shock of our age is the discovery that concepts and patterns of action of a more secure past no longer fit present reality. The revolution of equality—racial and economic—has given life to new hopes and aspirations, but it has also unleashed deep and dangerous passions.

Changes, of their very nature, produce challenges, and today, on the national level, as well as the campus level, we are facing challenges to our freedoms, traditional principles, accepted values, and historic goals. These challenges come from various individuals and groups beyond the pale of the vital center of moderation in our land.

And the strident demands of extremists—black nationalists or white racists, anarchists or demigods—threaten to polarize our society into a confusion of bitter, hate-ridden segments.

So, it is to the young people that I speak. We cannot allow our campuses to be turned into battlefields; our classrooms into seminars on guerilla warfare. We cannot allow these things to happen any more than we can allow dormitory rebels to be linked with penitentiary criminals.

Certainly, not all those who take to the streets are conscious stricken over the plight of their fellow man. Demonstrating in the streets is an outlet for other frustrations, real and imagined.

Our generation was molded by two catastrophic events which our children—today's youths—are aware of only through the history books. I speak of the great depression and World War II. We came to cherish personal security above all else. From this security surge we created NATO, SEATO, the Marshall plan, the Truman doctrine—economic as well as military security alliances.

Over the years, this security has been threatened from the Berlin Wall to the rice paddies of Korea and Vietnam. But our children were born after the depression, after the great World War, and they grew to accept international tension as a way of life.

Gradually, they ceased to notice the challenge to our way of life and, living in an age of unprecedented affluence and, to them, security, began instead to feel that too much emphasis is placed on a calculated rush toward physical progress and protectiveness and not enough on an obligation to our personal selves and our responsibilities to mankind.

Our children have seen us fly men to

the moon and back with fantastic skill, build the biggest aircraft in history and sell 8 million cars in a single year, but remain incapable of eliminating air and water pollution, coordinating our sprawling transportation network, or living in harmony with our fellow man both at home and abroad.

I think that the young may have something when they point out our disorientation in our national priorities.

Let us vault out of the trenches of complacency and reverse this trend. We must put our institutions to work for us rather than becoming intolerant victims of our own genius. We can be for patriotism. We can be for mutual respect. We can be for the elimination of poverty and misery. We can be for justice under law. In this way we can again open up our hearts and turn our eyes to the sky and dream the intelligent, honest dreams of the young country we have always been, and hopefully will always be.

I want to be able to turn to a young person and say look around you and see what is going on that makes this the greatest Nation on earth—not just go read such and such a book and accept on faith what needs to be lived every day.

As we advance into the new decade of the 1970's, America faces challenges greater than any which it has tackled before. This is no time for complacency; neither is it a time for anarchy. This is not the time to abandon the drive and optimism and the imaginative creativity which has characterized this country since its birth.

This is not the time for timidity or doubt or mediocrity in high places. This is the time for boldness and energy—for cooperation and understanding—so that working together we can turn dreams into reality.

THE GRAVE IN JOSEPH'S GARDEN

(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, on Easter Sunday, March 29, 1970, Pastor James P. Wesberry of the Morningside Baptist Church in Atlanta, Ga., presented a sermon entitled "The Grave in Joseph's Garden." Because of the exceptional quality of this sermon, the Watchman Examiner, a journal for all Baptists, published Dr. Wesberry's sermon. The purpose of this sermon, to parallel the reconfirming of our faith in Jesus Christ to the placing of flowers on graves of our loved ones, can be summed up by the following quote:

The sweetest and fairest flower we can place at the empty grave of Jesus Christ this Easter morn is the immaculate, white flower of our consecration.

For the information of my colleagues, I hereby insert this sermon into the RECORD.

THE GRAVE IN JOSEPH'S GARDEN

"Now in the place where he was crucified there was a garden; and in the garden a new sepulchre, wherein was never man yet laid." John 19:41

Many of us do not like funerals or ceme-

teries. They make us think too seriously. Yet, to some there is something very fascinating about a cemetery.

No doubt more graves are visited at Easter than at any other time of the year. A countless procession of relatives and friends place beautiful Easter flowers on the graves of their departed loved ones with the realization that they, too, shall someday join "that innumerable caravan that moves to that mysterious realm, where each shall take his chamber in the silent halls of death."*

All of this is done with utmost reverence and respect. Heads are humbly bowed, hats are removed, feet tiptoe, and voices become a whisper. If we feel we are on sacred ground at the grave of a loved one, it is with even deeper reverence that we approach the empty grave of the King of Kings and Lord of Lords!

His death was the tragedy of the human race. It is inconceivable that the pure, spotless, perfect Son of God should have been put to death on a cross between two notorious thieves in a bone-yard outside the wall of Jerusalem. His awful crucifixion was the crowning indignity of man. All the Christian world turns to Bethlehem at Christmas, but Bethlehem, with all of its meaning, would pass into insignificance were it not for the empty grave.

All the Gospel writers tell us of his tragic death and of his burial, but only John tells us where he was buried. John says, "Now in the place where he was crucified, there was a garden, and in the garden a new tomb, wherein was man never laid. There laid they Jesus!" (John 19: 41-42).

We may be sure that this was a very beautiful garden as fragrant with flowers as any rich man's garden. It was owned by a great and good man whose name was Joseph. Joseph was of Arimathea and was rich, famous and highly honored. He was a member of the Jewish Sanhedrin and opposed the condemnation of Jesus. He was obviously a secret disciple of Jesus.

Like many good men, Joseph thought of dying. The wisest people on earth realize the uncertainty of life and the certainty of death and prepare for it. Joseph lived as one who expected to die. He was ready and unafraid. He prepared his own grave.

But when Jesus died on the cross, the Scripture tells us that "Joseph craved the body of Jesus." He and Nicodemus both went to Pilate and asked for the body of Jesus. Pilate granted their request, and lovingly, tenderly, and reverently they removed the body of Jesus from the cross, wrapped it in linen and placed it in Joseph's grave in the nearby garden.

What a conspicuous place gardens have played in the history of the human race! Our first parents, Adam and Eve, were given a beautiful garden, the Garden of Eden in which to live. There they were defeated by Satan. In another beautiful garden, the Garden of Gethsemane, the Second Adam met the prince of darkness and won the victory. Yes, we are interested in Eden with its serpent and in Gethsemane with its sweat and blood, but above all we are interested in Joseph's Garden where we find the empty grave of our crucified, buried, resurrected Saviour Jesus Christ. All Christians, the world over, turn with hope and gratitude to this grave.

One of the most beautiful spots on earth is that wonderland of beauty known as Magnolia Gardens. It is indeed other-worldly, a touch of heaven on earth. One would hardly expect to find death in the midst of such beauty and yet, among millions of unutterably beautiful azaleas of many colors, stately camellias, gorgeous wisteria, lovely and fragrant roses, magnolias, moss, lakes, and acres of rapturous beauty, one comes upon an imposing tomb in the garden.

Many years ago a son of the family who studied abroad returned home to Charleston and to Magnolia on the Ashley and while deer hunting Drayton Grimke's gun accidentally went off and killed him. Written on the tomb in Magnolia Gardens in Latin are the words: "This way to the skies."

Yes, there is tragedy and death in gardens, in fact in every garden! In the beautiful garden of life there is sickness, suffering, death, sorrow, heartache, heartbreak, grief, disappointment and tears.

While Joseph's new tomb was gladly given to Jesus, it is thought of as a borrowed tomb. We borrow the things we want for only a little while. What we wish to keep we buy. Jesus borrowed his grave, but he bought his church with his own blood. He had no intention of staying in the grave. Are not our graves made sweeter, more sacred, and less fearful because Jesus' body rested in Joseph's grave a part of three days?

Joseph's grave was the only grave to ever receive the body of a sinless man. Some scientists tell us that the earth is at least 1,600,000,000 years old and that creatures like ourselves have inhabited the earth for over 250,000 years. They say that since the dawn of recorded history over 30,000,000,000 human beings have lived and died. If this were true and we could visit every one of these graves, we would find that of all the graves ever dug this new grave in Joseph's garden was the first and last grave that ever held a perfectly sinless body.

We are told that Emperor Julian was once on the road to the East and stopped for a month at Antioch, the city of his youth, to re-equip his legions. He had recently decreed that the new religion of the Galilean should be stopped by violence if necessary, and one day he strolled through the city to see if his decree was being enforced. To his satisfaction he found that dirt and refuse were heaped against the walls of Christian chapels and the windows were all boarded up. As he walked he met Agathon, a merchant, one of the few remaining Christians in Antioch. While he and Agathon talked Julian saw the festive crowds streaming into the marble temple of Mithras and he heard the sound of priestly music and voices singing praises to the sun god.

The Emperor laughed and said, "Agathon, what has become of the Carpenter of Nazareth? Is he still around?" And pointing to the temple and to the joyous multitude, added, "Has he any work at all these days, your Carpenter? Are there still some little jobs coming his way, at least?" For a moment Agathon was silent, and then looking into the face of the Emperor, he exclaimed, "Yes, Julian, the Carpenter of Nazareth is very busy these days. He is nailing together a coffin for your empire." He has built a coffin for many nations. We think we know some nations for which he is building coffins today.

Joseph's grave is the grave of sin. Sin is the mother of death. Sin crucified Christ, but Christ slew sin. "If Christ be not risen, then is our preaching vain, and your faith is also vain . . . and if Christ be not raised, your faith is vain; ye are yet in your sins" (I Corinthians 15: 14, 17). He bore our sins on Calvary and he buried our sins in the grave.

The victim of Joseph's grave became the victor. Lazarus came forth only at the command of Jesus who said: "I am the resurrection and the life," but Jesus rose by his own power. He proved himself stronger than death. He conquered death, the grave and all the powers of Satan and Hell. He arose from the grave and "has abolished death, and hath brought life and immortality to light through the gospel" (II Timothy 1: 10).

" 'Tis the spring of souls today:
Christ has burst his prison,
From the forest and gloom of death
Light and life have risen."

As one enters what is called the "Charm Spot of the Deep South," the Bellingrath

Gardens near Mobile, another garden of almost unrivaled beauty, like paradise itself, he comes quickly upon a sign which says, "Let no one say and say it to your shame. That all was beauty here, until you came."

Jesus not only sanctified Joseph's grave but he also beautified Joseph's garden. As lovely as it was already, Jesus uprooted the old weeds, transformed and made it into a new garden.

One of the most unforgettable characters it has ever been my privilege to meet is Mrs. Bertha Spafford Vester. How shall I ever forget that day when conducting a party to the Holy Land we met Mrs. Vester in the dining room of a hotel in Amman, Jordan! For three generations she has been a leading lady in the city of Jerusalem. She is thought of as a modern Florence Nightingale. One of the most beautiful things about Mrs. Vester's life is her wonderful, little pictorial book, "Flowers of the Holy Land."

Mrs. Vester portrays the beauty of the flowers of Palestine in their original water-colors. How lovely they are!

As we think of the billions of flowers placed on the graves of the world at Easter in celebration of our Lord's resurrection from the grave, let us pluck a few of the fragrant, blossoming, beautiful flowers from about the empty grave of Jesus. Jesus planted them there. What a gorgeous bouquet they make!

One of the most charming of Palestine's flowers, thought by many to be the Rose of Sharon, is the Narcissus. It has a very sweet odor and grows in abundance. It reminds us of the *Divine Fatherhood* with the glad Easter message that God is not a stern ruler ruling with a rod of iron, but he is a God who is holy love.

Then there is also the striking Scarlet Anemone of *Redemption*. As the anemone in its abundance hides the ground in the Holy Land in a mass of scarlet, so the cross is pendant to the resurrection, and Christ's glorious resurrection confirms the good, great, glad news of salvation to all who repent of their sins and put their trust in Him as the Saviour of their souls.

And, the lovely, perfumed Red Rose of *Regeneration*! How beautiful! Christ's resurrection from the grave brings the blessed assurance of the new birth. "Like as Christ was raised up from the dead by the glory of the Father, even so we also should walk in newness of life."

The Field Morning Glory which adorns the early morning fields of grain in the Land of our Saviour reminds us of the morning glory of a *New Concept of Death*. The old flower of death, at the empty grave, takes on new meaning. Before Christ came men looked into the grave, but now they look through it to the City of God. "Because I live ye too shall live," says Jesus.

The Pentagonia, seen in almost every field of the Holy Land, which reaches its full height in April with its beautiful bluish color, reminds us of the *Reconciliation* our Lord's resurrection from the grave brings regarding our loss of loved ones for a little while. John Lockhart plucked this flower and sent it on one occasion to Thomas Carlyle. Carlyle's gloomy soul was plunged into deeper gloom over the death of a dear relative and friend. Lockhart sent him this comforting message which was often on Carlyle's lips until his death:

"It is an old belief,
That on some solemn shore,
Beyond the sphere of grief,
Dear friends shall meet once more;
Beyond the sphere of time,
And sin, and Fate's control,
Serene in changeless prime
Of body and of soul.
That creed I fain would keep,
That hope I'll never forgo,
Eternal be the sleep
If not to waken so."

*Thanatopsis, William Cullen Bryant.

Of all of the flowers Jesus planted by the open grave the most beautiful is the pure, white Almond of *Consecration*. The almond, the first tree to blossom in winter, is one of the most cultivated fruit trees in Palestine and the fruit is sent all over the world.

As we come with earth's innumerable processions to Joseph's garden today, we inhale the fragrance of heaven's sweetest flowers and choicest blossoms.

Churches all over the world are decorated with gorgeous flowers and filled with the sweetest of fragrance. The sweetest and fairest flower we can place at the empty grave of Jesus Christ this Easter morn is the immaculate, white flower of our consecration.

THOSE WHO SUFFER AT HOME

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

Mr. MILLER of Ohio. Mr. Speaker, we, as Members of Congress, are all too familiar with the magnitude of the problems and frustrations that have accrued as a result of the war in Vietnam—the every-increasing casualty lists, the tight budgets, the campus unrest.

We have experienced severe hardship both as a country and as individuals as we have dealt with this war.

No one, however, has been asked to endure the anxiety and frustration of our Nation's involvement as have the families and loved ones of our fighting men in Vietnam. These courageous and loyal Americans have borne the burden, with patience and dedication. At great personal sacrifice they have suffered through misery and hardship.

For many, the ordeal has become constant. The families of those fighting men who have been listed as missing in action have been subjected to the most trying and fatiguing form of frustration. They live in a limbo-like state—their thoughts and plans imprisoned by the state of not knowing—not knowing whether their loved one is alive and being held captive or whether he has given his life for his country. Time is the torture. Days run into months, months into years.

We as Americans sympathize with these families and pray that their load will be lightened. But this is not enough. We are dealing with a callous enemy, one devoid of understanding and respect for the codes of international ethics.

He does not listen to our pleas, he does not honor our offers of armistice: he plots and pursues this unconscionable war, indifferent to the wants and desires of his people.

To change his ways we are going to have to change our tactics, we are going to have to bring new diplomatic and international pressures to bear. We have to enlist the efforts of friend and foe alike, in convincing the North Vietnamese government that their truculence will not be rewarded, that only through constructive exchange and communication can the peace talks in Paris progress to a successful conclusion. We must convince the North Vietnamese that an acknowledgment on their part as to who they hold captive must be forthcoming before any meaningful settlement can be reached.

CAMBODIA

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

Mr. BOLAND. Mr. Speaker, yesterday's combat forays against enemy positions in Cambodia are an alarming sign. At the putative request of South Vietnam, the Nixon administration ordered American air and ground forces to join in the sudden assault across the Vietnamese border. A mission of monumental significance for the United States, it marks the first time American forces have fought in Cambodia. And, still more significantly, it may portend eventual American participation in the war throughout Cambodia. It was my impression—an erroneous impression, perhaps—that President Nixon was seeking to limit the war in Southeast Asia. Yet, just last week, the testimony made public by Senator STUART SYMINGTON's Foreign Relations Subcommittee showed that nearly 10,000 Americans have been taking part in the Laotian war over the past several years. Indeed, the testimony revealed that the United States is directing virtually every aspect of the war against Communist insurgents there. And yesterday—without anything even approaching advance notification—we learned that American forces are now in Cambodia.

The war is steadily spreading throughout Indochina, drawing the United States deeper and deeper into the kind of military morass that Senator EDWARD M. KENNEDY has aptly termed a "sinkhole."

Last Monday, Mr. Speaker, I introduced a resolution demanding that the President limit military operations in the countries bordering Vietnam to only those missions demonstrably necessary to shield American troops in Vietnam against enemy infiltration. I am yet to be convinced that yesterday's assault meets that criterion. No rational man—indeed, no sane man—could protest a military action that is plainly and unequivocally necessary to save American lives.

But, Mr. Speaker, is this the case with yesterday's incursion into Cambodia?

One fact emerges with startling clarity from this country's harrowing decade of war in Southeast Asia: Our military leaders have relied too heavily—indeed, almost exclusively—on our vastly superior firepower and mobility. The bombing raids over North Vietnam, for example, were stridently trumpeted as the means to bring that country to its knees and abruptly end its infiltration into the south. Instead, the thousands of bombing sorties merely steeled North Vietnam's resolve to continue pressing for victory. The bombing, in fact, did not even diminish the infiltration rate. Threading their way through dense rainforests, the North Vietnamese found it remarkably easy to evade American bombing. Even the most meticulously and punctiliously planned ground assaults—like the ones carried out across the Cambodian border yesterday—often prove equally futile. The Vietcong and the North Vietnamese do not honor the classic rules of warfare enunciated more than a century ago by Von Clausewitz.

They are guerrilla fighters, striking with devastating suddenness and then melting away into the forests and rice paddies.

Will yesterday's missions yield anything more than new casualties and a few burned villages?

Are they, as the administration contends, genuinely necessary to protect American lives in South Vietnam?

Like every other American, I await President Nixon's explanation tonight of this startling new extension of the war.

I hope it does not set a precedent for American participation in the Cambodian war. I hope it is not a guise for sending Americans to fight in still another fruitless Asian war.

Military leaders have been pledging for years that just one more combat division, just one more series of air attacks, just one more escalation would lead to "victory." And every pledge, of course, proved empty.

As I suggested in my resolution last week, the United States should accelerate troop withdrawals so that no American combat forces remain in Vietnam 1 year from now.

No justification—indeed, not even the flimsiest pretext—would exist for taking part in the Laotian and Cambodian wars once our combat forces leave Vietnam.

LOWERING OF THE VOTING AGE

(Mr. MIZELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I was very happy to hear the President this past weekend, express his feelings about the proper way to bring about a constitutional change that would lower the voting age.

One week ago, I gave a talk to a large number of young men and women at a high school athletic banquet back in my district in North Carolina. These young people are all in that age bracket that would be affected by the lowering of the voting age. But these young people are also members of the great majority of their generation, the responsible young people, who no matter how anxious they are to gain voting rights, understand that there is a need to handle this change in a constitutional and legal manner.

I submit that it is not the right of Congress to amend the Constitution of the United States. The great American patriots, when they wrote the Constitution, were very careful to make sure that certain basic States rights would not be abridged. If we disagree with these great men, then there are provisions within that document that make it possible for us to make the necessary changes. It is our responsibility as lawmakers to follow the lines of action that have been laid out in the Constitution, not to evade them.

There is legislation in committee here in the House that would present the voting age proposal in the form of a constitutional amendment. I favor this method, because, if passed by Congress, the States would have their guaranteed opportunity to vote on ratification.

There is very serious doubt that the Senate amendment to the Voting Rights Act would ever meet the constitutional requirements in a court test.

You would all agree that it is not the Supreme Court's right to legislate. I submit that it is not the responsibility of Congress to rewrite the Constitution. I call on the chairman of the conference committee to assume his constitutional responsibility and table the Senate amendment, and report out of his committee a bill that would present the lowering of the voting age in an amendment to the Constitution of the United States.

INTERNATIONAL JUSTICE FOR PRISONERS OF WAR

(Mr. ANDREWS of North Dakota asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDREWS of North Dakota. Mr. Speaker, tomorrow, May 1, people throughout our Nation will join in an appeal for international justice for all American prisoners of war and servicemen missing in action. House Concurrent Resolution 582 designating this special day of emphasis, like other resolutions relating to the POW problem, received the unanimous endorsement of this body. Certainly, this accurately reflects the feeling that all Americans share, no matter how they may feel about our involvement in Southeast Asia—we are united in the belief that our captured servicemen must be treated humanely as dictated by international law.

There will be a huge rally in Washington at Constitution Hall tomorrow night, sponsored by a bipartisan group of Members of Congress. Hopefully, similar rallies will be held all over America focusing world attention to the plight of our POW's and their families and to the brutal and illegal actions of the North Vietnamese and the National Liberation Front.

I urge all of my colleagues to participate in these programs and to continue to discuss this problem in speeches, newsletters, and other contacts with the people we are privileged to serve in Congress. We cannot serve a greater cause than the humane treatment and ultimate release of our American men held captive in Southeast Asia.

JERRY FORD 1970 QUESTIONNAIRE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, as a House Member determined to represent the Fifth District of Michigan to the best of my ability, I have developed the practice of sending out a questionnaire to obtain a sampling of my constituents' views.

I have today begun mailing out my congressional questionnaire. My questionnaire is designed to tap the thinking of the people in my district on the most important issues of the day. Each question has been carefully formulated so as to be as objective as possible.

The questions cover a wide range of students—from foreign policy to the farm program to draft deferments for college students. With the thought that other House Members may be interested in the questions I am posing to my constituents, I include my questionnaire at this point in the RECORD.

JERRY FORD 1970 QUESTIONNAIRE

1. Should the Post Office Department be placed on a pay-as-you-go basis?
2. Do you believe the U.S. can rely on agreements reached with the Soviet Union?
3. Should the U.S. gradually expand its diplomatic and trade relations with Red China?
4. Do you favor President Nixon's multi-billion-dollar program to fight water pollution?
5. President Nixon has recommended strong anti-crime legislation. Do you favor:
 - a. Allowing Federal officers with a warrant issued by a Federal court to enter private premises without knocking if drugs and other evidence of illegal narcotics traffic might otherwise be destroyed?
 - b. Keeping a criminal defendant in "preventive detention" if his record indicates he might commit a serious crime if freed on bond while awaiting trial?
6. Do you favor busing schoolchildren out of their neighborhood school areas to achieve better racial balance in classrooms?
7. Should balancing the Federal budget to curb inflation be given priority over greater spending on government programs?
8. Should undergraduate college students be given temporary draft deferments?
9. Federal farm controls and subsidies should be:
 - a. Phased out within five years, or
 - b. Continued as is, or
 - c. Made permanent, with the subsidies reduced.
10. What is the single most important problem in the country today? Pick one.
 - a. Air and water pollution.
 - b. Crime and violence.
 - c. The Vietnam War.
 - d. Inflation (rise in the cost of living).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MAHON (at the request of Mr. BURLESON of Texas), for today through Monday, May 4, on account of a death in his immediate family.

Mr. REIFEL (at the request of Mr. GERALD R. FORD), after 3 p.m. today and the balance of the week, on account of official business.

Mr. PATMAN (at the request of Mr. ALBERT), 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. PUCINSKI, for 1 hour, today.

(The following Members (at the request of Mr. PETTIS) and to revise and extend their remarks and include extraneous material:)

Mr. HALPERN, for 10 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. SAYLOR, for 20 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. ANDERSON of California) and

to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. REUSS, for 20 minutes, today.

Mr. FARBSTAIN, for 20 minutes, today.

Mr. DENT, for 60 minutes, today.

Mr. MINISH, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ANNUNZIO to extend his remarks following those of Mr. PUCINSKI today on Polish Constitution Day.

Mr. GRAY in two instances and to include extraneous matter.

Mr. EDMUNDSON in three instances and to include extraneous matters.

Mr. GERALD R. FORD following the remarks of Mr. CORMAN today on his special order on Law Day.

Mr. LONG of Louisiana.

(The following Members (at the request of Mr. PETTIS) and to include extraneous matter:)

Mr. FINDLEY.

Mr. ROBISON.

Mr. HALL.

Mr. KING.

Mr. COLLINS in five instances.

Mrs. MAY in two instances.

Mr. HALPERN.

Mr. QUIE.

Mr. SCHERLE in three instances.

Mr. ASHBROOK in two instances.

Mr. CHAMBERLAIN in two instances.

Mr. MESKILL.

Mr. CONTE in four instances.

Mr. PRICE of Texas in two instances.

Mrs. HECKLER of Massachusetts.

Mr. ESCH.

Mr. ANDREWS of North Dakota.

Mr. DERWINSKI.

Mr. FREY.

Mr. RHODES in four instances.

Mr. McCLOSKEY in five instances.

Mr. HOSMER.

Mr. HANSEN of Idaho.

Mr. DICKINSON.

Mr. POLLOCK.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous material:)

Mr. DULSKI in eight instances.

Mr. LONG of Maryland in five instances.

Mr. CAREY.

Mr. GONZALEZ in two instances.

Mr. STOKES in two instances.

Mr. COHELAN in four instances.

Mr. MIKVA in six instances.

Mr. ROONEY of New York.

Mr. WOLFF.

Mr. UDALL in eight instances.

Mr. SCHEUER.

Mr. FRASER.

Mr. ANDERSON of California.

Mr. YATRON.

Mr. ROBINO in three instances.

Mr. FARBSTAIN in three instances.

Mr. DORN in six instances.

Mr. KYROS in two instances.

Mr. FALLON.

Mr. HUNGATE in two instances.

Mr. RARICK in three instances.

Mr. HALEY.

Mr. ROGERS of Colorado in two instances.

Mr. PICKLE in two instances.

Mr. HELSTOSKI in six instances.

Mr. DENT in six instances.

Mr. RYAN in three instances.
Mr. MILLER of California in five instances.
Mr. BURKE of Massachusetts.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 434. An act to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1498. An act to provide for the conveyance of so-called scattered tracts in Oklahoma, acquired under the Act of June 26, 1936 (49 Stat. 1967); to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until Monday, May 4, 1970, 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:

2001. A letter from the Administrator, Small Business Administration, transmitting the fourth monthly report on the implementation of the business loan and investment fund, pursuant to section 301 of Public Law 91-151; to the Committee on Banking and Currency.

2002. A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire or oral communications, pursuant to 18 U.S.C. 2519; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. H.R. 17399. A bill making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes. (Rept. No. 91-1033). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 17359. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 17360. A bill to improve and expand the military family housing construction program; to the Committee on Armed Services.

By Mr. DON H. CLAUSEN:

H.R. 17361. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mrs. DWYER (for herself, Mr. CHAPPELL, Mr. BUTTON, and Mr. LANGEN):

H.R. 17362. A bill to safeguard the consumer by prohibiting the unsolicited distribution of credit cards and limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes; to the Committee on Banking and Currency.

By Mr. FLOWERS:

H.R. 17363. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GIAIMO:

H.R. 17364. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania (for himself, Mr. BYRNE of Pennsylvania, Mr. CLARK, Mr. DENT, Mr. FLOOD, Mr. MOORHEAD, Mr. NIX, Mr. McDADE, Mr. GAYDOS, Mr. ROONEY of Pennsylvania, Mr. VIGORITO, and Mr. YATRON):

H.R. 17365. A bill to provide for the establishment of the Tincum National Urban Park in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN (for himself, Mr. STEPHENS, Mr. GETTYS, Mr. CHAPPELL, and Mr. BEVILL):

H.R. 17366. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. JARMAN:

H.R. 17367. A bill to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property; to the Committee on Interstate and Foreign Commerce.

By Mr. LATTI:

H.R. 17368. A bill to amend title 18 of the United States Code to make it unlawful to injure, intimidate, or interfere with any person with intent to prevent or hinder his operation of any motor vehicle in interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. REIFEL:

H.R. 17369. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 17370. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 17371. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. STANTON:

H.R. 17372. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 17373. A bill to amend title 5, United States Code, to provide special annuities for certain employees separated from the service as a result of reduction in force actions, closing or transfer of bases and other organizational units, and abolishment of positions, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of Texas:

H.R. 17374. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 17375. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

By Mr. BLATNIK (for himself and Mr. HOLIFIELD):

H.R. 17376. A bill to enact certain provisions of Reorganization Plan No. 2 of 1970, and for other purposes; to the Committee on Government Operations.

By Mr. BOGGS:

H.R. 17377. A bill to authorize the erection of a statue of Bernardo de Galvez on public grounds in the District of Columbia; to the Committee on House Administration.

By Mr. BOLLING (for himself, Mr. BURLISON of Missouri, Mr. CLAY, Mr. HULL, Mr. HUNGATE, Mr. ICHORD, Mr. RANDALL, Mrs. SULLIVAN, and Mr. SYMINGTON):

H.R. 17378. A bill to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.; to the Committee on Public Works.

By Mr. EILBERG:

H.R. 17379. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants to States and local public bodies to assist them in paying interest on or discharging financial obligations incurred in the acquisition, construction, reconstruction, or improvement of urban transportation facilities or equipment; to the Committee on Banking and Currency.

H.R. 17380. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GERALD R. FORD (for himself, Mr. COUGHLIN, Mr. SCHWENGER, Mrs. MAY, Mr. MORSE, Mr. RIEGLE, Mr. KYL, Mr. WYMAN, Mr. RHODES, Mr. ROTHE, Mr. PELLY, Mr. TAFT, and Mr. BROWN of Ohio):

H.R. 17381. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. MORTON (for himself, Mr. MAILLIARD, Mr. McKNALLY, Mr. DON H. CLAUSEN, Mr. O'KONSKI, Mr. GUBSER, Mr. BYRNES of Wisconsin, Mr. CARTER, Mr. REIFEL, Mr. CEDERBERG, Mr. REID of New York, Mr. ADAIR, and Mr. BROYHILL of North Carolina):

H.R. 17382. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. GILBERT:

H.R. 17383. A bill National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 17384. A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 17385. A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes; to the Committee on Ways and Means.

By Mr. JONES of Tennessee:

H.R. 17386. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 17387. A bill to eliminate criminal activities in the handling of waterborne and airborne cargo in the international airports

and seaports of entry in the United States; to the Committee on Ways and Means.

By Mr. POLLOCK:

H.R. 17388. A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER:

H.R. 17389. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 17390. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 17391. A bill to prohibit the sale or shipment for use in the United States of certain chemical compounds; to the Committee on Agriculture.

H.R. 17392. A bill to establish an urban mass transit fund, and for other purposes; to the Committee on Banking and Currency.

H.R. 17393. A bill to amend the National Emission Standards Act to provide for the elimination of automotive air pollution; to the Committee on Interstate and Foreign Commerce.

H.R. 17394. A bill to provide for a comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

H.R. 17395. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17396. A bill to insure high-water quality in all U.S. water systems and for other purposes; to the Committee on Public Works.

H.R. 17397. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

H.R. 17398. A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles; to the Committee on Ways and Means.

By Mr. MAHON:

H.R. 17399. A bill making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. EDWARDS of Louisiana:

H.J. Res. 1202. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. FASCELL (for himself, Mr. ADDABBO, Mr. CLEVELAND, Mr. DAVIS OF

Georgia, Mr. DELLENBACK, Mr. DULSKI, Mr. FARBERSTEIN, Mr. FLOOD, Mr. FRIEDEL, Mr. HALPERN, Mr. HANNA, Mr. HELSTOSKI, Mr. HOWARD, Mr. HOGAN, and Mr. LEGGETT):

H.J. Res. 1203. Joint resolution designating the third Wednesday of April of each year as "Earth Day"; to the Committee on the Judiciary.

By Mr. FASCELL (for himself, Mr. McCLOSKEY, Mr. MAILLIARD, Mr. MEEDS, Mr. MIKVA, Mr. MOSS, Mr. MYERS, Mr. NEDZI, Mr. O'HARA, Mr. REES, Mr. REID of New York, Mr. RODINO, Mr. ROONEY of Pennsylvania, Mr. ROE, and Mr. YATES):

H.J. Res. 1204. Joint resolution designating the third Wednesday of April of each year as "Earth Day"; to the Committee on the Judiciary.

By Mr. UDALL:

H.J. Res. 1205. Joint resolution proposing an amendment to the Constitution to guarantee every person a right to a decent, clean environment; to the Committee on the Judiciary.

By Mr. GROSS:

H. Con. Res. 590. Concurrent resolution directing the President to pursue a military solution of the conflict in Vietnam; to the Committee on Foreign Affairs.

By Mr. OTTINGER (for himself, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. HELSTOSKI, Mr. STOKES, Mr. BROWN of California, Mr. TUNNEY, Mr. KOCH, and Mr. CONYERS):

H. Con. Res. 591. Concurrent resolution expressing the sense of the Congress with respect to the action of the President of the United States in connection with the involvement of U.S. military forces in Cambodia and censuring the President for such action; to the Committee on Foreign Affairs.

By Mr. BLATNIK:

H. Res. 960. Resolution to disapprove Reorganization Plan No. 2; to the Committee on Government Operations.

By Mr. HELSTOSKI:

H. Res. 961. Resolution expressing the sense of the House of Representatives with respect to any military action involving the United States in Cambodia; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. ADAMS, Mr. ADDABBO, Mr. BINGHAM, Mr. BOLAND, Mr. BRASCO, Mr. BROWN of California, Mr. BUTTON, Mr. CAREY, Mrs. CHISHOLM, Mr. CLAY, Mr. COHELAN, Mr. CONYERS, Mr. DIGGS, Mr. EDWARDS of California, Mr. FARBERSTEIN, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. GILBERT, Mr. GREEN of Pennsylvania, and Mr. HALPERN):

H. Res. 962. Resolution expressing the sense of the House of Representatives with respect to any military action involving the United States in Cambodia; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. KOCH, Mr. LOWENSTEIN, Mr. MATSUNAGA, Mr. MIKVA, Mrs. MINK, Mr.

MOLLOHAN, Mr. MOORHEAD, Mr. MOSS, Mr. NEDZI, Mr. NIX, Mr. HAMILTON, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. JACOBS, Mr. KARTH, Mr. KASTENMEIER, and Mr. BURTON of California):

H. Res. 963. Resolution expressing the sense of the House of Representatives with respect to any military action involving the United States in Cambodia; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. O'HARA, Mr. OLSEN, Mr. O'NEILL of Massachusetts, Mr. OTTINGER, Mr. PEPPER, Mr. PODELL, Mr. REES, Mr. REUSS, Mr. ROONEY of Pennsylvania, Mr. ROYBAL, Mr. RYAN, Mr. ST. ONGE, Mr. THOMPSON of New Jersey, Mr. VANIK, Mr. WALDIE, Mr. WOLFF, Mr. YATRON, Mr. YATES, and Mr. SCHEUER):

H. Res. 964. Resolution expressing the sense of the House of Representatives with respect to any military action involving the United States in Cambodia; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H. Res. 965. Resolution expressing the sense of the House of Representatives with respect to the involvement of U.S. military personnel in Cambodia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL:

H.R. 17400. A bill for the relief of Dr. Nahid Mansoori Diaz; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 17401. A bill for the relief of Francisco Stallone; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17402. A bill for the relief of Benito Arenas-Zuniga and Celia Zuniga de Arenas; to the Committee on the Judiciary.

By Mr. STANTON:

H.R. 17403. A bill for the relief of Jacqueline and Barbara Andrews; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 17404. A bill to confer U.S. citizenship posthumously upon Pfc. Franz Tines; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

374. The Speaker presented a memorial of the General Court of the Commonwealth of Massachusetts, relative to supporting the State of Israel; which was referred to the Committee on Foreign Affairs.

SENATE—Friday, May 1, 1970

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

LAW DAY AND PRISONER OF WAR DAY

Almighty God, our Creator, Redeemer, and Judge, we thank Thee for the laws of nature, for the moral law given at Sinai, and for the higher law of love made known in Nazareth and at Calvary. May we remember that the first bar of

justice was a communion rail and that bowing in court was first before a cross. Make us mindful this day that all law is grounded in Thy sovereign and transcendent nature.

Bless, O Lord, all who make the law, all who interpret the law, all who judge, prosecute, and defend under the law, and all who teach and train for the legal vocations. Make us to know that the way of true freedom is the way of law and order. Temper our understanding and our attitude with human compassion. Replace bad laws with good ones that

equity, justice, and peace may be to all people. Write Thy law upon our hearts, and so fill us with love and grace that every day may be law day.

We remember before Thee this day all prisoners of war, especially our fellow countrymen. Grant that by drawing near to Thee we may be drawn nearer to them in faith and love. Imbue them with grace and strength to endure separation and privation. Grant, O Lord, that their keepers may be guided by the Geneva Convention and by the universal laws of humanity. Keep alive in them