

your achievements are far too many for me to mention here. We can see that you possess a distinct ability to perceive great issues of the future. You were one of the original proponents of the need to push into space and to develop our space technology and science. As a result America in 1970, ranks first in this important field, and the space spin-off programs have benefited every American

and indeed all peoples of the world. This example of vision and foresight can be applied to countless other issues which blossomed to maturity under your able guidance.

Mr. Speaker, over the many years of service, you have gained the respect and admiration of colleagues on both sides of the aisle because of your effective legislative ability and your 8 years as an

exemplary impartial presiding officer of the House. This Congress and those to come will long remember the Honorable JOHN W. McCORMACK, Speaker of the House, gentleman, dedicated servant, man of deep religious conviction and exceedingly good character.

Mr. Speaker, I wish you well. It has been my honor and pleasure to have served with you.

HOUSE OF REPRESENTATIVES—Monday, June 1, 1970

The House met at 12 o'clock noon.

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

Thou shalt guide me with Thy counsel.—Psalms 73: 24.

Almighty and everlasting God, who hast created us in Thine own image and called us to live together in the spirit of brotherhood, grant unto us to fearlessly contend against evil, to make no peace with oppression and to use our freedom in the maintenance of justice between men, good will among our people, and peace in our world.

We pray for our Nation in these troubled times. Direct the decisions of these Members of Congress that they may be in accord with Thy will, seeking the welfare of our country and the well-being of all mankind.

Guide the nations of the world into the ways of justice and truth and establish among them the peace which is the fruit of righteousness and good will—to the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of Wednesday, May 27, 1970, was read and approved.

BIRTHDAY OF THE LATE HONORABLE JOHN FITZGERALD KENNEDY

Mr. McCORMACK. Mr. Speaker, last Friday was the birthday of John Fitzgerald Kennedy. Had our late martyred President not been the victim of an assassin's bullet, he would have been 53 years old. As one who was both a close personal friend of President Kennedy and intimately associated with him throughout his public career, I should be remiss if I failed to recall for this body, however briefly and inadequately, his exemplary life and public service.

John F. Kennedy was representative of everything that is noble and ideal in American life. In time of war he unhesitatingly answered his country's call to service and served courageously and with distinction under combat in the Navy. The injuries which he sustained during World War II he was to carry throughout his lifetime. In lesser men they might have very well been more than an adequate excuse for the avoidance of an active and demanding political career. For John F. Kennedy, however, they represented a challenge which further inspired him to enter the political arena.

His public career should be an inspiration and stimulation for all young

people who desire to serve their country through participation in the political process. A Member of the House when only 29, he was elected to the Senate at 35 and became our youngest elected President when but 43 years of age. Throughout his public life he exemplified the basic tradition upon which our American political process is grounded, that men can disagree, yes, disagree very strongly, over public issues, yet never be disagreeable. His political philosophy both by inclination and study placed him in what is generally referred to as the liberal camp. He was invariably found on the side of those battling to improve the quality of American life for the Nation as a whole, but particularly for those who found themselves economically and socially depressed. In his only too short tenure as President of the United States his vision and leadership established the pattern for progress in a wide spectrum of areas ranging all the way from economics to human rights.

It was he who pointed the way toward the brilliant achievements which this Nation was to attain in housing, health, education, and civil rights during the 1960's.

While as a liberal or progressive, John F. Kennedy however sharply rejected the dogmatism which unfortunately is so characteristic of some liberals. Intellectually his liberalism epitomized liberalism of the classic mold. He was the possessor of a mental process which eschewed preconceptions. He was not only able to entertain widely divergent views about problems facing our society and their solutions, he actually welcomed them and he went out of his way to assimilate them. Likewise, when it came to political action, he was a pragmatist. As a political realist, he was ever cognizant that a necessary prerequisite for statesmanship is the ability in the public arena to distinguish the attainable from the ideal. Having come to the Presidency only after experiencing the rigorous rough and tumble of political life at the State and congressional level, he was ever mindful that progressive causes never achieve total victory overnight. The depth and breadth of his training in statecraft enabled him to recognize that which many liberals failed to comprehend, that all progress today must be built on that achieved in past years. Like all great progressive leaders, he was also fully conscious that any act or recommendation of his would not yield the ultimate solution to any problem. Absence of intellectual arrogance

permitted a realization on his part that as those of his time and his generation had been required to perfect and update the accomplishments of his predecessors, so would those who would follow, have to build on the attainments of President Kennedy's era.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON FOREIGN ASSISTANCE APPROPRIATIONS, 1971

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the foreign assistance and related programs appropriation bill for fiscal year 1971.

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

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DISTRICT OF COLUMBIA APPROPRIATIONS, 1971.

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the District of Columbia appropriation bill for the fiscal year 1971.

Mr. DAVIS of Wisconsin reserved all points of order on the bill.

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

There was no objection.

LEAVE OF ABSENCE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that I may be granted 12 days leave of absence from the House from June 5 to June 17, inclusive, to attend to official congressional business in my congressional district.

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

There was no objection.

CONSENT CALENDAR

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

GOLD AND SILVER ARTICLES— CONSUMER PROTECTION

The Clerk called the bill (H.R. 8673) to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes.

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

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

There was no objection.

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

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

There was no objection.

ESTABLISHING THE FORD'S THEA- TRE NATIONAL HISTORICAL SITE

The Clerk called the bill (H.R. 12860) to establish the Ford's Theatre National Historical Site, and for other purposes.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone a question or two concerning this legislation.

On page 2 of the report it states:

But for the fact that the property and the building can help to assure the safety of the visiting public, to protect the Federal investment in the restored theater, and to provide needed space for administrative offices and theater-related support facilities.

An so on and so forth. How does this bill protect the Federal investment in the restored theater?

Mr. Speaker, if there is no one present to answer these questions, I would ask that this bill be passed over.

Mr. JOHNSON of California. Mr. Speaker, if the gentleman will yield, the chairman of the committee and of the subcommittee are necessarily absent today, but I would state that this is merely to protect the theater from fire. If owned by the Federal Government, and if this bill is approved, it will have under its control the adjacent building. That will give complete protection from that standpoint to the Ford's Theatre. As the gentleman knows, the theater is being used quite actively now, including live performances being staged there.

Mr. GROSS. Then the protection referred to is fire protection?

Mr. JOHNSON of California. That is one of the purposes.

Mr. GROSS. I would further ask the gentleman concerning this language:

To provide needed space for administrative offices, and theater-related support facilities.

What is the income from this theater?

Mr. JOHNSON of California. At the present time I could not give the gentleman a figure insofar as the income is concerned.

Mr. GROSS. But admission is charged for plays; or is it?

Mr. JOHNSON of California. Yes, there is a charge, for the performances and for tourists visiting the site. Some of that money does accrue to the Federal Government at the present time, but I do not have that detailed information.

Now, there are also activities which are carried on there for which there is no charge made. But this is one of the country's most valuable historical sites, I would say, and I believe that all of us would have to agree to that.

Mr. GROSS. I understand all of that.

Mr. JOHNSON of California. And it has been restored at a considerable cost to the Federal Government.

Mr. GROSS. Yes, it has.

Mr. JOHNSON of California. And the building adjacent to it was purchased by an organization so that it would continue to be protected and so that it could be made available to the Federal Government. It would be acquired at the cost figure plus expenses. This would allow it to have total protection and would permit development of the area to give the theater better protection from several possible dangers.

Mr. GROSS. What is the meaning of "Jackson Hole Preserve, Inc."?

Mr. JOHNSON of California. That is an organization that has, from time to time, acquired certain property for conservation and historical purposes. It has held them until such time as the Federal Government could acquire them.

Mr. GROSS. How does it come by this name? Jackson Hole is usually associated with a certain location in one of the western States. Where does it get this name—does the gentleman happen to know?

Mr. JOHNSON of California. This is the organization associated with Mr. Rockefeller.

Mr. GROSS. Mr. Rockefeller?

Mr. JOHNSON of California. Yes.

Mr. GROSS. Which one of the Rockefellers?

Mr. JOHNSON of California. It is a foundation, but Laurence Rockefeller is the person who is in charge of this organization and its activities.

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

Mr. GROSS. I yield to the gentleman.

Mr. KYL. The Rockefeller family has very large holdings in the West in the area which is known as the Jackson Hole country. As a matter of fact, they gave a great portion of that to the Government without any fee. In preserving that particular area, Laurence Rockefeller as a matter of fact did set up a nonprofit organization. As a matter of fact, it costs the Rockefellers considerable money. Its use has been extended to other historic sites, etc. in the country where in the absence of legislation for authorization of purchase of an area, the area is in im-

minent danger of being disposed of for some purpose which would be detrimental to the historic preservation and national parks and so on.

The Jackson Hole Foundation got into this situation because there was no authorization for the purchase of the property by the Federal Government or desiring to hold it for the Government until such legislation can be prepared and presented.

The foundation did buy the building next door with the sole purpose of sometime transferring the property to the Federal Government without any charge and without any profit to the foundation.

Mr. GROSS. I take it this particular deal has no relation to a proposal for the trading of land in Montana or Wyoming for the old Willard Hotel site?

Mr. KYL. There is absolutely no connection with any kind of land exchange or anything else here. The sole involvement of the Foundation is in the preservation of this one site.

Mr. GROSS. Does the gentleman have any information as to the income derived from this property as a theater where admissions are charged?

Mr. KYL. Insofar as the dramatic presentations are concerned, the public does support these dramatic presentations by purchasing tickets. If this were all that were involved in the old Ford Theatre, it would then show a profit. However, there is a much wider use of the Ford Theatre simply as a historic site rather than a place for the presentation of drama.

There are vast numbers of children, for instance, who visit this area and the costs of these visitations are by no means covered by fees and, therefore, the operation totally does not carry a profit.

Mr. GROSS. I thank the gentleman from California and the gentleman from Iowa for their explanations.

Mr. Speaker, I withdraw my reservation of objection.

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

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

H.R. 12860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the properties administered by the Secretary of the Interior in the District of Columbia known as the House Where Lincoln Died, the Lincoln Museum, Ford's Theatre, and the property authorized to be acquired in section 2 of this Act are hereby established as the Ford's Theatre National Historic Site, which shall be administered in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended and supplemented.

SEC. 2. The Secretary of the Interior is authorized to acquire by donation or by purchase with donated or appropriated funds the property and the improvements thereon located at 517 Tenth Street, Northwest, in the District of Columbia, adjacent to the historic Ford's Theatre and consisting of approximately eight hundred and twelve square feet of land.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, of which

not more than \$94,000 shall be used for the acquisition of the property referred to in section 2 of this Act, and not more than \$176,000 shall be used for the development of said property.

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

Mr. ASPINALL. Mr. Speaker, H.R. 12860 was introduced by the ranking minority members of the full Committee on Interior and Insular Affairs and of the Subcommittee on National Parks and Recreation—Representatives JOHN P. SAYLOR and JOE SKUBITZ. The bill proposes to do two things:

First, it would designate Ford's Theatre, the Lincoln Museum, and the House Where Lincoln Died as a national historic site; and

Second, it would authorize the appropriation of \$94,000 to acquire a building adjacent to the theatre which would also become a part of the national historic site.

There are many outstanding historical areas throughout the country, Mr. Speaker, but there is no other site quite comparable to the properties involved in the legislation which we are considering today. While no one would glorify the tragedy which occurred more than a century ago at Ford's Theatre, almost everyone would agree that the unfortunate events which took place there were exceptionally significant in the subsequent history of the Nation.

The theatre and the House Where Lincoln Died lend themselves particularly well to the illustration and interpretation of the historical events of those trying times. Both properties have been owned by the Government for many years and the theater has been completely restored to its appearance on the night of the assassination. Not only is it now used for live theater performances, but it houses a museum of priceless artifacts and memorabilia associated with the Lincoln era.

These are the factors which justify the designation of these structures as a national historic site. The members of the committee agree with the sponsors that such a designation would be appropriate and the witness representing the administration commended this feature of the bill.

The other element of the bill, however, represents the original recommendation of the Department of the Interior. It involves the purchase of the property known as 517 10th Street NW. This property, which consists of a lot and a three-story building, is presently owned by the Jackson Hole Preserve, Inc. It purchased the property in December 1967, at the request of the National Park Service, in order to prevent its conversion into a totally incompatible enterprise and to arrest its rapidly escalating price.

Because of its proximity to the theater, adverse use of the property will remain a severe problem if it is not acquired. In addition, its contiguity with the theater poses a serious potential fire hazard. In order to protect the restored theater and its contents, it is important that this property be utilized in conjunction with the historical program.

The property can and will provide a useful function for the historic site which H.R. 12860 proposes. By cutting through the basement wall, the visitor traffic pattern through the theater and museum can be substantially improved and the theater can be made safer for the visiting public by the installation of more emergency exits. Not only that, but the building itself can be remodeled and utilized for administrative offices and for theater-related support facilities.

This property was purchased in 1967 by the Jackson Hole Preserve, Inc., for \$90,000. It has incurred \$3,910 in additional expenses incidental to the purchase and maintenance of the property. If H.R. 12860 is approved, it has been agreed that the Government will reimburse the owner for the expenses which it incurred in connection with this property; consequently, the authorization ceiling totals \$94,000.

Mr. Speaker, the members of the Committee on Interior and Insular Affairs agreed that the acquisition of this additional property is in the public interest and that the properties involved should be designated as the Ford's Theatre National Historic Site. Were it not for the efforts of the present owner, it might well be that it would be prohibitive to purchase this property, but as a consequence of the action taken, the opportunity to purchase it has been preserved. As chairman of the committee, I urge the enactment of H.R. 12860.

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

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 12860, a bill to establish the Ford's Theatre National Historic Site, which I have the privilege to cosponsor with my colleague, the gentleman from Kansas (Mr. SKUBITZ).

The purpose of this bill is to bring together in one complex, the properties associated with the death of President Lincoln and establish them as the Ford's Theatre National Historic Site. Included in this complex will be Ford's Theatre, the Lincoln Museum which is part of the theater, the House Where Lincoln Died, and the property immediately adjacent to the theater which this legislation authorizes to be acquired.

Ford's Theatre and the House Where Lincoln Died are presently in Federal ownership and administered by the Secretary of the Interior as part of the National Capital parks system. Restoration of Ford's Theatre to its appearance at the time of the assassination has made it and the House Where Lincoln Died major visitor attractions in the Nation's Capital. Moreover, the Ford's Theatre with its live theater performances and Lincoln Museum makes it a living historical exhibit.

The need to acquire the property immediately adjacent to the theater on the north side is to assure the safety of the visiting public and to protect the Federal investment in the historic restoration of Ford's Theatre. In addition, the property to be acquired will provide safe and needed means of ingress and egress to accommodate the visiting public, provide support facilities for theater-related functions, and administrative offices.

Title to this adjacent property is now held by the Jackson Hole Preserve, Inc. This property was purchased by the Jackson Hole Preserve, Inc., in December 1967 at the request of the National Park Service to prevent its conveyance and use by interests incompatible with the historic preservation efforts then underway. The bill authorizes the appropriation of \$94,000 to purchase this property and not more than \$176,000 for renovations. It should be noted that the Government is acquiring this property at the cost paid by the present owners plus expenses. If the Jackson Hole Preserve, Inc., had not purchased this property in 1967 as a "holding action" until the Federal Government was able to buy the property, it is extremely doubtful that the property could be purchased at this price today.

Mr. Speaker, the historical importance of the events which occurred in these structures have long been recorded in the history of our country. I think it most appropriate that Congress provide this complex with its proper designation as a national historic site and I urge the passage of this legislation.

(Mr. SKUBITZ (at the request of Mr. SAYLOR) was granted permission to extend his remarks at this point in the RECORD.)

Mr. SKUBITZ. Mr. Speaker, I rise in support of H.R. 12860, a bill to establish the Ford's Theatre National Historic Site, and for other purposes.

The purpose of this legislation is to provide that the properties presently administered by the Secretary of the Interior in the District of Columbia known as Ford's Theatre, the Lincoln Museum, the House Where Lincoln Died, and an adjacent property to be acquired, shall be established as the Ford's Theatre National Historic Site.

Both the House Where Lincoln Died and Ford's Theatre, which also houses the Lincoln Museum, have been in Federal ownership for some time. These two facilities now operated as a part of the National Capital park system have had increasing visitor use each year. And, since the restoration of Ford's Theatre, this historic structure has become a major visitor attraction in the Nation's Capital.

Mr. Speaker, little needs to be said about the historical significance of these facilities because history has already so dramatically recorded for all time the importance of the events which occurred there. Therefore, it was most fitting and proper for the Congress to provide for the purchase, restoration, and preservation of these structures as living exhibits to be enjoyed by present and future generations of American and foreign visitors.

This legislation also authorizes the purchase of an adjacent property, a 14-by-58 foot lot, and three-story building now being used as a souvenir shop. This property is immediately adjacent to Ford's Theatre on the north and its acquisition is necessary to protect the Federal investment in the historic restoration of Ford's Theatre and the memorabilia in the Lincoln Museum. At the present time this adjoining structure presents a potential fire hazard as it abuts the theater.

When the adjacent property is acquired the present structure will be renovated to provide needed administrative facilities, theater-related support facilities, and more important, assure the safety of the visiting public by providing much needed points of ingress and egress.

This legislation authorizes the appropriation of \$94,000 to purchase the lot and structure immediately adjacent to Ford's Theatre and not more than \$76,000 for development. As the legislation provides, this historical complex shall be established as the Ford's Theatre National Historic Site.

Mr. Speaker, it is fitting and proper that we do this and I urge my colleagues to support the passage of the legislation.

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

VALIDATING THE CONVEYANCE OF CERTAIN LAND IN THE STATE OF CALIFORNIA BY THE SOUTHERN PACIFIC CO.

The Clerk called the bill (H.R. 12960) to validate the conveyance of certain land in the State of California by the Southern Pacific Co.

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

Mr. JOHNSON of Pennsylvania. Reserving the right to object, Mr. Speaker, I notice that the main sponsor of the bill is present. I should like to ask a few questions about the bill. As I understand, the present owners of the land have their conveyances from the patentees of the land, rather than from the railroad company.

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

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

Mr. McFALL. Yes, they do. They have quit-claim deeds from the railroad company given in 1966. But the land titles of every parcel in this bill are based upon patents or homesteads granted by the Federal Government as far back as 100 years ago. The owners have exercised their title and right to this land and they or predecessors-in-interest have paid taxes on it ever since.

Mr. JOHNSON of Pennsylvania. Why would people build on the right-of-way when they knew there was an outstanding 400 feet of right-of-way in the railroad company? Why would they build on that land?

Mr. McFALL. If the gentleman will yield further, it goes back to a mix-up in 1862, when the Government granted a 400-foot strip to the railroad for railroad purposes only, retaining mineral rights and so forth. After that the Government, through patents and homesteads, granted the same land to the predecessors-in-interest of these people who are before us today. The railroads exercised their interest in only 100 feet for over 100 years, as they do today.

It was not until 1925 that the Supreme Court of California rendered a decision indicating that there was technically

something wrong with the title of the people who owned this property and that the railroad had some kind of technical interest in it.

In 1929, some of these parcels of property along the railroad in a similar situation were cleared by an act of Congress.

In 1934, Congress cleared title on another group of parcels. This bill, if enacted, would clear title to the remaining parcels.

Mr. JOHNSON of Pennsylvania. Then, your statement is that up until 1925 the railroad company really did not realize they had a 400-foot right-of-way, and the people who built on the land did so under a misapprehension also, and we would now clear up title to that land and correct the error that was in the minds of everybody?

Mr. McFALL. That is correct. Actually, the Federal Government, by issuing patents and homesteads to that land, which included the land within the 400-foot strip, actually took action which led to this misunderstanding upon which these people based their title.

Mr. JOHNSON of Pennsylvania. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

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

H.R. 12960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3, the conveyances executed by the Southern Pacific Company and described in section 2, involving certain land in San Joaquin County, California, forming a part of the right of way granted by the United States to the Central Pacific Railway Company under the Act entitled "An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes", approved July 1, 1862 (12 Stat. 489), as amended, are hereby legalized, validated, and confirmed, and shall have, as far as any interest of the United States in such land is concerned, the same force and effect as if the land involved in each conveyance had been held, on the date of conveyance, under absolute fee simple title by the Southern Pacific Company.

Sec. 2. The conveyances referred to in the first section of this Act are as follows:

(1) The conveyance entered into between the Southern Pacific Company, grantor, and William M. Petersen and Dorothy Z. Petersen, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 349, of Official Records of San Joaquin County, California.

(2) The conveyance entered into between the Southern Pacific Company, grantor, and Phillip Martel, a single man, and Jacob Erlenbusch and Annett Erlenbusch, husband and wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 351, of Official Records of San Joaquin County, California.

(3) The conveyance entered into between the Southern Pacific Company, grantor, and Irvin R. Bender and Loneita L. Bender, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 347, of Official Records of San Joaquin County, California.

(4) The conveyance entered into between the Southern Pacific Company, grantor, and Bonnie J. Haslam, a widow, grantee, on March 1, 1967, and recorded on April 19, 1967, volume 3118, page 345, of Official Records of San Joaquin County, California.

(5) The conveyance entered into between the Southern Pacific Company, grantor, and Wendelin Roehrich and Lucille Roehrich, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 343, of Official Records of San Joaquin County, California.

(6) The conveyance entered into between the Southern Pacific Company, grantor, and Ted Schneider, a married man, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 341, of Official Records of San Joaquin County, California.

(7) The conveyance entered into between the Southern Pacific Company, grantor, and Helen K. Whyatt, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 339, of Official Records of San Joaquin County, California.

(8) The conveyance entered into between the Southern Pacific Company, grantor, and Chester M. Bryan, a single man, grantee, on December 1, 1966, and recorded on April 19, 1967, volume 3118, page 337, of Official Records of San Joaquin County, California.

(9) The conveyance entered into between the Southern Pacific Company, grantor, and Wm. G. Holz Company, a corporation, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 335, of Official Records of San Joaquin County, California.

(10) The conveyance entered into between the Southern Pacific Company, grantor, and Fred L. Baybarz and Carolyn C. Baybarz, his wife, grantees, on July 8, 1966, and recorded on April 19, 1967, volume 3118, page 333, of Official Records of San Joaquin County, California.

(11) The conveyance entered into between the Southern Pacific Company, grantor, and Carl F. Wolf and Elizabeth Wolf, husband and wife, grantees, on June 30, 1966, and recorded on April 19, 1967, volume 3118, page 331, of Official Records of San Joaquin County, California.

(12) The conveyance entered into between the Southern Pacific Company, grantor, and Samuel D. Salas, grantee, on June 9, 1966, and recorded on April 19, 1967, volume 3118, page 329, of Official Records of San Joaquin County, California.

(13) The conveyance entered into between the Southern Pacific Company, grantor, and Lodi Iron Works, Incorporated, a corporation, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 315, of Official Records of San Joaquin County, California.

(14) The conveyance entered into between the Southern Pacific Company, grantor, and Fred Spickerman, grantee, on September 1, 1966, and recorded on April 19, 1967, volume 3118, page 321, of Official Records of San Joaquin County, California.

(15) The conveyance entered into between the Southern Pacific Company, grantor, and Spickerman Concrete Pipe Company, a California corporation, grantee, of October 1, 1966, and recorded on April 19, 1967, volume 3118, page 323, of Official Records of San Joaquin County, California.

(16) The conveyance entered into between the Southern Pacific Company, grantor, and Howard Mason, grantee, on March 30, 1966, and recorded on April 19, 1967, volume 3118, page 317, of Official Records of San Joaquin County, California.

(17) The conveyance entered into between the Southern Pacific Company, grantor, and Jay Loveless, a married man, grantee, on July 13, 1967, and recorded on October 10, 1967, volume 3158, page 339, of Official Records of San Joaquin County, California.

(18) The conveyance entered into between the Southern Pacific Company, grantor, and Vivian E. Hughes, a widow, grantee, on January 31, 1966, and recorded on April 19, 1967, volume 3118, page 31, of Official Records of San Joaquin County, California.

(19) The conveyance entered into between the Southern Pacific Company, grantor, and Anvil Products, Incorporated, a corporation, grantee, on July 1, 1967, and recorded on October 11, 1967, volume 3158, page 603, of Official Records of San Joaquin County, California.

(20) The conveyance entered into between the Southern Pacific Company, grantor, and William T. Beckman, a married man, dealing with his sole and separate property, Charles M. Beckman, a single man, and Alfa E. Beckman, a widow, grantees, on August 13, 1968, and recorded on September 13, 1968, volume 3238, page 277, of Official Records of San Joaquin County, California.

Sec. 3. (a) Nothing in this Act shall—

(1) diminish the right of way referred to in the first section of this Act to a width less than fifty feet on each side of the center of the main track or tracks established and maintained by the Southern Pacific Company on the date of the enactment of this Act; or

(2) validate or confirm any right or title to, or interest in, the land referred to in the first section of this Act arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance made by the Southern Pacific Company before the date of the enactment of this Act.

(b) There is reserved to the United States all oil, coal, or other minerals in the land referred to in the first section of this Act, together with the right to prospect for, mine, and remove such oil, coal, or other minerals under such rules and regulations as the Secretary of the Interior may prescribe.

With the following committee amendment:

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

That, subject to section 3, the conveyances executed by the Southern Pacific Company and described in section 2, involving certain land in San Joaquin County, California, forming a part of the right-of-way granted by the United States to the Central Pacific Railway Company under the Act entitled "An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes", approved July 1, 1862 (12 Stat. 489), as amended, are hereby legalized, validated, and confirmed, as far as any interest of the United States in such land is concerned and shall have the same force and effect as if the land involved in each conveyance had been held, on the date of conveyance, under absolute fee simple title by the Southern Pacific Company, subject to a reservation to the United States of the minerals therein.

Sec. 2. The conveyances referred to in the first section of this Act are as follows:

(1) The conveyance entered into between the Southern Pacific Company, grantor, and William M. Petersen and Dorothy Z. Petersen, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 349, of Official Records of San Joaquin County, California, describing the following lands:

Those certain parcels in the City of Lodi, County of San Joaquin, State of California, described as follows:

PARCEL 1

All of Lots 4 and 5 of Tract No. 280 Helmenstein Tract, according to the Official Map thereof filed in Volume 13 of Maps, at Page 108, Records of said County.

Except therefrom the South 5.50 feet of said Lots 4 and 5 as granted to the City of Lodi by Deed recorded August 4, 1959, in Volume 2205, at page 473, Official Records of said County, and by Deed recorded July 9, 1962, in Volume 2569, at Page 553, Official Records of said County.

PARCEL 2

Lot 3 of Tract No. 290 Helmenstein Tract, according to the Official Map thereof filed in Volume 13 of Maps at Page 108, Records of said County.

Except therefrom that portion described in the Deed to City of Lodi, recorded March 31, 1955, in Volume 1734, at Page 176, Official Records of said County.

(2) The conveyance entered into between the Southern Pacific Company, grantor, and Phillip Martel, a single man, and Jacob Erlenbusch and Annett Erlenbusch, husband and wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 351, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, described as follows:

Lot 6 of Tract No. 290 Helmenstein Tract, according to the Official Map thereof filed in Volume 13 of Maps, at Page 108, Records of said County.

(3) The conveyance entered into between the Southern Pacific Company, grantor, and Irvin R. Bender and Loneita L. Bender, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 347, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, described as follows:

Lots 1 and 2 of Tract No. 290 Helmenstein Tract, according to the Official Map thereof filed in Volume 13 of Maps, at Page 108, Records of said County.

(4) The conveyance entered into between the Southern Pacific Company, grantor, and Bonnie J. Haslam, a widow, grantee, on March 1, 1967, and recorded on April 19, 1967, volume 3118, page 345, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

Lot 19 of Tract No. 23, Koenig Subdivision, as shown on the map thereof, recorded in Volume 11 of Maps at Page 33, Records of said County.

Excepting therefrom the east 20 feet thereof (measured at right angles from the east line of said lot).

(5) The conveyance entered into between the Southern Pacific Company, grantor, and Wendelin Roehrich and Lucille Roehrich, his wife, grantees, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 343, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

Lot 18 of Tract No. 23, Koenig Subdivision, as shown on the map thereof, recorded in Volume 11 of Maps at Page 33, Records of said County.

Excepting therefrom the west 5 feet thereof as conveyed to the City of Lodi by deed recorded September 24, 1958, in Volume 2102 at Page 326, Official Records of said County.

Also excepting therefrom the east 20 feet thereof (measured at right angles from the east line of said lot).

(6) The conveyance entered into between

the Southern Pacific Company, grantor, and Ted Schneider, a married man, grantee, on October 1, 1966, and recorded on April 19, 1967, Volume 3118, Page 341, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

Lots 15, 16 and 17 of Tract No. 23, Koenig Subdivision, as shown on the map thereof, recorded in Volume 11 of Maps at Page 33, Records of said County.

Excepting therefrom the west 5 feet thereof as conveyed to the City of Lodi by deed recorded September 24, 1958, in Volume 2102 at Page 330, Official Records of said County.

Also excepting therefrom the east 20 feet thereof (measured at right angles from the east line of said lots).

(7) The conveyance entered into between the Southern Pacific Company, grantor, and Helen K. Whyatt, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 339, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

Lot 13 of Tract No. 23, Koenig Subdivision, as shown on the map thereof, recorded in Volume 11 of Maps at Page 33, Records of said County.

Excepting therefrom the east 20 feet thereof (measured at right angles from the east line of said Lot).

(8) The conveyance entered into between the Southern Pacific Company, grantor, and Chester M. Bryan, a single man, grantee, on December 1, 1966, and recorded on April 19, 1967, volume 3118, page 337, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

Lot 14 of Tract No. 23, Koenig Subdivision, as shown on map thereof, recorded in Volume 11 of Maps at Page 33, Records of said County.

Excepting therefrom the west 5 feet thereof as conveyed to the City of Lodi by deed recorded September 24, 1958, in Volume 2102 at Page 328, Official Records of said County.

Also excepting therefrom the east 20 feet thereof (measured at right angles from the east line of said Lot).

(9) The conveyance entered into between the Southern Pacific Company, grantor, and Wm. G. Holz Company, a corporation, grantee, on October 1, 1966, and recorded on April 19, 1967, volume 3118, page 335, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, being a portion of the Southwest Quarter of Section 12, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the Northeast corner of that certain 4.074 acre tract conveyed to Agostino Panzica and wife, by Deed recorded September 12, 1944 in Vol. 901 of Official Records. Page 44, San Joaquin County Records, and also being the Southeast corner of Lot 19 as shown upon Map entitled KOENIG SUBDIVISION, according to the Official Map thereof filed in Vol. 11 of Maps, Page 33, San Joaquin County Records, which point is also in the West line of the 100 foot strip now occupied by Southern Pacific Railway Company; thence Westerly along the North line of said property conveyed to Panzica, South 88°17' West, 163 feet, more or less, to the East line of South Sacramento Street; thence South 4°36½' West, 329.94 feet along the East line

of South Sacramento Street to a point on the South line of said 4.074 acre tract; thence North 88°17' East, 163 feet along the South line of said 4.074 acre tract to a point in the West line of said 100 foot right of way strip of said Southern Pacific Railway Company; thence Northerly along the West line of said railroad right of way, 329.94 feet to the point of beginning.

Excepting the west 5 feet as granted to the City of Lodi by deed recorded April 27, 1962 in Volume 2542 at Page 455, Official Records of said County.

Also excepting the east 20 feet of the above described parcel of land (measured at right angles from the east line of said parcel).

(10) The conveyance entered into between the Southern Pacific Railway Company, grantor, and Fred L. Baybarz and Carolyn C. Baybarz, his wife, grantees, on July 8, 1966, and recorded on April 19, 1967, volume 3118, page 333, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land situate in the City of Lodi, County of San Joaquin, State of California, and more particularly described as follows:

The South one-half of Lot 1 of A. J. Larson's Subdivision of a portion of the Southwest Quarter of Section 12, Township 3 North, Range 6 East, Mount Diablo Base and Meridian.

Except that portion granted to the City of Lodi, by Deed recorded October 17, 1961 in Book of Official Records, Vol. 2486, Page 450, San Joaquin County Records.

Also except that portion granted to George A. Miller and Frances F. Miller, his wife, as joint tenants, by Deed recorded March 11, 1964 in Book of Official Records, Vol. 2797, Page 201, San Joaquin County Records.

Also except the east 20 feet of the above described parcel of land (measured at right angles from the east line of said Lot 1).

(11) The conveyance entered into between the Southern Pacific Company, grantor, and Carl F. Wolf and Elizabeth Wolf, husband and wife, grantees, on June 30, 1966, and recorded on April 19, 1967, volume 3118, page 331, of Official Records of San Joaquin County, California, describing the following lands:

That certain real property in the City of Lodi, County of San Joaquin, State of California, described as follows:

The northerly 40.00 feet of Lot 26 of Tract No. 455 Salas Tract, according to the Official Map thereof filed in Volume 14 of Maps, at Page 91, Records of said County.

Except the easterly 25.00 feet of the above described property.

(12) The conveyance entered into between the Southern Pacific Company, grantor, and Samuel D. Salas, grantee, on June 9, 1966, and recorded on April 19, 1967, volume 3118, page 329, of Official Records of San Joaquin County, California describing the following lands:

That certain real property in the City of Lodi, County of San Joaquin, State of California, described as follows:

Lot 26 of Tract No. 455 Salas Tract, according to the Official Map thereof filed in Vol. 14 of Maps, page 91, San Joaquin County Records.

Except the North 40 feet (said 40 feet being measured at right angles to the North line of said Lot) as granted to Paul J. Van Steenberge and Vickie Van Steenberge, his wife, as joint tenants, by Deed recorded April 28, 1958 in Book of Official Records, Vol. 2061, page 373, San Joaquin County Records.

Also except the east 25.00 feet of the above described parcel of land (measured at right angles from the east line of said Lot 26).

(13) The conveyance entered into between the Southern Pacific Company, grantor, and Lodi Iron Works, Incorporated, a corporation, grantee, on October 1, 1966, and recorded

on April 19, 1967, volume 3118, page 315, Official Records of San Joaquin County, California, describing the following lands:

Those certain parcels of land in the City of Lodi, County of San Joaquin, State of California, described as follows:

PARCEL I

The North 150 feet of the South 300 feet, measured along the East line, of the South 2 acres of Lot 34 Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records.

Excepting from the above described property the West 50 feet as conveyed to the City of Lodi by Deed recorded September 3, 1936 in Book of Official Records, Vol. 538, page 493 San Joaquin County Records.

PARCEL II

The North 50 feet of the South 350 feet, and the North 50 feet of the South 150 feet, measured along the East line, of the South 2 acres of Lot 34 of Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records.

Excepting from the above described property the West 50 feet, as conveyed to the City of Lodi by Deed recorded September 3, 1936 in Book of Official Records, Vol. 538, page 493, San Joaquin County Records.

PARCEL III

That portion of Lot 34 of Larson's addition to Lodi according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records, described as follows:

Commencing at an axle at the Southwest corner of said Lot 34; thence North 87°07' East, along the South line of said Lot 34, 50.39 feet to an iron pipe; thence North 4°16' East, parallel with and distant 50 feet easterly from the West line of said Lot 34, 350 feet to an iron pipe and the true point of beginning; thence North 4°16' East 36.9 feet to a point, said point being South 4°16' West 70 feet from the Northwest corner of that parcel of land described in the Deed of Trust from W. Leiske and Helen Leiske, his wife, to Trustee for Farmers and Merchants Bank of Lodi, which Deed of Trust is recorded June 4, 1947 in Book of Official Records, Vol. 1056, page 307, San Joaquin County Records thence South 85°50'31" East 161.88 feet to a point in the East line of said Lot 34, said point being South 4°16' West 70 feet from the Northeast corner of that parcel of land described in the Deed of Trust described above (Official Records, Vol. 1056, page 307); thence South 4°16' West, along the East line of said Lot 34, 16.9 feet to an iron pipe, said pipe being North 4°16' East 350 feet from the Southeast corner of said Lot 34; thence South 87°07' West, parallel with said South line, 163.15 feet to the true point of beginning.

PARCEL IV

The South 100 feet, measured along the East line, of the South 2 acres of Lot 34 of Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records; the North line of said South feet being parallel with the South line of said Lot 34.

Except the West 50 feet as conveyed to the City of Lodi by Deed recorded September 3, 1936 in Book of Official Records, Vol. 538, page 493, San Joaquin County Records.

PARCEL V

That portion of Lot 34 of Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records, described as follows:

Commencing at the Southwest corner of said Lot 34, thence North 87°07' East 50.39 feet to the East line of Sacramento Street, as shown upon Survey filed for record September 11, 1946 in Vol. 6 of Book of Surveys, page

234, San Joaquin County Records, thence North 4°16' East, along said East line of said Sacramento Street, 456.9 feet to the Northwest corner of the land described in the deed to Roy J. Henderson, et ux, dated July 31, 1948, recorded August 3, 1948 in Vol. 115 of Official Records, page 458, San Joaquin County Records, and the true point of beginning of the herein described property; thence North 4°16' East, along said East line of said Sacramento Street, 100 feet; thence South 85°50' East 161.85 feet to the West line of the "Southern Pacific Railroad Company right of way" as shown upon said Survey; thence South 4°16' West, along said West line, 100 feet to the Northeast corner of said Henderson land; thence North 85°50' West, along the North line of said Henderson land, 161.85 feet to the true point of beginning.

Except the West 5 feet as conveyed to the City of Lodi by Deed recorded January 24, 1958 in Vol. 2036 of Official Records, page 300, San Joaquin County Records.

PARCEL VI

That portion of Lot 34 of Larson's addition to Lodi according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records, described as follows:

Commencing at an axle at the Southwest corner of said Lot 34; thence North 87°07' East, along the South line of said Lot 34, 50.39 feet to an iron pipe; thence North 4°16' East, parallel with and distant 50 feet easterly from the West line of said Lot 34, 350 feet to an iron pipe and the true point of beginning; thence North 4°16' East, 106.9 feet to an iron pipe; thence South 85°50' East 161.85 feet to an iron pipe in the East line of said Lot 34; thence South 4°16' West, along said East line, 86.9 feet to an iron pipe, said pipe being North 4°16' East 350 feet from the Southeast corner of said Lot 34; thence South 87°07' West, parallel with said South line, 163.15 feet to the true point of beginning.

EXCEPT that portion of Lot 34 of Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records, described as follows:

Commencing at an axle at the Southwest corner of said Lot 34; thence North 87°07' East along the South line of said Lot 34, 50.39 feet to an iron pipe; thence North 4°16' East parallel with and distant 50 feet easterly from the West line of said Lot 34, 350 feet to an iron pipe and the true point of beginning; thence North 4°16' East 36.9 feet to a point, said point being South 4°16' West 70 feet from the Northwest corner of that parcel of land described in Deed of Trust from W. Leiske, et ux, recorded June 4, 1947 in Book of Official Records, Vol. 1056, page 307, San Joaquin County Records; thence South 85°50'31" East 161.88 feet to a point in the East line of said Lot 34, said point being South 4°16' West 70 feet from the Northeast corner of that parcel of land described in the Deed of Trust described above (in Book of Official Records, Vol. 1056, page 307); thence South 4°16' West along the East line of said Lot 34, 16.9 feet to an iron pipe, said pipe being North 4°16' East 350 feet from the Southeast corner of said Lot 34; thence South 87°07' West, parallel with said South line, 163.15 feet to the true point of beginning.

Also except the West 5 feet as conveyed to the City of Lodi by Deed recorded January 24, 1958 in Book of Official Records, Vol. 2036, page 298, San Joaquin County Records.

PARCEL VII

Lot 1 of Tract No. 455 Salas Tract, according to the Official Map thereof filed in Volume 14 of Maps, at Page 91, San Joaquin County Records.

(14) The conveyance entered into between the Southern Pacific Company grantor, and Fred Spickerman, grantee, on September 1, 1966, and recorded on April 19, 1967, volume

3118, page 321, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land situate in the City of Lodi, County of San Joaquin, State of California, described as follows:

The North 2.95 acres of Lot 34 of Larson's addition to Lodi, according to the Official Map thereof filed in Vol. 2 of Maps, page 10, San Joaquin County Records.

Except the North 200 feet of the East 184 feet of said Lot 34 as described in Deed to the Lodi Natural Gas Company, recorded December 5, 1906, in Book "A" of Deeds, Vol. 159, page 43, San Joaquin County Records.

Also except the West 50 feet as described in Deed to the City of Lodi, recorded September 3, 1936 in Book of Official Records, Vol. 538, page 493, San Joaquin County Records.

Also except the East 5 feet of the West 55 feet as described in the Deed to the City of Lodi, recorded January 24, 1958 in Book of Official Records, Vol. 2036, page 300, San Joaquin County Records.

Also except that portion described in Deed to Hyman Berebitsky, et ux, recorded November 30, 1959 in Book of Official Records, Vol. 2240, page 498, San Joaquin County Records.

(15) The conveyance entered into between the Southern Pacific Company, grantor, and Spiekerman Concrete Pipe Company, a California corporation, grantee, of October 1, 1966, and recorded on April 19, 1967, volume 3118, page 323, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land in the City of Lodi, County of San Joaquin, State of California, described as follows:

The North 10 feet of Lot 11 and the South 32.50 feet of Lot 10, as said lots are shown on map of Larson's Addition to Lodi, according to the Official Map thereof filed in Volume 2 of Maps, at page 10, San Joaquin County Records.

(16) The conveyance entered into between the Southern Pacific Company, grantor, and Howard Mason, grantee, on March 30, 1966, and recorded on April 19, 1967, volume 3118, page 317, of Official Records of San Joaquin County, California, describing the following lands:

Those certain parcels of land situate in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

PARCEL 1

Lots 6, 7 and 8 in Block 33 of Lawrence Homestead Addition as shown on the map thereof recorded in Volume 10 of Maps at Page 5, Records of said County.

Excepting therefrom the west 30 feet thereof.

PARCEL 2

The north 10 feet of that certain 20-foot alley lying between Blocks 33 and 34 of Lawrence Homestead Addition as shown on the map thereof recorded in Volume 10 of Maps at Page 5, Records of said County.

Excepting therefrom the west 30 feet thereof.

(17) The conveyance entered into between the Southern Pacific Company, grantor, and Jay Loveless, a married man, grantee, on July 13, 1967, and recorded on October 10, 1967, volume 3158, page 339, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land situate in the south half of Section 36, Township 4 North, Range 6 East, M.D.M., in the County of San Joaquin, State of California, being the easterly 100.00 feet of the westerly 150.00 feet of the land described as follows:

Commencing at a point on the south line of said Section 36, distant thereon West 1401.60 feet from the southeast corner of said Section 36; thence North 1°35' West, along the westerly line of the Bechtold property,

665.40 feet; thence North 74°02' West 91.00 feet; thence North 66°35' West 81.40 feet; thence North 55°06' West 101.50 feet; thence North 57°40' West 148.30 feet; thence North 69°53' West 69.20 feet; thence North 80°47' West 90.30 feet; thence South 89°51' West 156.60 feet; thence South 80°47' West 448.30 feet; thence North 1°47' West 10.00 feet; thence South 80°47' West 200 feet, more or less; to a point in a line parallel and concentric with and distant 50.00 feet easterly, measured at right angles and radially, from the original located center line of Southern Pacific Company's main track (Stockton to Polk); thence southerly, along said parallel and concentric line, to the south line of said Section 36; thence easterly, along last said south line, to the point of beginning.

Except therefrom the south 30.00 feet thereof included in the San Joaquin County Road.

(18) The conveyance entered into between the Southern Pacific Company, grantor, and Vivian E. Hughes, a widow, grantee, on January 31, 1966, and recorded on April 19, 1967, volume 3118, page 319, of Official Records of San Joaquin County, California, describing the following lands:

That parcel of land situate in the City of Lodi, County of San Joaquin, State of California, described as follows:

Beginning at a point distant 320 feet northerly from the northwest corner of Block 21 in the Town (now City) of Lodi; thence run northerly 100 feet, thence easterly 125 feet to a point in a line parallel with and distant 50 feet westerly, measured at right angles from the original located center line of Southern Pacific Company's main track (Stockton to Polk); thence southerly, along said parallel line, 100 feet; thence westerly 125 feet to the point of beginning, the same being a fraction of the west half of the Northwest Quarter of Section 1, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, as per deed recorded January 3, 1920 in Book "A" of Deeds, Vol. 400, Page 265, and being in Ayers and Pitchers Addition to the City of Lodi.

(19) The conveyance entered into between the Southern Pacific Company, grantor, and Anvil Products, Incorporated, a corporation, grantee, on July 1, 1967, and recorded on October 11, 1967, volume 3158, page 603, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land situate in the City of Lodi, County of San Joaquin, State of California, being a portion of Lot 62 of Lodi Barnhart Tract, filed November 5, 1906, in Volume 3 of Maps, Page 48, San Joaquin County Records, and more particularly described as follows:

Beginning at the Southwest corner of said Lot 62; thence North 3°44' East along the West line of said Lot 62 a distance of 312.14 feet; thence North 86°25' East along the South line of the North 0.38 acres of said Lot 62 a distance of 673.95 feet; thence South 310.44 feet more or less to the South line of said Lot 62; thence South 86°26' West along the South line of said Lot 62 a distance of 694.3 feet to the point of beginning.

Except therefrom the westerly 25 feet of said Lot 62.

Also except that portion of the above described parcel of land lying easterly of a line parallel with and distant 200 feet easterly, measured at right angles, from the original located centerline of Southern Pacific Company's main track (Stockton to Polk).

(20) The conveyance entered into between the Southern Pacific Company, grantor, and William T. Beckman, a married man, dealing with his sole and separate property, Charles M. Beckman, a single man, and Alfa E. Beckman, a widow, grantees, on August 13, 1968, and recorded on September 13, 1968, volume 3238, page 277, of Official Records of San Joaquin County, California, describing the following lands:

That certain parcel of land situate, lying and being in the City of Lodi, County of San Joaquin, State of California, being a portion of Lots 63, 64 and 65 as said Lots are shown on that certain map entitled "Lodi Barnhart Tract," filed for record on November 5, 1906, in Volume 3 of Maps and Plats, Page 48, Records of San Joaquin County, described as follows:

Beginning at the point of intersection of the northerly line of said Lot 65 with a line parallel with and distant 75 feet easterly, measured at right angles, from the original located center line of Southern Pacific Company's main tract (Stockton-Brighton); thence southerly along said parallel line 750.29 feet to a point in the southerly line of the North 1.60 acres of said Lot 63; thence easterly along said southerly line, to a point in a line parallel with and distant 200 feet easterly, measured at right angles, from said center line; thence northerly along last said parallel line 750.29 feet to a point in said northerly line of Lot 65; thence westerly along said northerly line, to the point of beginning.

SEC. 3. (a) Nothing in this Act shall—

(1) diminish the right-of-way referred to in the first section of this Act to a width less than fifty feet on each side of the center of the main track or tracks established and maintained by the Southern Pacific Company on the date of the enactment of this Act; or

(2) validate or confirm any right or title to, or interest in, the land referred to in the first section of this Act arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance made by the Southern Pacific Company before the date of the enactment of this Act.

(b) There is reserved to the United States all oil, coal, or other minerals in the land referred to in the first section of this Act, together with the right to prospect for, mine, and remove such oil, coal, or other minerals under such rules and regulations as the Secretary of the Interior may prescribe.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. MCFALL

Mr. MCFALL, Mr. Speaker, I offer an amendment to the committee amendment which would correct a typographical error.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. MCFALL: Page 16, line 18, after the word "page" strike out "315" and insert "325"

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

Mr. ASPINALL, Mr. Speaker, H.R. 12960, as amended, validates and confirms, as far as the interest of the United States is concerned, some 20 conveyances made by the Southern Pacific Railroad to adjoining landowners.

These lands are located in San Joaquin County, Calif. Nineteen of the parcels lie within the city limits of Lodi, Calif., and the other one is immediately adjacent to the city. The 20 parcels contain about 13 acres. These lands are presently used for housing, light and heavy industry, and one parcel has been developed as a grape vineyard.

Originally, these lands were granted to the Central Pacific Railroad Co. by the act of July 1, 1862. The Southern Pacific is the successor in interest to the Central Pacific. The act did not grant full title to the railroad company, but it did grant a 400-foot right-of-way across public lands, together with the right to use the

surface for railroad and associated purposes. All minerals were reserved to the United States.

When the United States issued patents to the adjoining lands, the patents included the lands within the right-of-way. As the railroad did not actively assert claim to the entire 400-foot right-of-way until about 1925, the adjoining land-owners assumed ownership and made use of most of the right-of-way except for a 50-foot strip on each side of the main-line track that was clearly defined and actively used by the company. After 1925, when the railroad actively asserted claim to the entire right-of-way, the improvements and assumed ownership of the adjoining owners were placed in serious doubt. In the past, similar situations have been brought before Congress, and legislation has been enacted to validate conveyances made by various railroad companies. In the present case, the Southern Pacific made the 20 conveyances in 1966 for a nominal consideration.

Abandonment or forfeiture of a railroad right-of-way is generally governed by the act of March 8, 1922. That act provides that upon a finding of abandonment or forfeiture, by act of Congress or the courts, the lands within the right-of-way pass to the adjoining owner except that within a municipality the lands pass to the municipality. In this situation the railroad does not consider its 20 conveyances as an abandonment, and no abandonment has been found by Congress or the courts. Moreover, the city of Lodi, which would be the beneficiary of 19 of the 20 tracts of any finding of abandonment under the 1928 act, has recommended enactment of H.R. 12960.

Unless H.R. 12960 is enacted, the 20 conveyances by the Southern Pacific Co. will not convey a marketable title to the land. Enactment of H.R. 12960 will legalize the conveyances and will eliminate the necessity of further legislation by Congress or a finding by the courts regarding abandonment of a portion of a right-of-way. As all minerals are reserved to the United States, the Federal interest is fully protected.

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

AUTHORIZING A STUDY OF ESTABLISHING A UNIT OF THE NATIONAL PARK SYSTEM TO COMMEMORATE THE OPENING OF THE CHEROKEE STRIP

The Clerk called the bill (H.R. 15012) to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone why we have to spend \$30,000 to study the feasibility of commemorating the Cherokee Strip?

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

Mr. GROSS. I yield to the gentleman from Kansas?

Mr. SKUBITZ. This is an area between Kansas and Oklahoma—

Mr. GROSS. I know where it is located. Please tell me why we have to study the feasibility of commemorating the Cherokee Strip.

Mr. SKUBITZ. Because it is recommended by the National Park Service.

Mr. GROSS. Recommended that it be studied?

Mr. SKUBITZ. Yes.

Mr. GROSS. They are good over in the Interior Department at recommending studies of various things. There is a bill scheduled to come up this afternoon recommending a study that no one can understand why in the world it should be recommended. Would it be in order to ask for a study of the Mormon Trail and all the other cattle trails and human trails across the country?

Mr. SKUBITZ. Mr. Speaker, if the gentleman will yield, this is a procedure always followed by the Park Service in determining whether a project be declared feasible. So far as the Mormon Trail is concerned—we did just that sort of thing.

Mr. GROSS. But \$30,000 is still \$30,000 to study something which I think the National Park Service should be able to tell us out of hand whether or not it is feasible to commemorate.

Mr. SKUBITZ. That is the estimated cost of the study.

Mr. GROSS. My question is why. Why study it at all?

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

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

AUTHORIZING PUBLIC PRINTER TO FIX SUBSCRIPTION PRICE OF DAILY CONGRESSIONAL RECORD

The Clerk called the bill (S. 3339) to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD.

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

S. 3339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last full paragraph of section 906 of title 44, United States Code, is amended to read as follows:

"The Public Printer may furnish the daily Record to subscribers at a price determined by the Public Printer based upon the cost of printing and distribution, such price to be payable in advance."

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

PROVIDING FOR DESIGNATION OF SPECIAL POLICEMEN AT GOVERNMENT PRINTING OFFICE

The Clerk called the bill (H.R. 14452) to provide for the designation of special

policemen at the Government Printing Office, and for other purposes.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone if we can appoint enough special police over at the Government Printing Office to take care of a sick-out such as we had last week?

Apparently there is no one present to explain this bill.

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

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

AUTHORIZING PUBLIC PRINTER TO GRANT COMPENSATORY TIME FOR OVERTIME BY CERTAIN EMPLOYEES OF GOVERNMENT PRINTING OFFICE

The Clerk called the bill (H.R. 14453) to authorize the Public Printer to grant time off as compensation for overtime worked by certain employees of the Government Printing Office, and for other purposes.

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

Mr. GROSS. Mr. Speaker, in view of what happened last week at the Government Printing Office, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ESTABLISH A VOLUNTEERS IN THE PARK PROGRAM

The Clerk called the bill (H.R. 12758) to authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I think we ought to have an explanation of whether this is the start of a so-called Domestic Peace Corps, or what this is all about.

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

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

Mr. SAYLOR. Mr. Speaker, this is not the start of a domestic peace corps. The purpose of this bill is to allow the Park Service to continue by law actual living history programs. For example, down in Fredericksburg on the battlefield, people have volunteered to come in and take the place of both the Union and the Confederate forces. They have been volunteers, but there has been an opinion by the Attorney General that he is afraid there might be a tort liability as far as the Federal Government is concerned if there is not a proper act. So the Park Service has come to our committee and asked us to pass this bill allowing them to have volunteers so they may sign a waiver, so there will be no liability on

the Federal Government. This is the purpose of this act, but it is not the start of a domestic peace corps.

Mr. GROSS. What is the reason for the \$100,000 annual appropriation?

Mr. SAYLOR. Because there are uniforms to be purchased and there may be transportation of people to participate in this, and this is the reason for it.

Mr. GROSS. Will the \$100,000 transport all the volunteers around the country?

Mr. SAYLOR. No; most of them will not require transportation. Most of them will be local and will pay their own transportation. But it might be necessary for the Park Service in certain areas to use a bus to bring certain people to certain of the areas. The Park Service wants this to cover that kind of expenditure.

Mr. GROSS. Has the gentleman heard that there is a movement on foot to create a domestic peace corps and that it has been suggested it be located in or administered by the Department of the Interior?

Mr. SAYLOR. That is correct. I have heard that. But this has nothing to do with the Park Service. This has no part of the Domestic Peace Corps; of that I can assure the gentleman.

Mr. GROSS. I hope the gentleman is correct.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore (Mr. PERKINS). Is there objection to the present consideration of the bill?

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

H.R. 12758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, or other visitor services or activities in and related to areas administered by the Secretary through the National Park Service.

Sec. 2. The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

Sec. 3. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For the purpose of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

Sec. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Sec. 5. This Act may be cited as the "Volunteers in the Parks Act of 1969."

With the following committee amendment:

Page 2, line 21, strike out "Act." and insert in lieu thereof "Act, but not more than \$100,000 shall be appropriated in any one year."

The committee amendment was agreed to.

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

Mr. ASPINALL. Mr. Speaker, the bill now before the House was cosponsored by Representatives JOHN P. SAYLOR and JOE SKUBITZ. The purpose of the measure is to authorize the Secretary of the Interior to utilize the voluntary services of qualified individuals who can help the National Park Service more adequately serve the public.

Essentially, H.R. 12758 seeks to accomplish a dual objective—both mutually desirable. First, if enacted, it will provide the mechanism which is required in order to enlist the services of people interested in specific areas or activities in the national park system. Second, it will expand the opportunities for the public to more fully use and enjoy our various national park areas.

At the present time, volunteers are used to a very limited extent. Their services are employed primarily at areas where some organization has a particular interest in promoting and developing a greater public understanding of it. These people serve without compensation, but they provide a valuable public service. Prior to accepting their services, however, the Park Service must require these volunteers to agree, in writing, that the United States is free of all liability for any injury which they might receive while providing such services. In addition, these volunteers are required to pay all expenses connected with their service unless donated funds are available for this purpose.

Naturally, while people are willing to give the Government one of their most valuable assets—their free hours—they are somewhat reluctant to do this if they have to assume all of the risks of injury and, also, assume all of the expenses connected with their donated services. Essentially, these are the problems which H.R. 12758 attempts to resolve.

The bill does not authorize any compensation to be paid to those people who wish to volunteer their services. It does, however, enable the National Park Service to extend to them the same remedies that are available to Federal employees for accidental injuries. While we do not foresee that any volunteer will be injured, and while no known injuries have been sustained by volunteers heretofore, the legislation is drafted prospectively so that in the unlikely, though possible, event that some volunteer is injured in service, he or she can seek the remedies available at law.

Mr. Speaker, these volunteers are public-spirited citizens who will be used to complement and supplement the career and seasonal employees. They will not replace any regular employees of the National Park Service, but they can help

to provide services which will expand the public enjoyment and use of our national park areas. In short, the volunteers will expand the capacity to accommodate the needs of park visitors without significantly increasing the operating costs. Since they are not to be compensated for their services, these volunteers, of course, would not be subject to the restrictions on appointments of personnel under title II of the Revenue and Expenditure Control Act.

Even though no compensation in the form of wages or salaries is to be paid to these individuals, there may be some expense connected with their services. It is expected that public funds will be used to provide necessary uniforms, period costumes, and travel and subsistence costs directly related to the voluntary services. Since these people will be giving their time without charge, they should not be expected to incur direct expenses in order to make their contribution.

Mr. Speaker, we do not expect recruiting for the program to begin with large numbers of volunteers. We expect these people to be selected on the basis of their interest in and qualifications for the services which they are to provide. At first, probably only about 100 will be selected. The numbers will grow as the program develops and matures, but it will begin as an experiment. Because it is virtually untried, the committee has indicated its intention to exercise thorough oversight over it.

To facilitate congressional oversight, the Members will note that the committee has recommended that the appropriations should be limited to no more than \$100,000 annually. This amount should be ample to cover the costs involved in the years ahead. Then, if the program succeeds and additional funds are needed, the Congress can increase the authorization sometime in the future.

Mr. Speaker, the members of the committee on Interior and Insular Affairs recognize the potential value of this program—to the volunteers, to the public and to the Government. Not only can it provide untold benefits for young people who are interested in the outstanding natural, historic, scientific, and recreation areas of the national park system, but it can give new meaning to the lives of many Americans who have retired from full-time employment, but who would enjoy serving the public on a part-time voluntary basis.

As the Government Standard—a publication issued by the American Federation of Government Employees—indicated:

(This program) sounds like a golden opportunity . . . for those who enjoy the outdoors to get their fresh air, while donating their most valuable asset, their time, to our Nation's fine parks.

Mr. Speaker, I urge the Members of the House to approve H.R. 12758.

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

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 12758, a bill to authorize the Secretary of the Interior to establish a volunteers in the park program and for

other purposes. I am privileged to co-sponsor this legislation to establish a truly meritorious program.

The purpose of this bill is to authorize the Secretary of the Interior to recruit, train, and accept without compensation, individuals as volunteers to aid and assist in the interpretive functions, visitor services, and other activities relating to areas administered by the National Park Service. The bill authorizes the appropriation of not more than \$100,000 in any one year to carry out the purpose of the volunteers in the park program and provide for transportation, uniforms, lodging, and subsistence, and other incidental expenses when necessary and appropriate.

The volunteers recruited under this program will not be considered Federal employees except for the purposes of the Federal Tort Claims Act and those statutes relating to compensation to Federal employees for work injuries.

In the past the National Park Service has utilized the services of individuals and organizations volunteering to assist the Park Service in their interpretive efforts. For example, the efforts to interpret and reconstruct the historic engagements between the Union and Confederate forces in the Civil War were accomplished largely by volunteer services on the part of individuals and interested organizations. In many other areas of our national park system the volunteer effort has assisted in providing the general public with an understanding of the historical importance of the area and the need to preserve it. However, this has not been accomplished that easily. Individuals and volunteers who now offer their assistance are required to sign a waiver of liability on behalf of the United States. Nor are such volunteers entitled to compensation for injuries suffered while in the performance of their volunteer services. This has resulted in severely restricting the acceptance of volunteer services by the National Park Service.

This legislation will remove these limitations and permit public-spirited citizens to accept appointment under the volunteers in the park program for a limited period of time. The duties of the volunteers will be complementary and supplementary to the duties of the regular career employees of the National Park Service. The volunteers' duties will involve interpretation and visitor services, special information services, assisting in archeological digs, special research projects, and interpreting historical events.

These volunteers will be recruited from the areas in close proximity to the park facilities.

Mr. Speaker, I support and urge the passage of this legislation.

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

Mr. SKUBITZ. Mr. Speaker, I rise in support of H.R. 12758, a bill to authorize the Secretary of the Interior to establish a volunteers in the park program and for other purposes, which I am pleased to co-sponsor with my good friend from Pennsylvania, Mr. SAYLOR.

The purpose of this legislation is to authorize the Secretary of the Interior to

employ individuals without compensation to serve as volunteer workers in the National Park Service. The bill also authorizes the Secretary of the Interior through the National Park Service to provide transportation, uniforms, lodging, and subsistence as may be necessary and appropriate.

The volunteers participating in this program will not be considered Federal employees except for the purposes of the Federal Tort Claims Act and other statutes relating to compensation for injuries resulting or occurring during the course of their volunteer employment. The bill authorizes not more than \$100,000 to be appropriated in any one year to carry out the purposes of the volunteers in the park program.

At the present time volunteers are utilized in the national park system on a very limited and restricted basis because of legal technicalities which require a waiver of liability. Nonetheless, volunteer service in the National Park Service, even on the very limited basis, has contributed immeasurably to the world-renowned reputation of our national park system. This legislation will remove the inhibitions which deter many volunteers from performing this service to our Nation.

The volunteers in the park program is not in any way intended to detract from the fine public service of the regular career employees. Rather, the volunteer efforts will be complementary and supplementary to the duties of the regular employees. The duties of the volunteer will involve interpretive and visitor services, special information services, assisting in special research projects and archeological digs, and interpreting historical events.

The volunteers will be selected largely from areas close to the park facilities and for skills which are not generally available on the regular staff, and as supplementary skills needed to support and bolster the interpretive efforts.

The volunteers in the park program will hopefully provide appropriate and meaningful assistance in the interpretive program contemplated for the bicentennial celebration of this great Nation in 1976.

Mr. Speaker, I urge the passage of this legislation.

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

TIME SHORT FOR THE EDA

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

Mr. HARSHA. Mr. Speaker, today the House of Representatives had been scheduled to consider a piece of legislation supremely important to thousands of Americans in the disadvantaged sections of our country. Unfortunately, action on this much needed extension of the 1965 Economic Development Act has been delayed another week. The original Economic Development Act is scheduled to expire in just 30 short days and by the

time action is taken next week, the life of this outstanding program will be even closer to termination. Today, I am urging my colleagues to utilize the extra time wisely, to study the provisions of the Economic Development Act and the outstanding results of its many programs. The lives of countless families have been bettered and the facilities of countless communities improved through implementation of this idea.

Mr. Speaker, next week we will be debating a much needed 1-year extension of the present economic development program. Passage of H.R. 15712 will allow continuance of these all-important economic development programs while studies determine the need for additional legislation in this area. H.R. 15712 will appropriate an additional \$770 million for grants, loans, and technical assistance through the next fiscal year. These economic development programs stimulate local interest, local planning and local private capital investment which serves to reduce unemployment and underemployment invariably present in disadvantaged areas. Furthermore, the program provides much needed capital improvement for these areas which otherwise would not be able to finance them. There is another benefit that should not be overlooked. Although historically funded at less than one-half the authorized amounts, the remaining unauthorized balances in any one fiscal year represent a cushion for subsequent appropriations during that year as a temporary job-producing measure in the event of a slackening in the national economy.

Mr. Speaker, since the inception of the idea, the Economic Development Act has more than adequately proven its worth. At the appropriate time, I will urge passage of this important measure, H.R. 15712, and I hope my colleagues will demonstrate unanimity in continuing these programs for economically deprived areas.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 147]

Adair	Brock	Conte
Anderson, Calif.	Brooks	Conyers
Anderson, Ill.	Broomfield	Corbett
Anderson, Tenn.	Brown, Calif.	Corman
Andrews, Ala.	Brown, Mich.	Crane
Ashley	Burlison, Mo.	Cunningham
Aspinall	Burton, Utah	Daddario
Baring	Cabell	Daniels, N.J.
Bell, Calif.	Camp	Davis, Ga.
Berry	Carey	Dawson
Betts	Cederberg	de la Garza
Bevill	Celler	Delaney
Biaggi	Chappell	Dent
Blackburn	Chisholm	Diggs
Blanton	Clausen	Dingell
Brasco	Don H.	Dorn
Bray	Clawson, Del.	Dowdy
	Clay	Downing
	Cohelan	Dulski

Dwyer	Lennon	Roe
Edwards, Calif.	Long, La.	Rogers, Colo.
Evins, Tenn.	Lujan	Rooney, N.Y.
Farbstein	Lukens	Roudebush
Feighan	McCarthy	Roybal
Fish	McClary	Ruth
Fisher	McCloskey	Sandman
Flowers	McCulloch	Scherle
Flynt	McMillan	Scheuer
Foley	Macdonald,	Schwengel
Ford	Mass.	Shipley
William D.	MacGregor	Smith, Calif.
Frelinghuysen	Mann	Smith, Iowa
Fulton, Tenn.	Mathias	Smith, N.Y.
Gallagher	May	Stubblefield
Gaydos	Mayne	Stuckey
Gilbert	Michel	Symington
Goldwater	Miller, Calif.	Taylor
Gray	Mills	Teague, Calif.
Green, Oreg.	Monagan	Tierman
Hagan	Morse	Tunney
Halpern	Nichols	Udall
Hanna	Olsen	Van Deerlin
Hansen, Idaho	O'Neal, Ga.	Vander Jagt
Hansen, Wash.	Ottinger	Waldie
Harrington	Patten	Watkins
Hastings	Pelly	Watson
Hawkins	Pettis	Weicker
Hays	Pickle	Whalley
Hébert	Pollock	Whitten
Hollfield	Powell	Widnall
Hull	Preyer, N.C.	Wiggins
Jones, Ala.	Pucinski	Wilson, Bob
Keith	Purcell	Willson,
Kirwan	Rees	Charles H.
Leggett	Rhodes	Yates

The SPEAKER. On this rollcall 270 Members have answered to their names, a quorum.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill, a joint resolution, and concurrent resolutions of the House of the following titles:

H.R. 11628. An act to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress;

H.J. Res. 1069. Joint resolution extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune;

H. Con. Res. 520. Concurrent resolution authorizing the printing of an additional 1,000 copies of House Report 91-610, 91st Congress, first session, entitled "Report of Special Study Mission to Southern Africa" for the use of the Committee on Foreign Affairs of the House of Representatives;

H. Con. Res. 537. Concurrent resolution providing for the printing as a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren;

H. Con. Res. 578. Concurrent resolution authorizing the reprinting of a "Compilation of Works of Art and Other Objects in the U.S. Capitol," as a House document, and for other purposes;

H. Con. Res. 584. Concurrent resolution relative to printing as a House document a history of the Committee on Agriculture; and

H. Con. Res. 585. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for

flood control navigation, and for other purposes, and

H. Con. Res. 580. Concurrent resolution authorizing certain printing for the Select Committee on Crime.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 14685) entitled "An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. INOUE, Mr. CANNON, Mr. PROUTY, and Mr. GOODALL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program;

S. 1500. An act to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham;

S. 2763. An act to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation;

S. Con. Res. 61. Concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs" as a Senate document;

S. Con. Res. 66. Concurrent resolution authorizing the printing of additional copies of Senate hearings on space program benefits; and

S. Con. Res. 70. Concurrent resolution authorizing the compilation and printing of a revised edition of the Biographical Directory of the American Congress (1774-1970).

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the House Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

INTERNATIONAL LABOR ORGANIZATION CONFERENCE IN GENEVA, SWITZERLAND

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 103 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1033

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a member from the majority and a member from the minority of the Committee on Education and Labor to attend the International Labor Organization Conference in Geneva, Switzerland, between June 3, 1970, and June 25, 1970.

He is further authorized to appoint as

alternates two members from the majority and two members from the minority of the said committee.

Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the aforesaid delegates and alternates from the Committee on Education and Labor of the House of Representatives engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided*, (1) That no member of said committee shall receive or expend local currencies for subsistence in an amount in excess of the maximum per diem rates approved for overseas travel as set forth in the Standardized Government Travel Regulations, as revised and amended by the Bureau of the Budget; (2) that no member of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee in any country where counterpart funds are available for this purpose.

That each member of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the identification of the agency. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

With the following committee amendments:

On page 2, line 22, after the word "Government," insert "the cost of such transportation and".

On page 2, line 22, after the word "agency," insert: "Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones."

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

Mr. MADDEN. Mr. Speaker, the resolution authorizes the Speaker of the House to appoint one majority member and one minority member of the Committee on Education and Labor to attend the International Labor Organization Conference in Geneva, Switzerland, between June 3, 1970, and June 25, 1970, and further authorizes him to appoint as alternates two majority members and two minority members of the committee.

The resolution authorizes the use of counterpart funds and is in the form of the usual travel resolution with the exceptions of two amendments which should be made to bring it in line with other similar resolutions ordered reported by the Committee on Rules. On page 2, line 22, after the word "Government," insert "the cost of such transportation, and". Also on page 2, line 22, after the word "agency," the so-called Hall amendment should be inserted, which would disallow dual per diem within a 24-hour period.

Mr. Speaker, I urge the adoption of House Resolution 1033.

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

Mr. MADDEN. Yes, I yield to the gentleman.

Mr. GROSS. I thank the gentleman from Indiana. As I understand it, this would provide for a junket for six members of the House Committee on Education and Labor—a member from the majority, a member from the minority, and two Democrat alternates and two Republican alternates. Is that right?

Mr. MADDEN. Those alternates take the place of the duly constituted appointees if they cannot qualify. Only two will go to these conventions at any one time.

Mr. GROSS. Only two would go at one time?

Mr. MADDEN. Yes. They are interchangeable.

Mr. GROSS. I thought perhaps they would send the alternates over to Geneva, Switzerland, so they could be there on a standby basis in case there was some scenery to be viewed by the principal delegates while the conference was in session.

Are they going to be over there for 22 days, as the resolution indicates, or will they go on a staggered basis?

Mr. MADDEN. I, personally, have never taken one of those trips. In fact, I have not been on any junkets since I have been in Congress and I would not be in a position to interpret what they are going to do as you term a so-called junket.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I suppose the gentleman from Indiana and I share the uncommon ailment of being nonjunketeers.

Mr. MADDEN. We are a daily double, you and I.

Mr. GROSS. A daily double?

Mr. MADDEN. You and I.

Mr. GROSS. I do not know what the daily double is.

Does the gentleman think that two members of the committee and four alternates will be sufficient to represent this country in Geneva?

Mr. MADDEN. It is not my understanding that the alternates are going to participate unless the regular delegates are disqualified or are ill.

Mr. GROSS. Are there any counterpart funds in Geneva?

Mr. MADDEN. Well, they will probably get those here.

Mr. GROSS. Probably get those in this country?

Mr. MADDEN. Yes.

Mr. GROSS. Do we have counterpart funds in this country?

Mr. MADDEN. I have never gotten any myself. I do not know where they are located.

Mr. GROSS. Are they aware of the new gimmick of special drawing rights, SDR's? Does the gentleman know whether these delegates are aware of that new "paper gold"?

Mr. MADDEN. I do not know. The gentleman had better consult some of the Members that make these trips.

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

As the gentleman from Indiana (Mr. MADDEN) has ably stated, this resolution, if agreed to, authorizes the Speaker to appoint a Member from the majority, and a Member from the minority, together with two alternates from each party, to attend the annual meeting of

the International Labor Organization. Use of counterpart funds are authorized to be expended by those attending the conference, which is held during the month of June, in Geneva, Switzerland.

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

Mr. QUILLEN. I shall be happy to yield to the gentleman from Iowa.

Mr. GROSS. I thought these junketeers were going only to one country, Switzerland. Are they going elsewhere abroad?

Mr. QUILLEN. I will state to the gentleman from Iowa that he is correct. It is singular rather than plural.

Mr. GROSS. So, the counterpart funds would have to be in Geneva?

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

Mr. GROSS. I thank the gentleman.

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

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The SPEAKER pro tempore (Mr. TEAGUE of Texas). The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Iowa will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, was this resolution passed? I did not hear the Chair announce the passage of the resolution.

The SPEAKER pro tempore. The Chair announced that the "ayes" had it and that the resolution was agreed to.

Mr. GROSS. I thank the Speaker pro tempore.

NOMINATION OF DR. J. RICHARD LUCAS AS DIRECTOR OF THE BUREAU OF MINES

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

Mr. HECHLER of West Virginia. Mr. Speaker, since the passage of the Federal Coal Mine Health and Safety Act of 1969, the Bureau of Mines has been charged with challenging new responsibilities of vast proportions. The Bureau has been leaderless since the first of March 1970 when the very able Director of the Bureau of Mines, Mr. John F. O'Leary was fired.

Mr. Speaker, I have some grave reservations about the nominee who has been designated by the President to head the Bureau of Mines, Dr. J. Richard Lucas. These reservations are shared also by my distinguished colleague, the gentleman from Pennsylvania (Mr. SAYLOR), who sent a strong letter to the President

detailing his objections to Dr. Lucas. Although a new Director is sorely needed, he must be a man with a thorough knowledge of the new law, a capacity for leadership, and a man who places the highest priority on the health and safety of the miners. Dr. Lucas has failed to demonstrate that he possesses the qualities enumerated.

Since March 1, 1970, the Bureau of Mines has in effect been in a shambles, and enforcement of the new law has been shot through with a peculiar mixture of literal, over-enforcement without flexibility, and gross under-enforcement of the new law. These facts have been documented thoroughly in the material which I shall insert in the RECORD. Dr. Lucas has revealed no grasp of the dangerous situation into which he is moving, or the almost-superhuman challenge he confronts in the administrative bureaucracy, the economic pressures, and the complexity of the problems in the mining industry.

Mr. Speaker, under my unanimous-consent request I include at this point the text of a letter to the chairman of the Senate Committee on Interior and Insular Affairs which heard Dr. Lucas last week and also a letter which I sent to the Secretary of the Interior, the Honorable Walter J. Hickel.

The letters referred to follow:

MAY 28, 1970.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have carefully reviewed the transcript of the May 25, 1970 hearing before the Senate Committee on Interior and Insular Affairs, relating to the nomination of Dr. J. Richard Lucas as Director of the Bureau of Mines.

I strongly recommend that the nomination of Dr. Lucas be disapproved, for the following reasons:

1. Since the passage of the Federal Coal Mine Health and Safety Act of 1969, the Bureau of Mines has been charged with challenging new responsibilities of vast proportions. The Bureau has been leaderless since March 1, 1970. Although a new Director is sorely needed, he must be a man with thorough knowledge of the new law, a capacity for leadership, and a man who places the highest priority on the health and safety of the miners. Dr. Lucas has failed to demonstrate that he possesses the qualities enumerated.

2. Since March 1, 1970, the Bureau of Mines has in effect been in a shambles, and enforcement of the new law has been shot through with a peculiar mixture of literal, over-enforcement without flexibility, and gross under-enforcement of the new law. These facts have been documented thoroughly in the attached correspondence. Dr. Lucas has revealed no grasp of the dangerous situation into which he is moving, or the almost superhuman challenge he confronts in the bureaucracy, the economic pressures, and the complexity of the programs. I hesitate to use a somewhat hackneyed word, yet it seems clear that the word "mediocrity" is applicable in this case.

3. Very few people in the academic world in which Dr. Lucas moved have expressed any great enthusiasm for his capability to handle this difficult position. On May 7, 1970, I wrote the enclosed letter to Dr. M. D. Hassialis of the School of Mining Engineering at Columbia University, where Dr. Lucas received his Ph.D. degree in 1965. Unfortunately, Dr. Hassialis is now in Germany and will

not be able to respond to my letter until later, but I believe his opinion must be officially solicited.

4. Although I believe the issue of "plagiarism" has been somewhat overplayed, and may not prove to be as important as the other points listed above, the issue has not been fully resolved. It would be helpful for the committee to talk with those individuals involved in the F.B.I. Report, and ask Dr. Lucas to submit copies of all his professional papers for review by the committee staff.

5. The testimony would seem to indicate that Dr. Lucas' prime loyalty is to the coal industry. The history and philosophy of the Bureau of Mines has been heavily on the side of production, rather than protection of the public interest and the men who work in the mines. Likewise, minerals other than coal will be under the Director's jurisdiction. Dr. Lucas may not have an obvious conflict of interest, yet his point of view is clearly not dedicated to the public interest.

The deep concern over administration of the new Act and the serious problems Dr. Lucas will face is reflected in the enclosed joint letter from Chairman John Dent of the General Labor Subcommittee, joined by Congressman Phillip Burton and myself.

In conclusion, I would say that Dr. Lucas is a "weak sister" who would be incapable of coping with the mountain of problems he would confront in this job, where the administrative and economic pressures are enormous.

Sincerely,

KEN HECHLER.

MAY 20, 1970.

HON. WALTER J. HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR SECRETARY HICKEL: I know that you are deeply concerned about the plight of this Nation's coal miners. Your concern was evidenced early in the consideration of the Federal Coal Mine Health and Safety Act of 1969 when you testified before the House General Subcommittee on Labor on March 4, 1969 and said (Hearings, pp. 52-54):

"* * * it is clear that our society can no longer tolerate the exorbitant cost in human life and human misery that is exacted in the mining of this essential fuel. Unless we find ways to eliminate that intolerable cost, we must inevitably limit our access to a resource that has an almost inexhaustible potential for industrial, economic, and social good."

"Our society has achieved an affluence unparalleled in man's history. It is time, I think—in fact, past time—that we begin to recognize more distinctly the responsibilities and realize more fully the opportunities which that affluence has given us."

"No longer can there be a claim that the safety and health of the workers in one of our major industries are luxuries that we cannot afford."

"As a people we have always placed human values at the summit of our esteem. We pride ourselves on our resourcefulness and our efficiency. Yet, the way that we mine coal today is not humanitarian, resourceful, or efficient. It is inexcusably wasteful of our most precious asset—the human being."

But, unfortunately, I find little evidence that other officials of the Interior Department who are responsible to you for the administration of the Federal Coal Mine Health and Safety Act of 1969 share your concern. They do not even attempt to show a sense of urgency in administering this law. Frankly, I am appalled at some of the actions taken by the Department to date, as well as at the many instances where it has failed to act.

I urge you to make a personal review of the administration of the Act to date before the situation worsens.

I believe it appropriate to bring the following points to your attention.

I. NO GOVERNMENT POSITION ON TEMPORARY RESTRAINING ORDERS

On April 23, and 30, 1970, United States District Court Judge H. E. Widener, Jr., issued two temporary restraining orders governing coal mine health and safety enforcement.

Almost a month has passed since the first order was issued and the Interior Department has yet to state its position on the orders. It has not even indicated what, if any, actions it will take to appeal them, or to revise its regulations to remove the objectionable features that caused the Judge to issue the orders.

As a matter of fact, the Department's first response was a negative one, namely on April 24, 1970, it issued an instruction by telegram to cease all inspections.

Next, the Department responded to the suit by extending the scope of the orders beyond the 77 plaintiffs to the entire nation. Thus, the largest operators, like U.S. Steel, have received from the Department a gift of the fruits of the orders which they did not seek themselves in court. They are not even parties to the suit, except behind the scenes.

Further, Under Secretary Russell, in two recent amendments to the penalty fee schedule, which the court forbade the Department to enforce, is still acting as if the fee schedule is in accord with the law.

1. What is the Department's position on these temporary restraining orders?

2. Is it not more profitable from the standpoint of the miner's safety to take steps to rescind the fee schedule and the regulations in the March 28, 1970 *Federal Register* publication which the court now forbids the Department to enforce and republish those which meet the requirements of sections 101(j) and 301(d) of the Act than attempt to fight the orders before a three judge court, and possibly lose?

II. REMARKS BY ASSISTANT SECRETARY HOLLIS M. DOLE

On May 11, 1970, Assistant Secretary Dole spoke before the 1970 Coal Convention of the American Mining Congress, in Cleveland, Ohio. A copy of his remarks is enclosed.

Mr. Dole said in part as follows:

"The intent of the Congress in this Act is clear, and the provisions are quite specific. In the Administration of the law, we in the Interior Department feel that very little has been left to our discretion. If there are any doubts with respect to the wording in particular places, we believe we must resolve them in favor of affording greater protection to the men working in the mines, even if we are knowingly putting an additional burden on the industry."

3. (a) What is the Department's basis for concluding that "little has been left to our discretion under the law?"

(b) Is it not true that the Department has wide discretion, for example, (i) to establish new standards, (ii) to provide reasonable time and to extend that time in notices of violations issued to operators to comply with various provisions of the Act, (iii) to determine whether a closing order should be issued, and (iv) to establish the amount of any civil penalty?

I am heartened to see that Mr. Dole believes that if "there are any doubts with respect to wording 'in the Act, the Department' must resolve them in favor of affording greater protection to the men working in the mines."

That statement is significant because it is consistent with the preamble in section 2 of the Act which provides that

"the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner."

It also is consistent with the Statement of the Managers on the Part of the House (H. Conf. Rept. 91-761, December 16, 1969)

which holds " * * * the managers intend that the Act be construed liberally when improved health or safety to miners will result."

It is, however, disquieting, Mr. Secretary, to also see Mr. Dole adding a final patronizing clause to an otherwise fine sentence that the Department will resolve these doubts in favor of the miners "even if we are knowingly putting an additional burden on the industry."

This is a "burden" that is long overdue in this industry. It is a burden that is inherent in a broadened health and safety program that requires many more safety standards and a dust standard, and that eliminates the unscientific distinction between gassy and non-gassy mines. You recognized that there would be such a burden just in eliminating this distinction when you said, at the March 4, 1969 House Hearings, it "will require large new investments and increased operating costs * * *". Rather than expressing patronizing statements to the industry, the Department, in its rhetoric and its actions, should assure the operators and the miners that it will act reasonably and responsibly in its administration of the law.

III. NO REPLY YET

On April 3, 1970, you responded to my letter of March 5, 1970, concerning enforcement of the Act. I had also written the Department on February 20, 1970. In your letter, you advised me that since my letter of February 20, 1970, "raised a legal question" it was referred to the Solicitor and I will receive a "substantive reply in a few days."

More than 40 days have passed and the Solicitor has yet to reply.

IV. JOINT CONGRESSIONAL LETTER

On April 22, 1970, the day before Judge Widener's first order, Congressman Dent, Chairman of the General Labor Subcommittee, Congressman Phillip Burton, a member of that subcommittee, and myself sent a joint letter to the Department raising a number of issues concerning its administration of the Act and requested a response to the issues raised therein by May 4, 1970.

We have yet to receive that response.

V. THE FEE SCHEDULE

In our April 22, 1970, joint letter to you, we called upon the Department to "rescind" this fee schedule which is not in accord with the Act. Seven days later, Federal District Court Judge Widener specifically restrained the Secretary of the Interior and others from enforcing section 301.50 of the Department's March 28, 1970 regulations (35 F.R. 5257) "insofar as it permits the Bureau of Mines to assess penalties and accept payments in accordance with the schedule published therein in lieu of hearing * * *."

Yet, on May 4, 1970, the Department published two separate amendments to this fee schedule (35 F.R. 7181 and 7182). Both are effective upon publication. Both amendments were approved by Under Secretary Russell.

4. (a) If the Department is restrained from enforcing the fee schedule by the court order of April 30, 1970, what is the legal effect of these two amendments (i) on the plaintiffs in the law suit, and (ii) on operators and miners not plaintiffs to the law suit?

Please provide to me a legal opinion of the Solicitor on this point.

(b) If, under the order as the Department interprets its scope, the Solicitor finds the amendments without legal effect, then why did the Under Secretary find it necessary or desirable to publish them?

(c) Since the Department recognized that the rulemaking provisions of 5 U.S.C. 553 applied to the fee schedule on initial publication, but found it "impracticable" to have rulemaking, what is the legal basis for the Department now concluding (i) that, in the case of the first amendment (35 F.R. 7181),

rulemaking is not applicable because the "amendment involves rules of agency organization, procedure, or practice", and (ii) that, in the case of the second amendment (35 F.R. 7182), there is no need to cite a reason for failure to provide rulemaking?

Please provide to me a legal opinion on this point also.

(d) Was there consultation with the Justice Department prior to publishing the amendments? If so, please provide a copy of any written views of that agency.

5. (a) Why is the definition of second, third, and additional violations set forth in the first amendment limited to violations of "a particular standard" only?

(b) What about violations of Title I of the Act?

6. In our joint letter of April 22, 1970, we said that we understood that the Department intended the terms first, second, and third violations to mean that violations "cited in second and later inspections" in a 12-month period would "incur a progressively greater fine." Please explain the reasons for the Department changing its position so as to require increased penalties only if there is a repeat of "a particular violation" on reinspection.

7. What is the legal basis in the statute for, in effect, wiping the slate clean at the end of each 12-month period and reducing the penalty to the level of a first violation?

8. (a) In regard to the second amendment, why are these reduced penalties applicable retroactively to March 30, 1970, and prospectively to September 30, 1970?

(b) What is the justification for reducing an imminent danger penalty, for a violation that could be as serious as the Farmington disaster that killed 79 miners, from \$500 to \$20?

(c) What is the justification for reducing the other penalties from \$100 to \$4, and \$25 to \$1, respectively?

(d) Is the footnote added to the fee schedule by the second amendment intended to apply to the second and subsequent violations also?

(e) If the Department found it appropriate to reduce the penalties for the mine operators under the fee schedule, why was not a proportionate reduction made for the miners also?

VI. MANDATORY SPOT INSPECTIONS

Section 103(1) of the Act requires that the Secretary "provide a minimum of one spot inspection by his authorized representative of all or part of" a mine having a history of certain hazardous conditions "during every five working days."

In response to my request of April 7, 1970, the Acting Director of the Bureau of Mines by letter of May 6, 1970, provided to me three tables listing underground coal mines in West Virginia which the Bureau finds (1) meets the criteria of section 103(1), and (2) that spot inspections are required for such mines. The tables identify 91 mines in West Virginia subject to section 103(1). The tables also show that few spot inspections have, in fact, been made by the Department at these mines between April 1, 1970, and May 6, 1970.

9. When will the Department meet the requirements of this section as to each of these mines?

10. (a) If a death or injury occurs in any one of these 91 mines during any five day period when a required spot inspection does not take place, will the United States be liable for damages in a suit brought by the miner or his survivor under the Federal Tort Claims Act, as amended for failure to comply with the statutory mandate? Please provide to me a legal opinion on this issue.

(b) If the answer is yes, what steps is your Department taking to prevent the possibility of such suits and loss to the treasury?

VII. INTERIOR'S APRIL 25, 1970, TELEGRAM TO INSPECTORS

Enclosed is a copy of my statement of April 29, 1970, "Crisis in Coal Mine Safety" (Cong. Rec. pp. 13479-13491), concerning some of the actions of the Interior Department under the Act. The statement includes a discussion of a telegram issued by the Bureau of Mines to its 5 district managers directing them to resume inspections suspended by the Bureau on April 24, 1970.

11. (a) What, in either temporary restraining order issued by Judge Widener, leads the Department to the conclusion that the orders apply nationwide? Please cite the appropriate provision in the orders.

(b) If there is nothing in either order to support the Department's action, what is the administrative justification for extending the application of these orders nationwide?

12. What is the legal basis in the Judge's orders for the Department's statement in the wire that the March 28, 1970, regulations of the Department "are invalid and unenforceable"?

13. (a) What is the legal basis in the Judge's April 23, 1970, order for Interior stating in the wire that the Act's Title III mandatory safety standards "may be enforced to the extent that the operators are able to comply within the bounds of existing technology and available equipment"?

(b) If there is none, why has the Department so limited its enforcement?

14. (a) What is the legal basis in the Judge's April 23, 1970, order for the Interior Department to instruct its inspectors to "inspect all coal mines only as against the safety standards under Title III of the Act"? (Underlining supplied.)

(b) If there is none, why has the Department so limited its enforcement?

15. Did Judge Widener hold that "with regard to conditions that cannot be abated because of the lack of technology or because equipment is not available" the Department's inspectors should not "issue any notice or penalty"?

I hope that the Department can promptly answer this letter and my letter of February 20, and our joint letter of April 22. If, however, the Department finds it impossible to provide a complete response to all of the issues raised in these letters within a short period of time, I hope that it will respond to as many as possible and indicate when a response will be made on the others.

Sincerely,

KEN HECHLER.

RAILROAD PASSENGER SERVICE

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

Mr. ADAMS. Mr. Speaker, last week the House debated the future of air transportation and at that time I indicated that many of us were interested in trying to develop the comprehensive transportation system this country will need in the 1970's and 1980's involving land, sea, and air.

There is now pending before the House Committee on Interstate and Foreign Commerce an imaginative and practical solution to the rail passenger service problem which was cosponsored by myself and over 100 Members. This measure, now called the Rail Passenger Service Act, has now passed the Senate by a vote of 78 to 3. It would establish an independent corporation to provide a basic network of intercity passenger service. The Subcommittee on Transporta-

tion and Aeronautics of the Committee on Interstate and Foreign Commerce completed several days of hearings early this year, and this week we hope to conclude the hearings by receiving testimony from Secretary of Transportation John Volpe and others.

I hope that this proposal, which has the support of the railroads, railway labor, the Department of Transportation, and the National Association of Railroad Passengers, will receive prompt consideration by the full membership of the Committee on Interstate and Foreign Commerce. It offers hope for railroad passengers who have seen service dwindle and decline in quantity and quality. I include an editorial from the Evening Star of May 8 endorsing the corporation concept, in the RECORD following these remarks:

[From the Evening Star, May 8, 1970]

SAVING THE TRAINS

It is a rare day when the railroad passenger gets any good news. Almost all the time, he has to watch helplessly as train after train is dropped and the quality of the remaining service declines. When he does manage to catch a train headed the way he wants to go, he gets the feeling the railroad would be just as happy if he took his business elsewhere.

So there is no future in the current state of affairs, with railroads constantly pressing to reduce or eliminate passenger service on the ground it loses money. The Penn-Central provided the most spectacular example of this trend with its plea to drop 40 trains, including everything west of Harrisburg.

The overwhelming Senate approval of a bill to set up a government-sponsored corporation to take over inter-city passenger service thus is a welcome sign for the weary rider of the rails. Something will be done at last to save this efficient and in some circumstances indispensable means of transportation. The plan is backed by the administration, the rail industry and an organization of rail passengers, and House passage is regarded as likely. The Department of Transportation is to decide which of the remaining inter-city trains should be kept. We trust this will be done intelligently. Some of the \$175 million in federal money going into the project will be used to modernize roadbeds, a prerequisite for running fast trains that can compete with alternate modes of transportation on short-haul runs.

Who really needs a train? Anyone might, when snow blocks the highways and the ceiling is too low (or the air-traffic personnel are too sick) to permit the planes to fly. Even barring those calamities, plenty of people would ride the trains if they were fast enough, reliable enough and comfortable enough to give the customer the feeling that he was welcome.

There is further hope for rail transport in the uncertainties of the environmental crisis. The train, with its ability to haul great numbers of people with a minimum of insult to its surroundings, should find an honorable and permanent place in the nation's transportation network. If the current legislation makes that possible, it will be worth the price of a new highway to nowhere.

IN SEARCH OF A MIDDLE EAST POLICY

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

Mr. ADDABBO. Mr. Speaker, the crisis in the Middle East can no longer be

ignored. The tragic and inhuman slaughter of 12 innocent children and their teachers on a school bus in Israel by Arab terrorists near the Lebanon border is terrible illustration of Arab determination to destroy Israel and their absolute unwillingness to reach a peaceful settlement of the conflict at this time.

The presence of Russian pilots and other personnel in Egypt has created an urgent need for U.S. assistance to Israel. It has not only altered the delicate balance of military power in that troubled area but has in effect challenged our Nation to take a stand.

Despite these incidents the President has taken no real position on the Middle East question. He has issued statements which are vague and subject to differing interpretations. He has promised a continuing review of our policies, but has done little. In fact, it seems at times that we have no policy with respect to the Middle East.

There is widespread fear among those in position of leadership in the Jewish community both in Israel and in this Nation that the United States is turning its back on an ally. A telegram which I received from Rabbi Harry Schneider of Congregation Kneseth Israel Ralph Pelcovitz in Far Rockaway, N.Y., expresses the concerns of millions of Americans and many in this Chamber. I insert the text of the telegram in the RECORD at this point:

FAR ROCKAWAY, N.Y., May 26, 1970.
Representative JOSEPH ADDABBO,
Rayburn Building,
Washington, D.C.:

We are horrified at the wanton killing of twelve innocent children and teachers by Arab terrorists in northern Israel at the Lebanese border stop. We urge you to speak out against these terrorists acts and also to use your good offices in urging the President to authorize the sale of jet planes to Israel in view of the threat to her security by the presence of Russian pilots and personnel in Egypt stop the security of Israel as well as that of United States demands immediate action.

CONGREGATION KNESETH ISRAEL
RALPH PELCOVITZ,
Rabbi HARRY SCHNEIDER,
President.

Mr. Speaker, I believe there is in the Congress broad bipartisan support for the immediate sale of jet planes to Israel as requested by that nation. I have urged this action before and I will continue to urge the President to act on this request because the longer the United States tries to avoid making decisions on Middle East policy, the greater the danger to the security of Israel.

In addition to the the sale of jet planes to Israel, the President should take other steps to clarify and strengthen our position with respect to acts of provocation by Arab nations. Specifically, I would urge the following steps:

First. Support for the British motion to condemn the terrorist slaughter of the Israel schoolchildren and teachers.

Second. Stronger protest within the United Nations by the United States against the presence of Russian personnel in Egypt.

Third. The issuance of a clear and positive position statement by the Presi-

dent and the Secretary of State dealing with U.S. policy in the Middle East.

Fourth. Announcement that any new acts of provocation by Arab nations or further arms shipment or other military aid from Russia to Arab nations will result in increased U.S. assistance to Israel.

Mr. Speaker, these steps may not solve the crisis—because only direct agreement between Israel and her neighbors can achieve that objective—but they will halt the deterioration of United States-Israel relations and stabilize the military situation in the Middle East.

DECEPTIVE MAGAZINE SALES

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

Mr. ROONEY of Pennsylvania. Mr. Speaker, the Federal Trade Commission this morning took firm and positive action to end years of consumer trickery by a number of the Nation's foremost magazine subscription sales agencies.

Having been personally involved in an investigation of subscription selling methods for almost a year and a half, I am very pleased to make note of the FTC action.

Late last week the FTC mailed notices to Cowles Communications, Inc.; Time, Inc.; the Hearst Corp., and the Perfect Film—formerly Curtis Publications—advising of the commission's intent to file formal complaints of alleged deceptive practices by subsidiary agencies which sell multiple magazine subscription contracts on a budget payment plan.

Each of the parent corporations is afforded an opportunity to consent voluntarily to "cease and desist" from engaging in a broad range of sales and collection abuses or face litigation.

The announced action is significant for many reasons. It is a clear declaration of the Federal Trade Commission's dissatisfaction with industry efforts at self-regulation. The industry's "PDS code" of selling practices, which was administered by the Magazine Publishers Association's central registry of magazine subscription solicitors, was granted a 3-year trial period by the FTC 3 years ago last month. But violations continued to the present time.

Early in my own investigation of magazine sales abuses, I concluded that self-regulation was both ineffective in curbing abuses and, in certain respects, was responsible for perpetuating abuses through public relations efforts which were aimed at disarming the natural suspicions of consumers, rather than disarming the agencies and the personnel utilizing deceptive methods and high pressure tactics.

I am particularly pleased to report to my colleagues, many of whom have received magazine complaints from their constituents, that the FTC order encompasses every major area of consumer trickery by these PDS agencies that I had urged the commission to consider. In some respects, the order goes beyond my greatest expectations.

I am pleased to have had some small

role in focusing attention on the abuses that persisted so long, despite industry self-regulation. It is appropriate to acknowledge that my attention was directed to this problem 18 months ago by the "Action Express" public service column of the Easton Express newspaper of Easton, Pa.

Further, I commend the Federal Trade Commission and its staff for the exemplary steps taken today to end these abuses, once and for all.

At this point, I would like to include a copy of the Commission's press release:

FTC COMPLAINTS CHARGE MAJOR MAGAZINE FIRMS WITH DECEPTIVE SALES TACTICS

The Federal Trade Commission today announced its intention to issue complaints charging four leading magazine firms with using deceptive means to get long-term subscription contracts and harassing deceived subscribers.

(Note: The Commission issues a complaint when it has "reason to believe" that the law has been violated. Such action does not imply adjudication of the matters charged.) Issued under the FTC's consent order procedure, the proposed complaints charge violations of law by:

Cowles Communications, Inc., 488 Madison Ave., New York City; and five wholly owned subsidiaries—Civic Reading Club, Inc., Educational Book Club, Inc., Home Reader Service, Inc., Mutual Readers League, Inc., and Home Reference Library, Inc., all located at 111 Tenth St., Des Moines, Iowa.

Perfect Film & Chemical Corp., 641 Lexington Ave., New York City, and its wholly owned subsidiary, Perfect Subscription Co., Independence Square, Philadelphia, and a wholly owned subsidiary of Perfect Subscription, Keystone Readers' Service, Inc., Seventh and Main Streets, Fort Worth, Tex.

The Hearst Corp., 959 Eighth Ave., New York City, its wholly owned subsidiary, Periodical Publishers' Service Bureau, Inc., 310 N. Superior St., Sandusky, Ohio, and International Magazine Service of the Mid-Atlantic, Inc., 2518-2524 N. Charles St., Baltimore, a franchise of Periodical Publishers.

Time Incorporated, Time-Life Building, New York City, and its wholly owned subsidiary, Family Publications Service, Inc., 1212 Avenue of the Americas, New York City.

The complaints allege that the firms' door-to-door salesmen and telephone solicitors have misrepresented the terms and conditions of contracts, which generally run from two to five years. It is contended that prospects have been misled into believing they are getting free subscriptions or special or reduced rates, and will be allowed to cancel the subscriptions.

The complaints also charge that: Subscribers must pay substantially higher monthly payments over a substantially shorter period of time than claimed by salesmen.

Salesmen frequently induce a customer to sign a contract by falsely claiming it is something else—such as a preference list, a guarantee or a route slip.

The companies harass those they consider to be delinquent subscribers by telephoning them at unreasonable hours and falsely claiming that their credit rating will be adversely affected unless payment is made and that legal action will be taken against them.

In these door-to-door solicitations, salesmen have not informed subscribers of their right to cancel the contract within a reasonable time or have prevented them from exercising this right; and this is an unfair practice where the subscriber incurs a long term obligation under these conditions and circumstances.

The firms also would be required to institute a surveillance program to insure that their dealers and solicitors abide by the or-

ders, and to stop dealing with any who continue the deceptive practices.

The companies have been given the opportunity to advise the Commission whether they are interested in having the proceeding disposed of by the entry of a consent order.

NATIONAL CONTINGENCY PLAN FOR CONTROL OF POLLUTION OF THE NATION'S COASTS AND WATERWAYS

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

Mr. CRAMER. Mr. Speaker, today I had the pleasure of being with Chairman Russell E. Train of the Council on Environmental Quality when he announced the national contingency plan for control of pollution of the Nation's coasts and waterways by oil and other hazardous materials on behalf of the President. This plan was prepared as a result of an amendment I offered to the Water Quality Improvement Act of 1970—Public Law 91-224—which act was signed by the President on April 3 of this year. The purpose of the act is to provide an effective, coordinated program for the control of oil spills and includes methods of notification, containment of the spill, clean up and dispersing the spill, restoring the environment, recovering damages, and strong enforcement procedures.

It establishes a national strike force team and serves as the first step in the provision of a complete plan to be coordinated with regional contingency plans and local contingency plans in coordination with State and local governments as well as private industry. This plan is of such interest that I am including it within my remarks so that it may appear in the CONGRESSIONAL RECORD.

I am pleased to announce the newly developed national oil contingency plan to deal with oil spills but warn that it is merely the first step in meeting the national objective of minimizing pollution from oil discharged into or upon the waters of the United States.

The national oil contingency plan, prepared as a result of a requirement wrote into this year's Water Quality Improvement Act, was made public today in Washington. The act provides for an appropriation of \$35 million for a revolving fund to support the contingency plan. In his message to Congress May 20, President Nixon stated his intention to forward to Congress a request for the \$35 million to finance the plan.

The recent oil spill in Tampa dramatically revealed how unprepared this country is to deal effectively and efficiently with such a disaster.

That experience convinced me that bold, new methods must be developed by the Federal Government, in cooperation with State and local governments and private agencies, to combat this growing threat to our environment.

It became obvious to me that a program must be developed which would provide for discovery and notification of an oil spill, methods for containing the spill to

as limited an area as possible, cleaning up and dispersing the spill, restoring the environment, recovering damages, and strong enforcement procedures.

I felt that a national strike force team, supplemented with local strike force teams capable of merging with other strike forces within a region should be established. These strike forces would be staffed by experts and equipped with the most modern tools available to accomplish rapid containment and immediate clean-up of all spills in order to minimize damage to the ecology.

As a result, I successfully offered a number of amendments to the Water Quality Control Act of 1970 which at the time of the Tampa spill was in House-Senate conference. One of these amendments directed the President to prepare, within 60 days after the act became effective, a national oil and hazardous materials pollution contingency plan, the plan which is being presented today and which embraces many of the concepts I feel are essential if this problem is to be met.

It should be emphasized that considerably more must be done before the national objective of minimizing the damage from oil spills is squarely met. In particular, much research must go into developing means to contain oil spills and the disbursement of pollutants without endangering the ecology.

In discussing the plan, Chairman Train stated:

As President Nixon said earlier this year, "Environmental problems occur today because we were not alert enough, informed enough, or far-seeking enough yesterday." With this National Contingency Plan in effect, we must reduce to the minimum environmental damage from oil spills and the release of other harmful materials.

The responsibility for cleaning up or containing spills of oil or other materials which threaten to damage the environment belongs with the polluter. In those instances where the responsibility cannot be immediately assigned, or the polluter cannot handle cleanup properly, the Federal response under the National Contingency Plan will be quick and thorough in order to contain the pollutants and institute effective cleanup activities.

In spelling out the plan, Chairman Train indicated that—

The National Plan spells out duties and actions to be taken by the following Federal agencies: Department of the Interior (Federal Water Quality Administration and Geological Survey); Department of Transportation (U.S. Coast Guard); Department of the Army, (Corps of Engineers); Department of the Navy; Department of Health, Education and Welfare; and the Office of Emergency Preparedness. Members of these agencies comprise a standing National Interagency Committee, or which Interior Assistant Secretary Carl L. Klein and Rear Admiral Robert W. Goehring are Chairman and Vice Chairman respectively.

National strike forces will be established in various locations by the Coast Guard, to be made available upon request to assist during pollution incidents. Regional Strike Forces are being established as are emergency task forces of trained personnel at major U.S. ports. Regional action plans have been developed under the National Plan to assure coordinated Federal actions with State and local participating agencies as part of the overall response to spills of oil and hazardous materials.

While the Federal role is designed to pro-

vide coordination of abatement and cleanup activities, the regional plans together provide for an extensive national integrated response to pollution emergencies.

A National Response Center has been established in Washington, D.C., providing communications, information storage, necessary personnel, and facilities to coordinate Federal activities. The primary agencies involved in the National Contingency Plan provide personnel as needed for national and regional pollution strike forces, while day-to-day staffing will be provided by the Coast Guard and Federal Water Quality Administration.

The Plan also identifies dispersants and other chemicals that may be used in certain limited circumstances and provides guidelines for their use.

A revolving fund has been established by the President to assure that money is available to initiate and conduct cleanup efforts. The President indicated recently that he would request an appropriation of \$35 million to finance cleanup operations under the National Contingency Plan. Those who are responsible for oil spills are required to reimburse the revolving fund for the costs of abatement and cleanup.

The Regional Plans are available for public information in U.S. Coast Guard District Offices and Regional Offices of the Interior Department's Federal Water Quality Administration.

The contingency plan follows:

NATIONAL OIL AND HAZARDOUS MATERIALS POLLUTION CONTINGENCY PLAN

100. INTRODUCTION

101.—Background:

101.1. This Plan was developed pursuant to the provisions of the Water Quality Improvement Act of 1970 (PL 91-224). Paragraph 2 of Subsection C authorizes the President, within 60 days after the section becomes effective, to prepare and publish such a Plan. The Plan provides for efficient, coordinated and effective action, to minimize damage from oil (and other) discharges, including containment, dispersal, and removal. The Plan includes (a) assignment of duties and responsibilities, (b) identification, procurement, maintenance and storage of equipment and supplies, (c) establishment of a strike force and emergency task forces, (d) a system of surveillance and notice, (e) establishment of a national center to coordinate identifying, containing, dispersing and removing oil, and (g) a schedule identifying dispersants and other chemicals that may be used in carrying out the Plan, the waters in which they may be used, and quantities which may be safely used. The Plan will be revised from time to time.

101.2. Operation of the National Contingency Plan requires a nationwide net of regional contingency plans; this Plan establishes guidelines for that nationwide net.

102.—Purpose and Objectives:

102.1. This Plan (including the annexes) provides for a pattern of coordinated and integrated responses to pollution spills by Departments and agencies of the Federal government. It establishes a national response team and provides guidelines for the establishment of regional contingency plans and response teams. This Plan also promotes the coordination and direction of Federal, State and local response systems and encourages the development of local government and private capabilities to handle such pollution spills.

102.2. The objectives of this Plan are: to develop appropriate preventive and preparedness measures and effective systems for discovering and reporting the existence of a pollution spill; to institute, promptly, measures to restrict the further spread of the pollutant; to assure that the public health, welfare, and natural resources are provided adequate protection; to apply techniques to

cleanup and dispose of the collected pollutants; to provide for a scientific response to spills as appropriate; to provide strike forces of trained personnel and adequate equipment to respond to polluting spills; and to institute actions to recover cleanup costs and to effect enforcement of existing Federal statutes and regulations issued thereunder. Detailed guidance toward the accomplishment of these objectives is contained in the basic Plan, the annexes and the regional plans.

103. Scope:

103.1. This Plan will be effective for all United States navigable waters including inland rivers, Great Lakes, coastal territorial waters, and the contiguous zone and high seas beyond this zone where there exists a threat to United States waters, shoreface, or shelf-bottom.

103.2. The provisions of this National Oil and Hazardous Materials Pollution Contingency Plan are applicable to all Federal agencies. Implementation of this Plan is compatible and complementary to currently effective assistance plans, agreements, security regulations, and responsibilities based upon Federal statutes and Executive Orders.

104. Abbreviations:

104.1. Department and Agency Title Abbreviations:

DHEW—Department of Health, Education, and Welfare.

DOD—Department of Defense.

DOI—Department of the Interior.

DOT—Department of Transportation.

OEP—Office of Emergency Preparedness.

FWQA—Federal Water Quality Administration.

USCG—U.S. Coast Guard.

USPHS—U.S. Public Health Service.

COE—U.S. Army Corps of Engineers.

USN—U.S. Navy.

USGS—U.S. Geological Survey.

104.2 Operational Title Abbreviations:

NIC—National Interagency Committee for Control of Pollution by Oil and Hazardous Materials.

NRC—National Response Center.

NRT—National Response Team.

RRC—Regional Response Center.

RRT—Regional Response Team.

OSC—On-Scene Commander.

105. Definitions (within the meaning of this plan):

105.1 Discharge—includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

105.2. Pollution Incident—is a spill, including an imminent threat of spill, of oil or other hazardous substance of such magnitude or significance as to require immediate response to contain, cleanup or dispose of the material to prevent a substantial threat to public health or welfare, which includes threats to fish, shellfish, wildlife, shorelines and beaches.

105.3. Major disaster—is any flood, drought, fire, hurricane, earthquake, storm or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to become of sufficient severity and magnitude to warrant disaster assistance by the Federal government to supplement the effort and available resources of States and local governments in alleviating damage, hardship or suffering.

105.4. Oil—oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

105.5. Hazardous Substance—is an element or compound, other than oil as defined in 105.4, which when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, presents an imminent and substantial danger to the public health or welfare, including, but not

limited to, fish, shellfish, wildlife, shorelines and beaches.

105.6. Minor Spill—is a discharge of oil of less than 100 gallons in internal waters, or less than 1000 gallons in offshore waters, or a spill of small quantities of other substances. Discharges that: (1) occur in or endanger critical water areas; (2) generate critical public concern; (3) become the focus of an enforcement action; or (4) pose a threat to public health or welfare, should be classified as moderate or major spills depending on their degree of impact.

105.7. Moderate Spill—is a discharge of oil of 100 gallons to 10,000 gallons in the internal waters or 1000 gallons to 100,000 gallons in offshore waters, or a discharge of any material of any size that poses a threat to public health or welfare.

105.8. Major Spill—is a discharge of oil of more than 10,000 gallons in internal waters or more than 100,000 gallons in offshore waters or a discharge of any size of such nature and quantity that human health or welfare are substantially threatened.

105.9. Potential Spill—is any accident or other circumstance which threatens to result in the discharge of oil or other hazardous substance. A potential spill shall be classified as to severity based on the guidelines above.

105.10. Primary Agencies—those Departments or agencies which are designated to have primary responsibility to promote effective operation of this Plan. These agencies are: DOI, DOT, OEP, DHEW and DOD.

105.11. United States—means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

105.12. Remove or Removal—is the removal of oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare.

200. FEDERAL POLICY AND RESPONSIBILITY

201. Federal Policy:

201.1. The Congress has declared that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone. Further, the discharge in harmful quantities of oil into or upon the navigable waters of the United States, adjoining shorelines or into or upon the waters of the contiguous zone is prohibited except where permitted under Article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine.

201.2. A primary thrust of regional plans is to provide a Federal response capability at the regional level. OSC shall determine if the person responsible for the discharge of oil or other hazardous substances is taking adequate action to remove the pollutant or adequately mitigate its effects. When such person is taking adequate action, the principal thrust of Federal activities shall be to observe and monitor progress and to provide advice and counsel as may be necessary. In the event that the person responsible for a pollution incident does not act promptly, does not take or propose to take proper and appropriate actions to contain, clean up and dispose of pollutants or the discharger is unknown, further Federal response actions shall be instituted.

201.3. The Federal agencies possessing facilities or other resources which may be useful in a Federal response situation will make such facilities or resources available for use in accordance with this plan as supplemented by the regional plans. Agencies making resources available shall make such

assignment consistent with operational requirements, within the limits of existing statutory authority.

202. Federal Responsibility:

202.1 Each of the primary Federal agencies has responsibilities established by statute, Executive Order or Presidential Directive, which may bear on the Federal response to a pollution incident. This plan intends to promote the expeditious and harmonious discharge of these responsibilities through the recognition of authority for action by those agencies having the most appropriate capability to act in each specific situation. Responsibilities and authorities of these several agencies relevant to the control of pollution incidents are detailed in the annex. In the development of the regional plans, provision shall be made to assure recognition of the statutory responsibilities of all involved agencies.

202.2. The Department of the Interior is responsible for administering, developing and revising the National Oil and Hazardous Materials Contingency Plan and for developing and revising the plans in areas where the Coast Guard is not assigned the responsibility to furnish or provide for OSC's (Sec. 306.2). In this activity DOI will give full consideration to the recommendations of NIC concerning the interpretation, revision and application of the plan. Through the resources of the Federal Water Quality Administration, DOI will provide technical expertise to NRT and the RRT's relative to water pollution control techniques. The assessment of damage to fish and wildlife resources will be made by the appropriate DOI agency.

202.3. The Department of Transportation through the U.S. Coast Guard, supplies expertise in the fields of navigation, port safety and security, and maritime law enforcement. Additionally, the Coast Guard maintains continuously manned facilities that are capable of command, control and surveillance for spills occurring on the navigable waters of the United States or the high seas. The Coast Guard is responsible for developing and revising those portions of the regional plans applicable to areas where the Coast Guard is assigned the responsibility to furnish or provide for OSC's (Sec. 306.2). DOI will provide guidance to and coordinate with DOT regarding pollution control and the protection of natural resources in the preparation of such plans.

202.4. The Office of Emergency Preparedness will maintain an awareness of pollution incidents as they develop. The normal OEP procedures will be followed to evaluate any request for a major disaster declaration received from a Governor of a State. If the President declares a major disaster under PL 81-875 for the pollution incident, the Director, OEP, will provide coordination and direction of the Federal response in accordance with OEP policies and procedures.

202.5. The Department of Defense, consistent with its operational requirements, may provide assistance in critical pollution incidents and in the maintenance of navigation channels, salvage, and removal of navigation obstructions.

202.6. The Department of Health, Education, and Welfare is responsible for providing expert advice and assistance relative to those spills that constitute a threat to public health.

202.7. Any Federal agency may make resources available. Primary agencies, however, have the following additional responsibilities: for providing official representation to NIC, NRT, and RRT; for making information available as may be necessary; and, for keeping RRT informed, consistent with national security considerations, of changes in the availability of resources that would affect the operation of this Plan.

203. Non-Federal Responsibility:

203.1. State and local governments, indus-

try groups, the academic community, and others are encouraged to commit resources for response to a spill. Their specific commitments are outlined by the regional plans. Of special relevance here is the organization of a standby scientific response capability.

300. PLANNING AND RESPONSE ELEMENTS

301. National Interagency Committee:

301.1. The National Interagency Committee for Control of Pollution by Oil and Hazardous Materials (NIC) is the principal instrumentality for plans and policies of the Federal preparedness and response to pollution incidents. The Committee is composed of representatives of the primary agencies. The representative of DOI will serve as Chairman of NIC and the representative of DOT will serve as Vice-Chairman.

301.2. NIC will develop procedures to promote the coordinated response of all Federal, State and local governments and private agencies to pollution spills, and will make recommendations to DOI concerning the interpretation, revision, and application of the National Plan. To facilitate the development of such procedures, NIC may request each agency to supply pertinent data and information on its response capability and operating procedures.

301.3. NIC will review regional contingency plans and make recommendations for improving the effectiveness of such plans. NIC will also coordinate and review reports from NRC and the RRC on the handling of major or unusual pollution incidents for the purpose of analyzing such incidents and recommending needed improvements in the contingency plans. Summary reports and other documents of an evaluative nature will be coordinated through NIC.

301.4. In considering the National posture for response to pollution incidents, the NIC will consider and make appropriate recommendations relating to the training of response team personnel, research, development, test and evaluation activities needed to support response capabilities, equipment and material stockpiling and other matters as the need arises.

301.5. NIC will establish and maintain liaison with the U.S. National Committee for the Prevention of Pollution of the Seas by Oil to promote a consistent United States posture regarding oil pollution control.

302. National Response Center:

302.1. The National Response Center (NRC) is the Washington, D.C., headquarters site for activities relative to pollution incidents. NRC will be accommodated in quarters described in the annex, and will provide communications, information storage, necessary personnel and facilities to promote the smooth and adequate functioning of this activity.

303. National Response Team:

303.1. The National Response Team (NRT) consists of representatives of the primary agencies and shall act as an emergency response team to be activated in the event of a pollution incident involving oil or other hazardous material which: (a) exceeds the response capability of the region in which it occurs; (b) transects regional boundaries; or, (c) involves national security or presents a major hazard to substantial numbers of persons or nationally significant amounts of property. A representative of DOI shall be the Chairman and a representative of DOT shall be Executive Secretary of NRT. The Executive Secretary shall maintain records of the NRT activities along with national and regional plans for pollution emergency responses. When NRT is activated because of a water pollution emergency situation, the Chairman of NRT will assume the role of principal coordinator of NRT activities.

303.2. A continual surveillance of incoming reports from the RRC's will be maintained in NRC. Whenever reports which require or appear to require a national re-

sponse are received, the members of NRT will be advised of the receipt of such reports and NRT may be activated on the request of any member.

303.3. During pollution incident operations, NRC will act as the focal point for national public information releases and for information transfer between the OSC and the Washington, D.C., headquarters of the agencies concerned, thereby promoting rapid and accurate information transfer and minimizing the radiation of spurious and incomplete information about any given situation. Public information activities are considered in the annex.

303.4. During a pollution incident, NRT will evaluate reports coming from the OSC, requesting additional information as may be indicated. NRT will coordinate the actions of other regions or districts in supplying needed assistance to the OSC. NRT may recommend courses of action through RRT for consideration by the OSC but has no operational control of the OSC. On the basis of reports and information about a pollution incident, NRT may request other Federal, State, and local governments or private agencies to consider taking action under whatever authorities they may have to accomplish needed deployment of personnel to monitor and observe the handling of any pollution incident. Copies of all reports and documents developed by NRT and RRT as a result of pollution incidents will be provided to NIC for its evaluation.

304. Regional Response Center:

304.1. The Regional Response Center (RRC) is the regional site for pollution control response activities. It will be accommodated in quarters described in each regional plan and will provide communications, information storage and other necessary personnel and facilities to promote the proper functioning and administration of the contingency plans.

305. Regional Response Team:

305.1. The Regional Response Team (RRT) consists of regional representatives of the primary agencies. RRT shall act as an emergency response team performing response functions within the region similar to those described for NRT. RRT will also perform review and advisory functions relative to the regional plan similar to those prescribed for NIC at the national level. Additionally, the RRT shall determine that a pollution incident exists, the duration and extent of the Federal response, and when a shift of on-scene coordination from the predesignated OSC to another agency is indicated by the circumstances or progress of a pollution incident.

305.2. For the purpose of the development of regional contingency plans, the standard regions developed for purposes of general Federal administration shall be used, except as may otherwise be agreed upon by the Departments of Interior and Transportation on a case-by-case basis for operational reasons. Any region may be divided into subregional or small areas of the plan, and shall as a minimum be divided into areas corresponding to the areas in which the Department of the Interior and Coast Guard are respectively responsible for furnishing or providing for the OSC's.

305.3. The agency membership on RRT is as established by the National Contingency Plan; however, individuals representing the primary agencies may vary depending on the subregional area in which the incident occurs. Details of such representation are specified in each regional contingency plan.

306. On-Scene Coordination:

306.1. Coordination and direction of Federal pollution control efforts at the scene of a spill or potential spill shall be accomplished through an On-Scene Commander (OSC). The OSC is the single executive agent predesignated by regional plan to coordinate

and direct such pollution control activities in each area of the region.

306.1-1. In the event of a spill of oil or other hazardous substance, the first Federal official on the site, from any of the primary agencies, shall assume coordination of activities under the Plan until the predesignated OSC becomes available to take charge of the operation.

306.1-2. The OSC shall determine pertinent facts about a particular spill, such as the nature, amount, and location of material spilled, probable direction and time of travel of the material, resources and installations which may be affected and the priorities for protecting them.

306.1-3. The OSC shall initiate and direct as required, Phase II, Phase III and Phase IV operations as hereinafter described.

306.1-4. The OSC shall call upon and direct the deployment of needed resources in accordance with the regional plan to initiate and continue containment, countermeasures, cleanup, restoration, and disposal functions.

306.1-5. The OSC shall provide necessary support activities and documentation for Phase V activities.

306.1-6. In carrying out this plan, the OSC will fully inform and coordinate closely with RRT to ensure the maximum effectiveness of the Federal effort in protecting the natural resources and environment from pollution damage.

306.1-7. It is recognized that in some cases the OSC, particularly where he is a Coast Guard Officer, may have other functions such as search and rescue, or port safety and security which must be performed along with pollution control functions.

306.2. The U.S. Coast Guard is assigned the responsibility to furnish or provide for OSC's for the high seas, coastal and contiguous zone waters, coastal and Great Lakes ports and harbors (and such other places as may be agreed upon between the Departments of the Interior and Transportation). The Department of the Interior will furnish or provide for OSC's in other areas. A major consideration in the selection of an OSC for a particular area will be that agency's capability and resources for on-scene coordination of pollution control activities. Each OSC and his area of responsibility will be detailed in the regional plans.

400. FEDERAL RESPONSE OPERATIONS— RESPONSE PHASES

400.1. The actions taken to respond to a spill or pollution incident can be separated into five relatively distinct classes or phases. For descriptive purposes, these are: Phase I. Discovery and Notification; Phase II. Containment and Countermeasures; Phase III. Cleanup and Disposal; Phase IV. Restoration; and Phase V. Recovery of Damages and Enforcement. It must be recognized that elements of any one phase may take place concurrently with one or more other phases.

401. Phase I—Discovery and Notification:

401.1. Discovery of a spill may be through deliberate discovery procedures, such as vessel patrols, aircraft searches, or similar procedures, or through random discovery by incidental observations of government agencies, private agencies, or the general public. In the event of deliberate discovery, the spill would be reported directly to the RRC. Reports from random discovery may be initially through fishing or pleasure boats, police departments, telephone operators, port authorities, news media, etc. Regional plans should provide for such reports to be channeled into RRC as promptly as possible to facilitate prompt reaction.

401.2. The severity of the spill will determine the reporting procedure and the participating Federal agencies to be notified promptly of the spill. The severity of the spill is determined by the nature and quantity of materials spilled, the location of the spill and the resources adjacent to the spill

area which may be affected by it. Regional plans should specify critical water use areas and detail alerting procedures and communication links.

402. Phase II—Containment and Countermeasures:

402.1. These are defensive actions to be initiated as soon as possible after discovery and notification of a spill or pollution incident. After the OSC determines that further Federal response actions are needed and depending on the circumstances of each particular case, various actions may be taken. These may include source control procedures, public health protection activities, salvage operations, placement of physical barriers to halt or slow the spread of a pollutant, emplacement or activation of booms or barriers to protect specific installations or areas, control of the water discharge from upstream impoundments and the employment of chemicals and other materials to restrain the pollutant and its effects on water related resources. Surveillance activities will be conducted as needed to support Phase II and Phase III actions.

403. Phase III—Cleanup and Disposal:

403.1. This includes those actions taken to remove the pollutant from the water and related on-shore areas such as the collection of oil through the use of sorbers, skimmers, or other collection devices, the removal of beach sand, and safe, non-polluting disposal of the pollutants which are recovered in the cleanup process.

404. Phase IV—Restoration:

404.1. This includes those actions taken to restore the environment to its pre-spill condition, such as replacement of contaminated beach sand.

405. Phase V—Recovery of Damages and Enforcement:

405.1. This includes a variety of activities, depending on the location of and circumstances surrounding a particular spill. Recovery of damages done to Federal property and to State and local government property is included; however, third party damage is not considered in this phase. Recovery of the costs of cleanup is a part of this phase. Enforcement activities under appropriate authority such as the Federal Water Pollution Control Act, as amended, the Refuse Act of 1899, and State and local statutes and ordinances are also included. The collection of scientific and technical information of value to the scientific community as a basis for research and development activities and for the enhancement of our understanding of the environment may also be considered in this phase. It must be recognized that the collection of samples and necessary data must be performed at the proper times during the case for enforcement and other purposes.

406. Procedures To Be Followed for the Purpose of Water Pollution Control:

406.1. The agency furnishing the OSC for a particular area is assigned responsibility to undertake and implement Phase I activities in that area. Other agencies should incorporate Phase I activities into their on-going programs whenever practicable. Upon receipt of information, either from deliberate or random discovery activities, that a spill has occurred, the OSC and the RRT for the affected area will be notified. Subsequent action and dissemination of information will be in accordance with the applicable regional plan.

406.2. The OSC is assigned responsibility for the initiation of Phase II actions and should take immediate steps to effect containment or other appropriate countermeasures.

406.3. The OSC is assigned responsibility for conduct of Phase III activities.

406.4. The OSC is assigned responsibility for the conduct of Phase IV activities utilizing techniques concurred in by the RRT.

406.5. Phase V activities shall be carried out by the individual agencies in accordance

with existing statutes, with such assistance as is needed from other agencies.

406.6. In the conduct of continuing Phase II actions after the determination by RRT that a pollution incident exists, Phase III activities, and continuing Phase IV activities after the deactivation of the RRT, water pollution control techniques, to the extent not provided for in the applicable regional plan, must receive the concurrence of the DOI representative on the RRT with respect to the use of chemicals (see Annex X).

500. COORDINATING INSTRUCTIONS

501. Delegation of Authority:

501.1. Delegation of authority or concurrence in proposed or continuing water pollution control activities may be either verbal or written by the representative on RRT of the agency having concomitant statutory authority.

502. Multi-Regional Actions:

502.1. In the event that a spill or a potential spill moves from the area covered by one contingency into another area, the authority to initiate pollution control actions shall shift as appropriate. In the event that a pollution spill or potential spill affects areas covered by two or more regional plans, the response mechanism called for by both plans shall be activated; however, pollution control actions shall be fully coordinated as detailed in the regional plan.

503. U.S. Public Vessels and Federally Operated Facilities:

503.1. When a spill is caused by a United States public vessel or by a Federally controlled facility, the responsible agency shall provide the OSC and take the initial response actions. Continuing water pollution control actions taken under Phase II, III, and IV must be concurred in by the RRT if activated or if the RRT is not activated, concurrence will be obtained from the representative on RRT of the agency having concomitant statutory authority.

504. Nuclear Pollutions:

504.1. In the event of a nuclear pollution incident the procedures of the Interagency Radiological Assistance Plan shall apply.

505. Notification:

505.1. All reports of spills or potential spills should be forwarded to the pre-designated On-Scene Commander immediately. The detailed instructions for further alerting and notification and reporting procedures are contained in regional plans.

506. General Pattern of Response Actions:

506.1. When the On-Scene Commander receives a report of a spill, or potential spill, the report should be evaluated. In most situations, the sequence of actions shown below should be followed.

506.1-1. Investigate the report to determine pertinent information such as type and quantity of material, source of spill, and the threat posed to public health or welfare.

506.1-2. Designate the severity of the situation and determine the future course of action to be followed.

506.1-3. Effect notification in accordance with regional plan.

506.2. The result of the report probably can be categorized by one of five classes. Appropriate action to be taken in each specific type case is outlined below:

506.2-1. If the investigation shows that the initial information overstated the magnitude or danger of the spill and there is no water pollution involved, it should be considered a false alarm and the case should be closed.

506.2-2. If the investigation shows a minor spill with the discharger taking appropriate cleanup action, contact is made with the discharger, the situation is monitored and information is gathered for possible enforcement action.

506.2-3. If the investigation shows a minor spill with improper action being taken the following measures should be taken:

a. Attempt should be made to prevent further discharges from the source.

b. The discharger should be advised of the proper action to be taken.

c. If after providing advice to the discharger and this advice is not followed, the discharger should be warned of legal responsibility for cleanup and violations of law.

d. Information should be collected for possible enforcement action.

e. The On-Scene Commander should notify appropriate State and local officials. He should keep the Regional Response Center advised and initiate Phase II and III activities as conditions warrant.

506.2-4. When the initial report or investigation indicates that a moderate spill has occurred or that a potential moderate spill situation exists, the On-Scene Commander should follow the same general procedures as for a minor spill. Additionally, the On-Scene Commander should make a recommendation on declaration of a pollution incident.

506.2-5. When the initial report indicates that a major spill has occurred or that a potential major spill situation exists, the On-Scene Commander should follow the same procedures as for minor and moderate spills. RRC should, however, be notified immediately of the situation even if the initial report has not been confirmed.

507. Strike Force:

507.1. A nucleus national level strike force, consisting of personnel trained, prepared and available to provide the necessary services to carry out this Plan has been established by the Coast Guard. This force, presently located on the East Coast, is being augmented and will soon be sited at various locations throughout the country. The national level strike force will be made available if requested to assist in response during pollution incidents and may be made available to assist during other spill situations. The national level strike force may be requested through the appropriate Coast Guard District Commander, or the Commandant, U.S. Coast Guard. The strike force will direct the operation of any government-owned specialized pollution cleanup equipment and will function under the OSC.

507.2. Regional plans shall provide the designation of local strike force teams consisting of personnel from operating units within the region. They shall be trained, prepared, and available to provide necessary services to help carry out the plan. Regional plans shall specify the location of the local strike force teams. The services of the local strike force teams will be obtained through the appropriate Coast Guard District Commander. These teams are to be capable of merging with other strike forces within the region, or of being sent outside their own region. They are to be capable of supplementing the national level strike force. The local strike force teams should be capable of full independent response to all minor spill situations and joint coordinative response to moderate or major spill situations or pollution incidents.

507.3. There shall be established at major ports (designated from time to time by the President) emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan. These emergency task forces will be complementary to the national and local level strike forces. Although designed primarily for operation in the designated port area, they should be capable of operating at other locations when directed. Regional plans encompassing any such designated ports shall include a detailed port plan.

600. FEDERAL AGENCIES

601. Amendment of the Plan:

601.1. The Plan shall be modified through procedures described in the Plan.

602. Amendment of the Annexes:

602.1. Annexes shall be developed or modified by the representatives to the National

Interagency Committee for Control of Pollution by Oil and Hazardous Materials.

603. Amendment of the Regional Plans:

603.1. Regional plans may be modified by the Coast Guard or the Department of the Interior in their respective areas with the concurrence of the agencies affected by such changes.

ANNEX I—1100. DISTRIBUTION

1101. Plan Distribution:

1101.1. This plan will be distributed to designated offices within the primary agencies to the plan, State and interstate water pollution control agencies and such other Federal, State, local and private agencies and organizations which are cooperating with and participating in activities in support of the plan. A detailed tabulation listing the elements of these agencies and organizations receiving formal distribution will be maintained by the NIC.

1101.2. Included in this formal distribution are the following:

Department of the Interior;
Department of Transportation;
Department of Defense;
Department of Health, Education, and Welfare;

Office of Emergency Preparedness;
All State water pollution control agencies;
All interstate water pollution control agencies;

Department of Justice; and
Other Federal, State, local and private agencies and organizations as appropriate.

1101.3. Formal distribution of the plan and amendments will be under the direction of the U.S. Department of the Interior, Federal Water Quality Administration.

1102. Amendment Distribution and Format:

1102.1. Amendments to the plan and annexes will be made by sequentially numbered changes. Numbered changes will be effected by means of a transmittal sheet which identifies the plan, the change number and date, the page numbers affected by the change and any other instructions deemed necessary for purposes of clarity or to make special emphasis or explanation of the change. There will be attached to the transmittal sheet the revised or added pages with the change number and current date on each page at the upper right hand corner.

1102.2. Where a change can be effected merely by pen and ink, the transmittal sheet could be used to accomplish the change without submission of revised pages. The use of pen and ink changes is limited to those cases where existing matter is being deleted or is of minor extent.

1102.3. Asterisks will be used to indicate changes. For line changes, an asterisk will be placed before and after each sentence changed in the left and right page margins. For paragraph changes, an asterisk will be placed before and after each paragraph changed and if continued on the next page, an asterisk will be placed at the top of the page and the end of the paragraph. For a paragraph deletion, an asterisk will be placed in the left margin and the paragraph number or letter will be retained in the original sequence followed by the word "Rescinded" in parenthesis.

1102.4. If the plan is completely rewritten, asterisks will not be used but supersession will be indicated at the bottom of the first page.

ANNEX II—1200. NATIONAL INTERAGENCY COMMITTEE

1201. Name:

1201.1. The full name of this committee is the National Interagency Committee for Control of Pollution by Oil and Hazardous Materials. It may be referred to as the National Interagency Committee or designated by the initials NIC.

1202. Purpose:

1202.1. The purpose of the National Interagency Committee is to provide an advisory body to ensure the viability of the operating program of the Federal government to deal with spills of oil and other hazardous substances.

1203. Objectives:

1203.1. The objectives of the National Interagency Committee are to develop plans and policies to:

1203.1-1. Promote the development of appropriate preventive and preparedness measures and effective systems for discovering and reporting the existence of a pollution spill;

1203.1-2. Institute measures to restrict the further spread of the pollutant;

1203.1-3. Assure that the public health and welfare are provided adequate protection;

1203.1-4. Apply techniques to cleanup and dispose of the collected pollutant; and,

1203.1-5. Institute actions to recover cleanup costs and to effect enforcement of existing Federal statutes.

1204. Functions:

1204.1. NIC will promote the development of procedures to coordinate the reaction of all Federal, State, local government and private agencies to pollution spills.

1204.2. NIC will make recommendations to DOI concerning the interpretation, revision and application of the National Contingency Plan.

1204.3. NIC will review Regional Contingency Plans and make recommendations for improving their effectiveness.

1204.4. NIC will coordinate and review reports from NRT and RRT on the handling of major and unusual pollution incidents for the purpose of analyzing such incidents and recommending needed improvements in contingency plans.

1204.5. NIC will make appropriate evaluations of the preparedness posture of the primary agencies toward spills of oil or hazardous substances.

1204.6. NIC will consider and make appropriate recommendations to the primary agencies relating to: the training response team personnel; research, development, test and evaluation activities; other matters needed to support response capabilities; equipment and material stockpiling; and other matters as the need arises.

1204.7. NIC will establish and maintain liaison with the U.S. National Committee for the Prevention of Pollution of the Seas by Oil to promote a consistent United States posture regarding oil pollution control.

1204.8. NIC will review and evaluate amendments proposed for the Regional Contingency Plans.

1204.9. NIC will consider and recommend to the Secretary of the Interior modifications or amendments to the annex section of the National Contingency Plan.

1205. Composition:

1205.1. The NIC shall be comprised of representatives of the primary agencies of this plan.

1205.2. Each primary agency shall designate a representative and an alternate to the National Interagency Committee. The Chairman of the NIC shall be notified in writing of such designations.

1205.3. The representative of the Department of the Interior shall serve as Chairman of the committee and the representative of the Department of Transportation as Vice-Chairman.

1205.4. Provision may be made for observers and consultants on a non-reimbursable basis from other Federal, State, or local agencies, and industry as circumstances warrant.

ANNEX III—1300. NATIONAL RESPONSE CENTER AND NATIONAL RESPONSE TEAM

1301. National Response Center Location:

1301.1. The National Response Center (NRC) for control of pollution by oil and

hazardous materials is established at the United States Coast Guard Headquarters, Washington, D.C.

1302. NRC Purpose:

1302.1. The purpose of the NRC is to provide physical facilities for coordination and control of an incident should national level involvement be required.

1303. Responsibility for NRC:

1303.1. The Commandant, U.S. Coast Guard, will provide the necessary communications and plotting facilities and equipment. This will include:

1303.1-1. Telephone branch lines.

1303.1-2. Teletype circuits.

1303.1-3. Adequate charts of U.S. navigable waters, the continental shelf and the ocean areas adjacent to U.S. territorial waters.

1303.1-4. Technical library on oil and hazardous materials pollution.

1303.1-5. Plotting and display provisions to visually depict the geographic position, movement and extent of the pollutant.

1303.2. Primary agencies will furnish competent personnel to man the NRC as required and furnish appropriate technical manuals and materials and such administrative support as required.

1303.3. The Coast Guard Duty Officer, pursuant to his standing instructions, will provide initial notification of a pollution incident to the DOT member who will promptly notify the other members of NRT.

1304. Communications Services Available:

1304.1. Telephone (voice) services available include:

1304.1-1. AUTOVON (Automated Voice Network)—general purpose switched voice network of Defense Communications Systems, which serves Continental U.S., Alaska, Europe, Pacific and Panama;

1304.1-2. Washington Tactical Switchboard-Pentagon terminal of the tactical telephone system, operated by USAF;

1304.1-3. FTS-GSA operated government administrative telephone system; and

1304.1-4. SARTEL—Search and Rescue Command Coordination telephone network including leased Hotline telephone net extending from Halifax to New Orleans.

1304.2. Teletype services available include:

1304.2-1. AUTODIN—A defense communications worldwide (high speed user data communications system operated for and managed by the DCA to provide both direct user to user and store and forward message switching service for DOD and other government agencies);

1304.2-2. SARLANT—Coast Guard leased teletype system extending from Massachusetts to Texas (used to control and coordinate SAR incidents under CEA and handles other operational traffic and priority administrative communications);

1304.2-3. SARPAC—Same as (2) for the West Coast U.S.; and

1304.2-4. TWX—Teletypewriter exchange service links 50,000 CONUS industry and government offices.

1305. Weather Information:

1305.1. Telephone (voice) with the Weather Bureau for domestic and oceanic weather and forecasted conditions.

1306. Ocean Conditions:

1306.1. Telephone and teletype connections are available for ocean surface conditions and forecasts for the Atlantic/Gulf from Fleetweather Central, Norfolk, Virginia or for the Pacific from Fleetweather Central, Pearl Harbor, Hawaii.

1307-1309. (Reserved Numbers):

1310. National Response Team Membership:

1310.1. The National Response Team (NRT) shall consist of representatives of the primary agencies. Each agency shall designate a sufficient number of alternates to ensure representation in the event that the member is unavailable.

1311. NRT Organization:

1311.1. The representative of DOI shall be the Chairman and the representative of DOT shall be Executive Secretary of NRT. The Executive Secretary shall maintain records of the NRT activities along with national and regional plans for pollution emergency responses. When NRT is activated because of a water pollution emergency situation, the Chairman of NRT will assume the role of principal coordinator of NRT activities.

1312. NRT Purpose:

1312.1. The NRT shall act as an emergency response team to be activated in the event of a pollution incident involving oil or other hazardous substances which: (a) exceeds the response capability of the region in which it occurs; (b) transects regional boundaries; or (c) involves national security or presents a major hazard to substantial numbers of persons or nationally significant amount of property.

1313. NRT Activation:

1313.1. The NRT may be activated by any primary agency through its representative on the NRT.

1313.2. Each representative, or an appropriate alternate, shall be notified immediately of activation of NRT.

1314. NRT Functions:

1314.1. When activated during a pollution incident the NRT will:

1314.1-1. Evaluate reports coming from the OSC, requesting additional information as may be indicated;

1314.1-2. Coordinate the actions of other regions or districts in supplying needed assistance to the OSC;

1314.1-3. Recommend courses of action through RRT for consideration by the OSC;

1314.1-4. Request, as appropriate, other Federal, State, local government or private agencies to consider taking action under whatever authorities they may have to accomplish needed objectives for the purpose of pollution control;

1314.1-5. Recommend the deployment of personnel to observe the handling of a pollution incident; and

1314.1-6. Establish the National News Office as prescribed in Annex VI.

1314.2. Between periods of emergency activations the NRT will:

1314.2-1. Maintain a readiness posture to respond to a nationally significant spill of oil or other hazardous substance;

1314.2-2. Maintain a continuing surveillance of incoming reports from all RRT's and activate NRT whenever appropriate; and,

1314.2-3. Forward copies of reports and documents developed by NRT and the RRT's relative to pollution incidents to the NIC for their information and evaluation.

ANNEX IV—1400 PRIMARY AGENCIES REGIONAL AND DISTRICT BOUNDARIES**1400. Geographical Boundaries:**

1400.1. Maps showing regional and district boundaries of the primary agencies and address and telephone lists for the principal field offices of these agencies follow.

1400.2. Regional planning will be based on the Standard Administrative Regions delineated on the map—1406.

Agency

1401. Department of the Interior—FWQA.

1402. Department of Transportation—USCG.

1403. Department of Defense.

1403.1 U.S. Army Corps of Engineers—Division and District Offices.

1403.2. U.S. Army Continental Army Commands.

1403.3. U.S. Navy Naval Districts.

1403.4. U.S. Air Force Reserve Regions.

1404. Department of Health, Education and Welfare—Regional Offices.

1405. Office of Emergency Preparedness—Regional Offices.

1406. Standard Administrative Regions.

1401. Department of the Interior—Federal Water Quality Administration Regional Offices

Northwest Region, FWQA, Rm. 2303, John F. Kennedy Federal Office Building, Boston, Massachusetts 02203, Telephone: 617 223-7210.

Middle Atlantic Region, FWQA, 918 Emmet Street, Charlottesville, Virginia 22901, Telephone: 703 296-1376.

Southeast Region, FWQA, Suite 300, 1421 Peachtree Street, NE, Atlanta, Georgia 30309, Telephone: 404 526-5737.

Ohio Basin Region, FWQA, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513 871-6200.

Northwest Region, FWQA, Rm. 570—Pittcock Block, Portland, Oregon 97205, Telephone: 503 226-3915.

Great Lakes Region, FWQA, Rm. 410, 33 East Congress Parkway, Chicago, Illinois 60605, Telephone: 312 828-5250.

Missouri Basin Region, FWQA, 911 Walnut Street, Rm. 702, Kansas City, Missouri 64106, Telephone: 816 374-5493.

South Central Region, FWQA, 3rd Floor, 1402 Elm Street, Dallas, Texas 75202, Telephone: 214 749-2161.

Southwest Region, FWQA, 760 Market Street, San Francisco, California 94102, Telephone: 415 556-5876.

1402. U.S. Department of Transportation, U.S. Coast Guard Districts

First Coast Guard District, J. F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203, Duty Officer: 617-223-3645.

Second Coast Guard District, Federal Building, 1520 Market Street, St. Louis, Mo. 63103, Duty Officer: 314-622-4614.

Third Coast Guard District, Governors Island, New York, N.Y. 10004, Duty Officer: 212-264-4800.

Fifth Coast Guard District, Federal Bldg. 431 Crawford Street, Portsmouth, Va. 23705, Duty Officer: 703-393-6081.

Seventh Coast Guard District, Room 1018, Federal Bldg., 51 SW. 1st Avenue, Miami, Fla., 33130, Duty Officer: 305-350-5611.

Eight Coast Guard District Customhouse, New Orleans, La. 70130, Duty Officer: 504-527-6225.

Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199, Duty Officer: 216-522-3983.

Eleventh Coast Guard District, Heartwell Bldg., 19 Pine Avenue, Long Beach, Calif. 90802, Duty Officer: 213-437-2944 (FTS) 213-437-2941 (Commercial).

Twelfth Coast Guard District, 630 Sansome Street, San Francisco, Calif. 94126, Duty Officer: 415-556-5500.

Thirteenth Coast Guard District, 618 2d Avenue, Seattle, Wash. 98104, Duty Officer: 206-624-2902.

Fourteenth Coast Guard District, 677 Ala Moana Blvd., Honolulu, Hawaii 96813, Duty Officer: (Hono) 588-841 (Commercial Only), Autovon, 315-732-4800 Drop 223.

Seventeenth Coast Guard District, P.O. Box 3-5000, Juneau, Alaska 99801, Duty Officer: 907-586-7340 (Commercial Only).

1403. Department of Defense, U.S. Army Corps of Engineers

1403.1. Division and district offices

U.S. Army Engineers Division, Lower Mississippi Valley, Corner Crawford and Walnut Streets, P.O. Box 80, Vicksburg, Miss. 39180, Tel. Duty Hours—601 636-1311, Nonduty Hours—601 635-9357.

U.S. Army Engineers District, Memphis, 668 Federal Office Building, Memphis, Tenn. 38103, Tel. Duty Hours—901 534-3221, Nonduty Hours—901 397-7501.

U.S. Army Engineers District, New Orleans, P.O. Box 60267, Foot of Prytanis Street, New Orleans, La. 70160, Tel. Duty Hours—504 865-1121, Nonduty Hours—504 865-1041, 504 861-2203.

U.S. Army Engineers District, St. Louis, 906 Olive St., St. Louis, Mo. 63101. Tel. Duty Hours—314 368-2817, Nonduty Hours—314 726-4735.

U.S. Army Engineers District, Vicksburg, P.O. Box 60, USPO & Courthouse, Vicksburg, Miss. 39180, Tel. Duty Hours—601 636-1311, Nonduty Hours—601 636-7111.

U.S. Army Engineers Division, Missouri River, P.O. Box 103 Downtown Station, USPO & Courthouse, 215 North 17th Street, Omaha, Nebraska 68101, Tel. Duty Hours—402 221-1221, Nonduty Hours—402 453-0202.

U.S. Army Engineers District, Kansas City, 700 Federal Office Building, 601 E. 12th Street, Kansas City, Mo. 64106, Tel. Duty Hours—816 374-3896, Nonduty Hours—913 649-6086.

U.S. Army Engineers District, Omaha, 7410 USPO & Courthouse, 215 North 17th Street, Omaha, Nebraska 68102, Tel. Duty Hours—402 221-1221, Nonduty Hours—402 453-0202.

U.S. Army Engineers Division, New England, 424 Trapelo Road, Waltham, Mass. 02154, Tel. Duty Hours—617 894-2400, Nonduty Hours—617 894-2404.

U.S. Army Engineers Division, North Atlantic, 90 Church Street, New York, N.Y. 10007, Tel. Duty Hours—212 264-3311, Nonduty Hours—212 269-2491.

U.S. Army Engineers District, Baltimore, P.O. Box 1715, 31 Hopkins Plaza, Baltimore, Md. 21203, Tel. Duty Hours—301 962-3311, Nonduty Hours—301 828-5195.

U.S. Army Engineers District, New York, 26 Federal Plaza, New York, N.Y. 10007, Tel. Duty Hours—212 264-3311, Nonduty Hours—212 264-3311.

U.S. Army Engineers District, Norfolk, Ft. Norfolk, 803 Front Street, Norfolk, Va. 23510, Tel. Duty Hours—703 625-8201, Nonduty Hours—703 622-7043.

U.S. Army Engr Dist, Philadelphia, U.S. Custom House, 2nd and Chestnut Street, Philadelphia, Pennsylvania 19106, Tel. Duty Hours—215 597-3311, Nonduty Hours—215 649-5702.

U.S. Army Engr Div, North Central, 536 S. Clark Street, Chicago, Ill. 60605, Tel. Duty Hours—312 353-6385, Nonduty Hours—312 646-2183.

U.S. Army Engr Dist, Buffalo, 1776 Niagara Street, Buffalo, N.Y. 14207, Tel. Duty Hours—716 876-5454, Nonduty Hours—716 876-5454.

U.S. Army Engr Dist, Chicago, 219 S. Dearborn Street, Chicago, Illinois 60604, Tel. Duty Hours—312 353-6406, Nonduty Hours—312 646-2183.

U.S. Army Engr Dist, Detroit, P.O. Box 1027, 150 Michigan Avenue, Detroit, Mich. 48231, Tel. Duty Hours—313 963-1261, Nonduty Hours—313 568-2840.

U.S. Army Engr Dist, Rock Island, Clock Tower Building, Rock Island, Illinois 61201, Tel. Duty Hours—309 788-6361, Nonduty Hours—309 762-0658.

U.S. Army Engr Dist, St. Paul, 1210 USPO and Customhouse, St. Paul, Minnesota 55101, Tel. Duty Hours—612 725-7506, Nonduty Hours—612 941-2060.

U.S. Army Engr Dist, Lake Survey, 630 Federal Bldg. and U.S. Courthouse, Detroit, Michigan 48226, Tel. Duty Hours—313 226-6161, Nonduty Hours—313 568-2840.

U.S. Army Engr Div, North Pacific, 220 S.W. 8th Street, Portland, Oregon 97209, Tel. Duty Hours—503 226-3361, Nonduty Hours—503 224-3275.

U.S. Army Engr Dist, Alaska, P.O. Box 7002, Anchorage, Alaska 99501, Tel. Duty Hours—907 752-9114, Nonduty Hours—907 279-1132.

U.S. Army Engr Dist, Portland, P.O. Box 2946, 2850 S.E. 82nd Avenue, Portland, Oregon 97208, Tel. Duty Hours—503 771-4441, Nonduty Hours—503 771-1305.

U.S. Army Engr Dist, Seattle, 1519 Alaskan Way, South Seattle, Washington 98134, Tel. Duty Hours—206 682-2700, Nonduty Hours—206 682-2700.

U.S. Army Engr Dist, Walla Walla, Bldg 602, City-County Airport, Walla Walla, Wash.

ington 99362, Tel. Duty Hours—509 525-5500, Nonduty Hours—509 525-3178.

U.S. Army Engr Div, Ohio River, P.O. Box 1159, 550 Main Street, Cincinnati, Ohio 45201, Tel. Duty Hours—513 684-3001, Nonduty Hours—513 561-3758.

U.S. Army Engr Dist, Huntington, P.O. Box 2127, 502 8th Street, Huntington, W. Va. 25721, Tel. Duty Hours—304 529-2318, Nonduty Hours—304 525-8332.

U.S. Army Engr Dist, Louisville, 830 West Broadway, Louisville, Ky. 40202, Tel. Duty Hours—502 582-5011, Nonduty Hours—812 256-3371.

U.S. Army Engr. Dist., Nashville, P.O. Box 1070, 306 Federal Office Building, Nashville, Tenn. 37202, Tel. Duty Hours—615 242-8321, Nonduty Hours—615 242-2769, 615 352-2871.

U.S. Army Engr. Dist., Pittsburgh, 2032 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222, Tel. Duty Hours—412 644-3311, Nonduty Hours—412 366-0947.

U.S. Army Engr. Div., Pacific Ocean Bldg. 96, Ft. Armstrong, Honolulu, Hawaii 96813, Tel. Duty Hours—808 40-0531, Nonduty Hours—808 5432-033.

U.S. Army Engr. Dist., Honolulu, Bldg. 96, Ft. Armstrong, Honolulu, Hawaii 96813, Tel. Duty Hours—808 403711, Nonduty Hours—808 868846.

U.S. Army Engr. Div., South Atlantic, 510 Title Bldg., 30 Pryor St., S.W. Atlanta, Georgia 30303, Tel. Duty Hours—404 526-0111, Nonduty Hours—404 233-7837.

U.S. Army Engr. Dist., Charleston, P.O. Box 919, Federal Building, 334 Meeting Street, Charleston, S.C. 29402, Tel. Duty Hours—803 577-4171, Nonduty Hours—803 766-5772.

U.S. Army Engr. Dist., Jacksonville, Federal Building, 400 West Bay Street, Jacksonville, Florida 32202, Tel. Duty Hours—904 791-2011, Nonduty Hours—904 389-8268.

U.S. Army Engr. Dist., Mobile, P.O. Box 2288, 2301 Airport Blvd., Mobile, Alabama 36601, Tel. Duty Hours—205 473-0311, Nonduty Hours—205 473-7362.

U.S. Army Engr. Dist., Savannah, P.O. Box 889, 200 East Saint Julian St., Savannah, Ga. 31402, Tel. Duty Hours—912 233-8822, Nonduty Hours—912 233-8825.

U.S. Army Engr. Dist., Wilmington, P.O. Box 1890, 308 Federal Building, U.S. Courthouse, Wilmington, N.C. 28401, Tel. Duty Hours—919 763-9971, Nonduty Hours—919 762-7035.

U.S. Army Engr. Div., South Pacific, 630 Sansome St., Rm. 1216, San Francisco, California 94111, Tel. Duty Hours—415 556-9000, Nonduty Hours—415 556-0914.

U.S. Army Engr. Dist., Los Angeles, P.O. Box 2711, 300 North Los Angeles St., Los Angeles, Calif. 90053, Tel. Duty Hours—213 688-5522, Nonduty hours—213 688-5522.

U.S. Army Engr. Dist., Sacramento, 650 Capitol Mall, Sacramento, Calif. 95814, Tel. Duty Hours—916 449-2000, Nonduty Hours—916 452-1535.

U.S. Army Engr. Dist., San Francisco, 100 McAllister Street, San Francisco, Calif. 94102, Tel. Duty Hours—415 556-9000, Nonduty Hours—415 556-3660.

U.S. Army Engr. Div., Southwestern, 1114 Commerce Street, Dallas, Texas 75202, Tel. Duty Hours—214 748-5611, Nonduty Hours—214 526-5007.

U.S. Army Engr. Dist., Albuquerque, P.O. Box 1580, 517 Gold Avenue SW., Albuquerque, N. M. 87103, Tel. Duty Hours—505 843-0311, Nonduty Hours—505 298-4556.

U.S. Army Engr. Dist., Fort Worth, P.O. Box 17300, 819 Taylor Street, Fort Worth, Texas 76102, Tel. Duty Hours—817 334-3011, Nonduty Hours—817 451-4420.

U.S. Army Engr. Dist., Galveston, P.O. Box 1229, Galveston, Texas 77550, Tel. Duty Hours—713 763-1211, Nonduty Hours—713 762-0314.

U.S. Army Engr. Dist., Little Rock, P.O. Box 867, 700 W. Capitol, Little Rock, Ark. 72203,

Tel. Duty Hours—501 372-4361, Nonduty Hours—501 372-2011.

U.S. Army Engr. Dist., Tulsa, P.O. Box 61, 224 South Boulder, Tulsa, Oklahoma 74103, Tel. Duty Hours—918 584-7151, Nonduty Hours—918 587-0311.

1403.2. U.S. Army, Continental Commands Headquarters, U.S. Continental Army Command, Ft. Monroe, Virginia 23351, Tel. 24 hours a day 703 727-2256.

Headquarters, First United States Army, Ft. George G. Meade, Maryland 20755, Tel. 24 hours a day 301 677-2082.

Headquarters, Third United States Army, Ft. McPherson, Georgia 30330, Tel. Duty Hours—404 752-2105, Nonduty Hours—404 752-3606.

Headquarters, Fourth United States Army, Ft. Sam Houston, Texas 78234, Tel. Duty Hours—551 221-5347, Nonduty hours—512 221-4746.

Headquarters, Fifth United States Army, Chicago, Illinois 60615, Tel. Duty Hours—312 926-3145, Nonduty Hours—312 926-2238.

Headquarters, Sixth United States Army, Presidio of San Francisco, California 94129, Tel. Duty Hours—415 561-3891, Nonduty Hours—415 561-2497.

Headquarters, Military District, Washington, Washington, D.C. 20315, Tel. 24 hours a day 202 697-3722.

1403.3 U.S. Navy, naval districts.

Headquarters, 1st Naval District, 495 Summer Street, Boston, Massachusetts, Tel. (617) LI 2-5100.

Headquarters, 3rd Naval District, 90 Church Street, New York, New York 10007, Tel. (212) RE 2-9100.

Headquarters, 4th Naval District, Philadelphia, Pennsylvania 19112, Tel. (215) 755-4114.

Headquarters, 5th Naval District, Norfolk, Virginia 23511, Tel. (703) 444-3589.

Headquarters, 6th Naval District, Naval Base, Charleston, South Carolina 29408, Tel. (803) 743-2650.

Headquarters, 8th Naval District, New Orleans, Louisiana 70140, Tel. (504) 366-2311.

Headquarters, 9th Naval District, Building I, Great Lakes, Illinois 60088, Tel. (312) 688-4810.

Headquarters, 10th Naval District San Juan, Puerto Rico, Tel. (809) 722-0080.

Headquarters, 11th Naval District, San Diego, California 92130, Tel. (714) 235-3401.

Headquarters, 12th Naval District, Federal Office Building, 59 Fulton Street, San Francisco, California 94102, Tel. (415) 621-3828.

Headquarters, 13th Naval District, Seattle, Washington 98115, Tel. (206) AT 3-5200.

Headquarters, 14th Naval District, Pearl Harbor, Hawaii, Tel. (808) 40053 Ext. 22101.

Headquarters, 15th Naval District, Fort Amador Canal Zone, Canal Zone 882226.

Headquarters, 17th Naval District, Kodiak, Alaska, Tel. (205) 487-5891.

Headquarters, Naval District, Washington, D.C., Washington Navy Yard, Washington, D.C. 20390, Tel. (202) OX 3-2572 or OX 3-2670.

1403.4 U.S. Air Force Reserve Regions

First Air Force Reserve Region, Andrews Air Force Base, Washington, D.C. 20331, Tel. Duty Hours—301 981-2345, Nonduty Hours—301 981-9111.

Fourth Air Force Reserve Region, Randolph Air Force Base, Texas 78148, Tel. Duty Hours—512 729-3350, Nonduty Hours—512 652-1110.

Sixth Air Force Reserve Region, Hamilton Air Force Base, California 94934, Tel. Duty Hours—415 883-3811, Nonduty Hours—415 883-7711.

Third Air Force Reserve Region, Dobbins Air Force Base, Georgia 30060, Tel. Duty Hours—404 428-4461/x-741, Nonduty Hours—404 428-4461.

Fifth Air Force Reserve Region, Selfridge Air Force Base, Michigan 48045, Tel. 24 hours a day 313 465-1241, ext. 5240, 4233.

1404. Department of Health, Education, and Welfare Regional Offices

Region I, H.E.W., John F. Kennedy Federal Office Building, Boston, Massachusetts 02203, Tel. (617) 223-6884.

Region II, H.E.W., Federal Building, 26 Federal Plaza, New York, New York 10007, Tel. (212) 264-2525.

Region III, H.E.W., 220 7th Street, N.E., Charlottesville, Virginia 22901, Tel. (703) 296-1256.

Region IV, H.E.W., Peachtree-Seventh Building, 50 7th Street, N.E., Room 404, Atlanta, Georgia 30323, Tel. (404) 526-5214.

Region V, H.E.W., New Post Office Building, Room 712, 433 West Van Buren Street, Chicago, Illinois 60617, Tel. (312) 353-7830.

Region VI, H.E.W., 1114 Commerce Street, Dallas, Texas 75202, Tel. (214) 749-2827.

Region VII, H.E.W., Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106, Tel. (816) 374-3307.

Region VIII, H.E.W., Federal Office Building, Room 9017, 19th & Stout Streets, Denver, Colorado 80202, Tel. (303) 297-3283.

Region IX, H.E.W., Federal Office Building, 50 Fulton Street, San Francisco, California 94102, Tel. (415) 556-1210.

Region X, H.E.W., Arcade Building, Mezzanine Floor, 1319 Second Avenue, Seattle, Washington 98101, Tel. (206) 583-5561.

1405. Office of Emergency Preparedness, Regional Offices

Region 1, Office of Emergency Preparedness, Maynard, Massachusetts 07154, Tel. (617) 897-9381, FTS (617) 897-9381 (plus ext.), DTWX 710-347-1307.

Region 2, Office of Emergency Preparedness, Olney, Maryland 20832, Tel. (301) 921-5512, FTS 122-5512, DTWX 710-828-9785.

Region 3, Office of Emergency Preparedness, Thomasville, Georgia 31792, Tel. (912) 226-1761, FTS (912) 226-1761, DTWX 810-785-5841.

Region 4, Office of Emergency Preparedness, Federal Center, Battle Creek, Michigan 49016, Tel. (616) 962-6251, FTS (616) 962-6251, DTWX 810-276-2220.

Region 5, Office of Emergency Preparedness, Denton Federal Center, Denton, Texas 76201, Tel. (817) 387-5811, FTS (214) 749-2747, DTWX 910-890-5791.

Region 6, Office of Emergency Preparedness, Denver Federal Center, Building 710, Denver, Colorado 80225, Tel. (303) 237-8271, FTS (303) 237-8271, DTWX 910-937-0731.

Region 7, Office of Emergency Preparedness, Santa Rosa, California 95403, Tel. (707) 544-1334, FTS (707) 544-1334, DTWX 510-744-3076.

Region 8, Office of Emergency Preparedness, Bothell, Washington 98011, Tel. (206) 486-0721, FTS (206) 486-0284 DTWX 910-499-2811.

ANNEX V—1500. COMMUNICATIONS AND REPORTS

1501. Purpose:

1501.1 The communications concerning an oil or hazardous substance spill are an integral and significant part of the operations. The same precepts govern in these instances as do other operations in which the Coast Guard, FWQA and other operating agencies are involved.

1502. Objectives:

1502.1. The objectives of the communications and reports are:

1502.1-1. To speed the flow of information pertaining to an incident;

1502.1-2. To relay advice, instructions and reports pertaining to an incident; and

1502.1-3. To provide for alerting, notification, surveillance and warning of a pollution incident.

1503. Communications Procedures:

1503.1 Normal communication circuits of

¹ Region III office will be moved to Philadelphia in the near future.

each primary agency may be used to effectuate this plan. The national and district or regional offices and telephone numbers of primary alerting and notification offices of interested agencies will be maintained in NRC and as appropriate in RRC.

1503.2 The initial reporting of a pollution incident will be in accordance with the information and format as described in the regional plans.

1503.3 SITREPS (Situation Reports) will be submitted by RRT and NRT in a timely manner as developments occur and at 0800 and 2000 local time on each day of the operation.

1504. Pollution Incident Reports:

1504.1 At the conclusion of Federal activity resulting from a pollution incident, any OSC involved will submit a complete report of the incident and the actions taken, pursuant to applicable directives of his own agency. Copies will be furnished to the NRT or RRT, as appropriate, for submission to the NIC, together with any other pertinent information available to the forwarding group. The NIC will then evaluate each incident and will make appropriate recommendations.

ANNEX VI—1600. PUBLIC INFORMATION

1601. Introduction:

1601.1. When a major national pollution incident occurs it is imperative that the public be provided promptly with accurate information on the nature of the incident and what steps are being taken to correct the problem. This policy must be followed to obtain understanding from the public, ensure cooperation from all interested parties and to check the spread of misinformation. National Administration policy and the Freedom of Information Act both call for maximum disclosure of information.

1602. National News Office:

1602.1. When the NRT is activated, the team chairman will contact the most appropriate primary agency and ask it to detail a professional information officer to establish and direct a National News Office. Requests by the Director of the National News Office for an appropriate number of professional and clerical assistants will be met by one or more of the primary agencies.

1602.2. The Director of the National News Office will be responsible for overall supervision of public information activities. While the Director of the Regional News Office will have considerable freedom in responding to news inquiries, he will work under the direction of the Director of the National News Office. The closest possible coordination will be maintained between the National News Office in Washington and the Regional News Office.

1602.3. Promptly after his designation, the Director of the National News Office will contact the White House Press Office and the Office of the Director of Communications for the Federal Government to arrange whatever information assistance may be required by these offices.

1602.4. All written news releases involving major policy considerations will be cleared by the Chairman of the NRT or in his absence the Executive Secretary. Situation reports and other factual releases will not require formal clearance.

1602.5. The Director of the National News Office will have free access to meetings of the NRT and will be consulted on the possible public reaction to the courses of action under consideration by the NRT.

1602.6. At appropriate intervals the Director of the National News Office may arrange news conferences at which the Chairman of the NRT, the OSC or other informed officials will make progress reports and respond to questions from the media representatives.

1602.7. The Director of the National News

Office will keep appropriate press offices posted on developments. These include the press offices of the Secretaries or Director of the primary agencies to the National Contingency Plan; Governors, Senators, and Representatives whose States or Districts are affected by the incident; and, the Mayor and other responsible local officials in affected communities.

1602.8. As long as public interest warrants, at least one written news release a day or status report will be issued by the National News Office and the Regional News Office reporting progress in controlling the incident and other developments.

1602.9. The National News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the U.S. Coast Guard at U.S. Coast Guard Headquarters, Washington, D.C., where the NRC is housed. The Director of the National News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1603. Regional News Office:

1603.1. When an RRT declares a pollution incident, the Chairman will contact the most appropriate agency and ask it to detail a professional public information officer to establish and direct a Regional News Office. The Regional News Office should be set up at or near the location where the OSC is stationed. Requests by the Director of the Regional News Office for appropriate professional and clerical assistance will be met by one or more of the primary agencies.

1603.2. The Director of the Regional News Office will follow the procedures outlined above for the Director of National News Office in contacting the press offices of State and local officials, in arranging appropriate public information liaison with industries and other concerned interests, and in issuing at least one daily written news release.

1603.3. All news releases involving major policy considerations will be cleared by the Chairman of the RRT or in his absence, the Executive Secretary. Situation reports and other factual releases will not require formal clearance.

1603.4. The Director of the Regional News Office will have free access to meetings of the RRT and should be consulted on the possible public reaction to the courses of action under consideration by the RRT.

1603.5. The Regional News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the primary agency which is providing the headquarters for the RRT. The Director of the Regional News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1604. Washington, D.C., Public Information Contact:

1604.1. If the NRT has not been activated, the Director of the Regional News Office will ask the most appropriate primary agency to assign a public information officer in Washington, D.C., to serve as a contact point for queries made in Washington, D.C. The information officer assigned to this task will follow the procedures outlined above for the Director of the National News Office in contacting the press offices of the White House and Congressional and Federal officials.

1605. Interim Public Information Director:

1605.1. In the period following a spill and before a pollution incident is declared, information activities will be directed by the public information personnel of the same primary agency which will provide the pre-designated OSC. These activities will be conducted in accordance with the information policies of that agency.

1606. Special Public Information Procedures for Senators, Representatives, Congressional Aides and Staff members, White House Representatives and other VIP's:

1606.1. The Director of the National News Office or the Director of the Regional News Office will arrange, on request, to perform special public information services for VIP's including: notifying the media of the time, place and purpose of the VIP visit; making press conference arrangements; and, arranging for interviews with the VIP by interested members of the media.

1607. Special Public Information Procedures for Salesmen:

1607.1. Public information officers assigned to pollution incidents will refer salesmen to technical personnel designated to evaluate their wares.

1608. Special Public Information Procedures for the General Public:

1608.1. In responding to queries from the general public, public information officers will advise the callers or arrange to have the callers advised on what the latest press release has reported.

1609. Special Public Information Procedures for Pollution Incident Correspondence:

1609.1. After the crisis has subsided a model letter reporting on the situation will be drafted by the public information personnel assigned to the problem. After the model letter has been approved by the Chairman of the NRT or the RRT, copies will be sent to the primary agencies for their guidance in responding to mail inquiries.

ANNEX VII

1700. Legal authorities: A comparative analysis. (Not printed in the RECORD.)

ANNEX VIII—1800. ENFORCEMENT PROCEDURES

1800.1. The OSC in charge at the scene of a pollution incident may be from any one of several agencies. Therefore, it is necessary to establish uniform procedure for notification of counsel, collection of samples and information consistent with the several phases in Federal response situations. Necessary information and sample collection must be performed at the proper times during the Federal involvement in a pollution incident for the purpose of later use in identifying the party responsible, in cleanup cost recovery, damage recovery, and civil and criminal enforcement actions under appropriate Federal statutes. Time is of great importance since wind, tide and current may disperse or remove the evidence and witnesses may no longer be available. Thus, during the phases of discovery and notification, containment and counter-measures, cleanup and disposal, and restoration, the OSC must take the necessary action to put counsel on notice of the event and to ensure that information, records, and samples adequate for legal and research purposes are obtained and safeguarded for future use.

1801. Notification of Counsel:

1801.1. Immediately upon the declaration of a pollution incident, the RRT and NRT members, as appropriate, shall notify their respective regional and departmental attorneys, as provided herein and as detailed in the regional plan.

1801.2. Initial coordination of counsel will be effected by counsel of the Department responsible for furnishing the OSC, among counsel of the Corps of Engineers, the Coast Guard and the Department of the Interior at the Washington, D.C. level and the regional level, for joint and several actions concerning legal matters regarding the operation of the Plan, sending of notices, advices regarding the handling of evidence, preparation of evidentiary statements, and re-

ferral of the matter to the Justice Department or the appropriate U.S. Attorney.

1801.3. The information and reports obtained by the OSC are to be transmitted to the RRC. Copies will then be forwarded to the NRC, members of the RRT, and others, as appropriate. The representative of the agency on the RRT having cost recovery or enforcement authority will then refer copies of the pollution reports to his respective agency counsel.

1802. Legal Notice to Ship Operators and Others:

1802.1. Notice to the ship or facility operator, owner or other appropriate responsible person indicating Federal interest and potential action in an incident shall be prepared and sent by the agency responsible for furnishing the OSC. This notice should include among other things Federal statutes and regulations violated, indication of responsibility for cleanup, notice that cleanup be effected pursuant to the National Contingency Plan and Federal regulations, identification of OSC, and direction that response activity be coordinated with the OSC.

1803. Action to be Taken by OSC for Phase V Activities in Conjunction With Actions in Phases I, II, and III:

1803.1. Investigate observed instances of oil or other hazardous substances pollution in the waters covered by the scope of this plan. Investigative actions may include:

1803.1-1. Board the vessel or visit the facility involved and ask for the master or person in charge. The investigator should identify himself and explain his reason for being there.

1803.1-2. Question all persons who may be responsible for or have knowledge of the spillage and the record the name, address and position of each witness.

1803.1-3. Furnish anyone who may be responsible for an offense with an appropriate warning as to his rights.

1803.1-4. Obtain signed statements wherever possible indicating where, when and how the spill occurred and its extent.

1803.1-5. When a witness makes an oral statement but will not give a written statement, reduce the oral statement to writing.

1803.1-6. When the source of the pollution is unknown, obtain as much information as possible and note any suspect vessels or facilities.

1803.2. Collect samples of oil or hazardous materials from the water and from appropriate spaces and drainage points of the suspected offending vessel or vessels, shore establishments, or other sources, when investigation discloses a reasonable basis to believe a violation has occurred. Collect comparative samples in unaffected water in the vicinity of the spill.

1803.3. Samples collected are to be transmitted for analysis, using special courier or registered mail (return receipt requested) and observing the procedures outlined below. Appropriate analytical laboratories are designated in the regional plan. Reports of laboratory analysis will be forwarded to the appropriate RRT for transmittal to counsel. The Chairman, RRT, will also forward copies of laboratory reports to NRT.

1803.4. Photographs should be taken, if possible, using color type film. The photographs should show the source and the extent of the pollution. The following information should be recorded on the back of each photographic print: a) name and location of vessel or facility; b) date and time the photo was taken; c) names of the photographer and witnesses; d) shutter speed and lens opening; and e) type of film used and details of film processing. (The immediate developing type of photographic process may be of major assistance to the less than professional photographer by allowing on-the-spot inspection of results and "retakes" as needed to obtain an acceptable photograph.)

1803.5. If in doubt as to whether or not a particular incident may be an oil pollution or hazardous substances pollution violation case, or in doubt as to how to proceed in any given case, contact the RRT for instructions and advice. If, however, time is a critical factor and/or the RRT has not yet assembled proceed as if the incident were a pollution violation.

1804. Sample collection procedures to be followed by OSC:

1804.1. Several precautions must be observed when taking and handling liquid samples for analyses as the character of the sample may be affected by a number of common conditions. These precautions concern: a) the composition of the container; b) cleanliness of the container; and, c) manner in which the sample is taken.

1804.2 In taking such samples, the following procedures are to be followed in all cases:

1804.2-1. Glass containers of one quart size are to be used. The portion of the closure (sealing gasket or cap liner) which may come into contact with the sample in the container is of considerable importance. Where oil or petroleum based hydrocarbons are to be sampled, the closure should be made of glass, aluminum foil, or teflon. Other pollutants may require different or special closure material and the analysis laboratory should be consulted whenever a question arises as to the appropriateness of any closure material.

1804.2-2. Previously unused containers are preferred. Containers that have been cleaned with a strong detergent, thoroughly rinsed and dried may be used.

1804.2-3. Samples must be properly labeled using form NIC-1.

1804.2-4. Consult with the analysis laboratory personnel relative to special samples and unusual problems.

1804.2-5. Some explanatory notes covering the above procedures are: (a) glass containers always must be used because plastic containers, with the exception of teflon, have been found in some cases to absorb organic materials from water and in other cases compounds have been dissolved from plastic containers; (b) as it is desirable to take a large sample of the pollutant, proper skimming techniques should be used to obtain a sufficient amount of oil for analysis; and, (c) since it is not unusual for a pollution condition to change rapidly, samples should be taken in a timely fashion, and the time sequences and places noted.

1805. Chain of Custody Record:

1805.1. All samples and other tangible evidence must be maintained in proper custody until orders have been received from competent authority directing their disposition. Precautions should be taken to protect the samples from breakage, fire, altering and tampering. It is important that a chain of custody of the samples be properly maintained and recorded from the time the samples are taken until ultimate use at the trial of the case. In this regard, a record of time, place, and the name and title of the person taking the sample, and each person handling same thereafter must be maintained and forwarded with the sample, using the Form No. NIC-1.

1806. Non-Incident Spills:

1806.1. Reports on spills which are not declared to be an incident (within the meaning of this Plan) shall be handled in accordance with the directives of the agency supplying the OSC. Procedures described in 1804 and 1805 may be generally applicable to sampling, sample handling and reporting and should be considered as good operating practices. A Spill Pollution Report shall be completed for every spill and the original of the report forwarded to the cognizant RRC.

1807. Spill Pollution Report:

1807.1. The appropriate information for each pollution spill should be obtained by

the OSC and reported pursuant to the appropriate instructions.

ANNEX IX—1900 FUNDING

1900.1. It should be noted that a primary thrust of this Plan is to encourage the person responsible for a spill to take appropriate remedial actions. Usually this will mean that the cost of containment countermeasures and cleanup with respect to spills of oil or other hazardous substances should be borne by the person permitting or causing the spill. The OSC and other officials associated with the handling of a spill or pollution incident should make substantial effort to have the responsible person accept voluntarily this financial responsibility.

1900.2. Actions undertaken by the primary agencies in response to pollution emergencies shall be carried out under existing programs and authorities so far as practicable. It is recognized, however, that the separate agencies may have funds available specifically for dealing with pollution and related incidents.

1900.3. It is not envisioned that any Federal agency will make resources available, expend funds or participate in operations in connection with pollution incidents unless such agency can so respond in conformance with its existing authority. Authority to expend resources will be in accordance with the agencies' basic statutes and, if required, through cross-servicing agreements. This plan does not preclude interagency agreements whenever specific reimbursement agreements between Federal agencies are deemed necessary to insure that the Federal resources will be available for a timely response to a pollution emergency.

1900.4. The Water Quality Improvement Act of 1970 (PL 91-224) authorizes a revolving fund of up to \$35 million to be used to carry out provisions of this Plan. As yet, no monies have been appropriated for this fund. Until such time as these funds are available, the agency responsible for contingency planning in the area shall provide funding.

1901. Department of the Interior:

1901.1. The Department of the Interior has made limited funds available, through administrative direction within FWQA, for expenditure on cleanup operations under this Plan.

1902. Department of Transportation:

1902.1. The U.S. Coast Guard pollution control efforts are funded under "Operating Expenses."

1903. Department of Defense:

1903.1. The Department of Defense has two specific sources of funds which may be applicable to a pollution incident under appropriate circumstances. (This does not consider military resources which might be made available under specific circumstances.)

1903.1-1. Funds required for removal of a sunken vessel or similar obstruction to navigation are available to the Corps of Engineers through Civil Functions Appropriations, Operations and Maintenance, General.

1903.1-2. The U.S. Navy has funds available on a reimbursable basis to conduct salvage operations.

1904. Department of Health, Education, and Welfare:

1904.1. Under the Public Health Act (PL 85-410 as amended) the Secretary, Health, Education and Welfare, may enter into agreements providing for cooperative planning between the Public Health Service medical facilities and community health facilities to cope with health problems resulting from disasters, and for participation by the Public Health Service medical facilities in carrying out such planning. He may also, at the request of the appropriate State or local authority, extend temporary assistance, not to exceed 45 days to State or localities in meeting health emergencies of such a nature as to warrant Federal assistance. The

Secretary may require such reimbursement of the United States for aid (other than planning) as he may deem reasonable under the circumstances.

1905. Office of Emergency Preparedness:

1905.1. In making a declaration of a major disaster for a stricken area, the President may allocate funds from his Disaster Relief Fund. The allocated funds are administered by the Director, Office of Emergency Preparedness. Only after the President has declared a major disaster and authorized the allocation of funds, may the Director authorize certain reimbursements to other Federal agencies for disaster assistance directed by the Office of Emergency Preparedness. Applicable policies and procedures are stated in Title 32, Chapter XVII, Part 1709 "Reimbursement of Other Federal Agencies Performing Major Disaster Relief Functions."

1905.2. The Director may make financial assistance available to State Governments and through the States to local governments in accordance with policies and procedures stated in Title 32, Chapter XVII, Part 1710 "Federal Disaster Assistance."

1906. Limitations on Funding:

1906.1. Care must be taken to ensure that misunderstandings do not develop about reimbursement of funds expended on cleanup activities. The OSC should not knowingly request services for which reimbursement is mandatory unless reimbursement funds are known to be available. Similarly, the agency supplying a reimbursable service should determine the source of reimbursement before making expenditures.

1907. Planning:

1907.1. The availability of funds and requirements for the reimbursement of expenditures by certain agencies should be included in resource utilization planning. Regional and subregional contingency plans should show what is available under what conditions and costs, especially what resources could be made available if they can be funded. Local interagency agreements will be necessary to spell this out when agency reimbursement is required.

ANNEX X—2000. SCHEDULE OF DISPERSANTS AND OTHER CHEMICALS TO TREAT OIL SPILLS

2001. General:

2001.1. This schedule shall apply to the navigable waters of the United States and adjoining shorelines, and the waters of the contiguous zone as defined in Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

2001.2. This schedule applies to the regulation of any chemical as hereinafter defined that is applied to an oil spill.

2001.3. This schedule advocates development and utilization of mechanical and other control methods that will result in removal of oil from the environment with subsequent proper disposal.

2001.4. Relationship of the Federal Water Quality Administration (FWQA) with other Federal agencies and State agencies in implementing this schedule: In those States with more stringent laws, regulations or written policies for regulation of chemical use, such State laws, regulations or written policies shall govern. This schedule will apply in those States that have not adopted such laws, regulations or written policies.

2002. Definitions. Substances applied to an oil spill are defined as follows:

2002.1. Collecting agents—includes chemicals or other agents that can gel, sorb, congeal, herd, entrap, fix, or make the oil mass more rigid or viscous in order to facilitate surface removal of oil.

2002.2. Sinking agents—are those chemical or other agents that can physically sink oil below the water surface.

2002.3. Dispersing agents—are those chemical agents or compounds which emulsify,

disperse or solubilize oil into the water column or act to further the surface spreading of oil slicks in order to facilitate dispersal of the oil into the water column.

2003. Collecting agents. Considered to be generally acceptable providing that these materials do not in themselves or in combination with the oil increase the pollution hazard.

2004. Sinking agents. Sinking agents may be used only in marine waters exceeding 100 meters in depth where currents are not predominantly on-shore, and only if other control methods are judged by FWQA to be inadequate or not feasible.

2005. Authorities controlling use of dispersants:

2005.1. Regional response team activated: Dispersants may be used in any place, at any time, and in quantities designated by the On-Scene Commander, when their use will:

2005.1-1. In the judgment of the On-Scene Commander, prevent or substantially reduce hazard to human life or limb or substantial hazard of fire to property.

2005.1-2. In the judgment of FWQA, in consultation with appropriate State agencies, prevent or reduce substantial hazard to a major segment of the population(s) of vulnerable species of waterfowl.

2005.1-3. In the judgment of FWQA, in consultation with appropriate State agencies, result in the least overall environmental damage, or interference with designated uses.

2005.2. Regional response team not activated: Provisions of Section 2005.1-1 shall apply. The use of dispersants in any other situation shall be subject to this schedule except in States where State laws, regulations, or written policies are in effect that govern the prohibition, use, quantity, or type of dispersant. In such States, the State laws, regulations or written policies shall be followed during the clean up operation.

2006. Interim Restrictions on Use of Dispersants for Pollution Control Purposes: Except as noted in 2005.1, dispersants shall not be used:

2006.1. On any distillate fuel oil.

2006.2. On any spill of oil less than 200 barrels in quantity.

2006.3. On any shoreline.

2006.4. In any waters less than 100 feet deep.

2006.5. In any waters containing major populations, or breeding or passage areas for species of fish or marine life which may be damaged or rendered commercially less marketable by exposure to dispersant or dispersed oil.

2006.6. In any waters where winds and/or currents are of such velocity and direction that dispersed oil mixtures would likely, in the judgment of FWQA, be carried to shore areas within 24 hours.

2006.7. In any waters where such use may affect surface water supplies.

2007. Dispersant use. Dispersants may be used in accordance with this schedule if other control methods are judged to be inadequate or infeasible, and if:

2007.1. Information has been provided to FWQA, in sufficient time prior to its use for review by FWQA, on its toxicity, effectiveness and oxygen demand determined by the standard procedures published by FWQA. [Prior to publication by FWQA of standard procedures, no dispersant shall be applied, except as noted in Section 2005.1-1 in quantities exceeding 5 ppm in the upper three feet of the water column during any 24-hour period. This amount is equivalent to 5 gallons per acre per 24 hours.]

2007.2. Applied during any 24-hour period in quantities not exceeding the 96 hour TL_{50} of the most sensitive species tested as calculated in the top foot of the water column. The maximum volume of chemical per-

mitted, in gallons per acre per 24 hours, shall be calculated by multiplying the 96 hour TL_{50} value of the most sensitive species tested, in ppm, by 0.33; except that in no case, except as noted in Section 2005.1-1, will the daily application rate of chemical exceed 540 gallons per acre or one-fifth of the total volume spilled, whichever quantity is smaller.

2007.3. Dispersant containers are labeled with the following information:

2007.3-1. Name, brand or trademark, if any, under which the chemical is sold.

2007.3-2. Name and address of the manufacturer, importer or vendor.

2007.3-3. Flash point.

2007.3-4. Freezing or pour point.

2007.3-5. Viscosity.

2007.3-6. Recommended application procedure(s), concentration(s), and conditions for use as regards water salinity, water temperature, and types and ages of oils.

2007.3-7. Date of production and shelf life.

2007.4. Information to be supplied to FWQA on the:

2007.4-1. Chemical name and percentage of each component.

2007.4-2. Concentrations of potentially hazardous trace materials, including, but not necessarily being limited to: lead, chromium, zinc, arsenic, mercury, nickel, copper and chlorinated hydrocarbons.

2007.4-3. Description of analytical methods used in determining chemical characteristics outlined in 2007.4-1,2 above.

2007.4-4. Methods for analyzing the chemical in fresh and salt water are provided to FWQA, or reasons why such analytical methods cannot be provided.

2007.4-5. For purposes of research and development, FWQA may authorize use of dispersants in specified amounts and locations under controlled conditions irrespective of the provisions of this schedule.

ANNEX XI—2100 NON FEDERAL INTERESTS

2101. General policy:

2101.1. The policy of the Federal Government is to respond to those situations which are beyond the response capability of state and local governments and private interests. Normally minor spills will be well within the capability of non-federal resources and will not, therefore, require a Federal response. During moderate and major spills or pollution incidents Federal response may be required. The cognizant officials would be notified and Federal resources used to supplement local resources.

2110. Planning and preparedness:

2110.1. The planning and preparedness functions incorporated in the Contingency Plans also apply to non-federal resources. The state and local government and private interests should be encouraged to participate at the planning and preparedness functions.

2110.2. State and local governments should be encouraged to incorporate the pollution spill contingency plan into existing emergency planning.

2120. Commitment:

2120.1. Firm commitments for response personnel and other resources should be obtained from state and local governments. (These resources should be fully detailed in the sub-regional contingency plans.)

2120.2. It is anticipated that Federal resources would only be used if the response requirements exceed the state and local capabilities. Whenever Federal resources are required, the pre-designated OSC would monitor and be available to offer advice.

ANNEX XV—2500 TECHNICAL INFORMATION

2501. Technical Library:

2501.1. A technical library of pertinent pollution control technical documents will be maintained in the NRC and in each RRC.

Such information should be useful as reference information to the experienced OSC and instructional to less experienced personnel.

2502. Specific References:

2502.1. As a minimum the following reference documents will be maintained in the NRC and in each RRC technical library.

2502.1-1. Current National Oil and Hazardous Materials Pollution Contingency Plan.

2502.1-2. Current Regional Oil and Hazardous Materials Pollution Contingency Plan.

2502.1-3. Oil and Hazardous Materials, Emergency Procedures in the Water Environment. (USDOJ, FWQA, CWR 10-1.)

2502.1-4. Chemical Data Guide for Bulk Shipment by Water (U.S. Coast Guard CG-388).

2502.1-5. Oil Spillage Study Literature Search and Critical Evaluation for Selection of Promising Techniques to Control and Prevent Damage (Battelle Northwest, November 1967).

2502.1-6. U.S. Corps of Engineers' Regulations ER 500-1-1 and ER 500-1-8 Emergency Employment of Army Resources (National Disaster Activities).

2502.1-7. Natural Disaster Manual for State and Local Applicants (OEP Circular 4000.4A, 1968).

2502.1-8. Handbook for Federal Agency Inspectors (OEP Circular 4000.6A February 1969).

2502.1-9. Handbook of Toxicology (National Academy of Sciences/National Research Council).

2502.1-10. Character and Control of Sea Pollution by Oil (American Petroleum Institute, October 1963).

2502.11-1. Manual for the Prevention of Water Pollution During Marine Oil Terminal Transfer Operations (American Petroleum Institute, 1964).

2502.1-12. 4 CFR-146, Transportation or Storage of Explosives or other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

2502.1-13. 33 CFR, 3, 6, 121, 122, 124-6. Security of Vessels and Waterfront Facilities (USCG CG 239).

2502.2. In addition to this minimum library, additional technical information of a pertinent nature will be maintained in each RRC library. Such items as State or local Pollution Control Contingency Plans and disaster or other plans may be included.

2503. Definition of Terms:

2503.1. API gravity: An empirical scale for measuring the density of liquid petroleum products, the unit being called the "degree API".

2503.2. Ash: Inorganic residue remaining after ignition of combustible substances determined by definite prescribed methods.

2503.3. Asphalts: Black, solid or semisolid bitumens which occur in nature or are obtained as residues during petroleum refining.

2503.4. Bilge oil: Waste oil which accumulates, usually in small quantities, in the lower spaces in a ship, just inside the shell plating. Usually mixed with larger quantities of water.

2503.5. Blowout. A sudden violent escape of gas and oil from an oil well when high pressure gas is encountered and preventive measures have failed.

2503.6. Boiling point: The temperature at which the vapor pressure of a liquid is equal to the pressure of the atmosphere.

2503.7. Bunker "C" oil: A general term used to indicate a heavy viscous fuel oil.

2503.8. Bunker Fuel: A general term for heavy oils used as fuel on ships and in industry. It often refers to No. 5 and 6 fuel oils.

2503.9. Bunkering: The process of fueling a ship.

2503.10. Coker feed (or fuel): A special fuel oil used in a coker furnace, one of the operating elements of a refinery.

2503.11. CONVERSION TABLES

Knowing	Multiply by factor below to obtain—				
	Gallon (U.S.)	Barrel (U.S.)	Gallon (imperial)	Cubic (feet)	Liter
Gallon (U.S.)	1.000	0.023810	0.83268	0.13368	3.7853
Barrel	42.0	1.000	34.9728	5.6164	158.984
Gallon (imperial)	1.2009	0.02859	1.000	0.1605	4.546
Cubic feet	7.4805	0.1781	6.2288	1.000	28.316
Liters	0.2641	0.00629	0.2199	0.03532	1.000
	Pound	Ton (short)	Ton (long)	Ton (metric)	
Pounds	1.00	0.00050	0.000446	0.00045359	
Ton (short)	2,000.0	1.0000	0.89286	0.90718	
Ton (long)	2,240.0	1.120	1.0000	1.0160	
Ton (metric)	2,204.6	1.1023	0.98421	1.000	

Note: 1 hectoliter equals 100 liters. 1 ton (metric) equals 1,000 kilograms.

1 Conversions are exact by definition.

2503.12. Approximate conversions

[Barrels per Ton (long)]

Material:	
Crude oils	6.7-8.1
Aviation gasolines	8.3-9.2
Motor gasolines	8.2-9.1
Kerosenes	7.7-8.3
Gas oils	7.2-7.9
Diesel oils	7.0-7.9
Lubricating oils	6.8-7.6
Fuel oils	6.6-7.0
Asphaltic bitumens	5.9-6.5

(As a general rule-of-thumb use 6.5 barrels or 250 gallons per ton of oil.)

2503.13. Crude Oil: Petroleum as it is extracted from the earth. There may be several thousands of different substances in crude oil some of which evaporate quickly, while others persist indefinitely. The physical characteristics of crude oil may vary widely. Crude oils are often identified in trade jargon by their regions of origin. This identification may not relate to the apparent physical characteristics of the oil. Commercial gasoline, kerosene, heating oils, diesel oils, lubricating oils, waxes, and asphalts are all obtained by refining crude oil.

2503.14. Demulsibility: The resistance of an oil to emulsification, or the ability of an oil to separate from any water with which it is mixed. The better the demulsibility rating, the more quickly the oil separates from water.

2503.15. Density: Density is the term meaning the mass of a unit volume. Its numerical expression varies with the units selected.

2503.16. Emulsion: A mechanical mixture of two liquids which do not naturally mix as oil and water. Water-in-oil emulsions have the water as the internal phase and oil as the external. Oil-in-water emulsions have water as the external phase and the internal phase is oil.

2503.17. Fire point: The lowest temperature at which an oil vaporizes rapidly enough to burn for at least 5 seconds after ignition, under standard conditions.

2503.18. Flash point: The lowest temperature at which an oil gives off sufficient vapor to form a mixture which will ignite, under standard conditions.

2503.19. Fraction: Refinery term for a product of fractional distillation having a restricted boiling range.

2503.20. Fuel oil grade: Numerical ratings ranging from 1 to 6. The lower the grade number, the thinner the oil is and the more easily it evaporates. A high number indicates a relatively thick, heavy oil. No. 1 and 2 fuel oils are usually used in domestic heaters, and the others are used by industry and ships. No. 5 and 6 oils are solids which must be liquefied by heating. Kerosene, coal oil, and range oil are all No. 1 oil. No. 3 fuel oil is no longer used as a standard term.

2503.21. Innage: Space occupied in a product container.

2503.22. In personam: An action *in personam* is instituted against an individual,

usually through the personal service of process, and may result in the imposition of a liability directly upon the person of a defendant.

2503.23. In rem: An action *in rem* is one in which the vessel or thing itself is treated as offender and made defendant without any proceeding against the owners or even mentioning their names. The decree in an action *in rem* is enforced directly against the *res* by a condemnation and sale thereof.

2503.24. Load on top: A procedure for ballasting and cleaning unloaded tankers without discharging oil. Half of the tanks are first filled with seawater while the others are cleaned by hosing. Then oil from the cleaned tanks, along with oil which has separated out in the full tanks, is pumped into a single slop tank. The clean water in the full tanks is then discharged while the freshly-cleaned tanks are filled with seawater. Ballast is thus constantly maintained.

2503.25. Oil films: A slick thinner than .0001 inch and may be classified as follows:

Standard term	Appearance	Gallons of oil per square mile
Barely visible	Barely visible under most favorable light conditions.	25
Silvery	Visible as a silvery sheen on surface water.	50
Slightly colored	1st trace of color may be observed.	100
Brightly colored	Bright bands of color are visible.	200
Dull	Colors begin to turn dull brown.	666
Dark	Much darker brown	1,332

Note: Each one-inch thickness of oil equals 5.61 gallons per square yard or 17,378,709 gallons per square mile.

2503.26. Outage: Space left in a product container to allow for expansion during temperature changes it may undergo during shipment and use. Measurement of space not occupied.

2503.27. pH: Term used to express the apparent acidity or alkalinity of aqueous solutions; values below 7 indicate acid solutions and values above 7 indicate alkaline solutions.

2503.28. Pour point: The lowest temperature at which an oil will flow or can be poured under specified conditions of test.

2503.29. Residual oil: A general term used to indicate a heavy viscous fuel oil.

2503.30. Scuppers: Openings around the deck of a vessel which allow water falling onto the deck to flow overboard. Should be plugged during fuel transfer.

2503.31. Sludge oil: Muddy impurities and acid which have settled from a mineral oil.

2503.32. Specific gravity: The ratio of the weight of a given volume of the material at a stated temperature to the weight of an equal volume of distilled water at a stated temperature.

2503.33. Spontaneous ignition temperature: (S.I.T.): The temperature at which an oil ignites of its own accord in the presence of air oxygen under standard conditions.

2503.34. Stoke: The unit of kinematic viscosity.

2503.35. Tonnage: There are various tonnages applied to merchant ships. The one commonly implied is gross tonnage although in these days tankers and other bulk-carriers are often referred to in terms of deadweight.

2503.35-1. Gross tonnage. 100 cubic feet of permanently enclosed space is equal to one gross ton—nothing whatever to do with weight. This is usually the registered tonnage although it may vary somewhat according to the classifying authority or nationality.

2503.35-2. Net tonnage. The earning capacity of a ship. The gross tonnage after deduction of certain spaces, such as engine and boiler rooms, crew accommodation, stores, equipment, etc. Port and harbour dues are based on this tonnage.

2503.35-3. Displacement tonnage. The actual weight in tons, varying according to whether a vessel is in light or loaded condition. Warships are always spoken of by this form of measurement.

2503.35-4. Deadweight tonnage. The actual weight in tons of cargo, stores etc. required to bring a vessel down to her load line, from the light condition. Cargo deadweight is, as its name implies, the actual weight in tons of the cargo when loaded, as distinct from stores, ballast etc.

2503.36. Ullage: The amount which a tank or vessel lacks of being full. (See also Outage)

2503.37. Viscosity: The property of liquids which causes them to resist instantaneous change of shape, or instantaneous re-arrangement of their parts, due to internal friction. The resistance which the particles of a liquid offer to a force tending to move them in relation to each other. Viscosity of oils is usually expressed as the number of seconds at a definite temperature required for a standard quantity of oil to flow through a standard apparatus.

2503.38. Viscous: Thick, resistant to flow, having a high viscosity.

2503.39. Volatile: Evaporates easily.

ANNEX XX—3000 REGIONAL CONTINGENCY PLANS

3001. General:

3001.1. Regional Contingency Plans have been developed for all U.S. coastal and inland navigable waters.

3001.2. These plans are available for review at the local District or Regional offices of the C. G. and FWQA respectively.

3002. Cross References:

3002.1. State Standard Administrative Regions, USCG District and FWQA Regions are as follows:

States	Coast Guard district (coastal)	FWQA region (inland)
Region I:		
Maine.....	1st.....	Northeast.
New Hampshire.....	1st.....	Do.
Vermont.....	Do.	Do.
Massachusetts.....	1st.....	Do.
Connecticut.....	3d.....	Do.
Rhode Island.....	1st.....	Do.
Region II:		
New York.....	Do.	Do.
Coastal area.....	3d.....	Do.
Great Lakes area.....	9th.....	Do.
New Jersey.....	3d.....	Do.
Region III:		
Pennsylvania.....	Do.	Middle Atlantic.
East coast.....	3d.....	Do.
Lakeside.....	9th.....	Do.
Maryland.....	5th.....	Do.
Delaware.....	3d.....	Northeast.
West Virginia.....	Do.	Ohio Basin.
Virginia.....	5th.....	Middle Atlantic.
Puerto Rico.....	7th.....	Southeast.
Virgin Islands.....	7th.....	Do.

States	Coast Guard district (coastal)	FWQA region (inland)
Region IV:		
Kentucky.....	Do.	Ohio Basin.
Tennessee.....	Do.	Do.
North Carolina.....	5th.....	Middle Atlantic.
South Carolina.....	7th.....	Do.
Georgia.....	7th.....	Do.
Florida.....	Do.	Southeast.
Atlantic and gulf coasts.....	7th.....	Do.
Panhandle.....	8th.....	Do.
Alabama.....	8th.....	Do.
Mississippi.....	8th.....	Do.
Canal Zone.....	7th.....	Do.
Region V:		
Minnesota.....	9th.....	Great Lakes.
Wisconsin.....	9th.....	Do.
Michigan.....	9th.....	Do.
Illinois.....	9th.....	Do.
Indiana.....	9th.....	Do.
Ohio.....	9th.....	Do.
Region VI:		
New Mexico.....	Do.	South Central.
Texas.....	8th.....	Do.
Oklahoma.....	Do.	Do.
Arkansas.....	Do.	Do.
Louisiana.....	8th.....	Do.
Region VII:		
Nebraska.....	Do.	Missouri Basin.
Iowa.....	Do.	Great Lakes.
Kansas.....	Do.	Missouri Basin.
Missouri.....	Do.	Do.
Region VIII:		
Montana.....	Do.	Do.
Wyoming.....	Do.	Do.
Utah.....	Do.	Southwest.
Colorado.....	Do.	Missouri Basin.
Region IX:		
California.....	Do.	Southwest.
Northern.....	12th.....	Do.
Southern.....	11th.....	Do.
Nevada.....	Do.	Do.
Arizona.....	Do.	Do.
New Mexico.....	Do.	South Central.
Hawaiian Islands.....	Do.	Southwest.
Region X:		
Washington.....	13th.....	Northwest.
Oregon.....	13th.....	Do.
Idaho.....	Do.	Do.
Alaska.....	17th.....	Do.

Note: 3002.2. Please refer to annex IV for addresses and telephone numbers as appropriate FWQA and Coast Guard offices.

SOUTH VIETNAMESE SERVICEMEN PROVE THEIR METTLE

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

Mr. BUCHANAN. Mr. Speaker, Columnist Joseph Alsop in the Washington Post for Friday, May 29, has a column entitled "South Vietnamese Servicemen Have Now Proved Their Mettle," in which he underlines the spectacular success of the South Vietnamese forces in Cambodia and points up that General Abrams, normally quite restrained in his language, has used such language as "outstanding" in description of the work of the South Vietnamese in Cambodia.

Mr. Alsop concludes:

Altogether, the Cambodian venture has given President Nixon's Vietnamization program a new look. For the South Vietnamese have now proven their mettle, while the enemy has suffered what should prove a crippling setback.

The column is as follows:

[From the Washington Post, May 29, 1970]

SOUTH VIETNAMESE SERVICEMEN HAVE NOW PROVED THEIR METTLE

(By Joseph Alsop)

In common fairness, something more needs to be said about the performance of the South Vietnamese units in Cambodia. It is a crucial measurement of the practicality of the President's Vietnamization program; and

above all, it gives the lie to a good many biased people who have made a lot of noise in this country.

From their first day across the border, the ARVN units' performance has continuously moved Gen. Creighton W. Abrams to the highest flights of praise. He is a man sparing of praise in normal circumstances; but he has used every adjective in the military book, from "outstanding" upwards, to characterize the dash and efficiency the South Vietnamese have shown.

More importantly perhaps, he is known to have described the success of the South Vietnamese in Cambodia as a "stunning psychological victory," in and of itself. This is because it has infused a quite new spirit of confidence and pride in all the South Vietnamese under arms. Until Cambodia, they had never been fully tested. Now they have been tested, and they have passed the test exceptionally well.

"Every Asian wants to be with the winner," Gen. Abrams is said to have concluded. "And now we are the winners."

The facts of the Cambodian campaign amply substantiate Gen. Abrams' assessment. Five ARVN divisions, the 9th, 21st, 22d, 23d and 25th, have been engaged, along with ARVN rangers, marines and paratroopers from the reserve. Every one of these divisions has been portrayed, at various times, as a mere horde of cowardly scoundrels commanded by corrupt incompetents.

The corrupt incompetents have now proved to be first-rate leaders in the field, and the cowardly scoundrels have fought with relentless aggressiveness. And it must be remembered that they have been fighting the most famous North Vietnamese units assigned to duty in South Vietnam.

For example, the ARVN 25th division has successfully taken on, and briskly decimated, the 88th, 271st and 272d regiments. That means that this South Vietnamese division, customarily labeled "the worst," has by now defeated all the main components of the enemy's 9th division, formerly labeled "the best."

The secret of this seeming-magical reversal of roles comes in two separate parts. "The best," obviously, was not nearly so good as everyone had come to believe, in the long period when the enemy's 9th division had no real mission beyond occasional hit-and-run attacks.

"The worst," equally obviously, has been radically altered by being given an offensive role, at long last. ARVN, one must remember was a defeated army at the time of the U.S. intervention on the ground; and since that time ARVN has been an army mainly committed to a purely defensive role. Taking the offensive, and with great success, has naturally made a lot of difference.

You can see the difference in the Pentagon arguments about the U.S. advisers with ARVN in Cambodia. At first, it was argued that the U.S. advisers really had to go along, to "provide stiffening." But now, somewhat ironically, the same people are just as passionately arguing that the U.S. advisers are still needed, to insure reasonable prudence.

Another remarkable fact, closely linked to the foregoing, also deserves attention—which it has not been getting. After all, two South Vietnamese divisions, plus other troops, have plunged out of IV Corps; one South Vietnamese division and one American division have moved out of III Corps; and at different times, two South Vietnamese divisions have marched into Cambodia from II Corps.

For the Vietcong and North Vietnamese units inside South Vietnam, these departures of their strongest opponents should have offered a golden opportunity. With the cats away, the mice ought to have played—and played a pretty murderous game, at that. But instead, the level of enemy effort in III Corps and IV Corps has dropped by

more than a half since the Cambodian venture began.

Since the beginning of the Cambodian venture, in fact, the one fairly conspicuous enemy effort has been a probe by elements of the 2d North Vietnamese division, up in I Corps. The 2d ARVN division, defending the little district town that was under attack has thus far just about abolished one of the regiments making the probe. Meanwhile the people of Hiepduc, the isolated mountain town that was in danger, are still tilling their fields as before.

Altogether, the Cambodian venture has given President Nixon's Vietnamization program a new look. For the South Vietnamese have now proven their mettle, while the enemy has suffered what should prove a crippling setback.

POLLUTION CONTROL MUST BE OUR FIRST PRIORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, we are long past the time when we can rest on our oars in what should be a determined effort to combat pollution. With all of the material benefits in our modern industrial society, we have, at the same time, created monstrous problems which may eventually be our undoing. In many instances we have abused our national resources to the point where it is no longer possible to repair the damage. This situation is a direct result of our Nation's lack of will and wisdom rather than a lack of ability to solve these pollution problems.

In our national list of priorities, conservation of our national resources has always ranked low. I have pointed this out many times in the past. Clearly, what this country has lacked is a resolute national commitment to solving the pollution crisis. However, in recent weeks the Nation as a whole now seems to be supporting an effort which Congress began a score or more years ago. Nothing less than a total commitment will solve the problems of dirty air, clogged rivers, inadequate waste treatment, and the destruction of public lands.

The national interest is interlocked with the problem of preserving our natural environment. This is not only the responsibility of the Federal, State, and local governments, but also an industrial and individual responsibility. Individuals are still the chief polluters.

Industry and business must take more initiative and responsibility than they have in the past. For years, our environment has been sacrificed for Government apathy, individuals laziness, and profit. Our rivers have provided the dumping ground for garbage, chemicals, and other waste products. Burning has produced dangerous gases in the air which eventually can seriously impair health and shorten life.

It is necessary for each and every one of us to decide how much progress toward achieving an improvement in our environment should be exchanged for the systematic pollution of our environment. Even though pollution increases, people will still demand more cars, more houses, more refrigerators, more boats,

more one-way containers, more flip tops, more airplanes, more buses, and so on. This means more pollution, more garbage, and more wastes unless we determine more effective ways of satisfying our material needs without at the same time despoiling our environment.

The task is monumental. It increases when you consider that misuse of our natural resources is expanding each year. As technology increases, new pollutants and chemicals are fed into our air and waterways. These in turn require specific scientific research for each pollutant. Take, for example, the new enzyme detergents that fill our waters with phosphate pollutants. Investigative agencies have called upon the industry to remove these damaging pollutants from the products and have called upon the consumer to cut down the use of these detergents.

In order for our national policy to be effective it should include the following: First, environmental quality must be considered in a worldwide context, extending in time from the present, far into the future. Second, purposeful, intelligent management to recognize and accommodate the conflicting uses of our environment must be a national responsibility. Third, information required for systematic management must be provided in a complete and timely manner. Fourth, it is essential to have programs to educate the individual citizen and develop a better understanding and appreciation of environmental problems and courses of action we may be required to take. And, finally, science and technology must provide management with increased options and capabilities to coordinate productivity with constructive use of environment.

SOME OF THE DECISIONS WE FACE

A good example of the quandary we face comes in an honest appraisal of our overall problems in the basic field of power. We are presently experiencing a shortage of electrical power in many areas of the country. One Federal agency tells us we must expand our generating capacity so we will not have a blackout or brownout in metropolitan areas during peak load times in the summer. Another agency points out the dangers of increased generating facilities especially in those plants which use low-grade, sulfur-producing coal for generating. Another State says it will not permit atomic energy for powerplants.

Which do we want? Do we want more power or less power? Are we able to sustain our growth without more electric energy? As you can readily see, the issue is not simple.

Take another basic sacrifice that the average American might be required to make. The nonreturnable bottle while being a wonderful convenience to us has become a nightmare in solid waste disposal problems. Streams everywhere are polluted with beer bottles and soft drink cans. It is too convenient, too easy to use the aluminum can for our beverages. What should we do? Should we restrict or prohibit the nonreturnable bottle or can? If we do, it would probably be necessary to put a prohibitive deposit on other containers so they would actually

be returned. A 2- or 3-cent deposit on the compulsory returnable container would not be sufficient to insure its return. The lakes and streams would still be polluted with them as it would not be any great financial loss to the average camper or fisherman to just chuck his bottle rather than return it. What would the deposit have to be to insure the bottle's return? Ten cents, 25 cents? Would you, the average citizen, be willing to suffer this inconvenience to help keep America clean?

As you can see these are but a few of the areas where some hard decisions must be made. Automobiles are another prime area of challenge. Would we be willing to sacrifice some of the power in our autos to prevent air pollution? There is no simple answer to the pollution problem but we must begin to face up to our monumental task in harnessing these destructive forces which have been cast loose on our environment.

I certainly want to voice my commitment to expand the legislative beginnings we have made into a comprehensive national program dedicated to the investment of time, resources, and funds which must be made available to secure a clean, pleasant and safe Nation for each and every American to live, grow, and prosper.

It is gratifying to see that so many Americans are likewise committed to this very necessary and basic effort. Pollution control must be our first priority. If we lose this battle, gains or victories in other fields will be quite insignificant indeed. Our environment must come first.

MEMORIAL DAY SERVICES AT THE VETERANS' ADMINISTRATION CENTER AT MOUNTAIN HOME, JOHNSON CITY, TENN.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. QUILLEN) is recognized for 60 minutes.

Mr. QUILLEN. Mr. Speaker, the annual Memorial Day services at the Veterans' Administration Center at Mountain Home in Johnson City were held Sunday, May 24, 1970, and I was privileged to participate in these activities.

I was honored to introduce the principal speaker, the Honorable Donald E. Johnson, Administrator of Veterans' Affairs, who came down from Washington on this occasion.

The people of Johnson City literally rolled out the red carpet for Mr. Johnson. He was extended every courtesy and everyone was so nice to him. I deeply appreciate the reception he received.

Needless to say, Mr. Johnson is a very capable, highly respected and efficient administrator. His accomplishments in the fields of business and veterans' affairs most certainly qualify him for the post he now holds.

Mr. Johnson holds a warm spot in the hearts of the millions of American veterans and servicemen as well as the people throughout the country. He knows and understands their problems and is always able and willing to help solve them. He possesses an unequal knowledge about the problems of the veteran.

Mr. Johnson has long been active in the American Legion and several years ago was named head of this fine organization, the National American Legion.

He enlisted in the Army in 1942 and served in combat with the 89th Infantry Division in the European Theater of operations. He was discharged from service in 1946. His decorations include the Bronze Star and the Croix de Guerre, awarded by the Belgium Government.

Mr. Johnson also has an enviable record as a public servant. From 1954 to 1955, he was chairman of the Governor's Commission on Merit in Employment, and from 1958 to 1960, he was an advisory member of the U.S. Commission on Civil Rights. In 1954, and again in 1957, he headed the Iowa fund drive for Crusade for Freedom. In his hometown he has served two terms on the city council and was twice president of the West Branch Chamber of Commerce. He headed the West Branch Heritage Foundation from 1965 to 1966, and has been active in PTA and Scout work.

Mr. Johnson has a tremendous amount of responsibility on his shoulders. As Administrator of Veterans' Affairs, he directs the far-flung activities of the Nation's largest independent Federal agency.

During his visit to my congressional district, he addressed three groups and his remarks were so stirring that I feel they should be inserted in the Record for others to read. He was principal speaker at the VA Appreciation Day dinner at the Holiday Inn in Johnson City and then at a luncheon the next day, which was sponsored by the Tennessee Department of Veterans' Affairs. My good friend, Mr. Joe Frank Judgens, is director of the Tennessee Veterans' Service, and he was in charge of this function. Mr. Johnson also spoke at the Memorial Day ceremony at Mountain Home.

As always the affairs of the Memorial Day ceremony were conducted most efficiently by Mr. George R. Hiskey, director of the center. My congressional district is fortunate to have an administrator of Mr. Hiskey's qualifications and a fine hospital which he directs. I offer my congratulations to him, members of his staff and employees delegated with the responsibility of seeing that the hospital offers the excellent service it has always provided.

In addition to the three speeches he made, I would also like to insert in the Record a copy of the schedule of activities during the Memorial Day Services on Sunday:

MEMORIAL DAY SERVICES, 1970

The Veterans' Administration Center, Mountain Home, Johnson City, Tennessee, welcomes you to the annual Memorial Day Services on Sunday, May 24, 1970 at 2:00 p.m.

Preliminary Events

1:00 p.m.—Reception-tea, by invitation honoring all Gold Star Mothers in the VA Inn, sponsored by the American Legion Auxiliary, First District, Department of Tenn.

1:00 p.m.—Open House, by invitation, honoring all veterans in the VA Center at the VA Domiciliary Recreation Hut, sponsored by the Veterans of Foreign Wars and Auxiliary of the First and Second Districts, Department of Tennessee.

Opening Ceremonies

2:00 p.m.—The East Tennessee State University Symphonic Band under the direction of Kenneth W. Large will present a special musical program of appropriate music.

2:05 p.m.—The Boy Scouts of America, Sequoyah Council, who have been holding their annual weekend Camporal on the VA Center grounds will decorate the 4,720 graves in the VA Center Memorial Cemetery.

2:20 p.m.—The East Tennessee State University ROTC Sponsor Corps under the direction of Captain Cavin Sullivan will present a program of drill routines.

MEMORIAL SERVICES, 2:30 P.M.

MASSING OF THE COLORS—Service Organizations, U.S. Marines and the Tennessee National Guard

INVOCATION—Chaplain James A. Burris
"STAR SPANGLED BANNER"—ETSU Symphonic Band, Kenneth W. Large, Conductor
WELCOME—G. R. Hiskey, Center Director
TRIBUTE TO GOLD STAR MOTHERS—Ed Onstot, Manager, VA Regional Office, Nashville, Tennessee

RECOGNITION OF SPECIAL GUESTS—Joe Frank Judgens, Director, Tennessee Veterans Service.

MUSICAL SELECTION—"Blue and Gray Suite"—C. Grundman, ETSU Symphonic Band

INTRODUCTION OF THE SPEAKER—The Honorable James H. Quillen, U.S. Congressman

ADDRESS—The Honorable Donald E. Johnson, Administrator of Veterans Affairs

DECORATION OF THE TOMB—The Honorable James H. Quillen, U.S. Congressman

SALUTE TO THE HONORED DEAD—The U.S. Marine Corps Reserve

TAPS—East Tenn. State University Trumpeters

BENEDICTION—Chaplain Charles Lucier

REMARKS BY HON. DONALD E. JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS, ON VA APPRECIATION DAY FOR THE MOUNTAIN HOME VETERANS' ADMINISTRATION CENTER, JOHNSON CITY, TENN.

I am highly honored and pleased to be with you tonight. Most of all . . . however . . . I am grateful . . . as is each of my nearly 900 associates at the Mountain Home VA Center for your thoughtfulness and generosity in dedicating this date, of course, to be "VA Appreciation Day."

It is always nice . . . of course . . . to be appreciated. But it is especially welcome tonight.

I am sure that most . . . if not all . . . of you have seen the article in this week's Life Magazine on the Veterans Administration's hospital and medical care program.

I am not going to spoil this traditionally happy and festive event by engaging at this time in a point-by-point refutation of the unfounded charges . . . and the outright untruths . . . contained in that article.

Let me assure you . . . however . . . that Life Magazine's distorted, denigrating, and disgusting assault on the VA hospital and medical care program is not going to go unchallenged.

Not because the magazine chose to ignore the voluminous, painstakingly-gathered factual data provided by the VA.

Not because the magazine used only one sentence out of an hour-long interview which I gave the author.

Not even because it presents a slanted, misleading, and . . . if you'll pardon the pun . . . completely out-of-focus picture of VA medicine.

Rather . . . this Life Magazine article is going to be refuted fully and factually so that the American people . . . but especially our ill and disabled Vietnam veterans . . . will know the truth about the VA's quality hospital and medical care program.

It is imperative that our Vietnam veterans . . . whose military service and sacrifices were understood and appreciated by too few of our citizens . . . should not now be misled to believe that they will be denied decent hospital and medical care for the wounds and injuries and illness they suffered . . . and still endure.

Our service-disabled Vietnam veterans are receiving quality medical care. And they will continue to do so.

Regrettably . . . many who will see the Life article . . . and accept its erroneous thesis . . . will not learn the true facts . . . for it is a journalistic axiom that the retraction or correction never catches up with the original story.

So much for Life Magazine.

In real life . . . tonight . . . I have the good fortune of knowing that the VA is appreciated by those who know the truth . . . by you who work with the Veterans Administration day in and day out . . . and help us to provide our ill and disabled veterans with quality medical care.

Nearly 11 months ago when I was sworn in as Administrator of Veterans Affairs . . . I said that the employees of the Veterans Administration are the most able and dedicated in the entire Federal Government.

It is indeed gratifying that your Mountain Home VA Center employee-neighbors have demonstrated to the satisfaction of you good citizens and officials of Johnson City, Tennessee, the validity of my claim.

If they have proven to be so able and dedicated . . . they have . . . it is with good cause.

My associates and I are privileged to serve America's most deserving citizens . . . the patriotic, unselfish men and women who bear the proud title of veterans.

Let me concede . . . however . . . that because we in VA are so close to the problem of serving those who served . . . and their dependents and survivors . . . we sometimes fail to appreciate adequately the magnitude of the VA's responsibilities . . . and the tremendous impact of our activities . . . not only upon the 48 percent of our entire population . . . which is our constituency . . . but also upon the rest of America.

It is entirely fitting . . . I believe . . . that on VA Appreciation Day . . . we seek to gain a better appreciation of the Veterans Administration . . . and the benefits and services for which it is responsible.

Let's examine the VA in terms of all of us can understand.

Take our size . . . for example.

We have approximately 148,000 full-time employees in the Veterans Administration.

By itself . . . this figure may or may not be impressive. But I think that it comes into true perspective when we say that . . . in the entire Federal Government . . . only the Department of Defense and the Post Office Department have more full-time employees than the VA.

Stated another way . . . the VA's full-time employment force is greater than that of the Departments of Commerce, Justice, Labor, State, Housing and Urban Development, and the National Aeronautics and Space Administration . . . combined.

A moment ago I mentioned that the VA's constituency totals 48 percent of our entire national population.

It does.

There are now 27.5 million living veterans entitled to present or future benefits and services from the Veterans Administration.

With their dependents and the survivors of approximately 14 million deceased veterans . . . they now number nearly 96 million . . . or about 48 percent of our total national population of slightly more than 200 million.

The nearly 96 million Americans now or potentially entitled to benefits and services from the Veterans Administration exceed by

more than 15 million the total population of the United States when Mountain Home first opened its doors in 1903.

Being a farm boy from Iowa . . . I'm still trying to get used to talking the financial language in vogue in our nation's capital.

Unless you open the conversational bidding in the billions . . . you're not even in the same ballpark.

But to me a billion of anything is still a lot.

The Fiscal Year 1971 budget requested for the Veterans Administration totals \$8.9 billion . . . and represents the largest appropriation request in VA history.

Measured against a total Federal Budget of \$200 billion . . . it may not seem to be the truly significant total that it is.

However . . . measured . . . for example . . . against the fiscal year 1935 budget for the entire Federal Government . . . it grows in stature.

That year . . . the Congress appropriated \$7.5 billion to run the entire government . . . or nearly \$1.5 billion less than President Nixon has requested for the VA alone in fiscal year 1971.

But enough of national figures concerning the size of the Veterans Administration . . . the number of veterans, their dependents and survivors we now or may some day serve . . . and the amount of money we will expend in veteran benefits and services next year.

VA Appreciation Day honors the Mountain Home VA Center . . . and the patients, staff members, affiliated schools, volunteers, and, of course, the citizens and officials of Johnson City, Bristol, Kingsport and other communities . . . all of whom have helped to write Mountain Home's illustrious history . . . and who make it the center of concern, compassion and care which it is today.

I understand your primary interest in the now and the future of Mountain Home and the Veterans Administration here in Tennessee . . . rather than in a self-congratulatory review of your many past accomplishments.

In this respect . . . you are now unlike the two spinners who were discussing men. "Which would you desire the most in your husband," asked one . . . "brains, wealth, or appearance?"

"Appearance," snapped the other . . . "and the sooner the better."

Before telling you what the VA is doing and will continue to do to serve Tennessee veterans, their dependents and survivors . . . and thus continue to merit your appreciation . . . permit me a few historical comments.

As you Tennesseans so well know . . . this Center was opened in 1903 as the Mountain Home Branch of the National Home for Disabled Volunteer Soldiers.

Nowhere has the close and harmonious and . . . I believe . . . mutually beneficial relationship between our Mountain Home VA Center and its hometown of Johnson City, Tennessee for more than two thirds of a century been captured more succinctly . . . or stated more eloquently . . . than in the foreword to the fiscal year 1969 annual report of the Center.

Permit me to quote from this foreword signed by Johnson City Mayor Charles O. Gordon and Centennial Committee Chairman Dan B. Wexler on the occasion of Johnson City's one hundredth anniversary last year.

Quote.

"The long and illustrious history of this Center witnessed growth from a Soldiers Home, with 150 employees, 2,000 veterans, and an annual operating expense of \$300,000 in 1903, to 900 employees and \$9,000,000 in 1969. Over this same period, Johnson City grew from a quiet town of 4,600 to a bustling and prosperous city of 36,000.

"Johnson City is celebrating its Centennial and for over two-thirds of that century

Mountain Home has played a major role in the City's economy and has contributed mightily to its growth and prosperity. Employees of the Center and their families make up a significant part of the City's stable and substantial population and have participated fully in the City's civic, fraternal, social, and religious activities."

Unquote.

I want to say . . . here and now . . . to you good people of Johnson City that if you are proud to be the hometown of Mountain Home . . . as that foreword states . . . the members of our VA family here at Mountain Home are also very proud to be your fellow-citizens, friends, and neighbors.

They are grateful, too . . . as I am . . . that Mountain Home has provided tens of thousands of veterans with the finest care possible . . . thanks not only to the skill of the doctors, nurses, and other medical specialists who have served . . . and now serve here . . . but also to their compassion and concern . . . and that of volunteers, our great veterans and community organizations, and individual citizens.

A few moments ago I mentioned the unique budgetary language spoken in our nation's capital.

Being here in Johnson City . . . whose name should give me no difficulty . . . I am reminded of a recent cocktail party-reception I attend in Washington, D.C.

A very prim and proper dowager in the receiving line introduced herself and asked: "Where are you from, young man?"

The young man bit nonplussed me for a moment . . . but I recovered and replied: "Iowa, mam."

She looked me up and down and then said: "Here in the east we pronounce it Ohio."

Economists measure the responsibilities and activities of the Veterans Administration in terms of eight billion dollars plus in annual expenditures.

I prefer to think of the VA in other terms. For example . . . a line item in the requested fiscal year 1971 budget for VA shows estimated disability compensation expenditures for veterans of slightly more than \$2.4 billion.

I read beyond this line . . . however . . . and see two million 72 thousands veterans disabled in the service of their country assisted by a grateful nation to sustain themselves and their families in modest dignity and decency.

Another line item shows \$636 million budgeted for compensation payments to the survivors of veterans who died as the result of military service.

To me this means that the families of more than 383,000 heroic Americans who gave their lives for our country . . . yes . . . for you and me . . . will be helped to stay together.

The estimated cost of pension payments to nonservice-connected disabled veterans is \$1.3 billion.

Because this benefit is based on need . . . however . . . to me it means that 1 million 70 thousand patriotic Americans . . . who helped our nation in its hour of need . . . will, in turn, be helped in their hour of need.

So will the pension beneficiary survivors of another 1,201,000 deceased veterans . . . in the amount of \$971 million.

Here in Tennessee . . . more than 60,000 veterans . . . and the dependents of more than 34,000 deceased veterans . . . receive in excess of \$104 million each year in compensation and pension benefits from the Veterans Administration.

As viewed by the academic community . . . the VA may not be an educator.

But as far as I am concerned . . . the \$1 billion 79 million budgeted for fiscal 1971 for readjustment benefits places upon VA a continuing responsibility . . . and gives us a continuing opportunity . . . to contribute to the education and training of eligible veterans . . . especially the disabled and those returned from Vietnam.

It also gives the VA the privilege . . . and I use this word advisedly . . . of helping the sons and daughters of veterans who died or are permanently and totally disabled as the result of military service . . . as well as their widows and wives . . . obtain needed education and training.

In fiscal year 1971 . . . an estimated 1,742,000 Vietnam era veterans . . . 46,000 sons and daughters . . . and 21,000 widows and wives will receive education and training assistance from the Veterans Administration.

For the present spring semester . . . a record high 816,000 Vietnam era veterans and servicemen . . . including more than 14,000 here in Tennessee . . . were enrolled in education and training under the current G.I. Bill.

Since the present program began on June 1, 1966 . . . more than 1,785,000 Vietnam era veterans and servicemen . . . including more than 30,000 here in Tennessee . . . entered training.

Few people consider the Veterans Administration either a home builder or realtor.

The fact remains . . . however . . . that the VA has played a vital . . . indeed an indispensable role . . . in the building and purchase of homes here in Tennessee and throughout America since the end of World War II.

Not too long ago it was estimated that the G.I. Bill home loan program is responsible for one out of every five homes built in the United States since World War II.

In hard figures . . . the Veterans Administration has guaranteed or insured nearly 7,300,000 loans valued in excess of \$77 billion since 1944.

Approximately 130,000 of these loans . . . valued in excess of \$1 billion 228 million . . . were for Tennessee veterans.

Nationally . . . we expect to guarantee or insure an additional 220,000 loans in the coming fiscal year.

I have burdened you with many statistics tonight I know. I also realize that the statistics alone cannot begin to tell the real story of the VA's people-to-people service mission.

But let me give you a few more to help you to understand that our \$8 billion plus annual budget makes the Veterans Administration mean yet other things . . . other benefits and services beyond those I have already cited . . . to yet other veterans and their families.

To more than 634,000 minor beneficiaries . . . the VA . . . through its Guardianship Service . . . is a foster parent dedicated to meeting their immediate needs . . . to assuring their education through high school . . . and to the development of an appropriate educational program thereafter.

The 660 attorneys on the staff of the Guardianship Service also serve more than 112,000 incompetent adults on our Guardianship rolls.

To the more than 5 million veterans holding nearly \$38 billion in government life insurance . . . the VA is perhaps the most important insurance company in the world.

Sixty four thousand Tennessee veterans hold more than \$518 million government life insurance.

Incidentally . . . the more than 52,000 Tennessee veterans with World War II National Service Life Insurance or World War I United States Government Life Insurance policies in force will receive nearly \$3,600,000 in dividends this year on these policies . . . thus adding to the impact of veteran benefits on the state's economy.

In addition . . . the VA supervises \$36.8 billion in Servicemen's Group Life Insurance for 3.7 million members of our Armed Forces.

To the nation's grocers, food processors, and farmers . . . the VA is an important customer . . . buying annually almost 6.5 million pounds of sugar . . . 2.6 million pounds

of coffee . . . 3 million pounds of flour . . . 3.5 million pounds of canned and frozen meats . . . 69 million pounds of fresh milk and ice cream . . . 12 million pounds of butter and margarine . . . 7.6 million pounds of fresh fruits and vegetables . . . 5.4 million pounds of bread and cereals . . . and 37.5 million pounds of fresh poultry meats, eggs and fish.

I am sure that if all of the nearly 800 thousand patients in our VA hospitals for whom this food is intended had the appetites of my nine children . . . VA's food purchases would greatly increase.

This brings me to the fact . . . the final analogy I hasten to add . . . that for these veterans . . . for the 8.1 million who will be given outpatient medical and dental care . . . for tens of thousands of other veterans in domicillaries, nursing care homes, and restoration centers . . . VA is the instrument by which Aristotle's admonition will be heeded . . . at least for them.

He said:

"If we believe that men have any personal rights at all as human beings . . . then they have an absolute moral right, to such a measure of good health as society and society alone is able to give them.

For Tennessee's 479,000 veterans . . . including 63,000 courageous young Vietnam era veterans . . . the Veterans Administration is their society . . . not alone for quality hospital and medical care . . . but for all of the other benefits to which they and their families are entitled . . . and which I have enumerated tonight.

With the continued interest and support of all of the outstanding groups represented here tonight . . . service and community organizations . . . the academic and medical community . . . government officials and individual citizens . . . the Veterans Administration will continue "to care for him who shall have borne the battle and for his widow and his orphan."

Having accomplished this . . . with your help . . . it will then be the VA's turn . . . and privilege . . . to stage an Appreciation Day for the great and good people of Tennessee. Thank you.

REMARKS BY HON. DONALD E. JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS, AT THE ANNUAL MEMORIAL DAY SERVICE OF THE MOUNTAIN HOME VA CENTER, JOHNSON CITY, TENN.

Representative Quillen . . . distinguished guests and visitors to the Mountain Home VA Center . . . and my associates in the Veterans Administration.

Your invitation to address Mountain Home's annual Memorial Day observance honors me greatly.

But it also humbles me . . . as it would any veteran.

For it places me in the presence of patriotic, heroic Americans whose selfless service and supreme sacrifice that I . . . and my beloved country . . . might live in freedom bespeak more eloquently than any words why they should be especially remembered and revered today.

It is most fitting . . . I think . . . that this Memorial Day program should be held here at Mountain Home . . . which has been identified so prominently and so long with veterans . . . and here in Tennessee . . . with its proud motto and merited fame . . . as the Volunteer States.

From Concord to Cambodia . . . for nearly two centuries . . . Americans . . . more than 42 million of them . . . have fought and more than one million died . . . not for glory, not for conquest . . . but . . . as President Nixon said in his Memorial Day Proclamation . . . "for those concepts that bind the people together in nationhood—and brotherhood."

The President's proclamation . . . in its title, its purpose, and its words . . . is a "PRAYER FOR PEACE, MEMORIAL DAY, 1970."

But even "to express our gratitude to the heroic dead by thought and prayer with special reverence" today is not enough . . . the proclamation reminds us.

"A more fitting memorial" . . . President Nixon suggests . . . "would be the creation of a peaceful world, free of the destructive conflicts that have plagued man's history."

The proclamation continues:

"We must, therefore, as individuals and as a nation, continue the difficult quest for tranquility among all peoples and the reasoned solution of our differences."

As a special mark of respect for those Americans who have given their lives in the tragic struggle in Vietnam . . . the President has directed that the flag of the United States be flown at half-staff all day on Memorial Day, instead of during the forenoon period, on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

War . . . any war is hell.

But peace . . . at the price of freedom . . . would be hell on earth.

More than this . . . to forsake the cause of freedom for which more than one million Americans have died . . . for which more than 42,000 of our countrymen have given lives in Vietnam . . . would be to mock their sacrifice . . . and deny their silent plea that they shall not have died in vain.

Memorial Day 1970 finds America in agony.

Our colleges and universities . . . far too many of them, certainly . . . have been transformed from institutions of higher learning into battlegrounds where young men and women have tragically died.

We have yet to cleanse our waters and our air.

Inflation has not been fully curbed.

Crime still endangers the lives and property of millions of our people.

Degrading, grinding poverty remains the dead-end future for Americans who deserve better.

Our cities have not been rid of their ghettos.

Discrimination is still an ugly fact.

So is unemployment.

And so are the other ills that beset us.

Do we dare hope for a brighter tomorrow?

I think we do.

Because Cambodia and Vietnam will end.

And with their end . . . we can meet courageously, effectively, and unitedly the many challenges that confront us.

The attack on the evils I have cited need not await . . . and indeed has not awaited . . . the end of hostilities in Cambodia and Vietnam.

But not until President Nixon's pledge to withdraw American combat forces from Cambodia by the end of June . . . and to withdraw an additional 150,000 American servicemen from Vietnam within the next year . . . on top of the 115,000 who have already been pulled out . . . not until this pledge has been fully redeemed . . . in my opinion . . . will the American people have the desire and the will and the determination to make the massive commitment needed to solve our domestic crises.

I think that one question is uppermost in the minds of all of us today . . . indeed . . . of all Americans.

Will the President's timetable for the withdrawal of American troops from Cambodia and Vietnam be met?

Reports from our military commanders in Cambodia encourage me to believe that his timetable will be met.

If you have had the opportunity to read some of the news dispatches from Vietnam . . . I am sure you will agree.

Allied forces have captured more than:

10,000 rifles and 1,100 heavy weapons . . . enough to outfit almost 70 enemy battalions of 500 men each.

1,800 tons of mortar and artillery shells, rockets, rifle bullets . . . more than the Communists would use in two years.

12 tons of supplies . . . enough to support a 320-bed hospital for four months.

2,300 tons of rice . . . enough to feed more than 10,000 troops for a year.

Apparently the drive into Cambodia has set back Communists ability to launch major offensive in southern half of South Vietnam by six months—or more.

The Department of Defense's timetable for disengagement not only from Cambodia but from Vietnam as well . . . would have been completely unrealistic . . . if not totally unbelievable . . . just one month ago.

Because of President Nixon's action . . . however . . . announced on April 30th in his most serious and somber speech since becoming President . . . the Defense Department's very encouraging timetable for disengagement is feasible.

But let me go back for a moment to that April 30th speech . . . and quote pertinent passages that bear directly on this disengagement timetable.

The President said . . . and I quote:

"This is not an invasion of Cambodia. The areas in which these attacks will be launched are completely occupied and controlled by North Vietnamese forces. Our purpose is not to occupy the areas. Once the enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw.

"Now let me give you the reasons for my decision.

"A majority of the American people, a majority of you listening to me, are for the withdrawal of our forces from Vietnam.

"The action I have taken tonight is indispensable for the continuing success of that withdrawal program.

"A majority of the American people want to end this war rather than to have it drag on interminably. The action I have taken tonight will serve that purpose.

"A majority of the American people want to keep the casualties of our brave men in Vietnam at an absolute minimum. The action I have taken tonight is essential if we are to accomplish that goal.

"We take this action not for the purpose of expanding the war into Cambodia, but for the purpose of ending the war in Vietnam and winning the just peace we all desire. We have made and we will continue to make any possible effort to end this war through negotiations at the conference table rather than through more fighting on the battlefield."

Unquote.

You and I know . . . of course . . . that the Paris delegation from Hanoi continues to be intransigent . . . and cruelly indifferent to the needless death of their fellow-citizens.

Nonetheless . . . the Department of Defense is still able to project this timetable for disengagement as the result of President Nixon's actions.

In the coming year . . . at least 150,000 more Americans will be brought home . . . as the President pledged.

By the end of June 1971 . . . all U.S. infantrymen will be out of combat.

While combat troops will constitute about half of the U.S. forces in Vietnam after June 30, 1971 . . . they will be used only to protect American bases.

It is expected that by the end of calendar year 1971 . . . U.S. forces in Vietnam will number less than 300,000.

And this Administration hopes that thereafter American units in Vietnam can be manned completely by volunteers . . . not draftees.

If Tennessee's proud past is any criterion . . . a substantial number of these G.I.s will be citizens of the Volunteer State.

These encouraging objectives . . . it seems to me . . . indicate not merely success for

President Nixon's policies and actions in Cambodia and Vietnam . . . but the right of the President to carry out his program and his Constitutional responsibility . . . as Commander-in-Chief . . . to protect the lives of American servicemen in Vietnam without encumbering and unnecessary Congressional actions.

I am not for a minute suggesting that the Congress should not carry out its own Constitutional responsibilities vigorously and promptly.

But I sincerely believe that the President has at least earned the opportunity to make good on his pledge to withdraw American combat forces from Vietnam by June 30th . . . just a little more than a month from now.

I hope that the Congress will give him this opportunity . . . and not act prematurely.

We all know and love . . . even if we cannot sing well . . . the Star Spangled Banner. Its last lines call America "the land of the free and the home of the brave."

I would not quarrel with these lyrics . . . but I would suggest today a slight variation.

I would suggest to you today that our beloved America is still the land of the free because it has been through its nearly two-hundred-year history the home of the brave.

No where has this truth been more eloquently expressed than on the Confederate War Memorial in Arlington National Cemetery . . . across the Potomac River from our nation's capital.

Perhaps you have seen it . . . and been as moved and inspired by it as I have.

Permit me to quote the inscription engraved on that memorial:

Not for fame or reward
Not for place or for rank
Not lured by ambition
Or goaded by necessity
But in simple obedience to duty
As they understood it
These men suffered all
Sacrificed all
Dared all
And died

Today . . . I am sure you will agree . . . this tribute can be paid appropriately . . . with unashamed love and gratitude . . . to all of America's honored dead.

It has been said that a nation is really its people.

I believe this is true.

In moments of sorrow and grief . . . people . . . families . . . unite to comfort and strengthen one another.

Memorial Day is not entirely a moment of sorrow and grief . . . for we remember fondly . . . even joyfully . . . those happy hours and years we shared with our loved ones before they answered freedom's call . . . and paid freedom's price.

We do no violence to these happy memories . . . however . . . if . . . on this Memorial Day we seek to unite the American people . . . our national family . . . so that we might comfort and strengthen one another.

In life . . . our honored war dead were the providers and protectors of their families.

If today . . . Memorial Day 1970 . . . the American family could once again unite . . . as it honored their memory . . . to provide for the future of our great nation . . . and to protect our priceless freedom . . . then our heroic war dead could truly rest in peace.

For they would then know that they did not die in vain.

Thank you.

REMARKS BY DONALD E. JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS AT THE LUNCHEON, TENNESSEE DEPARTMENT OF VETERANS' AFFAIRS, JOHNSON CITY, TENN.

Representative Quillen . . . Director Hudgens . . . officers, members and guests of the Tennessee Department of Veterans Affairs:

I always enjoy meeting with knowledgeable veterans affairs officials who share my desire and responsibility to provide America's veterans . . . and in your case Tennessee's 479,000 veterans and their families . . . with the most compassionate, efficient and timely service possible.

However . . . I must admit that your knowledge of the Veterans Administration . . . and of the many, difficult challenges which we face . . . sometimes causes you to be somewhat uncertain about how quickly and how completely these challenges will be met.

This occasional evidence of doubt should not be surprising here in Tennessee . . . if there is any truth to the story about the Tennessee mountaineer whose grandson excitedly told him:

"Grandpa . . . they're going to build a railroad over the mountain."

"Never happen," the old man said.

"But Grandpa . . . they're already laying the bed for the tracks."

"Heap of difference between laying a bed and putting down tracks."

Time passed . . . the tracks were laid . . . and the grandson told the old man:

"The engine's on the track and ready to run."

"Never get it started," he said.

The engine was started . . . driven up the far side of the mountain . . . over the top . . . and down the other side toward the old man's shack.

"What'ya say now, grandpa?"

"Never get it stopped," he replied.

I'll be the first to admit that there's a heap of difference between all of the veterans benefits and services which the Veterans Administration could provide . . . given unlimited funds . . . and the benefits and services we will actually deliver in the coming fiscal year . . . with the record-setting \$8.9 billion in appropriations which have been requested.

Because of your unique experience, knowledge and concern in the field of veterans affairs . . . as Department Service Officers . . . I would like to speak to you today of those VA programs and problems . . . yes, we do have problems as well as successes . . . which especially require your understanding . . . and whenever possible . . . your support.

The VA's most widely publicized current program and problem are the same.

Our hospital and medical care program . . . and the waves of criticism storming about it.

When I have spoken out . . . as I have done at every opportunity these past few months . . . in defense of our hospital and medical care program . . . I have not carelessly charged some with leveling unwarranted, unfair, and uninformed criticism against this program.

Above all . . . at no time have I ever questioned . . . even for a minute . . . the absolutely propriety and sincerity of congressional committees in investigating the VA hospital and medical care program . . . or any other program.

In fact . . . in recent testimony before the Subcommittee on Hospitals of the House Veterans Affairs Committee . . . I suggested that the members would be remiss in their legislative oversight duties if they failed to do so.

I also assured them that as long as I am Administrator of Veterans Affairs . . . the Veterans Administration will have no quarrel with informed and constructive criticism.

In my judgment . . . and I so testified . . . such criticism by that committee and other responsible sources can only help us to do a better job.

I then went on to say . . . and this was long before the article in this week's issue of Life Magazine . . . which I am sure most . . . if not all . . . of you have read.

"There has been criticism from other

sources . . . however . . . so overdrawn and tenuous as to lead the public and our veterans to fear that VA is practicing grossly inferior medicine with hospital staffs which are little concerned about their veteran-patients.

"This kind of criticism serves only to alarm present and prospective patients . . . and to make more difficult our constant task of recruiting scarce category personnel.

"The result has been literally hundreds of letters to Congress, to the President, and to the VA by sincere Americans honestly worried about the care our veterans are receiving."

Obviously . . . the Life Magazine article will up this total considerably.

I know that you share my deep concern over the effects of this article. I am certain, too, that you are sincerely interested in my personal reaction to the article . . . as well as any official VA response.

I believe that the telegram which I sent on May 20th to Mr. Thomas Griffith, the editor of Life Magazine, best describes my personal reaction . . . and, of course, now makes the VA's official response a matter of record.

With your permission . . . I would like to quote this telegram.

Quote.

"From the obviously contrived cover page and staged hospital photographs right down to every biting word of the denunciatory narrative, the article in the May 22, 1970, issue of Life Magazine gives a totally distorted picture of Veterans Administration medical care.

"Thus, it serves to needlessly alarm present and prospective patients; to discredit the competent and dedicated staffs at VA's 166 hospitals, and to make more difficult the recruitment of medical staff your article says we so sorely need.

"The article describes the VA hospital system as the biggest in the world and yet in your zeal to condemn you could not find one good word to say about any part of this vast program.

"The reporter held a nearly 90-minute interview with me in my capacity as head of the VA. What survived of this in-depth interview was a single two-line sentence in the final article, and even this one sentence contribution was airily dismissed in the next sentence of the story.

"Your staffers visited the Washington, D.C. VA hospital on three separate occasions, talked freely to many patients including severely disabled Vietnam veterans, and shot scores of photographs, many of a 22-year old Vietnam amputee in his treatment routine.

Could the fact that all of these veterans voluntarily praised VA medical care be the reason that not one word or one picture about these veterans appeared in Life?

"Could it be that of the 800,000 veterans treated each year the one complaining patient featured by Life . . . who condemned his country as well as VA care . . . better fitted the story Life wanted to tell?

"The truth is that each month VA hospitals receive literally hundreds of unsolicited letters from veterans and their loved ones expressing gratitude for the excellent VA care these veterans received.

"Life describes the VA system as a medical slum. Here are just a few facts about this so-called slum . . . facts that were given to Life, but withheld from its readers by the magazine.

"All of VA's 166 hospitals are fully accredited by the Joint Commission on Hospital Accreditation, which is composed of representatives of the American Hospital Association, the American College of Physicians, and the American College of Surgeons.

"The basic VA medical care budget for the current fiscal year of \$1,541,701,000 is by far the highest in all VA history. President Nixon has already asked Congress for \$210,000,000 more than even this record sum for the fiscal

year starting next July 1. The extra money will permit the addition of more than 5,700 employees to our hospital staffs.

"VA hospitals are affiliated closely with nearly every major medical school in the nation, an invaluable partnership that permits VA to keep abreast of the best and most sophisticated medical care.

"VA hospital staffs are not only hardworking and completely dedicated to the proposition that our sick and disabled veterans will never be forgotten or neglected (as charged in the Life article), but include many of the real experts in American medicine. More than 2,200 of VA's 5,100 physicians are Board Certified specialists as the result of three to five years extra medical training.

"All of this is not to say that the VA medical system cannot be improved just as every other medical program should seek improvement. We are committed to constant progress and improvement, for it is our goal to provide the very best possible medical care to every eligible veteran.

"Donald E. Johnson . . . Administrator." Unquote.

I believe that telegram tells the VA medical story.

Veterans benefits and services . . . of course . . . embrace far more than our hospital and medical care program . . . vast though it is.

They can be . . . and are . . . as old and established and accepted as the VA compensation and pension program . . . or as new as the Wide Area Telephone Service (WATS for short) which Representative Bill Brock of Tennessee announced this past Monday will be put in operation here in Tennessee on June 1.

As Congressman Brock said in his news release announcing this new service . . . after June 1, Tennessee's 479,000 veterans . . . or members of their families . . . no matter where they live in the Volunteer State . . . can call toll free to our Nashville VA Regional Office for information or assistance.

The WATS telephones in the regional office will be manned by knowledgeable, trained VA representatives who can answer questions regarding benefits on an individual case basis.

The WATS telephone number is 1-800-342-8330.

Service will be available Monday through Friday from 8:45 a.m. to 5:30 p.m. Eastern Standard Time . . . and from 7:45 a.m. to 4:30 p.m. Central Standard Time.

There is one slight problem with this new service.

As you Service Officers know, there is now in operation . . . and has been for some time . . . for the convenience of veterans in Chattanooga, Knoxville and Memphis an FX . . . or Foreign Exchange System.

Veterans in these cities can call our Nashville VA Regional Office . . . for the price of a local call . . . for information and assistance.

This FX system will continue in operation.

It will be of tremendous help to the Veterans Administration . . . and to the tens of thousands of veterans not now served by the FX system . . . if you will encourage veterans in Chattanooga, Knoxville and Memphis to continue to use the FX system . . . thus, freeing the new WATS system for those veterans who must depend solely on WATS for low-cost, toll-free telephone contact with our regional office.

I am convinced . . . and I'm certain that your experience has convinced each of you . . . that for their long-range welfare . . . and that of their families . . . no benefit is more important to our returning Vietnam veterans than their G.I. Bill education and training program.

Last night . . . when I was privileged to address the very gracious audience attending the VA Appreciation Day banquet at the Holiday Inn . . . I noted that this spring

more than 14,000 veterans here in Tennessee had entered training under the G.I. Bill. I also pointed out that since the present program began on June 1, 1966 . . . more than 30,000 veterans in Tennessee . . . and in excess of 1,785,000 Vietnam era veterans nationally . . . had entered training.

This is an encouraging picture.

But it is not entirely positive.

Because of the unique relationship of your Department Service Officers to our returned and returning Vietnam veterans . . . I would like to talk to you today about what I term the negative element in the G.I. Bill education and training program.

That element in the Vietnam veteran here in Tennessee who did not complete high school before entering service . . . who is considered to be educationally disadvantaged . . . and who has not yet been persuaded to return to school and complete his education.

There are now more than four million Vietnam era veterans back in civilian life . . . including nearly 70,000 here in Tennessee.

Experience has shown that slightly more than one out of every five Vietnam era veterans . . . or 22 percent to be precise . . . did not complete high school before entering service.

If the national average obtains here in Tennessee . . . approximately 15,000 Tennessee Vietnam era veterans are educationally disadvantaged.

Let me emphasize here and now that if they have not returned to school . . . it is not because they have not been informed by the Veterans Administration of their G.I. Bill education and training entitlement.

Certainly those who have been discharged within the past few years have been so informed.

And very likely more than once through the massive veteran benefit information effort mounted by VA.

For example . . . Veterans Administration representatives in Vietnam in the past two-and-one-half years have given first-time-in-history battlefield orientation on their veteran benefits . . . including education and training . . . to more than 1,190,000 servicemen in Vietnam. Nearly 150,000 of these G.I.s received in-depth personal interviews on their veteran benefits.

Another 1,620,000 servicemen at 313 separation points throughout the United States have been briefed on their veteran benefits . . . while more than 290,000 ill and disabled servicemen at 184 stateside military hospitals have been given personalized, bedside counseling.

Emphasis in these interviews . . . as you would expect . . . has been put on such important benefits as disability compensation payments, hospital and medical care, and vocational rehabilitation training. To date . . . VA representatives have processed more than 174,000 applications for education and training and compensation benefits.

Despite all of the efforts that have been made . . . and are now being made . . . to contact our educationally disadvantaged veterans . . . including nearly 15,000 here in Tennessee . . . and to convince them that for their own welfare and the welfare of our country they should return to school and complete their education . . . despite all of these efforts many of them have not resumed their education.

We have not been completely successful . . . but we in the Veterans Administration and you Department Service Officers must keep trying.

Not until every disadvantaged Vietnam veteran here in Tennessee and throughout America has at least been given every possible argument . . . and every possible reason for returning to school . . . will our job be done.

I think you will agree that the recent 35 percent increase in education and training

allowances from the VA . . . which was retroactive to last February 1 . . . is a telling new argument . . . a new incentive that could persuade these veterans to take that first important step across the threshold . . . not of a school alone . . . but of the better life they dreamed of in Vietnam.

Long before I came to Washington with the Veterans Administration . . . I knew how vital the activities of Department Service Officers are to the well being of our veterans and their families . . . here in Tennessee . . . and in every other State.

I knew, too, how essential it was that your Department Service Officers in Tennessee . . . and your associates in other States . . . who are on the firing line . . . work closely with our 4,557 Veterans Administration employees at this Mountain Home Center, at our Nashville Regional Office, at our hospitals in Nashville, Memphis and Murfreesboro, and our outpatient clinic in Knoxville . . . in order to best serve those who served.

In the past 11 months . . . however . . . I have learned anew the importance of the Veterans Administration-Department Service Officers partnership.

I have learned anew, too, that the benefit the Veterans Administration derives from this partnership is not alone the service you render veterans . . . but also the expertise and know how and advice you generously make available to our VA people here in the Volunteer State.

Today I want to assure you that your advice and knowledge and experience are valued and needed not only by our VA people in Tennessee and every other state . . . but by the Administrator of Veterans Affairs as well.

Not for a moment have I thought that the Office of Administrator of Veterans Affairs endowed its occupant with omniscience or infallibility.

I don't know all of the answers . . . and never will.

But I don't have to . . . as long as there are people like you who have run the track . . . and are willing to help me find the right answers.

It has been a privilege meeting with you today.

Let me close by thanking you again for your valued and helpful cooperation with the Veterans Administration here in the Volunteer State . . . and for all that you have done . . . and, I know, will continue to do for Tennessee's greatest citizens . . . its veterans.

Thank you.

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 has more cultivators than any other country in the world. In 1966, there were 653,732 cultivators in the United States, compared to 208,064 in the Soviet Union, the second-ranked nation.

DRAFT DEFERMENTS

(Mr. TAFT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TAFT. Mr. Speaker, I recently received a letter from one of my constitu-

uents reflecting her views on draft deferments. I would like to share the contents of this letter with my colleagues for their consideration and include it at this point in the RECORD:

CINCINNATI, OHIO, May 24, 1970.

Mr. ROBERT TAFT, Jr.,
Cincinnati, Ohio.

DEAR CONGRESSMAN TAFT: Knowing that you are interested in and responsive to the wishes of your constituents, I am writing to you concerning the current crisis in the colleges and the continuing crisis in Southeast Asia. I urge your consideration of the following:

The current draft exemption system for college students imposes a wall of separation between the college- and non-college communities. Our young people tell us that we cannot trust the military-industrial complex when it says that the Vietnam involvement must not be ended abruptly. The young people have a valid point. But neither can we trust the judgment of the university communities as long as they have a vested interest in "peace now" at any cost. This can be viewed as an unconscious rationalization of their role as sanctuaries for young men not wishing to face the realities of life in a hostile world.

Furthermore an end to college deferments would eliminate from the campuses some of the less serious students, who admit they are there to avoid the draft, who are not engaged in activity that is satisfying to them, and who therefore are a source of unrest on the campuses. Their release from the campuses by an end to all student deferments would actually strengthen our system of higher education. Students not yet mature enough for serious study would be free to work a few years first. Some people capable of high performance in skilled technical or service employment, but doomed to incompetence in professional careers, would feel free to return to areas where they are needed and can make their best contribution to the quality of life in the United States. We need to downgrade the current notion, encouraged by the deferment system, that the college educated man, no matter how poorly he performs his job, is somehow better than the non college educated.

Therefore I urge your attention to legislation requested by President Nixon to abolish all student deferments as soon as possible, preferably before the next full academic year.

Second, concerning the Vietnam conflict. Whether we should have become involved in Southeast Asia at all is a point that will be argued both ways by men of good faith for years to come. The unpleasant reality is that we are involved. It seems wise to disengage ourselves from the fighting as soon as possible. I believe that this should not be done in a way that says to the Vietnamese and the world, "They were not really important to us. They are only Orientals." Aside from the hint of racism in that attitude, there is the fact that we cannot in good faith isolate ourselves from what is going on in the world.

I support the President's plan for Vietnamization of the war. I believe him when he says that the Cambodian campaign is meant to be temporary, and I do not wish to have diminished his powers as Commander-in-Chief to protect our troops and to carry out with all possible haste the Vietnamization plan. I oppose the Cooper-Church amendment.

Finally, there are many vigorous, even violent, voices, young and old, raised in hate, contempt, and condemnation of the President, Vice President, and even members of Congress. There are also many somewhat less vigorous voices agreeing with our leader. If all of these people could, in spite of their

differences, join together in concerned prayer for our leaders and for those of all the nations of the world, they would surely constitute a far greater power for good than they presently represent. This would provide a climate of support (not to be confused with agreement) in which our leaders would be free to do their best. I shall try to promote this spirit among family, friends, and associates. I urge you to do likewise.

Yours truly,

CLAIRE T. BROOKS.

NATIONAL DEBT COULD BE LOWERED—AN OLD-FASHIONED BOND BURNING RECOMMENDED

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

Mr. PATMAN. Mr. Speaker, once again, the Congress is being asked to raise the limit on the national debt. This has now become an annual, and sometimes, a semiannual, function of the Congress.

This exercise would have more meaning if the Congress would look behind the scenes and actually discover some of the items which make up our whopping \$377 billion of debt.

Fifteen percent of this debt is total fiction. Fifteen percent of this debt could be subtracted today if the Congress would face up to the facts about the Federal Reserve System.

Mr. Speaker, included in this \$377 billion of debt are \$57.3 billion of U.S. Government bonds that have been paid for once by the credit of the U.S. Government. These bonds remain in the portfolio of the Federal Reserve's Open Market Committee in the New York Federal Reserve Bank. These are bonds that have been paid for once. There is absolutely no question that these bonds have been paid for in full, but the Federal Reserve refuses to cancel the debt.

These are bonds the Federal Reserve Open Market Committee has acquired in the open market using the credit of our Federal Government.

Why do these bonds continue to be charged against the national debt?

The answer is obvious—the bonds provide a huge slush fund to finance the Federal Reserve System's unaudited and far-reaching activities.

The Federal Reserve holds these bonds in its open market portfolio and charges the Treasury Department interest. In fact, the Treasury Department—the American taxpayer—is paying the Federal Reserve System more than \$3 billion annually in interest on these paid-up bonds.

Out of this \$3 billion, the Federal Reserve is able to finance any activity that it desires to undertake. There is no control over these funds. There is no audit. There is no accounting to the Congress on any of these funds.

This system, of course, allows the Federal Reserve to escape the appropriations processes and thus, a full annual review by the Congress. With these unlimited funds at its disposal, the Federal Reserve does not have to come to Congress for a single dime. It uses the taxpayers' money without any type of review by the elected representatives of the people.

Mr. Speaker, the new debt limitation bill is unnecessary. It raises the ceiling by \$18 billion—up to \$395 billion. The bill is not needed.

Instead, the Congress could order the cancellation of these paid-up bonds and thus subtract \$57.3 billion from the existing national debt. This would leave us with a debt of less than \$320 billion, well below the current ceiling of \$377 billion. This would be the proper course to take rather than adding another \$18 billion to the debt ceiling.

Mr. Speaker, I cannot understand why any Member of the House would vote against the cancellation of an obligation of the U.S. Government that has already been paid for once.

Mr. Speaker, there is absolutely no question that these bonds have been paid for in full, and in fact, some have been paid for more than once.

For anyone who doubts this let me use former Federal Reserve Chairman, William McChesney Martin, as one source. Here is what Mr. Martin told me in a hearing before the Banking and Currency Committee on July 6, 1965:

Mr. MARTIN. The bonds were paid for in the normal course of business.

The CHAIRMAN. That is right.

Mr. MARTIN. And that is the only time they were paid for.

The CHAIRMAN. Just like we pay debt with checks and credit.

Mr. MARTIN. Exactly.

The CHAIRMAN. In the normal course of business they were paid for once. You will admit that, will you not? They were paid for once and that's all?

Mr. MARTIN. They were paid for once and that's all.

The CHAIRMAN. That's right.

Mr. Martin's statement could not be more clear. He says the bonds have been paid for once. Surely the Congress does not need any more evidence that these bonds should be cancelled and the Treasury relieved of its obligation to pay interest.

The Federal Reserve's desire to hang on to these bonds and to demand interest from the Treasury is quite simple. The bonds and the interest income are the lifeblood of the secret and unaudited operations of the Federal Reserve and its Open Market Committee.

Without the illegal income from these bonds, the Federal Reserve would be in the same boat with every other major Federal agency. They would have to come to the U.S. Congress for appropriations. And should this happen, the members of the Appropriations Committees and the Members of Congress would have an opportunity—their first—to review the activities of the Federal Reserve and its expenditures.

This kind of public accountability, the Federal Reserve wants to avoid at all costs.

The Congress has always taken the position that the regulatory agencies—such as the Federal Power Commission, the ICC, the FTC, the FCC—should come to Capitol Hill for their money. The Congress has rightly regarded this appropriations process as an opportunity to review these agencies as well as provide control over expenditure of public moneys.

Yet, Members of the Congress quake when any one suggests that the granddaddy of all these agencies—the Federal Reserve—be treated in the same manner.

The \$3 billion income from these paid-up bonds gives the Federal Reserve an unlimited and unaudited budget to do with as it pleases.

The Treasury hands over a whopping check for \$3 billion and the Federal Reserve goes on its merry way telling no one—not even a Government auditor—where it is spending the money.

In recent years, the Federal Reserve has been spending around a quarter of a billion dollars for various activities including its support of the bankers lobby. Yes, support of the bankers lobby.

About \$100,000 of the U.S. Treasury dote to the Federal Reserve—your money, the taxpayers' money—goes to pay dues to the American Bankers Association and various State and local bankers associations. These groups are nothing more than lobbying organizations—organizations that come right here to Congress and lobby us on monetary and banking policy.

The Federal Reserve System—a Federal agency—is a full-fledged, card-carrying and dues-paying member of the bankers lobby, courtesy of the U.S. taxpayers and thanks to the laxness of the Congress.

After the Federal Reserve gets through spending the money for what it pleases, the remainder is turned back to the Treasury at the end of the year. The fact is the money should never have left the Treasury in this form in the first place.

There is no accounting—in the true sense of the word—for the difference between the \$3 billion paid out by the Treasury and the varying sums returned at the end of the year by the Federal Reserve.

Mr. Speaker, it is difficult to understand how the Congress allows this to go on year after year. It is a subterfuge, a fraud on the American people to allow the Federal Reserve to use these paid-up bonds for these purposes. It is an outrage for the Congress to approve a new increase in the national debt while allowing these paid-up bonds to continue to be charged against the debt.

It is significant that the administration's request for an \$18 billion increase in the national debt is almost identical with the interest payments on the national debt in the current fiscal year. It seems that we are being forced to increase the debt just to keep up with the high interest payments. A reduction in interest rates, as well as a cancellation of the bonds, would eliminate the necessity of these constant requests for increases in the debt limit.

What we need, Mr. Speaker, is an old-fashioned bond burning. We ought to demand that these paid-up bonds be canceled. Then we should pile the bonds up outside the east front of the U.S. Capitol and burn them in a public ceremony. In this manner, the American public would know that we are protecting its interests on these vital fiscal matters.

A LETTER FROM CAMBODIA

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

Mr. PATMAN. Mr. Speaker, in these days of high tension and heated rhetoric among armchair generals, it is perhaps beneficial to hear directly from one of the young men most involved in the Cambodian episode, one who, in the words of his mother, "is no general" but of whom we can all be proud for, "he has made a good soldier, he has three medals, and he obeys his commands."

The letter from their son, Stephen Bragg, written in Cambodia to his parents, Mr. and Mrs. Dan Bragg, of Mt. Pleasant, Tex., as printed in the Mt. Pleasant Tribune of May 20, 1970, follows:

STEPHEN BRAGG SAYS "IT'S ABOUT TIME": A LETTER FROM CAMBODIA

(EDITOR'S NOTE.—The Dan Braggs of Mount Pleasant received this letter from their son Stephen who is a point man on a reconnaissance rifle squad. Here is how one man on the spot in Cambodia feels about the situation.)

UNIVERSITY OF CAMBODIA,

Wed., May 6, 1970.

DEAR FOLKS: Well, I thought I'd try to get a few lines in while I had a chance. We have been so busy lately that I don't know if I'm coming or going. I haven't written any letters in several days, don't know when I'll get to mail this one.

I got the 2 packages a few days ago. Thanks a bunch, it was real good. I've gotten a lot of good pictures lately, hope they turn out O.K. I've got 2 of the 4 rolls left. Thanks for the film also.

We got to go to a company R&R the last part of April, we went to Bien Hoa. Sure did have a good time. We played basketball, volley ball, went swimming, saw several movies and some live bands. I, also, went to Long Bien to the Chinese Restaurant. The food is very good. All things must come to an end and they did, not to good either. We got back to LZ Buttons and we heard that troops were going to go to Cambodia. We weren't suppose to go but we did. The last night we were in LZ Buttons we received 3 in coming rounds.

We were put in about 10 miles inside Cambodia. The first night in Cambodia we were hit by a ground attack. We killed only one and found several blood trails. We have received incoming mortars and artillery every night. We also found more caches than we knew what to do with. We found 5 caches the first 2 days. You wouldn't believe all the things we found. We got around 3,000 rifles (SKS and carbines), several hundred machine guns of all types and sizes, mortars, artillery and anti aircraft guns, rockets, motors, electrical supplies, machine shop equipment and several other things. It took us a day and a half to haul it all back to VN by helicopters.

We found another cache and supply dump this afternoon. There were almost 2,000 lbs. of rice and clothes and equipment. We have really hurt the VC and are still doing a job on them. It's pretty rough here and there are more VC than you can shake a stick at. It sounds funny but I'm ready to go back to Viet Nam, it's safer. If things keep going like they are now, the VC can't be able to do much more fighting. I sure hope so. Maybe this Cambodia act will help end the war.

I hope everything and everyone is fine at home. Sure miss everyone. I enjoy the papers. I've got 3 in my pack now, haven't had time to read them.

I got a letter from Granddaddy a couple of days ago. They seem to be doing fine.

I think I told you I made Sp/4. I made it the first of April.

I'll try to finish this letter today. I got interrupted last night. We killed 6 V.C. and wounded several others and some got away. We, also, found some more caches and supplies this morning. Things are happening too fast here and too much. So far no one has got hurt, I'm sure glad of that. The V.C. were really surprised when we came into Cambodia. They sure weren't ready for us. We are doing them a job. It's about time.

I hope everyone is fine, sure do miss everyone. We are going out in a few minutes, we just came in this morning. They aren't cutting us any slack. One good thing, I started my 6th month now. Nearly half way home.

There are a lot things I want to say or tell you but I don't have time or can't remember them. Oh, well, I can sum it all up, I miss you and love you all.

Guess I'll close and write again when I can. Take care and I'll see you.

STEPHEN BRAGG.

OHRENSTEIN RESOLUTION OF NEW YORK STATE LEGISLATURE URGES FEDERAL INTEREST SUBSIDY FOR MITCHELL-LAMA HOUSING

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the New York State Legislature has adopted a concurrent resolution sponsored by State Senator Manfred Ohrenstein, who represents the 25th senatorial district on the West Side of Manhattan between 23d Street and 110th Street, urging—

The Congress of the United States to amend the Federal Housing Act so as to make interest subsidy available to existing state and locally aided middle income housing.

A longtime champion of extensive moderate income housing programs, Senator Ohrenstein is the sponsor of a comprehensive package of proposed State legislation to provide assistance to tenants and cooperators in Mitchell-Lama projects. He was one of the leaders in the recent successful effort to have the New York City Board of Estimate grant maximum tax abatement to all Mitchell-Lama buildings on temporary financing.

In adopting the Ohrenstein resolution, the New York State Legislature endorsed the concept of H.R. 49, which I introduced on the first day of the 91st Congress, and which I subsequently introduced with 11 cosponsors as H.R. 4308. The Members who joined me in sponsoring the latter bill are:

Mr. BIAGGI, Mr. CONYERS, Mr. GAYDOS, Mr. FARBERSTEIN, Mr. HALPERN, Mr. HELSTOSKI, Mr. JOELSON, Mr. KOCH, Mr. MCCARTHY, Mr. NIX, and Mr. ROSENTHAL.

H.R. 49 amends section 236 of the National Housing Act to make interest subsidy and rent supplement benefits available to existing State or locally financed middle-income housing projects. Together with H.R. 14435, which I also introduced and which lowers the rent-income ratio under section 236 from 25 percent to 20 percent, it provides ur-

gently needed relief for tenants and co-operators facing soaring housing costs in the Mitchell-Lama projects in New York, and similar projects in other States.

H.R. 49 is an extension of my amendments which were included in the Housing and Urban Development Act of 1968, which made interest subsidies and rent supplements available to State and municipally financed housing approved for such programs prior to construction or rehabilitation. State and municipal housing projects completed before the enactment of the 1968 act are currently ineligible to apply for the reduction in interest rate down to 1 percent provided by section 236 and rent supplements.

At least seven States—New York, Connecticut, Illinois, Massachusetts, Michigan, New Jersey, and Pennsylvania—have programs which would benefit from this legislation. The purpose is to provide relief to State and local programs which have recently been severely undercut by spiralling interest rates. High-interest rates have resulted in increased mortgage interest rates, carrying charges, and rents for publicly assisted middle-income housing programs. The consequences for many middle-income New York City families have been alarming. Charges in new Mitchell-Lama projects have recently been approved for as much as \$80 per room per month.

Under the Mitchell-Lama program New York State floats bonds, the proceeds of which may be lent to sponsors of middle-income housing at current rates. In order to borrow funds from the program, a sponsor has to agree to limit his rate of return on the housing facility. The abatement of real estate taxes has also helped to keep costs down.

New York City has a similar program for which average costs have risen steadily.

An important advantage of this proposal is that it would cost the Federal Government less to subsidize the interest rate on a Mitchell-Lama housing project down to 1 percent than to subsidize a privately financed project down to an interest rate of 1-percent interest. This is because interest rates for the Mitchell-Lama program are already at levels which are lower than the regular market rate.

If relief is not promptly provided to housing programs currently threatened by skyrocketing interest rates, thousands of families may be forced to vacate their apartments. If middle-income families are to continue to live in New York City and other central cities, the cost of housing must remain within their financial ability.

A large proportion of the tenants and co-operators in Mitchell-Lama housing are civil servants or elderly people on fixed incomes. Their incomes do not increase with cost-of-living increases, and their budgets cannot cover large rent increases.

These families have been victimized by the drastic changes in the economy over the last decade, including steadily rising construction and operating costs. Of course, the most injurious increase is

that of mortgage loan interest rates which are now at an all time high.

It is clear that the traditional Mitchell-Lama tools of tax abatement and low interest loans are no longer sufficient for funding a moderate income housing program. It is also clear that city and State revenues cannot provide the financial aid this program needs. H.R. 49 is designed to help meet this need. Together with H.R. 14435, and administrative flexibility in setting income eligibility standards, it would provide relief for occupants of Mitchell-Lama housing.

The full text of Senator Ohrenstein's Concurrent Resolution No. 135 follows:

STATE OF NEW YORK RESOLUTION No. 135

(By Committee on Rules at the request of Messrs. Ohrenstein, Bernstein, Lentol, Lewis, Flynn, Galber, Meyerson, Garcia, Goodman, Goldin, Rosenblatt, Santucci, Zaretzki, Conklin and Marchi.)

Concurrent Resolution of the Legislature of the State of New York memorializing the Congress of the United States to provide interest subsidy funds for existing middle income housing.

Whereas, A crisis presently exists for those citizens residing in state-aided moderate income housing projects in that escalating costs have forced recent sharp increases in rents and carrying charges; and

Whereas, The State of New York and its municipalities have already provided substantial assistance in the construction of middle-income Mitchell-Lama housing; and

Whereas, The prevailing nation-wide interest rates for mortgage loans are at an historically all time high level; and

Whereas, Mitchell-Lama housing companies have found that to arrange permanent financing at present high interest rates would necessitate rents and carrying charges beyond the means of middle-income persons for whom the Mitchell-Lama program was created; and

Whereas, The federal interest subsidy program has been devised to deal with this problem in the construction of new middle income housing; and

Whereas, These federal funds are presently being successfully employed in the building of new middle income housing; and

Whereas, Federal interest subsidy funds can save existing Mitchell-Lama housing from passing beyond the means of families with annual incomes between \$7,000 and \$15,000; now, therefore, be it

Resolved (If the Assembly concur), That the New York State Legislature hereby urges the Congress of the United States to amend the Federal Housing Act so as to make interest subsidy available to existing state and locally aided middle income housing; and be it further

Resolved (If the Assembly concur), That a copy of this resolution be transmitted to the President of the United States, the Speaker of the House of Representatives, the President of the Senate Pro Tempore of the United States, and each member of Congress from the State of New York

NOT ALL SCHOOLS OPPOSE PRESIDENT NIXON

(Mr. WAGGONER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONER. Mr. Speaker, the liberal-controlled press and television would have the Nation believe that every

student other than those in a scattered few kindergartens are opposed to the President's efforts to achieve peace in Vietnam. Nothing could be further from the truth, of course. In my congressional district, for instance, is Haynesville, La., and from the American history class of Haynesville High School, I have received the following letter. I would like to share it with my colleagues to establish that not every student in America is a hardcore leftist rioter. The letter says:

HAYNESVILLE HIGH SCHOOL,
Haynesville, La., May 15, 1970.

Representative JOE D. WAGGONER,
U.S. House of Representatives
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE WAGGONER: As an interested group of students of American History and citizens of this great country, may we urge you to vote against the amendment to end the war in Vietnam. Perhaps your colleagues need the lesson in the Communist plan for world domination that we recently studied. We are behind President Nixon's policy in Southeast Asia and are willing to do our part in its support.

Thank you for your consideration of this matter.

Sincerely,

Attached is a list of students who wish to express the above-mentioned sentiments.

Debbie Burgess, Becky Hammon, Valerye Branton, Susan Reeder, Lisa Bourn, Dianne Foster, Steve Valentine, Buddy Darden, Charlie Buford, Ovella Vines, Dottie Owens, Jane Frasier, Mary Winn, Lyn Garrett, Lana Turner, Larry Burley, Billy Collins, Randy Bailey, Barbara Henson, Eddie Mooney.

Keith Brumfield, Barry Colbert, Lana Mayfield, Charlie Newkirk, Roger Barnette, Jimmy Kimball, John McIntyre, Jeannie Martin, John Killgore, Dan Crump, Bubba Goodwin, Tommy Mason, Jerry McAfee, Rock Kent, Paul Garner, Gwenda McLain, Geraldine Green, Carolyn Bogan, Becky Hicks, Howard Moore, Marilyn Thomas, Wesley Dorman, Susan Whitehurst, Bill Sanders.

WHAT'S OK FOR OEO IN NORTH IS UNCONSTITUTIONAL IN SOUTH

(Mr. WAGGONER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONER. Mr. Speaker, I was very interested, Mr. Speaker, in a story which appeared in the Post on May 23 concerning a multimillion-dollar experiment which OEO has unveiled. It involves education vouchers for students which would allow them to attend the school of their choice.

This is sheer Alice-In-Wonderland since this exact same proposal has been made for years by educators, jurists, parents, Congressmen, Senators, and students only to be spurned by OEO, this and previous administrations and the courts as being unconstitutional.

Of course, the plan makes sense. It is the very essence of freedom to be able to go to the school of your choice as well as the church of your choice and any other institution you choose. I hope OEO has more luck with the Supreme Court than

I have had advocating this plan for years. If they institute this program in the North they may get by with it. But, I predict if they utilize it in the South they will be called racists. This is the story to which I refer:

OEO TO GIVE VOUCHERS IN SCHOOL CHOICE TEST

(By Eric Wentworth)

Nixon administration antipoverty experts hope to launch a multimillion-dollar experiment in radical school reform involving "education vouchers" by the fall of 1971.

Armed with an encouraging initial study, the Office of Economic Opportunity would like to pick one or more communities this summer as test sites. Planners and local officials would then receive federal aid to work out the details.

The voucher idea sounds disarmingly simple. Parents would receive for each child a voucher equal in value to the local public school system's per-pupil spending. They could use it to pay the child's tuition at any school they chose—public, private or parochial. The school in turn would exchange the voucher for cash from a special agency.

Advocates, whose ranks have included economist Milton Friedman, argue that vouchers would help meet some of the basic complaints about public education today.

They would give parents greater individual control over their offspring's schooling. For low-income families who cannot afford tuition elsewhere, public schools today often amount to a frustrating monopoly.

Vouchers, it is contended, would likewise lead to healthy competition among schools. They would encourage creation of new private schools with fresh approaches, and at the same time force public schools to respond more to community needs. Bad schools would simply not survive. The theoretical result: better education for all.

Critics, on the other hand, foresee a number of serious problems. They fear vouchers could promote racial segregation, as comparable tuition-grant schemes have done in some Southern states. Challenged on this ground, vouchers could be declared unconstitutional.

Others think vouchers would intrude on the separation of church and state. This could also lead to bitter arguments and likely court suits.

A third criticism is that vouchers might widen the gap in school spending between rich and poor.

For their part, some public educators believe that public schools under a voucher program could become mere dumping grounds for students unwanted elsewhere. They also warn that parents, ill-equipped to make wise choices, could fall prey to fly-by-night private schools of the sort that lured some World War II veterans under the G.I. bill.

In response, an OEO-funded team including education critic Christopher S. Jencks at the Center for the Study of Public Policy in Cambridge, Mass., has drafted a voucher system to meet such objection.

"It would be perfectly possible," the Jencks team states in its initial report to OEO, "to create a competitive market and then regulate it in such a way as to prevent segregation, ensure an equitable allocation of resources, and give every family a truly equal chance of getting what it wants from the system."

The key to regulation would be establishing standards for each "approved voucher school" eligible to receive vouchers from parents and cash them with the local disbursing agency.

An eligible school, according to the Jencks

team's proposal, would have to accept vouchers as full tuition payment and accept any applicant so long as it had vacancies.

If the school had more applicants than vacancies, it would have to fill at least half its places through random selection and would be barred from racial or other discrimination in filling the rest. It would also have to accept uniform local standards regarding student suspensions or expulsions.

The eligible school, in addition, would be required to publicize a variety of facts about its facilities, faculty curriculum and student body. It would have to meet state requirements in such areas as staffing and curriculum.

Yearly costs to OEO, it reckons, should range from \$6 million to \$8 million, with the local school system contributing additional sums. Long-range funding will be one of numerous problems OEO has yet to solve.

LEAVE OF ABSENCE

Mr. AYRES, for the period June 4-11, 1970, on account of official business.

Mr. HANNA (at the request of Mr. ALBERT), for today through Thursday, June 4, on account of official business.

Mr. GAYDOS (at the request of Mr. ALBERT), for today and balance of the week, on account of illness.

Mr. ADAMS, for the afternoon of June 3 to noon on Monday, June 8, on account of official business.

Mr. PATTEN (at the request of Mr. ALBERT), for today, on account of official business.

Mr. ASPINALL (at the request of Mr. EVANS of Colorado), for Monday and Tuesday, June 1 and 2, on account of official business.

Mr. CORMAN for Monday, June 1, 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. ASHBROOK, for 15 minutes, today.

Mr. PATMAN, for 60 minutes, today, and for 60 minutes on June 2, to revise and extend and include extraneous matter.

(The following Members (at the request of Mr. SEBELIUS) to revise and extend their remarks and include extraneous material:)

Mr. QUILLLEN, for 1 hour, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. ADAMS) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. ADDABBO, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, to revise and extend remarks was granted to:

Mr. ICHORD in two instances and to include extraneous matter.

Mr. McCORMACK to extend his remarks immediately following the Journal today.

Mr. ASPINALL (at the request of Mr. McFALL), to extend his remarks prior to the passage of H.R. 12960.

Mr. MADDEN and to include extraneous matter.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous material:)

Mr. QUILLLEN in four instances.

Mr. ARENDS.

Mr. JOHNSON of Pennsylvania in two instances.

Mr. BELCHER.

Mr. DEL CLAWSON.

Mr. HOSMER in two instances.

Mr. GOODLING.

Mr. GROSS.

Mr. MYERS.

Mr. ASHBROOK in two instances.

Mr. WYMAN in two instances.

Mr. BEALL of Maryland.

Mr. ANDREWS of North Dakota in two instances.

Mr. GERALD R. FORD.

Mr. GUBSER in two instances.

(The following Members (at the request of Mr. ADAMS) and to include extraneous material:)

Mr. CELLER.

Mr. DIGGS in three instances.

Mrs. GRIFFITHS.

Mr. MATSUNAGA in two instances.

Mr. CORMAN in five instances.

Mr. SIKES in five instances.

Mr. OTTINGER in two instances.

Mr. BOLLING.

Mr. JACOBS.

Mr. RIVERS.

Mr. GONZALEZ in two instances.

Mr. RYAN in two instances.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program; to the Committee on Public Works.

S. 1500. An act to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham; to the Committee on Public Works.

S. 2763. An act to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation; to the Committee on Government Operations.

S. Con. Res. 61. Concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs" as a Senate document; to the Committee on House Administration.

S. Con. Res. 66. Concurrent resolution authorizing the printing of additional copies of Senate hearings on space program benefits; to the Committee on House Administration.

S. Con. Res. 70. Concurrent resolution authorizing the compilation and printing of a revised edition of the Biographical Directory of the American Congress (1774-1970); to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the follow-

ing titles, which were thereupon signed by the Speaker:

H.R. 4813. An act to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes; and

H.R. 13816. An act to improve and clarify certain laws affecting the Coast Guard.

ADJOURNMENT

Mr. ADAMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 2, 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:

2090. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 26, 1969, submitting a report, together with accompanying papers and illustrations, on the Potomac River Basin, Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia, in response to a resolution of the Committee on Public Works, U.S. Senate, adopted January 20, 1950, and to other resolutions of that committee and of the Committee on Public Works of the House of Representatives (H. Doc. No. 91-343); to the Committee on Public Works and ordered to be printed, with illustrations.

2091. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes; to the Committee on Foreign Affairs.

2092. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank loans, insurance, and guarantees, issued in January, February, and March 1970, in connection with U.S. exports to Yugoslavia, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

2093. A letter from the Under Secretary of the Interior, transmitting a report of 33 projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms, pursuant to the provisions of section 200 of the Water Resources Research Act of 1964; to the Committee on Interior and Insular Affairs.

2094. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report of the Director for fiscal year 1969, pursuant to the provisions of 28 U.S.C. 604(a)(4); to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2095. A letter from the Comptroller General of the United States, transmitting a report on the potential for reducing inventory investments in the Defense Supply Agency through improved computation of stock needs, Department of Defense; to the Committee on Government Operations.

2096. A letter from the Comptroller General of the United States, transmitting a report on administration of program for aid to public school education of Indian chil-

dren being improved, Bureau of Indian Affairs, Department of the Interior; to the Committee on Government Operations.

2097. A letter from the Comptroller General of the United States, transmitting a report on the need for specific criteria for adjusting the interest rate charged on insurance policy loans by the Veterans' Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 6715. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes; with amendments (Rept. No. 91-1132). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1051. Resolution for consideration of H.R. 17802, a bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act (Rept. No. 91-1133). Referred to the House Calendar.

Mr. PASSMAN. Committee on Appropriations. H.R. 17867. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1134). Referred to the Committee of the Whole House on the state of the Union.

Mr. NATCHER. Committee on Appropriations. H.R. 17868. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1135). 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. CELER:

H.R. 17855. A bill to grant relief to payees and special indorsees of fraudulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 17856. 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. FARBERSTEIN:

H.R. 17857. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 17858. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 17859. A bill to equalize the retired or retainer pay of members and former members of the Armed Forces now or hereafter placed on the retired lists; to the Committee on Armed Services.

H.R. 17860. A bill to provide standby authority for price, wage, and rent controls; to the Committee on Banking and Currency.

By Mr. REUSS:

H.R. 17861. A bill to amend the Internal Revenue Code of 1954 to extend the tax surcharge applicable to corporations; to the Committee on Ways and Means.

By Mr. RIVERS:

H.R. 17862. A bill to provide benefits for members of the National Guard performing State military service during civil disorders, and for other purposes; to the Committee on Armed Services.

By Mr. SCHEUER:

H.R. 17863. A bill to amend section 236 of the National Housing Act and section 101 of the Housing and Urban Development Act of 1965 to authorize assistance thereunder with respect to certain rental and cooperative housing projects financed under State or local programs even though construction or rehabilitation was completed prior to approval of such assistance; to the Committee on Banking and Currency.

By Mr. SIKES:

H.R. 17864. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. PASSMAN:

H.R. 17867. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. NATCHER:

H.R. 17868. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. GUBSER:

H. Res. 1050. Resolution expressing the sense of the House that the President should take appropriate action to reduce interest rates; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 17865. A bill for the relief of Gerard Lecomte; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 17866. A bill to confer certain benefits under subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

395. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to the riverboat *Delta Queen*, which was referred to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

498. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to the regulation of the State militias; to the Committee on Armed Services.

499. Also, petition of the City Council, Philadelphia, Pa., relative to Southeast Asia; to the Committee on Foreign Affairs.

500. Also, petition of Rochester Harris, Jackson, Mich., relative to redress of grievances; to the Committee on the Judiciary.